

ORDINANCE NO. _____1-2020_____

AN ORDINANCE ADOPTING THE CITY CODE OF ORDINANCES.

Be it Ordained by the City Council of the City of Sabula, Iowa:

Section 1. Pursuant to published notice, a public hearing has been duly held and the City Council hereby adopts the City of Sabula, Iowa Code of Ordinances.

Section 2. An official copy of the City Code as adopted, including a certification by the City Clerk as to its adoption and effective date is on file at the office of the City Clerk.

Section 3. A copy of the code shall be kept available at the City Hall for public inspection and copies will be made available for sale at cost.

Section 4. All general ordinances or parts thereof passed prior to August 25th, 2020, not contained in the City of Sabula, Iowa Code of Ordinances are hereby repealed except as hereafter provided, or special ordinances not named.

Section 5. The following ordinances are specifically saved from repeal:

NO ORDINANCES ARE SAVED FROM REPEAL.

Section 6. This ordinance shall be in full force and effect upon publication as required by Iowa law.

Passed by the City Council of Sabula, Iowa on the 25th day of August, 2020 and approved this 25th day of August, 2020.



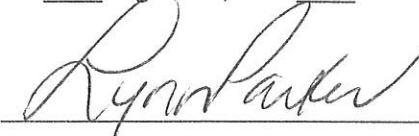
Teena Franzen, Mayor Pro Tem



Lynn Parker, City Clerk

Certification: I hereby certify that the foregoing was published as Ordinance Number __1-2020__

On __August 12, 2020__.



Lynn Parker, City Clerk

SABULA CODE OF ORDINANCES

State legislation at any time can be enacted that would change the current law as adopted in your City Code. ECIA has no duty or responsibility to keep you updated on law changes. However, ECIA will make every attempt to notify you when legislative changes occur that have an impact on your City Code. It is the municipality's responsibility to either repeal or amend the ordinances impacted by the legislative changes. ECIA advises you to have your City Attorney review your City Code and the legislative changes that occur after the date of the City's last codification. ECIA cannot provide legal advice

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**CODIFIED BY: EAST CENTRAL INTERGOVERNMENTAL ASSOCIATION
7600 Commerce Park
DUBUQUE, IOWA 52002**

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TITLE I GENERAL PROVISIONS

CHAPTER 1 - GENERAL PROVISIONS

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1-1-1 DEFINITIONS. The following words and phrases whenever used in the Ordinances of the City, shall be construed as defined in this section unless, from the context, a different meaning is intended or unless different meaning is specifically defined and more particularly directed to the use of such words or phrases:

1. "Building" means any man-made structure permanently affixed to the ground.
(ECIA Model Code Amended in 2011)
2. "City" means the City of Sabula, Iowa, or the area within the territorial limits of the City, and such territory outside of the City over which the City has jurisdiction or control by virtue of any constitutional or statutory provision;
3. "City Clerk" means Clerk-Treasurer.
4. "Computation of time" means the time within which an act is to be done. It shall be computed by excluding the first day and including the last day; and if the last day is Sunday or a legal holiday, that day shall be excluded;
5. "Council" means the City Council of the City. All its members or all City Council persons mean the total number of City Council persons provided by the City charter under the general laws of the state;
6. "County" means the County of Jackson, Iowa;
7. "Delegation of Authority" means whenever a provision appears requiring an officer of the City to do some act or make certain inspections, it is to be construed to authorize the officer to designate, delegate and authorize subordinates to perform the required act or make the required inspection unless the terms of the provision or section designate otherwise.
(ECIA Model Code Amended in 2010)
8. "Fiscal Year" means July 1 to June 30.

9. "Law" denotes applicable federal law, the Constitution and statutes of the State of Iowa, the Ordinances of the City; and when appropriate, any and all rules and regulations which may be promulgated thereunder;

10. "May" confers a power;

11. "Month" means a calendar month;

12. "Must" states a requirement;

13. "Oath" shall be construed to include an affirmative or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "affirm" and "affirmed" shall be equivalent to the words "swear" and "sworn";

14. "Or" may be read "and" and "and" may be read "or" if the sense requires it;

15. "Ordinance" means a law of the City; however, an administrative action, order or directive, may be in the form of a resolution;

16. "Owner" applied to a building or land includes any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or part of such building or land;

17. "Person" means natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them;

18. "Personal property" includes money, goods, chattels, things in action and evidences of debt;

19. "Preceding" and "following" mean next before and next after, respectively;

20. "Property" includes real and personal property;

21. "Real property" includes lands, tenements and hereditaments;

22. "Shall" imposes a duty;

23. "Sidewalk" means that portion of a street between the curb line and the adjacent property line intended for the use of pedestrians;

24. "State" means the State of Iowa;

25. "Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in this City which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state;

26. "Tenant" and "occupant" applied to a building or land, includes any person who occupies whole or a part of such building or land, whether alone or with others;

27. "Title of Office". Use of the title of any officer, employee, board or commission means that officer, employee, department, board or commission of the City;

28. "Written" includes printed, typewritten, mimeographed or multigraphed;

29. "Year" means a calendar year;

30. All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases and such other as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning;

30. When an act is required by an Ordinance the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed as to include all such acts performed by an authorized agent.

1-1-2 GRAMMATICAL INTERPRETATION. The following grammatical rules shall apply in the Ordinances of the City;

1. Gender. Any gender includes the other gender;

2. Singular and Plural. The singular number includes the plural and the plural includes the singular;

3. Tenses. Words used in the present tense include the past and the future tenses and vice versa;

4. Use of Words and Phrases. Words and phrases not specifically defined shall be construed according to the content and approved usage of the language.

1-1-3 PROHIBITED ACTS INCLUDE CAUSING, PERMITTING. Whenever in this Code any act or omission is made unlawful, it includes causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission. A principal is responsible for the unauthorized acts or omissions committed by an agent or employee which have been authorized by the principal.

1-1-4 CONSTRUCTION. The provisions of this Code are to be construed with a view to affect its objects and to promote justice.

1-1-5 AMENDMENT. All Ordinances of the City Council passed thereafter shall be in the form of an addition or amendment to the Sabula Municipal Code of 2000 constituting this Municipal Code, and shall include proper references to Chapter and section to maintain the orderly codification of the Ordinances.

(Code of Iowa, Sec. 380.2)

1-1-6 SEVERABILITY. If any section, provision or part of the City Code is adjudged invalid or unconstitutional, such adjudication will not affect the validity of the City Code as a whole or any section provision, or part thereof not adjudged invalid or unconstitutional.

1-1-7 CATCHLINES, TITLES, HEADINGS AND NOTES. The catchlines of the several sections of this City Code printed in boldface type as well as the titles, headings, chapter heads, section and subsection heads or titles, editor's notes, cross-references and State law references, unless set out in the body of the section itself, contained in this City Code, do not constitute any part of the law, and are intended merely to indicate, explain, supplement or clarify the contents of a section.

(ECIA Model Code Amended in 2010)

1-1-8 AMENDMENTS TO CITY CODE, EFFECT OF NEW ORDINANCES, AMENDATORY LANGUAGE.

1. All ordinances passed subsequent to this Code which amend, repeal or in any way affect this City Code may be numbered in accordance with the numbering system of this City Code and printed for inclusion herein. When subsequent ordinances repeal any chapter, section, or subsection or any portion thereof, such repealed portions may be excluded from this City Code by omission from reprinted pages. The subsequent ordinances as numbered and printed, or omitted in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time as this City Code and subsequent ordinances numbered or omitted are readopted as a new Code of Ordinances.

2. Amendments to any of the provisions of this City Code may be made by amending such provisions by specific reference to the section or subsection number of this City Code in substantially the following language: "That section _____ of the Code of Ordinances, City of _____, Iowa is hereby amended to read as follows:..." The new provisions shall then be set out in full as desired.

3. In the event a new section not heretofore existing in this City Code is to be added, the following language may be used: "That the Code of ordinances, City of _____, Iowa, is hereby amended by adding a section, to be numbered _____, which said section reads as follows: ..." The new section shall then be set out in full as desired.

(ECIA Model Code Amended in 2010)

TITLE I GENERAL PROVISIONS

CHAPTER 2 - RIGHT OF ENTRY

1-2-1 Right of Entry

1-2-1 RIGHT OF ENTRY. Whenever necessary to make an inspection to enforce any Ordinance, or whenever there is reasonable cause to believe that there exists an Ordinance violation in any building or upon any premises within the jurisdiction of the City, any authorized official of the City, may, upon presentation of proper credentials, enter such building or premises at all reasonable times to inspect the same and to perform any duty imposed upon such official by Ordinance; provided that, except in emergency situations, such official shall first give the owner and/or occupant, if they can be located after reasonable effort, twenty-four hour written notice of the authorized official's intention to inspect. In the event the owner and/or occupant refuses entry, the official is empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.

TITLE I GENERAL PROVISIONS

CHAPTER 3 - PENALTY

1-3-1 General Penalty

1-3-2 Civil Penalty - Municipal
Infraction

1-3-1 GENERAL PENALTY. The doing of any act prohibited or declared to be unlawful, an offense, or a misdemeanor by the City Code or any Ordinance or Code herein adopted by reference, or the omission or failure to perform any act or duty required by this City Code or any Ordinance or Code or any Ordinance or Code herein adopted by reference is, unless another penalty is specified, punishable in accordance with Iowa Code Section 903.1(1)(a). No violation of the City Code shall subject an individual to incarceration.

Code of Iowa, Sec. 903.1(1)(a)
(Ord. 2-2001, Passed December 10, 2001)
(ECIA Model Code Amended in 2008)
(ECIA Model Code Amended in 2009)
(ECIA Model Code Amended in 2010)
(ECIA Model Code Amended in 2020)

1-3-2 CIVIL PENALTY - MUNICIPAL INFRACTION.

(Code of Iowa, Sec. 364.22)

1. Definitions.

a. Municipal Infraction. Except those provisions specifically provided under state law as a felony, an aggravated misdemeanor, or a serious misdemeanor or a simple misdemeanor under Chapters 687 through 747 of the Iowa Code, the doing of any act prohibited or declared to be unlawful, an offense or a misdemeanor by the Code of Ordinances City of Sabula, or any Ordinance or Code herein adopted by reference, or omission or failure to perform any act or duty required by the Code of Ordinances City of Sabula, or any Ordinance or Code herein adopted by reference, is a "municipal infraction" and is punishable by civil penalty as provided herein.

b. Officer. The term "officer" shall mean any employee or official authorized to enforce the Code of Ordinances of the City of Sabula.

c. Repeat offense. The term "repeat offense" shall mean a recurring violation of the same section of the Code of Ordinances.

2. Violations, Penalties, and Alternative Relief.

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

Schedule of Civil Penalties

First offense--Not more than seven hundred fifty dollars (\$750.00).

Each repeat offense--Not more than one thousand dollars (\$1000.00) for each repeat offense.

(ECIA Model Code Amended during 2010)
(Ord. 1-2016, Passed February 22, 2016)

b. Each day that a violation occurs or is permitted to exist by the violator constitutes a separate offense.

c. Seeking a civil penalty as authorized in this Chapter does not preclude the City from seeking alternative relief from the court in the same action.

(Ord. 3-2008, Passed November 18, 2008)

3. Civil Citations

a. Any officer authorized by the City to enforce the Code of Ordinances may issue a civil citation to a person who commits a municipal infraction.

b. The citation may be served by personal service, substituted service, or by certified mail, return receipt requested, or by publication as provided in the Iowa Rules of Civil Procedure.

c. The original of the citation shall be sent to the Clerk of the District Court. If the infraction involves real property a copy of the citation shall be filed with the County Treasurer.

(ECIA Model Code Amended in 2011)

d. The citation shall serve as notification that a civil offense has been committed and shall contain the following information:

- (1) The name and address of the defendant.
- (2) The name or description of the infraction attested to by the officer issuing the citation.
- (3) The location and time of the infraction.
- (4) The amount of civil penalty to be assessed or the alternative relief sought, or both.
- (5) The manner, location, and time in which the penalty may be paid.
- (6) The time and place of court appearance.
- (7) The penalty for failure to appear in court.

(8) The legal description of the affected property, if applicable.

4. Seeking a civil penalty as authorized in Section 364.22, Code of Iowa, does not preclude the City from seeking alternative relief from the court in the same action. Such relief may include the imposition of a civil penalty by entry of a personal judgment against the defendant, directing that the payment of the civil penalty be suspended or deferred under conditions imposed by the court, ordering the defendant to abate or cease the violation or authorizing the City to abate or correct the violation, or ordering that the City's cost for abatement or correction of the violation be entered as a personal judgment against the defendant or assessed against the property where the violation occurred, or both. If a defendant willfully violates the terms of an order imposed by the court, such violation will be subject to a contempt of court action.

5. This section does not preclude a peace officer from issuing a criminal citation for violation of a City Code or regulation if criminal penalties are also provided for the violation, nor does it preclude or limit the authority of the City to enforce the provisions of the Code of Ordinances by criminal sanctions or other lawful means. Each day that a violation occurs or is permitted to exist by the defendant constitutes a separate offense. The violation of any provision of this Code of Ordinances or any regulation promulgated thereunder shall also constitute a simple misdemeanor punishable by a fine of not less than \$65.00 but not to exceed \$625.00. No violation of the City Code shall subject an individual to incarceration. A simple misdemeanor criminal charge filed pursuant to this Code of Ordinances shall only subject an individual to a monetary fine.

(ECIA Model Code Amended in 2017)

(ECIA Model Code Amended in 2020)

1-3-3 SCHEDULED FINES. The scheduled fine for a violation of any provision of the City Code shall be in accordance with Chapter 805, Code of Iowa unless another scheduled amount is provided in the City Code of Ordinances or the Iowa Code.

TITLE I GENERAL PROVISIONS

CHAPTER 4 - PROCEDURE FOR HEARINGS BY THE CITY COUNCIL

| | | | |
|-------|---------------------------|-------|-----------------------------|
| 1-4-1 | Purpose and Intent | 1-4-4 | Subpoenas |
| 1-4-2 | General | 1-4-5 | Conduct of Hearing |
| 1-4-3 | Form of Notice of Hearing | 1-4-6 | Method and Form of Decision |

1-4-1 PURPOSE AND INTENT.

1. It is the purpose of this Chapter to establish an orderly, efficient, and expeditious process for evidentiary hearings before the City Council.

2. The provisions of this Chapter shall apply to a proceeding required by constitution, statute or Ordinance to be determined by the City Council after an opportunity for an evidentiary hearing.

1-4-2 GENERAL.

1. Record. A record of the entire proceedings shall be made by tape recording or by any other means of permanent recording determined to be appropriate by the City Council.

2. Reporting. The proceedings at the hearing may also be reported by a court reporter at the expense of any party.

3. Continuances. The City Council may grant continuances for good cause shown.

4. Oaths, certification. The City Council or any member thereof has the power to administer oaths and affirmations.

5. Reasonable dispatch. The City Council and its representatives shall proceed with reasonable dispatch to conclude any matter before it. Due regard shall be shown for the convenience and necessity of any parties or their representatives.

1-4-3 FORM OF NOTICE OF HEARING.

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

"You are hereby notified that an evidentiary hearing will be held before the _____ City Council at _____ on the _____ day of _____, 20____, at the hour _____, upon the notice and order served upon you. You may be present at the hearing. You may be, but need not be, represented by counsel. You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You may request the

issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by filing an affidavit therefor with the City Clerk."

1-4-4 SUBPOENAS. Filing of affidavit. The City Council may issue a subpoena for the attendance of witnesses or the production of other evidence at a hearing upon the request of a member of the City Council or upon the written demand of any party. The issuance and service of such subpoena shall be obtained upon the filing of an affidavit therefor which states the name and address of the proposed witness; specifies the exact things sought to be produced and the materiality thereof in detail to the issues involved; and states that the witness has the desired things in the witness's possession or under the witness's control. A subpoena need not be issued when the affidavit is defective in any particular.

1-4-5 CONDUCT OF HEARING.

1. Rules. Hearings need not be conducted according to the technical rules relating to evidence and witnesses.

2. Oral evidence. Oral evidence shall be taken only on oath or affirmation.

3. Hearsay evidence. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions in courts of competent jurisdiction in this state.

4. Admissibility of evidence. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this state.

5. Exclusion of evidence. Irrelevant and unduly repetitious evidence shall be excluded.

6. Rights of parties. Each party shall have these rights, among others:

- a. To call and examine witnesses on any matter relevant to the issues of the hearing;
- b. To introduce documentary and physical evidence;
- c. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;

- d. To impeach any witness regardless of which party first called the witness to testify;
- e. To rebut the evidence against the party; and
- f. To self-representation or to be represented by anyone of the party's choice who is lawfully permitted to do so.

7. Official notice.

a. What may be noticed. In reaching a decision, official notice may be taken, either before or after submission of the case for decision, of any fact which may be judicially noticed by the courts of this state or of official records of the City or its departments and Ordinances of the City.

b. Parties to be notified. Parties present at the hearing shall be informed of the matters to be noticed, and these matters shall be noted in the record, referred to therein, or appended thereto.

c. Opportunity to refute. Parties present at the hearing shall be given a reasonable opportunity, on request, to refute the officially noticed matters by evidence or by written or oral presentation of authority, the manner of such refutation to be determined by the City Council.

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

a. Notice of such inspection shall be given to the parties before the inspection is made;

b. The parties are given an opportunity to be present during the inspection; and

c. The City Council shall state for the record, upon completion of the inspection, the material facts observed and the conclusions drawn therefrom. Each party then shall have a right to rebut or explain the matters so stated by the City Council.

1-4-6 METHOD AND FORM OF DECISION.

1. Hearings before the City Council where a contested case is heard before the City Council, no member thereof who did not hear the evidence or has not read the entire record of the proceedings shall vote on or take part in the decision. The City Council may designate a member or members to preside over the receipt of evidence. Such member or members shall prepare findings of fact for the City Council.

2. Form of decision. The decision shall be in writing and shall contain findings of fact, a determination of the issues presented, and the requirements to be complied with. A copy of the decision shall be delivered to the parties personally or sent to them by certified mail, postage prepaid, return receipt requested.

3. Effective date of decision. The effective date of the decision shall be stated therein.

TITLE II POLICY AND ADMINISTRATION

CHAPTER 1 - CITY CHARTER

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

2-1-1 PURPOSE. The purpose of this Ordinance is to provide for a charter embodying the form of government existing on May 20, 1980.

2-1-2 CHARTER. This Chapter may be cited as the Charter of the City of Sabula, Iowa.

2-1-3 FORM OF GOVERNMENT. The form of government of the City of Sabula, Iowa, is the Mayor-Council form of government.

(Code of Iowa, Sec. 372.4)

2-1-4 POWERS AND DUTIES. The City Council and Mayor and other City officers have such powers and shall perform such duties as are authorized or required by state law and by the Ordinances, resolutions, rules and regulations of the City of Sabula, Iowa.

2-1-5 NUMBER AND TERM OF CITY COUNCIL. The City Council consists of five City Council members elected at large for staggered four year terms, effective at the November 1995 election. At said election, the majority of the elected City Council members who receive the highest number of votes are elected for four-year terms. The remainder are elected for two-year terms. Thereafter, all terms shall be four years.

(Election held November 2, 1993)

(Code of Iowa, Sec. 372.4)

(Code of Iowa, Sec. 376.2)

(Ord. 2-95, Passed September 11, 1995)

2-1-6 TERM OF MAYOR. The Mayor is elected for a term of two years.

(Code of Iowa, Sec. 372.4)

(Code of Iowa, Sec. 376.2)

2-1-7 COPIES ON FILE. The City Clerk shall keep an official copy of the charter on file with the official records of the City Clerk, shall immediately file a copy with the Secretary of State of Iowa, and shall keep copies of the charter available at the City Clerk's office for public inspection.

(Code of Iowa, Sec. 372.1)

TITLE II POLICY AND ADMINISTRATION

CHAPTER 2 - APPOINTMENT AND QUALIFICATIONS OF MUNICIPAL OFFICERS

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|-------|---------------------------------|-------|------------------------|
| 2-2-1 | Creation of Appointive Officers | 2-2-6 | Surety |
| 2-2-2 | Appointment of Officers | 2-2-7 | Amount of Bonds |
| 2-2-3 | Terms of Appointive Officers | 2-2-8 | Bonds Filed |
| 2-2-4 | Vacancies in Offices | 2-2-9 | Boards and Commissions |
| 2-2-5 | Bonds Required | | |

2-2-1 CREATION OF APPOINTIVE OFFICERS. There are hereby created the following appointive officers: Clerk-Treasurer, Police Chief, Attorney, City Manager, Mayor pro tempore and the Library Board of Trustees.

2-2-2 APPOINTMENT OF OFFICERS. The Mayor shall appoint the Police Chief, Mayor pro tempore and the Library Board of Trustees. The police chief shall serve as an at-will employee at the pleasure of the City Council, and shall be discharged only by a four-fifths (4/5) majority vote of the City Council.

The City Council shall appoint the first Fire Chief of the volunteer fire department for a term of two (2) years. Future Fire Chiefs shall be elected for terms of two (2) years by the members of the volunteer Fire Department, with the approval of the City Council.

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

(Ord. 2-2000, Passed October 16, 2000)

2-2-3 TERMS OF APPOINTIVE OFFICERS. The terms of all appointive officers that are not otherwise fixed by law or Ordinance shall be two (2) years.

2-2-4 VACANCIES IN OFFICES. Vacancies in appointive office shall be filled in accordance with State law.

(Amended during 2015 codification)

2-2-5 BONDS REQUIRED. Each municipal officer required by law or Ordinance to be bonded shall, before entering upon the duties of the office, execute to the City a good and sufficient bond, to be approved by the City Council, conditioned on the faithful performance of the duties and the proper handling and accounting for the money and property of the City in the official's charge unless the City Council shall have provided for a blanket position surety bond.

(Code of Iowa, Sec. 64.13)

2-2-6 SURETY. Any association or corporation which makes a business of insuring the fidelity of others and which has authority to do such business within Iowa shall be accepted as surety on any of the bonds.

2-2-7 AMOUNT OF BONDS. Each officer named shall be bonded or covered in the amount shown:

Mayor: \$ 3,000
Clerk-Treasurer: \$22,000

The City Council shall provide by resolution for a surety bond for any other officer or employee that the City Council deems necessary or for a blanket bond. The City shall pay the premium on all official bonds.

(Code of Iowa, Sec. 64.13)

2-2-8 BONDS FILED. All bonds when duly executed shall be filed with the City Clerk, except that the City Clerk's bond shall be filed with the Mayor.

(Code of Iowa, Sec. 64.23)

2-2-9 BOARDS AND COMMISSIONS.

1. Membership and Sections. Membership and selections of members of boards and commissions shall be as specified in this Chapter or the Code of Iowa. Any committee, board, or commission so established shall cease to exist upon the accomplishment of the special purpose for which it was created, or when abolished by a majority vote of the City Council or as specified in the Code of Iowa.

2. Residency Requirement: No person shall be appointed or reappointed to a committee, board, or commission or ad hoc committee created by such committee, board, or commission unless such person is, at the time of such appointment or reappointment, a resident of the City, and any person so appointed or reappointed shall maintain such residency during the term of the appointment or reappointment. Any member of a committee, board, or commission or ad hoc committee created by such committee, board, or commission who fails to maintain such residency shall be deemed removed as of the date of such change of residency, any provision in this Code to the contrary notwithstanding.

3. Removal of Members of Boards and Commissions: The City Council may remove any member of any board or commission, which it has established.

4. Gender Balance: Boards and commissions shall be gender balanced in accordance with Section 69.16A Code of Iowa.

(ECIA Model Code Amended in 2014)

TITLE II POLICY AND ADMINISTRATION

CHAPTER 3 - POWERS AND DUTIES OF MUNICIPAL OFFICERS

| | | | |
|-------|---|--------|--|
| 2-3-1 | General Duties | 2-3-7 | Powers and Duties of the Police |
| 2-3-2 | Books and Records | 2-3-8 | Powers and Duties of the City Attorney |
| 2-3-3 | Deposits of Municipal Funds | 2-3-9 | Powers and Duties of the City Manager |
| 2-3-4 | Transfer of Records and Property To Successor | 2-3-10 | Powers and Duties of the Fire Chief |
| 2-3-5 | Powers and Duties of the Mayor | | |
| 2-3-6 | Powers and Duties of the Clerk Chief | | |

2-3-1 GENERAL DUTIES. Each municipal officer shall exercise the powers and perform the duties prescribed by law and Ordinance, or as otherwise directed by the City Council unless contrary to State law or City charter.

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

2-3-2 BOOKS AND RECORDS. All books and records required to be kept by law or Ordinance shall be open to inspection by the public upon request.

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

2-3-3 DEPOSITS OF MUNICIPAL FUNDS. Prior to the fifth day of each month, each office or department shall deposit all funds collected on behalf of the municipality during the preceding month. The officer responsible for the deposit of funds shall take such funds to the City Clerk, together with receipts indicating the sources of the funds.

2-3-4 TRANSFER OF RECORDS AND PROPERTY TO SUCCESSOR. Each officer shall transfer to the official's successor in office all books, papers, records, documents and property, together with an invoice of the same, in the official's custody and appertaining to the official's office.

2-3-5 POWERS AND DUTIES OF THE MAYOR. The duties of the Mayor shall be as follows:

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

(Code of Iowa, Section 372.14(1))

2. The Mayor shall act as presiding officer at all regular and special City Council meetings. The Mayor pro tem shall serve in this capacity in the Mayor's absence.

(Code of Iowa, Sec. 372.14(1) and (3))

3. The Mayor may veto an Ordinance, amendment, or resolution within fourteen days after passage. The Mayor shall explain the reasons for the veto in a written message to the City Council

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

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

(Code of Iowa. Sec. 380.6)
(ECIA Model Code Amended in 2008)

4. The Mayor shall represent the City in all negotiations properly entered into in accordance with law or Ordinance. The Mayor shall not represent the City where this duty is specifically delegated to another officer by law or Ordinance.

5. The Mayor shall, whenever authorized by the City Council, sign all contracts on behalf of the City.

6. The Mayor shall call special meetings of the City Council when the Mayor deems such meetings necessary to the interests of the City.

7. The Mayor shall make such oral or written reports to the City Council at the first meeting of every month as referred. These reports shall concern municipal affairs generally, the municipal departments, and recommendations suitable for City Council action.

8. Immediately after taking office the Mayor shall designate one member of the City Council as Mayor pro tempore. The Mayor pro tempore shall be vice-president of the City Council. Except for the limitations otherwise provided herein, the Mayor pro tempore shall perform the duties of the Mayor in cases of absence or inability of the Mayor to perform the duties of the office. In the exercise of the duties of the office the Mayor pro tempore shall not have power to employ or discharge from employment officers or employees that the Mayor has the power to appoint, employ or discharge. The Mayor pro tempore shall have the right to vote as a member of the City Council.

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

9. The Mayor shall, upon order of the City Council, secure for the City such specialized and professional services not already available to the City. In executing the order of the City Council the Mayor shall conduct said duties in accordance with the City Ordinance and the laws of the State of Iowa.

10. The Mayor shall sign all licenses and permits which have been granted by the City Council, except those designated by law or Ordinance to be issued by another municipal officer.

11. Upon authorization of the City Council, the Mayor shall revoke permits or licenses granted by the City Council when their terms, the Ordinances of the City, or the laws of the State of Iowa are violated by holders of said permits or licenses.

12. The Mayor shall order to be removed, at public expense, any nuisance for which no person can be found responsible and liable. This order shall be in writing. The order to remove said nuisances shall be carried out by the Police Chief.

2-3-6 POWERS AND DUTIES OF THE CITY CLERK. The duties of the City Clerk shall be as follows:

1. The City Clerk shall attend all regular and special City Council meetings and prepare and publish a condensed statement of the proceedings thereof, to include the total expenditure from each City fund, within fifteen (15) days of the City council meeting. The statement shall further include a list of all claims allowed, a summary of all receipts and the gross amount of the claims.

(Code of Iowa, Sec. 372.13(4) and (6))
(Amended during 2015 codification)

2. The City Clerk shall record each measure taken by the City Council, stating where applicable whether the Mayor signed, vetoed, or took no action on the measure and what action the City Council made upon the Mayor's veto.

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

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

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

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

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

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

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

(Code of Iowa, Sec. 362.3)

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

(Code of Iowa, Sec. 380.11)

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

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

(Code of Iowa, Sec. 384.20)

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

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

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

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

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

(Code of Iowa, Sec. 384.22)

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

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

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

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

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

16. The City Clerk shall furnish upon request to any municipal officer a copy of any record, paper or public document under the City Clerk's as it may be necessary to such officer in the discharge of the duties of the municipal officer. The Clerk shall furnish a copy of any record, paper

or public document under the control of the Clerk, which is not a “confidential record” as defined under Iowa Code Section 22.7, to any citizen when requested upon payment of the fee set by City Council resolution. The Clerk shall, under the direction of the Mayor or other authorized officer, affix the seal of the municipal corporation to those public documents or instruments which by Ordinance are required to be attested by the affixing of the seal.

(Code of Iowa, Sec. 380.7(4), Sec. 22.2 and 22.7)
(ECIA Model Code Amended in 2020)

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

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

18. The City Clerk shall issue all licenses and permits approved by the City Council, and keep a record of licenses and permits issued which shall show a date of issuance, license or permit number, official receipt number, name of person to whom issued, term of license or permit, and purpose for which issued.

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

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

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

20. The City Clerk shall preserve a complete record of every City election, regular or special and perform duties required by law or Ordinance of the City Clerk in regard to elections.

(Code of Iowa, Sec. 376.4)

21. The City Clerk shall draw all warrants/checks for the City upon the vote of the City Council.

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

22. The City Clerk shall show on every warrant/check the fund on which it is drawn and the claim to be paid.

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

23. The City Clerk shall keep a warrant/check record in a form approved by the City Council, showing the number, date, amount, payee's name, upon what fund drawn, and for what claim each warrant/check is issued.

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

24. The City Clerk shall bill and collect all charges, rents or fees due the City for utility and other services, and give a receipt therefor.

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

25. Annually, the City Clerk shall prepare and submit to the City Council an itemized budget of revenues and expenditures.

(Code of Iowa, Sec. 384.16)

26. The City Clerk shall keep the record of each fund separate.

(Code of Iowa, Sec. 372.13(4) and 384.85)

27. The City Clerk shall keep an accurate record for all money or securities received by the City Clerk on behalf of the municipality and specify date, from whom, and for what purposes received.

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

28. The City Clerk shall prepare a receipt in duplicate for all funds received. The City Clerk shall give the original to the party delivering the funds, and retain the duplicate.

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

29. The City Clerk shall keep a separate account of all money received by the City Clerk for special assessments.

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

30. The City Clerk shall, immediately upon receipt of monies to be held in the City Clerk's custody and belonging to the City, deposit the same in banks selected by the City Council in amounts not exceeding monetary limits authorized by the City Council.

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

2-3-7 POWERS AND DUTIES OF THE POLICE CHIEF. The duties of the Police Chief shall be as follows:

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

1. Reserved.

(ECIA Model Code Amended in 2014)

(ECIA Model Code Amended in 2020)

2. The Police Chief shall assist the City Attorney in prosecuting any persons for the violation of an Ordinance by gathering all the facts and circumstances surrounding the case.

3. The Police Chief shall be sergeant-at-arms of the City Council chamber when requested by the City Council.

4. The Police Chief shall report to the City Council upon activities as Police Chief when requested.

5. The Police Chief shall protect the rights of persons and property, preserve order at all public gatherings, prevent and abate nuisances, and protect persons against every manner of unlawful disorder and offense.

6. The Police Chief shall make arrangements to convey any persons requiring detention to the County jail as provided by law and agreements with the County.

7. The Police Chief shall, whenever any person is bound over to the district court, convey the prisoner to the County jail.

8. The Police Chief shall execute all lawful orders of any board or commission established by the City Council.

9. The Police Chief shall be in command of all officers appointed for police work and be responsible for the care, maintenance and use of all vehicles and equipment for the department.

10. The Police Chief may appoint one or more assistant Police Chiefs, with approval of the City Council, who may perform the Police Chief's duties and who shall be members of the police force.

(Amended during 2015 codification)

11. The Police Chief shall make such rules, not in conflict with the provisions of this Ordinance, as needed for the detailed operation of the police department, subject to the approval of the City Council. Such rules shall cover off-duty and on-duty conduct and activity of members, the wearing and care of the uniform, the use and practice with side arms and other police weapons, the use of police radio and other communications, attendance at training meetings and such other matters as the Police Chief determines to be necessary for the operation of the police department. The Police Chief shall see that the discipline and conduct of the department conforms to rules of the department. In the event of an emergency the Police Chief may make temporary rules for the protection of the system until due consideration by the City Council may be had.

12. The Police Chief shall, when requested, aid other municipal officers in the execution of their official duties.

13. The Police Chief shall report all motor vehicle accidents the police department investigates in the regular course of duty to the Iowa Department of Public Safety as provided by law.

14. The Police Chief shall keep a record of all arrests made in the City by police officers. The Police Chief shall record whether said arrest was made under provisions of the laws of the State of Iowa or Ordinances of the City. The record shall show the offense for which arrest was made, who made the arrest, and the disposition made of the charge.

At least every year the Police Chief shall review and determine the current status of all Iowa arrests reported, which are at least one year old with no disposition data. Any Iowa arrest recorded within a computer data storage system which has no disposition data after four years shall be removed unless there is an outstanding arrest warrant or detainer on such charge.

2-3-8 POWERS AND DUTIES OF THE CITY ATTORNEY. The duties of the City Attorney shall be as follows:

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

1. If requested, the City Attorney shall attend every regular meeting of the City Council and attend those special meetings of the City Council at which the City Attorney is required to be present.

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

3. The City Attorney shall keep in proper files a record of all official opinions and a docket or register of all actions prosecuted and defined by the City Attorney accompanied by all proceedings relating to said actions.

4. The City Attorney shall, upon request, give an opinion in writing upon all questions of law relating to municipal matters submitted by the City Council, the Mayor, members of the City Council individually, municipal boards or the head of any municipal department.

5. The City Attorney shall prepare those Ordinances when the City Council may desire and direct to be prepared and report to the City Council upon all Ordinances before their final passage by the City Council and publication.

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

7. The City Attorney shall not appear on behalf of any municipal office 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 City Council, appear to defend any municipal officer or employee in any cause of action arising out of or in the course of the performance of the duties of his or her office or employment.

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

9. The City Attorney shall make a written report to the City Council and interested department heads of the defects in all contracts, documents, authorized power of any City officer, and Ordinances submitted to said City Attorney or coming under said City Attorney's notice.

10. The City Attorney shall, upon request, after due examination, offer a written opinion on and recommend alterations pertaining to contracts involving the City before they become binding upon the City or are published.

2-3-9 POWERS AND DUTIES OF THE CITY MANAGER. The duties of the City Manager shall be as follows:

1. Attend Meetings. The City Manager shall attend all meetings of the City Council unless excused by the Mayor.

2. Recommendations. The City Manager shall recommend to the City Council such measures as he or she may deem necessary or expedient for the good government and welfare of the City.

3. Administrative Authority. The City Manager shall have the general supervision and direction of the administration of the City government and may appoint with approval of the City Council such administrative assistants as shall be deemed advisable.

4. Supervision of Employees. The City Manager shall supervise and direct the conduct of all officers and employees of the City whom he or she has power to appoint and shall take active control of the departments of the City, except the police department, which shall be under the Mayor. Nothing herein shall be construed so as to prevent cooperation and mutual assistance between the City Manager and Mayor in the operation of the Police Department.

5. Purchasing Officer. The City Manager shall supervise the performance of all contracts for work to be done for the City. He or she shall be the Purchasing Officer of the City and make all purchases of materials and supplies in accordance with the official purchasing policy adopted in resolution form by the City Council, and see that such materials and supplies are received, and are of the quality and character called for by the contract or specifications.

6. Hiring Authority. The City Manager shall have the power to employ, reclassify, or discharge all employees of the City in accordance with the established work rules of the City adopted by the City Council, and subject to the approval of the City Council, fix the compensation to be paid such employees. In exercising the power granted in this subsection he or she shall be subject to the provisions of the Veteran's Preference Law.

7. Appointment of Officers. The City Manager shall have power to appoint or employ persons to fill all places for which no other mode of appointment is provided, subject to the approval of the City Council, and shall have power to administer oaths of office.

8. Discharge of Employees. The City Manager shall have power to discharge summarily any officer, appointee, or employee that he or she has power to appoint or employ, subject, however, to the provisions of the Veteran's Preference Law, except that any administrative assistants to the City Manager shall hold office at his or her pleasure.

9. Public Facilities. The City Manager shall supervise and manage all public improvements, works, and undertakings of the City, and all public buildings, and shall have charge of their construction, improvement, repair and maintenance. Nothing herein shall be construed so as to prevent cooperation between the City Manager and any commission, board, trustees, or other body.

10. Public Improvements. The City Manager shall have charge of the making and preservation of all surveys, maps, plans, drawings, specifications, and estimates for public works or public improvements; the cleaning, sprinkling, and lighting of streets and alleys, and public places; the

collection and disposal of waste, and the preservation of tools, equipment, vehicles, and appliances belonging to the corporation.

11. Management of Facilities. The City Manager shall manage all municipal parks, airports, and cemeteries, and all municipal water, gas, lighting, heating, or power plants, and transportation enterprises, except those operated under a board of trustees or other board or commission at the time that the council-manager form is adopted, or placed there by a subsequent election. If a board or commission is abolished or ceases to exist, management theretofore exercised by such board or commission shall thereupon vest in the manager.

12. Investigative Authority. The City Manager, or any person appointed by him or her this purpose, may, without notice, summarily cause the affairs of any department or the conduct of any officer under his or her supervision, or of any employee, to be investigated.

13. Licenses and Permits. The City Manager shall provide for the issuance, suspension, and revocation of such licenses and permits as are authorized by law or Ordinance, cause a record thereof to be kept, and collect and deposit with the City all fees for licenses and permits.

14. Fiscal Advice. The City Manager shall keep the City Council fully advised of the financial and other conditions of the City, and of its future needs.

15. Annual Budget. The City Manager shall prepare and submit to the City Council an annual budget in the manner provided by law or Ordinance.

16. Business Affairs. The City Manager shall, at all times, see that the business affairs of the municipal corporation of which he or she is manager are transacted by modern and scientific methods and in an efficient and businesslike manner, and that records of all of the business affairs of the City under his or her management are fully and accurately kept.

17. Monthly Reports. The City Manager shall make to the City Council an itemized monthly report in writing, showing the receipts and disbursements for the preceding month, and such report shall be made by him or her not later than the first City Council meeting of each month. Copies of said reports shall be kept available at the City Clerk's office for public inspection.

18. Other Duties. The City Manager shall perform such other and further duties as the City Council by Ordinance shall direct.

2-3-10 POWERS AND DUTIES OF THE FIRE CHIEF. The duties of the Fire Chief shall be as follows:

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

1. The Fire Chief shall 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.

2. The Fire Chief shall enforce all rules and regulations established by the City Council for the conduct of the affairs of the fire department.

3. The Fire Chief shall 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.

4. The Fire Chief shall cause to be kept records of the fire department personnel, operating cost and efficiency of each element of 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.

5. The Fire Chief shall make monthly written reports on or before the fifth day of each month to the Mayor and City Council concerning the general status and efficiency of the fire department, the number of alarms answered during the month previous, and additional information that may be requested by the Mayor or the City Council. The Fire Chief shall compile an annual report based upon the records maintained by the fire department and summarizing the activities of the fire department for the year. This report shall be filed with the Mayor. The annual report shall also contain recommendations for the improvement of the department.

6. The Fire Chief shall enforce all Ordinances and, where enabled, state laws regulating the following:

- a. Fire prevention.
- b. Maintenance and use of fire escapes.
- c. The investigation of the cause, origin and circumstances of fires.
- d. The means and adequacy of exits in case of fire from halls, theatres, churches, hospitals, asylums, lodging houses, schools, factories and all other buildings in which the public congregates for any purpose.
- e. The installation and maintenance of private fire alarm systems and fire extinguishing equipment.

7. The Fire Chief shall have the right of entry into any building or premises within the Fire Chief's jurisdiction at a reasonable time and after reasonable notice to the occupant or owner. The Fire Chief shall there conduct such investigation or inspection that the Fire Chief considers necessary in light of state law, regulations or Ordinance.

8. The Fire Chief shall make such recommendations to owners, occupants, caretakers or managers of buildings necessary to eliminate fire hazards.

9. The Fire Chief shall, at the request of the State Fire Marshal, and as provided by law, aid said Marshal in the performance of the Marshal's duties by investigating, preventing and reporting data pertaining to fires.

TITLE II POLICY AND ADMINISTRATION

CHAPTER 4 - SALARIES OF MUNICIPAL OFFICERS

2-4-1 City Council Member
2-4-2 Mayor

2-4-3 Other Officers

2-4-1 CITY COUNCIL MEMBER. The salaries of each City Council member shall be \$25.00 for each meeting of the City Council.

(Code of Iowa, Sec. 372.13(8))
(Ord. 6-91, Passed October 15, 1991)

2-4-2 MAYOR. The Mayor shall receive an annual salary of \$2,000 to be paid in two equal installments.

(Code of Iowa, Sec. 372.13(8))
(Ord. 6-91, Passed October 15, 1991)

2-4-3 OTHER OFFICERS. The compensation of all other officers and employees shall be set by resolution of City Council.

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

TITLE II POLICY AND ADMINISTRATION

CHAPTER 5 - CITY FINANCE

| | | | |
|-------|------------------------|--------|----------------------|
| 2-5-1 | Budget Adoption | 2-5-7 | Reserved |
| 2-5-2 | Budget Amendment | 2-5-8 | Budget Officer |
| 2-5-3 | Reserved | 2-5-9 | Accounting |
| 2-5-4 | Accounts and Programs | 2-5-10 | Budget Accounts |
| 2-5-5 | Annual Report | 2-5-11 | Contingency Accounts |
| 2-5-6 | City Council Transfers | | |

2-5-1 BUDGET ADOPTION. Annually, the City shall prepare and adopt a budget, and shall certify taxes as follows:

(Code of Iowa, Sec. 384.16)

1. A budget shall be prepared for at least the following fiscal year. When required by rules of the State City finance committee, a tentative budget shall be prepared for one or two ensuing years. The proposed budget shall show estimates of the following:

- a. Expenditures for each program.
- b. Income from sources other than property taxation.

c. Amount to be raised by property taxation, and the property tax rate expressed in dollars per one thousand dollars valuation. The budget shall show comparisons between the estimated expenditures in each program in the following year and the actual expenditures in each program during the two preceding years. Wherever practicable, as provided in rules of the State City finance committee, a budget shall show comparisons between the levels of service provided by each program as estimated for the following year, and actual levels of service provided by each program during the two preceding years.

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

(Amended during 2015 codification)

3. The City Council shall set a time and place for public hearing on the budget before the final certification date and shall publish notice before the hearing as provided in Iowa law. Proof of publication shall be filed with the County Auditor.

4. At the hearing, any resident or taxpayer of the City may present to the City Council objections to any part of the budget for the following fiscal year or arguments in favor of any part of the budget.

5. After the hearing, the City Council shall adopt a budget for at least the following fiscal year, and the City Clerk shall certify the necessary tax levy for the following year to the County Auditor and the County Board of Supervisors. The tax levy certified may be less than but not more than the amount estimated in the proposed budget, unless an additional tax levy is approved at a City election. Two copies of the complete budget as adopted shall be transmitted to the County Auditor.

2-5-2 BUDGET AMENDMENT. The City budget as finally adopted for the following fiscal year becomes effective July first and constitutes the City appropriation for each program and purpose specified therein until amended. The City budget for the current fiscal year may be amended for any of the following purposes:

(Code of Iowa, Sec. 384.18)

1. To permit the appropriation and expenditures of unexpended, unencumbered cash balances on hand at the end of the preceding fiscal year which had not been anticipated in the budget.

2. To permit the appropriation and expenditure of amounts anticipated to be available from sources other than property taxation, and which had not been anticipated in the budget.

3. To permit transfers from the debt service fund, the capital improvements reserve fund, the emergency fund, or other funds established by State law, to any other City fund, unless specifically prohibited by State law.

4. To permit transfers between programs within the general fund.

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

2-5-3 RESERVED.

(Amended during 2015 codification)

2-5-4 ACCOUNTS AND PROGRAMS. The City shall keep separate accounts corresponding to the programs and items in its adopted or amended budget, as recommended by the State City Finance Committee.

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

(Code of Iowa, Sec. 384.20)

2-5-5 ANNUAL REPORT. Not later than December first of each year the City shall publish an annual report containing a summary for the preceding fiscal year of all collections and receipts, all accounts due the City, and all expenditures, the current public debt of the City, and the legal debt limit of the City for the current fiscal year. A copy of this report shall be furnished to the Auditor of State.

(Code of Iowa, Sec. 384.22)

2-5-6 CITY COUNCIL TRANSFERS. When the City Clerk determines that one or more appropriation accounts need added authorizations to meet required expenditures therein the City Clerk shall inform the City Council or if the City Council upon its own investigation so determines, and another account within the same programs has an appropriation in excess of foreseeable needs, or, in the case of a clear emergency or unforeseeable need, the contingency account has an unexpended appropriation which alone or with the other accounts can provide the needed appropriations, the City Council shall set forth by resolution the reductions and increases in the appropriations and the reason for such transfers. Upon the passage of the resolution and approval by the Mayor, as provided by law for resolutions, the City Clerk shall cause the transfers to be set out in full in the minutes and be included in the published proceedings of the City Council. Thereupon the City Clerk, and where applicable, the City Treasurer, shall cause the appropriation to be revised upon the appropriation expenditure ledgers of the City, but in no case shall the total of the appropriation of a program be increased except for transfers from the contingency account nor shall the total appropriation for all purposes be increased except by a budget amendment made after notice and hearing as required by law for such amendments.

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

2-5-7 RESERVED.

(Amended during 2015 codification)

2-5-8 BUDGET OFFICER. The City Clerk shall be the City budget officer and is responsible for preparing the budget data in cooperation with the City Council or Mayor. The City Clerk shall be responsible for carrying out the authorizations and plans in the budget as set forth in the budget, subject to City Council control and the limitations set out in this Ordinance.

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

2-5-9 ACCOUNTING. The City Clerk shall set up and maintain books of original entry to provide a chronological record of cash received and disbursed through all receipts given and warrants written, which receipts and warrants shall be prenumbered, in accordance with modern, accepted methods, and the requirement of the state. The City Clerk shall keep a general ledger controlling all cash transactions, budgetary accounts and recording unappropriated surpluses. Warrants/checks shall be signed by the City Clerk.

(Code of Iowa, Sec. 384.20)

2-5-10 BUDGET ACCOUNTS. The City Clerk shall set up such individual accounts to record receipts by source and expenditures by program and purpose as will provide adequate information and control for budgetary purposes as planned and approved by the City Council. Each individual account shall be maintained within its proper fund as required by City Council order or State law and shall be so kept that receipts can be immediately and directly compared with specific estimates and

expenditures can be related to the appropriation which authorized it. No expenditure shall be posted except to the appropriation for the function and purpose for which the expense was incurred.

(Code of Iowa, Sec. 384.20)

2-5-11 CONTINGENCY ACCOUNTS. Whenever the City Council shall have budgeted for a contingency account the City Clerk shall set up in the accounting records but the City Clerk shall not charge any claim to a contingency account. Said contingency accounts may be drawn upon only by City Council resolution directing a transfer to a specific purpose account within its fund and then only upon compelling evidence of an unexpected and unforeseeable need or emergency.

(ECIA Model Code Amended in 2020)

TITLE II POLICY AND ADMINISTRATION

CHAPTER 6 - POSTING

- 2-6-1 Purpose
2-6-2 Listing; Length of Notice
- 2-6-3 Removing Notice Unlawful

2-6-1 PURPOSE. The City of Sabula, Iowa has no newspaper published within the corporate limits of the City, and publications of notice of elections, Ordinances and amendments may be made by posting in three public places which have been permanently designated by Ordinance.
(Code of Iowa, Sec. 362.3(2))

2-6-2 LISTING, LENGTH OF NOTICE. The three public places where public notice of Ordinances and other matters permitted to be posted are to be displayed are:

City Hall
U.S. Post Office
Community Bank

The City Clerk is hereby directed to promptly post all Ordinances, amendments, and City Council actions after passage. The City Clerk is directed to post all such matters not less than four (4) nor more than twenty (20) days before the date of the election, hearing, or other action as required pursuant to Section 362.3 (Iowa Code) or as otherwise required by law.
(Code of Iowa, Sec. 380.7)
(ECIA Model Code Amended in 2020)

2-6-3 REMOVING NOTICE, UNLAWFUL. Any unlawful removal of a public notice or posting shall not affect the validity of the Ordinance or action taken.

TITLE II POLICY AND ADMINISTRATION

CHAPTER 7 - ELECTIONS

2-7-1 Nomination

2-7-2 Nominating Method To Be Used

2-7-1 NOMINATION. Purpose. The purpose of this Ordinance is to designate the methods by which candidates for elective municipal offices in the City of Sabula, Iowa shall be nominated.

(Ord. 2-93, Passed June 8, 1993)

2-7-2 NOMINATING METHOD TO BE USED. For the municipal election and in subsequent municipal elections of the City of Sabula, Iowa, all candidates for elective municipal offices shall be nominated by the procedures set forth in Chapter 45 of the 2001 Code of Iowa.

(Ord. 2-93, Passed June 8, 1993)

(Ord. 2-2001, Passed December 10, 2001)

TITLE III COMMUNITY PROTECTION

CHAPTER 1 - OFFENSES

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

3-1-1 VIOLATIONS OF CHAPTER. Commission of any of the acts named in the following sections by any person shall constitute a violation of this Chapter.

3-1-2 PUBLIC PEACE. It shall be unlawful for any person to do any of the following:

1. Engage in fighting or violent behavior or invite or defy another person to fight, provided that participants in athletic contests may engage in such conduct which is reasonably related to that sport.

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

2. Make unusually loud or excessive noise which results in the disturbance of the peace and the public quiet of a neighborhood.

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

3. Willfully permit upon any premises owned, occupied, possessed or controlled by such person any unusually loud or excessive noise in such a manner calculated to provoke a breach of the peace of others, or the public quiet of the neighborhood.

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

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

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

5. Without lawful authority or order of authority, disturb any lawful assembly or meeting of persons by conduct intended to disrupt the meeting or assembly.

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

6. Without authority, obstruct any street, sidewalk, highway or other public way.

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

7. Without authority, solicit contributions, distribute literature, or otherwise peddle or sell goods and services within the traveled portion of any roadway.

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

3-1-3 PUBLIC MORALS.

1. Indecent exposure. It shall be unlawful for any person to expose such person's genitals, pubes, female nipples, or buttocks to a person other than the person's spouse, or who commits a sex act in the presence or view of a third person, if the person does so to arouse or satisfy the sexual desires of either party and the person knows, or reasonably should know, that the act is offensive to the viewer.

(Code of Iowa, Sec. 709.9)

2. Public Urination/Defecation. It shall be unlawful for any person to urinate or defecate in a public place, other than a structure equipped with a toilet and/or urinal, in the presence of or in view of another person if the person knows, or reasonably should know, that such behavior would be offensive to a reasonable person.

(ECIA Model Code Amended in 2020)

3-1-4 STREETS.

1. Removal of safeguards or danger signals. No person shall willfully remove, tear down, destroy, deface, or carry away from any highway, street, alley, avenue or bridge any lamp, obstruction, guard or other article or things, or extinguish any lamp or other light, erected or placed thereupon for the purpose of guarding or enclosing unsafe or dangerous places in said highway, street, alley, avenue or bridge without the consent of the person in control thereof.

(Code of Iowa, Sec. 716.5)

2. Obstructing or defacing streets. No person shall obstruct, deface, or injure any public road in any manner by breaking up, plowing or digging within the boundary lines thereof, without permission from the Mayor.

(Code of Iowa, Sec. 716.1)

3. Allowing water, snow, ice and accumulations on sidewalk. No abutting property owner shall allow water from an improperly located eave or drain, or from any roof, to fall onto a public sidewalk, or fail to remove snow, ice and accumulations from the sidewalks promptly.

(Code of Iowa, Sec. 364.12(2)(b and e))

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

3-1-5 PUBLIC SAFETY AND HEALTH.

1. Expecting. No person shall expectorate on the ground or on the floor of any structure within the City limits.

(Code of Iowa, Sec. 364.1)

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

(Code of Iowa, Sec. 321.369)
(Amended during 2015 codification)

3. Carrying a concealed weapon. It shall be unlawful for any person to carry under such person's clothes or concealed about their person or to be found in possession of any slingshot, knuckles of metal or other material, air gun or any other weapon other than a knife, unless licensed by the Iowa Department of Public Safety or having in possession a valid permit from the County Sheriff.

(Amended during 2015 codification)

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

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

6. Discharging firearms and fireworks.

(Code of Iowa, Sec. 727.2)

a. No person, firm, or corporation shall discharge or fire any cannon, gun, bomb, pistol, air gun, or other firearms or set off or burn firecrackers, torpedoes, sky rockets, roman candles, or other fireworks of like construction or any fireworks containing any explosive or inflammable compound, or other device containing any explosive.

b. The City Council may upon application in writing, grant a permit for the display and use of fireworks by any organization or groups of individuals when such fireworks display will be handled by a competent operator.

c. The City Council may, upon application in writing, grant a permit for the operation of a firing range in which the discharge of firearms for training, recreational or competitive events would be allowed upon showing that the range would be under the direction of a competent organization, group or individual.

d. In the interest of public health and safety and at such times as approved by the Chief of Police, the police or their designee may use firearms to control rodent or animal problems when it is evident that conventional control methods have not resolved the problem.

e. Nothing herein shall be construed to prohibit the use of blank cartridges for a show or the theatre, or for signal purposes in athletic sports or by railroads, or trucks, for signal purposes, or by a recognized military organization and provided further that nothing in this section shall apply to any substance or composition prepared and used for medicinal or fumigation purposes.

7. Possession of Fireworks.

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

b. Exemption. The use of blank cartridges for a show or the theater, or for signal purposes in athletic events, or by railroads or trucks for signal purposes, or by recognized military organizations is exempt from this subsection.

c. Prohibition. No person shall possess fireworks except as provided in this Chapter.

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

(Code of Iowa, Sec. 727.3)

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

(Code of Iowa, Sec. 718.2)

10. Harassment of City Employees.

a. It shall be unlawful for any person to willfully prevent, resist or obstruct or attempt to prevent, resist or obstruct any City employee from the performance of any official duty.

b. It shall be unlawful for any person to communicate by any means, any threat of bodily or property harm to any City employee or to any member of his or her family during the course of, or as a result of, the performance of any official duty by said City employee.

c. 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.

(Ord. 5-2004, Passed August 10, 2004)

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

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

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

(Code of Iowa, Sec. 364.1)

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

(Code of Iowa, Sec. 364.12)

14. Littering Prohibited.

a. As used in this Code, “discard” means to place, cause to be placed, throw, deposit or drop, and “litter” means any garbage, rubbish, trash, refuse, waste material and yard waste.

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

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

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

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

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

(ECIA Model Code Amended in 2017)

3-1-6 PUBLIC PROPERTY.

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

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

2. Injuring new pavement. No person shall injure new pavement in any street, alley or sidewalk by willfully driving, walking or making marks on such pavement before it is ready for use.

(Code of Iowa, 364.12(2))

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

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

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

(Amended during 2015 codification)

5. Defacing or destroying proclamations or notices. No person shall intentionally deface, obliterate, tear down or destroy in whole or in part any transcript or extract from or of any law of the United States or of this State, or any proclamation, advertisement or notification, set up at any place within the City by authority of law or by order of any court, during the time for which the same is to remain set up.

(Code of Iowa, Sec. 716.1)

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

(Code of Iowa, Sec. 716.1)

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

(Code of Iowa, Sec. 716.1)

8. Obstructing or defacing roads. No person shall obstruct, deface or injure any public road by breaking up, plowing or digging within the boundary lines thereof.

(Code of Iowa, Sec. 716.1)

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

(Code of Iowa, Sec. 716.1)

10. Tapping into Utility Transmission Cables. No person shall connect to any transmission cable without first obtaining permission from the owner of the cable.

(Code of Iowa, Sec. 727.8)

11. Obstructing ditches and breaking levees. No person shall divert, obstruct, impede, or fill up, without legal authority, any ditch, drain, or watercourse, or break down any levee established, constructed, or maintained under any provision of law.

(Code of Iowa, Sec. 716.1)

TITLE III COMMUNITY PROTECTION

CHAPTER 2 - NUISANCES

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

3-2-1 DEFINITIONS. For use in this Ordinance, the following terms are defined:

1. NUISANCES DECLARED. The term "nuisance" means whatever is injurious to health, indecent, or unreasonably offensive to the senses or an obstacle to the free use of property, so as essentially to unreasonably interfere with the comfortable enjoyment of life or property. Nuisances shall include, but not be limited to, those activities and items hereinafter set forth in this section below:

(Code of Iowa, Sec. 657.1)
(ECIA Model Code Amended in 2017)

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

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

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

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

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

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

d. The 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))

e. The obstructing or encumbering by fences, buildings, or otherwise the public roads, private ways, streets, alleys, commons, landing places, or burying grounds.

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

f. Houses of ill fame, kept for the purpose of prostitution and lewdness, gambling houses, or houses resorted to for the use of opium or hashish or houses where drunkenness, quarreling, fighting or breaches of the peace are carried on or permitted to the disturbance of others.

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

g. Billboards, signboards, and advertising signs, whether erected and constructed on public or private property, which so obstruct and impair the view of any portion or part of a public street, avenue, highway, boulevard or alley or of a railroad or street railway track as to render dangerous the use thereof, especially near intersecting streets.

(Code of Iowa, Sec. 657.2(7))

h. Cotton-bearing cottonwood trees and all other cotton-bearing poplar trees in the City.

(Code of Iowa, Sec. 657.2(8))

i. The depositing or storing of inflammable junk, such as old rags, rope, cordage, rubber, bones, and paper, by any person, including a dealer in such articles, within the fire limits of this City, unless it be in a building of fire resistant construction.

(Code of Iowa, Sec. 657.2(10))

j. The emission of dense smoke, noxious fumes, or fly ash.

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

k. Weeds. Any condition relating to weeds which is described as a nuisance in the Sabula Municipal Code of Ordinances or under state law. Dense growth of all weeds, grasses, vines, brush, or other vegetation in the City so as to constitute a health, safety, or fire hazard including any City owned property between the abutting property line and the street right-of-way. Any condition related to weeds described or defined as a nuisance under the Code of Iowa or the City Municipal Code.

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

(ECIA Model Code Amended in 2017)

l. Trees infected with Dutch elm disease.

(Code of Iowa, Sec. 657.2(13))

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

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

(Code of Iowa, Sec. 716.1)

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

(Code of Iowa, Sec. 657.2)

p. The Chief of Police determines that police security is in order; and, if so, such security will be provided by the police department with a charge of the current hourly wage of the officer levied against the owner or operator of the establishment requiring such security. Police Security as provided for in this subsection shall incur a minimum \$36.00 charge on each occasion at which police security is deemed necessary. The failure of the owner or operator of an establishment requiring police security to pay to the City Clerk the above-described charges for police security within 30 days of the date upon which police security was required shall constitute a municipal infraction. An establishment requiring police security pursuant to this subsection shall additionally constitute a nuisance, and be prosecuted as such.

(Ord. 4-94, Passed May 9, 1994)

(Ord. 2-2001, Passed December 10, 2001)

(Ord. 2-2016, Passed December 19, 2016)

(Amended during 2020 codification)

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

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

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

t. Stagnant water standing on any property, any property, container or material kept in such condition that water can accumulate and stagnate.

u. Infestations of vermin such as rats, mice, skunks, snakes, starlings, pigeons, bees, wasps, cockroaches or flies.

v. Facilities for the storage or processing of sewage, such as privies, vaults, sewers, private drains, septic tanks, cesspools and drainage fields, which have failed or do not function properly or which are overflowing, leaking or emanating odors; septic tanks, cisterns and cesspools which are abandoned or no longer in use unless they are empty and cleaned with clean fill; an evolved cesspools or septic tank which does not comply with the Jackson County Department of Health regulation.

w. Unoccupied buildings or unoccupied portions of buildings which are unsecured.

- x. Dangerous buildings or structures.
- y. Abandoned buildings.
- z. Any hazardous thing or condition on property which may contribute to injury of any person present on the property; hazards include, but are not limited to, open holes, open wells, open foundation, dangerous trees or limbs, abandoned and unsecured refrigerators or trapping devices.
 - aa. The storage, parking, leaving or permitting the storage, parking or leaving of any inoperable or obsolete vehicle upon private property within the City for a period in excess of 48 hours, unless exempted herein. This section shall not apply to any vehicle enclosed within a building on private property or to any vehicle held in connection with a legal junk yard or automobile or truck-oriented use operated in the appropriate zone and in compliance with the Sabula Municipal Code of Ordinances.
 - bb. All junk yard or salvage operations except those permitted by ordinance and operating in full compliance with the Sabula Municipal Code of Ordinances.
 - cc. The open burning of trash, refuse, garbage, junk or salvage materials, yard waste, leaves and tree trimmings shall be prohibited within the City limits, provided, however, the City Council may designate up to three weekends each year to allow City residents to burn leaves and tree trimmings in accordance with the City's Open Burning Policy. Outdoor cooking or burning of wood is permitted if performed in a container constructed of steel, brick or masonry and the fire is no larger than two feet in diameter. Additional open burning may be permitted upon written request, only with the special permission of the City Council provided the burning is in compliance with Open Burning Policy guidelines established by the City in consultation with the Fire Department.
 - dd. Any accumulations of ice, water and snow on public sidewalks, or the failure to remove said accumulations within 48 hours after the creation of such accumulations exist, shall constitute a nuisance and shall be abated pursuant to the provisions specified in the Sabula Municipal Code of Ordinances.
 - ee. Any nuisance described as such or declared by Chapter 657 of the Code of Iowa.
 - ff. The sounding of any horn or other signaling device on any vehicle on any street, public or private place within the City, except as a danger warning, which makes a loud or harsh sound to the disturbance or annoyance of any person and can be plainly audible at a distance of 50 feet.
 - gg. The use of amplified sound creating a disturbance or annoyance to others and can be plainly heard 50 feet from the source of the amplified sound.
 - hh. Yelling, shouting, hooting, whistling or singing at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in the vicinity.

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

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

kk. No person shall throw or deposit on any public or private property any glass bottle, glass, nails, tacks, wire, cans, trash, garbage, rubbish, litter or any other debris or like substance which may damage or damage any person, animal or vehicle or which may annoy, damage or become dangerous to the health, comfort or property of individuals or the public.

ll. Causing or suffering any refuse, garbage, obnoxious substances, hazardous wastes, junk or salvage materials to be collected or to remain in any place to the disturbance of others.

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

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

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

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

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

(This is not an exclusive or exhaustive list of possible nuisances. The Council must decide what is needed and appropriate for its community.)

(ECIA Model Code Amended in 2020)

2. The term "property owner" means the contract purchaser if there is one of record, otherwise the record holder of legal title.

(Code of Iowa, Sec. 364.1)

3-2-2 NUISANCES PROHIBITED. The creation or maintenance of a nuisance is hereby prohibited, and a nuisance may be abated by criminal citation, municipal infraction or as otherwise provided in this Ordinance or Code of Iowa.

(Code of Iowa, Sec. 657.3)
(ECIA Model Code Amended in 2017)

3-2-3 OTHER CONDITIONS REGULATED. The following actions are required and may also be abated in the manner provided in this Ordinance:

1. The removal of diseased trees or dead wood, but not diseased trees and dead wood outside the lot and property lines and inside the curb lines upon the public street.

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

2. The removal, repair, or dismantling of dangerous buildings or structures.

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

3. The numbering of buildings.

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

4. The connection to public drainage systems from abutting property when necessary for public health or safety.

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

5. The connection to public sewer systems from abutting property, and the installation of sanitary toilet facilities and removal of other toilet facilities on such property.

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

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

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

3-2-4 NOTICE TO ABATE NUISANCE OR CONDITION. Whenever the Mayor or other authorized municipal officer finds that a nuisance or other prohibited condition exists, the Mayor or officer may notify the property owner as shown by the records of the County Auditor to abate the nuisance within a reasonable time after notice. Notice and opportunity to abate the nuisance is not required prior to bringing legal action.

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

(ECIA Model Code Amended in 2014)

(ECIA Model Code Amended in 2017)

3-2-5 CONTENTS OF NOTICE TO ABATE. The notice to abate shall contain:

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

1. A description of what constitutes the nuisance or other condition.

2. The location of the nuisance or condition.

3. A statement of the act or acts necessary to abate the nuisance or condition.

4. A reasonable time within which to complete the abatement.

5. A statement that if the nuisance or condition is not abated as directed and no request for hearing is made within the time prescribed, the City will abate it and assess the costs against such person.

3-2-6 METHOD OF SERVICE. The notice may be sent by regular mail to the property owner as shown by the records of the County Auditor.

(Code of Iowa, Sec. 364.12(3)(h))
(Amended during 2015 codification)

3-2-7 REQUEST FOR HEARING AND APPEAL. Any person ordered to abate a nuisance or condition may have a hearing with the officer ordering the abatement as to whether a nuisance or prohibited condition exists. A request for a hearing must be made in writing and delivered to the officer/employee ordering the abatement within seven (7) working days of the receipt of the notice or the right to a hearing shall be waived. If an appeal is not filed as set forth herein, it will be conclusively presumed that a nuisance or prohibited condition exists and it must be abated as ordered.

At the conclusion of the hearing, the hearing officer shall render a written decision as to whether a nuisance or prohibited condition exists. If the officer finds that a nuisance or prohibited condition exists, the officer must order it abated within an additional time which must be reasonable under the circumstances. The property owner may appeal this decision by filing written notice with the City Clerk within five (5) calendar days of the decision. This appeal shall be heard before the City Council at a time and place fixed by the Council. The findings of the Council shall be conclusive and, if a nuisance or prohibited condition is found to exist, it shall be ordered abated within a time reasonable under the circumstances.

(ECIA Model Code Amended in 2017)

3-2-8 ABATEMENT IN EMERGENCY. If it is determined that an emergency exists by reason of the continuing maintenance of the nuisance or condition, the City may perform any action that may be required under this Chapter without prior notice, and assess the costs as provided herein, after notice to the property owner under the applicable provision of Sections 3-2-4 and 3-2-5 and hearing as provided in Section 3-2-7.

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

3-2-9 ABATEMENT BY MUNICIPALITY. If the person notified to abate a nuisance or condition neglects or fails to abate as directed, the City may perform the required action to abate, keeping an accurate account of the expense incurred. The itemized expense account shall be filed with the City Clerk, who shall pay such expenses on behalf of the municipality.

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

3-2-10 COLLECTION OF COST OF ABATEMENT. The City Clerk shall mail a statement of the total expense incurred to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within one month, the City Clerk shall certify

the costs to the County Treasurer and they shall then be collected with, and in the same manner, as general property taxes.

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

3-2-11 INSTALLMENT PAYMENT OF COST OF ABATEMENT. If the amount expended to abate the nuisance or condition exceeds \$100, the City may permit the assessment to be paid in up to ten annual installments, to be paid in the same manner and at the same rate of interest charged delinquent real estate taxes by the County Treasurer.

(Code of Iowa, Sec. 364.13)

3-2-12 CONDEMNATION OF NUISANCE. The City may condemn a residential, commercial or industrial building found to be abandoned and a public nuisance and take title to the property for the public purpose of disposing of the property under Chapter 657A by conveying the property to a private individual for rehabilitation or for demolition and construction of housing.

(Code of Iowa, Sec. 364.12A)

(ECIA Model Code Amended in 2014)

(ECIA Model Code Amended in 2017)

3-2-13 REMOVAL OF NUISANCES.

1 Title. This Ordinance shall be known and may be cited and referred to as the city of Sabula Nuisance Ordinance.

2. Purpose and Objectives. This Ordinance is adopted in accordance with, and as authorized by 2003 Iowa Code Chapter 657, Nuisances, as amended. The purpose of this Ordinance is to protect the health, safety, and welfare of the citizens and safety of property of city of Sabula by providing for removal of nuisances.

3. Definitions.

a. Junk is waste, discarded, or salvaged materials, including dismantled or inoperable vehicles, machinery, and appliances or parts of such vehicles, machinery, or appliances.

b. Inoperable vehicles are motor vehicles lacking a current registration or lacking component parts so that they are unfit or illegal for use on public roads.

c. Nuisances are 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 unreasonably interfere with the comfortable enjoyment of life or property. Nuisances include but are not limited to these conditions and actions:

(1) Accumulations of junk except for those in conjunction with business operations in compliance with the Jackson County Zoning Ordinance and with state and federal law, to the prejudice of others.

(2) Any building, structure, or mobile or manufactured home which has been abandoned, or which because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise is determined to be unsanitary, unfit for human habitation, unreasonably offensive to the senses, or in such a condition that is likely to threaten the health or safety of others.

(3) Storage or deposit of dead animals or animal parts, waste, trash, garbage, junk, rubbish, or other offensive or dangerous substances on public rights-of-way.

4. Scope of Ordinance. The provisions of this Ordinance shall apply to all private property located within the corporate boundaries of the city of Sabula.

5. Nuisances Prohibited. The creation or maintenance of a nuisance is prohibited, and a nuisance, public or private, may be abated in the manner provided in this Ordinance.

6. Notice to Abate Nuisance. Whenever the Council, or other authorized city officer finds that a nuisance exists as defined in this Ordinance, the City shall cause to be served upon the property owner a written notice to abate the nuisance within a reasonable time after notice.

7. Contents of Notice to Abate. The notice to abate shall contain:

a. A description of what constitutes the nuisance.

b. The location of the nuisance.

c. A statement of the act or acts necessary to abate the nuisance.

d. A reasonable time within which to complete the abatement. Thirty (30) days shall generally be considered a reasonable time for abatement to be completed. The Council shall consider each case on an individual basis to determine whether fifteen (15) days shall be allowed for abatement, or whether more or less time shall be allowed.

(Amended during 2015 codification)

e. A statement that if the nuisance is not abated as directed and no request for hearing is made within the time prescribed, the City will abate the nuisance and assess the costs against the property owner or seek enforcement by court action as provided by 2003 Iowa Code.

8. Method of Service. The notice may be served by certified mail or personal service to the property owner as shown by the records of the Jackson County Auditor.

9. Request for Reconsideration. Any person ordered to abate a nuisance may appeal to the Council for reconsideration as to whether a nuisance exists. A request for reconsideration must be made in writing and delivered to the Council within the time stated in the notice. A time and date for reconsideration shall be set by the Council. Following the reconsideration hearing the Council shall render a written decision either affirming or overruling its initial determination that a nuisance existed. The findings of the Council shall be conclusive, and if a nuisance is

found to continue to exist, it shall be ordered abated within a time reasonable under the circumstances.

10. Abatement in Emergency. If it is determined that an emergency exists by reason of the continuing maintenance of a nuisance, the city of Sabula may perform any action that may be required under this Ordinance without prior notice and assess the costs as provided in this Ordinance after notice to the property owner and hearing.

11. Abatement by City. If the property owner fails to abate the nuisance by the date given in the properly served notice, the City may perform the required action to abate, and the costs incurred by the City shall be assessed to the property for collection in the same manner as a property tax.

12. City Infraction. A violation of this Ordinance shall constitute a city infraction pursuant to 2003 Iowa Code and is punishable against the owner of the property or any other individual in lawful possession of the property. The penalties are as follows:

a. A civil penalty of not more than one hundred dollars (\$100.00) for each offense, and not to exceed two hundred dollars (\$200.00) for each repeat offense. Each day that a violation occurs or is permitted to exist by the violator shall constitute a separate offense. A person found guilty of a city infraction is also liable for court costs and fees.

b. In addition to any civil penalty imposed for violating this Ordinance, a court may grant appropriate relief to abate or halt the violation, including all of the options available pursuant to 2003 Iowa Code.

13. Severability. This Ordinance and any amendment hereto and the various parts, sections, subsections and clauses thereof, are hereby declared to be severable. If any part, sentence, paragraph, subsection, section or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance or amendment hereto shall not be affected thereby.

14. Relationship to Other Laws. Nothing contained herein shall serve to abrogate, limit, repeal, or otherwise modify any other ordinance, statute, or regulation by the City, County, State or Federal Government.

(Ord. 8-2004, Passed October 12, 2004)

TITLE III COMMUNITY PROTECTION

CHAPTER 3 - TRAFFIC CODE

| | | |
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| 3-3-1 | Short Title | ONE-WAY STREETS AND ALLEYS |
| 3-3-2 | Definitions | |
| 3-3-3 | Traffic Accident Reports | 3-3-18 Authority to Designate One-Way Streets and Alleys |
| 3-3-4 | Investigation of Accidents Reported | 3-3-19 One-Way Streets and Alleys |
| 3-3-5 | Police Department to Submit Annual Reports | 3-3-20 Authority to Restrict Direction of Movement on Streets During Certain Periods |

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| 3-3-7 | Required Obedience to Provisions of this Chapter and State Law |

TRAFFIC CONTROL DEVICES

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| 3-3-9 | Special Yield Required |
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| 3-3-11 | Chief of Police to Designate Crosswalks, Establish, and Mark Traffic Lanes |
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STOPPING, STANDING OR PARKING

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- 3-3-64 Regulations for Watercraft

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- 3-3-65 Citation Placed on Illegally Parked Vehicle
- 3-3-66 Presumption in Reference to Illegal Parking
- 3-3-67 Local Parking Fines
- 3-3-68 Failure to Pay Parking Citations

GOLF CARTS

- 3-3-69 Definitions
- 3-3-70 Operation of Golf Carts
- 3-3-71 Motor Vehicle Traffic on Levee Prohibited

3-3-1 SHORT TITLE. This Chapter may be known and cited as the "Traffic Code".

3-3-2 DEFINITIONS. Where words and phrases used in this Chapter are defined in Chapter 321 of the Code of Iowa, such definitions shall apply to this Ordinance.

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

2. "Stand or standing" means the halting of a vehicle, whether occupied or not, except for the purpose of and while actually engaged in receiving or discharging passengers.

3. "Stop", when required means complete cessation of movement.

4. "Stop or stopping", when prohibited, means any halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.

5. "Business districts" means the 400 and 500 blocks of Pearl Street and River Street.

6. "Residential districts" means all areas of the City not included in business districts.
(Code of Iowa, Sec. 321.1)

3-3-3 TRAFFIC ACCIDENT REPORTS. The driver of a vehicle involved in an accident within the limits of this City shall file a report as and when required by the Iowa Department of Transportation. A copy of this report shall be filed with the Chief of Police. All such reports shall be for the confidential use of the police department and shall be subject to the provisions of Section 321.271 of the Code of Iowa.

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

3-3-4 INVESTIGATION OF ACCIDENTS REPORTED. The police department shall investigate all accidents reported. If sufficient evidence of a violation is found, proper action will be taken to punish the violator.

3-3-5 POLICE DEPARTMENT TO SUBMIT ANNUAL REPORTS. The Police Chief shall prepare annually a traffic report which shall be filed with the Mayor. Such report shall contain information on traffic matters in this City concerning the number of traffic accidents, the number of persons killed or injured, the number and nature of violations, and other pertinent traffic data including the plans and recommendations for future traffic safety activities.

ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS.

3-3-6 AUTHORITY OF POLICE AND FIRE DEPARTMENT OFFICIALS. Provisions of this Chapter and the Iowa law relating to motor vehicles and law of the road shall be enforced by the

officers of the police department. The officers of the police department are hereby authorized to direct all traffic by voice, hand or signal in conformance with traffic laws. In the event of a fire or other emergency, officers of the police department may direct traffic as conditions require notwithstanding the provisions of the traffic laws. Officers of the fire department may direct or assist the police in directing traffic threat or in the immediate vicinity.

(Code of Iowa, Sec. 321.229)

3-3-7 REQUIRED OBEDIENCE TO PROVISIONS OF THIS CHAPTER AND STATE LAW. Any person who shall willfully fail or refuse to comply with any lawful order of a police officer or direction of a fire department officer during a fire, or who fails to abide by the provisions of this chapter and the applicable provisions of the following Iowa statutes relating to motor vehicles and the law of the road is in violation of this chapter. These sections of the Code are adopted by reference:

1. 321.98 Operation without registration.
2. 321.180 Violations of instruction permit limitations.
3. 321.193 Violation of conditions of restricted license.
4. 321.194 Violation of conditions of minor's school license.
5. 321.216 Unlawful use of license.
6. 321.218 Driving without a valid license (as to simple misdemeanor offenses only).
7. 321.219 Permitting unauthorized minor to drive.
8. 321.220 Permitting unauthorized person to drive.
9. 321.229 Failure to comply with lawful order of peace officer.
10. 321.231 Failure of driver of emergency vehicle to exercise caution while on emergency run (stop signs and signals).
11. 321.232 Radar jamming devices.
12. 321.234 Failure to observe seating requirements.
13. 321.236 (Parking) Violation of local ordinance (not a state offense).
14. 321.256 Failure to obey traffic control device.

15. 321.257 Failure to obey or yield to pedestrian or to official traffic control signal.
16. 321.260 Unlawful possession of, or interference with traffic control device.
17. 321.264 Striking unattended vehicle.
18. 321.265 Striking fixtures upon a highway.
19. 321.275 Motorcycle and motorized bicycles violations.
20. 321.277 Reckless driving.
21. 321.278 Drag racing prohibited.
22. 321.285 Speed restrictions.
23. 321.286 Truck speed limits (highway).
24. 321.287 Bus speed limits (highway).
25. 321.288 Failure to maintain control.
26. 321.294 Failure to maintain minimum speed when directed by officer.
27. 321.295 Excessive speed on bridge.
28. 321.297 Driving on wrong side of two-way highway.
29. 321.298 Failure to yield half of roadway upon meeting vehicle.
30. 321.299 Passing on wrong side.
31. 321.303 Unsafe passing.
32. 321.304 Unlawful passing.
33. 321.305 Violating one-way traffic designation.
34. 321.306 Improper use of lanes.
35. 321.307 Following too closely.
36. 321.308 Following too closely (trucks and towing vehicles).

37. 321.309 Failure to use approved drawbar.
38. 321.310 Unlawful towing of four-wheeled trailer.
39. 321.311 Turning from improper lane.
40. 321.312 Making U-turn on curve or hill.
41. 321.313 Unsafe starting of a stopped vehicle.
42. 321.314 Unsafe turn or failure to give signal.
43. 321.315 Failure to give continuous turn signal.
44. 321.316 Failure to signal stop or rapid deceleration.
45. 321.317 Signal light requirements; see equipment violation.
46. 321.318 Incorrect hand signal.
47. 321.319 Failure to yield to vehicle on right.
48. 321.320 Failure to yield upon left turn.
49. 321.321 Failure to yield upon entering through highway.
50. 321.322 Failure to obey stop or yield sign.
51. 321.323 Unsafe backing on highway.
52. 321.324 Failure to yield to emergency vehicle.
53. 321.325 Pedestrian disobeying traffic control signal.
54. 321.326 Pedestrian walking on wrong side of highway.
55. 321.327 Pedestrian right-of-way.
56. 321.328 Pedestrian failing to use crosswalk.
57. 321.329 Vehicle failing to yield to pedestrian.
58. 321.331 Soliciting ride from within roadway.
59. 321.332 Unlawful use of white cane.

60. 321.333 Failure to yield to blind person.
61. 321.340 Driving in or through safety zone.
62. 321.341 Failure to properly stop at railroad crossing.
63. 321.342 Failure to obey stop sign at railroad crossing.
64. 321.343 Failure to stop certain cargo or passenger vehicle at railroad crossing.
65. 321.344 Unlawful movement of construction equipment across railroad track.
66. 321.353 Unsafe entry into sidewalk or roadway.
67. 321.354 Stopping on traveled part of highway.
68. 321.358 Stopping, standing, or parking where prohibited.
69. 321.360 Prohibited parking in front of certain buildings.
70. 321.361 Parking too far from curb/angular parking.
71. 321.362 Parking without stopping engine and setting brake.
72. 321.363 Driving with obstructed view or control.
73. 321.365 Coasting upon downgrade.
74. 321.366 Improper use of median, curb, or controlled access facility.
75. 321.367 Failure to maintain distance fire-fighting vehicle.
76. 321.368 Crossing unprotected fire hose.
77. 321.369 Putting debris on highway/roadway.
78. 321.370 Removing injurious material.
79. 321.371 Clearing up wrecks.
80. 321.372 School bus provisions.
81. 321.377 Excessive speed of school bus.
82. 321.381 Driving or towing unsafe vehicle.

83. 321.382 Operating underpowered vehicle.
84. 321.383 Failure to display reflective device on slow-moving vehicles.
85. 321.384 Failure to use headlamps when required.
86. 321.385 Insufficient number of headlamps.
87. 321.386 Insufficient number of headlamps-motorcycles and motorized bicycles.
88. 321.387 Improper rear lamp.
89. 321.388 Improper registration plate lamp.
90. 321.389 Improper rear reflector.
91. 321.390 Reflector requirements.
92. 321.391 Improper type of reflector.
93. 321.392 Improper clearance lighting on truck or trailer.
94. 321.393 Lighting device color and mounting.
95. 321.394 No lamp or flag on rear-projecting load.
96. 321.395 Parking on certain roadways without parking lights.
97. 321.397 Improper light on bicycle.
98. 321.398 Improper light on other vehicle.
99. 321.402 Improper use of spotlight.
100. 321.403 Improper use of auxiliary driving lights.
101. 321.404 Improper brake light.
102. 321.408 Back-up lamps.
103. 321.409 Improperly adjusted headlamps.
104. 321.415 Failure to dim.
105. 321.419 Improper headlighting when night driving.

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| 106. | 321.420 | Excessive number of driving lights. |
| 107. | 321.422 | Lights of improper color-front or rear. |
| 108. | 321.423 | Special light/signal provision. |
| 109. | 321.430 | Defective braking equipment. |
| 110. | 321.431 | Brake performance ability. |
| 111. | 321.432 | Defective audible warning device. |
| 112. | 321.433 | Unauthorized use of emergency audible warning devices on motor vehicle. |
| 113. | 321.434 | Use of siren or whistle on bicycle. |
| 114. | 321.436 | Defective or unauthorized muffler system. |
| 115. | 321.437 | Mirrors. |
| 116. | 321.438 | Windshields. |
| 117. | 321.439 | Defective windshield wiper. |
| 118. | 321.440 | Defective tires. |
| 119. | 321.441 | Unauthorized use of metal tire or track. |
| 120. | 321.442 | Unauthorized use of metal projection on wheels. |
| 121. | 321.444 | Failure to use safety glass. |
| 122. | 321.445 | Failure to maintain or use safety belts. |
| 123. | 321.446 | Failure to secure child. |
| 124. | 321.449 | Special regulations. |
| 125. | 321.450 | Hazardous materials. |
| 126. | 321.454 | Width and length violations. |
| 127. | 321.455 | Excessive side projection of load – passenger vehicle. |
| 128. | 321.456 | Excessive height. |

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| 129. | 321.457 | Excessive length. |
| 130. | 321.458 | Excessive projection from front of vehicle. |
| 131. | 321.459 | Excessive weight – dual axels (each over 2000 lb. over). |
| 132. | 321.460 | Spilling loads on highways. |
| 133. | 321.461 | Excessive tow-bar length. |
| 134. | 321.462 | Failure to use required towing equipment. |
| 135. | 321.463 | Maximum gross weight. |
| 136. | 321.466 | Gross weight in excess of registered gross weight (for each 2000 lb. over). |

TRAFFIC CONTROL DEVICES.

3-3-8 STOP INTERSECTIONS. Every driver of a vehicle shall stop before entering an intersection as required herein:

1. River Street. Vehicles traveling west on River Street shall stop at Highway 64 and 52.
2. Broad Street. Vehicles traveling north on Broad Street shall stop at Highway 64 and 52.
3. Broad Street. Vehicles traveling north on Broad Street shall stop at Madison Street.
4. Broad Street. Vehicles traveling south on Broad Street shall stop at Madison Street.
5. Broad Street. Vehicles traveling north on Broad Street shall stop at Washington Street.
6. Broad Street. Vehicles traveling south on Broad Street shall stop at Washington Street.
7. Elk Street. Vehicles traveling south on Elk Street shall stop at Iowa Avenue.
8. Elk Street. Vehicles traveling north on Elk Street shall stop at Highway 6+4 and 52.
9. Elk Street. Vehicles traveling south on Elk Street shall stop at Highway 64 and 52.
10. Elk Street. Vehicles traveling north on Elk Street shall stop at Madison Street.
11. Elk Street. Vehicles traveling south on Elk Street shall stop at Madison Street.
12. Elk Street. Vehicles traveling north on Elk Street shall stop at Washington Street.

13. Elk Street. Vehicles traveling south on Elk Street shall stop at Washington Street.
14. Lake Street. Vehicles traveling north on Lake Street shall stop at Highway 64 and 52.
15. Iowa Avenue. Vehicles traveling east on Iowa Avenue shall stop at Highway 64 and 52.
16. Iowa Avenue. Vehicles traveling east on Iowa Avenue shall stop at Elk Street.
17. Division Street. Vehicles traveling east on Division Street shall stop at Highway 64 and 52.
18. Division Street. Vehicles traveling west on Division Street shall stop at Highway 64 and 52.
19. Cherry Street. Vehicles traveling east on Cherry Street shall stop at Highway 64 and 52.
20. Cherry Street. Vehicles traveling west on Cherry Street shall stop at Highway 64 and 52.
21. Sycamore Street. Vehicles traveling east on Sycamore Street shall stop at River Street.
22. Sycamore Street. Vehicles traveling east on Sycamore Street shall stop at Pearl Street.
23. Sycamore Street. Vehicles traveling west on Sycamore Street shall stop at Pearl Street.
24. Sycamore Street. Vehicles traveling west on Sycamore Street shall stop at Highway 64 and 52.
25. Highway 64. Vehicles traveling east on Highway 64 shall stop at Broad Street.
26. Madison Street. Vehicles traveling east on Madison Street shall stop at Broad Street.
27. Madison Street. Vehicles traveling west on Madison Street shall stop at Broad Street.
28. Madison Street. Vehicles traveling east on Madison Street shall stop at Elk Street.
29. Madison Street. Vehicles traveling west on Madison Street shall stop at Elk Street.
30. Washington Street. Vehicles traveling east on Washington Street shall stop at Broad Street.
31. Washington Street. Vehicles traveling west on Washington Street shall stop at Broad Street.
32. Washington Street. Vehicles traveling east on Washington Street shall stop at Elk Street.
33. Washington Street. Vehicles traveling west on Washington Street shall stop at Elk Street.

(Ord. 2-2001, Passed December 10, 2001)

3-3-9 SPECIAL YIELD REQUIRED. Every driver of a vehicle shall yield in accordance with the following:

1. River Street. Vehicles traveling south on River Street shall yield at Vulcan Street.
2. Elk Street. Vehicles traveling north on Elk Street shall yield at Iowa Avenue.
3. Elk Street. Vehicles traveling south on Elk Street shall yield at Vulcan Street.
4. Division Street. Vehicles traveling east on Division Street shall yield at River Street.
5. Division Street. Vehicles traveling west on Division Street shall yield at Elk Street.
6. Cherry Street. Vehicles traveling east on Cherry Street shall yield at Pearl Street.
7. Cherry Street. Vehicles traveling east on Cherry Street shall yield at Elk Street.
8. Cherry Street. Vehicles traveling west on Cherry Street shall yield at Elk Street.
9. Bank Street. Vehicles traveling east on Bank Street shall yield at River Street.
10. Bank Street. Vehicles traveling east on Bank Street shall yield at Pearl Street.
11. Bank Street. Vehicles traveling west on Bank Street shall yield at Pearl Street.
12. Bank Street. Vehicles traveling east on Bank Street shall yield at Broad Street.
13. Bank Street. Vehicles traveling west on Bank Street shall yield at Broad Street.
14. Bank Street. Vehicles traveling east on Bank Street shall yield at Elk Street.
15. Bank Street. Vehicles traveling west on Bank Street shall yield at Elk Street.
16. Bank Street. Vehicles traveling west on Bank Street shall yield at Lake Street.
17. Madison Street. Vehicles traveling east on Madison Street shall yield at River Street.
18. Madison Street. Vehicles traveling east on Madison Street shall yield at Pearl Street.
19. Madison Street. Vehicles traveling west on Madison Street shall yield at Pearl Street.
20. Madison Street. Vehicles traveling west on Madison Street shall yield at Lake Street.

21. Washington Street. Vehicles traveling east on Washington Street shall yield at River Street.
22. Washington Street. Vehicles traveling east on Washington Street shall yield at Pearl Street.
23. Washington Street. Vehicles traveling west on Washington Street shall yield at Pearl Street.
24. Washington Street. Vehicles traveling west on Washington Street shall yield at Lake Street.
25. Union Street. Vehicles traveling east on Union Street shall yield at River Street.
26. Union Street. Vehicles traveling east on Union Street shall yield at Pearl Street.
27. Union Street. Vehicles traveling west on Union Street shall yield at Pearl Street.
28. Union Street. Vehicles traveling east on Union Street shall yield at Broad Street.
29. Union Street. Vehicles traveling west on Union Street shall yield at Broad Street.
30. Union Street. Vehicles traveling east on Union Street shall yield at Elk Street.
31. Union Street. Vehicles traveling west on Union Street shall yield at Elk Street.
32. Union Street. Vehicles traveling west on Union Street shall yield at Lake Street.
33. Quarry Street. Vehicles traveling east on Quarry Street shall yield at Pearl Street.
34. Quarry Street. Vehicles traveling west on Quarry Street shall yield at Pearl Street.
35. Quarry Street. Vehicles traveling east on Quarry Street shall yield at Broad Street.
36. Quarry Street. Vehicles traveling west on Quarry Street shall yield at Broad Street.
37. Quarry Street. Vehicles traveling east on Quarry Street shall yield at Elk Street.
38. Quarry Street. Vehicles traveling west on Quarry Street shall yield at Elk Street.
39. Quarry Street. Vehicles traveling west on Quarry Street shall yield at Lake Street.
40. Vulcan Street. Vehicles traveling east on Vulcan Street shall yield at Broad Street.
(Ord. 2-2001, Passed December 10, 2001)

3-3-10 AUTHORITY TO INSTALL TRAFFIC-CONTROL DEVICES. The Chief of Police shall cause to be placed and maintained traffic-control devices when and as required under this Chapter or other Ordinances of this City to make effective their provisions, and may so cause to be placed and maintained such additional, emergency, or temporary traffic-control devices for the duration of an emergency or temporary condition as traffic conditions may require, to regulate traffic under the traffic Ordinances of this City or under State law or to guide or warn traffic.

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

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

(Code of Iowa, Sec. 321.255 and 321.256)
(Amended during 2015 codification)

3-3-11 CHIEF OF POLICE TO DESIGNATE CROSSWALKS, ESTABLISH, AND MARK TRAFFIC LANES. The Chief of Police is hereby authorized:

1. To designate and maintain by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where, due to traffic conditions, there is particular danger to pedestrians crossing the street or roadway, and at such other places as traffic conditions require.

2. To mark lanes for traffic on street pavements at such places as traffic conditions require, consistent with the traffic Code of this City. Where traffic lanes have been marked, it shall be unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of a lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

3-3-12 PLAY STREETS. The Chief of Police has the authority to declare any street or part thereof a play street and to place appropriate signs or devices in the roadway indicating and helping to protect the same.

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

SPEED REGULATIONS.

3-3-13 CHANGING STATE SPEED LIMITS IN CERTAIN ZONES. It is hereby determined upon the basis of an engineering and traffic investigation that the speed permitted by State law upon the following streets or portions thereof is greater or less than is necessary for the safe operation of vehicles thereon, and it is declared that the maximum speed limit upon these streets or portions thereof described shall be as follows:

1. Increased speed limit: None

2. Lower speed limit: None

a. A speed on Highway 64 in excess of forty-five (45) miles per hour from the west line of the Sabula city limits east to a point four hundred (400) feet west of Lake Street is unlawful.

b. A speed on Highway 64 in excess of thirty (30) miles per hour from a point four hundred (400) feet west of Lake Street to a point fifty (50) feet north of River Street is unlawful.

c. A speed on Broad Street/Highway 64 in excess of thirty (30) miles per hour from a point fifty (50) feet north of River Street to the north City limit line of Sabula is unlawful.

d. A speed in excess of thirty-five (35) miles per hour on Iowa Avenue from the west City limit to a point five hundred (500) feet west of the ballpark is unlawful.

e. A speed in excess of twenty-five (25) miles per hour on Iowa Avenue from a point five hundred (500) feet west of the ballpark east to Broad Street is unlawful.

f. A speed in excess of twenty (20) miles per hour on South Avenue from the railroad underpass south to the county campground is unlawful.

(Code of Iowa, Sec. 321.290)

g. A speed in excess of twenty five (25) miles per hour in the City's portion of Cottage Street is unlawful.

(Ord. 4-2005, November 15, 2005)

TURNING MOVEMENTS.

3-3-14 TURNING MARKERS, BUTTONS AND SIGNS. The Chief of Police may cause markers, buttons, or signs to be placed within or adjacent to intersections, and thereby require and direct, as traffic conditions require, that a different course from that specified by the State law be traveled by vehicles turning at intersections, and when markers, buttons, or signs are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by the markers, buttons, or signs, including right-hand turns at intersections with automatic traffic signals.

(Code of Iowa, Sec. 321.311)

3-3-15 AUTHORITY TO PLACE RESTRICTED TURN SIGNS. The Chief of Police is authorized to determine those intersections, as traffic conditions require, at which the drivers of vehicles shall not make a right or left turn. The making of turns may be prohibited between certain hours of any day, in which event the same shall be plainly indicated on signs.

3-3-16 OBEDIENCE TO NO-TURN SIGNS. Whenever authorized signs are erected indicating that no right or left turn is permitted, no driver of a vehicle shall disobey the directions of any such signs.

3-3-17 "U" TURNS. It shall be unlawful for a driver to make a "U" turn except at an intersection. "U" turns are prohibited at intersections within the business district and at intersections where there are automatic traffic signals.

ONE-WAY STREETS AND ALLEYS.

3-3-18 AUTHORITY TO DESIGNATE ONE-WAY STREETS AND ALLEYS. Whenever any traffic Code of this City designates any one-way street or alley the Chief of Police shall cause to be placed and maintained signs giving notice thereof and the regulation shall not be effective unless the signs are in place. Signs indicating the direction of traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited. It shall be unlawful for any person to operate any vehicle in violation of markings, signs, barriers or other devices placed in accordance with this section.

3-3-19 ONE-WAY STREETS AND ALLEYS. Upon the following streets and alleys vehicular traffic shall move only in the indicated direction:

1. River Street shall be southbound from Cherry Street to Madison Street.
(Ord. 3-2000, Passed November 13, 2000)
2. River Street shall be southbound only from Quarry Street to Vulcan Street.

3-3-20 AUTHORITY TO RESTRICT DIRECTION OF MOVEMENT ON STREETS DURING CERTAIN PERIODS. The Chief of Police is authorized to determine and recommend to the City Council certain streets, or specified lanes thereon, upon which vehicular traffic shall proceed in one direction during one period and the opposite direction during another period of the day and shall, upon authority given by Ordinance, place and maintain appropriate markings, signs, barriers, or other devices to give notice thereof. The Chief of Police may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the center line of the roadway.

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

The following streets may have variable laning or direction of traffic at different times of day as marked by authorized signs under the provisions of this section: None

SPECIAL STOPS REQUIRED.

3-3-21 THROUGH HIGHWAYS. Streets or portions of streets described below are declared to be through highways:

1. Highway 64 West bound
2. Highway 64 East bound between Sycamore Street and the north City limits.
(Code of Iowa, Sec. 321.345 and 321.350)

3-3-22 AUTHORITY TO ERECT STOP SIGNS. Whenever any Ordinance of this City designates and describes a through highway it shall be the duty of the Chief of Police to cause to be placed and maintained a stop sign on each and every street intersecting through highway except as modified in the case of intersecting through highways.

3-3-23 STOPS AT INTERSECTING THROUGH HIGHWAYS AND OTHER INTERSECTIONS. At the intersections of through highways and at intersections upon streets other than through highways, where, because of heavy cross-traffic or other traffic conditions, particular hazard exists, the Chief of Police is hereby authorized to determine whether vehicles shall stop or yield at one or more entrances to the intersection and shall present recommendations to the City Council, and, upon approval of the City Council, shall erect an appropriate sign at every place where a stop or yield is required.

3-3-24 STOP WHEN TRAFFIC IS OBSTRUCTED. Notwithstanding any traffic-control signal indication to proceed, no driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle.

3-3-25 SCHOOL STOPS. When a vehicle approaches an authorized school stop, the driver shall bring the vehicle to a full stop at a point ten feet from the approach side of the crosswalk marked by an authorized school stop sign, and thereafter proceed in a careful and prudent manner until the driver shall have passed such school site.

1. Elk Street at Madison
2. Broad Street at Washington
3. Broad Street at Madison
4. Elk Street at Washington
5. Elk Street at Division

(Amended during 2020 codification)

PEDESTRIANS' RIGHTS AND DUTIES.

3-3-26 PROHIBITED CROSSING. Pedestrians crossing a street in the business district shall cross in the crosswalks only.

(Code of Iowa, Sec. 321.327)

3-3-27 PEDESTRIANS ON LEFT. Where sidewalks are provided it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway. Where sidewalks are not provided pedestrians at all times when walking on or along a roadway, shall walk on the left side of the roadway.

(Code of Iowa, Sec. 321.326)

METHOD OF PARKING.

3-3-28 STANDING OR PARKING CLOSE TO CURB. No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the right-hand wheels of the vehicle within eighteen inches of the curb or edge of the roadway except as provided in the case of angle parking and vehicles parked on the left-hand side of one-way streets.

(Code of Iowa, Sec. 321.361)

3-3-29 STANDING OR PARKING ON THE LEFT-HAND SIDE OF ONE-WAY STREETS. No person shall stand or park a vehicle on the left-hand side of a one-way street other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the left-hand wheels of the vehicle within eighteen inches of the curb or edge of the roadway except as provided in the case of angle parking.

(Code of Iowa, Sec. 321.361)

3-3-30 SIGNS OR MARKINGS INDICATING ANGLE PARKING. The Chief of Police, as traffic conditions require, shall determine upon what streets angle parking shall be permitted and shall mark or sign the streets or portions thereof indicating the method of angle parking. The determination shall be subject to approval by City Council resolution.

(Code of Iowa, Sec. 321.361)

3-3-31 OBEDIENCE TO ANGLE PARKING SIGNS OR MARKINGS. Upon those streets or portions of streets that have been signed or marked for angle parking, no person shall park or stand a vehicle other than at an angle to the curb or edge of the roadway or in the center of the roadway as indicated by the signs and markings.

STOPPING, STANDING, OR PARKING PROHIBITED IN SPECIFIED PLACES.

3-3-32 STOPPING, STANDING, OR PARKING PROHIBITED IN SPECIFIED PLACES. No person shall stop, stand or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control device, in any of the following places:

(Code of Iowa, Sec. 321.358)

1. In any public alley within the fire limits of this City.
2. In any private alley within the fire limits of this City in such a manner that ingress or egress of fire apparatus to or from such alley might be blocked.

3. Within thirty-five feet of a crosswalk at an intersection.
4. On the center parkway or dividing area of any divided street.
5. Within twenty feet on either side of a mailbox that is so placed and so equipped as to permit the depositing of mail from vehicles on the roadway.
6. No person shall park a vehicle closer than a distance of 2 feet from the outside edge of any driveway.
7. No parking on South Avenue from South Flood Control Levee to the Jackson County Conservation Campgrounds (on both sides).
8. Traveling and or parking is prohibited on any part of any levee surrounding the City of Sabula by any motor vehicle except those used in the maintenance of such levees.
9. No parking on the levee at the North end of Sabula.
(Amended during 2020 codification)
10. Reserved.
11. Reserved.
12. Reserved.
(Amended during 2020 codification)
13. No parking allowed anytime, except Fire and Ambulance personnel, both sides of Vulcan St. in the 200 block.
(Ord. 2-2001, Passed December 10, 2001)
14. No parking allowed anytime, both sides of Cottage St. (608th Ave.) south of Hwy 64 to the edge of Sabula City limits.
(Ord. 2-2001, Passed December 10, 2001)
15. No parking allowed anytime, east side of River St. in the 400 block.
(Ord. 2-2001, Passed December 10, 2001)
16. On the east side of Hwy 64 (Broad St.) in the 400 block, up to 162' north of Sycamore St., there shall be 30 minute parking.
(Ord. 2-2001, Passed December 10, 2001)
17. No parking allowed anytime, except Fire, Police or EMS, for vehicles pulling any type of trailer on the North side of Sycamore Street between River and Pearl Streets, and on the East side of the 400 block of Pearl Street, North from Sycamore Street to Cherry Street. Also, on 400 block of River Street either side from Cherry Street South to Sycamore Street.

(Ord. 7-2002, Passed June 11, 2002)

18. No parking allowed anytime, except Fire, Police and Ambulance personnel, both sides of River Street in the 100 block.

(Ord. 7-2002, Passed June 11, 2002)

(Ord. 12-2002, Passed August 13, 2002)

3-3-33 AUTHORITY TO PAINT CURBS AND ERECT SIGNS PROHIBITING STANDING OR PARKING. When, because of restricted visibility or when standing or parked vehicles constitute a hazard to moving traffic, or when other traffic conditions require, the Chief of Police may cause curbs to be painted with a yellow or orange color and erect "no parking" or "standing" signs. It shall be unlawful for the operator of any vehicle to stand or park a vehicle in an area so painted or sign-posted. It shall be unlawful for any person, other than after having first secured the permission of the Chief of Police, to paint any curbing, sidewalk or street with yellow or orange colored paint or to erect "no parking" signs.

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

3-3-34 AUTHORITY TO IMPOUND VEHICLES. Members of the police department are authorized to remove, or cause to be removed, a vehicle from a street, public alley, or highway to the nearest garage or other place of safety, or to a garage designated or maintained by the police department, or otherwise maintained by the City, under the following circumstances:

1. When a vehicle is upon a roadway and is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal.

2. When any vehicle is left unattended upon a street and constitutes a definite hazard or obstruction to the normal movement of traffic.

3. When a vehicle is left parked upon a street for a continuous period of forty-eight hours or more. In order for any vehicle to be exempt from this section, it is necessary for an additional one mile to appear on the vehicle's odometer every 48 hours, OR the vehicle shall be moved to the opposite side of the street in a legal parking position. A diligent effort shall be made to locate the owner after the forty-eight hours has expired to give opportunity to remove the vehicle.

(Ord. 1-2003, Passed April 15, 2003)

4. When any vehicle is left parked in violation of a ban on parking during a snow emergency as proclaimed by the Mayor.

5. No person shall park or store a trailer, camper, wagon or other non-motorized piece of equipment that is designed to be towed by a motor vehicle, which has been disconnected from the tow vehicle, upon any public right of way, for a period of not more than 12 hours.

(Ord. 1-2003, Passed April 15, 2003)

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

STOPPING, STANDING OR PARKING.

3-3-35 PARKING SIGNS REQUIRED. Whenever by this or any other Chapter of this City Code any parking time limit is imposed or parking is prohibited on designated streets or portions of streets it shall be the duty of the Police Chief to erect appropriate signs giving notice thereof and the regulations shall not be effective unless signs are erected and in place at the time of any alleged offense. When signs are erected giving notice thereof, no person shall disobey the restrictions stated on such signs.

(Code of Iowa, Sec. 321.236)

3-3-36 PROHIBITED PARKING DURING STREET CLEANING AND EMERGENCIES. During street clearing and maintenance emergencies the following emergency procedures may be invoked by the Mayor and/or the City Manager.

1. Notification to the citizens of Sabula of such an emergency may be made by radio broadcast from the following radio stations.

WCCI Savanna, Illinois

Phone No. 1-815-273-7757

(Amended during 2020 codification)

2. Following the notification to Sabula residents that emergency street maintenance procedures have been declared, all vehicles parked along east and west streets will be moved by their owners to north and south streets. When work has been completed on east and west streets all vehicles will be moved to east and west streets until all work has been completed on north and south streets.

(Ord. 1-2005, Passed February 15, 2005)

3. Any snowfall with an accumulation of 3 inches or more, or any major street maintenance, may be considered an emergency.

4. All vehicle owners will move their vehicles at the request of any City employee for the purpose of street cleaning and maintenance.

5. When ever possible off street parking will be utilized during such emergencies.

6. Declared emergencies will not excuse violations of regulations contained in the City Code.

7. Vehicle owners may move their vehicles back to their respective parking places as soon as they are sure that all street work has been completed at that location.

8. The above articles do not rescind any present rules and regulations set forth in the City Code.

(Code of Iowa, Sec. 321.236)

3-3-37 ALL-NIGHT PARKING PROHIBITED. No person, except physicians or other persons on emergency calls, shall park a vehicle on any street marked to prohibit all night parking and giving notice thereof, for a period of time longer than thirty minutes between the hours of 2 a.m. and 5 a.m. of any day.

3-3-38 WEIGHT RESTRICTIONS. Vehicles weighing 6000 lbs. or more, loaded or unloaded, are prohibited from travel or parking on any City street, EXCEPT tractors, (no trailer) may be driven to the residence and parked on private property, local delivery and travel on Sycamore or Broad Streets as part of Highway 64.

(Ord. 2-92, Passed May 4, 1992)

MISCELLANEOUS DRIVING RULES.

3-3-39 VEHICLES NOT TO BE DRIVEN ON SIDEWALKS. The driver of a vehicle shall not drive upon or within any sidewalk area except at a driveway, or park upon a sidewalk area, except in an area where a City Council permit has been given to construct parking spaces that will not constitute a hazard when using the area, such as backing into traveled way.

3-3-40 CLINGING TO VEHICLES. No person shall drive a motor vehicle on the streets of this City unless all passengers of the vehicle are inside the vehicle in the place intended for their accommodation. No person shall ride on the running board of a motor vehicle or in any other place not customarily used for carrying passengers. No person riding upon any bicycle, coaster, roller skates, skateboard, sled or toy vehicle shall attach the same or himself or herself to any vehicle upon a roadway.

(Ord. 2-2001, Passed December 10, 2001)

3-3-41 PARKING FOR CERTAIN PURPOSES PROHIBITED. No person shall park a vehicle upon the roadway for the principal purpose of:

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

3-3-42 DRIVING THROUGH FUNERAL OR OTHER PROCESSION. No driver of any vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when the vehicles are conspicuously designated as required in this Chapter. This provision shall not apply at intersections where traffic is controlled by traffic-control signals or police officers.

3-3-43 DRIVERS IN A PROCESSION. Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practical and shall follow the vehicle ahead as closely as is practical and safe.

3-3-44 FUNERAL PROCESSIONS TO BE IDENTIFIED. A funeral procession composed of vehicles shall be identified as such by the display upon the outside of each vehicle of a pennant or other identifying insignia or by such other method as may be determined and designated by the police department.

3-3-45 LOAD RESTRICTIONS UPON VEHICLES USING 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 the signs at any time upon any of the following streets or parts of streets: No motor vehicle weighing five tons or more shall operate on City streets except for the purpose of loading or unloading.

3-3-46 TRUCK ROUTES.

1. Every motor vehicle weighing five tons or more, when loaded or empty, having no fixed terminal within the City or making no schedule or definite stops within the City for the purpose of loading or unloading, shall travel over or upon the following streets within the City and none other: Highway 64.

2. Any motor vehicle weighing five tons or more, when loaded or empty, having a fixed terminal, making a scheduled or definite stop within the City for the purpose of loading or unloading, shall proceed over or upon the designated routes set out in this section to the nearest point of its scheduled or definite stop and shall proceed thereto, load or unload and return, by the most direct route to its point of departure from the designated route.

3. The owner, or any other person, employing or otherwise directing the driver of any vehicle shall not require or knowingly permit the operation of such vehicle upon a street in any manner contrary to this section.

3-3-47 ENGINE BRAKES AND COMPRESSION BRAKES.

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

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

3. The scheduled fine for a violation of this Section shall be fifty dollars.

(Ord. 2-2001, Passed December 10, 2001)

BICYCLE REGULATIONS.

3-3-48 DEFINITIONS. For the purpose of this Chapter the following terms are defined:

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

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

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

(Code of Iowa, Sec. 321.1)

(ECIA Model Code Amended in 2008)

3-3-49 TRAFFIC CODE APPLIES TO PERSONS RIDING BICYCLES. Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to drivers of vehicles by the laws of this State regarding rules of the road applicable to vehicles or by the traffic Ordinances of this City applicable to drivers of vehicles, except as to those provisions which by their nature can have no application. Whenever a person dismounts from a bicycle such person shall be subject to all regulations applicable to pedestrians.

3-3-50 RIDING ON BICYCLES. A person propelling a bicycle shall not ride other than astride a permanent and regular seat.

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

3-3-51 RIDING ON ROADWAYS AND BICYCLE PATHS. Every person operating a bicycle upon a roadway shall ride as near to the right-hand side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

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

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

3-3-52 SPEED. No person shall operate a bicycle at a speed greater than is reasonable and prudent under existing conditions.

3-3-53 EMERGING FROM ALLEY OR DRIVEWAY. The operators of a bicycle emerging from an alley, driveway, or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right of way to all pedestrians approaching on the sidewalk or sidewalk area, and upon entering the roadway shall yield the right of way to all vehicles approaching on said roadway.

3-3-54 CARRYING ARTICLES. No person operating a bicycle shall carry any package, bundle, or article which prevents the rider from keeping at least one hand upon the handle bars.

3-3-55 PARKING. Bicycles shall be parked upon the roadway of a street against the curb, or upon the sidewalk in a rack to support bicycles, or against a building, or at the curb, in such a manner as to afford the least obstruction to pedestrian traffic.

3-3-56 RIDING ON SIDEWALKS. No person shall ride a bicycle on a sidewalk within a business district.

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

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

3-3-57 LAMPS AND OTHER EQUIPMENT ON BICYCLES. Every bicycle when in use at nighttime shall be equipped with a lamp on the front that emits a white light visible from a distance of at least 500 feet to the front and with a red reflector on the rear of a type that is visible from all distances from 50 feet to 300 feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector.

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

SNOWMOBILES.

3-3-58 SNOWMOBILE AND ATV DEFINITIONS.

(Ord. 2-2003, Passed July 15, 2003)

1. "Snowmobile" means a self-propelled vehicle designed for travel on snow or ice in a natural terrain steered by wheels, skis or runners.

2. "ATV" means a motor vehicle designed to travel on three or more wheels and designed primarily for off road use but not including farm tractors, construction equipment, forestry vehicles or lawn and grounds maintenance vehicles.

(Iowa Code 321.1(4))

3. "Operate" means to control the operation of a snowmobile or ATV.

4. "Operator" means a person who operates or is in actual control of a snowmobile or ATV.

3-3-59 PERMITTED AREAS OF OPERATION. Snowmobiles and ATVs will be allowed to operate in the City as follows:

(Ord. 2-2003, Passed July 15, 2003)
(Ord, 1-2007, Passed April 16, 2007)

1. Snowmobiles and ATVs may not be operated from March 1 to December 1.
2. Unplowed Streets. Snowmobiles and ATVs may be operated upon streets which have not been plowed during the snow season.
3. Designated Snowmobile/ATV Areas. Snowmobiles and ATVs may be operated in the following designated areas:
 - a. Parkway areas between the Middle Lake and Lake Street from Union Street to U.S. 64, 52 and Sycamore Street.
 - b. The south ten (10) feet of Vulcan Street from Broad Street to Lake Street.
3. Snowmobile/ATV Routes. Snowmobiles and ATVs may be operated in the following areas for the sole and exclusive purpose of ingress to and egress from the City or other approved place of operation. Snowmobiles and ATVs shall not be operated in snowmobile/ATV routes solely for entertainment or pleasure.
 - a. South of U.S. 64, 52 and Sycamore Street: From the place of residence to the nearest east-west street, then directly to Lake Street.
 - b. North of U.S. 64, 52 and Sycamore Street: From the place of residence to the nearest east-west street, then directly to the east bank of the North Lake.
 - c. Lake Street and Parkway: From U.S. 64, 52 and Sycamore Street to the Iowa Chicago Eastern Railroad tracks.
 - d. North Lake: From Lake Street east on U.S. 64/52 and Sycamore Street to Broad Street. Then from Broad Street west on U.S. 64/52 and Sycamore Street to Lake and along the east bank of the north Lake as close to the shoreline as possible.
 - e. North Park Area: On the outer ten (10) foot perimeter only.
 - f. Iowa Avenue: From Elk Street to the natural gas pumping station.
 - g. North Slough Area: Across Elk Street levee crossing only.
 - h. South Lake Area: From Vulcan Street north on Broad Street to Quarry Street. Then south on Broad & Quarry Street, under the Milwaukee viaduct to South Avenue. Then South Avenue levee crossing only.
 - i. Middle Lake: From Lake Street to lake.

j. Elk Street: From the intersection of Elk Street and Iowa Avenue to River Street, in River Street directly to parking lot. Then north on Pearle Street to River Street to Iowa Avenue. On Iowa Avenue to the intersection of Iowa Avenue and Elk Street.

4. Emergency Operation. In the event of an emergency, or heavy snowfall, any street or streets as designated by the mayor or mayor pro-tem, or in the absence of both aforementioned parties, as designated by the City Council.

3-3-60 REGULATIONS. It shall be unlawful for any person to operate a snowmobile or ATV under the following circumstances:

(Ord. 2-2003, Passed July 15, 2003)

1. On private property of another without the express permission to do so by the owner or occupant of said property.

2. On public school grounds, park property, playgrounds, recreational areas and golf courses without express permission to do so by the proper public authority.

3. In a manner so as to create loud, unnecessary or unusual noise so as to disturb or interfere with the peace and quiet of other persons.

4. In a careless, reckless or negligent manner so as to endanger the safety of any person or property of any other person.

5. Without having such snowmobile/ATV registered as provided for by Iowa Statute except that this provision shall not apply to the operation of a snowmobile or ATV on the private property of the owner by the owner or a member of his immediate family.

6. Within the right-of-way of any public street or alley within the City unless the operator shall have a valid driver's license; or an instruction permit and accompanied by a qualified licensed driver.

7. No person shall operate a snowmobile or ATV in the City from two o'clock (2:00) a.m. to eight o'clock (8:00) a.m., except for the purpose of loading and unloading a snowmobile from another vehicle or trailer.

3-3-61 EQUIPMENT REQUIRED. All snowmobiles within the City shall have the following equipment:

(Ord. 2-2003, Passed July 15, 2003)

1. Mufflers which are properly attached and which reduce the noise of operation of the vehicle to the minimum noise necessary for operating the vehicle and no person shall use a muffler cut-out, by-pass or similar device on said vehicle.

2. Adequate brakes in good condition and at least one headlight and one taillight.

3. A safety or so-called "dead-man" throttle in operating condition; a safety or "dead-man" throttle is defined as a device which when pressure is removed from the accelerator or throttle causes the motor to be disengaged from the driving track. This section applies only to snowmobiles.

3-3-62 UNATTENDED VEHICLES. It is unlawful for the owner or operator to leave or allow a snowmobile or ATV to be or remain unattended on public property while the motor is running or the key left in the ignition.

(Ord. 2-2003, Passed July 15, 2003)

3-3-63 RESTRICTION OF OPERATION. The City Council may, by resolution, prohibit the operation of snowmobiles and ATVs within the right-of-way of the public roads, streets or alley or other City property within the City when the public safety and welfare so requires.

(Ord. 2-2003, Passed July 15, 2003)

3-3-64 TRAFFIC REGULATION. Each person operating a snowmobile or ATV shall strictly observe all traffic signs and signals and all other traffic rules and regulations applicable thereto, and shall obey the orders and directions of any police officer of the City authorized to direct or regulate traffic.

(Ord. 2-2003, Passed July 15, 2003)

WATERCRAFT REGULATIONS.

3-3-65 REGULATIONS FOR WATERCRAFT. The following specified areas of regulation shall be enforced as law within the City of Sabula with fines and penalties the same as outlined in the City Ordinances, and Code of Iowa and Federal code. City, County, State and Federal law enforcement agencies shall be responsible for enforcing these regulations.

1. Parking at public boat launching areas. No motor vehicle or trailer attached to said vehicle or detached trailer shall block access into or out of a boat launching area or interfere with the proper parking of vehicles and trailers of other users of the launching area.

2. Annual fee for use of public launches. Effective March 1, 1989, City residents shall be required to pay an annual (to be current from March of current year through the last day of February of the following year) user fee of \$5.00 for using boat launches and parking areas. Non-resident users will purchase an annual permit for \$100.00 or non-residents will purchase a daily permit for \$5.00. Decals will be placed on dashboard where visible from outside at all times when vehicle is in launch and parking area. All persons who fail to purchase and display decal will be liable for a fine of \$100.00 for each offense. All holders of waterfront leases shall be given free permit and presented with the decal upon payment of the annual lease fee. City, County, State, and Federal government vehicles using the area for official business will not require the decal.

(Amended during 2015 codification)

3. Watercraft loading, unloading and parking. No vehicle while unloading or loading their watercraft shall block access to the launching area more than five minutes. Launching lanes shall be kept open for watercraft launching or loading and not used for other activities. Watercraft in the water shall not block usage of the launch area.

4. Five mile per hour areas. A five mile per hour area is designated and shall be so marked with buoys from the North Sabula Boat Launch and continuing east and south along the shoreline of Sabula downstream to the extension of Bank Street. A five mile per hour area shall also be in effect for the entry into Island City Harbor, both entries into the South Sabula Lakes area from Huble Slough and an area around the County Conservation Boat Launch area in South Sabula Lake.

(Ord. 4-90, Passed August 6, 1990)

5. Campground. At the campground, the City of Sabula shall extend the "no wake zone" from its current 100 feet from the boat ramp to 600 feet to the east of the boat ramp. At the north landing, the City of Sabula shall extend the "no wake zone" from its current 100 feet to the west of the boat ramp to 250 feet to the west of the boat ramp.

(Ord. 2-98, Passed May 11, 1998)

PENALTIES AND PROCEDURE ON ARREST.

3-3-66 CITATION PLACED ON ILLEGALLY PARKED VEHICLE. Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by any Ordinance of this City or State law, the officer finding such vehicle shall prepare a written parking citation giving the registration number, and other identifying information to such vehicle in a conspicuous place and directing the driver of the vehicle to appear at the place designated in the citation within seven days, or to pay the local scheduled fine established by the section titled "LOCAL PARKING FINES" in this Chapter at the City Clerk's office as provided therein.

(Ord. 2-2001, Passed December 10, 2001)

3-3-67 PRESUMPTION IN REFERENCE TO ILLEGAL PARKING. In any prosecution charging a violation of any parking Ordinance or State law governing the standing, stopping, or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such Ordinance or law, together with proof that the defendant named in the complaint was at the time of such parking violation the registered owner of such vehicle, shall constitute prima facie evidence that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which such violation occurred.

3-3-68 LOCAL PARKING FINES. Scheduled fines as follows are established, payable by mail or in person at the City Clerk's office within thirty (30) days of the violation, for the following parking violations:

- | | |
|--------------------------------------|-----------|
| 1. Prohibited parking | \$ 25.00 |
| 2. No parking zone | \$ 25.00 |
| 3. Blocking driveway | \$ 25.00 |
| 4. Illegal parking | \$ 25.00 |
| 5. Street cleaning | \$ 25.00 |
| 6. Snow removal ban | \$ 25.00 |
| 7. Persons with disabilities parking | \$ 100.00 |
| 8. Parking on Levee | \$ 500.00 |

(Code of Iowa, Sec. 321L.4(2))

(Ord. 2-2001, Passed December 10, 2001)
(Ord. 2-2012, Passed January 23, 2012)
(Amended during 2020 codification)

3-3-69 FAILURE TO PAY PARKING CITATIONS. If a violator of the restrictions on stopping, standing, or parking under the parking Ordinances of this City or of State law fails to make payment of the scheduled fine as specified on a parking citation affixed to such motor vehicle within the seven days, the City shall send the owner of the motor vehicle to which the parking citation was affixed a letter informing the owner of the violation and warning that in the event such letter is disregarded for a period of five days from date of mailing, a court citation will be issued requiring a court appearance and subjecting the violator to court costs.

GOLF CARTS

3-3-70 DEFINITIONS. For the purpose of this Ordinance, the term “golf cart” is defined as a 4-wheeled motor vehicle designed to transport one or more persons on a golf course, and any off road utility motor vehicle as defined in Iowa Code Section 321I.1(16)(a) to the extent permitted by law. A golf cart designed with one bench seat shall not transport more than two persons. A golf cart designed with two bench seats shall not transport more than four persons.

(Ord 2-2009, Passed July 28, 2009)
(Ord 2-2011, Passed December 19, 2011)
(Ord 1-2013, Passed January 28, 2013)

3-3-71 OPERATION OF GOLF CARTS. Golf carts may be operated on public streets and alleys within the corporate city limits of Sabula, Iowa from sunrise to sunset by persons possessing a valid driver’s license and a permit issued in accordance with Section 3-3-71. However, a golf cart shall not be operated upon a city street which is a primary road extension through the City but shall be allowed to cross a city street which is a primary road extension through the City. Golf carts shall be equipped with a slow moving vehicle sign, a bicycle safety flag, and adequate brakes.

1. Residents owners and operators of golf carts may apply for an annual permit to be issued by the City Clerk of Sabula, Iowa on forms provided by the City of Sabula, Iowa. Each application for a permit shall be accompanied by a fee of \$25.00 payable to the City of Sabula, Iowa.

2. The City Clerk of Sabula, Iowa shall not issue a permit authorizing the operation of a golf cart on any public street or alley within the corporate city limits of Sabula, Iowa until the owner/operator has provided the following:

a. Documentation that the owner/operator is at least 18 years of age and possesses a valid driver’s license.

b. Documentation that the owner/operator has in force liability insurance coverage of not less than \$100,000 per person per incident which coverage includes the operation of golf carts on public streets and alleys.

c. The permit issued by the City Clerk shall specifically identify the name and address of the owner/operator to whom the permit is issued.

d. Documentation that the owner/operator is a resident of the City of Sabula.

3. A permit issued under this Ordinance shall be evidenced by a permit sticker issued by the City Clerk of Sabula, Iowa. The permit and the permit sticker shall be effective from January 1st through December 31st of the calendar year in which the permit is issued.

4. The operator of a golf cart shall display the permit sticker issued by the City Clerk of Sabula, Iowa in a prominently visible place on the rear of the golf cart.

5. Any person violating this ordinance is guilty of a misdemeanor as defined in Title I, General Provisions, Chapter 3 – Penalty, Section 1-3-1 of the Sabula Code of Ordinances (2006), and any subsequent amendments thereto.

(Ord 2-2009, Passed July 28, 2009)

(Ord. 1-2011, Passed November 28, 2011)

(Ord. 2-2011, Passed December 19, 2011)

(Ord. 1-2013, Passed January 28, 2013)

(Amended during 2015 codification)

3-3-72 MOTOR VEHICLE TRAFFIC ON LEVEE PROHIBITED.

1. “Motor Vehicle” as used herein is defined as any self-propelled device in, upon, or by which any person is or may be transported or drawn. Motor Vehicle as used herein shall include, but is not limited to, cars, automobiles, trucks, motorcycles, motorized bicycles, all-terrain vehicles, off-road utility vehicles, tractors, farm equipment, construction equipment, forestry vehicles, lawn and grounds maintenance vehicles, garden tractors, and all similar self-propelled devices.

2. Motor Vehicle traffic on any portion of any levee surrounding the City of Sabula is hereby banned and prohibited, with the exception of motorized vehicles authorized by the City of Sabula for use in the maintenance and repair of the levee.

3. The scheduled fine for violation of this Ordinance is \$500.00, payable by mail or in person at the City Clerk’s office within thirty (30) days of the violation.

(Ord. 1-2012, Passed January 23, 2012)

(Amended during 2020 codification)

TITLE III COMMUNITY PROTECTION

CHAPTER 4 - CONTROLLED ACCESS FACILITIES

- 3-4-1 Exercise of Police Power
- 3-4-2 Definition
- 3-4-3 Right of Access Limited
- 3-4-4 Access Controls Imposed on Iowa No. 64
- 3-4-5 Permitted Access Points Iowa No. 64

3-4-1 EXERCISE OF POLICE POWER. This Chapter shall be deemed an exercise of the police power of the City under Chapter 306A, Code of Iowa, 1999, for the preservation of the public peace, health, safety and for the promotion of the general welfare.

(Code of Iowa, 1999, Sec. 306A.1)
(Ord. 2-2001, Passed December 10, 2001)

3-4-2 DEFINITION. The term "controlled access facility" shall mean a highway or street especially designed for through traffic, and over, from or to which owners or occupants of abutting land or other persons have no right or easement or only a controlled right or easement of access, light, air or view by reason of the fact that their property abuts upon such controlled-access facility or for any other reason.

(Code of Iowa, 1999, Sec. 306A.2)

3-4-3 RIGHT OF ACCESS LIMITED. No person shall have any right of ingress or egress to, from or across any controlled access facility except at such points as may be permitted by the Iowa Department of Transportation and designated by Ordinance.

(Code of Iowa, 1999, Sec. 306A.3)

3-4-4 ACCESS CONTROLS IMPOSED ON IOWA NO. 64. There are hereby fixed and established controlled-access facilities on the Primary Road System extension improvement, Project No. FN 64-9(1)-21-49 Primary Road No. Iowa 64 within the City of Sabula described as follows: On the present route of Iowa 64 from Station 1430+71.15 northerly to Station 1452+800 (NCL), regulation access to and from abutting properties along said highway all in accordance with the plans for such improvement identified as Project No. FN-64-9(1)-21-49 on file in the office of the City Clerk.

(Code of Iowa, 1999, Sec. 306A.3)

3-4-5 PERMITTED ACCESS POINTS IOWA NO. 64. Points of access are hereby permitted as follows:

| <u>Stations</u> | <u>Side of Street</u> | <u>Width</u> | <u>Use</u> |
|-----------------|-----------------------|--------------|--------------|
| 1431+24 | Left | 22 Feet | Commercial |
| 1432+00 | Right (South) | 36 Feet | Broad Street |
| 1432+00 | Right (East) | 36 Feet | Sycamore |

| | | | |
|---------|----------------|---------|-----------------|
| 1432+85 | Right | 22 Feet | Commercial |
| 1432+35 | Right | 45 Feet | Fire Station |
| 1434+00 | Right | 40 Feet | Commercial |
| 1433+73 | Left | 20 Feet | Residential |
| 1435+19 | Left | 20 Feet | Residential |
| 1436+51 | Right and Left | 36 Feet | Cherry |
| 1437+84 | Left | 20 Feet | Residential |
| 1438+62 | Left | 20 Feet | Residential |
| 1439+17 | Left | 20 Feet | Residential |
| 1435+65 | Right | 38 Feet | Commercial |
| 1437+34 | Right | 24 Feet | Residential |
| 1438+62 | Right | 22 Feet | Residential |
| 1439+17 | Right | 35 Feet | Commercial |
| 1441+03 | Right and Left | 36 Feet | Division Street |
| 1441+66 | Left | 45 Feet | Commercial |
| 1441+66 | Right | 45 Feet | Commercial |
| 1442+12 | Right | 35 Feet | Commercial |
| 1442+70 | Right | 36 Feet | Street |
| 1443+00 | Left | 36 Feet | Street |
| 1444+42 | Left | 24 Feet | Residential |
| 1445+10 | Right | 24 Feet | Residential |
| 1445+73 | Left | 24 Feet | Residential |

(Code of Iowa, 1999, Sec. 306A.4)

TITLE III COMMUNITY PROTECTION

CHAPTER 5 - FIRE PROTECTION

| | | | |
|-------|---------------------------|--------|-----------------------------|
| 3-5-1 | Establishment and Purpose | 3-5-7 | Election of Officers |
| 3-5-2 | Organization | 3-5-8 | Constitution |
| 3-5-3 | Qualifications | 3-5-9 | Accidental Injury Insurance |
| 3-5-4 | Approved by City Council | 3-5-10 | Liability Insurance |
| 3-5-5 | Training | 3-5-11 | Mutual Aid |
| 3-5-6 | Compensation | 3-5-12 | Emergency Ambulance Service |

3-5-1 ESTABLISHMENT AND PURPOSE. A volunteer fire department is hereby established to prevent and extinguish fires and to protect lives and property against fires, to promote fire prevention and fire safety, and to answer all emergency calls for which there is no other established agency.

(Code of Iowa, Sec. 364.16)

3-5-2 ORGANIZATION. The department shall consist of the fire chief and such other officers and personnel as may be authorized by the City Council.

3-5-3 QUALIFICATIONS. In no case shall any person be recruited selected, or appointed as a member of the department unless such person:

1. Resident citizen. Is a citizen of the United States and a resident of the City or intends to become a resident upon acceptance as a member of the department.
2. Age. Is at least 18 years of age.
3. Driver's license. Has a current active Iowa driver's license.
4. Language. Is able to read and write the English language.
5. Alcohol and drugs. Is not a drug addict or a drunkard.
6. Character. Is of good moral character as determined by a thorough investigation and has not been convicted of a felony or a crime involving moral turpitude.

3-5-4 APPROVED BY CITY 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 City Council members.

3-5-5 TRAINING. All members of the department shall attend and actively participate in regular or special training drills or programs as directed by the chief.

3-5-6 COMPENSATION. Members of the department shall be designated by rank and receive such compensation as shall be determined by resolution of the City Council.

3-5-7 ELECTION OF OFFICERS. The department shall elect a chief and such other officers as their constitution and bylaws may provide, but the election of chief shall be subject to the approval of the City Council. In case of absence of the chief, the officer next in rank shall be in charge and have and exercise all the powers of chief.

3-5-8 CONSTITUTION. The company 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 City Council.

3-5-9 ACCIDENTAL INJURY INSURANCE. The City 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 whether within or outside the corporate limits of the City. All volunteer fire fighters shall be covered by the contract.

3-5-10 LIABILITY INSURANCE. The City 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.

3-5-11 MUTUAL AID. Subject to approval by resolution of the City 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 City Clerk.

3-5-12 EMERGENCY AMBULANCE SERVICE. The department is authorized to provide emergency ambulance or rescue services. Members of the department while in the performance of all duties and services reasonably connected with such service shall be considered employees of the City for the purpose of application of worker's compensation statutes and for the purpose of the application of liability insurance coverage.

TITLE III COMMUNITY PROTECTION

CHAPTER 6 - CURFEW FOR MINORS

| | | | |
|-------|---------------------|-------|-------------------------|
| 3-6-1 | Preamble | 3-6-4 | Definitions |
| 3-6-2 | Interpretive Clause | 3-6-5 | Penalty and Enforcement |
| 3-6-3 | Prohibition | | |

3-6-1 PREAMBLE. The City of Sabula, Iowa City Council finds that offenses by minors, especially at night detracts from the health, safety, and welfare of the minors and adults who live in Sabula.

The City Council finds that older citizens hesitate to use the public sidewalks at night and fear calling the police to break up groups of youth who disturb the peace late at night. The City Council also finds that the following law violations by juveniles are likely to occur after 11:00 o'clock P.M.:

1. Disturbance of the peace by loud noise or abusive language;
2. Drinking of alcoholic beverages;
3. Interference with pedestrian and vehicular traffic;
4. Thefts of motor vehicles;
5. Burglary of public, commercial, industrial, and private buildings;
6. Possession of firearms;
7. Vandalism of public and private property; and,
8. Assaults against juveniles and by juveniles.

The City Council finds that a curfew will assist law enforcement officials in curbing the violations listed above.

The City Council also finds that a curfew will assist parents in obtaining compliance by children with parent's directions about when to be home.

3-6-2 INTERPRETIVE CLAUSE. The City of Sabula recognizes that all children including minors have certain inalienable rights and that among them are the rights of liberty and the pursuit of happiness. Further, all citizens including minors have the right to freedom of religion, freedom of speech, freedom of assembly, and of association. This Ordinance should be interpreted to avoid any construction that would result in the appearance of interference with the free exercise of religion and political association and this Ordinance shall not be construed to mean that the City intends to

interfere with a minor's freedom of association for purposes such as marches, demonstrations, picketing, or prayer vigils which are otherwise lawful and peaceful assemblies.

3-6-3 PROHIBITION. Now, therefore, It Is Ordained by the City of Sabula that any minor under the age of 18 shall not be upon the streets or sidewalks of the City of Sabula between the hours of 11:00 o'clock P.M. and 5:00 o'clock A.M. except under one of the following exceptions:

1. The minor is traveling to or returning from employment or a religious, political, economic, or cultural assembly;
2. The minor is traveling a direct route to or from home and the location of an errand that the minor is accomplishing at the request of a parent; or the minor is traveling a direct route home from a school or recreational or social event that the minor attended with the approval of the parent.
3. The minor is accompanied by a parent.
4. This Ordinance applies to an emancipated minor; however, the emancipated minor need not have the consent of a parent regarding an errand or social event.
5. The minor is traveling interstate with the consent of the parent.

3-6-4 DEFINITIONS.

1. "Minor" means any person under the age of 18.
2. "Parent" means biological parent, a guardian or custodian appointed by the Courts, or an adult who has accepted the role of parent at the request of the biological parent, guardian, or custodian.
3. "Emancipated Minor" means a minor who no longer lives with a parent.
4. "Assembly" means any gathering of persons for a religious, political, economic, or cultural purpose and does not require the presence of chaperons or adults whose sold purpose for presence at the assembly is to supervise teenagers; however, the assembly must have a chairperson or someone in a supervisory capacity.

3-6-5 PENALTY AND ENFORCEMENT. A minor who is in violation of this Ordinance may be reunited with his or her parents or may be taken home by the police officers or may be directed to travel immediately home; and, in addition, a minor who violates this Ordinance shall be guilty of a misdemeanor and shall be subject to a fine not to exceed \$20.00 for the first offense and not to exceed \$100.00 for the second and subsequent offense.

(Ord. 3-95, Passed December 13, 1995)

TITLE III COMMUNITY PROTECTION

CHAPTER 7 - REGULATING PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS

| | | | |
|-------|-----------------------|-------|--|
| 3-7-1 | Definitions | 3-7-6 | Consumer Protection Law |
| 3-7-2 | Exemptions | 3-7-7 | Bond Required |
| 3-7-3 | Permits | 3-7-8 | Obstruction of Pedestrian or Vehicular Traffic |
| 3-7-4 | Requirements | | |
| 3-7-5 | Hours of Solicitation | | |

3-7-1 DEFINITIONS. For use in this Chapter, the following terms are defined as follows:

1. A "peddler" is any person carrying or transporting goods or merchandise who sells or offers for sale for immediate delivery such goods or merchandise from house-to-house or upon the public street.

2. A "solicitor" is any person who solicits or attempts to solicit from house-to-house or upon public streets orders for commercial goods, wares, subscriptions, publications, periodicals, merchandise, or services to be delivered or fulfilled at a future date.

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

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

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

3-7-2 EXEMPTIONS. The provisions of this Chapter shall not apply to nonprofit civic, charitable, religious, or educational groups engaged in retail sale for the purposes of fund raising.
(Ord. 2-2001, Passed December 10, 2001)

3-7-3 PERMITS. Before any person or organization engages in any of the practices defined herein, they must comply with all applicable Ordinances, and must also obtain from the City Clerk a permit in accordance with the provisions of sections 3-7-4 and 3-7-5. The following fees shall be imposed:

| | |
|------------------------------------|----------|
| For one day | \$5.00 |
| For one week | \$25.00 |
| For up to six months | \$100.00 |
| For one year or major part thereof | \$175.00 |

(Code of Iowa, Sec. 9C.2)
(Amended during 2015 codification)
(Amended during 2020 codification)

3-7-4 REQUIREMENTS. Any applicant engaged in any activity described in 3-7-1 of this Chapter must file with the City Clerk an application in writing that gives the following information:

1. Name and social security number.
2. Permanent and local addresses and, in case of transient merchants, the local address from which proposed sales will be made.
3. A brief description of the nature of the sales method.
4. Name and address of the firm for or on whose behalf the orders are solicited, or the supplier of the goods offered for sale.
5. Length of time for which the permit is desired.
6. A statement as to whether or not the applicant has been convicted of any crime, and if so, the date, the nature of the offense, and the name of the court imposing the penalty.
(Ord. 2-2001, Passed December 10, 2001)
7. Motor vehicle make, model, year, color, and registration number, if a vehicle is to be used in the proposed solicitation.

3-7-5 HOURS OF SOLICITATION. No person may conduct those activities described in Section 3-7-1 except between the hours of 9:00 a.m. and 6:00 p.m. on each day, and no solicitation shall be done on Sundays or legal holidays.

3-7-6 CONSUMER PROTECTION LAW. All solicitors and peddlers shall be informed of, agree to comply with, and comply with the State law, Section 555A.3, Code of Iowa, requiring a notice of cancellation to be given in duplicate, properly filled out, to each buyer to whom such person sells a product or service and, comply with the other requirements of the law.
(Ord. 2-2001, Passed December 10, 2001)

3-7-7 BOND REQUIRED. Before a permit under this Chapter is issued, each person subject to this Ordinance shall post with the City Clerk, a bond, by a surety company authorized to insure the

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

3-7-8 OBSTRUCTION OF PEDESTRIAN OR VEHICULAR TRAFFIC. No person, while engaged in any of the practices described in Section 3-7-1, shall block or obstruct the path of any pedestrian or vehicular traffic, or block or obstruct any way of ingress or egress to roads, buildings, or other enclosures or conveyances, including, but not limited to, vehicles, elevators, and escalators.

TITLE III COMMUNITY PROTECTION

CHAPTER 8 - RESERVED

TITLE III COMMUNITY PROTECTION

CHAPTER 9 - ALCOHOLIC BEVERAGES

| | | | |
|-------|---|-------|---------------------------------------|
| 3-9-1 | Purpose | 3-9-4 | Transfers |
| 3-9-2 | Required Obedience to Provisions of this Chapter and State Law | 3-9-5 | Open Alcoholic Beverage Containers |
| 3-9-3 | Action by City Council | | |

3-9-1 PURPOSE. The purpose of this Chapter is to provide for administration of licenses and permits and for local regulations and procedures for the conduct of the sale and consumption of beer, wine, and liquor, for the protection of the safety, health, and general welfare of this community.
(Code of Iowa, Sec. 364.1)

3-9-2 REQUIRED OBEDIENCE TO PROVISIONS OF THIS CHAPTER AND STATE LAW.
The following sections of the Iowa Code are hereby adopted by reference:

1. 123.2 and 123.3 General Prohibition and Definitions
2. 123.18 Favors From Licensee or Permittee
3. 123.22 State Monopoly
4. 123.28 Open Alcoholic Beverage Containers
5. 123.30 Liquor Control Licenses - Classes
6. 123.31 Application Contents
7. 123.33 Records
8. 123.34 Expiration - License or Permit
9. 123.35 Simplified Renewal Procedure
10. 123.36 Liquor Fees - Sunday Sales
11. 123.38 Nature of Permit or License - Surrender - Transfer
12. 123.39 Suspension or Revocation of License or Permit - Civil Penalty
13. 123.40 Effect of Revocation
14. 123.44 Gifts of Liquors Prohibited

15. 123.46 Consumption in Public Places - Intoxication - Right to Chemical Test - Exoneration

16. 123.47 Persons Under Legal Age - Penalty

17. 123.49 Miscellaneous Prohibitions

18. 123.50 Criminal and Civil Penalties

19. 123.51 Advertisements for Alcoholic Liquor, Wine or Beer

20. 123.52 Prohibited Sale

21. 123.90 Penalties Generally

22. 123.95 Premises Must Be Licensed - Exception as to Conventions and Social Gatherings

23. 123.122 through 123.145 Beer Provisions (Division II)

24. 123.150 Sunday Sales Before New Year's Day

25. 123.171 through 123.182 Wine Provisions (Division V)

26. 321.284 Open Containers in Motor Vehicles - Drivers

27. 321.284A Open Containers in Motor Vehicles - Passengers

3-9-3 ACTION BY CITY COUNCIL. The City Council shall approve or disapprove the application. Action taken by the City Council shall be endorsed on the application. The application, fee, penal bond, and certificate of dram shop liability insurance (if applicable) shall be forwarded to the Iowa alcoholic beverages division for further action as provided by law.

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

3-9-4 TRANSFERS. The City Council may, in its discretion, authorize a licensee or permittee to transfer the license or permit from one location to another within the City, provided that the premises to which the transfer is to be made would have been eligible for a license or permit in the first instance and the transfer will not result in the violation of any law or Ordinance. An applicant for a transfer shall file with the application for transfer proof of dram shop liability insurance and penal bond covering the premises to which the license is to be transferred.

(Code of Iowa, Sec. 123.38)

TITLE III COMMUNITY PROTECTION

CHAPTER 10 - JUNK AND ABANDONED VEHICLES

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

3-10-1 PURPOSE. The purpose of this Chapter is to protect the health, safety, and welfare of the citizens and safety of property of this City by providing for removal of abandoned motor vehicles and the elimination of the open storage of abandoned and junk motor vehicles and machinery except in authorized places.

(Code of Iowa, Sec. 3641.1)

3-10-2 DEFINITIONS. For the purpose of this Chapter, the following terms are defined as follows:

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

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

2. "Private property" means any real property within the City which is not public property as defined in this section.

3. "Public property" means any public right-of-way open for the purposes of vehicular travel.

4. A "junk vehicle" means any unlicensed vehicle stored within the corporate limits of the City of Sabula, Iowa, and which has any one of the following characteristics:

a. Any vehicle with a broken or cracked windshield, or window or headlight or any other cracked or broken glass.

b. Any vehicle with a broken or loose fender, door or bumper or hood or door handle or window handle or steering wheel, trunk top or trunk handle or tail pipe.

c. Any vehicle which has become the habitat of rats, mice, or snakes, or any other vermin or insects.

d. Any vehicle which contains gasoline or any other flammable fuel.

e. Any motor vehicle if it lacks an engine or two or more wheels or other structural parts which render said motor vehicle totally inoperable.

f. Any other vehicle which, because of its defective or obsolete condition, in any other way constitutes a threat to the public health and safety.

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

5. "Vehicle" means every device in, upon, or by which a person or property is or may be transported or drawn upon a highway or street, excepting devices moved by human power or used exclusively upon stationary rails or tracks, and shall include without limitation a motor vehicle, automobile, truck, trailer, motorcycle, tractor, buggy, wagon, farm machinery, or any combination thereof.

3-10-3 REMOVAL OF ABANDONED VEHICLES.

1. The Chief of Police may, without prior notice or hearing, remove and impound any abandoned vehicle as defined in Section 3-10-2 (1). The Chief of Police may hire other personnel, equipment, and facilities for the purpose of removing, preserving, storing, or disposing of abandoned vehicles.

2. The impoundment and storage of all vehicles pursuant to this Chapter shall be in such areas or places designated by the City Council.

3. When a vehicle is taken into custody and impounded under the provisions of this Chapter, the Chief of Police shall maintain a record of the vehicle, listing the color, year of manufacture, manufacturer's trade name, body style, vehicle identification number, and license plate and year displayed on the vehicle. The records shall include the date and hour of tow, location towed from,

location towed to, person or firm doing the towing, reason for towing, and the name of the officer authorizing the tow.

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

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

3-10-4 NOTIFICATION OF OWNERS AND LIENHOLDERS.

1. When a vehicle is taken into custody under the provisions of this Chapter or under any provisions of State law, the Chief of Police shall notify, within three days, by certified mail with five-days return receipt, the last known registered owner of the vehicle, all lienholders of record, and any other known claimant to the vehicle or to personal property found in the vehicle, addressed to their last known addresses of record, that the abandoned vehicle has been taken into custody. Notice shall be deemed given when mailed. The notice shall:

- a. Describe the year, make, model, and serial number of the vehicle.
- b. Describe the personal property found in the vehicle.
- c. Describe the location of the facility where the vehicle is being held.
- d. Inform the persons receiving notice:

(1) of their right to reclaim the vehicle and personal property within ten days after the effective date of the notice;

(2) that the right can be exercised upon payment of all towing, preservation, notice, and storage charges resulting from placing the vehicle in custody;

(3) that failure of the owner or lienholders to exercise their right to reclaim the vehicle within the reclaiming period shall be deemed a waiver by the owner and all lienholders of all right, title, claim, and interest in the vehicle;

(4) that failure to reclaim the vehicle is deemed consent to the sale of the vehicle at a public auction or disposal of the vehicle to a demolisher.

e. State that any person claiming rightful possession of the vehicle or personal property who disputes the planned disposition of the vehicle or personal property by the Chief of Police or the assessment of fees and charges provided by this Chapter may request a hearing to contest these matters in accordance with the provisions of Section 3-10-6.

f. State that a request for a hearing must be in writing and received by the department prior to the expiration of the ten-day reclaiming period.

(Ord. 2-2001, Passed December 10, 2001

g. State that in the event a hearing is requested immediate release of the vehicle may be obtained by posting a cash bond as required by Section 3-10-5.

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

2. The owner, lienholders or any person receiving notice may, by written request received by the Chief of Police prior to the expiration of the ten-day reclaiming period, obtain an additional fourteen days within which the vehicle may be reclaimed.

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

3. Notice by one publication in one newspaper of general circulation in the area where the vehicle was abandoned shall be sufficient to meet the requirements of this Chapter. The published notice may contain multiple listings of abandoned vehicles but shall be published within the same time requirements and shall contain the same information as prescribed for mailed notice in this section. Published notice shall be used if:

a. the identity of the last registered owner cannot be determined, or

b. the registration contains no address for the owner, or

c. it is impossible to determine with reasonable certainty the identity and address of all lienholders.

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

4. If the persons receiving notice do not request a hearing or exercise their right to reclaim the vehicle or personal property within the reclaiming period, the owner of the vehicle or owners of the personal property shall no longer have any right, title, claim, or interest in or to the vehicle.

5. No court in any case in law or equity shall recognize any right, title, claim, or interest of the owner and lienholders after the ten-day reclaiming period.

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

3-10-5 IMPOUNDMENT FEES AND BOND.

1. Before the owner or other person lawfully entitled to possession of any vehicle that has been impounded under the provisions of this Chapter or any other provision of law may recover such vehicle, such person shall present to the Chief of Police or his/her designee evidence of such person's identity and right to possession of the vehicle, shall sign a receipt for its return, and shall pay the costs of:

a. an impoundment fee of \$10.00

b. towing charges of \$25.00

c. storage charges of \$10.00

e. administrative fee of \$10.00

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

2. The amount of the charges specified in a-d shall be set by the City Council. The charges shall be limited to the actual cost.

(Ord. 1-2018, Passed March 12, 2018)

3. If a hearing is requested under Section 3-10-4 (1)(e), the owner or person lawfully entitled to possession of the vehicle shall be permitted to secure the immediate release of the vehicle upon posting a cash bond in an amount equal to the sum of:

a. the fees required by Section 3-10-5(1)

b. the amount of the fine or penalty for each violation for which there is an outstanding or otherwise unsettled traffic violation notice or warrant.

3-10-6 HEARING PROCEDURES.

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

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

(Ord. 2-2001, Passed December 10, 2001)

3-10-7 AUCTION OR DISPOSAL OF ABANDONED VEHICLES. The Chief of Police shall follow the procedures in State law for the auction or disposal of abandoned vehicles.

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

3-10-8 JUNK VEHICLES DECLARED A NUISANCE. Except as hereinafter provided, it is hereby declared that the parking, leaving, or storage of a junk vehicle upon either public or private property within the corporate limits of the City of Sabula, Iowa, constitutes a threat to the health and safety of the citizens and is a nuisance within the meaning of Section 657.1 of the Code of Iowa. If any junk vehicle is stored upon private property or public property in violation thereof, the owner of the property shall be liable for said violation.

(Ord. 2-2001, Passed December 10, 2001)

3-10-9 NOTICE TO ABATE.

1. Whenever the Chief of Police shall find a junk vehicle placed or stored on private property within the City in violation of Section 3-10-8, the Chief of Police shall notify, by certified mail with five days' return receipt, the following persons:

a. the owner of the property.

- b. the occupant of the property.
2. The notice to abate shall:
 - a. describe, to the extent possible, the year, make, model, and color of the vehicle.
 - b. describe the location of the vehicle.
 - c. state that the vehicle constitutes a nuisance under the provisions of this Chapter.
 - d. state that the owner of the property shall remove or repair the said junk vehicle within ten days.

(Ord. 2-2001, Passed December 10, 2001)

3-10-10 ABATEMENT BY MUNICIPALITY. If the person notified to abate a nuisance or condition neglects or fails to abate as directed, the City may perform the required action to abate, keeping an accurate account of the expense incurred. The itemized expense account shall be filed with the City Clerk who shall pay such expenses on behalf of the municipality.

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

(Ord. 2-2001, Passed December 10, 2001)

3-10-11 COLLECTION OF COST OF ABATEMENT. The City Clerk shall mail a statement of the total expense incurred to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within one month, the City Clerk shall certify the costs to the County Treasurer and the costs shall then be collected with, and in the same manner, as general property taxes.

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

3-10-12 EXCEPTIONS. This Chapter shall not apply to the following:

1. A vehicle in an enclosed building.
2. A vehicle on the premises of a business enterprise operated in a district properly zoned therefor, as authorized under the Zoning Ordinance or restricted residence district of this City, when necessary to the operation of said business enterprise.
3. A vehicle in an appropriate storage space or depository maintained in a lawful place and lawful manner by this City.

3-10-13 INTERFERENCE WITH ENFORCEMENT. No person shall interfere in any way with the enforcement provision of this Chapter.

TITLE III COMMUNITY PROTECTION

CHAPTER 11 - CIVIL DEFENSE

| | | | |
|--------|----------------------------|--------|-----------|
| 3-11-1 | Civil Defense Organization | 3-11-3 | Authority |
| 3-11-2 | Civil Defense Defined | 3-11-4 | Liability |

3-11-1 CIVIL DEFENSE ORGANIZATION. There is hereby created a civil defense organization for carrying out the responsibility of the municipality for civil defense in times of public emergency. The Mayor shall be executive director of the civil defense organization and shall be responsible for the direction of all operations for the protection of the health, safety, and welfare of the citizens of the City. Said organizations shall function in accordance with a civil defense emergency plan which shall be coordinated with the plans adopted by Jackson County and the State, in accordance with State law.

3-11-2 CIVIL DEFENSE DEFINED. Civil defense shall mean the protection of persons and property by all measures available to the municipal government and with such assistance as required and possible from other governmental agencies, together with organized efforts of private persons and agencies to meet public emergencies. It shall encompass pre-planning, prevention and assistance to those affected by public emergencies. Public emergencies shall mean:

1. Any natural disaster or man-made 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.

2. Any threat to public safety, health, and welfare resulting from declared or undeclared war against the United States.

3. Civil defense emergency plan shall mean 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 City Council.

3-11-3 AUTHORITY. The mayor may delegate such portions of the details of operation to an assistant director or civil defense coordinator as well best serve the carrying out of the civil defense emergency plan, but the City Council shall approve the appointment of such an officer. The Mayor shall designate alternates, and order of succession subject to their approval by City Council, to serve in the Mayor's place in the event the Mayor is unable to act due to absence or disability.

3-11-4 LIABILITY. Insofar as permitted by State law, the municipality, when acting in consonance with the civil defense emergency 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 municipality shall carry such

insurance on voluntary civil defense workers as deemed advisable by the City Council upon recommendation of the City Attorney.

TITLE III COMMUNITY PROTECTION

CHAPTER 12 - BUILDING PERMITS

| | | | |
|--------|-------------------------|---------|---------------------------|
| 3-12-1 | Purpose | 3-12-9 | Restrictions |
| 3-12-2 | Permit Required | 3-12-10 | Authority of City Council |
| 3-12-3 | Fees | 3-12-11 | Action to Abate |
| 3-12-4 | Plans Required | 3-12-12 | Permit Void |
| 3-12-5 | Plot Plan Filed | 3-12-13 | Certifying Ordinances |
| 3-12-6 | Front Yard Requirements | 3-12-14 | Permits Issued |
| 3-12-7 | Side Yard Requirements | 3-12-15 | Fences |
| 3-12-8 | Rear Yard Requirements | | |

3-12-1 **PURPOSE.** The purpose of this Chapter is to provide the City Council notice of the type of building, the kind of construction, the location of any building to be erected or added within the City and to provide reasonable rules for the erection, reconstruction, altering and repair of all kinds of buildings.

3-12-2 **PERMIT REQUIRED.** No buildings or other structures shall be hereafter erected, reconstructed, altered or added to without first securing from the City Council a permit therefor.

3-12-3 **FEES.** There shall be a permit fee of \$20.00 for the following:

- Deck, Balcony and Porch Permits
- Fence or Continuous Planting
- Garage of Accessory Building
- Permanent Structure (single family, multi-family)
(Ord. 9-2002, Passed August 13, 2002)
(Amended during 2015 codification)
(Amended during 2020 codification)

3-12-4 **PLANS REQUIRED.** Plans and specifications of any proposed building shall be filed with the application for the permit.

3-12-5 **PLOT PLAN FILED.** A complete description of the real estate involved and a plot plan showing the location of the building on the real estate and its relation to lot lines and any existing structures on the lot shall be filed with the application for the permit.

3-12-6 **FRONT YARD REQUIREMENTS.** There shall be a front yard of not less than twenty (20) feet, except as follows:

1. **Between Existing Building.** Where a building is to be erected on a parcel of land that is within one hundred (100) feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the closest front corners of the adjacent buildings on the two sides, or

2. **Adjacent to Existing Building.** Where a building is to be erected on a parcel of land that is within one hundred (100) feet of an existing building on one side only within the same block, such may be erected as close to the street as a line drawn from the closest front corner of that building to a point twenty (20) feet back from the front lot line measured at the center of the lot on which the proposed building is to be erected.

3. **Double Frontage.** Where lots have a double frontage, the front yard as required herein shall be provided on both streets.

4. **Business District.** No front yard shall be required in the business district described as follows:

Properties adjacent to and fronting upon Pearl Street in the 400 and 500 Blocks thereof.

3-12-7 **SIDE YARD REQUIREMENTS.** No building shall be erected with exterior wall closer than five (5) feet and no overhang closer than three (3) feet to either side lot except in the business district where no side yard is required.

(Ord. 2-94, Passed March 7, 1994)

3-12-8 **REAR YARD REQUIREMENTS.** There shall be a rear yard provided for each building of not less than ten (10) feet except in the business district where no rear yard is required.

(Ord. 2-94, Passed March 7, 1994)

3-12-9 **RESTRICTIONS.** No permit for the erection, alteration, use or occupancy of a building or similar structure, except residences, school houses, churches and other similar structures, shall be granted in areas other than within the business district as defined in 3-12-6(4) unless it definitely appears that such erection, alteration, repair, use or occupancy shall not cause or be the source of the following:

(Code of Iowa, 1999, Chapter 414)

1. **Noise.** Any undue noise.
2. **Electrical Interference.** Any undue radio or television interference.
3. **Odors.** Any offensive odors.
4. **Refuse.** Any offensive or unsightly refuse.
5. **Smoke.** Any offensive or undue smoke.
6. **Fire Hazard.** Any fire hazard.
7. **Appearance.** Any unsightliness due to the appearance of any building or structure on the premises.

8. Congestion. Any undue gathering, congregating, parking of cars, or undue congestion of people or traffic.

9. Other. Any effect which will be obnoxious, offensive, dangerous or injurious to the health, welfare and safety of citizens.

3-12-10 AUTHORITY OF CITY COUNCIL. The City Council shall have full authority to accept or reject any plans and specification submitted.

3-12-11 ACTION TO ABATE. Any building or structure erected, constructed altered or repaired in violation of the provisions of this Chapter shall be deemed unlawful and a nuisance and it shall be abated as described in Section 3-2 of this Code.

(Code of Iowa, 1999, Chapter. 414)

3-12-12 PERMIT VOID. In the event that construction covered by a permit is not initiated and underway within a year from the date of issuance of a permit, such permit shall be deemed void and of no effect.

3-12-13 CERTIFYING ORDINANCES. Within fifteen (15) days of the effective date of the adoption of any amendment establishing or altering set back or yard requirements the City Clerk shall certify such amendment to the County Recorder.

3-12-14 PERMITS ISSUED. Permits shall be issued by the City Clerk in triplicate, one copy for the applicant, one copy for the County Assessor, and one copy to be retained in the City records.

3-12-15 FENCES.

Specifications

1. Fences must be erected so that the posts and all other supporting members face to the owner's side. The rough part of the frame shall face the owner's property.

a. Fences shall be oriented in such a manner that the finished side faces the public right of way and adjacent property.

2. The following materials are prohibited for use as a fence: barbed wire, chicken wire, welded wire, woven wire, snow fence, plastic snow fence, plastic safety or barrier fence, and any materials added to an existing fence which would extend the height of the existing fence.

3. Any and all repairs or replacement of existing fences shall comply with the requirements.

4. It is the homeowner's responsibility to contact the utility companies and the city of Sabula to locate possible underground lines and cables. The property owner assumes all responsibility for any damage that may occur as a result of construction or placement of the fence. Call Iowa One Call for a location before digging.

(Ord. 3-2015, Passed October 26, 2015)

Residential

1. No residential fence or continuous planting over four (4) feet in height shall be maintained on any front yard.
 - a. Front yard defined as in building permit ordinance.
 - b. All lots treated individually as to front yard requirements.
2. No residential fence or continuous planting shall be maintained over (4) four feet in height on corner lot on sides that parallel the streets, at the property intersection facing the street corner the fence or continuous planting shall be set back (5) five feet on each side in order to create a 45 degree angle across the corner facing the street corner for visibility.
3. No residential fences or continuous planting which exceeds seven (7) feet in height will be maintained on any rear yard or side yard.
4. Residential fences may be constructed up to the property line. It is the homeowner's responsibility to determine all property lines.

Commercial and Governmental

1. Commercial fences must be set back minimum of 1 foot from the perimeter property lines.
2. Commercial fences shall be chain link with no privacy strips.
3. Commercial fences may extend (7) seven feet in height along perimeter of property.
4. Commercial fences on corner lot must be set back (5) five feet on each side from property intersection in order to create a 45 degree angle facing street corner for visibility.

The City Council will resolve situations not covered in the above ordinance on an individual basis.

City of Sabula

Fence Permit Application

Date _____

Name of Applicant _____

Address _____

Address of proposed fence _____

Required information:

1. Actual size and shape of lot or property
2. Location, ground area dimensions and identification of all existing buildings, structures, driveways and sidewalks. (Diagram or sketch must be attached.)
 - A. Location of proposed fence, shrub, hedge or wall – must be included on the diagram or sketch.
 - B. Height of fence _____
 - C. Type of fence, shrub, hedge or wall _____

NOTE: IN GRANTING THIS PERMIT, THE CITY OF SABULA MAKES NO WARRANTY OTHER THAN A PERMIT HAS BEEN REQUESTED AND GRANTED AND THAT THE HEIGHT OF THE FENCE, WALL, SHRUB OR HEDGE (and type of proposed construction) IS IN ACCORDANCE WITH APPLICABLE CITY ORDINANCES AND CODES. THE PERMIT APPLICANT IS SOLEY RESPONSIBLE FOR ENSURING THE CONSTRUCTION IS ON HIS PROPERTY AND DOES NOT CONFLICT WITH ANY CURRENT EASEMENT OR OTHER RESTRICTIONS. FAILURE OF THE APPLICANT TO COMPLY WITH PROPERTY BOUNDARIES OR EASEMENT RESTRICTIONS MAY SUBJECT THE APPLICANT TO CIVIL ACTION OR REMOVAL OF THE CONSTRUCTION AT THE APPLICANT'S EXPENSE.

THE APPLICANT HEREBY DECLARES THE ABOVE HAS BEEN NOTED AND COMPLIED WITH.

SIGNATURE OF PROPERTY OWNER _____

Application ----- Approved _____

Denied _____
(Ord. 3-2005, Passed November 15, 2005)

TITLE III COMMUNITY PROTECTION

CHAPTER 13 - BUILDING NUMBERING

| | | | |
|--------|--------------------|--------|------------------------|
| 3-13-1 | Definitions | 3-13-3 | Building Numbering Map |
| 3-13-2 | Owner Requirements | 3-13-4 | Issue Numbers |

3-13-1 DEFINITIONS. For use in this Chapter the following terms shall be defined:

1. "Principal Building" shall mean the main building on any lot or subdivision thereof.
2. "Owner" shall mean the owner of the principal building.

3-13-2 OWNER REQUIREMENTS. Every owner shall comply with the following building numbering requirements.

1. Obtain Building Number. The owner shall obtain the assigned number to the owner's principal building from the City Clerk.

(Code of Iowa, 1999, Sec. 364.12 (3)(d))

2. Display Building Number. The owner shall place or cause to be installed and maintain on the principal building the assigned number in a conspicuous place to the street in figures not less than two and one-half (2 1/2) inches in height and of a contrasting color with their background.

(Code of Iowa, 1999, Sec. 364.12 (3)(d))

3. Failure to Comply. If an owner refuses to number a building as herein provided, or fails to do so for a period of thirty (30) days after being notified in writing by the City to do so, the City may proceed to place the assigned number on the principal building and assess the costs against the property for collection in the same manner as a property tax.

(Code of Iowa, 1999, Sec. 364.12 (3)(h))

3-13-3 BUILDING NUMBERING MAP. The City Manager shall be responsible for preparing and maintaining a building numbering map.

3-13-4 ISSUE NUMBERS. The City Manager shall issue the assigned number in accordance with the numbering map to owners upon their request.

TITLE III COMMUNITY PROTECTION

CHAPTER 14 - NAMING OF STREETS

3-14-1 Naming New Streets

3-14-3 Recording Street Names

3-14-2 Changing Name of Street

3-14-4 Existing Street Names

3-14-1 NAMING NEW STREETS. New streets shall be assigned names in accordance with the following:

1. Extension of Existing Street. Streets added to the City that are natural extensions of existing streets shall be assigned the name of the existing street.

2. Ordinance. All street names, except streets named as a part of a subdivision or platting procedure, shall be named by Ordinance.

3-14-2 CHANGING NAME OF STREET. The City Council may by Ordinance change the name of a street.

3-14-3 RECORDING STREET NAMES. Following adoption of an Ordinance naming or changing the name of a street, the Mayor and City Clerk shall certify and file a copy thereof with the County Recorder and County Auditor.

3-14-4 EXISTING STREET NAMES. Streets within the City are named as follows:

1. Broad Street. The street running in a northwesterly direction and southeasterly direction, between block seven (7) and the public school in the original town shall be know and designated as Broad Street.

2. Pearl Street. The street next east of and parallel with Broad Street shall be known and designated as Pearl Street.

3. River Street. The street next east of Pearl Street extending from Cherry Street to Bank Street shall be known and designated as River Street.

4. River Street. The street next east of Pearl Street, extending from Union Street to Vulcan Street, shall be known and designated as River Street.

5. Elk Street. The street next west of and parallel with Broad Street shall be known and designated as Elk Street.

6. Lake Street. The street next west of and parallel with Elk Street shall be known and designated as Lake Street.

7. Iowa Avenue. The street running directly east and west in North Sabula between block seven (7) and block eight (8) shall be known and designated as Iowa Avenue.

8. Division Street. The street next south of Iowa Avenue and running northeasterly and southwesterly shall be known and designated as Division Street.

9. Cherry Street. The street next south of and parallel with Division Street shall be known and designated as Cherry Street.

10. Sycamore Street. The street next south of and parallel with Cherry Street shall be known and designated as Sycamore Street.

11. Bank Street. The street next south of and parallel with Sycamore Street shall be known and designated as Bank Street.

(Amended during 2020 codification)

12. Madison Street. The street next south of and parallel with Bank Street shall be known and designated as Madison Street.

13. Washington Street. The street next south of and parallel with Madison Street shall be known and designated as Washington Street.

14. Union Street. The street next south of and parallel with Washington Street shall be known and designated as Union Street.

15. Quarry Street. The street next south of and parallel with Union Street shall be known and designated as Quarry Street.

16. Vulcan Street. The street next south of and parallel with Quarry Street shall be known and designated as Vulcan Street.

17. South Avenue. The street next south of and parallel with Vulcan Street shall be known and designated as South Avenue.

TITLE III COMMUNITY PROTECTION

CHAPTER 15 - DANGEROUS BUILDINGS

| | | | |
|--------|------------------------------|--------|--------------------|
| 3-15-1 | Enforcement Officer | 3-15-5 | Conduct of Hearing |
| 3-15-2 | General Definition of Unsafe | 3-15-6 | Posting of Signs |
| 3-15-3 | Unsafe Building | 3-15-7 | Right to Demolish |
| 3-15-4 | Notice to Owner | 3-15-8 | Costs |

3-15-1 ENFORCEMENT OFFICER. The City Administrator or the Mayor shall be responsible for the enforcement of this Chapter.

(Ord. 1-2002, Passed March 11, 2002)

3-15-2 GENERAL DEFINITION OF UNSAFE. All buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health, or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, as specified in this Chapter or any other Ordinance, 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. 657.1 and 364.12 (3a))

3-15-3 UNSAFE BUILDING. "Unsafe building" shall mean any structure or mobile home meeting any or all the following criteria:

1. Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.

2. Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of 20 pounds per square foot.

3. Whenever any portion thereof has cracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.

4. Whenever the building or structure, or any portion thereof, because of

a. dilapidation, deterioration, or decay;

b. faulty construction;

c. the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building;

d. the deterioration, decay or inadequacy of its foundation;

e. any other cause, is likely to partially or completely collapse

5. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

6. Whenever the exterior wall or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.

7. Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.

8. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become

a. an attractive nuisance to children;

b. harbor for criminals or immoral persons; or

c. as to enable persons to resort thereto for the purposes of committing unlawful or immoral acts.

9. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by any health officer to be unsanitary, unfit for human habitation or in such condition that is likely to cause sickness or disease.

10. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other case, is determined by the Fire Marshal or Fire Chief to be a fire hazard.

11. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.

12. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

3-15-4 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 if such building or structure written notice stating the defects thereof. This notice may require the owner or person in charge of the building or premises, within 48 hours or such reasonable time as the circumstances require, to commence either the required repairs or improvements or demolition and removal of the building or structure or portions thereof, and all such work shall be completed within 90 days from the date of notice, unless otherwise stipulated by the enforcement officer. If necessary, such notice shall also require the building, structure, or portion thereof to be vacated forthwith and not reoccupied until the required repairs and improvements are completed, inspected, and approved by the enforcement officer.

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

1. Notice Served. Such notice shall be served in the manner provided for service of original notice of the Iowa rules of civil procedure upon the owner of record, if the owner shall be found within the City limits. If the owner is not found within the City limits such service may be made upon said owner by registered mail or certified mail, the designated period within which said owner or person in charge is required to comply with the order of the enforcement officer shall begin as of the date the owner receives such notice.

2. Hearing. Such notice shall also advise the owner that he or she may request a hearing before the City Council on the notice by filing a written request for hearing within the time provided in the notice.

3-15-5 CONDUCT OF HEARING. If requested, the City Council shall conduct a hearing in accordance with the following:

1. Nature. 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 City Council shall make and record findings of fact and may issue such order as it deems appropriate.

3-15-6 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 Sabula". 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.

3-15-7 RIGHT TO DEMOLISH. In case the owner shall fail, neglect, or refuse to comply with the notice to repair, rehabilitate, or to demolish and remove said building or structure or portion

thereof, the City Council may order the owner of the building prosecuted as a violator of the provisions of this Chapter and may order the enforcement officer to proceed with the work specified in such notice. A statement of the cost of such work shall be transmitted to the City Council.

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

3-15-8 COSTS. Costs incurred under Section 3-15-7 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 Auditor for collection in the manner provided for other taxes.

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

TITLE III COMMUNITY PROTECTION

CHAPTER 16 - HOUSE MOVERS

| | | | |
|--------|---------------------|---------|-----------------|
| 3-16-1 | Purpose | 3-16-7 | License Fee |
| 3-16-2 | House Mover Defined | 3-16-8 | License Issued |
| 3-16-3 | License Required | 3-16-9 | Public Safety |
| 3-16-4 | Application | 3-16-10 | Time Limit |
| 3-16-5 | Bond Required | 3-16-11 | Removal By City |
| 3-16-6 | Insurance Required | | |

3-16-1 **PURPOSE.** The purpose of this Chapter is to protect and preserve the public safety and wellbeing by licensing and regulating house and building movers.

3-16-2 **HOUSE MOVER DEFINED.** A "house mover" shall mean any person who undertakes to move a building or similar structure upon, over or across the public streets, alleys, walks or property using skids, jacks, dollies or any method other than upon a properly licensed motor vehicle.

3-16-3 **LICENSE REQUIRED.** It shall be unlawful for any person to engage in the activity of house mover as herein defined without a valid license from the City for each house, building or similar structure to be moved.

3-16-4 **APPLICATION.** Application for a house mover's license shall be made in writing to the City Clerk. The application shall include:

1. **Name and address.** The applicant's full name and address and if a corporation the names and addresses of its principal officers.
2. **Building Location.** An accurate description of the present location and future site of the building or similar structure to be moved.
3. **Routing Plan.** A routing plan approved by the City Manager, Street Superintendent, and public utility officials. The route approved shall be the shortest route compatible with the greatest public convenience and safety.

3-16-5 **BOND REQUIRED.** The applicant shall post with the City Clerk a penal bond in the sum of \$10,000.00 issued by a surety company authorized to issue such bonds in the State of Iowa. The bond shall guarantee the licensee'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 moving the building or structure.

3-16-6 **INSURANCE REQUIRED.** Each applicant shall also have filed a certificate of insurance indicating that he or she is carrying public liability insurance in effect for the duration of the license covering himself or herself and his or her agents and employees for the following amounts.

| | | |
|-----------------|-------------------|---------------------|
| | <u>Per Person</u> | <u>Per Accident</u> |
| Bodily Injury | \$500,000 | \$1,000,000 |
| Property Damage | | \$ 250,000 |

3-16-7 LICENSE FEE. A license fee of \$100.00 shall be payable at the time of filing the application with the City Clerk. A separate license shall be required for each house, building or similar structure to be moved.

(Amended during 2015 codification)

3-16-8 LICENSE ISSUED. Upon completion of the application, filing of bond and insurance certificate, and payment of the required fee the City Clerk shall issue a license.

3-16-9 PUBLIC SAFETY. At all times when a building or similar structure is in motion upon any street, alley, sidewalk, or public property, the licensee shall maintain flagperson at the closest intersections or other possible channels of traffic to the sides, behind and ahead of the building or structure. At all times when the building or structure is at rest upon any street, alley, sidewalk or public property the licensee shall maintain adequate warning signs or flares at the intersections or channels of traffic to the sides, behind and ahead of the building or structure.

3-16-10 TIME LIMIT. No house mover shall permit or allow a building or similar structure to remain upon any street or other public way for a period of more than twelve (12) hours without having first secured the written approval of the City.

3-16-11 REMOVAL BY CITY. In the event any building or similar structure is found to be in violation of 3-16-10 of this Chapter the City is authorized to remove such building or structure and assess the costs thereof against the license holder and the surety on his bond.

TITLE III COMMUNITY PROTECTION
CHAPTER 17 - DRUG PARAPHERNALIA

3-17-1 Definitions
3-17-2 Exemption

3-17-3 Prohibition

3-17-1 DEFINITIONS. As used in this Section, "drug paraphernalia" means all equipment, products, or materials of any kind used or attempted to be used in combination with a controlled substance, except those items used in combination with the lawful use of a controlled substance, to knowingly or intentionally and primarily do any of the following:

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

3-17-2 EXEMPTION. "Drug paraphernalia" does not include hypodermic needles or syringes if manufactured, delivered, sold, or possessed for a lawful purpose.

3-17-3 PROHIBITION. It is unlawful for any person to knowingly or intentionally manufacture, deliver, sell, or possess drug paraphernalia.

(Code of Iowa, Sec. 124.414)

(Ord. 2-2001, Passed December 10, 2001)

TITLE III SPECIAL ORDINANCES

CHAPTER 18 SEX OFFENDERS-REPEALED

The Code of Ordinances of the city of Sabula, Iowa, 2007 is hereby amended by repealing Chapter 18, Sex Offenders in its entirety. Please refer to the Iowa Legislature Section 692A.114.
(Amended during 2015 codification)

TITLE III COMMUNITY PROTECTION

CHAPTER 19 SOUND ORDINANCE

| | | | |
|--------|---|---------|---------------------|
| 3-19-1 | Purpose | 3-19-8 | Inspections |
| 3-19-2 | Definitions | 3-19-9 | Abatement Order |
| 3-19-3 | Noise Disturbances Prohibited | 3-19-10 | Separate Offenses |
| 3-19-4 | Specific Prohibitions | 3-19-11 | Nuisance; Abatement |
| 3-19-5 | Exemptions | 3-19-12 | Other Remedies |
| 3-19-6 | Permit for Relief from Chapter | 3-19-13 | Citizen Suits |
| 3-19-7 | Noise Sound Pressure Level Measurement | | |

3-19-1 PURPOSE. The purpose of this Chapter is to prevent excessive sound and vibration, which are a serious hazard to public health and welfare, safety and quality of life in the City.

3-19-2 DEFINITIONS. All terminology used in this chapter and not defined below shall be in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body.

1. A-Weighted Sound. The sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A) or dBA.

2. Ambient Noise. The all-encompassing noise associated with a given environment, being usually a composite of sounds from, any sources near and far.

3. Chief of Police. The Chief of Police of the City or a duly authorized officer subject to his/her order.

4. Commercial Premises. Any premises where offices, clinics, kennels, shopping and service establishment exist.

5. Construction. Any equipment or devices, such as but not limited to, pile drivers, power shovels, derricks, hoist tractors, loaders, rollers, concrete hauling motor vehicles, pavement breakers, trenchers, scrapers, wagons, pumps, compressors and pneumatic power equipment, or other mechanical apparatus operated by fuel or electric power in the construction, repair or demolition of any building, structure, land, street, alley, waterway, sewer or appurtenance thereto.

6. Commercial Power Equipment. Any equipment or device rated at more than five (5) horsepower and used for home or building repairs or grounds maintenance.

7. Decibel. A logarithmic unit of measure often used in measuring volume of sound. The symbol is dB.

8. Device. Any equipment or mechanism which is intended to produce, or which actually produces sound when operated or handled.

9. Domestic Power Equipment. Any equipment or device rated at five (5) horsepower or less and used for home or building repairs or grounds maintenance.

10. Emergency Vehicle. A motor vehicle authorized to have sound warning devices such as sirens and bells which can lawfully be used when responding to an emergency, or during a police activity.

11. Emergency Work. Work made necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from an imminent exposure to danger.

12. Industrial Premises. Any premise where manufacturing, processing or fabrication of goods or products takes place.

13. Motor Vehicle. Any vehicle such as, but not limited to a passenger vehicle, truck, truck-trailer, trailer, or semi-trailer propelled or drawn by mechanical power, and shall include motorcycles, snowmobiles, minibikes, go-cars and any other vehicle which is self-propelled.

14. Muffler-Approved Type. An apparatus consisting of a series of chambers, baffle plates or other mechanical devices designated for the purpose of receiving and transmitting gases and which reduces sound emanating from such apparatus by a least twenty (20) decibels in the A-weighting network dB(A), from the unmuffled condition, which is in good working order.

15. Noise. Sound which annoys or disturbs humans.

16. Noise Disturbance. Any sound which (a) endangers or injures the safety or health of humans or animals, or (b) annoys or disturbs a reasonable person of normal sensitivities or (c) endangers or injures personal or real property.

17. Person. Any individual, firm, corporation, association or organization of any kind.

18. Premise. Any building, structure, land utility or portion thereof, including all appurtenances, and shall include yards, lots courts, inner yards, and real properties without buildings or improvements, owned, controlled or occupied by a person.

19. Property Line. That real or imaginary line and its vertical extension which (a) separates real property owned, controlled or occupied by another person and (b) separates real property from the public premises.

20. Public Premises. All real property including appurtenances thereon which is owned or controlled by any public governmental entity and shall include streets, alleys, parks, and waterways.

21. Residential Premises. Any premises where single or multiple dwelling units exist and shall include schools, churches, hospitals, nursing home and similar institutional facilities.

22. Sound. An oscillation in pressure, particle displacement, particle velocity, or other physical parameter, in a medium with internal forces that cause compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity, and frequency.

23. Sound Level Meter. The weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, such as A, B, or C as specified in American National Standards, Institute specifications for sound level meters (ANSI S1.4-1971 or the latest approved revision thereof). If the frequency weighting employed is not indicated, the A-weighting shall apply.

24. Sound Level Meter. An apparatus or instrument including a microphone, amplifier, attenuator, output meter and frequency weighting networks for the measurement of sound levels. The sound level meter shall be of design and have the characteristics of a Type 2 or better instrument as established by the American National Standards Institute, publication entitled "Specification for Sound Level Meters."

25. Sound Pressure. The instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space as produced by sound energy.

26. Twenty (20) times the logarithm, to the base ten (10) of the ratio of the pressure of a sound to the reference pressure of twenty microwatts, per square meter (20 x 10⁻⁶ Watts/meter), and is expressed in decibels (dB).

3-19-3 NOISE DISTURBANCES PROHIBITED. It shall be unlawful for any person to make, continue, cause to be made or continued, or allow to be made or continued on any residential or commercial premises owned, controlled or occupied by said person any noise disturbance. It shall be unlawful for any person to make, continue, or cause to be made any noise disturbances on any public premises.

3-19-4 SPECIFIC PROHIBITIONS. The following acts and the causing thereof are declared to be in violation of the Chapter, but such enumerations are not exclusive and not intended to limit or preclude enforcement of any other provision of this Chapter.

1. The sounding or the causing or allowing to be sounded of any horn or signaling device on any automobile, motorcycle, street car or other vehicle unless it is necessary as a warning to prevent or avoid a traffic accident; the creating by means of any such signaling device of any unreasonable loud or harsh sounds; or the sounding of such device for an unnecessary or unreasonable period of time.

2. The playing, using operating, or the causing or allowing to be played, used or operated any radio, musical instrument, television set, phonograph, loud speaker, sound amplifiers, other machine or device for the producing or reproducing of sound at any time with louder volume than is necessary for the convenient hearing of a reasonable person of normal sensitiveness in the room, vehicle,

changer of area in which such machine or device is operate. Any noise exceeding the ambient noise level at the property line, at the premises boundary, or at a distance of twenty-five feet (25') from a motor vehicle or from any such deice located on public premises by more than five (5) decibels shall be deemed not to necessary for the convenient hearing of a reasonable person of normal sensitiveness.

3. Talking, yelling, shouting, hooting, whistling or singing between the hours of eleven o'clock (11:00) P.M. and seven o'clock (7:00) A.M., so as to be plainly audible at a distance of fifty feet (50") by a reasonable person of normal sensitiveness.

4. The blowing of any locomotive steam whistle or steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper City authorities.

5. The owning or operating of any motor vehicle or combination of motor vehicles at any time or place when the operation of any such motor vehicle would or does exceed the following noise sound pressure levels for the category of motor vehicle and for the designated time period as specified in Table A; provided that the ownership of a motor vehicle weighing more than ten thousand (10,000); pounds according to the Manufacture's Gross Vehicle Weight, which does not exceed eighty-eight (88) dB(A) when operated shall not be unlawful.

6. The discharging into the ambient air of the exhaust any stationary internal combustion engine or air compressor equipment, unless such discharge be through a muffler of the approved type as defined by Section 3-19-2 of this Chapter or through an apparatus providing equal noise reduction.

7. The operating of an engine of any standing motor vehicle with a weight in excess of ten thousand (10,000) pounds Manufacturer's Gross Vehicle Weight (GVW) for a period in excess of ten (10) minutes when such vehicle is parked on a residential premises or on the public premises next to a residential premises, provided however, that vehicles confined and operated within an enclosed structure shall no be subject to the provisions of this subsection.

8. The erecting(including excavation), demolishing, altering or repairing of any building, structure, land, street, alley, waterway, sewer, or appurtenance thereto between the hours of nine o'clock (9:00) P.M. and seven o'clock (7:00) A.M. the following day, except for emergency work done with a permit from the City Manager or designated building inspector, which permit may be granted for a period not to exceed seven (7) days or less while the emergency continues.

If the City Manager of building inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration, or repair of any building, structure, land, street, alley, waterway, sewer or appurtenance thereto, and if he/she shall further determine that such work is necessary to protect persons or property from an imminent exposure to danger or an unreasonable loss of profits, he/she may grant permission for such work to be done between the hours of nine o'clock (9:00) P.M., and seven o'clock (7:00) A.M. for the following day upon application being made at the time the permit for the work is awarded or during the progress of the work.

9. The shouting and crying of peddlers, hawkers and vendors.

10. The using of any drum or other instrument of device for the purpose of attracting attention by the creation of a noise to any performance, show or sale.

11. The operating of any noise-creating blower or power fan or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, including any motor vehicle or motorcycle, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler of the approved type as defined by Section 3-19-2.

12. The emitting or the causing or allowing to be emitted any noise which leaves the premises on which it originates, crosses a property line, and enters onto any other premises in excess of the sound pressure levels during the time periods as specified in Table B; the emitting or the causing or allowing to be emitted any noise within the public premises in excess of the noise sound pressure level during the time period as specified in Table B.

The standards in Table A shall apply to all noise emitted from motor vehicles including any and all equipment thereon, under any condition of acceleration, deceleration, idle, grade or load and whether or not in motion.

TABLE A

| Type of Vehicle | Time Period | Maximum Allowable Sound | Distance from Motor Vehicle |
|--|-------------------------|-------------------------|--|
| Motor vehicle weighing less than 10,000 pounds, manufacturer's gross vehicle weight | at any time | 80 dB (A) | 25 feet |
| Motor vehicles weighing more than 10,000 pounds, manufacturer's gross vehicle weight | 7:00 A.M. to 10:00 P.M. | 88 dB (A) | 25 feet |
| Motor vehicles weighing more than 10,000 pounds, manufacturer's gross vehicle weight | 10:00 P.M. to 7:00 A.M. | 80 dB (A) | on any premises or street not permitting heavy vehicle traffic 25 feet |
| Motor vehicles weighing more than 10,000 pounds, manufacturer's gross vehicle weight | 10:00 P.M. to 7:00 A.M. | 88 dB (A) | on streets and highways designated for heavy vehicle traffic 25 feet |

3-19-5 EXEMPTIONS. The following noises shall be exempt from noise level regulations:

1. Noises of safety signals, warning devices and emergency pressure relief valves.
2. Noises resulting from an authorized emergency vehicle, when responding to an emergency call or acting in time of urgency.
3. Noises resulting from emergency work as defined in Section 3-19-2.
4. Any other noise resulting from activities of a temporary duration permitted by law and for which a license or permit therefor has been granted by the City, including but not limited to parades, sporting events, concerts and firework displays.
5. The noises resulting from any aircraft operated in conformity with, or pursuant to, Federal law, Federal air regulations, and air traffic control instruction used pursuant to and within a duly operated Federal air regulation; and any aircraft operated under technical difficulties, in any kind of distress, under emergency orders of air traffic control or being operated pursuant to and subsequent to the declaration of an emergency under Federal air regulations.
6. The noise resulting from the operation of any domestic power equipment upon any residential, commercial, industrial, or public premises between seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M. which does not exceed a sound pressure level of eight-eight (88) dB(A) when measured twenty-five feet (25') from the noise source and between ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M. which does not exceed the maximum sound pressure levels as specified in Table B below.
7. The noise resulting from the operation of any commercial power equipment upon any residential, commercial, industrial, or public premises between seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M. which does not exceed a sound pressure level of eight-eight (88) dB(A) when measured twenty-five feet (25') from the noise source and between ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M. which does not exceed the maximum sound pressure levels as specified in Table B below.
8. The noises resulting from alarm systems used in case of fire, collision, civil defense, police activity or imminent danger.
9. Sound or noise projecting from one type of premises into another type of premises with a different sound pressure level limit shall not exceed the limits of the premises into which the noise is projected.
10. The noises resulting from any bell, chime or similar device on any building, clock, school or church.

TABLE B

| Type of Premises where noise is measured | Time Period | Maximum allowable sound pressure level |
|--|-------------|--|
|--|-------------|--|

| | | measurement |
|---|-------------------------------------|-------------|
| | | |
| Residential property line or boundary of premises | 7:00 A.M to 10:00P.M. | 55 dB (A) |
| | 10:00 P.M. to 7:00 A.M. | 50 dB (A) |
| | | |
| Commercial property line or boundary of premises | 7:00 A.M. to 10:00 P.M. | 65 dB (A) |
| | 10:00P.M. to 7:00 A.M. | 60 dB (A) |
| | | |
| Industrial property line or boundary of premises | 7:00 A.M to 10:00 P. M. | 80 dB (A) |
| | 10:00 P.M. to 10: P.M. to 7:00 A.M. | 75 dB (A) |
| | | |
| Public premises-anywhere on public premises | 7:00 A.M. to 10:00 P.M. | 75 dB (A) |
| | 10:00 P.M. to 7:00 P.M. | 70 dB (A) |

3-19-6 PERMIT FOR RELIEF FROM CHAPTER. Application for permit for relief from this Chapter on the basis of undue hardship may be made to the City Council or its duly authorized representative. Any permit granted by the City Council hereunder shall contain all conditions upon which said permit has been granted and shall specify a reasonable time the permit shall be effective. The City Council or it duly authorized representative may grant the relief as applied for if it finds:

1. That additional time is necessary for the applicant to alter or modify his/her activity or operation to comply with this Chapter; or
2. The activity, operation or noise source will be of temporary duration, and cannot be in a manner that would comply with other subsections of this Chapter, and
3. That no other reasonable alternative is available to the applicant.

The City Council may prescribe any condition or requirement it deems necessary to minimize adverse effects upon the community or the surrounding neighborhood.

3-19-7 NOISE SOUND PRESSURE LEVEL MEASUREMENT. For the purpose of determining

noise sound pressure levels as set forth in this Chapter, the following test procedures and measurements are applicable:

1. The instrumentation for determining noise sound pressure levels shall be with a sound level meter of standard design as defined in this Chapter. Sound pressure level measurements shall be made with the A-weighting network.

2. Noise sound pressure level(s) shall be measured at a linear distance of twenty-five (25') from the noise source or at the property line or other premise boundary as specified in this Chapter. Whenever it is impossible or impractical to measure the noise sound pressure level(s) at twenty-five feet (25') or at the property line or other premises boundary, a greater distance from the noise source shall be used to determine compliance with this Chapter.

3-19-8 INSPECTIONS. For the purpose of determining compliance with the provisions of this Chapter, the Chief of Police is hereby authorized to make inspections of all noise sources and to take measurements and tests whenever necessary to determine the quantity and character of noise. In the event that any person refuses or restricts entry and free access to any part of premises, or refuses inspection, testing or noise measurement of any activity, device, facility, motor vehicle, or process where inspection is sought, the Chief of Police may seek from a court of competent jurisdiction a warrant for inspection requiring that such person permit entry and free access without interference, restriction, or obstruction, at a reasonable time, for the purpose of inspecting, testing or measuring noise.

It shall be unlawful for any reason to refuse to allow or permit the Chief of Police, or his/her authorized representative, free access to any premises when a warrant for inspection and order has been issued by the Court.

It shall be unlawful for any person to violate the provisions of any warrant or court order requiring inspection, testing or measurement of noise or noise services.

It shall be unlawful for any person to hinder, obstruct, delay, resist, prevent in any way, interfere with any authorized person while in the performance of his/her duties under this Chapter.

3-19-9 ABATEMENT ORDER. The department responsible for enforcement of this Chapter may issue an order requiring abatement of any noise alleged to be in violation of this Chapter. If the abatement order is not complied with, or if no abatement order is issued, the alleged violator shall be charged and punished pursuant to Section 3-19-10.

3-19-10 SEPTARTE OFFENSES. Each day a violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

It shall be unlawful for any person to misrepresent or give any false or inaccurate information or in any way attempt to deceive the Chief of Police or his/her authorized representative in order to avoid compliance with the provisions of this Chapter.

3-19-11 NUISANCE; ABATEMENT. The operation or maintenance of any device, instrument,

vehicle, or machinery in violation of any provision of the Chapter is declared to be a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

3-19-12 OTHER REMEDIES. No provision of this Chapter shall be construed to impair any statutory, legal, or common law remedy of any person for injury or damage arising from any violation of this Chapter.

3-19-13 CITIZENS SUITS. Any person may commence a civil action on his/her behalf against any person who is alleged to be in violation of this Chapter. The Jackson County District Court shall have jurisdiction to grant such relief as it deems necessary. The Court, in issuing any final order in any action brought pursuant to this Section, may at its discretion award the costs of litigation, including attorney fees, to any party to the action.

(Ord. 1-2019, October 22, 2019)

TITLE III COMMUNITY PROTECTION

CHAPTER 20 FIREWORKS ORDINANCE

| | | | |
|--------|----------------------------|--------|----------------------|
| 3-20-1 | Definitions | | Consumer Fireworks |
| 3-20-2 | Violations | 3-20-6 | Permits Required |
| 3-20-3 | Prohibitions | 3-20-7 | Seizure of Fireworks |
| 3-20-4 | Sale of Consumer Fireworks | 3-20-8 | Emergency |
| 3-20-5 | Restrictions on the Use of | | |

3-20-1 DEFINITIONS. The following words, terms, and phrases, when used in this Article, shall have the meaning as set forth in this section, except where the context clearly indicates a different meaning:

1. "Consumer Fireworks" includes First-Class Consumer Fireworks and Second-Class Consumer Fireworks as those terms are defined in Section 100.19 and Chapter 727 of the Iowa Code. Consumer Fireworks do not include Novelties enumerated in Chapter 3 of the American Pyrotechnics Association's Standard 87-1 or Display Fireworks enumerated in Chapter 4 of the American Pyrotechnics Association's Standard 87-1.

2. "Display Fireworks" include any explosive composition, or combination of explosive substances, or article prepared for the purpose of providing a visible or audible effect by combustion, explosion, deflagration, or detonation, and includes fireworks containing any explosive or flammable compound, or other device containing any explosive substance. Display Fireworks does not include Novelties or Consumer Fireworks enumerated in Chapter 3 of the American Pyrotechnics Association's Standard 87-1.

3. "Fireworks" means Consumer Fireworks and Display Fireworks. Fireworks does not include Novelties as defined in American Pyrotechnics Association's Standard 87-1, Chapter 3, and that comply with the labeling regulations promulgated by the United States Consumer Products Safety Commission.

3-20-2 VIOLATIONS.

1. Any person who fails to perform an act required by the provisions of this Chapter, or who commits an act prohibited by the provisions of this Chapter, shall be guilty of a simple misdemeanor punishable by a fine or punishable as a municipal infraction civil penalty as set forth in this Code.

2. A person may be prosecuted under the public nuisance provisions set forth in this Code and/or any other remedy available at law, to address any failure to perform an act required by the provisions of this Chapter or any action prohibited by the provisions of this Code of Ordinances or Code of Iowa.

3. A person who sells Consumer Fireworks to a person who is less than eighteen (18) years of age commits a simple misdemeanor, punishable by a fine of not less than \$250.00.

4. A person who is less than eighteen (18) years of age who purchases Consumer Fireworks commits a simple misdemeanor, punishable by a fine of not less than \$250.00.

5. A person who uses or explodes Consumer Fireworks in violation of this Article commits a simple misdemeanor, punishable by a fine of \$250.00.

6. A person who uses or explodes Display Fireworks while the use of such device is in violation of this Article commits a simple misdemeanor, punishable by a fine of not less than \$250.00.

7. A person who is less than eighteen (18) years of age who uses or explodes Consumer Fireworks or Display Fireworks commits a simple misdemeanor, punishable by a fine of not less than \$250.00.

3-20-3 PROHIBITIONS.

1. It shall be unlawful to manufacture fireworks within the City limits.

2. It shall be unlawful to sell Display Fireworks within the City limits.

3. It shall be unlawful for a person to possess, use or explode Display Fireworks, except in possession of and in compliance with all requirements of a permit issued by the City under this Ordinance.

3-20-4 SALE OF CONSUMER FIREWORKS.

1. It shall be unlawful for a person to offer for sale, expose for sale, or sell Consumer Fireworks, unless the person is a retailer or community group as defined in Chapter 100, Iowa Code, and possesses and complies with all requirements of a Consumer Fireworks seller license issued by the State Fire Marshall.

2. Consumer Fireworks may only be sold during the dates and times as established by the Iowa Code.

3. Consumer Fireworks may only be sold in zoning districts within the City that permit retail sales. Fireworks may not be sold on public property or within a residential zoning district.

3-20-5 RESTRICTIONS ON THE USE OF CONSUMER FIREWORKS.

1. A person shall not use or explode Consumer Fireworks on days other than June 1 through July 8 and December 10 through January 3 of each year, all dates inclusive.

2. A person shall not use or explode Consumer Fireworks at times other than between the hours of 9:00 a.m. and 10:00 p.m.

3. A person shall not use Consumer Fireworks on real property other than that person's real property or on the real property of a person who has consented to the use of Consumer Fireworks on that property.

4. Persons using or exploding Consumer Fireworks must be at least eighteen (18) years of age or older.

5. Persons using or exploding Consumer Fireworks are prohibited from being under the influence of alcohol or other drugs or a combination of such substances, while having a blood alcohol concentration of .08 or more or while having any amount of a controlled substance in the person's body.

6. Any use or explosion of Consumer Fireworks must be more than 400 feet/yards from an assisted living facility, nursing home, hospital, retirement home, or hospice.

7. Any use or explosion of Display Fireworks must be more than 800 feet/yards from an assisted living facility, nursing home, hospital, retirement home, or hospice.

8. No use or explosion of Consumer Fireworks is allowed on any public property, including parks, cemeteries, public rights-of-way, public parking lots, or sidewalks.

9. A person who violates this subsection commits a simple misdemeanor.

3-20-6 PERMITS REQUIRED.

1. A permit must be obtained from the City in order to use or explode Display Fireworks. In order to obtain a permit, the applicant must comply with City permitting and insurance requirements.

2. Application for a permit must be made, in writing, and filed at the Office of the City Clerk, at least ten (10) days in advance of the proposed display.

3-20-7 SEIZURE OF FIREWORKS.

1. The Fire Chief may seize, take, remove, or cause to be removed, at the expense of the owner, all Consumer Fireworks or Display Fireworks, offered or exposed for sale, used, stored, possessed, or held in violation of this Chapter.

3-20-8 EMERGENCY.

1. When, in the opinion of the Fire Chief, weather and soil conditions create a safety emergency so that the use of Consumer Fireworks and/or Display Fireworks creates a danger to the public or property, the Fire Chief may suspend, cancel, or prohibit the use of Consumer Fireworks and/or Display Fireworks.

(ECIA Model Code Amended in 2017)

TITLE IV MENTAL AND PHYSICAL HEALTH

CHAPTER 1 - ANIMAL CONTROL

| | | | |
|-------|---------------------|-------|------------------------------|
| 4-1-1 | Definitions | 4-1-5 | Actions of Cats or Dogs |
| 4-1-2 | Immunization | | Constituting a Nuisance |
| 4-1-3 | Kennel Dogs | 4-1-6 | Impounding |
| 4-1-4 | At Large Prohibited | 4-1-7 | Keeping a Vicious Dog or Cat |

4-1-1 DEFINITIONS. For use in this Chapter the following terms are defined as follows:

1. The term "dogs" shall mean both male and female animals of the canine species whether altered or not.

2. The term "cats" shall mean both male and female animals of the feline species whether altered or not.

3. The term "at large" shall mean any animal found off the premises of the owner and not under the control of a competent person, restrained within a motor vehicle, housed in a veterinary hospital or kennel, on a leash or "at heel" beside a competent person and obedient to that person's command.

(Ord. 2-2001, Passed December 10, 2001)

4. The term "owner" shall mean any person or persons, firm, association or corporation owning, keeping, sheltering or harboring a dog or cat.

(Code of Iowa, Sec. 351.2)

4-1-2 IMMUNIZATION. All dogs six (6) months or older shall be vaccinated against rabies. It shall be a violation of this Ordinance for any dog to not be vaccinated against rabies. A tag showing evidence of proper vaccination shall be worn by every dog when not confined.

(Code of Iowa, Sec. 351.33)

(Ord. 2-2001, Passed December 10, 2001)

4-1-3 KENNEL DOGS. Kennel dogs which are kept or raised solely for the bona fide purpose of sale and which are kept under constant restraint are not subject to the provisions of this Ordinance.

4-1-4 AT LARGE PROHIBITED. No owner of any cat or dog shall permit such cat or dog to run at large.

(Code of Iowa, Sec. 351.41)

(Ord. 2-2001, Passed December 10, 2001)

4-1-5 ACTIONS OF CATS OR DOGS CONSTITUTING A NUISANCE. It shall be unlawful for an owner of a cat or dog to allow or permit such cat or dog to commit a nuisance. A cat or dog shall be considered a nuisance if it:

1. Damages, soils, defiles or defecates on private property other than the owner's or on public walks and recreation areas unless such waste is immediately removed and properly disposed of by the owner.

2. Causes unsanitary, dangerous or offensive conditions.

3. Causes a disturbance by excessive barking or other noisemaking or chases vehicles, or molests, attacks or interferes with persons or other domestic animals on public property.

(Code of Iowa, Sec. 657.1)

(Ord. 2-2001, Passed December 10, 2001)

4-1-6 IMPOUNDING.

1. First Violation. Dogs and cats without a tag will be taken to the Jackson County Humane Society. Owners will be charged the Humane Society's fee plus a fine of \$25.00 plus court costs. Owners will be required to purchase proper City and County tags.

(Code of Iowa, Sec.351.39)

(Amended during 2015 codification)

2. Reserved.

3. Reserved.

4. Reserved.

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

(Code of Iowa, Sec.351.39)

4-1-7 DANGEROUS ANIMALS.

1. Dangerous Animals Prohibited. No person shall keep, shelter, or harbor for any purpose within the City limits, a dangerous animal.

2. Definitions. A dangerous animal is:

a. Any animal which is not naturally tame or gentle, and which is of a wild nature or disposition, and which is capable of killing, inflicting serious injury upon, or causing disease among human beings or domestic animals, and having known tendencies as a species to do so.

b. The following are animals which shall be deemed to be dangerous animals per se:

(1) Lions, tigers, jaguars, leopards, cougars, lynx, and bobcats;

(2) Wolves, coyotes, and foxes;

- (3) Badgers, wolverines, weasels, skunks and mink;
- (4) Raccoons;
- (5) Bears;
- (6) Monkeys, chimpanzees, and apes;
- (7) Alligators and crocodiles;
- (8) Scorpions; gila monsters;
- (9) Snakes that are venomous or constrictors;

(10) Pit bulls meaning any dog that is an American Pit Bull Terrier, American Staffordshire Terrier, Staffordshire Bull Terrier, or any dog displaying the majority of physical traits of any one or more of the above breeds (more so than any other breed), or any dog exhibiting those distinguishing characteristics which substantially conform to the standards established by the American Kennel Club or United Kennel Club for any of the above breeds. This is Optional to each City.

(ECIA Model Code Amended in 2020)

c. Any animals declared to be dangerous by the City Council.

3. Dangerous Animals Exceptions. The keeping of dangerous animals shall not be prohibited in the following circumstances:

a. The keeping of dangerous animals in a public zoo, bona fide educational or medical institution, humane society, or museum where they are kept as live specimens for the public to view, or for the purpose of instruction, research or study, and has obtained the written approval of the City Council.

4-1-8 KEEPING A VICIOUS ANIMAL. An animal is deemed to be vicious when it has attacked, injured, or bitten any person without provocation or has exhibited the propensity to attack, injure, or bite persons or other domesticated animals, unprovoked, and such propensity is known to the owner or to reasonably have been known to the owner thereof.

1. An animal is deemed vicious under the following circumstances:

a. Has bitten or clawed a person without provocation on two separate occasions within a twelve (12) month period.

b. Did bite or claw a person, without provocation, causing injuries above the shoulders of a person.

c. Has attacked any domestic animal, without provocation, on more than two (2) separate occasions during the life of the animal.

d. Has killed any domestic animal, without provocation, while off the property of the attacking animal's owner.

e. Has bitten another animal or human, without provocation, that causes a fracture, skin puncture, laceration, cut, or injury to the other animal or human.

(ECIA Model Code Amended in 2020)

TITLE IV MENTAL AND PHYSICAL HEALTH

CHAPTER 2 - PARK REGULATIONS

| | | | |
|-------|------------------------|-------|---------------|
| 4-2-1 | Purpose | 4-2-4 | Fires |
| 4-2-2 | Parking | 4-2-5 | Littering |
| 4-2-3 | Use of Drives Required | 4-2-6 | Camping Areas |

4-2-1 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. 392.1)

4-2-2 PARKING. All vehicles shall be parked in designated parking areas.

4-2-3 USE OF DRIVES REQUIRED. No person shall drive any car, cycle or other vehicle, or ride or drive any horse, in any portion of a park except upon the established drives or roadways therein or such other places as may be officially designated by the City.

4-2-4 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.

4-2-5 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.

4-2-6 CAMPING AREAS. No person shall camp in any portion of a park except in portions prescribed or designated by the City Council.

TITLE IV MENTAL AND PHYSICAL HEALTH

CHAPTER 3 - CEMETERY

| | | | |
|-------|----------------------------|--------|-----------------------------------|
| 4-3-1 | Establishment and Location | 4-3-8 | Money for Perpetual Care Fund |
| 4-3-2 | Sale of Lots | 4-3-9 | Interest Now Used |
| 4-3-3 | Provisions of Deed | 4-3-10 | Fees |
| 4-3-4 | Payment for Lots | 4-3-11 | Rules and Regulations |
| 4-3-5 | Recording Deed | 4-3-12 | Vandalism and Vehicles Restricted |
| 4-3-6 | Cemetery Fund | 4-3-13 | Littering - Dumping |
| 4-3-7 | Perpetual Care Fund | 4-3-14 | Decoratons |

4-3-1 ESTABLISHMENT. The land heretofore used as a burial place as set aside and known as the Evergreen Cemetery owned by the municipality and its establishment and use as the cemetery of the municipality is hereby confirmed and approved.

4-3-2 SALE OF LOTS. The price of lots shall be fixed by the City Council from time to time, by resolution. The price of each lot sold in the future shall include perpetual care for the lot. The City Clerk shall have charge of selling the lots at the prices fixed by the City Council, and upon receipt of the purchase price, he shall make out a deed for the lot, which deed shall be signed by the Mayor and City Clerk and delivered to the purchaser.

(Code of Iowa, Sec. 566.26)

4-3-3 PROVISIONS OF DEED. The deed for each lot shall convey the lot to the purchaser and to his family and heirs for a burial place and for the burial of such other relatives as they shall file a written permit with the City Clerk. A lot cannot be conveyed by the owner to any other person without the approval of a majority vote of the entire City Council. Each deed for a lot in the cemetery shall contain the following provisions. "In case the purchaser and his or her heirs have abandoned the lot, specified in this deed, for more than twenty years and none of the heirs can be located, the unused portion of the lot shall revert to the municipality as provided by law."

4-3-4 PAYMENT FOR LOTS. Full payment for any lot must be made to the City Clerk or arrangements and terms to be approved by a majority vote of the City Council, shall be made for payment for the same, before the deed is issued for the lot.

4-3-5 RECORDING DEED. The deed for each lot shall be recorded with the City Clerk in a book kept by him or her for that purpose.

4-3-6 CEMETERY FUND. The proceeds from any tax for cemetery purposes or from the sale of lots and from other sources connected therewith, except the amounts set aside as a perpetual care fund, shall be placed in the cemetery fund, and shall only be expended in improving, enlarging or extending the cemetery, and upon matters incidental thereto.

4-3-7 PERPETUAL CARE FUND. A perpetual care fund is established to provide for the perpetual care of lots in the cemetery. No part of the principal of the perpetual care fund shall ever be used but shall be kept as a trust fund and invested in such authorized investments and in the manner prescribed in Section 682.23 of the Code of Iowa.

(Code of Iowa, Sec. 566.14)

4-3-8 MONEY FOR PERPETUAL CARE FUND. All bequests made to the perpetual care fund, all money by lot owners for perpetual care, and twenty-five dollars (\$25.00) in addition to the price of each lot hereafter sold, shall be placed in the perpetual care fund. Any owner of a lot heretofore sold, and not having provided for perpetual care, shall have the lot cared for perpetually by paying into the perpetual care fund, one dollar per year.

(Code of Iowa, Sec. 566.16)

4-3-9 INTEREST NOW USED. The interest from the perpetual care fund shall be used for the care of the lots of those owners who have paid into the fund the amount fixed in this Chapter for perpetual care or have purchased a lot with perpetual care and any surplus received from interest above that necessary to care for such lots shall be placed in the perpetual care fund.

4-3-10 FEES. There shall be charged such fee for opening graves, care for lots and other work done for lot owners as the City Council shall fix by resolution.

4-3-11 RULES AND REGULATIONS. The City Council shall by resolution, passed by a majority vote of the entire City Council, adopt rules and regulations in regard to the care of lots, fix the prices that will be charged for the care of the lots, for opening graves and for all other cemetery work done by municipal employees.

4-3-12 VANDALISM AND VEHICLES RESTRICTED. It shall be unlawful to destroy, mutilate, deface, injure or remove any tomb, vault, monument, gravestone or any structure in the cemetery or any fence, railing or other work for protection or ornamentation, or destroy, cut, break, or injure any tree, shrub, plant or lawn within or about the limits of the cemetery, or drive at an unusual or forbidden speed over the avenues or roads therein, or drive outside of the avenues and roads and over any grass, grave, or private lot.

4-3-13 LITTERING - DUMPING.

1. It shall be unlawful to dump or deposit any dirt, sand or material of any kind upon any street or alley in the cemetery, except by permission of the City Council and under the direction of the City Clerk.

2. It shall be unlawful to cut any grass or weeds and deposit the same on any other lot or upon any street or alley of the cemetery.

3. Residents of Sabula may dump or deposit cut grass, cut weeds, cut brush and leaves in the compost site at the cemetery, which may be from time to time established by the City. It shall be unlawful to deposit or dump garbage junk and materials of any other kind in the compost site at the cemetery or at any other site within the cemetery.

4. The violation of any of the provisions of this Ordinance is “municipal infraction” and is punishable by civil penalty as provided in Title I General Provisions, Chapter 3—Penalty, Section 1-3-2 of the Sabula Code of Ordinances (2006)

(Ord. 5-2010, Passed June 23, 2010)

4-3-14 DECORATIONS. It shall be unlawful for anyone, except the owner thereof, to damage, mar, injure, destroy, remove or carry away any shrub, tree, flower, vase, wreath, bouquet, basket or decoration placed upon any grave or on any lot in the cemetery.

TITLE V HUMAN DEVELOPMENT - EDUCATION AND CULTURE

CHAPTER 1 - LIBRARY SERVICES

Section 392.5, Iowa Code, provides that the Library Board is to continue to function in the same manner until altered or discontinued. No unilateral changes may be made by the Library Board or City Council as to the Library Board composition, the manner of selection, or duties. Consult your City Attorney before making changes to the City's Library Ordinance.

Editor's Note: The Council may retain the power to hire, discharge, set salaries, expend funds unless the library board was in existence prior to July 1, 1972. (See Sections 5-1-5(4), 5-1-5(5), 5-1-5(9) and 5-1-8.

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

(ECIA Model Code Amended in 2020)

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 1 - MOBILE HOME REGULATION

| | | | |
|-------|--------------------------|-------|------------------------------------|
| 6-1-1 | Purpose | 6-1-5 | Application for Special Permit |
| 6-1-2 | Definitions | 6-1-6 | Special Permit Conditions |
| 6-1-3 | Location of Mobile Homes | 6-1-7 | Emergency and Temporary Parking |
| 6-1-4 | Special Permits | | |

6-1-1 PURPOSE. The purpose of this Chapter is to provide for municipal regulation of mobile homes and mobile home parks in furtherance of the public health, safety, morals and welfare.

6-1-2 DEFINITIONS. For use in this Chapter the following terms are defined:

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

(Code of Iowa, Sec. 103A.3(8)
(ECIA Model Code Amended in 2010)

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

(Code of Iowa, Sec. 435.1(3)
(ECIA Model Code Amended in 2010)

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

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

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

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

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

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

6-1-3 LOCATION OF MOBILE HOMES. It shall be unlawful for any person, firm, or corporation to park or place any mobile home on the streets, alleys, or highways, any public place, or on any private land within the City, except as is provided by State law and this Chapter. This Section shall not apply to:

1. Existing Mobile Homes. Mobile homes located outside of mobile home parks as of the effective date of October 1, 1976.

2. Replacement of Existing Mobile Home. Mobile homes parked or placed outside a mobile home park subsequent to October 1, 1976, when such mobile home replaces or is substituted for a mobile home located outside a mobile home park under circumstances where the land on which the mobile home is placed or parked was owned prior to October 1, 1976, by the person owning and seeking to place or park the new or substituted mobile home owned the old mobile home prior to October 1, 1976 and it is the intention of the owner of the land personally to occupy the new or substituted mobile home; it being the meaning and intent of this subsection to permit the substitution of a newer mobile home for an older mobile home where the older mobile home was owned prior to October 1, 1976, by the person seeking to make the substitution and the site of the mobile home was likewise owned prior to October 1, 1976 by the person seeking to make the substitution.

3. Manufactured Homes. Manufactured homes exceeding twenty-two (22) feet by forty (40) feet.

6-1-4 SPECIAL PERMITS. The City Council, upon application of a mobile home owner, may issue a special permit for the location of a mobile homes outside a mobile home park. The City Council shall issue such special permits only when it appears that location within a local mobile home park is impracticable and public health, safety, and welfare interest will not be seriously affected by granting the permit. Special permits shall not be granted for periods in excess of three (3) months.

6-1-5 APPLICATION FOR SPECIAL PERMIT. Application for a special permit shall be accompanied by a fee of ten dollars (\$10.00). The application shall contain:

1. Description of Mobile Home. A description of the applicant's mobile home, including: Year, Model No., Registration Number, Model, Manufacturer's VIN number, Certificate of Title Number, Lien Holder, and color.

2. Property Description. A property description of the lot where the mobile home will be located: legal description of the lot - and house number.

3. Property Owner. A written approval of the owner of the lot where the mobile home will be located. Such written approval is to include the owner's name, address, and telephone number.

4. Sanitation Facilities. Information on sanitation facilities of the mobile home and those available at the place of location.

5. Mobile Home Park. A statement concerning the practicability of location within a local mobile home park.

6. A plat plan, drawn to scale, showing the proposed location of the mobile home and any accessory building on the lot together with appropriate plans and specifications detailing the proposed method of complying with the provisions of Section 6-1-6.

6-1-6 SPECIAL PERMIT CONDITIONS. No special permit for the location of the mobile home outside a mobile home park shall be issued except in conformity with the following conditions or restrictions:

1. Separate Lot. No mobile home shall be permitted to be placed upon the same lot as another mobile home, residence, or other structure.

2. Lot Area. No mobile home shall be permitted to be located on a lot containing less than 3,780 square feet.

3. Front Yard. There shall be a minimum front yard of not less than twenty (20) feet measured from the lot line to the nearest projection or portion of the mobile home.

4. Side Yard. There shall be a minimum side yardage on each side of any mobile home of not less than five (5) feet.

5. Rear Yard. There shall be a minimum rear yard of not less than ten (10) feet measured from the lot line to the nearest projection or portion of the mobile home.

6. Attached Buildings. No accessory building, entry way, stoop, shed or other structure shall be attached to any mobile home. This restriction shall not apply to awnings attached to the mobile home and supported by posts or columns and enclosed with no material other than glass or screening.

7. Foundation. A mobile home shall be converted to real estate. The foundation of such mobile home shall be placed on a permanent full foundation of solid concrete blocks set in mortar, or on a poured concrete foundation, or any other foundation equivalent to that described. The footings shall be at least below the frost line and twelve (12) inches below the top of undisturbed earth unless piling is required. The frost line shall be deemed to be four and one-half (4 1/2) feet below final finish grade at the foundation and any backfill shall be properly compacted to prevent excessive frost penetration. Footings shall be at least twelve (12) inches wide and six (6) inches thick. The mobile home shall be firmly anchored to the foundation in accordance with accepted practice. Every mobile home comes with a manufacturer's code which is in conformance with the government code and the instructions included therein will tell how to anchor the mobile home. In the case of a 16' x 80' mobile home, the anchors are to be four (4) feet long with a six (6) inch disc on the bottom of the rod - 3/4 inch rod - and one (1) inch strap around the supports - 5,000 lb. test on straps. There shall be six (6) anchors to each side of the mobile home.

8. Water and Sewer Service. Each mobile home shall be connected with the public water and sewer system in accordance with Ordinances of the City.

9. Accessory Buildings. Accessory buildings such as garage or storage buildings may be located on the rear yard of a mobile home lot provided the furthestmost projection of such structure is no nearer than two (2) feet to any side or rear lot line nor nearer than five (5) feet to the rear of the mobile home.

10. Conversion to Real Estate. Where it is proposed to place a mobile home outside a mobile home park it shall be converted to real estate. Foundation shall be constructed per Section 6-1-6(7).

11. Square Footage of Mobile Home. A mobile home proposed to be located outside of a mobile home park shall have at least 1,280 square feet (16' x 80'), excluding such things as tip-outs or self-contained extensions.

6-1-7 Emergency and Temporary Parking. Emergency or temporary parking of mobile homes upon the streets, alleys, or highways or any other public or private place for a period not in excess of four (4) hours shall not constitute a violation of Section 6-1-3 but such parking shall be subject to any prohibitions or regulations contained in other Ordinances of the City.

(Ord. 3-1994, Passed March 7, 1994)

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 2 - UTILITIES - SANITARY SYSTEM

| | | | |
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6-2-1 PURPOSE. The purpose of this Chapter 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.

6-2-2 DEFINITIONS. Unless the context specifically, indicates otherwise, the meaning of terms used herein shall be as follows:

1. "ANSI" shall mean standards of the American National Institute, latest edition.
2. "ASTM" shall mean standards of the American Society of Testing Materials, latest edition.
3. "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees C, expressed in milligrams per liter.
4. "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, or 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))
5. "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.
(IAC 567-69.3(1))
6. "City" shall mean the City of Sabula, Iowa.
7. "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.
8. "Contributor" shall mean any person responsible for the production of domestic, commercial, or industrial waste which is directly or indirectly discharged into the public sewer system.

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

10. "Health officer" shall mean the Jackson County Health Department representative, Jackson County, Iowa.

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

12. "Inspector" shall mean the person duly authorized by the City 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.

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

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

15. "ph" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

16. "Private Sewer" shall mean a sanitary building drain and sewer privately owned and not directly controlled by public authority.

17. "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

18. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

19. "Sanitary Sewer" shall mean a sewer which carries sewage to which storm, surfaces, and groundwaters are not intentionally admitted.

20. "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.

21. "Sewer Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.

22. "Sewage Works" shall mean all facilities for collecting, pumping, treating and disposing of sewage.

23. "Sewer" shall mean a pipe or conduit for carrying sewage.

24. "Sewer Rental" shall mean any and all rates, charges, fees, or rentals levied against and payable by contributors, as consideration for the servicing of said contributors by said sewer system.

25. "Shall" is mandatory: "May" is permissive.

26. "Slug" shall mean any discharge of water, sewage, or industrial waste, which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

27. "Storm Drain" (sometimes termed storm sewer) shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

28. "Superintendent" shall mean the Superintendent of Sewage Treatment Plant of the City of Sabula, or the Superintendent's authorized deputy, agent, or representative.

29. "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

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

31. "WPCF" shall mean Water Pollution Control Federation.

6-2-3 USE OF PUBLIC SEWERS REQUIRED.

1. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City of Sabula, or in any area under the jurisdiction of said City, any human or animal excrement, garbage, or other objectional waste.

2. It shall be unlawful to discharge to any natural outlet within the City of Sabula, or in any area under the jurisdiction of said City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.

3. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

4. The owner of all houses, buildings, or properties used for human employment, recreation, or other purposes, situated within the City and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the City, is hereby required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Ordinance, within thirty (30) days after date of official notice to do so, provided that said public

sewer is within one hundred (100) feet of the property line.

(Code of Iowa, Sec. 364.12(3)(f))
(IAC 567-69.3(3))

6-2-4 BUILDING SEWERS AND CONNECTIONS.

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

2. There shall be two (2) classes of building sewer permits:

a. for residential and commercial service, and

b. for service to establishments producing industrial wastes. In either case, the owner or his or her agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgement of the Superintendent. A permit and inspection fee of not less than \$10.00 dollars for a residential or commercial building sewer permit and not less than \$25.00 dollars for an industrial building sewer permit shall be paid to the City at the time the application is filed. Special conditions may require higher fees as determined by the City.

3. Connection deadline. All approved connection permits shall require the owner to complete construction and connection of the building sewer to the public sewer within thirty (30) days from the approval of the permit, except that when, in the judgement of the Superintendent, a property owner on an application has made sufficient showing that due to conditions beyond his or her control or peculiar hardship, the period of time set forth for the completion of the connection shall be inequitable or unfair to him or her, an extension of time within which to comply with the provisions herewith may be granted.

4. 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 he or she 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.

a. 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 City Council or their designated representative of such violation. If not made within such time, the City 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.

5. All costs and expense incident to the installation and connection of 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.

6. A separate and independent building sewer shall be provided for every building: except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

7. Sewer Tap. Connection to the building sewer into the public sewer shall be made at the "Y" branch, if such branch is available at a suitable location. If the public sewer is twelve inches (12") diameter or less and no properly located "Y" branch is available, the owner shall at his or her own expense install a "Y" branch in the public sewer at the location specified by the City. Where the public sewer is greater than twelve inches (12") and no properly located "Y" branch is available a neat hole may be cut into the public sewer to receive the building sewer with entry in the downstream direction at an angle of approximately forty-five (45) degrees. A forty-five (45) degree ell may be used to make such connection, with the spigot end cut so as not to extend past the inner surface of the public sewer. The invert of the building sewer at the point of connection shall be at the same, or at a higher elevation than the invert of the public sewer. A smooth, neat joint shall be made, and the connection made secure and watertight by encasement in concrete. Special fittings may be used for the connection only when approved by the City. At no time shall a building sewer be constructed so as to enter a manhole unless special written permission is received from the Superintendent and in accordance with his or her direction if such connection is approved.

8. 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 Ordinance.

9. The size, slope, alignment, material of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the S.N.S.I., A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

a. Barricades and Lighting. Adequate barricades and warning lights shall be so placed as to protect the public from hazard.

b. 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.

c. Methods. 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 C12, except that no backfill shall be placed until the work

has been inspected.

d. 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.

e. Building sewer pipe from the property line to the public sewer shall be free from flaws, splits or breaks, and shall conform to the State Plumbing Code and as modified by the following requirements:

(1) Clay Sewer Pipe: A.S.T.M. C700-Extra Strength

(2) Cast Iron Soil Pipe: A.S.T.M. A 74

(3) Cast Iron Water Pipe: A.S.T.M. A21.6 - Bituminous Coating Inside and Out 18K/40K PSI, Class 22

(4) Polyvinyl Chloride Pipe (PVC): A.S.T.M. D2665-DWA Application

(5) Acrylonitrile Butadiene Styrene (ABS) A.S.T.M. D2661-DWV Application

f. Jointing. Fittings, type of joint, and jointing material shall be commensurate with the type of pipe used and subject to the approval of the Superintendent and to the following specific requirements:

(1) Clay Sewer Pipe: Compression Joints, A.S.T.M. C425

(2) Cast Iron Soil Pipe: Rubber Gasket Joints, A.S.T.M. C564 Hot Poured/Caulked Lead Joints for Exposure to Root Damage.

(3) Cast Iron Water Pipe: Mechanical or Push-on Joints, A.N.S.I. A21.11

(4) Polyvinyl Chloride Pipe (PVC): Solvent Cement or Threaded Joints A.S.T.M. D2564/D2665

(5) Acrylonitrile Butadiene Styrene (ABS): Solvent Cement or Threaded Joints A.S.T.M. D2235/D2661

g. Watercourse Crossing. No sewer connection shall be laid so that it is exposed when crossing any watercourse. Where an old watercourse must of necessity be crossed and where there is any danger of undermining or settlement, cast iron soil pipe or vitrified clay sewer pipe thoroughly encased in concrete shall be required for such crossings. Such encasement shall extend at least six (6) inches on all sides of the pipe. The cast iron pipe or encased clay shall rest on firm, solid material at either end.

h. Preparation of Basement or Crawl Space. No connection for any residence, business or

other structure with any sanitary sewer shall be made unless the basement floor is poured, or in the case of a building with a slab or crawl space, unless the ground floor is installed with the area adjacent to the foundation of such building cleared of debris and backfilled. The backfill shall be well compacted and graded so that the drainage is away from the foundation. Prior to the time the basement floor is poured, or the first floor is installed in buildings without basements, the sewer shall be plugged and the plug shall be sealed as approved by the Superintendent. Any accumulation of water in any excavation or basement during construction and prior to connection to the sanitary sewer shall be removed by means other than draining into the sanitary sewer.

i. Restoration of Public Property. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City, at the expense of the property owner.

j. Completion by the City. Should any excavation in any street or alley be left open or unfinished, for a period of twenty-four hours or should work be improperly done, the Superintendent shall have the right to finish or correct such work and the expense shall be charged to the property owner.

10. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

11. No person shall make connection of roof downspouts, interior and exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

12. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City, or the procedures set forth in appropriate specification of the A.N.S.I., A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

a. Size. Building sewers shall be sized for the peak expected sewage flow from the building with a minimum building sewer size of four inches (4").

b. Alignment and Grade. All building sewers shall be laid to a straight line and at a uniform grade of not less than the following:

- (1) Four (4) inch lines: one-fourth (1/4) inch per foot.
- (2) Six (6) inch lines: one-eighth (1/8) inch per foot.
- (3) Minimum velocity: 2.50 feet per second with the sewer half full.

(4) Deviations: Any deviation in alignment or grade shall be made only with the written approval of the Superintendent and shall be made only with properly curved pipe and fittings.

c. 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.

13. The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his or her representative.

14. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

15. Limited Responsibility for Permit Revocation. All permits to connect with sewer shall be given upon the express condition that the City Council may at any time before the work is completed revoke and annul the same and no party interested shall have a right to claim damages in consequence of any such permits being revoked or annulled.

16. Bond Required. The person performing the connecting shall provide a surety bond in the sum of \$2,000 secured by a responsible surety bonding company authorized to operate within the state, conditioned to indemnify and save the City harmless against all losses or damages that may arise from or be occasioned by the making of connections with the public sewers or excavations therefore or by carelessness, negligence or unskillfulness in making the same.

17. Plumber Required. Any connection to a public sewer shall be made by a plumber approved by the City. The Superintendent shall have the power to suspend the approval of any plumber for violation of any of the provisions of this Chapter; a suspension, unless revoked, shall continue until the next regular meeting of the City Council. The Superintendent shall notify the plumber immediately by personal written notice of the suspension, the reasons for the suspension, and the time and place of the City Council meeting at which he or she will be granted a hearing. At this City Council meeting the Superintendent shall make a written report to the City Council stating the reasons for the suspension, and the City Council, after fair hearing, shall revoke the suspension or take any further action that is necessary and proper.

6-2-5 USES OF PUBLIC SEWERS.

1. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

2. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewer or storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged on

approval of the Superintendent, to a storm sewer, combined sewer, or natural outlet.

3. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

a. Any gasoline, benzene, naphta, fuel oil or other flammable or explosive liquid, solid or gas.

b. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) mg/l as CN in the wastes as discharged to the public sewer.

c. Any waters or wastes having a ph lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

d. Solid or viscous substances in quantities 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, mild containers, etc., whole or ground by garbage grinders.

e. Any waters or wastes having (1) a 5-day biochemical oxygen demand greater than 300 parts per million by weight, or (2) containing more than 300 parts per million by weight of suspended solids, or (3) having an average daily flow greater than 2 percent of the average sewage flow of the Sewage Treatment Plant, shall be subject to the review of the Superintendent. Where necessary in the opinion of the Superintendent, the owner shall provide at his or her expense, such preliminary treatment as may be necessary to (1) reduce the biochemical oxygen demand to 300 parts per million by weight, or (2) reduce the suspended solids to 300 parts per million by weight, or (3) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent and no construction of such facilities shall be commenced until said approvals are obtained in writing.

4. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his or her opinion as to the acceptabililty of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

- a. Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees.
- b. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) parts per million by weight or containing substances which may solidify or become viscous at temperatures between thirty-two (32) degrees F and one hundred fifty (150) degrees F.
- c. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower or greater shall be subject to the review and approval of the Superintendent.
- d. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- e. Any waters or wastes containing iron, chromium, copper, zinc, and similar incompatible, objectionable or toxic substances or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewer to the sewage treatment works exceeds the limits established by the Superintendent for such materials.
- f. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of State, Federal, or other public agencies or jurisdiction for such discharge to the receiving waters.
- g. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.
- h. Any waters or wastes having a ph in excess of 9.5.
- i. Toxic or Poisonous Wastes. Any water or wastes containing a toxic or poisonous substance or a chlorine demand of sufficient concentration or quantity to injure or interfere with any sewage treatment process, constitute a hazard to animals or humans, or create any hazard in the receiving waters or the effluent of the sewage treatment plant. The introduction of heavy metals and similar toxic substances to the system shall be limited in accordance with current State and Federal pretreatment standards and effluent guidelines with respect to average and maximum concentrations and quantities. In the absence of specific constituent pretreatment standards, limits will be established by the Superintendent.
- j. Materials which exert or cause:
 - (1) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride or sodium sulfate).
 - (2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

(3) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

(4) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

k. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

5. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in 6-2-5 (4) of this Chapter, and which in the judgement of the Superintendent, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to a life to constitute a public nuisance, the Superintendent may:

a. Reject the wastes.

b. Require pretreatment to an acceptable condition for discharge to the public sewers.

c. Require control over the quantities and rates of discharge, and/or:

d. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of 6-2-5(10) of this Chapter.

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.

6. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.

a. Maintenance. All interceptors of grease, oil, sludge and sand shall be maintained by the owner at his or her expense in continuously satisfactory and effective operation by the owner at his or her expense.

7. Where preliminary treatment or flow-equalizing facilities are provided for any waters or waste, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

8. When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be maintained by him or her so as to be safe and accessible at all times.

9. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. The particular analysis involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composite of all outfalls whereas ph's are determined from periodic grab samples.

10. No statement contained in this Chapter shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefore, by the industrial concern.

6-2-6 PRIVATE SEWAGE DISPOSAL.

1. Where a public sanitary or combined sewer is not available under of provisions of 6-2-3 (4), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Chapter.

2. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit approved by the Jackson County Health Department. The application for such permit shall be made on a form furnished by the County, which the applicant shall supplement by any plans, specifications, and other information as deemed necessary.

3. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Health Department. The Health Department shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Health Department when the work is ready for final inspection, and before any underground portions are covered.

4. The type, capacities, location, and layout of a private sewage disposal system shall comply, with all recommendations of the State of Iowa Department of Natural Resources and the Jackson County Health Department. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

5. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in 6-2-3(4), direct connection shall be made to the public sewer in compliance with this Ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

6. The owner shall operate and maintain the private sewage disposal facilities in any sanitary manner at all times, at no expense to the City.

7. No statement contained in this Chapter shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

8. When a public sewer becomes available, the building sewer shall be connected to said sewer within thirty (30) days from the date of written official notice from the City and the private sewage disposal system shall be cleaned of sludge and filled with clean backrun gravel or dirt within ninety (90) days.

6-2-7 PROTECTION FROM DAMAGE.

1. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structural, appurtenance, or equipment which is part of the sewage works.

2. Manholes. No one shall open or enter any manhole of the sewer system, except by authority of the Superintendent.

3. Objectionable Wastes. No one shall 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 objectional wastes.

4. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

6-2-8 POWERS AND AUTHORITY OF INSPECTORS.

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

2. While performing the necessary work on private properties referred to in the subsection above, the Superintendent or duly authorized employees of the City shall observe all safety rules

applicable to the premises established by the company and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 6-2-8(2).

3. The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purpose of but not limited to inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

6-2-9 PENALTIES.

1. Any person found to be violating any provision of this Ordinance except 6-2-7 shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

2. Any person who shall continue any violation beyond the time limit provided for in Subsection 1 above shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding \$500 dollars for each violation. Each 24-hour period in which any such violation shall continue shall be deemed a separate offense.

(Ord. 2-2001, Passed December 10, 2001)

3. Any person violating any of the provisions of this Ordinance shall become liable to the City for any expense, loss, or damage occasioned the City by reason of such violation.

6-2-10 VALIDITY.

1. The invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part of parts.

6-2-11 PROPERTY OWNER'S RESPONSIBILITY. All costs and expenses incident to the installation, connection, and maintenance of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 3 - UTILITIES - WATER SYSTEM

| | | | |
|--------|------------------------------------|--------|---------------------------------------|
| 6-3-1 | Definitions | 6-3-12 | Inspection and Approval |
| 6-3-2 | Superintendent: Duties | 6-3-13 | Completion By The City |
| 6-3-3 | Mandatory Connections | 6-3-14 | Shutting Off Water Supply |
| 6-3-4 | Abandoned Connections | 6-3-15 | Maintenance Owner's Responsibility |
| 6-3-5 | Compliance With Plumbing Code | 6-3-16 | Failure to Maintain |
| 6-3-6 | Plumber Required | 6-3-17 | Operation of Curb Stop |
| 6-3-7 | Excavations | 6-3-18 | Water Meters |
| 6-3-8 | Tapping Mains | 6-3-19 | Property Owner's Responsibility |
| 6-3-9 | Installation of Water Service Pipe | 6-3-20 | Open Geothermal Systems Prohibited |
| 6-3-10 | Curb Stop | | |
| 6-3-11 | Interior Stop and Waste Cock | | |

6-3-1 DEFINITIONS. For use in this Chapter, the following terms are defined:

1. "Water System" or "Water Works": shall mean all public facilities for securing, collecting, storing, pumping, treating, and distributing water.
2. "Superintendent": shall mean the City Manager or his or her duly authorized assistant, agent, or representative.
3. "Water Main": shall mean a water supply provided for public or community use.
4. "Water Service Pipe": shall mean the pipe from the water main to the building serviced.
5. "Consumer": shall mean any person receiving water service from the City.

6-3-2 SUPERINTENDENT: 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 this 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 to 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 City Council. In the event of an emergency, he or she may make temporary rules for the protection of the system until due consideration by the City Council may be had.

6-3-3 MANDATORY CONNECTIONS. All residences and business establishments within the City limits intended or used for human habitation, occupancy or use shall be connected to the public water system, if it is reasonably available and if the building is not furnished with pure and wholesome water from some other source.

6-3-4 ABANDONED CONNECTIONS. When an old water service is abandoned or a service is renewed with a new tap in the main, all abandoned connections with the mains shall be turned off at the corporation cock and made absolutely water tight.

6-3-5 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 the State Plumbing Code.

6-3-6 PLUMBER REQUIRED. All installations of water service pipes and connections to the water system shall be made by a competent plumber.

6-3-7 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.

6-3-8 TAPPING MAINS. All taps into water mains shall be made by the Superintendent and in accord with the following:

1. Independent services. No more than one house, building or premises shall be supplied from one tap unless special written permission is obtained from the Superintendent and unless provision is made so that each house, building or premise may be shut off independently of the other.

2. Sizes and Location of Taps. All mains six inches or less in diameter shall receive no larger than a three-fourths inch tap. All mains of over six inches in diameter shall receive no larger than a one inch tap. Where a larger connection than a one inch tap is desired, two or more small taps or saddles shall be used, as the Superintendent shall order. All taps in the mains shall be made at or near the top of the pipe, at least eighteen inches apart. No main shall be tapped nearer than two feet of the joint in the main.

3. Corporation Cock. A brass corporation cock, of the pattern and weight approved by the Superintendent, shall be inserted in every tap in the main. The corporation cock in the main shall in no case be smaller than one size smaller than the service pipe.

4. Location Record. An accurate and dimensional sketch showing the exact location of the tap shall be filed with the Superintendent in such form as the Superintendent shall require.

6-3-9 INSTALLATION OF WATER SERVICE PIPE. Water service pipes from the main to the meter setting shall be standard weight type K copper or P.V.C. meeting I.A.P.M.O. specification 15-14-72. Pipe must be laid sufficiently waving, and to such depth, as to prevent rupture from settlement or freezing.

6-3-10 CURB STOP. There shall be installed a main shut-off valve of the inverted key type on the water-service pipe at the outer sidewalk line with a suitable lock of a pattern approved by the Superintendent. The shut-off valve shall be covered with a heavy metal cover having the letter "W" marked thereon, visible and even with the pavement or ground.

6-3-11 INTERIOR STOP AND WASTE COCK. There shall be installed a shut-off valve and waste cock on every service pipe inside the building as close to the entrance of the pipe within the building as possible and so located that the water can be shut off conveniently and the pipes drained.

Where one service pipe supplies more than one customer within the building, there shall be separate valves for each such customer so that service may be shut off for one without interfering with the service to the others.

6-3-12 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 he or she 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 so that it will meet with the Superintendent's approval. Every person who uses or intends to use the municipal water system shall permit the Superintendent to enter the premises to inspect or make necessary alterations or repairs at all reasonable hours and on proof authority.

6-3-13 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 City Council shall assess the costs to property owner or the plumber. If the property owner is assessed, such assessment may be collected with and in the same manner as general property taxes.

6-3-14 SHUTTING OFF WATER SUPPLY. After giving reasonable notice, the Superintendent may shut off the supply of water to any customer because of any substantial violation of this Chapter, or valid regulation under 6-3-2 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.

6-3-15 MAINTENANCE OWNER'S RESPONSIBILITY. It shall be the responsibility of the owner of the property connected to any water main to keep in good repair and free of any leaks the water service pipe from the curb stop to the building or premises.

6-3-16 FAILURE TO MAINTAIN. When any water service pipe which the owner is to maintain 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.

6-3-17 OPERATION OF CURB STOP. It shall be unlawful for any person except the Water Superintendent to turn water on at the curb stop.

6-3-18 WATER METERS.

1. Water Use Meters. The City may require that all water furnished consumers shall be measured through meters.

2. Fire Sprinkler System - Exceptions. 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.

3. Location of Meters. All meters installed shall be so located that they are easily accessible to meter readers and repairmen and protected from freezing.

4. Meter Setting. The property owner shall have provided all necessary piping and fittings for proper setting of the meter including a globe type valve on the discharge side of the meter. Meter pits may be used only upon approval of the Superintendent and of a design and construction approved by the Superintendent.

5. Right of Entry. The Superintendent shall be permitted to enter the premises of any consumer at any reasonable time to remove or change a meter.

6-3-19 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 be occasioned by the installation of the building sewer.

6-3-20 OPEN LOOP GEOTHERMAL SYSTEMS PROHIBITED. Due to their significant water use and the serious potential adverse environmental impact, the construction, operation and maintenance of open loop geothermal systems is hereby prohibited within the city limits.

(Ord. 1-2009, Passed January 26, 2009)

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 3a - UTILITIES - WATER WELL PROTECTION

| | | | |
|--------|---------------------------------------|--------|----------------------------|
| 6-3a-1 | Purpose | 6-3a-4 | Separation Distances Table |
| 6-3a-2 | Establishment of Separation Distances | | |
| 6-3a-3 | Definitions | | |

6-3a-1 PURPOSE. The purpose of this chapter is to establish separation distances from wells from all structures and uses, to protect the public and to preserve the health and welfare of the community by protecting water purity.

6-3a-2 ESTABLISHMENT OF SEPARATION DISTANCES. The distances for separating uses and construction around all wells within the City, including old wells as well as new wells, have been established by State requirements relative to possible pollutants and their distances from wells, and the Council has found that the said State requirements shall be adopted as the minimum acceptable requirements for separation distances from wells, and no construction or use shall be allowed within said minimum distances to City wells as set forth herein.

6-3a-3 DEFINITIONS. For use in this chapter, the following terms are defined. Use of the word “building” includes the word “structure”.

1. “Animal enclosure” means a lot, yard, corral or similar structure in which the concentration of livestock or poultry is such that a vegetative cover is not maintained.

2. “Animal pasturage” means a fenced area where vegetative cover is maintained in which the animals are enclosed.

3. “Animal waste” means animal waste consisting of excreta, leachings, feed losses, litter, wash water or other associated waste.

4. “Animal waste stockpiles” means stacking, composting or containment of animal waste.

5. “Animal waste storage basin or lagoon” means fully or partially excavated or dike earthen structure including earthen side slopes or floor.

6. “Animal waste storage tank” means a completely fabricated structure, with or without a cover, wither formed in place or transported to the site, used for containing animal waste.

7. “Cistern” means a covered tank in which rain water from roof drains is stored.

8. “Deep well” means a well located and constructed in such a manner that there is a continuous layer of low permeability soil or rock at least five feet thick located at a depth of at least 25 feet below the normal ground surface and above the aquifer from which the water is to be drawn.

9. “Low permeability” means an unconsolidated soil layer of well sorted fine grain-sized sediments that under normal hydrostatic pressures would not be significantly permeable. Low permeability soils may include homogeneous clays below the zone of weathering, mudstone, claystone, and some glacial till.

10. “Privy” means a structure used for the deposition of human body wastes.

11. “Sanitary sewer pipe” means a sewer pipe complying with the standards of sewer construction of the Department of Natural Resources.

12. “Septic tank” means a watertight tank which receives sewage.

13. “Shallow well” means a well located and constructed in such a manner that there is not a continuous five-foot layer of low permeability soil or rock between the aquifer from which the water supply is drawn and a point 25 feet below the normal ground surface.

14. “Water main pipe” means a water main complying with the Department of Natural Resources standards for water main construction.

6-3a-4 SEPARATION DISTANCE TABLE. No building or use shall be allowed within the separation distances from City wells as set out in Table A at the end of this chapter. A building permit is required for all construction within 1,000 feet of municipal wells. No building permit shall be issued which is in violation of the separation distances from municipal wells if in violation of this chapter or a source of contamination for said well. In addition to any other remedies allowed by ordinance or at law the City shall recover any costs for water treatment which are created by any sources of contamination which is identified, where the source is in violation of this chapter.

| Source of Contamination | | | Distances (Feet) | | | | | | | | | |
|-------------------------|-----------------------------------|---|------------------|---------|----|----|----|---------|-----|---------|------|---|
| | | | 5 | 10 | 25 | 50 | 75 | 100 | 200 | 400 | 1000 | |
| WASTEWATER STRUCTURES | POINT DISCHARGE TO GROUND SURFACE | Well house floor drains | A | | | | | | | | | |
| | | Water treatment plant wastes | | | | A | | | | | | |
| | | Sanitary and industrial | | | | | | | | A | | |
| | SEWERS AND DRAINS | Well house floor drains to surface | ENC A | WM A | A | SP | A | UNKNOWN | | | | |
| | | Well house floor drains to sewers | | | A | WM | A | SP | A | UNKNOWN | | |
| | | Water plant wastes | | | A | WM | A | SP | A | UNKNOWN | | |
| | | Sanitary and storm sewers, drains | | | A | WM | A | SP | A | UNKNOWN | | |
| | | Sewer force mains | | | | | A | WM | WM | A | SP | |
| | LAND DISPOSAL OF WASTES | Land application of solid waste | | | | | | D | S | | | |
| | | Irrigation of wastewater | | | | | | D | S | | | |
| | | Concrete vaults and septic tanks | | | | | | D | S | | | |
| | | Mechanical wastewater treatment plants | | | | | | | D | S | | |
| | | Cesspools and earth pit privies | | | | | | | D | S | | |
| | | Soil absorption fields | | | | | | | D | S | | |
| | | Lagoons | | | | | | | | D | S | |
| CHEMICALS | CHEMICAL AND MINERAL STORAGE | Chemical application to ground surface | | | | | | D | S | | | |
| | | Above ground | | | | | | D | S | | | |
| | | On or under ground | | | | | | | D | S | | |
| ANIMALS | ANIMAL WASTES | Animal pasturage | | | | A | | | | | | |
| | | Animal enclosure | | | | | | D | S | | | |
| | | Land application of solids | | | | | | D | S | | | |
| | | Land application of liquid or slurry | | | | | | D | S | | | |
| | | Storage tank | | | | | | D | S | | | |
| | | Solids stockpile | | | | | | | D | S | | |
| | | Storage basin or lagoon | | | | | | | | D | S | |
| MISCELLANEOUS | | Earthen silage storage trench or pit | | | | | | D | S | | | |
| | | Basements, pits, sumps | | A | | | | | | | | |
| | | Flowing streams or other surface water bodies | | | | A | | | | | | |
| | | Cisterns | | | | D | | S | | | | |
| | | Cemeteries | | | | | | | A | | | |
| | | Private wells | | | | | | | D | S | | |
| | | Solid waste disposal sites | | | | | | | | | | A |

| KEY | |
|-------|-----------------------------------|
| D | Deep Well |
| S | Shallow Well |
| A | All Wells |
| WM | Pipe of Water Main Specifications |
| SP | Pipe of Sewer Pipe Specifications |
| ENCWM | Encased in 4 inches of Concrete |

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 4 - UTILITIES - REFUSE COLLECTION

| | | | |
|--------|-------------------------------------|--------|--|
| 6-4-1 | Purpose | 6-4-17 | Disposal Site Requirements |
| 6-4-2 | Definitions | 6-4-18 | Hazardous Materials |
| 6-4-3 | Duty To Provide Cans | 6-4-19 | Prohibition of Littering |
| 6-4-4 | Administration | 6-4-20 | Certain Materials Excluded |
| 6-4-5 | Storage | | |
| 6-4-6 | Rules and Regulations | | |
| 6-4-7 | Collection | | |
| 6-4-8 | Necessity of Permit | | |
| 6-4-9 | Burning of Refuse | | |
| 6-4-10 | Refuse Other Than Garbage | | |
| 6-4-11 | Sanitary Landfill | | |
| | | | |
| | SOLID WASTE DISPOSAL | | |
| | | | |
| 6-4-12 | Purpose | 6-4-21 | Definitions |
| 6-4-13 | Definitions | 6-4-22 | Properly-Prepared Recyclables |
| 6-4-14 | Accumulations Hazardous to Health | 6-4-23 | Scope of Service |
| 6-4-15 | Accumulations Hazardous to Property | 6-4-24 | Replacement of Recycling Containers |
| 6-4-16 | Protection Required | 6-4-25 | Transportation of Recyclable Materials |
| | | 6-4-26 | Protection of Recyclable Materials |
| | | 6-4-27 | Compensation |
| | | 6-4-28 | Recycling Center |
| | | 6-4-29 | Enforcement |

6-4-1 PURPOSE. The purpose of this Chapter is to provide for the sanitary storage and collection of solid wastes and, thereby, to protect the citizens of this City from such hazards to their health, safety and welfare as may result from the uncontrolled storage and collection of solid wastes.

6-4-2 DEFINITIONS. For use in this Chapter, the following terms are defined:

1. "Refuse": Includes all garbage, rubbish, ashes, or other substances offensive to sight or smell, dangerous to the public health or detrimental to the best interests of the community except dead animals not killed for food.

2. "Garbage": Includes all animal, fruit, vegetable, and other refuse resulting from the preparation of food and drink.

3. "Rubbish": Includes all other refuse not falling within the term "garbage" except those objects too large to be placed in containers.

4. "Container": shall mean a vessel for the storage of garbage or rubbish which is:

- a. Provided with a handle and tight fitting cover.
- b. Substantially made of galvanized iron or other non-rusting material.
- c. Water-tight.
- d. Of a size that may be conveniently handled by the collector.
- e. Sealed plastic or paper bags designed for rubbish disposal.

6-4-3 DUTY TO PROVIDE CANS. Each person shall provide cans or approved containers for the storage of garbage and rubbish accumulating on the premises owned or occupied by such person. Such cans or containers shall be kept covered and reasonably clean at all times. They shall be in a position readily accessible to the collector.

It shall be the duty of the owner of each household residing in a building arranged for more than one family unit to provide proper cans for garbage and rubbish unless an approved container or master container has been provided by the building owner.

6-4-4 ADMINISTRATION. Administration of this Chapter shall be by the City Manager or such employee designated by him or her.

6-4-5 STORAGE. All garbage must be drained and that accumulated from dwellings must be wrapped in paper or by other acceptable means, and placed in a container. All rubbish shall be placed in a container except as otherwise provided for large commercial users of containers as provided by the rules of the City.

6-4-6 RULES AND REGULATIONS. The City Council shall by resolution provide the rules and regulations for collection and disposal of refuse including acceptable approved containers, types of vehicle, and manner of transporting. Continued violation of the rules may be cause for penalty charge to customer.

6-4-7 COLLECTION. All garbage and rubbish shall be taken from dwellings at least once each week and from public establishments as frequently as the City Council may require by the rules and regulations.

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

6-4-8 NECESSITY OF PERMIT. No person shall collect garbage or rubbish except such person's own unless otherwise by contract or permit approved by the City Council and issued by the City Clerk.

In the event any business, firm, or corporation may elect to dispose of its own refuse or waste matter as may accumulate on any of its premises, property, or location, the same may be done provided that

such disposal and transporting of any refuse or waste matter complies with the provisions of this Chapter, is approved by the City Council and a permit issued by the City Clerk.

6-4-9 BURNING OF REFUSE. It shall be unlawful to burn any garbage in trash containers or any other place except in incinerators approved by the City Council or Mayor, or such employee designated by him or her. Combustible materials which normally can burn without odor may be burned in approved incinerators, provided objectionable odors and smoke nuisance does not occur, subject to any further restrictions in air pollution control laws, or Ordinances of the City.

6-4-10 REFUSE OTHER THAN GARBAGE. Each person shall dispose of all refuse other than garbage and rubbish accumulating on the premises such person owns or occupies before it becomes a nuisance. If it does become a nuisance, it will be dealt with as provided in the Iowa Code.

6-4-11 SANITARY LANDFILL. The City Council by Ordinance may designate a sanitary landfill and establish reasonable rules and regulations necessary to control its use by the public. The City Council by Ordinance, may provide for such charges for the use thereof within the range set by this Ordinance or for special cases not covered herein.

6-4-11A ANTI-SCAVENGING. It shall be a violation of this Code for any person to sort through, scavenge or remove any garbage, waste, refuse, rubbish or recycling material that has been placed in a designated garbage or recycling container. Unauthorized collection, removal or scavenging of material placed in a garbage or recycling container shall be a violation of this Code and punishable as set forth in the Municipal Code.

(ECIA Model Code Amended in 2017)

SOLID WASTE DISPOSAL.

6-4-12 PURPOSE. The purpose of this Chapter is to provide a sanitary disposal project for the final disposition of solid wastes, and thereby, to protect the citizens of this City from such hazards to their health, safety and welfare that result from the uncontrolled disposal of solid wastes.

6-4-13 DEFINITIONS. For use in this Chapter, the following terms are defined:

1. "Agency": shall mean the Jackson County Sanitary Disposal Agency.
2. "Hazardous Materials": shall include explosive materials; materials contaminated by infectious or contagious disease; fly ash or other fine or powdery material; and other material which may present a special hazard to sanitary landfill personnel, equipment or to the public.
3. "Owner": shall mean in addition to the record titleholder, include 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.

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

5. "Residential Premises": shall mean single family dwellings and multiple family dwelling up to and including four (4) separate family quarters. Garden type apartments and row type housing units shall be considered residential premises regardless of the total number of such apartments or units which may be included in a given housing development.

6. "Sanitary Disposal": shall mean a method of treating and handling solid waste so that it does not produce a hazard to the public health or safety and create a nuisance.

7. "Sanitary Disposal Project": shall mean all facilities and appurtenances including all real and personal property connected with such facilities, which are acquired, purchased, constructed, reconstructed, equipped, improved, extended, maintained or operated to facilitate the final disposition of solid waste without creating a significant hazard to the public health or safety, and which are approved by the executive director of the Department of Natural Resources.

8. "Sanitary Landfill": shall mean a method of disposing of refuse on land by utilizing the principles of engineering to confine the refuse to the smallest practical area, to reduce it to the smallest practical volume and to cover it with a layer of earth at the conclusion of each day's operation or at such more frequent intervals as may be necessary so that no nuisance or hazard to the public health is created.

9. "Site": shall mean any location, place or tract of land used for collection, storage, conversion, utilization, incineration or burial of solid wastes.

10. "Solid Waste": shall mean garbage, refuse, rubbish, and other similar discarded solid or semi-solid materials, including but not limited to such materials resulting from industrial, commercial, agricultural and domestic activities. Solid waste may include vehicles.

11. "Solid Waste Collection": shall mean the gathering of solid waste from public and private places.

12. "Solid Waste Transportation": shall mean the conveying of solid waste from one place to another by means of vehicles, rail car, water vessel, conveyor or other means.

6-4-14 ACCUMULATIONS HAZARDOUS TO HEALTH. It shall be unlawful for any person to permit to accumulate on any premises, improved or vacant or on any public place, such quantities of solid waste, either in containers or not, that shall constitute a health or sanitation hazard.

6-4-15 ACCUMULATIONS HAZARDOUS TO PROPERTY. It shall be unlawful for any person to permit to accumulate quantities of solid waste within or close to any building, unless the same is stored in containers in such manners as to not to create a health or fire hazard.

6-4-16 PROTECTION REQUIRED. No person shall haul any solid wastes upon the streets, alleys or public places of the City in any manner except in a vehicle or container so equipped as to prevent the blowing or leakage or dropping off of any of the contents on the public streets or ways of the City or private property therein.

6-4-17 DISPOSAL SITE REQUIREMENTS. No person shall haul or cause to be hauled any solid waste material of any kind, other than those resulting from construction or demolition activities, to any disposal place or site or area other than the sanitary landfill site of the agency.

6-4-18 HAZARDOUS MATERIALS. No person shall deposit in a solid waste container or otherwise offer for collection any hazardous solid waste. Hazardous materials shall be transported by the owner, responsible person or his or her agent, to a place of safe deposit or disposal as prescribed by the health officer or his or her authorized representative which place of deposit or disposal may in exceptional cases be a place other than an agency operated site or otherwise subject to special conditions or limitations.

6-4-19 PROHIBITION OF LITTERING. No person shall throw, rake, deposit, place, drop or spill litter, waste material or foreign material upon the streets, sidewalks or other public rights-of-way or into drainage systems or waterways within the City.

6-4-20 CERTAIN MATERIALS EXCLUDED. At the discretion of the agency certain materials may be excluded from those solid wastes which may be deposited at any agency sanitary landfill site. These excluded materials may include junk automobile bodies and similar bulky objects, which may require special processing prior to disposal; trees and tree limbs, unless they have been cut into pieces not exceeding ten (10) feet in length; burning materials or materials containing hot or live coals; hazardous materials; and other materials which the agency deems necessary to exclude. However, hazardous materials may be deposited upon the receipt of written permission of a responsible official or attendant of the agency and subject to any special instructions issued with permission.

RECYCLING

6-4-21 DEFINITIONS.

1. "Recyclable Materials". The technical ability of a material to be reused in manufacture with the requirement that a recycling collection, processing and market system be in place and economically functioning in order for a material to be recyclable for the purpose of this agreement. Recyclable materials (as defined herein) are itemized as newspaper, glass bottles and containers, aluminum cans, HOPE plastic water and milk jugs, and Pet plastic 2 liter pop bottles, and any other materials that may hereinafter be added or deleted from the list at the City Council's discretion.

2. "Recycling Containers". A plastic container will be purchased by the residents receiving residential curbside service. Businesses receiving pick-up service shall make arrangements for pick-up with the contracted hauler.

6-4-22 PROPERLY-PREPARED RECYCLABLES.

- | | |
|--|--|
| 1. Newspaper | <ul style="list-style-type: none"> *ONLY newspapers and newspaper inserts. *NO magazines, junk mail, catalogs, or phone books. *Newspapers may be bundled and placed beside the recycling bin. |
| 2. Cans | <ul style="list-style-type: none"> *Aluminum and tin cans are acceptable. *Crushing cans is desirable and <u>highly recommended</u>. *Labels <u>must be</u> removed from tin cans. *Aluminum cans should be <u>rinsed</u> and <u>free</u> of visible food debris. |
| 3. Plastic Milk and Water Jugs and Soda Containers | <ul style="list-style-type: none"> *Plastic (HOPE) milk and water jugs are acceptable. *Soda (PET) bottles, detergent bottles and other plastic food containers are acceptable. *Milk jugs should be <u>rinsed</u> and <u>free</u> of food debris. *Crushing is desirable and <u>highly recommended</u>. <p>(Amended during 2020 codification)</p> |

6-4-23 SCOPE OF SERVICE.

1. Contractor. The Contractor shall collect and remove all recyclables placed in or adjacent to recycling containers at the curbside on public streets, from all residential dwelling units receiving residential curbside solid waste collection service in the City. Contractor shall furnish all labor and equipment required to perform curbside collection of recyclables. Collection will be done on a weekly basis taking place on Tuesday of each week.

2. Resident. The resident shall purchase one recycling container from the contractor, the design of which shall be determined by the contractor, for each residential dwelling unit receiving solid waste curbside service in the City. Additional containers will be available for purchase from contractor.

6-4-24 REPLACEMENT OF RECYCLING CONTAINERS.

The residential solid waste customer will be responsible for purchasing and maintaining their own recycling container. Purchase price of the container will be set by the contractor.

Residents moving into any dwelling unit within the City limits will be responsible for contacting the contractor for a recycling container for a fee at the resident's expense.

6-4-25 TRANSPORTATION OF RECYCLABLE MATERIALS. The Contractor shall transport the collected recyclables to an approved recycling center. The Contractor shall be responsible for the proper disposal of all recyclables upon pick-up from residences and shall be responsible for the sale of such recyclable materials.

6-4-26 PROTECTION OF RECYCLABLE MATERIALS. The City agrees to take such steps as may be reasonably practical to protect the Contractor's ownership and the City's interest in all

recyclables placed at the curbside for collection by Contractor under the terms of this Agreement. (i.e., Anti-Scavenging Ordinance).

6-4-27 COMPENSATION. All revenue collected from the sale of the recyclables shall be the property of the Contractor.

If circumstances arise wherein collected recyclables cannot be marketed within 60 days from the date of collection, Contractor is required to notify the City in writing that the recyclables are unmarketable, state the reason(s), and work out a mutually agreeable solution to the problem with the City.

6-4-28 RECYCLING CENTER. The Contractor shall select a recycling processing center. The recycling center shall accept all recyclables as defined herein. All recyclables collected from the residential dwelling units shall be processed at the curb. Title to the recyclables brought to the recycling center shall be with Contractor and Contractor shall have the responsibility for the sale of such recyclables.

6-4-29 ENFORCEMENT. The Contractor shall be prohibited from collection of trash found to include recyclable materials that should have been separated. The Contractor shall notify the resident in writing of explanations of violations. The City Council shall be notified by the Contractor of the identity of residents not complying with this Ordinance, including in this a description of the type of violation.

If any section, subsection, sentence, clause or phrase of the Policy is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Policy. All other policies and parts of the policies, orders, or resolution in conflict with the provisions of this Policy are hereby repealed.

(Ord. 7-90, Passed December 10, 1990)

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 5 - UTILITIES - BILLING CHARGES

| | | | |
|-------|---------------------------------|--------|---------------------------------------|
| 6-5-1 | Utility Defined | 6-5-8 | Water Rates |
| 6-5-2 | Districts | 6-5-9 | Refuse Collection Rates |
| 6-5-3 | Disposition of Fees and Charges | 6-5-10 | Sewer Rates and Charges |
| 6-5-4 | Billing, Penalty | 6-5-11 | Suspension of Sewer and Water Charges |
| 6-5-5 | Discontinuing Services, Fees | | |
| 6-5-6 | Residential Rental Property | | |
| 6-5-7 | Customer Guarantee Deposits | | |

6-5-1 UTILITY DEFINED. For use in this Chapter, utility is the sewer, water, and refuse collection systems operated by the City.

6-5-2 DISTRICTS. There shall be one sewer and water district which encompasses all of the City of Sabula, Iowa.

6-5-3 DISPOSITION OF FEES AND CHARGES. All money received under this Chapter shall be deposited in the City treasury not later than the last day of the month in which it was received and a written report of the amount and source of the fees and charges shall be on file with the City Clerk.

6-5-4 BILLING, PENALTY. Services received for utility service shall be billed under the following provisions:

1. Billing for Utility Service. Billing and payment for utility service shall be in accordance with the following:

a. Bills Issued. The City Clerk shall prepare and issue bills for the service on or before the 1st day of each month.

b. Bills Payable. Bills for utility service shall be due and payable at the office of the City Clerk by the 20th day of each month.

c. Late Payment Penalty. Bills not paid by the 20th day of each month shall be considered delinquent. A simple interest penalty of 1 1/2 % (one and one-half percent) of the amount due excluding sales tax and interest shall be added to each delinquent bill.

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

6-5-5 DISCONTINUING SERVICE, FEES.

1. If any account is not paid within thirty days from the end of any given period, the service to such owner or person so supplied with the utility shall be discontinued after the following procedures have been complied with:

a. The City Clerk shall send a disconnect or discontinuance notice by ordinary mail providing the following notice to customers: "You are advised that you may request a hearing on this matter to the City Clerk by noon on the day preceding the scheduled shut-off date or discontinuance of service."

b. When a hearing is requested by a customer, the Mayor or the Mayor's designee shall conduct a hearing within two (2) days following the request. The customer shall have the right to present evidence or propose a payment plan. The decision of the Mayor is final.

2. If service is disconnected for nonpayment of fees and charges, or for the violation of any Ordinance, a fee of \$15.00 shall be paid to the City Clerk in addition to the rates or charges then due before such service is restored. If any such service charge is not paid within sixty (60) days from the date it is due, the same shall constitute a lien upon the premises served by said municipal system, which said lien shall be collected in the same manner as taxes.

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

(Ord. 6-2004, Passed August 10, 2004)

3. A lien shall not be certified to the County Treasurer for collection unless thirty (30) days prior written notice by ordinary mail of the intent to certify a lien is given to the account holder of the delinquent account. If the account holder is a tenant, and if the owner or property lessor of the property has made a written request for notice, the notice shall also be given to the owner.

(Code of Iowa, Sec. 384.84 (3))

4. Monthly water and sewer utility customers will be sent 12 day shutoff notices for delinquent bills just like present policy for delinquent bills for monthly electric and gas utility customers. (Bills will be dated the 1st day of each month – the bill becomes past due on the 20th of each month or the next working day if the 20th falls on a weekend day. Shut off notice will be generated one day after the bill becomes delinquent.)

Shutoff of the water will occur after 12 days if payment is not made or if the customer has not entered into a written payment agreement.

(Ord. 5-2005, Passed December 13, 2005)

6-5-6 RESIDENTIAL RENTAL PROPERTY.

1. Residential rental property where a charge for any of the services of water, sewer systems, storm water drainage systems, sewage treatment, solid waste collection, and solid waste disposal is paid directly to the City by the tenant is exempt from a lien for delinquent rates or charges associated with such services if the landlord gives written notice to the City utility that the property is residential rental property and that the tenant is liable for the rates or charges.

2. A City utility may require a deposit not exceeding the usual cost of ninety (90) days of the services of water, sewer systems, storm water drainage systems, sewage treatment, solid waste collection, and solid waste disposal to be paid to the utility. Upon receipt, the utility or enterprise shall acknowledge the notice and deposit. A written notice shall contain the name of the tenant

responsible for the charges, the address of the residential rental property that the tenant is to occupy, and the date that the occupancy begins.

3. A change in tenant shall require a new written notice to be given to the City utility within thirty (30) business days of the change in tenant. When the tenant moves from the rental property, the City utility shall return the deposit, within ten days, if the charges for the services of water, sewer systems, storm water drainage systems, sewage treatment, solid waste collection, and solid waste disposal are paid in full.

(ECIA Model Code Amended in 2020)

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 thirty (30) business days of the completion of the change of ownership. The lien exemption for rental property does not apply to charges for repairs related to a service of water, sewer systems, storm water drainage systems, sewage treatment, solid waste collection, and solid waste disposal if the repair charges become delinquent.

(Code of Iowa, Sec. 384.84(3)(d))

(Code of Iowa, Sec. 384.84(3)(e))

(Amended during 2015 codification)

6-5-7 CUSTOMER GUARANTEE DEPOSITS. Customer deposits shall be required of all customers who are tenants, or others having no established credit record, and of those who have an unacceptable credit record or who have a prior record of failure to pay water bills rendered. Such deposit shall be equal to the estimated typical bill for the type of use contracted for, and be set to the nearest five (\$5.00) dollars. Deposits of customers having established acceptable credit records for three (3) years shall have their deposits returned. An occurrence or recurrence of a bad payment record may be the occasion for the City Clerk to require a new or larger deposit for the continuation of service.

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

6-5-8 WATER RATES. Water shall be furnished at the following monthly rates per property serviced within the City limits:

1. Service Charges. Each customer shall pay for the water service provided him or her by the City in accordance with the following provisions. Each location, building, premises, or connections shall be considered a separate and distinct consumer whether owned or controlled by the same person or not.

2. Rates and Services. Water service shall be furnished at the following rates within the City:

a. Unmetered Service. Unmetered water service shall be furnished at the following rates:

(1) Residential, interdepartmental, and commercial establishments - - \$35.00 per unit month.

(Ord. 1-97, Passed July 14, 1997)

(Ord. 3-2002, Passed May 14, 2002)

(Ord. 4-2004, Passed June 15, 2004)

(Ord. 2-2006, Passed February 27, 2006)
(Ord. 2-2007, Passed June 25, 2007)
(Ord. 2-2010, Passed March 22, 2010)
(Ord. 1-2017, Passed October 23, 2017)

(2) Housing units - - \$35.00 per unit per month.

(Ord. 1-97, Passed July 14, 1997)
(Ord. 3-2002, Passed May 14, 2002)
(Ord. 4-2004, Passed June 15, 2004)
(Ord. 2-2006, Passed February 27, 2006)
(Ord. 2-2007, Passed June 25, 2007)
(Ord. 2-2010, Passed March 22, 2010)
(Ord. 1-2017, Passed October 23, 2017)

(3) Industrial - - \$60.00 per month

(Ord. 1-97, Passed July 14, 1997)
(Ord. 3-2002, Passed May 14, 2002)
(Ord. 5-2002, Passed June 11, 2002)
(Ord. 4-2004, Passed June 15, 2004)
(Ord. 2-2006, Passed February 27, 2006)
(Ord. 2-2007, Passed June 25, 2007)
(Ord. 2-2010, Passed March 22, 2010)

(4) Marina. \$154.00 per month.

(Ord. 5-2002, Passed June 11, 2002)
(Ord. 4-2004, Passed June 15, 2004)
(Ord. 2-2006, Passed February 27, 2006)
(Ord. 2-2007, Passed June 25, 2007)
(Ord. 2-2010, Passed March 22, 2010)
(Ord. 1-2017, Passed October 23, 2017)

(5) Campgrounds. \$190.00 per month.

(Ord. 5-2002, Passed June 11, 2002)
(Ord. 4-2004, Passed June 15, 2004)
(Ord. 2-2006, Passed February 27, 2006)
(Ord. 2-2007, Passed June 25, 2007)
(Ord. 2-2010, Passed March 22, 2010)
(Ord. 1-2017, Passed October 23, 2017)

b. Metered service.

(1) Interdepartmental - - \$35.00 per month.

(Ord. 4-2004, Passed June 15, 2004)
(Ord. 2-2006, Passed February 27, 2006)
(Ord. 2-2007, Passed June 25, 2007)
(Ord. 2-2010, Passed March 22, 2010)

(Ord. 1-2017, Passed October 23, 2017)

(2) School - - there shall be charged a water rate equal to \$1.75 per 1000 (one thousand) gallons per month from each school, both public and private. Minimum charge of \$24.75 per month.

(Ord. 4-2004, Passed June 15, 2004)
(Ord. 2-2006, Passed February 27, 2006)
(Ord. 2-2007, Passed June 25, 2007)
(Ord. 2-2010, Passed March 22, 2010)

c. Bulk rate. A non service rate for commercial or residential use. \$.03 per gallon.

(Ord. 4-2004, Passed June 15, 2004)
(Ord. 2-2007, Passed June 25, 2007)
(Ord. 2-2010, Passed March 22, 2010)

These amended water rates shall be effective with the utility billings dated July 1, 2010.

6-5-9 REFUSE COLLECTION RATES. There shall be collected by the City for service of collecting garbage and rubbish, the following mandatory fees, collected monthly following the period for which the fee is due from each property which has a dwelling or commercial structure thereon unless exempted by permit granted under Section 6-4-8 of this Code of Ordinances.

1. Residential. From each residence with curb pickup there shall be collected a fee of twenty-one dollars and five cents (\$21.69) per month for one weekly garbage pickup and one recycle pickup every two weeks.

(Ord. 1-93, Passed June 8, 1993)
(Ord. 2-2005, Passed April 12, 2005)
(Ord. 3-2006, Passed March 14, 2006)
(Ord. 5-2007, Passed June 25, 2007)
(Ord. 2-2008, Passed April 15, 2008)
(Ord. 3-2009, Passed September, 2009)
(Ord. 3-2019, Passed November 19, 2019)
(Amended during codification)

These amended rates shall take effect October 1, 2009.

2. Commercial. Rates for commercial establishments shall be based on fees set by the City and approved contract collectors.

SIZE OF CONTAINER

| | |
|----------------------|-----------|
| 2 yard, truck pickup | \$ 53.20 |
| 4 yard, truck pickup | \$ 76.29 |
| 6 yard, truck pickup | \$ 106.38 |
| 8 yard, truck pickup | \$ 125.25 |

Other sizes which are added during the year shall be pro-rated at a rate determined by the City.

(Ord. 3-2009, Passed September, 2009)
(Ord. 3-2019, Passed November 19, 2019)
(Amended during 2020 codification)

3. Industrial. Rates are set by approved contract collectors.
(Code of Iowa, Sec. 384.84(1))

6-5-10 SEWER RATES AND CHARGES. There shall be and there are hereby established a sewer charge for the use of and for the service supplied by the municipal sanitary sewer utility based upon the fixed categorical user types as follows:

| <u>USER CATEGORY</u> | <u>SEWER SERVICE CHARGE</u> |
|---|-----------------------------|
| Single Family Residence | \$35.00 per month per unit |
| School | \$180.00 per month per unit |
| Apartments | \$35.00 per month per unit |
| Boat Marinas | \$105.00 per month per unit |
| General Businesses | \$35.00 per month per unit |
| Restaurants | \$35.00 per month per unit |
| Industrial (Factory) | \$60.00 per month per unit |
| Bed & Breakfast | \$35.00 per month |
| Campgrounds | \$130.00 per month |
| Pumpout Businesses (docks) (other than marina) | \$35.00 per month |

(Ord. 6-2002, Passed June 11, 2002)
(Ord. 5-2006, Passed April 20, 2006)
(Ord. 3-2007, Passed June 25, 2007)
(Ord. 1-2010, Passed March 22, 2010)
(Ord. 2-2017, Passed October 23, 2017)

These amended sewer rates shall take effect July 1, 2010.

Multiple sewer service charges shall be assessed to users which fall under more than a single user category.

All user categories in the above rate schedule include a constant rate of \$30.00 per billing period, per system. An amount of \$10.00 of said rate shall be allocated to a usage fee for operation, maintenance and replacement costs for the municipal sanitary sewer and water systems and \$20.00 of said rate shall be allocated to infrastructure and maintenance costs of each system.

Service to industrial establishments may be by contract if the City deems this to be in the best interest of the City. Such contract shall include a constant rate of \$30.00 per billing period, per system, of which \$10.00 is allocated to usage and \$20.00 is allocated to infrastructure and maintenance costs.

All other parts of said ordinance shall remain unchanged.

(Res. 1027, Passed and Approved July 28, 2014)

1. The service charges for sanitary sewer service to customers not being supplied water by the municipal water system will be due and payable on the first day of each month.

2. It is hereby made the duty of the City official designated by the City Council to render bills for sewer services and all other charges in connection therewith and to collect all moneys due therefrom. The City will notify each user at least annually in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to operation, maintenance, and replacement costs of the treatment works.

3. All revenues and moneys derived from the operation of the sewer system shall be paid to and held by the City separate and apart from all other funds of the City and all of said sums and all other funds and moneys incident to the operation of said system as may be delivered to the City, shall be deposited in a separate fund designated the "Revenue Fund" and the City Council shall administer said fund in every respect in the manner provided by the Code of Iowa and all other laws pertaining thereto.

4. The City shall establish a proper system of accounts and shall keep proper records, books and accounts in which complete and correct entries shall be made of all transactions relative to the sewer system and at regular annual intervals the City Council shall cause to be made an audit by an independent auditing concern of the State of Iowa of the books to show the receipts and disbursements of the sewer system. The City shall be required annually to prepare a budget of the Sanitary Sewer System to show the required revenues and expenses. If necessary, user charge rates will be adjusted to produce adequate income to retire the indebtedness, meet operation, maintenance and replacement needs, and required reserves.

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

6-5-11 SUSPENSION OF SEWER AND WATER CHARGES.

1. Purpose and Objectives. This ordinance is adopted in accordance with and as authorized by the 2003 Iowa Code. The purpose of this ordinance is to protect the health, safety and welfare of the citizens of the city of Sabula.

2. Suspension of Sewer and Water Charges. Upon written notice to the City in such fashion as the City deems acceptable, that a resident of the City will not be residing in his or her residence located within the city of Sabula and served with water and sewer utilities and, therefore, said water and sewer utilities will not be used and said cessation of use shall be for a minimum period of ninety (90) days, the city of Sabula may, in its sole discretion, suspend the payment of said water and sewer charges. Said written notice shall be accompanied by a verification of another utility being placed on "vacation" or charges reduced and or eliminated for the corresponding amount of time.

3. Severability. This Ordinance and any amendment hereto and the various parts, sections, subsections and clauses thereof, are hereby declared to be severable. If any part, sentence, paragraph, Subsection, section, or clause is adjudged unconstitutional or invalid; it is hereby provided that the remainder of the Ordinance or amendment hereto shall not be affected thereby.

4. Relationship to Other Laws. Nothing contained herein shall serve to abrogate, limit, repeal, or otherwise modify any other ordinance, statute, or regulation by the City, County, State, or Federal Government.

(Ord. 7-2004, Passed September 27, 2004)

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 6 - UTILITIES - ELECTRICITY

| | | | |
|-------|--|--------|--|
| 6-6-1 | Purpose | 6-6-10 | Accidental Wastage – Customer Side |
| 6-6-2 | Adoption | 6-6-11 | Returned Checks |
| 6-6-3 | Charges, Terms and Conditions | 6-6-12 | Temporary Disconnections and Reconnections (Voluntary) |
| 6-6-4 | Three Phase Extensions | 6-6-13 | Permanent Disconnections (Voluntary) |
| 6-6-5 | Residential Or Commercial At a Place Which Has Previously Received Service | 6-6-14 | Disconnection and Reconnection Fee (Involuntary) – Other Than Nonpayment |
| 6-6-6 | Amount of Penalty | 6-6-15 | Disconnection and Reconnection Fee (Involuntary-Nonpayment) |
| 6-6-7 | Customer Requested Meter Tests – Referee Tests | 6-6-16 | Charged Service Calls |
| 6-6-8 | Backbilling for Meter Error | 6-6-17 | When Effective |
| 6-6-9 | Undercharge Not Due to Meter Error | 6-6-18 | With Notice |

6-6-1 PURPOSE. It is the purpose of this Ordinance to adopt a new electric service tariff, and to establish charges, conditions and other terms of offering to be in effect with the new electric service tariff. Such charges, conditions, and terms hereby established are in addition to rates by class, which are established in a different Ordinance.

6-6-2 ADOPTION. The municipal utility hereby adopts the electric service tariff which shall be filed with the Iowa State Utilities Board.

6-6-3 CHARGES, TERMS, AND CONDITIONS. Charges, terms, and conditions established by this Ordinance are to be read in conjunction with the appropriate section of the electric service tariff. Charges, terms and conditions as established by this Ordinance are subject to other such conditions and stipulations of both this Ordinance and the electric service tariff are subject to change from time to time, pursuant to a subsequent Ordinance or tariff change filing with the Iowa State Utilities Board.

6-6-4 THREE PHASE EXTENSIONS. In conjunction with Section 2.5(4) of the electric service tariff:

Any contribution in aid in construction payment for a three phase extension will be credited to the customer's account in equal monthly payments over a two year period.

6-6-5 RESIDENTIAL OR COMMERCIAL AT A PLACE WHICH HAS PREVIOUSLY RECEIVED SERVICE. In conjunction with Section 3.2(1)A of the electric service tariff:

The deposit for customer service for residential or commercial at a place which has previously received service shall be an amount equal to the highest billing of service for one month for the place in the previous twelve month period.

6-6-6 AMOUNT OF PENALTY. In conjunction with Section 3.3(4) of the electric service tariff:

The late penalty for failure to pay a bill of the municipal utility in a timely manner shall be .015 per month on the unpaid balance.

6-6-7 CUSTOMER REQUESTED METER TESTS - REFEREE TESTS. In conjunction with Section 3.3(6)A of the electric service tariff:

The charge for a customer requested meter test shall be \$5.00.

6-6-8 BACKBILLING FOR METER ERROR. In conjunction with Section 3.3(6)F of the electric service tariff:

In the case of meter error a customer shall be backbilled if the recalculated bill exceeds \$6.00. A former customer shall be backbilled if the recalculated bill due to an error other than a meter error exceeds \$10.00. Backbilling in both instances shall be for a period not to exceed one year.

6-6-9 UNDERCHARGE NOT DUE TO METER ERROR. In conjunction with Section 3.3(7)B of the electric service tariff:

A customer shall be backbilled if the recalculated bill due to an error other than meter error exceeds \$6.00. A former customer shall be backbilled if the recalculated bill due to an error other than meter error exceeds \$10.00. Backbilling in both instances shall be for a period not to exceed one year.

6-6-10 ACCIDENTAL - WASTAGE - CUSTOMER SIDE. In conjunction with Section 3.3(7)C of the electric service tariff:

The recomputation period for accidental wastage of electricity by the customer shall not extend back farther than three months subject to terms of the tariff.

6-6-11 RETURNED CHECKS. In conjunction with Section 3.3(7) of the electric service tariff:

The charge for any check-like financial instrument dishonored by a financial institution for any reason shall be \$35.00, for each act of dishonorment. If two or more of the customer's financial instruments are dishonored within a two month period, future payments by the customer shall be by cash, cashier's check, or postal money order, for a period not less than six months.

(Amended during 2020 codification)

6-6-12 TEMPORARY DISCONNECTIONS AND RECONNECTIONS (VOLUNTARY). In conjunction with Section 3.4(1)A of the electric service tariff:

The temporary disconnection service charge for voluntary disconnection shall be:
Regular: \$25.00 Overtime: After hours: fee based on current rate

The temporary reconnection service charge after a voluntary disconnection shall be:
Regular: \$0.00 Overtime: After hours: fee based on current rate
(Amended during 2020 codification)

An idle charge of \$0 per month will be billed for service connections temporarily disconnected.
(Ord. 4-91, Passed October 7, 1991)

6-6-13 PERMANENT DISCONNECTIONS - (VOLUNTARY). In conjunction with Section 3.4(1)B of the electric service tariff:

The permanent disconnection service charge for a voluntary disconnection shall be:
Regular: \$15.00 Overtime: \$22.50

The municipal utility requires one days notice by the customer prior to requested time of permanent disconnection.
(Ord. 4-91, Passed October 7, 1991)

6-6-14 DISCONNECTION AND RECONNECTION FEE (INVOLUNTARY)-OTHER THAN NONPAYMENT. In conjunction with Section 3.4(2)C of the electric service tariff:

The involuntary disconnection service charge for just cause other than nonpayment shall be:
Regular: \$15.00 Overtime: \$22.50

The involuntary reconnection service charge for just cause other than nonpayment shall be:
Regular: \$15.00 Overtime: \$22.50
(Ord. 4-91, Passed October 7, 1991)

6-6-15 DISCONNECTION AND RECONNECTION FEE (INVOLUNTARY-NONPAYMENT)
In conjunction with Section 3.5(1) of the electric service tariff:

The involuntary for non-payment disconnection service charge shall be:
Regular: \$15.00 Overtime: \$22.50

The involuntary for non-payment reconnection service charge shall be:
Regular: \$15.00 Overtime: \$22.50
(Ord. 4-91, Passed October 7, 1991)

6-6-16 CHARGED SERVICE CALLS. In conjunction with Section 3.7(1) of the electric service tariff:

For work in customer's equipment, for repairs which are the responsibility of the customer, the service charge shall be:

Regular: \$15.00 per man hour

Overtime: \$22.50 per man hour

Parts cost shall also be charged.

For relocation of municipal utility's facilities where relocation has been requested by the customer or any person and such relocation is the responsibility of the customer or the requesting person, the service charge shall be:

Regular: \$15.00 per man hour

Overtime: \$22.50 per man hour

Parts and contract costs shall also be charged. If the total work cost estimate exceeds \$100.00; an advance deposit shall be required.

For relocation of the customer's facilities where relocation has been requested by the customer, and such relocation is the responsibility of the customer, the service charge shall be:

Regular: \$15.00 per man hour

Overtime: \$22.50 per man hour

Parts and contract costs shall also be charged. If the total work cost estimate exceeds \$100.00 an advance deposit equal to the total estimated cost shall be required.

(Ord. 4-91, Passed October 7, 1991)

6-6-17 WHEN EFFECTIVE. This Ordinance shall be in effect beginning January 1, 1992.

(Ord. 4-91, Passed October 7, 1991)

6-6-18 WITH NOTICE. The City of Sabula may refuse or disconnect service with appropriate notice for the following reasons: If a previous occupant liable for payment of a delinquent bill at the premises continues to occupy that premise.

(Ord. 10-2002, Passed August 13, 2002)

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 7 - UTILITIES - ELECTRIC RATES

| | | | |
|-------|-------------------------------|-------|---|
| 6-7-1 | Service Rules and Regulations | 6-7-4 | Security Light |
| 6-7-2 | Rates | 6-7-5 | Railroad Demand Charge |
| 6-7-3 | Meter Charge | 6-7-6 | Interdepartmental – Municipal Street Lights |

6-7-1 SERVICE RULES AND REGULATIONS. The rules and regulations for service are contained in the Sabula Municipal Electric Utility Tariff, on file with the Iowa State Commerce Commission. The rules and regulations contained therein shall apply to all users of the municipal electric system.

6-7-2 RATES. The rate for residential, commercial, industrial, and interdepartmental shall be as follows:

1. The fiscal year electric rate will be calculated as follows: using the total expenditures for the electric dept of the previous fiscal year – less the reimbursable expenses – the resulting difference will then be divided by the total kilowatts metered for the fiscal year. The resulting quotient will become the base amount per kilowatt for the current fiscal year. The base electric rate will be calculated by the following formula: (base rate (X) usage in kilowatts) = base charge of electric.

This multiplier will be a constant amount for 12 months and then will be re-calculated at the end of the Fiscal Year. The amount for Fiscal Year 2007-2008 shall be \$.053 cents per kilowatt.

Plus – the monthly multiplier – which will be calculated as follows: Total monthly electric bill (from supplier) – divided by the number of total kilowatts metered (by the electric company) for that month. The resulting quotient will then be multiplied by customer usage in kilowatts. This amount will fluctuate to coincide with the billing amount. This amount will appear as a line item on your bill.

The monthly multiplier added to the base charge of electric will be the charge each customer will receive on their bill after adding the following corresponding meter charge.

- (Ord. 4-2002, Passed May 14, 2002)
- (Ord. 3-2004, Passed June 15, 2004)
- (Ord. 4-2006, Passed April 20, 2006)
- (Ord. 4-2007, Passed June 25, 2007)

2. Effective as of July 1, 2010, the BASE ELECTRIC RATE multiplier to be used in the calculation of the monthly electric utility charge shall be .06 per kilowatt. This Base Electric Rate multiplier shall remain in effect for a period of 12 months. At the end of the current fiscal year this Base Electric Rate multiplier will be recalculated for the next fiscal year.

- (Ord. 3-2010, Passed March 22, 2010)

6-7-3 METER CHARGE:

1. Residential, industrial, commercial, and interdepartmental.

Meter charge - - - \$2.00 monthly

2. Recreational.

Meter charge - - - \$3.85 monthly

(Ord. 8-2002, Passed August 13, 2002)

(Ord. 3-2004, Passed June 15, 2004)

6-7-4 SECURITY LIGHT.

\$8.88 per security light per month.

(Ord. 3-2004, Passed June 15, 2004)

(Ord. 4-2006, Passed April 20, 2006)

6-7-5 RAILROAD DEMAND CHARGE.

\$30.00 charge per month.

(Ord. 3-2004, Passed June 15, 2004)

6-7-6 INTERDEPARTMENTAL – MUNICIPAL STREET LIGHTS.

\$582.25 monthly charge.

(Ord. 3-2004, Passed June 15, 2004)

(Ord. 4-2006, Passed April 20, 2006)

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 8 - UTILITIES - GAS

| | | | |
|-------|---|--------|--|
| 6-8-1 | Purpose | 6-8-10 | Accidental Wastage of Gas- Customer Side |
| 6-8-2 | Adoption | 6-8-11 | Returned Checks |
| 6-8-3 | Charges, Terms, and Conditions | 6-8-12 | Temporary Disconnections and Reconnections (Voluntary) |
| 6-8-4 | Residential or Commercial Deposits at a Place Which Has Previously Received Gas Service | 6-8-13 | Permanent Disconnection (Voluntary) |
| 6-8-5 | Replacement or Additional Deposits | 6-8-14 | Disconnection and Reconnection Fee (Involuntary) |
| 6-8-6 | Interest on Deposits | 6-8-15 | Disconnection and Reconnection Fee (Involuntary - Nonpayment) |
| 6-8-7 | Amount of Penalty | 6-8-16 | Charged Service Calls |
| 6-8-8 | Backbilling for Meter Error | 6-8-17 | When Effective |
| 6-8-9 | Undercharge Not Due To Meter Error | | |

6-8-1 PURPOSE. It is the purpose of the Ordinance to adopt a new gas service tariff, and to establish charges, conditions and other terms of offering to be in effect with the new gas service tariff. Such charges, conditions and terms hereby established are in addition to rates by class which are established in a different Ordinance.

6-8-2 ADOPTION. The municipal utility hereby adopts the gas service tariff, by reference, and which shall be filed with the Iowa State Utilities Board.

6-8-3 CHARGES, TERMS, AND CONDITIONS. Charges, terms, and conditions established by this Ordinance are to be read in conjunction with the appropriate section of the gas service tariff. Charges, terms, and conditions as established by this Ordinance are subject to other such conditions and stipulations as may be required by the gas service tariff. All charges, terms, conditions and stipulations of both this Ordinance and the gas service tariff are subject to change from time to time, pursuant to a subsequent Ordinance or tariff change filing with the Iowa State Utilities Board.

6-8-4 RESIDENTIAL OR COMMERCIAL DEPOSITS - AT A PLACE WHICH HAS PREVIOUSLY RECEIVED GAS SERVICE. In conjunction with Section 3.2(1)a of the gas service tariff:

The deposit for service shall be an amount equal to the highest billing of service for one month for the place in the previous twelve month period.

6-8-5 REPLACEMENT OR ADDITIONAL DEPOSITS. In conjunction with Section 3.2(1)e:

The number of late payments allowed, not including one automatic forgiveness of late payment, in any twelve month period, before a replacement or additional deposit for service be required is two

late payments.

6-8-6 INTEREST ON DEPOSITS. In conjunction with Section 3.2(2) of the gas service tariff, there shall be NO INTERST PAID ON GAS DEPOSITS.

6-8-7 AMOUNT OF PENALTY. In conjunction with Section 3.3(4) of the gas service tariff; The late payment penalty shall be .015 per month on the unpaid balance.

6-8-8 BACKBILLING FOR METER ERROR. A customer shall be backbilled if the recalculated bill due to meter error exceeds \$6.00. A former customer shall be backbilled if the recalculated bill due to meter error exceeds \$10.00.

6-8-9 UNDERCHARGE NOT DUE TO METER ERROR. In conjunction with Section 3.3(7)b of the gas service tariff:

A customer shall be backbilled if the recalculated bill due to other than meter error exceeds \$6.00. A former customer shall be backbilled if the recalculated bill due to an error other than meter error exceeds \$10.00. Backbilling in both instances shall be for a period not to exceed one year.

6-8-10 ACCIDENTAL WASTAGE OF GAS - CUSTOMER SIDE. In conjunction with Section 3.3(7)c of the gas service tariff:

If gas wastage occurs on the customer side of the meter, without the knowledge of and without negligence by the customer, and the customer provides reasonable evidence of such lack of negligence and knowledge, the recomputation period shall not extend back farther than three months for crediting purposes on the customer's bill.

6-8-11 RETURNED CHECKS. In conjunction with Section 3.3(7)d of the gas service tariff:

The charge for any check or check-like financial instrument dishonored by a financial institution for any reason shall be \$35.00, for each act of dishonorment. If two or more of the customer's financial instruments are dishonored within a two month period, future payments by the customer shall be by cash, cashier's check, or postal money order, for a period not less than six months.

(Amended during 2020 codification)

6-8-12 TEMPORARY DISCONNECTIONS AND RECONNECTIONS (VOLUNTARY). In conjunction with Section 3.4(1) of the gas service tariff:

The temporary disconnection service charge shall be:

Regular: \$0.00

Overtime: After hours fee based on current rate

The temporary reconnection service charge shall be:

Regular: \$0.00

Overtime: After hours fee based on current rate
(Amended during 2020 codification)

There will be no idle charge for service connections temporarily disconnected.

6-8-13 PERMANENT DISCONNECTION (VOLUNTARY). In conjunction with Section 3.4(1)b of the gas service tariff:

The permanent disconnection service charge shall be:

| | |
|------------------|---|
| Regular: \$25.00 | Overtime: After hours fee based on current rate (Amended during 2020 codification) |
|------------------|---|

The municipal utility requires one days notice by the customer prior to requested time of permanent disconnection.

(Ord. 5-91, Passed October 7, 1991)

6-8-14 DISCONNECTION AND RECONNECTION FEE (INVOLUNTARY). Other than nonpayment. In conjunction with Section 3.4(2)c of the gas service tariff:

The involuntary disconnection service charge shall be:

| | |
|------------------|---|
| Regular: \$25.00 | Overtime: After hours fee based on current rate |
|------------------|---|

The involuntary reconnection service charge shall be:

| | |
|------------------|--|
| Regular: \$25.00 | Overtime: After hours fee based on current rate (Ord. 5-91, Passed October 7, 1991) (Amended during 2020 codification) |
|------------------|--|

6-8-15 DISCONNECTION AND RECONNECTION FEE (INVOLUNTARY-NONPAYMENT). In conjunction with Section 3.5(1) of the gas service tariff:

The involuntary for non-payment disconnection service charge shall be:

| | |
|------------------|---|
| Regular: \$25.00 | Overtime: After hours fee based on current rate |
|------------------|---|

The involuntary for non-payment reconnection service charge shall be:

| | |
|------------------|--|
| Regular: \$25.00 | Overtime: After hours fee based on current rate (Ord. 5-91, Passed October 7, 1991) (Amended during 2020 codification) |
|------------------|--|

6-8-16 CHARGED SERVICE CALLS. In conjunction with Section 3.7(1) of the gas service tariff:

For work on customer's equipment for repairs which are the responsibility of the customer the service charge shall be:

| | |
|-------------------------------|---|
| Regular: \$25.00 per man hour | Overtime: After hours fee based on current rate (Amended during 2020 codification) |
|-------------------------------|---|

Parts costs shall also be charged. No charge shall be made for adjustments to customer's appliances or for relighting pilots extinguished as a result of pressure failure.

For relocation of municipal utility's facilities where relocation has been requested by the customer or any person and such relocation is the responsibility of the customer or the requesting person, the service charge shall be:

Regular: \$25.00 per man hour

Overtime: After hours fee based on current rate

Parts and contract costs shall also be charged. If the total work cost estimate exceeds \$100.00 an advance deposit shall be requested.

For relocation of the customer's facilities where relocation has been requested by the customer, and such relocation is the responsibility of the customer the service charge shall be:

Regular: \$25.00 per man hour

Overtime: After hours fee based on current rate

Parts and contact costs shall also be charged. If the total work cost estimate exceeds \$100.00 an advance deposit equal to the total estimated cost shall be required.

(Ord. 5-91, Passed October 7, 1991)

(Amended during 2020 codification)

6-8-17 WHEN EFFECTIVE. This Ordinance shall be in effect beginning January 1, 1992.

(Ord 5-91, Passed October 7, 1991)

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 9 - UTILITIES - GAS RATES

6-9-1 Service Rules and Regulations

6-9-2 Gas Rates

6-9-1 SERVICE RULES AND REGULATIONS. The rules and regulations for service are contained in the Sabula municipal gas utility tariff, on file with the Iowa State Utilities Board. The rules and regulations contained therein shall apply to all users of the municipal gas utility.

6-9-2 GAS RATES. The following rates for gas shall be as follows:

1. Residential, commercial, interdepartmental, and industrial rate.

a. Meter Charge: \$15.00 per month

b. Non-gas Commodity Charge: \$4.50 per cubic foot

c. Purchased Gas Adjustment (PGA): To cover the cost of natural gas purchased by the City there will be a PGA charge based upon usage multiplied by the PGA multiplier (usage x monthly multiplier). The PGA rate multiplier to be used in the calculation of the monthly natural gas utility charge shall be determined monthly by using the cost of gas provided by Clayton Energy at the end of each month.

2. These amended gas rates will be in effect as of the utility bills dated December 10, 2019.

(Ord. 1-2000, Passed August 14, 2000)

(Ord. 2-2002, Passed March 11, 2002)

(Ord. 2-2004, Passed June 15, 2004)

(Ord. 2-2018, Passed August 28, 2018)

(Ord. 2-2019, Passed November 19, 2019)

(Amended during 2020 codification)

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 10 - CABLE REGULATION

| | | | |
|---------|--|---------|--|
| 6-10-1 | Definitions | 6-10-24 | Service Requirements |
| 6-10-2 | Use of Property | 6-10-24 | Performance Standards |
| 6-10-3 | Taxes | 6-10-25 | Channel Capacity and Performance |
| 6-10-4 | Insurance | 6-10-26 | Installation and Maintenance of Subscriber Terminals in City Buildings and Schools |
| 6-10-5 | Repairs | 6-10-26 | Telecast of Educational Activities |
| 6-10-6 | Hold Harmless | 6-10-28 | Program Alteration |
| 6-10-7 | Assignment | 6-10-29 | Subscriber Rates and Charges |
| 6-10-8 | Insolvency of Grantee | 6-10-30 | Change of Subscriber Rates and Charges |
| 6-10-9 | Default of Grantee | 6-10-31 | Service Rules and Regulations |
| 6-10-10 | Termination | 6-10-32 | Service Agreements |
| 6-10-11 | Compliance with Applicable Laws | 6-10-33 | Payment by Grantee to City |
| 6-10-12 | Installation and Maintenance of Property of the Grantee | 6-10-34 | Office of Grantee |
| 6-10-13 | Interference | 6-10-35 | Injury to Property of the Grantee |
| 6-10-14 | Installation of Cables | 6-10-36 | Intercepting Signals of the Grantee |
| 6-10-15 | Restoration of Ground | 6-10-37 | Penalty |
| 6-10-16 | Alteration of Grade | 6-10-38 | Filing of Reports |
| 6-10-17 | Temporary Removal of Cables | 6-10-39 | Filing of Maps and Plats |
| 6-10-18 | Tree Trimming and Related Clean-Up Work (Included) | 6-10-40 | Access |
| 6-10-19 | Line Extension | 6-10-41 | Discrimination Prohibited |
| 6-10-20 | Commencement Timetable | 6-10-42 | Other Business Activities Prohibited |
| 6-10-21 | Completion of Construction | | |
| 6-10-22 | Delays and Extension of Time | | |

6-10-1 DEFINITIONS. The following words and phrases, when used in this Ordinance, shall, for the purposes of this Ordinance, have the meanings ascribed to them in this section:

1. “Basic Cable Service”. The term "basic cable service" shall mean the initial minimum level of service provided for by Heritage Cablevision, Inc.

2. “Cable Television System”. The term “cable television system” shall mean any facility that, in whole or in part, receives directly or indirectly over the air, and amplifies or otherwise modifies the signals transmitting programs broadcast by one or more television or radio stations and distributes such signals, by wire or cable, to subscribing members of the public who pay for such services.

3. “Channel”. The term “channel” shall mean the segment of the electromagnetic spectrum to which a source of television transmission is assigned.

4. "City". The term "City" shall mean the City of Sabula, Iowa. When the context so requires, the term "City" shall mean and includes the City, its officers, agents, employees, servants, and independent contractors.

5. "CPI". For the purpose of the Ordinance, CPI shall mean the Urban Wage Earner and Clerical Workers Revised Index of the Department of Labor for the previous year.

6. "FCC". The term "FCC" shall mean the Federal Communications Commission.

7. "Franchise". The term "Franchise" shall mean the rights, privileges, and authority granted by the City to the Grantee hereunder and shall include all of the terms and conditions of this Ordinance.

8. "Grantee". The term "Grantee" shall mean Heritage Cablevision, Inc., a wholly owned subsidiary of Heritage Communication, Inc., an Iowa Corporation organized and existing under the laws of the State of Iowa its successors and assigns. When the text so requires, the term "Grantee" shall mean and include the Grantee, its officers, agents, employees, servants, and independent contractors.

9. "Pay Cable Service". The term "pay cable service" shall mean one or more levels of optional, additional levels of services provided for by Heritage Cablevision.

10. "Person". The term "person" shall mean any individual or any corporation, business, firm, or other entity, and shall be construed as singular, plural, or masculine, feminine, or neuter, as the context may require.

11. "Private Property". The term "private property" shall mean all property, real, personal, or mixed, owned by a private person, including property owned by a public utility not owned or operated by the City.

12. "Property of the Grantee". The term "property of the Grantee" shall mean all property, real, personal or mixed, owned or used by the Grantee however arising from or related to or connected with the franchise.

13. "Public Property". The term "public property" shall mean all property, real, personal or mixed, owned or used by the City including property owned or used by the public utility owned or operated by the City.

6-10-2 USE OF PROPERTY. The Grantee may use public property within the City and, with the written consent of the owner thereof, private property within the City, in furtherance of such activities within the City as may now or hereinafter be consistent with generally accepted principles applicable to the operation of a cable television system subject, however, to the following restrictions:

1. The Grantee shall comply with all governmental laws, Ordinances, rules or regulations as may now or hereinafter be applicable thereto.

2. The Grantee shall not use or occupy or permit public property or private property to be used or occupied or do or permit anything to be done on or about public property or private property which will, in any manner:

- a. impair the owner's interest in or title thereto;
- b. impair any mortgage or lease as may now or hereinafter be applicable thereto;
- c. adversely affect the then value or character thereof;
- d. cause or be likely to cause structural damage thereto, or any part thereof;
- e. cause or be likely to cause any damage or injury to any utility service available thereto;
- f. create a public or private nuisance, cause any offensive or obnoxious vibration, noise, odor, or undesirable effect or interfere with the safety, comfort or convenience of the owner thereof, and persons lawfully on or about the same;
- g. violate the rules regulations and requirements of any person furnishing utilities or services thereto: or
- h. make void or voidable any insurance then in force affecting the same or cause an increase in the rates applicable thereto.

6-10-3 TAXES. The Grantee shall pay all real estate taxes, special assessments, personal property taxes, license fees, permit fees, and other charges of a like nature which may be taxed, charged, assessed, levied, or imposed upon the property of the Grantee and upon any services rendered by the Grantee.

6-10-4 INSURANCE. The Grantee shall, at all times during the term of the franchise, carry and require their contractors to carry:

Insurance in such forms and in such companies as shall be approved by the City to protect the City and Grantee from and against any and all claims, injury or damage to persons or property, both real and personal, caused by the construction, erections, operation and maintenance of any structure, equipment or appliance.

The amount of such insurance shall be not less than \$100,000 as to any one person, \$300,000 as to any one occurrence for injury or death to person, and \$100,000 for damages to property, with so-called umbrella coverage of at least \$1,000,000.

Workmen's Compensation Insurance as provided by the laws of the State of Iowa as amended.

Automobile Insurance with limits of not less than \$100,000/\$300,000 of public liability coverage

and automobile property damage insurance with a limit of not less than \$100,000 covering all automotive equipment, with so-called umbrella coverage of at least \$1,000,000.

All of said insurance coverage shall provide a ten (10) day notice to the City in the event of material alteration or cancellation of any coverage afforded in said policies prior to the date said material alteration or cancellation shall become effective. Copies of all insurance policies required hereunder shall be furnished to and filed with the City prior to the commencement of operation or the expiration of prior policies, as the case may be.

The Grantee shall pay all reasonable expenses incurred by the City in defending itself with regard to all damages, penalties, or other claims resulting from the acts of the Grantee, its assigns, employees, agents, invitees, or other persons. Said expenses shall include all out-of-pocket expenses such as attorney's fees, and shall include the value of any service rendered by the City Attorney or any other officers or employees of the City.

6-10-5 REPAIRS. During the term of the franchise, the Grantees shall, at its own expense, make all necessary repairs and replacements to the property of the Grantee.

Such repairs and replacements, interior and exterior, ordinary as well as extraordinary, and structural as well as non-structural, shall be made promptly, as and when needed.

6-10-6 HOLD HARMLESS. During the term of the franchise, the Grantee absolutely assumes and agrees to pay the City for, and the Grantee forever indemnities the City against, and agrees to hold and save the City harmless from any and all damage, injury, costs, expenses, liability, claims, settlements, judgements, decrees and awards of every kind and nature whatsoever, including attorney's fees, costs and disbursements, that may ever be claimed against the City by any person whatsoever, or on account of any actual or alleged loss, damage or injury to any property whosoever, however arises from or related to or connected with directly or indirectly:

- a. injury to or death of any person, or loss, damage or injury to any property of the Grantee, and/or
- b. the non-observance by the Grantee of the provisions of any laws, statutes, Ordinances, resolutions, regulations or rules duly promulgated by any governmental entity which may be applicable directly or indirectly, to right, privileges, and authority, and assumed by the Grantee under the franchise, and/or
- c. the non-observance by the Grantee or any of the terms and conditions of the franchise, and/or
- d. the granting of the franchise.

6-10-7 ASSIGNMENT. The Grantee shall not assign or, transfer any right granted under this Ordinance to any other person, company, or corporation without prior consent of the City Council, which consent shall not be unreasonably withheld, provided that the Grantee shall have the right to assign the provisions of this Ordinance to a corporation wholly owned by the Grantee, or to a limited

partnership of which the Grantee is a general partner, without prior consent of the City.

6-10-8 **INSOLVENCY OF GRANTEE.** In the event that the Grantee shall become insolvent, or be declared a bankrupt, or the property of the Grantee shall come into the possession of any receiver, assignee, or other officer acting under order of court, and any such receiver, assignee, or other such officer shall not be discharged within sixty (60) days after possession of such property, the City may, at its option, terminate the franchise by giving written notice of thereof to the Grantee.

6-10-9 **DEFAULT OF GRANTEE.** In the event the Grantee shall fail to comply with any of the terms and conditions of the franchise within thirty (30) days after receipt in writing from the City specifying the failure or default, the City may, at its option, terminate the franchise by giving written notice thereof to the Grantee. This section shall not apply to failures or defaults beyond the reasonable control of the Grantee.

6-10-10 **TERMINATION.** Upon termination of the franchise for any cause, the Grantee shall remove the property of the Grantee from all public and private property within the City and shall return such public property and private property to the owner thereof in the same condition as when the property of the Grantee was placed thereon, ordinary wear and tear expected.

6-10-11 **COMPLIANCE WITH APPLICABLE LAWS.** During the term of the franchise, the Grantee shall comply with all governmental laws, Ordinances rules or regulations as may now be hereinafter applicable to the construction, operation, maintenance, repair, replacement, renewal, reconstruction, and removal of a cable television system, the sale and supply of audio and video communications services, the use of public property and private property and the engagement in such further activities as may now or hereinafter be consistent with generally accepted principles applicable to the operation of a cable television system.

Any modifications to Section 76.31 of Subpart C of the Regulations of the FCC applicable to the cable television system shall be incorporated into the franchise by amendment to this Ordinance within one (1) year of the effective date of such modification, or at the time of renewal of the franchise, whichever occurs first.

6-10-12 **INSTALLATION AND MAINTENANCE OF PROPERTY OF THE GRANTEE.** During the term of the franchise, the property of the Grantee shall be constructed, operated, maintained, repaired, replaced, renewed, reconstructed, and removed in accordance with generally accepted engineering principles so as not to endanger or interfere with the lives of persons or to interfere with improvements which the City may deem proper to make or to unnecessarily hinder or obstruct pedestrian or vehicular traffic or use of public property or private property.

6-10-13 **INTERFERENCE.** The Grantee's cable television system shall be so designed, engineered and maintained so as not to interfere with the radio and television reception of persons who are not subscribers of the Grantee.

6-10-14 **INSTALLATION OF CABLES.** The Grantee shall have the right, privilege, and authority to lease, rent or in any other manner obtain the use of wooden poles with overhead lines, conduits, trenches, ducts, lines, cable, and other equipment and facilities from any and all holders of public

licenses and franchises within the City, and to use such poles, conduits, trenches, ducts, lines and cables in the course of its business. The Grantee shall install its cable on the existing poles owned by other holders of public licenses and franchises with the City whenever possible for the installation of its cable. When installation of cable on poles is insufficient, or when holders of other public licenses or franchises have both installed underground cable, then in that event, the cable used by the Grantee shall be installed underground.

6-10-15 RESTORATION OF GROUND. In case of any disturbance of pavement, sidewalk, driveway or other surfacing, the Grantee shall at its own cost and expense and in a manner approved by the City, replace and restore all paving, sidewalk, driveway, or surface of any street or alley disturbed, in as good a condition as before said work was commenced.

6-10-16 ALTERATION OF GRADE. In the event that, during the term of the franchise, the City shall elect to alter, or change the grade of any street, alley, or public way, the Grantee, upon reasonable notice by the City, shall remove, relay, and relocate its poles, wires, cables, underground conduits, manholes and other fixtures at its own expense.

6-10-17 TEMPORARY REMOVAL OF CABLES. The Grantee shall on the request of any person holding a building moving permit issued by the City temporarily raise or lower its cables to permit the moving of buildings. The expense of such temporary removal, raising, or lowering of cables shall be paid by the person requesting the same and the Grantee shall have the authority to require such payment in advance. The Grantee shall be given not less than five (5) days advance notice to arrange for such temporary cable changes.

6-10-18 TREE TRIMMING AND RELATED CLEAN-UP WORK (INCLUDED). The Grantee shall have the authority to trim trees upon and overhanging street, alleys, sidewalks, and public places of the City so as to prevent the branches of such trees from coming in contact with the cables of the Grantee. All trimming shall be done at the expense of the Grantee.

6-10-19 LINE EXTENSION.

1. It shall be the obligation of Company to serve all residents of the City except to the extent that density of homes, adverse terrain or other factors render providing service impracticable, technically unfeasible or economically non-compensatory. For purposes of determining compliance with the provisions of this Section, and to provide for a reasonable and non-discriminatory policy governing extensions of cable service within the City, Company shall extend service to new subscribers, at the normal installation charge and monthly rate for customers of that classification where there are an average of fifty (50) homes per each linear mile of new cable construction.

2. In the event the requirements of sub-section one (1) are not met, extensions of service shall be required only on a basis which is reasonable and compensatory.

6-10-20 COMMENCEMENT TIMETABLE. Upon granting of the franchise for the Network, the Grantee shall commence engineering and/or construction of the Network. Completion shall be pursued with reasonable diligence.

6-10-21 COMPLETION OF CONSTRUCTION. Within twelve (12) months of the effective date of awarding the franchise, the Grantee shall have placed in use sufficient distribution facilities so as to permit the offering of basic subscriber services to one hundred (100%) percent of the area defined in 6-10-19 (1) except for those areas where right-of-way for service installation can not be obtained.

6-10-22 DELAYS AND EXTENSION OF TIME. The City may, in its discretion, extend the time for the Grantee, if acting in good faith to perform in such cases as the Grantee is being subjected to delay or interruption due to circumstances reasonable beyond its control.

6-10-23 SERVICE REQUIREMENTS. During the term of the franchise, the Grantee shall furnish reasonable, adequate and efficient cable television service to subscriber terminals.

The foregoing requirement may be temporarily suspended due to circumstances beyond the reasonable control of the Grantee.

6-10-24 PERFORMANCE STANDARDS. The Grantee shall produce a picture in black and white or in color that is of high quality accompanied by proper sound on typical standard television sets in good repair. The Grantee shall also transmit signals of adequate strength to produce good pictures with good sound at all subscriber terminals throughout the City without causing cross modulation in the cables or interfering with other electrical or electronic system.

6-10-25 CHANNEL CAPACITY AND PERFORMANCE. During the term of the franchise, the cable television system of the Grantee shall conform to the channel capacity and performance requirements contained in the then current regulations of the FCC.

6-10-26 INSTALLATION AND MAINTENANCE OF SUBSCRIBER TERMINALS IN CITY BUILDINGS AND SCHOOLS. During the franchise, the Grantee shall at its sole cost, install and maintain subscriber terminals in such buildings owned or used by the City, and in such buildings owned or used by recognized educational authorities within the City, both public and private, as may be designated by the governing body having jurisdiction thereof. Such subscriber terminals shall be placed in such location within such buildings as may be designated by the governing body having jurisdiction thereof. This provision is meant to apply only to those buildings accessible to Grantee's system.

6-10-27 TELECAST OF EDUCATIONAL ACTIVITIES. The Grantee shall not cablecast, tape, reproduce or otherwise convey to its subscribers the activities of any recognized educational authority, public or private, without the written consent of the governing body of such authority.

6-10-28 PROGRAM ALTERATION. Any signal received by the Grantee from a television broadcast station shall be cablecast by the Grantee in its entirety, as received, without alteration.

6-10-29 SUBSCRIBER RATES AND CHARGES. Except as otherwise provided in the franchise, the Grantee shall have the right, privilege, and authority to charge the rates and charges fixed in this section to its subscribers for its services.

At turn-on, single user Basic Cable charges may be as follows:

| Description | Charge |
|--|-------------------------------------|
| Installation | Not exceed \$25.00 per installation |
| Basic Service Charge Initial outlet | Not to exceed \$10.00 monthly |
| Basic Service Charge additional outlet(s) | Each Not to exceed \$2.50 monthly |

Multi-user rates and charges may be negotiated between the Grantee and the subscriber, but in no event shall the multi-user rates and charges for any subscriber exceed the aggregate of rates and charges which would be charged to the multi-user if computed on the basis of Basic single user rates and charges.

The rates as set forth in this section shall be in effect for a full two (2) years from the date of first subscriber service to the City.

6-10-30 CHANGE OF SUBSCRIBER RATES AND CHARGES.

1. Grantee's rates and charges presently in effect for installation, moving of equipment and for basic monthly cable television service are hereby approved by the City. A current schedule of rates will be kept on file with the City Clerk.

2. For the purposes of this section, "basic monthly cable television service" is the provision of television broadcast signals and access and origination channels, if any, and does not include advertising services, rental of studios or equipment provision of program production services, per-channel or per-program charges to subscribers ("pay cable"), rental of channel, sale of channel time, provision of commercial services such as security systems, or any other services of the system, the rates and charges for which shall not require approval of the City.

3. Grantee shall have the right to change the rates for basic monthly cable television service, provided any increase does not exceed the increase in the Consumer Price Index, (Urban Wage Earner and Clerical Workers Revised Index), for the previous twelve months as determined by the Bureau of Labor Statistics. Should Grantee wish to increase rates beyond the Consumer Price Index increase, approval shall rest with the City Council. Such approval will be given only if Grantee proves that the increase will result in improved cable television service to the community or permit Grantee a fair rate of return on its investment.

4. Before approving such increase, the City shall hold a public hearing thereon, and shall cause to be published for two consecutive weeks in a newspaper of general circulation in the City, a public notice setting forth the proposed rates and charges and the date, time and place of the public hearing. At such public hearing, any interested party shall have the right to give testimony and present evidence on the rates and charges proposed.

5. Before instituting an increase equal to or less than the Consumer Price Index increase, Grantee will furnish to the City Council a copy of the new rates and charges, as well as information regarding Bureau of Labor Statistics figures on the Consumer Price Index. Such notification shall proceed any increase by not less than 30 days and not more than 60 days.

The Grantee shall pay all costs and expenses incurred by the City in connection with said application and said hearing.

6-10-31 SERVICE RULES AND REGULATIONS. The Grantee shall have the right to prescribe reasonable service rules and regulations and operating rules for the conduct of its business.

Such rules and regulations shall be consistent with the terms and conditions of the franchise.

6-10-32 SERVICE AGREEMENTS. The Grantee shall have the right to prescribe a reasonable form of service agreement for use between the Grantee and its subscribers.

Such service agreement shall be consistent with the terms and conditions of the franchise.

6-10-33 PAYMENT BY GRANTEE TO CITY. The Grantee shall, during the period of operation under this Ordinance, pay to the City three percent (3%) of its annual "basic monthly cable television service" revenue (6-10-30 (2)) for service rendered to customers located within the City.

All payments as required by the Grantee to the City shall be made annually and shall be due and payable by April 1st of the following year.

6-10-34 OFFICE OF GRANTEE. During the term of the franchise, the Grantee shall maintain an office or designated agent within Clinton, Iowa, for the purpose of receiving, investigating and responding to the complaints and grievances with respect to the quality of the service rendered by the Grantee, equipment malfunctions and other similar matters pertaining to the cable television system of the Grantee.

6-10-35 INJURY TO PROPERTY OF THE GRANTEE. No person shall wrongfully or unlawfully injure the property of the Grantee.

6-10-36 INTERCEPTING SIGNALS OF THE GRANTEE. No person shall wrongfully or unlawfully intercept the signals of the Grantee.

6-10-37 PENALTY. Any person violating any of the provisions of Section 35 or Section 36 of this Ordinance shall, upon conviction, be subject to a fine of not to exceed Five Hundred Dollars (\$500.00) ~~and/or imprisonment not exceeding thirty (30) days.~~

6-10-38 FILING OF REPORTS. On or before April 1 of each year the Grantee shall file with the City copies of FCC Form 325 and FCC Form 326 for the preceding calendar year.

6-10-39 FILING OF MAPS AND PLATS. On or before April 1 of each year, the Grantee shall file

with the City maps and plats showing the location and nature of all new property of the Grantee within the City as of the end of the preceding calendar year.

6-10-40 ACCESS. The Grantee shall and does hereby grant to the City, the right to enter upon the property of the Grantee, upon reasonable notice, at any and all reasonable times, to inspect the same for purposes pertaining to the rights to the City.

6-10-41 DISCRIMINATION PROHIBITED. The Grantee shall not grant any undue preference or advantage to any person, nor subject any person to prejudice or disadvantage with respect to rates, charges, services, service facilities, rules, regulation, or any other respect.

6-10-42 OTHER BUSINESS ACTIVITIES PROHIBITED. During the initial term of the franchise, or any extension thereof, the Grantee shall not engage in the business of selling, leasing, renting, or servicing television or radio receiver, or their parts and accessories, and the Grantee shall not require or attempt to direct its subscribers to deal with any particular person or firm with respect to said activities.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 11 - FLOOD PLAIN REGULATIONS

- | | | | |
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6-11-1 STATUTORY AUTHORITY, FINDINGS OF FACT AND PURPOSE. The Legislature of the State of Iowa has in Chapter 364, Code of Iowa, as amended, delegated the power to cities to exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges and property of the City or of its residents, and to preserve and improve the peace, safety, health, welfare, comfort and convenience of its residents.

6-11-2. FINDINGS OF FACT.

1. The flood hazard areas of Sabula are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare of the community.

2. These flood losses, hazards, and related adverse effects are caused by:

a. The occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being inadequately elevated or otherwise protected from flooding; and

b. The cumulative effect of obstruction on the flood plain causing increases in flood heights and velocities.

6-11-3 STATEMENT OF PURPOSE. It is the purpose of this Ordinance to protect and preserve the rights, privileges and property of Sabula and its residents and to preserve and improve the peace, safety, health, welfare, and comfort and convenience of its residents by minimizing those flood losses described in Section 6-11-2(2) with provisions designed to:

1. 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. 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. Protect individuals from buying lands which may not be suited for intended purposes because of flood hazard.

4. Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

GENERAL PROVISIONS

6-11-4 LANDS TO WHICH ORDINANCE APPLY. The provisions of this Ordinance shall apply to all lands and uses which have significant flood hazards. The Flood Insurance Rate Map (FIRM) for Jackson County and incorporated Areas, City of Sabula, Panel 19097CO529D, 0533D, 054 ID, dated December 17, 2010, which were prepared as part of the Jackson County Flood Insurance Study, shall be used to identify such flood hazard areas and all areas shown thereon to be within the boundaries of the 100-year flood shall be considered as having significant flood hazards. Where uncertainty exists with respect to the precise location of the 100-year flood boundary, the location shall be determined on the basis of the 100-year flood elevation at the particular site in question. The Flood Insurance Study for Jackson County is hereby adopted by reference and is made a part of this ordinance for the purpose of administering floodplain management regulations.

(Ord. 6-2010, Passed November 22, 2010)

6-11-5 RULES FOR INTERPRETATION OF FLOOD HAZARD BOUNDARIES. The boundaries of the special flood hazard 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 City Manager shall make the necessary interpretation.

6-11-6 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 Ordinance and other applicable regulations which apply to uses within the jurisdiction of this Ordinance.

6-11-7 ABROGATION AND GREATER RESTRICTIONS. It is not intended by this Ordinance to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restriction, the provision of this Ordinance shall prevail. All other Ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.

6-11-8 INTERPRETATION. In their interpretation and application, the provisions of this Ordinance 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.

6-11-9 WARNING AND DISCLAIMER OF LIABILITY. The standards required by this Ordinance are considered reasonable for regulatory purposes. This Ordinance does not imply that areas outside the designated special flood hazard areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of Sabula or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

6-11-10 SEVERABILITY. If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

FLOOD PLAIN MANAGEMENT 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 in the Flood Insurance Study, 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.

(Ord. 6-2010, Passed November 22, 2010)

6-11-11 ALL DEVELOPMENT. All Development within the special flood hazard areas shall:

1. Be consistent with the need to minimize flood damage.

2. Use construction methods and practices that will minimize flood damage.
3. Use construction materials and utility equipment that are resistant to flood damage.
4. Obtain all other necessary permits from federal, state and local governmental agencies including approval when required from the Iowa Department of Natural Resources.

6-11-12 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 1.0 feet above the 100-year flood level and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon. Alternative methods of elevating (such as piers) may be allowed, subject to favorable consideration by the City Council and the Department of Natural Resources, 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.

6-11-13 NON-RESIDENTIAL BUILDINGS. All new or substantially improved non-residential buildings shall have the first floor, including basement, elevated a minimum of one (1) ft. above the 100-year flood level, or together with attendant utility and sanitary systems, be 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 North American Vertical Datum) to which any structure are floodproofed shall be maintained by the Administrator.

(Ord. 6-2010, Passed November 22, 2010)

6-11-14 ALL NEW AND SUBSTANTIALLY IMPROVED STRUCTURES.

1. 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 by certified registered professional following minimum criteria:

a. 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.

b. The bottom of all openings shall be no higher than one foot above grade.

c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

d. Such areas shall be used solely for parking of vehicles, building access and low damage potential storage.

(Ord. 6-2010, Passed November 22, 2010)

2. 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.

3. 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.

6-11-15 FACTORY-BUILT HOMES.

1. Factory-built homes, including those placed in existing factory-built home parks or subdivision, shall be anchored to resist floatation, collapse, or lateral movement.

2. Factory-built homes, including those placed in existing factory-built home parks or subdivision 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.

6-11-16 UTILITY AND SANITARY SYSTEMS.

1. All new and replacement sanitary sewage systems shall be designed to minimize and eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters. Wastewater treatment facilities shall be provided with a level of flood protection equal to or greater than one (1) foot above the 100-year flood elevation.

2. On site waste disposal systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.

3. New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities shall be provided with a level of protection equal to or greater than one (1) foot above the 100-year flood elevation.

4. 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.

6-11-17 STORAGE OR MATERIALS AND EQUIPMENT. 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 (1) not be subject to major flood damage and be anchored to prevent movement due to flood waters; or (2) be readily removable from the area within the time available after flood warning.

6-11-18 FLOOD CONTROL STRUCTURAL WORKS. 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 ft. 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.

6-11-19 WATERCOURSE ALTERATION OR RELOCATIONS. Watercourse alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.

(Ord. 6-2010, Passed November 22, 2010)

6-11-20 SUBDIVISIONS. 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 shall meet the applicable performance standards. Subdivision proposals intended for residential development shall provide all lots with a means for vehicular access that will remain dry during occurrence of 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 area of significant flood hazard.

(Ord. 6-2010, Passed November 22, 2010)

6-15-21 EXEMPTION OF STRUCTURES. The exemption of detached garages, sheds, and similar structures from the 100-year flood elevation requirements may result in increased premium rates for insurance coverage of the structure and contents, however, said detached garages, sheds, and similar accessory type structures are exempt from the 100-year flood elevation requirements when:

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. Structures 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 to floodproofed to at least one (1) foot above the 100-year flood level.

6-11-22 RECREATIONAL VEHICLES.

1. Recreational vehicles are exempt from the requirements of Section 6-11-15(1) of this Ordinance regarding anchoring and elevation of factory-built homes when the following criteria are satisfied.

a. The recreational vehicle shall be located on the site. for less than 180 consecutive days; and

b. 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.

2. Recreational vehicles that are located on the site for more than 180 consecutive days or are not ready for highway use must satisfy the requirements of Section 6-11-15(1) of this Ordinance regarding anchoring and elevation of factory-built homes.

(Ord. 6-2010, Passed November 22, 2010)

6-11-23 PIPELINE RIVER AND STREAM CROSSINGS. Pipeline river and stream crossings shall be buried in the streambed and banks, or otherwise sufficiently protected to prevent rupture due. 10 channel degradation and meandering.

(Ord. 6-2010, Passed November 22, 2010)

SPECIAL FLOODWAY PROVISIONS

6-11-24 APPLICABLE STANDARDS. In addition to the General Floodplain Standards, uses within the floodway must meet the following applicable standards. The floodway is that portion of the floodplain which must be protected from developmental encroachment to allow the free flow of flood waters. Where floodway data has been provided in the Flood Insurance Study, such data shall be used to define the floodway. Where no floodway data has been provided, the Department of Natural Resources shall be contacted to provide a floodway delineation. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination.

(Ord. 6-2010, Passed November 22, 2010)

6-11-25 PROHIBITED USES. No use shall be permitted in the floodway that would result in any increase in the 100-year flood level, Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.

(Ord. 6-2010, Passed November 22, 2010)

6-11-26 USES WITHIN FLOODWAY. All uses within the floodway shall

1. Be consistent with the need to minimize flood damage; and
2. Use construction methods and practices that will minimize flood damage; and
3. Use construction materials and utility equipment that are resistant to flood damage.

(Ord. 6-2010, Passed November 22, 2010)

6-11-27 IMPACT ON CAPACITY OR CONVEYANCE. No use shall affect the capacity or conveyance of the channel or floodway of any tributary to the main stream, drainage ditch or any other drainage facility or system.

(Ord. 6-2010, Passed November 22, 2010)

6-11-28 STRUCTURES, BUILDINGS, SANITARY AND UTILITY SYSTEMS. Structures,

buildings, sanitary and utility systems, if permitted, shall meet the applicable General Floodplain Standards and shall be constructed or aligned to present the minimum possible resistance to flood flows.

(Ord. 6-2010, Passed November 22, 2010)

6-11-29 BUILDINGS. Buildings, if permitted, shall have a low flood damage potential and shall not be for human habitation.

(Ord. 6-2010, Passed November 22, 2010)

6-11-30 STORAGE OF MATERIALS OR EQUIPMENT. Storage of materials or equipment that are buoyant, flammable, explosive or injurious to human, animal or plant life is prohibited. Storage of other material may be allowed if readily removable from the floodway within the time available after flood warning.

(Ord. 6-2010, Passed November 22, 2010)

6-11-31 WATERCOURSE ALTERATIONS OR RELOCATIONS. Watercourse alterations or relocations (channel changes and modifications) must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.

(Ord. 6-2010, Passed November 22, 2010)

6-11-32 FILL. Any fill allowed in the floodway must be shown to have some beneficial purpose and shall be limited to the minimum amount necessary.

(Ord. 6-2010, Passed November 22, 2010)

6-11-33 PIPELINE RIVER OR STREAM CROSSINGS. Pipeline river or stream crossings shall be buried in the streambed and banks or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering or due to the action of flood flows.

(Ord. 6-2010, Passed November 22, 2010)

ADMINISTRATION

6-11-34 APPOINTMENT, DUTIES AND RESPONSIBILITIES OF FLOOD PLAIN ADMINISTRATOR.

1. The City Manager is hereby appointed to implement and administer the provisions of this Ordinance and will herein be referred to as the Administrator.

2. Duties of the Administrator shall include, but not necessarily be limited to the following:

a. Review all flood plain development permit applications to assure that the provisions of this Ordinance will be satisfied.

b. Review flood plain development 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.

c. Record and maintain a record of the elevation (in relation to North American Vertical Datum, 1988) of the lowest floor (including basement) of all new or substantially improved structures in special flood hazard area.

d. Record and maintain a record of the elevation (in relation to North American Vertical Datum, 1988) to which all new or substantially improved structures have been floodproofed.

e. Notify adjacent communities/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.

f. Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this Ordinance.

(Ord. 6-2010, Passed November 22, 2010)

6-11-35 FLOOD PLAIN DEVELOPMENT PERMIT.

1. Permit Required. A Flood Plain Development Permit issued by the Administrator shall be secured prior to any flood plain development (any man-made 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.

2. Application for Permit. Application shall be made on forms furnished by the Administrator and shall include the following:

a. Description of the work to be covered by the permit for which application is to be made.

b. 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.

c. Indication of the use or occupancy for which the proposed work is intended.

d. Elevation of the 100-year flood.

e. Elevation (in relation to North American Vertical Datum, 1988) of the lowest floor, including basement, of buildings or of the level to which a building is to be floodproofed.

f. For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements.

g. Such other information as the Administrator deems reasonably necessary for the purpose of this Ordinance.

(Ord. 6-2010, Passed November 22, 2010)

3. Action on Permit 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 Ordinance and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefore. The Administrator shall not issue permits for variances except as directed by the City Council.

4. Construction and Use to be as Provided in Application and Plans. Flood Plain Development Permits based 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 Ordinance. The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that the finished fill, building floor elevations, floodproofing, or other flood protection measures were accomplished in compliance with the provisions of this Ordinance, prior to the use or occupancy of any structure.

6-11-36 VARIANCE.

1. The City Council may authorize upon request in specific cases such variances from the terms of this Ordinance that will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship. Variances granted must meet the following applicable standards:

a. Variances shall only be granted upon:

(1) a showing of good and sufficient cause,

(2) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and

(3) 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.

b. Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

c. In cases where the variance involves a lower level of flood protection for buildings than what is ordinarily required by this Ordinance, the applicant shall be notified in writing over the signature of the Administrator that:

(1) 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

(2) Such construction increases risks to life and property.

2. Factors Upon Which the Decision of the City Council Shall be Based. In passing upon applications for variances, the City Council shall consider all relevant factors specified in other

sections of this Ordinance and:

- a. The danger to life and property due to increased flood heights or velocities caused by encroachments.
- b. The danger that materials may be swept on to other land or downstream to the injury of others.
- c. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
- d. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- e. The importance of the services provided by the proposed facility to the City.
- f. The requirements of the facility for a flood plain location.
- g. The availability of alternative locations not subject to flooding for the proposed use.
- h. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- i. The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
- j. The safety of access to the property in times of flood for ordinary and emergency vehicles.
- k. The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.
- l. Such other factors which are relevant to the purpose of this Ordinance.

3. Conditions Attached to Variances. Upon consideration of the factors listed above, the City Council may attach such conditions to the granting of variances as it deems necessary to further the purpose of this Ordinance. Such conditions may include, but not necessarily be limited to:

- a. Modification of waste disposal and water supply facilities.
- b. Limitation of periods of use and operation.
- c. Imposition of operational controls, sureties, and deed restrictions.
- d. 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 purpose of this Ordinance.

e. Floodproofing measures.

6-11-37 PENALTIES FOR VIOLATION. Violations of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500 ~~or imprisoned for not more than 30 days~~. Nothing herein contained shall prevent Sabula from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. 2-2001, Passed December 10, 2001)

6-11-38 AMENDMENTS. The regulations and standards set forth in this Ordinance may from time to time be amended, supplemented, changed, or repealed. No amendment supplement, change or modification shall be undertaken without prior approval of the Department of Natural Resources.

6-11-39 NONCONFORMING USES

1. A structure or the use of a structure or premises which was lawful before the passage or amendment of this Ordinance but which is not in conformity with the provisions of this Ordinance, 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 Ordinance.

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, unless it is reconstructed in conformity with the provisions of this Ordinance. 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.

(Amended during 2015 codification)

6-11-40 DEFINITIONS. Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.

1. "Basement" - Any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see "lowest floor."

2. "Development" - Any man-made 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.

3. "Existing Construction" – Any structure for which the "start of construction" commenced before the effective date of the first floodplain management regulations adopted by the community. Existing Construction may also be referred to as "existing structure".

(Ord. 6-2010, Passed November 22, 2010)

4. "Existing Factory-Built Home Park or Subdivision" – 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 before the effective date of the first floodplain management regulations adopted by the community.

(Ord. 6-2010, Passed November 22, 2010)

5. "Expansion of Existing Factory-Built Home park or Subdivision" – 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).

(Ord. 6-2010, Passed November 22, 2010)

6. "Factory-built home" - 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 Ordinance factory-built homes include mobile homes, manufactured home and modular homes and also include park trailers, travel trailers and other similar vehicles placed on a site for a greater than 180 consecutive days.

7. "Factory-built home park" - A parcel or contiguous parcels of land divided into two or more factory-built home lots for rent or sale.

8. "Flood" -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.

9. "Flood Elevation" - 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 flood waters related to the occurrence of the 100-year flood.

10. "Flood Insurance Rate Map" - 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.

11. "Flood Insurance Study" - A study initiated, funded, and published by the Federal Insurance Administration for the purpose of evaluation in detail the existence and severity of flood hazards; providing the City with the necessary information for adopting a flood plain management program; and establishing actuarial flood insurance rates.

12. "Flood Plain" - Any land area susceptible to being inundated by water as a result of a flood.

13. "Flood Plain Management" - 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, flood-proofing and flood plain management regulations.

14. "Floodproofing" - 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" - 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 result in substantially higher flood levels and flow velocities.

16. "Flood Fringe: - 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. "Lowest Floor" - The floor of the lowest enclosed area in a building including a basement except when all of 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 6-11-14 (1).

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.

18. "New Construction" - (new buildings, factory-built home park) - Those structures or development for which the start of construction commenced on or after the effective date of the Flood Insurance Rate Map (November 19, 1987).

19. "New Factory-Built Home park or Subdivision" – 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 first floodplain management regulations adopted by the community.

(Ord. 6-2010, Passed November 22, 2010)

20. "One hundred (100) year flood" - A flood, the magnitude of which has a one (1) percent 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.

21. "Recreational Vehicle" – A vehicle which is:

- a. Built on a single chassis; and
- b. Four hundred (400) square feet or less when measured at the largest horizontal projection; and
- 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.

(Ord. 6-2010, Passed November 22, 2010)

22. "Special Flood Hazard Area" – The land within a community subject to the "100-year flood". This land is identified as Zone A, AE, A1-A30, AO and AH on the community's Flood Insurance Rate Map.

(Ord. 6-2010, Passed November 22, 2010)

23. "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.

(Ord. 6-2010, Passed November 22, 2010)

24. "Structure" - 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.

25. "Substantial Damage" – 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.

(Ord. 6-2010, Passed November 22, 2010)

26. "Substantial improvement" - 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 50 percent of the market value of the structure either

(1) before the improvement or repair is started, or

(2) if the structure has been damaged, and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure to comply with the existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe conditions for the existing use.

b. Any addition which increases the original floor area of a building by 25 percent (25%) or more. All additions constructed after November 19, 1987 shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.

27. "Variance" – A grant of relief by a community from the terms of the floodplain management regulations.

(Ord. 6-2010, Passed November 22, 2010)

28. "Violation" – The failure of a structure or other development to be fully compliant with the community's floodplain management regulations.

(Ord. 6-2010, Passed November 22, 2010)

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 12 - SIDEWALK REGULATIONS

| | | | |
|--------|--|---------|-------------------------|
| 6-12-1 | Definitions | 6-12-8 | Encroaching Steps |
| 6-12-2 | Responsibility for Maintenance | 6-12-9 | Openings and Enclosures |
| 6-12-3 | Failure to Maintain-Personal Injuries | 6-12-10 | Fires on Sidewalks |
| 6-12-4 | City May Order Repairs | 6-12-11 | Fuel on Sidewalk |
| 6-12-5 | Sidewalk Standards | 6-12-12 | Defacing |
| 6-12-6 | Removal of Snow, Ice and Accumulations | 6-12-13 | Debris on Sidewalks |
| 6-12-7 | Awning Standards | 6-12-14 | Merchandise Display |
| | | 6-12-15 | Sales Stands |

6-12-1 DEFINITIONS. For use in this Chapter the following terms are defined:

1. "Sidewalk": shall mean all permanent public walks in business, residential or suburban areas.
2. "Broom Finish": shall mean a sidewalk finish that is made by sweeping the sidewalk when it is hardening.
3. "Wood Float Finish": shall mean a sidewalk finish that is made by smoothing the surface of the sidewalk with wooden trowel.
4. "Portland Cement": shall mean any type of cement except bituminous cement.
5. "One-Course Construction": shall mean that the full thickness of the concrete is placed at one time, using the same mixture throughout.
6. "Established Grade": shall mean that grade established by this city for the particular area in which a sidewalk is to be constructed.

6-12-2 RESPONSIBILITY FOR MAINTENANCE. It shall be the responsibility of the abutting property owners to maintain in a safe and hazard free condition any sidewalk outside the lot and property lines and inside the curb lines or traveled portion of the public street.

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

6-12-3 FAILURE TO MAINTAIN - PERSONAL INJURIES. If the abutting property owner does not maintain sidewalks as required and action is brought against the city for personal injuries alleged to have been caused by its negligence, the city may notify in writing any person by whose negligence it claims the injury was caused. The notice shall state the pendency of the action, the name of the plaintiff, the name and location of the court where the action is pending, a brief statement of the alleged facts from which the cause arose, that the city believes that the person

notified is liable to it for any judgment rendered against the city, and asking the person to appear and defend. A judgment obtained in the suit is conclusive in any action by the city against any person so notified, as, to the existence of the defect or other cause of the injury or damage as to the liability of the city to the plaintiff in the first named action, and as to the amount of the damage or injury. The city may maintain an action against the person notified to recover the amount of the judgment together with all the expenses incurred by the City in the suit.

(Code of Iowa, Sec. 364.14)

6-12-4 CITY MAY ORDER REPAIRS. If the abutting property owner does not maintain sidewalks as required the City Council may serve notice on such owner, by certified mail requiring him or her to repair, replace or reconstruct sidewalks within a reasonable time and if such action is not completed within the time stated in the notice the City Council may require the work to be done and assess the costs against the abutting property for collection in the same manner a property tax.

(Code of Iowa, Sec. 364.12 (2)(d) and (e))

6-12-5 SIDEWALK STANDARDS. Sidewalks repaired, replaced or constructed under the provisions of this Chapter, shall be of 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 three (3) 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.

a. Residential sidewalks shall be at least four (4) feet wide and four (4) inches thick and each section shall be no more than six (6) feet in length.

b. Business district sidewalks shall extend from the property line to the curb. Each section shall be four (4) inches thick and no more than six (6) feet in length and width.

c. Driveway areas shall be not less than six (6) inches in thickness.

6. Location. Residential sidewalks shall be located with the inner edge (edge nearest the abutting private property) on the property line, unless the City Council shall establish a different distance due to circumstances.

7. Grade. Curb tops shall be on level with the centerline of the street which shall be the established grade.

8. Elevations. The street edge of the sidewalk shall be at an elevation even with the curb at the curb or not less than one-half (1/2) inch above the curb for each foot between the curb and the sidewalk.

9. Slope. All sidewalks shall slope .25 inch per foot toward the curb.

10. Finish. All sidewalks shall be finished with a "broom" or "wood float" finish.

11. Ramps for Disabled. There shall be not less than two (2) curb cuts or ramps per lineal block which shall be located on or near the crosswalks at intersections. Each curb cut or ramp shall be at least thirty inches wide, shall be sloped at not greater than one (1) inch rise per twelve inches lineal distance, except that a slope no greater than one (1) inch of rise per eight inches lineal distance may be used where necessary, shall have a nonskid surface, and shall otherwise be so constructed as to allow reasonable access to the crosswalk for physically disabled persons using the sidewalk.

(Code of Iowa, Sec 216C(9))

6-12-6 REMOVAL OF SNOW, ICE AND ACCUMULATIONS. It shall be 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 a reasonable time, 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 (2)(b) and (e))

6-12-7 AWNING STANDARDS. It shall be unlawful for a person to erect or maintain any awning over any sidewalk unless all parts of the awning are elevated at least seven (7) feet above the surface of the street or sidewalk and the roof or covering is made of duck, canvas or other suitable material supported by iron frames or brackets securely fastened to the building, without any posts or other device that will obstruct the sidewalk or hinder or interfere with the free passage of pedestrians.

6-12-8 ENCROACHING STEPS. It shall be unlawful for a person to erect or maintain any stairs or steps to any building upon any part of any sidewalk without permission by resolution of the City Council.

6-12-9 OPENINGS AND ENCLOSURES. It shall be unlawful for a person to:

1. Stairs and Railings. Construct or build a stairway or passageway to any cellar or basement by occupying any part of the sidewalk, or to enclose any portion of a sidewalk with a railing without permission by resolution of the City 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.

6-12-10 FIRES ON SIDEWALK. It shall be unlawful for a person to make a fire of any kind on any sidewalk.

6-12-11 FUEL ON SIDEWALK. It shall be unlawful for a person to place or allow any fuel to remain upon any sidewalk.

6-12-12 DEFACING. It shall be unlawful for a person to scatter or place any paste, paint or writing on any sidewalk.

6-12-13 DEBRIS ON SIDEWALKS. It shall be unlawful for a person to throw or deposit on any sidewalk any glass bottle, glass, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, or any other debris, or any other substance likely to injure person, animal or vehicle.

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

6-12-14 MERCHANDISE DISPLAY. It shall be unlawful for a person to place upon or above any sidewalk, any goods or merchandise for sale or for display in such a manner as to interfere with the free and uninterrupted passage of pedestrians on the sidewalk: in no case shall more than three (3) feet of sidewalk next to the building be occupied for such purposes nor shall such be left in place in excess of twelve (12) hours.

6-12-15 SALES STANDS. It shall be unlawful for a person to erect or keep any stand for the sale of fruit, vegetables or other substances or commodities on any sidewalk without first obtaining a written permit from the City Council.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 13 - JUNK YARDS

- 6-13-1 Purpose
6-13-2 Junkyard Defined
- 6-13-3 Junkyards Prohibited

6-13-1 **PURPOSE.** The purpose of this Chapter is to protect and preserve and improve the safety health, welfare, comfort and convenience of the residents of the City by prohibiting the establishment and operation of junkyards within the City.

6-13-2 **JUNKYARD DEFINED.** "Junkyard" means an establishment or place of business which is maintained, operated, or used primarily for storing, keeping, buying, or selling junk; and the term includes garbage dumps, house-wrecking yards, used lumber yards, sanitary fills, and automobile graveyards.

(Code of Iowa, Sec 306C.1(4))

6-13-3 **JUNKYARDS PROHIBITED.** No person, firm or corporation shall own, operate, lease, or in any manner conduct a junkyard or junkyard business within the corporate limits of the City.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 14 - BILLBOARDS

| | | | |
|--------|------------------------|--------|----------------------|
| 6-14-1 | Definitions | 6-14-4 | Removal After Notice |
| 6-14-2 | Permit Required | 6-14-5 | Exception |
| 6-14-3 | Construction Standards | | |

6-14-1 DEFINITIONS. For the purposes of this Chapter, unless the context otherwise requires:

1. "Advertising device" includes any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, or any other device designed, intended, or used to advertise or give information in the nature of advertising, and having the capacity of being visible from the traveled portion of any public roadway.

2. "Special event sign" means a temporary advertising device erected for the purpose of notifying the public of noncommercial community events including but not limited to fairs, centennials, festivals, and celebrations open to the general public sponsored by a private non-profit organization or approved by the city. A special event sign may be erected at any time during the sixty (60) day period preceding the date of the special event to which it relates and shall be removed not later than forty-eight (48) hours after the special event concludes.

3. "Other Signage" includes any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, or any other device designed, intended, or used to give information of any type, which does not meet the definition of an advertising device or a special event sign.

4. "Erect" means to construct, reconstruct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish; however, it shall not include any of the foregoing activities when performed incidental to the customary maintenance of an advertising device.

5. "Visible" means capable of being read or comprehended without visual aid by a person of normal visual acuity.

6-14-2 PERMIT REQUIRED. No permit shall be required for an advertising device, special event sign, or other signage which conforms to the specifications of Section 6-14-3. Before an advertising device, special event sign or other signage may be erected which does not conform to the specifications of Section 6-14-3, an application for a permit must be submitted to the City Clerk for approval by the City Council; and, upon approval of the City Council, the City Clerk shall issue a permit to the applicant.

6-14-3 CONSTRUCTION STANDARDS. It shall be unlawful to erect and/or maintain, or cause

to be erected or maintained, any advertising device, special event sign or other signage which fails to conform to the following standards:

1. The dimensions of any advertising device erected in an area which is primarily used for residential purposes shall not exceed eight (8) square feet in size.

2. The dimensions of any advertising device erected in an area which is primarily used for commercial purposes shall not exceed thirty-six (36) square feet in size.

3. A special event sign erected by a private non-profit organization, or other signage erected by any person or entity, whether in an area primarily used for residential purposes or an area primarily used for commercial purposes, shall not exceed four (4) square feet in size.

(Res. 1027, Passed and Approved July 28, 2014)

4. An advertising device, special event sign and other signage shall not obstruct the free use of any public streets, alleys or sidewalks.

5. An advertising device, special event sign and other signage shall be erected and maintained in such a manner as to not be a danger to the public by falling down or blowing down.

6. An advertising device, special event sign and other signage shall be erected and maintained in such a manner as to not obstruct the view at any railroad crossing, street crossing or alleyway crossing.

7. The name of the person or entity that owns or controls each advertising device, special event sign and other signage shall be placed and maintained on each such advertising device, special event sign and other signage so as to be easily read.

6-14-4 REMOVAL AFTER NOTICE. Any advertising device, special event sign or other signage erected or maintained in violation of this Chapter is a public nuisance and may be removed by City upon ten (10) business days' notice, by certified mail, to the owner of the advertising device, special event sign or other signage and to the owner of the real property on which the advertising device, special event sign or other signage is located. The notice shall require such owners to remove the advertising device, special event sign or other signage if it is prohibited, or to cause it to conform to this Chapter if it is not prohibited.

1. If the owner of the advertising device, special event signage or other signage or the landowner fails to act within ten (10) business days as required in the notice, the advertising device, special event sign, or other signage shall be deemed to be forfeited and the City may enter upon the real property and remove the advertising device, special event sign or other signage. Such entry after notice shall not be deemed a trespass and the City may be aided by injunction to abate the nuisance and to insure peaceful entry.

2. The cost of removal, including fees, costs and expenses which arise out of legal action brought by the City to insure peaceful entry and removal, may be assessed against the owner of the advertising device, special event sign or other signage and/or the landowner.

6-14-5 EXCEPTION.

1. The provisions of this Chapter 14 shall not apply to advertising devices attached to the surface of a permanent building or designed to give publicity to any commercial business carried on in such building; or to advertising devices erected prior to passage and enactment of this Ordinance.

2. The provisions of this Chapter 14 shall not apply to any other signage erected by a private non-profit organization prior to passage and enactment of this Ordinance.

(Ord. 4-2010, Passed April 26, 2010)

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 15 - TREES

| | | | |
|--------|-----------------------|--------|---------------------------------|
| 6-15-1 | Purpose | 6-15-5 | Assessment |
| 6-15-2 | Definitions | 6-15-6 | Trimming Trees To Be Supervised |
| 6-15-3 | Planting Restrictions | 6-15-7 | Removal of Trees |
| 6-15-4 | Duty To Trim Trees | | |

6-15-1 PURPOSE. The purpose of this Chapter is to beautify and preserve the appearance of the City by regulating and providing for the planting, care and removal of trees.

6-15-2 DEFINITIONS. For use in this Chapter, the following terms are defined:

1. "Parking": shall mean 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.

2. "Superintendent": shall mean the City Manager.

6-15-3 PLANTING RESTRICTIONS. No tree shall be planted in any street or parking except in accordance with the following:

1. Alignment. All trees hereafter planted in any street shall not 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 not be planted within five (5) feet from the right of way.

2. Spacing. Trees shall not be planted closer than twenty (20) feet to street to street intersections (property lines extended) and ten (10) feet to driveways. If it is at all possible, trees must be planted inside the property lines and not between the sidewalk and the curb.

3. Prohibited trees. No person shall hereinafter plant in any street, any fruit bearing tree or any tree of the kinds commonly known as cottonwood, poplar, boxelder, chinese elm, or evergreens.

6-15-4 DUTY TO TRIM TREES. The owner or agent of the abutting property shall keep the trees on, or overhanging the street trimmed so that all branches will be at least fifteen (15) feet above the surface of the street and eight (8) feet above the sidewalks.

(Code of Iowa, 1989, Sec. 364.12 (2)(c))

6-15-5 ASSESSMENT. If the abutting property owner fails to trim the trees as required in this Chapter, the City may serve notice on the abutting property owner requiring him or her to do so within five (5) days. If he or she fails to trim the trees 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, 1989, Sec.364.12 (2)(d) and (e))

6-15-6 TRIMMING TREES TO BE SUPERVISED. It shall be 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.

6-15-7 REMOVAL OF TREES. The Superintendent shall remove, on the order of the City Council, any tree on the streets of the City which interferes with the making of improvements or with travel thereon. The Superintendent shall additionally remove any trees on the street, not on private property, which have become diseased, or which constitute a danger to the public, or which may otherwise be declared a nuisance.

(Code of Iowa, 1989, Sec. 364.12 (2)(c) and 372.13 (4))

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 16 - STREET CUTS AND EXCAVATIONS

- 6-16-1 Excavation Permit Required
- 6-16-2 Application for Permit
- 6-16-3 Permit Fees
- 6-16-4 Safety Measures
- 6-16-5 Backfilling and Restoration
- 6-16-6 Rules and Regulations

6-16-1 EXCAVATION PERMIT REQUIRED. Excavating within the right-of-way of public streets and alleys, and of public grounds, and the cutting of surfacing or pavings of the traveled way therein, shall not be done by any person, firm, association, or corporation without obtaining a permit from the City Clerk.

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

6-16-2 APPLICATION FOR PERMIT. No person shall commence excavation in any public street or public ground until that person has applied to the City Clerk for an excavation permit. Such application shall indicate the location of the excavation, the name and address of the applicant who is to do the work, whether public liability insurance is in force, and that the applicant has checked the underground map of all utilities, and other owners of underground facilities, and that the applicant has notified those persons or companies of the time that excavation will commence. The making of an application shall be deemed notice to the City of the plan to cut the street surfacing or pavements, and to obstruct the public way. Such permits shall not be valid until six hours after receipt unless the City Clerk waives this requirement.

In an emergency, authorized persons or companies may commence excavations provided that they shall have made a reasonable effort to inform the City and the utilities whose underground utilities might be involved in any way, and those involved in the excavation shall make written application at the earliest practicable moment. The City Clerk may provide on the form for the certification that the applicant has notified all utilities and other parties required by this Ordinance.

6-16-3 PERMIT FEES. The permit fee shall be \$5.00 for the cost of each inspection. A single excavation shall be deemed to constitute all the digging necessary for a single connection, or a cut for installing a main not exceeding 100 feet in length. An additional fee of \$5.00 shall be required for every additional 100 feet, or major fraction thereof, of main excavation.

6-16-4 SAFETY MEASURES. Any person, firm, or corporation cutting a pavement or surfacing or excavating in the streets shall erect suitable barricades, maintain warning lights from sunset to sunrise each night, and take such other precautions as necessary for the safety of the public, whether vehicles or pedestrians. Vehicles, equipment, materials, excavated material, and similar items shall likewise be protected by lights and warning devices, such as traffic cones, flags, etc. Where traffic conditions warrant, the party excavating may be required to provide flagmen, if in the judgment of the Chief of Police the public safety requires it. Compliance with City Ordinances and regulations shall not be deemed to waive the requirements that the party excavating shall comply with all the requirements of the labor safety laws and the rules of the Iowa Department of Labor, nor shall any

failure be deemed a responsibility of the City.

6-16-5 BACKFILLING AND RESTORATION. Any person excavating in the streets shall be responsible for the backfilling of the excavation in accordance with City specifications and the restoration of the pavement or surfacing to as good a condition as that existing prior to the excavation. If any excavator fails to backfill or restore the pavement or surfacing properly within forty-eight hours of the completion of the underground work, the City reserves the right to backfill and resurface or install new paving and charge the cost thereof to the party excavating. If any backfilling or pavement or surfacing restoration is not in accordance with the City specifications, the City Manager is authorized to remove such material as is necessary and to backfill and restore the pavement or surfacing properly.

6-16-6 RULES AND REGULATIONS. The City Council may by resolution establish such rules and regulations for the manner of making cuts and related matters involving excavations.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 17 - RESTRICTED RESIDENCE DISTRICT

| | | | |
|--------|---|---------|----------------------|
| 6-17-1 | Purpose | 6-17-8 | Special Permits |
| 6-17-2 | Definitions | 6-17-9 | Protest |
| 6-17-3 | District Described | 6-17-10 | Fees |
| 6-17-4 | Buildings Permitted | 6-17-11 | Action to Abate |
| 6-17-5 | Rules and Regulations | 6-17-12 | Certifying Ordinance |
| 6-17-6 | Set Back | | |
| 6-17-7 | Buildings Requiring Special Permits to Locate Within Restricted Districts | | |

6-17-1 PURPOSE. The purpose of this Ordinance is to establish a restricted residence district in the City of Sabula, Iowa, and to provide reasonable rules and regulations for the erection, reconstruction, altering, and repairing of buildings of all kinds, and to provide that there shall be no use in such district except for residences, schoolhouses, churches, and other similar structures, except when a special permit is granted in accordance with this Ordinance.

(Code of Iowa, Sec. 414.1 and 414.24)

6-17-2 DEFINITIONS. For use in this Ordinance, the following terms are defined:

1. "Residence" is a building used exclusively for a dwelling. No business or occupation shall be conducted therein or in conjunction therewith whereby sales or services are made in a manner that the public served enters upon the residential property. The following are exceptions: a beauty shop, conducted solely by the occupant and one person not resident on the property; music or art teacher, a rooming or boarding house with no more than two guests; and for which uses no external or internal alterations of the structure are made and no more than one sign indicating such occupation shall be displayed (but the sign may be double faced) nor shall the sign have a single face area of over one square foot.

2. "School" is a building used for educational purposes, public or private, that is regulated by the state department of public instruction as to curriculum.

3. "Garage" is a structure of no more than 1,024 square feet which is used for sheltering motor vehicles or household equipment and/or effects. Structures used for the purpose of sheltering motor vehicles or household equipment and/or effects in excess of 1,024 square feet of floor area shall not be considered a residential accessory use, and shall be built only upon approval of a special permit as set forth below, and such structures shall be considered warehouses pursuant to this ordinance.

4. "Residential accessory use" is a building or structure customarily used in conjunction with a dwelling, a garage, a tool or "summer" house not exceeding 100 square feet floor area, or a private

swimming pool.

Any other building on residential property shall not be deemed a residential accessory use if not incidental to a residential purpose, nor if it is used in conjunction with or for the business of selling goods or rendering services.

(Res. 1027, Passed and Approved July 28, 2014)

5. "Church", or "church school" is a building used for public worship, or connected with a building so used, for instruction in religious beliefs, or for the conduct of activities related to church affairs.

6-17-3 DISTRICT DESCRIBED. The following restricted residence district is hereby designated and established.

The Sabula Restricted Residence District consists of all land area lying within the corporate limits of the City of Sabula.

6-17-4 BUILDINGS PERMITTED. No buildings or other structures, except residences, schoolhouses, churches, and other similar structures shall be hereafter erected, reconstructed, altered, repaired, or occupied within such district without first securing from the City Council a special permit therefor after obtaining building permit as provided in Chapter 3-12 of the Sabula Municipal Code.

6-17-5 RULES AND REGULATIONS. As permitted under Section 414.24 of the Code of Iowa, there are hereby adopted the following rules and regulations for the erection, reconstruction, altering, and repairing of buildings of all kinds within restricted residential districts established by this Ordinance for the use and occupancy of such buildings, and for the granting of special permits to erect, reconstruct, alter, or repair any structure other than a residence, residential accessory use, school, church, or church school within said district.

6-17-6 SET BACK. No residential building or residential accessory use building shall be erected hereafter on a lot closer to the street property line on which it fronts than the set back of the nearest adjacent existing building except that no new construction shall be made closer than twenty feet, nor shall any construction be required to be built with its front further than thirty (30) feet from said front line. There shall be a rear yard provided for each building of not less than ten (10) feet, except in the business district where no rear yard is required.

(Ord. 1-1994, Passed March 7, 1994)

No residence or other building exempted from the special permit shall be located in the restricted district closer than five (5) feet to the side lot lines, and no accessory building closer than five (5) feet to said side of the compliance of the main foundation with this set back rule. However, residence, other building, or accessory building currently located closer than five (5) feet to the side lot lines, may be extended or altered in conformance with lot set back lines. In no case may the residence, other building, or accessory building be located closer to the side lot line than it is currently located.

Any other building granted a permit by the City Council shall be placed at least as far from side lot lines adjacent residential, school, and church-related buildings. All set backs shall be measured from the main foundation line.

6-17-7 BUILDINGS REQUIRING SPECIAL PERMITS TO LOCATE WITHIN RESTRICTED DISTRICTS. Construction of clinics, offices, hospitals, utility buildings and substations, any type of commercial stores and warehouses, plant nurseries, farm buildings, and industrial buildings and structures may be authorized by special permit to locate within the restricted residential district only if it appears that said use and the type of building will be compatible with the residential character of the district. Further, the construction and/or placement of a building or structure requiring a special permit that would otherwise violate Section 6-17-6 may be authorized by special permit if it appears that such deviation from set back requirements of that section would alleviate a substantial hardship for the permit applicant, be compatible with the character of the neighborhood and not create a substantial hardship for neighboring property owners.

6-17-8 SPECIAL PERMITS. A written special permit shall be required for the erection, reconstruction, alteration, or repair of any building and for its occupancy and use within the restricted residential district of this City except for buildings for residences, residential accessory use, schools, churches, and church schools. Further, a written special permit shall be required to authorize the construction and/or placement of any building or structure contrary to the requirements of Section 6-17-6. Any such permit shall be applied for in writing, accompanied by plans and specifications sufficient to determine compliance with applicable Ordinances of the City and/or the extent to which proposed construction deviates from the requirements of Section 6-17-6. Said application shall be made to the City Clerk at least seven (7) days before the City Council meeting at which City Council action is taken. No permit shall or will be granted until notice of the application has been posted at least four (4) days prior to the meeting at which final action is taken to grant or deny the permit. Such permit shall require a three-fourths (3/4) vote of all the members of the City Council.

6-17-9 PROTEST. No permit shall be granted when sixty (60) percent of the resident real estate owners in said district within two hundred (200) feet of the proposed building and occupancy object thereto, except by a unanimous vote of all the members of the City Council.

(Ord. 5-94, Passed June 6, 1994)

6-17-10 FEES. There shall be no fee required for a special permit under this Ordinance.

6-17-11 ACTION TO ABATE. Any building or structure erected, reconstructed, altered, or repaired in violation of the provisions of this Ordinance shall be deemed unlawful and a nuisance and it shall be abated by action in the district court. Such action for abatement shall be prosecuted in the name of the municipality.

6-17-12 CERTIFYING ORDINANCE. Within fifteen (15) days after this Ordinance becomes effective the City Clerk shall prepare or have prepared a plat of the restricted residence district as established by this Ordinance and certify such Ordinance and plat to the County Recorder.

(Ord. 3-93, Passed August 2, 1993)

(Ord. 5-2015, Passed November 23, 2015)

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 18 – RECREATIONAL VEHICLE REGULATIONS

- 6-18-1 Purpose
6-18-2 Definition
6-18-3 Restricted Use of Recreational Vehicles
6-18-4 Violation and Penalty

6-18-1 PURPOSE. The purpose of this Chapter is to provide for municipal regulation of recreational vehicles in furtherance of the public health, safety, morals and welfare.

6-18-2 DEFINITION. For use in this Chapter the term “Recreational Vehicle” means an RV, camper, motor home, motor caravan, park trailer, travel trailer and other similar vehicles, which usually are constructed with facilities for sleeping and eating and for use in recreational activities.

6-18-3 RESTRICTED USE OF RECREATIONAL VEHICLES. It shall be unlawful for any person to use a recreational vehicle as a place of residence, whether temporary or permanent, on and public place or on any private land within the City.

6-18-4 VIOLATION AND PENALTY. Any person violating the provisions of Section 6-18-3 is guilty of a Municipal Infraction and subject to the penalty provisions of a Municipal Infraction as set forth in Title I General Provisions, Chapter 3 – Penalty, Section 1-3-2 – Civil Penalty – Municipal Infraction of the Sabula Code of Ordinances.

(Ord. 2-2013, Passed February 25, 2013)

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 19 ACCESSORY BUILDINGS AND STRUCTURES

| | | | |
|--------|----------|--------|-------------------------------|
| 6-19-1 | Timing | 6-19-5 | Rear Yard |
| 6-19-2 | Permit | 6-19-6 | Number of Accessory Buildings |
| 6-19-3 | Location | 6-19-7 | Materials |
| 6-19-4 | Height | 6-19-8 | Principal Structures |

6-19-1 **TIMING.** No accessory building or structure shall be erected on the property more than ninety (90) days prior to the time of completion of the principal structure or use.

6-19-2 **PERMIT.** A building permit must be issued prior to construction of any accessory building or structure.

6-19-3 **LOCATION.** Accessory buildings and structures, other than a private garage, shall be limited to twelve (12) feet in height for sidewalls, and no part of the structure shall be closer than five (5) feet from the principal structure or property line, or as set forth in the Zoning Ordinance for property setbacks.

6-19-4 **HEIGHT.** A private garage or accessory building or structure may not be taller than the principal structure.

6-19-5 **REAR YARD.** No accessory building or structure shall be erected in any yard other than the rear yard, and the structure shall occupy less than 30 percent of the required rear yard, except for a private garage, which may occupy up to 50 percent of the required rear yard. But in no event shall more than 30 percent of the rear yard be occupied by garage, accessory building or structure.

6-19-6 **NUMBER OF ACCESSORY BUILDINGS.** Only one (1) accessory building or structure, in addition to one (1) private garage, is permitted per lot. Private garages must meet the minimum principal structure front yard and side yard setback requirements.

6-19-7 **MATERIALS.** Accessory buildings and structures and garages shall be constructed of materials comparable to the principal structure and shall be of a matching or complementary color.

6-19-8 **PRINCIPAL STRUCTURES.** Only one (1) principal structure may be constructed, located or erected on a single lot in any district within the City. No garage or accessory use or building may be located on a property that does not have a conforming principal structure in existence.

(ECIA Model Code Amended in 2017)

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 20 PORTABLE STORAGE CONTAINERS

| | | | |
|--------|----------------------|--------|-------------|
| 6-20-1 | Definitions | 6-20-5 | Stacking |
| 6-20-2 | Residential Property | 6-20-6 | Good Repair |
| 6-20-3 | Commercial Property | 6-20-7 | Compliance |
| 6-20-4 | Industrial Property | | |

6-20-1 DEFINITION. "Portable storage container" is defined as a container fabricated for the purpose of transporting freight or goods on a truck, railroad, railcar, or ship, including cargo containers, steel cargo containers, shipping containers, freight containers, portable storage containers, cargo boxes, sea vans, or storage units that are placed on private property and used for storage of clothing, equipment, goods, household or office fixtures, furnishings, construction materials, and merchandise.

6-20-2 RESIDENTIAL PROPERTY.

1. The use of portable storage containers on a property used for residential purposes is prohibited, except for the following uses:

a. A portable storage container may be used on a residential property when a building permit has been issued for construction of a residential unit on that parcel. The portable storage container shall be allowed to remain on the residential parcel during construction only. The portable storage container must be removed within ten (10) days after completion of the construction project or expiration of the building permit.

b. Portable storage containers shall not impede traffic or pedestrians. No portable storage container shall be located in a fire lane, public utility easement, or on public right-of-way, including streets, sidewalks, and parking strips.

6-20-3 COMMERCIAL PROPERTY.

1. Portable storage containers are prohibited on a property used for commercial purposes, except as follows:

a. Portable storage containers may be used for shipping and receiving merchandise and goods, provided that the storage container does not remain on the property for more than five (5) business days.

b. Portable storage containers may be used for storing merchandise or goods sold or used at the commercial property on which it is located, provided that the portable storage container is in an area that is not visible from any public street and is not in any designated parking areas, fire lane, or public right-of-way.

c. Portable storage containers may be used for construction or remodeling purposes when a building permit has been issued for construction on the commercial property. The portable storage container must be removed within ten (10) days after final building inspection or after the building permit has expired.

6-20-4 INDUSTRIAL PROPERTY.

1. The use of a portable storage container is permissible on an industrial/manufacturing property, provided the portable storage container is not stored on public right-of-way, in a fire lane, in the front of the property, or in any area visible from a public street.

2. No portable storage container shall be placed or located in any aisle or driving lane, fire lane, public utility easement, or public right-of-way, including streets, sidewalks, and parking.

6-20-5 STACKING. Portable storage containers may not be stacked on top of one another, and stacking of any other materials on top of or around any storage containers shall be prohibited in all districts.

6-20-6 GOOD REPAIR.

1. Portable storage containers must be kept in good repair and be secured against unauthorized entry and comply with any state and local health regulations.

2. A portable storage container is not in a state of good repair when it is incapable of being moved intact, contains holes in the container due to damage or rust, cannot be secured against unauthorized entry, or has become infested with vermin, insects, or other pests.

3. A portable storage container that has deteriorated and is no longer in a state of good repair must be removed immediately.

6-20-6 RESIDENTIAL USE.

1. A portable storage container may not be used as a dwelling or living quarters.

2. A portable storage container may not be used for camping, cooking, or recreational purposes in any district.

6-20-7 COMPLIANCE. A portable storage container existing on any property in the city on the date of final passage of this ordinance shall either be removed from the property or brought into compliance with the provisions of this ordinance within thirty (30) days of the ordinance's effective date.

(ECIA Model Code Amended in 2020)

TITLE VII SPECIAL ORDINANCES

CHAPTER 1 - STREET AND SIDEWALK GRADES

7-1-1 Established Grades

7-1-2 Record Maintained

7-1-1 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.

7-1-2 RECORD MAINTAINED. The City Clerk shall maintain a record of all established grades and furnish information concerning such grades upon request.

TITLE VII SPECIAL ORDINANCES

CHAPTER 2 - VACATION AND DISPOSAL OF STREETS AND ALLEYS

| | | | |
|-------|----------------------------|-------|-------------------------------|
| 7-2-1 | Power to Vacate | 7-2-4 | Disposal of Streets or Alleys |
| 7-2-2 | Notice of Vacation Hearing | 7-2-5 | Disposal By Gift Limited |
| 7-2-3 | Findings Required | | |

7-2-1 POWER TO VACATE. When in judgment of the City Council it would be in the best interest of the City to vacate a street or alley, or portion thereof, they may do so in accordance with the provisions of this Chapter.

(Code of Iowa, 1989, Sec. 364.12 (2)(a))

7-2-2 NOTICE OF VACATION HEARING. The City Council shall cause to be published a notice of public hearing at which time the proposal to vacate shall be considered. In addition to published notice, notice shall be posted at least twice on each block along the street or alley proposed to be vacated not more than 25 days nor less than 10 days prior to the date set for the hearing.

(Code of Iowa, Sec. 364.7(1))

7-2-3 FINDINGS REQUIRED. No street or alley, or portion thereof, shall be vacated unless the City Council finds that:

1. Public Use. The street or alley proposed to be vacated is not needed for the use of the public, and, therefore, its' maintenance at public expense is no longer justified.

2. Abutting Property. The proposed vacation will not deny owners of property abutting on the street or alley reasonable access to their property.

(Code of Iowa, Sec. 364.15)

7-2-4 DISPOSAL OF STREETS OR ALLEYS. When in judgement of the City Council it would be in the best interest of the City to dispose of a vacated street or alley, or portion thereof, they may do so by resolution following notice and hearing.

(Code of Iowa, Sec. 364.7)

7-2-5 DISPOSAL BY GIFT LIMITED. The City may not dispose of a vacated street or alley, or portion thereof, by gift except to a governmental body for a public purpose.

(Code of Iowa, Sec. 364.7 (3))

TITLE VII SPECIAL ORDINANCES

CHAPTER 3 - TELEPHONE FRANCHISE

- 7-3-1 Franchise
- 7-3-2 Construction Regulated
- 7-3-3 Not Exclusive

7-3-1 FRANCHISE. That United Telephone Company of Iowa, a corporation, its successors and assigns, (hereinafter called Grantee) be and is hereby granted and vested with the right, franchise, and privilege for a period of 25 years from and after the adoption and approval thereof on the 20th day of December, 1983, as provided by law, to acquire, construct, maintain and operate in the City of Sabula, Iowa, the necessary facilities for the furnishing of telephone service for public and private use; and to construct and maintain along, upon, across, over or under present or future streets, highways, avenues, alleys, bridges and public places the necessary fixtures and equipment for such purposes, including overhead transmission lines, underground cables, conduits, pits, manholes and any other apparatus or facilities that are reasonably necessary for furnishing telephone and communication facilities.

7-3-2 CONSTRUCTION REGULATED. The work of erecting poles by virtue of this Ordinance shall be done under the supervision of the City Manager and said Company shall replace and properly relay any sidewalk or street that may be displaced by reason of the erection of such poles, and upon failure of the Company to do so, after twenty (20) days notice in writing, shall have been given by the Mayor of said City to said Company, the City may repair such portion of the sidewalk or street that may have been disturbed by said Company, and collect the cost so incurred from said Company.

7-3-3 NOT EXCLUSIVE. The franchise shall not be exclusive and shall not restrict in any manner the right of the City Council or other governing body of the City in the exercise of any regulatory power which may now or hereafter be authorized or permitted by the laws of the State of Iowa.

Passed and approved the 20th day of December, 1983.

TITLE VII SPECIAL ORDINANCES

CHAPTER 4 - CABLE FRANCHISE

Editor's Note: A Franchise between the City of Sabula and Heritage Cablevision, Inc. was adopted by way of Resolution 563 on July 14, 1997. The term of that Franchise is fifteen years.

TITLE VII SPECIAL ORDINANCES

CHAPTER 5 - BUILDING CONSTRUCTION, DEMOLITION AND MOVING

| | | | |
|-------|----------------------------|-------|------------------------|
| 7-5-1 | Permit Required | 7-5-4 | Special Provisions |
| 7-5-2 | Application for Permit | 7-5-5 | Insurance Requirements |
| 7-5-3 | Permit Issuance; Generally | 7-5-6 | Special Requirements |

7-5-1 PERMIT REQUIRED.

1. Activities requiring a permit. It shall be unlawful for any person, firm, or corporation to:
 1. Demolish a building or portion thereof; or
 2. Move a building from one location to another across private or public property; or
 3. Use or occupy the streets or public property for the purpose of erecting, constructing, enlarging, altering, repairing, or remodeling a building or structure; or
 4. For storing or using materials, machinery, or equipment in relation thereto; or
 5. For engaging in building construction, demolition, or related operations on adjacent streets or public properties, within the city, unless such person obtained a permit therefore in compliance with the provisions of this Chapter and of the Building Code.
2. Definitions. For the purpose of this Chapter, the following terms, phrases, words and their derivations shall have the meaning given hereto:
 - a. BUILDING. Any structure used or intended for supporting or sheltering any use or occupancy, including all public or private garages, barns, shed, residential, commercial, educational, institutional or industrial uses and any accessories thereto.

7-5-2 APPLICATION FOR PERMIT.

1. Application. To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the City. Every such application shall:
 - a. Identify and describe the work to be covered by the permit for which application is made.
 - b. Describe the land on which the proposed work is to be done, by legal description, street address, or similar description that will readily identify and definitely locate the proposed work.

- c. Indicate the use or occupancy for which the proposed work is intended.
- d. Be accompanied by plans, diagrams, computations and specifications and other data as required in subsection b of this section.
- e. Be signed by the permittee, or the permittee's authorized agent who may be required to submit evidence to indicate such authority.
- f. Be accompanied by proof of insurance as required by this Chapter for the type of permit desired.
- g. Contain a plan for the storage of construction materials and maintenance of the construction site.
- h. Contain a certification from the City of Sabula Public Works Director or the director's designee that all utility services have been properly discontinued, disconnected, and capped under the direction and supervision of said Public Works Director or designee.
- i. Give such other data and information as may be required by the City Council.
- j. Be accompanied by payment of a fee for the issuance of permits under this ordinance in an amount to be established by the City Council.

2. Plans and Specifications. Plans, engineering calculations, diagrams, and other data shall be submitted in one or more sets with each application for a permit. The Council may require plans, computations, diagrams and specifications to be prepared and designed by an architect or engineer licensed by the State to practice as such. Exception: the City Council by majority vote, may waive the submission of plans, calculations, etc., if the City Council finds that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this Chapter.

3. Information on Plans and Specifications. Plans, specifications and diagrams shall be drawn to scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this Chapter and all relevant laws, ordinances, rules and regulations. Exception: The City Council may waive the requirements of this subsection if the Council finds that the same are not necessary to obtain compliance with this chapter.

4. Notice to Adjacent Property Owners. The clerk shall direct that the applicant send, not less than ten days after the filing of the application, a notice of the filing of the application by First Class Mail by all owners of property adjacent to the property to which the permit is issued, describing the demolition and the date when demolition will commence. Prior to the issue of the Permit, the Clerk shall verify with the applicant that the required notice was sent.

7-5-3 PERMIT ISSUANCE. Generally:

- 1. Issuance.

a. The application, proof of insurance, plans, specifications, diagrams and other data followed by an applicant for a Permit shall be reviewed by the City Council. Such plans shall also be reviewed by any other departments of the City to verify compliance with any applicable laws or requirements under their jurisdiction. If it is found that the work described in an application for a Permit and the plans, specifications, diagrams and other data filed therewith conform to the requirements of this Chapter and other pertinent laws and ordinances, and that the fees as established by the City Council have been paid, the Mayor shall issue the Permit together with any special conditions which may be attached to and may be a part of the Permit.

b. Approved plans, specifications and diagrams shall not be changed, modified or altered without authorization from the City Council, and all work shall be done in accordance with the approved plans, specifications and diagrams.

2. Validity. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this chapter or of the Sabula Municipal Code of Ordinances. No permit presuming to give authority to violate or cancel the provisions of this chapter or code shall be valid, except insofar as the work or use which it authorized is lawful.

3. Expiration.

a. Every permit issued by the Mayor in accordance with the provisions of this chapter shall expire by limitation and become null and void if the moving or demolition of the building or structure, or the use of the public property, is not accomplished during the period of time which is stated on the permit. Such work or use of public property shall cease upon expiration of the permit and shall not be recommenced until a new permit has been obtained by revising or renewing the original application and by payment of a new fee.

b. Every demolition permit shall expire thirty (30) days from the date of issue, unless the building is part of a demolition project which, because of its complexity or proportions, will require more time, in which instance the original permit may be issued for the approved term of the demolition schedule. Each demolition permit may be renewed for successive additional periods of thirty (30) days; provided, that a fee is paid for each renewal in the same amount as the original demolition permit fee.

c. Every permit for the use of streets or public property shall expire on the last day for which the permit was issued, as described on said permit, and shall be renewed upon the payment of an additional fee as established by the City Council. Failure to renew the permit for the use of streets or public property shall be considered as due cause for the City Council to order all barricades or fences removed and the public property returned to public availability and use.

4. Suspension or Revocation. The City Council may authorize the Mayor to send a written notice of suspension or revocation of a permit issued under the provisions of this chapter whenever the permit is issued in error, on the basis of incorrect information supplied, failure to comply with permit conditions, or in violation of any ordinance.

7-5-4 SPECIAL PROVISIONS.

1. Transfer of Permits Prohibited. Each moving permit, demolition permit or permit for use of public property shall not be transferrable from one building or building site to another building or building site nor from one person to another.

2. Moving Buildings.

a. A building being moved shall follow the route prescribed on the permit by the City Council. The mover shall coordinate the route with utility companies.

b. A police escort shall be required for all buildings moved from one location to another within the jurisdictional limits of the city, or moved out of or moved into the jurisdictional limits of the city, utilizing public streets or alleys when in the opinion of the Chief of Police, such escort is necessary to protect the general welfare.

c. The Chief of Police shall determine the number of personnel for escort service.

d. The fee established by the City Council shall be paid prior to issuance of a permit to move a building or structure.

e. The permit applicant shall pay all costs for the trimming of trees and replacement of natural obstructions or official signs and signals or other public or private property required to be removed during the movement of a vehicle and load.

3. Demolition of Buildings.

a. All pieces, parts, scraps, debris, combustible material, rubbish or organic material from a building, structure, or portion of a building in the process of being demolished shall be cleaned up and removed from the premises at least once weekly except for streets and public property, which shall be cleaned on a daily basis unless otherwise specified on the permit. Final clean up after the building or structure is demolished shall include the thorough removal of all- wood, debris and organic materials, filling of excavations, cisterns, and other depressions with acceptable rubble or earthen fill, and spreading a tillable layer of topsoil over the entire lot to a uniform natural grade consistent with the established adjacent grades.

b. Demolition work shall include site work as necessary to fill all excavations and to create a smooth and even finish grade capable of supporting vegetation. Materials and specifications for filling and final site work are as follows: only material that will not decompose in the ground shall be used for filling all excavations to within one foot of the top of the surrounding grade. The top one foot of fill material shall be tillable soil, of which the formed aggregate does not exceed one and one half inches. An earthen crown shall be provided at the center of the demolition site to allow for proper site drainage. Final site work shall include the spreading of a grass seed blend that is suitable for the site and able to provide adequate ground cover and protection from erosion of soil. All mechanical ground work shall be removed from the site of demolition. Foundation walls may be used as solid fill and in all cases shall be removed or collapsed so as to allow burial below grade.

Basement and on-grade concrete slabs shall be removed or substantially pulverized to allow adequate drainage. In no case shall excavation fill exceed a volume of two cubic feet.

c. No pieces, parts, scraps, debris, rubbish, combustible material, organic material or any other material associated with the structure or the demolition thereof shall be burned within the city limits of the City of Sabula, Iowa. If an unlawful burn in accordance with this ordinance is reported and confirmed by any city department, the City Council shall revoke any demolition permit granted here under, and the City Council may assess a fine to the property owner in the amount of \$750 for a first offense, and \$1,000 for all subsequent violations. Such an unlawful burn shall be considered a municipal infraction.

d. When directed by the City Council, water shall be used to minimize dust when demolishing structures or under any dust producing conditions. As ordered, buildings shall be washed down frequently to keep dust at a minimum.

e. When an interior wall is exposed because of demolition of an adjoining structure, said wall shall be provided with a weather resistive barrier. No such wall shall be exposed to the weather without the written approval of the Mayor after a majority vote of the Council.

f. When a demolition project has been abandoned or is found to be unsafe, the City Council may order the unsafe conditions corrected, the building boarded up and the premises barricaded upon failure of the owner or the owner's agent to comply with the order of the Council within seven (7) days, the City Council, after notice and opportunity for hearing, may cause said building or structure to be demolished, the premises cleaned, and suitable drainage grades established. The cost of such demolition, cleaning, and grading shall be assessed to the property as provided by law. This section shall also apply to any site from which a building or structure has been moved.

4. Disconnecting Utility Services. The power in all electric service lines shall be shut off and all such lines cut or disconnected at or outside the moving or demolition area before work is started on the site. Prior to the disconnection of such lines, and prior to obtaining any demolition permit hereunder, the property owner shall notify the Public Works Director or designee, who shall supervise the disconnecting of utility services, which shall be done to the satisfaction of said director or designee, and shall be in compliance with all applicable codes and other requirements. All gas, water, sewer and any other service lines shall be shut off and capped or otherwise controlled at or outside of the moving or demolition area or curb line before moving or demolition work is commenced. In each case, the service company and the Public Works Director shall be notified in advance and their approval obtained by the permittee or property owner in compliance with applicable codes and requirements.

7-5-5 INSURANCE REQUIREMENTS

1. Insurance Required.

a. Before a permit may be issued for the moving of the building, the applicant therefore shall have filed a Certificate of Comprehensive Public Liability Insurance with coverage limits of

not less than \$1,000,000 per occurrence and \$2,000,000 general aggregate.

b. In all other cases where a permit is required by this chapter, a Certificate of Comprehensive Public Liability Insurance shall be provided with coverage limits of not less than \$1,000,000.

c. The permittee shall not commence work under this chapter until the permittee has obtained all insurance required under this subsection. Certificates of Insurance shall be filed with the City Clerk for approval.

d. The permittee shall require sub-permittees if any, not protected under the permittees insurance policies to take out and maintain insurance of the same nature and in the same amounts as required of the permittee for Comprehensive Liability Insurance. The permittee shall not allow any sub-permittee to commence work until all similar insurance required for the sub-permittee or sub-permittees has been so obtained and approved.

7-5-6 SPECIAL REQUIREMENTS.

1. Compliance with Regulations Applicable to Moving Buildings. Every person, firm, or corporation obtaining a moving or demolition permit or permit for use of streets or public property shall comply with and faithfully observe and obey all applicable regulations and ordinances of the City now existing or hereafter enacted, and all other applicable laws now existing or hereafter enacted affecting or relating to the moving of houses, buildings, or other structures upon or across public property, or affecting or relating to the demolition of such structures.

2. Payments of Damages or Loss to City. Every person, firm or corporation obtaining a moving or demolition permit or permit for the use of streets or public property shall pay all damages or loss to the city, that may occur from any act or negligence of said person, firm or cooperation, such person's, firm's or corporation's agents or employees, anyone under such person's, firm's or corporation's moving of houses, buildings or other structures upon or across property.

(Ord. 2-2015, Passed October 26, 2015)

TITLE VII SPECIAL ORDINANCES

CHAPTER 6 – WOOD BURNING FURNACES

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|-------|------------------------------|-------|-----------------------------|
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7-6-1 PURPOSE. This chapter is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of Sabula, Iowa, due to air pollution/emissions from wood burning furnaces and fire hazards from antiquated or improperly installed units.

7-6-2 DEFINITIONS.

1. Outdoor Wood Furnace. Any equipment, devices, appliance, or apparatus, or any part thereof, which is installed, affixed or situated outdoors and is primarily hand-loaded for the purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space or water source. An outdoor wood furnace may also be referred to as an outdoor wood boiler, outdoor wood-fired hydronic heater or hydronic heater.

2. Outdoor Wood-Pellet Furnace. An outdoor wood-pellet furnace that is designed specifically to burn wood-pellet fuel, or other biomass pellets with metered fuel and air feed and controlled combustion engineering, which burns only wood pellets, or other biomass pellets.

3. Chimney. Flue or flues that carries off exhaust from an outdoor wood furnace firebox or burn chamber.

4. EPA HH Phase 2 Program. EPA HH (hydronics heater) Phase 2 Program administered by the United States Environmental Protection Agency which establishes a particulate matter emission limit of 0.32 pounds per million British thermal units output and appropriate labeling.

5. EPA HH Phase 2 Program Qualified Model. A hydronics heater that has been EPA HH Phase 2 Program Qualified, having met the EPA HH Phase 2 emission level and having been labeled accordingly.

6. Existing Outdoor Wood Furnace. An outdoor wood furnace that was purchased and installed prior to the effective date of this ordinance.

7. New Outdoor Wood Furnace. An outdoor wood furnace that is first installed, established or constructed after the effective date of this ordinance.

8. Natural Wood. Wood, which has not been painted, varnished or coated with a similar material, has not been pressure treated with preservatives and does not contain resins or glues as in plywood or other composite wood products.

9. Indoor Wood Burning Furnace. An appliance designed to be located inside the living space ordinarily used for human habitation and designed to transfer or provide heat, through the burning of wood, pellets, corn and the like. An indoor wood burning furnace does not include a wood burning, gas or electric fireplace.

7-6-3 REGULATIONS FOR OUTDOOR WOOD FURNACES.

1. No person shall cause, allow or maintain the use of an outdoor furnace within the City of Sabula, Iowa, without first having obtained a permit from the building official. Application for permit shall be made to the Public Works Department on forms provided. Permit fees shall be established by separate resolution by the Sabula City Council.

a. Outdoor wood furnaces installed prior to the effective date of this law must register and provide information including model and location of the outdoor wood furnace within 90 days from the effective date of this ordinance. Registration forms shall be provided by the City of Sabula, Iowa.

2. No person shall, from the effective date of this ordinance, construct, install, establish, operate or maintain an outdoor wood furnace other than in compliance with the applicable sections of this ordinance.

3. No person shall, from the effective date of this ordinance operate an existing outdoor wood furnace unless such operation conforms with the manufacturer's instructions regarding such operation and the requirements of this ordinance regarding fuels that may be burned in an outdoor wood furnace as set forth within this ordinance.

4. All new outdoor wood furnaces shall be constructed, established, installed operated and maintained in conformance with the manufacturer's instructions and the requirements of this ordinance. In the event of a conflict, the requirements of this ordinance shall apply unless the manufacturer's instructions are stricter, in which case the manufacturer's instructions shall apply.

a. Replacement of an existing outdoor wood furnace: A new outdoor wood furnace that is EPA HH Phase 2 Program Qualified (0.32 lbs/MMBTU heat output) shall be allowed to be installed to replace a non-qualified outdoor wood furnace in the same location as long as the furnace is installed to meet the chimney height requirements set forth within this ordinance and proper fuel use requirements as set forth within this ordinance are met by the owner.

5. The owner of any new outdoor wood furnace shall produce the manufacturer's owner's manual or installation instructions to the public works official to review prior to permit approval and installation.

6. All new outdoor wood furnaces shall be laboratory tested and listed to appropriate safety standards such as UL, ANSI or other applicable safety standards.

7. If an existing outdoor wood furnace is, through the course of a proper investigation by local authorities, creating a verifiable nuisance, as defined by local or state law or regulation, the following steps may be taken by the owner and the public works official having jurisdiction:

a. Modifications made to the unit to eliminate the nuisance such as extending the chimney, or relocating the outdoor wood furnace, or both. Chimney height modifications shall be no less than fifteen feet above ground level and need be no greater than twenty-five feet above ground level.

b. Cease and desist operating the unit until reasonable steps can be taken to ensure that the outdoor wood furnace will not be a nuisance.

7-6-4 SUBSTANTIVE REQUIREMENTS. Outdoor wood furnaces shall be constructed, established, installed, operated and maintained pursuant to the following conditions:

1. Fuel burned in any new or existing outdoor wood furnace shall be only natural untreated wood, wood pellets products, biomass pellets or other listed fuels specifically permitted by the manufacturer's instructions such as fuel oil, natural gas or propane backup.

2. The following fuels are strictly prohibited in new and existing outdoor wood furnaces:

a. Wood that has been painted, varnished or coated with similar material and/or has been pressure treated with preservatives and contains resins or glues as in plywood or other composite wood products.

b. Rubbish or garbage, including but not limited to food wastes, food packaging, and food wraps.

c. Any plastic materials including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers of any kind.

d. Rubber including tires or other synthetic rubber-like products.

e. Newspaper, cardboard, or any paper with any ink or dye products.

f. Any other items not specifically allowed by the manufacturer or this provision.

3. Setbacks for any new outdoor wood furnace model not EPA hydronic heater program qualified:

a. The outdoor wood furnace shall be located at least 50 feet from the property line.

b. The outdoor wood furnace shall be located at least 100 feet from any residence that

is not served by the outdoor wood furnace.

c. The outdoor wood furnace shall be located on the property in compliance with manufacturer's recommendations and/or testing and listing requirements for clearance to combustible materials.

4. Chimney heights for any outdoor wood furnace model that is not EPA hydronic heater program qualified:

a. The chimney of any new outdoor wood furnace shall extend at least two (2) feet above the peak of any residence not served by the outdoor wood furnace located within 300 feet of such outdoor wood furnace.

5. Setbacks for EPA HH Phase 2 Program Qualified Models:

a. The outdoor wood furnace shall be located on the property in compliance with manufacturer's recommendations and/or testing and listing requirements for clearance to combustible materials.

6. Chimney heights for EPA HH Phase 2 Program Qualified Models:

a. If located within 300 feet to any residence not served by the furnace, it is recommended that the chimney be at least two (2) feet higher than the peak of the residence served.

b. If located within 100 feet to any residence not served by the furnace, the chimney must be two (2) feet higher than the peak of the residence served or not served, whichever is higher.

7. Outdoor wood-pellet furnaces that are specifically designed to burn wood pellet fuel, or other biomass pellets with metered fuel and air feed and controlled combustion engineering shall be installed per the manufacturer's recommendations.

7-6-5 INDOOR WOOD BURNING FURNACES. No person shall construct, install, operate or use an indoor wood burning furnace, unless it complies with the following:

1. The indoor wood burning furnace chimney must have a height at least two (2) feet higher than the peak of the residence served or at least two (2) feet higher than the peak of any residence within 100 feet of said chimney, whichever is higher;

2. Installation and operation of the indoor wood burning furnace must be in accordance with the manufacturer's written instructions, provided such instructions do not conflict with the provisions of this subsection with regard to chimney height;

3. Burning of household waste and the like is prohibited.

7-6-6 VIOLATIONS AND PENALTIES. Any person who, having two complaints made against them by two or more unrelated persons of different households within the City of Sabula, Iowa, is found to be in violation of any provision of this ordinance shall be guilty of a municipal infraction as the same is defined in the City Code of the City of Sabula, Iowa. No conviction shall be made unless the same is founded upon two complaints made within 60 days of one another, and made by unrelated persons from separate and distinct households as set forth above.

7-6-7 CIVIL PROCEEDINGS. Compliance with this ordinance may be compelled in violations restrained by order or by injunction of a court of competent jurisdiction. Any person who violates any provision of this ordinance shall also be subject to a civil penalty of not more than \$500.00, to be recovered by the City of Sabula in a civil action, and each week's continued violation shall be for this purpose a separate and distinct violation. In the event the City of Sabula is required to take legal action to enforce this ordinance, the violator may be responsible for any and all necessary costs relative thereto, including attorney's fees, and such expense shall be charged to the property so affected by including such expense in the next annual tax levy against the property.

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