

EDGEWOOD CODE OF ORDINANCES

**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. "City" means the City of Edgewood, 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;
2. "City Administrator/Clerk" means City Clerk, City Administrator, and Clerk-Treasurer. (Ord. 252, Passed December 17, 2007)
3. "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;
4. "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;
5. "County" means the Counties of Clayton and Delaware, Iowa;
6. "Fiscal Year" means July 1 to June 30.
7. "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;
8. "May" confers a power;
9. "Month" means a calendar month;
10. "Must" states a requirement;

11. "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";
12. "Or" may be read "and" and "and" may be read "or" if the sense requires it;
13. "Ordinance" means a law of the City; however, an administrative action, order or directive, may be in the form of a resolution;
14. "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;
15. "Person" means natural person, any other legal entity, or the manager, lessee, agent, servant, officer or employee of any of them;
16. "Personal property" includes money, goods, chattels, things in action and evidences of debt;
17. "Preceding" and "following" mean next before and next after, respectively;
18. "Property" includes real and personal property;
19. "Real property" includes lands, tenements and hereditaments;
20. "Shall" imposes a duty;
21. "Sidewalk" means that portion of a street between the curb line and the adjacent property line intended for the use of pedestrians;
22. "State" means the State of Iowa;
23. "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;
24. "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;
25. "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;
26. "Written" includes printed, typewritten, mimeographed or multigraphed;
27. "Year" means a calendar year;

28. 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;

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

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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).

(Code of Iowa, Sec. 903.1(1)(a))
(Amended during codification)

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 Edgewood, 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 Edgewood, 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 Edgewood.

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).

Repeat Offense: Not more than one thousand dollars (\$1,000.00)
(Amended during codification)

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

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

3. Civil Citations.

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

b. The citation may be served by personal service 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.

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.

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 article to establish an orderly, efficient, and expeditious process for evidentiary hearings before the City Council.

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

1-4-2 GENERAL.

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

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

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

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

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

1-4-3 FORM OF NOTICE OF HEARING.

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

"You are hereby notified that an evidentiary hearing will be held before the _____ City Council at _____ on the _____ day of _____, 20____, at the hour _____, upon the notice and order served upon you. You may be present at the hearing. You may be, but need not be, represented by counsel. You may present

any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You may request the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by filing an affidavit therefor with the City Clerk."

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

1-4-5 CONDUCT OF HEARING.

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

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

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

4. Admissibility of evidence. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely 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.

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TITLE II POLICY AND ADMINISTRATION

CHAPTER 1 - CITY CHARTER

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

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

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

(Code of Iowa, Sec. 372.4)

2-1-3 POWERS AND DUTIES. The City Council and Mayor and other City officers have such powers and shall perform such duties as are authorized or required by state law and by the Ordinances, resolutions, rules and regulations of the City of Edgewood, Iowa.

2-1-4 NUMBER AND TERM OF CITY COUNCIL. The City Council consists of five City Council members elected at large, elected for terms of four years.

(Code of Iowa, Sec. 372.4)

(Code of Iowa, Sec. 376.2)

2-1-5 TERM OF MAYOR. The Mayor is elected for a term of two years.

(Code of Iowa, Sec. 372.4)

(Code of Iowa, Sec. 376.2)

2-1-6 COPIES ON FILE. The City Administrator/Clerk shall keep an official copy of the charter on file with the official records of the City Clerk, shall immediately file a copy with the Secretary of State of Iowa, and shall keep copies of the charter available at the City Clerk's office for public inspection.

(Code of Iowa, Sec. 372.1)

TITLE II POLICY AND ADMINISTRATION

CHAPTER 2 - APPOINTMENT AND QUALIFICATIONS OF MUNICIPAL OFFICERS

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

2-2-1 **CREATION OF APPOINTIVE OFFICERS.** There are hereby created the following appointive officers: City Clerk-Treasurer, Attorney, Superintendent of Public Works and Fire Chief.

2-2-2 **APPOINTMENT OF OFFICERS.** The Mayor shall appoint the Mayor pro tempore.

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.

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

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

2-2-4 **VACANCIES IN OFFICES.** A vacancy in an appointive office shall be filled in the same manner as the original appointment. A vacancy in an elective office shall be filled by a majority vote of all members of the City Council, unless filled by election in accordance with State law.

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

(Code of Iowa, Sec. 64.13)

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 BLANKET POSITION BOND. The City Council shall provide for a blanket position bond to cover all officers and employees of the City, but the City Council may provide by resolution for a surety bond for any other officer or employee that the City Council deems necessary. The City shall pay the premium on any official bond.

(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)

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 City Attorney
2-3-2	Books and Records	2-3-8	Powers and Duties of the Superintendent of Public Works
2-3-3	Deposits of Municipal Funds	2-3-9	Powers and Duties of the Fire Chief
2-3-4	Transfer of Records and Property To Successor	2-3-10	Powers and Duties of the Ambulance Director
2-3-5	Powers and Duties of the Mayor		
2-3-6	Powers and Duties of the City Clerk		

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. The City Clerk-Treasurer shall be responsible for the collection and deposit of all City funds.

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

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

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

(Code of Iowa, Section 372.14(1))

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

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

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

If the Mayor takes no action on an Ordinance, amendment, or resolution, a resolution becomes effective fourteen 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

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.

13. The Mayor is hereby authorized, when it appears to be in the City's best interest, to Execute subordination agreements on behalf of the City. If the Mayor determines that the subordination agreement is not in the best interest of the City, the affected party may appeal the decision of the Mayor to the City Council.

(Ord. 218, Passed October 8, 2001)

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

1. Be responsible for all accounting and accounting procedures for the City.
2. Administer all ordinances, resolutions, City Council policies and directives.
3. Make a continuous study of the City government's operating procedures, organization and facilities, and recommend fiscal and other policies to the Council when appropriate.
4. Prepare and administer the City's annual operating budget.
5. Supervise the City purchasing.
6. Keep the City Council informed on the progress of its programs and status of its policies.
7. Recommend policies and procedures for City Council's consideration.
8. Coordinate and direct all City services provided through the various departments.
9. Study possible joint arrangements with municipal boards and commissions, and make recommendations for such arrangements as are mutually acceptable and coordinate these activities.
10. Assist the Mayor in any of the Mayor's duties as requested by the Mayor and as approved by the City Council.

11. Assist the City Council in carrying out the comprehensive plan and to assist in all other forms of planning within the City.
12. Act for the City in the exercise and execution of all policies and programs in which the City is involved on a joint basis with any other governmental subdivision.
13. Complete and supervise the completion of various state and federal reports.
14. Serve as consultant for federally financed programs, preparing applications, carrying out community information programs, and assembling data on housing needs, analyzing probable program results, and advising other staff on program requirements.
15. Represent the City at various meetings and conferences.
16. Collect information on current zoning and subdivisions.
17. Prepare maps of proposed zoning changes, research and review zoning and planning ordinances and laws that recommend changes or adjustments to the City ordinances.
18. Assist in the analysis and application of standards, and in formulating all phases of a comprehensive plan as assigned; assist in analyzing and supplying census data.
19. Assist in preparation of the following special studies or projects: revision of the City Code and Zoning Ordinances; preparation of Capital Improvement Plan; preparation of Employee Personnel Policies and Job Descriptions.
20. Prepare and maintain, in collaboration with the respective supervisors, the capital improvement plan for all City departments and make other special studies as directed.
21. Supervise purchase of all materials, supplies and equipment for which funds are provided in the budget; in collaboration with respective supervisors.
22. Attend all meetings of the City Council unless excused by the Mayor or Mayor Pro Tern.
23. Generally supervise and direct the administration of City government.
24. Supervise and direct the official conduct of all officers and employees of the City whom the City Administrator/Clerk has power to appoint.
25. Provide for the issuance, suspension and revocation of such licenses and permits as are authorized by law or ordinances that cause a record thereof to be kept, and collect and deposit all fees for licenses and permits.

26. At all times see that the business affairs of the City are transacted by modern and scientific methods and are in an efficient and businesslike manner, and that accurate records of all business affairs of the City are fully and accurately kept.

27. Perform such other duties not in conflict with this chapter, as may be directed by the City Council.

28. Be directly responsible to the City Council for the administration of municipal affairs as directed by the City Council. All departmental activity requiring the attention of the City Council shall be brought before the body by the City Administrator/Clerk and all City Council involvements and administration initiated by the City Council must be coordinated through the Administrator/Clerk.

(Ord. 252, Passed December 17, 2007)

2-3-7 POWERS AND DUTIES OF THE CITY ATTORNEY. The duties of the City Attorney shall be as follows:

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

1. 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.

2-3-8 POWERS AND DUTIES OF THE SUPERINTENDENT OF PUBLIC WORKS. The duties of the superintendent of public works shall be as follows:

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

1. The Superintendent shall be responsible for the management, operation and maintenance of all municipal utilities.

2. The Superintendent shall supervise the installation of all storm sewers in the City in accordance with the regulations of the department of public works pertaining to the installation of storm sewers.

3. The Superintendent shall maintain and repair the sidewalks, alleys, bridges and streets and keep them in a reasonably safe condition for travelers. The Superintendent shall immediately investigate all complaints of the existence of dangerous or impassable conditions of any sidewalk, street, alley, bridge, underpass or overpass, and is charged with the duty of correcting unsafe defects in them.

4. The Superintendent shall, whenever snow or ice imperil travel upon streets and alleys, be in charge of removing said snow and ice from the streets and alleys in the City and shall do whatever else is necessary and reasonable to make travel upon streets and alleys of the City safe.

5. The Superintendent shall perform all other duties of a public works nature which are not specifically assigned to other municipal officials or employees.

2-3-9 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.

2-3-10 POWERS AND DUTIES OF THE AMBULANCE DIRECTOR. The duties of the Ambulance Director shall be as follows:

1. The Ambulance Director shall be charged with the duty of maintaining the efficiency, discipline, and control of the ambulance service. The members of the ambulance service shall, at all times, be subject to the direction of the Ambulance Director.

2. The Ambulance Director shall enforce all rules and regulations established by the City Council for the conduct of the affairs of the ambulance service.

3. The Ambulance Director shall exercise and have full control over the disposition of all ambulance service apparatus, tools, equipment, supplies, and other property used by or belonging to the ambulance service.

4. The Ambulance Director shall cause to be kept records of the ambulance service personnel, operating costs, and efficiency of each piece of ambulance service equipment, depreciation of all equipment and apparatus, the number of responses, cause and location.

5. The Ambulance Director shall be elected for a term of two (2) years by the members of the ambulance service, with the approval of the City Council.

(Ord. 237, Passed March 14, 2005)

TITLE II POLICY AND ADMINISTRATION

CHAPTER 4 - SALARIES OF MUNICIPAL OFFICERS

- | | | | |
|-------|---------------------|-------|----------------|
| 2-4-1 | City Council Member | 2-4-3 | Other Officers |
| 2-4-2 | Mayor | 2-4-4 | Holidays |

2-4-1 CITY COUNCIL MEMBER. The salary of each City Council member shall be forty-five dollars (\$45.00) for each meeting of the City Council of Edgewood, Iowa, attended, payable quarterly.

(Code of Iowa, Sec. 372.13(8))
(Ord. 202, Passed August 11, 1997)
(Ord. 240, Passed September 12, 2005)

2-4-2 MAYOR. The salary of the Mayor shall be One Thousand Two Hundred Fifty(\$1,250.00) Dollars per year, Twenty-Five (\$25.00) Dollars per meeting for each special council meeting attended, plus a maximum of Two Hundred Fifty (\$250.00) Dollars for every other meeting attended by the Mayor as part of the Mayor's duties at the rate of Twenty-Five (\$25.00) Dollars per meeting.

(Code of Iowa, Sec. 372.13(8))
(Ord. 201, Passed August 11, 1997)
(Ord. 241, Passed September 12, 2005)

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))

2-4-4 HOLIDAYS. The following days shall be designated as legal holidays: New Year's Day, Good Friday Afternoon (1/2 Day), Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, Friday after Thanksgiving, Christmas Eve Afternoon (1/2 Day), Christmas Day.

(Amended during codification)

TITLE II POLICY AND ADMINISTRATION

CHAPTER 5 - CITY FINANCE

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

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 (20) days before the date that the budget must be certified to the County Auditor, the City Administrator/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 Administrator/Clerk and at the City library, if any, or at three places designated by Ordinance for posting notices.

(Amended during 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 by Iowa law. Proof of publication shall be filed with the County Auditor.

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

5. After the hearing, the City Council shall adopt a budget for at least the following fiscal year, and the City Administrator/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 BUDGET PROTEST. Within a period of ten days after the final date that the budget or amended budget may be certified to the County Auditor, persons affected by the budget may file a written protest with the County Auditor, specifying their objection to the budget or any part of it. A protest must be signed by qualified voters equal in number to one-fourth of one percent of the votes cast for governor in the last preceding general election in the City, but not less than ten persons.

(Code of Iowa, Sec. 384.19)

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 Administrator/Clerk determines that one or more appropriation accounts need added authorizations to meet required expenditures therein the City Administrator/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 Administrator/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 Administrator/Clerk 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 BUDGET OFFICER. The City Administrator/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 Administrator/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))

2-5-8 ACCOUNTING. The City Administrator/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 Administrator/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-Treasurer and Mayor.
(Code of Iowa, Sec. 384.20)

2-5-9 BUDGET ACCOUNTS. The City Administrator/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)

2-5-10 CONTINGENCY ACCOUNTS. Whenever the City Council shall have budgeted for a contingency account the City Administrator/Clerk shall set up in the accounting records but the City Administrator/Clerk shall not charge any claim to a contingency account. Said contingency accounts may be drawn upon only by City Council resolution directing a transfer to a specific purpose account within its fund and then only upon compelling evidence of an unexpected and unforeseeable need or emergency.

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

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TITLE II GENERAL PROVISIONS

CHAPTER 6 - RUN OFF ELECTION

2-6-1 Run-Off Election
2-6-2 Qualification

2-6-3 Time Held
2-6-4 Candidates Elected

2-6-1 RUN OFF ELECTION. A run off election shall be held only for positions unfilled because of failure of a sufficient number of candidates to receive a majority vote in the regular City election.

(Code of Iowa, Sec. 376.9)

2-6-2 QUALIFICATION. Candidates who do not receive a majority of the votes cast for an office, but who receive the highest number of votes cast for that office in the regular City election, to the extent of twice the number of unfilled positions, are candidates in the run off elections.

(Code of Iowa, Sec. 376.9)

2-6-3 TIME HELD. Run off elections shall be held four (4) weeks after the date of the regular City election and shall be conducted in the same manner as regular City elections.

(Code of Iowa, Sec. 376.9)

2-6-4 CANDIDATES ELECTED. Candidates in the run off election who receive the highest number of votes cast for each office on the ballot are elected to the extent necessary to fill the positions open.

(Code of Iowa, Sec. 376.9)

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

the presence of or in view of another, if the person knows or reasonably should know that such behavior would be offensive to a reasonable person.

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 a permit.

(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. Expectoring. 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 glass, etc., 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 likely to injure any person, animal or vehicle.

(Code of Iowa, Sec. 321.369)

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 permit from the county sheriff.

(Amended during 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 Sheriff, 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 himself 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.

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 ordered blocked off by the City Council for such purposes.

(Code of Iowa, Sec. 364.12)

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, maliciously or wantonly tear, deface, mutilate, injure or destroy, in whole or in part, any newspaper, periodical, book, map, pamphlet, chart, picture or other property belonging to any public library or reading room.

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

(Code of Iowa, Sec. 716.1)

6. Injury to 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)

7. 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)

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

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

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

(Code of Iowa, Sec. 657.1)

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

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

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

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

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

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

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

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

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. Any object or structure hereafter erected within 1,000 feet of the limits of any municipal or regularly established airport or landing place, which may endanger or obstruct aerial navigation, including take-off and landing.

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

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. 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.

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

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)

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 prohibited, and a nuisance, public or private, may be abated in the manner provided in this Chapter.

(Code of Iowa, Sec. 657.3)

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

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

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

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

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

3. The numbering of buildings.

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

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

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

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

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

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

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

7. The maintenance, by the property owner, of all property outside the lot and property lines and inside the curb lines upon public streets, including maintaining a fifteen (15) foot clearance above the street from trees extending over the streets, except as provided in Section 3-2-3(1).

3-2-4 NOTICE TO ABATE NUISANCE OR CONDITION. Whenever the Mayor or other authorized municipal officer finds that a nuisance or other condition exists which is listed in Section 3, the Mayor or officer shall cause to be served upon the property owner as shown by the records of the County Auditor a written notice to abate the nuisance within a reasonable time after notice.

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

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 served by certified mail or personal service to the property owner as shown by the records of the County Auditor.
(Code of Iowa, Sec. 364.12(3)(h))

3-2-7 REQUEST FOR HEARING AND APPEAL. Any person ordered to abate a nuisance or condition may have a hearing with the officer ordering the abatement as to whether a nuisance or prohibited condition exists. A request for a hearing must be made in writing and delivered to the officer ordering the abatement within the time stated in the notice, or it will be conclusively presumed that a nuisance or prohibited condition exists and it must be abated as ordered.

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

3-2-8 ABATEMENT IN EMERGENCY. If it is determined that an emergency exists by reason of the continuing maintenance of the nuisance or condition, the City may perform any action that may be required under this Chapter without prior notice, and assess the costs as provided herein, after notice to the property owner under the applicable provision of Sections 3-2-4 and 3-2-5 and hearing as provided in Section 3-2-7.
(Code of Iowa, Sec. 364.12(3)(h))

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

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

3-2-10 COLLECTION OF COST OF ABATEMENT. The City Administrator/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 Administrator/Clerk shall certify the costs to the County Auditor and they shall then be collected with, and in the same manner, as general property taxes.

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

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

(Code of Iowa, Sec. 364.13)

3-2-12 CONDEMNATION OF NUISANCE. The City may condemn a residential building found to be a public nuisance and take title to the property for the public purpose of disposing of the property under Section 364.7 by conveying the property to a private individual for rehabilitation or for demolition and construction of housing.

(Code of Iowa, Sec. 364.12A)

TITLE III COMMUNITY PROTECTION

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- 3-3-2 Definitions
- 3-3-3 Traffic Accident Reports
- 3-3-4 County Sheriff to Submit Annual Reports
- 3-3-15 Authority to Designate One-Way Streets and Alleys
- 3-3-16 One-Way Streets and Alleys

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3-3-68 Local Parking Fines

3-3-69 Failure to Pay Parking Citations

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

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

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

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

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

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

5. "Business districts" means: the territory contiguous to and including a highway when fifty percent or more of the frontage thereon for a distance of three hundred feet or more is occupied by buildings in use for business.

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

3-3-3 TRAFFIC ACCIDENT REPORTS. The driver of a vehicle involved in an accident within the limits of this City shall file a report as and when required by the Iowa Department of Transportation. A copy of this report shall be filed with the Sheriff's Department. 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.

(Code of Iowa, Sec. 321.266)

3-3-4 COUNTY SHERIFF TO SUBMIT ANNUAL REPORTS. The Sheriff 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.

3-3-5 AUTHORITY OF POLICE AND FIRE DEPARTMENT OFFICIALS. Provisions of this Chapter and the Iowa law relating to motor vehicles and law of the road shall be enforced by the officers of the Sheriff's Department. The officers of the 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 department may direct traffic as conditions require notwithstanding the provisions of the traffic laws. Officers of the Fire Department may direct or assist the police in directing traffic threat or in the immediate vicinity.

(Code of Iowa, Sec. 321.229)

3-3-6 REQUIRED OBEDIENCE TO PROVISIONS OF THIS CHAPTER AND STATE LAW. Any person who shall willfully fail or refuse to comply with any lawful order of a law enforcement 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.

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| 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. |
| 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. |

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| 116. | 321.438 | Windshields. |
| 117. | 321.439 | Defective windshield wiper. |
| 118. | 321.440 | Defective tires. |
| 119. | 321.441 | Unauthorized use of metal tire or track. |
| 120. | 321.442 | Unauthorized use of metal projection on wheels. |
| 121. | 321.444 | Failure to use safety glass. |
| 122. | 321.445 | Failure to maintain or use safety belts. |
| 123. | 321.446 | Failure to secure child. |
| 124. | 321.449 | Special regulations. |
| 125. | 321.450 | Hazardous materials. |
| 126. | 321.454 | Width and length violations. |
| 127. | 321.455 | Excessive side projection of load – passenger vehicle. |
| 128. | 321.456 | Excessive height. |
| 129. | 321.457 | Excessive length. |
| 130. | 321.458 | Excessive projection from front of vehicle. |
| 131. | 321.459 | Excessive weight – dual axels (each over 2000 lb. over). |
| 132. | 321.460 | Spilling loads on highways. |
| 133. | 321.461 | Excessive tow-bar length. |
| 134. | 321.462 | Failure to use required towing equipment. |
| 135. | 321.463 | Maximum gross weight. |
| 136. | 321.466 | Gross weight in excess of registered gross weight (for each 2000 lb. |

over).

TRAFFIC CONTROL DEVICES.

3-3-7 AUTHORITY TO INSTALL TRAFFIC-CONTROL DEVICES. The Superintendent of Public Works 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 Superintendent of Public Works 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.

(Code of Iowa, Sec. 321.255 and 321.256)

3-3-8 CITY COUNCIL TO DESIGNATE CROSSWALKS, ESTABLISH, AND MARK TRAFFIC LANES. The City Council is hereby authorized:

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

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

3-3-9 PLAY STREETS. The Mayor has the authority to declare any street or part thereof a play street and to place appropriate signs or devices in the roadway indicating and helping to protect the same.

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

SPEED REGULATIONS.

3-3-10 SPECIAL SPEED RESTRICTIONS. In accordance with requirements of the Iowa Department of Transportation, or whenever the City Council shall determine upon the basis of an engineering and traffic investigation that any speed limit hereinbefore set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of the City street system, the City Council shall determine and other place or upon any part of the City street system, the City Council shall determine and adopt by Ordinance such higher or lower speed limit as it deems reasonable and safe threat.

(Code of Iowa, Sec. 321.290)

TURNING MOVEMENTS.

3-3-11 TURNING MARKERS, BUTTONS AND SIGNS. The City Council may cause markers, buttons, or signs to be placed within or adjacent to intersections, and thereby require and direct, as traffic conditions require, that a different course from that specified by the State law be traveled by vehicles turning at intersections, and when markers, buttons, or signs are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by the markers, buttons, or signs, including right-hand turns at intersections with automatic traffic signals.

(Code of Iowa, Sec. 321.311)

3-3-12 AUTHORITY TO PLACE RESTRICTED TURN SIGNS. The City Council is authorized to determine those intersections, as traffic conditions require, at which the drivers of vehicles shall not make a right or left turn. The making of turns may be prohibited between certain hours of any day, in which event the same shall be plainly indicated on signs.

3-3-13 OBEDIENCE TO NO-TURN SIGNS. Whenever authorized signs are erected indicating that no right or left turn is permitted, no driver of a vehicle shall disobey the directions of any such signs.

3-3-14 "U" TURNS. It shall be unlawful for a driver to make a "U" turn except at an intersection. "U" turns are prohibited at intersections within the business district and at intersections where there are automatic traffic signals.

ONE-WAY STREETS AND ALLEYS.

3-3-15 AUTHORITY TO DESIGNATE ONE-WAY STREETS AND ALLEYS. Whenever any traffic Code of this City designates any one-way street or alley the Superintendent of Public Works shall cause to be placed and maintained signs giving notice thereof and the regulation shall not be effective unless the signs are in place. Signs indicating the direction of traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited. It shall be unlawful for any person to operate any vehicle in violation of markings, signs, barriers or other devices placed in accordance with this section.

3-3-16 ONE-WAY STREETS AND ALLEYS. Upon the following streets and alleys vehicular traffic shall move only in the indicated direction:

The unnamed alley between 106 N Washington and 108 N Washington shall be one way going east from N Washington Street approximately one hundred fifteen (115) feet is hereby added.

(Ord. 246, Passed July 10, 2006)

SPECIAL STOPS REQUIRED.

3-3-17 THROUGH HIGHWAYS. Every driver of a vehicle shall stop, unless a yield is permitted by this Chapter before entering an intersection with the following designated through streets.

1. Union Street (Highway 3) from east to west corporate limits.

2. Franklin Street from Union Street north to north corporate limits.
3. Locust Street from Union Street south to south corporate limits.
4. Washington Street from Maple Street north to Union Street.
5. Webster Street from Union Street to Maple Street.
6. Bell Street from Union Street to Harrison Street.
7. Chestnut Street from Newton Street to Union Street.
8. Chestnut Street from Union Street to south extremities.
(Code of Iowa, Sec. 321.345 and 321.350)

3-3-18 STOPS AT 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 Superintendent of Public Works is hereby authorized to determine whether vehicles shall stop 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 is required. Every driver of a vehicle shall stop before entering an intersection as required herein:

1. Newton Street. Vehicles traveling east on Newton Street shall stop at Chestnut Street.
2. Newton Street. Vehicles traveling east on Newton Street shall stop at Franklin Street.
3. Newton Street. Vehicles traveling east on Newton Street shall stop at Washington Street.
4. Beaver Street. Vehicles traveling east on Beaver Street shall stop at Franklin Street.
5. William Street. Vehicles traveling east on William Street shall stop at Franklin Street.
6. Madison Street. Vehicles traveling east on Madison Street shall stop at Chestnut Street.
7. Beaver Street. Vehicles traveling west on Beaver Street shall stop at Chestnut Street.
8. William Street. Vehicles traveling west on William Street shall stop at Franklin Street.
9. William Street. Vehicles traveling west on William Street shall stop at Chestnut Street.
10. Madison Street. Vehicles traveling east on Madison Street shall stop at Franklin Street.
11. Madison Street. Vehicles traveling east on Madison Street shall stop at Washington Street.
12. Lincoln Street. Vehicles traveling east on Lincoln Street shall stop at Locust Street.

13. Lincoln Street. Vehicles traveling west on Lincoln Street shall stop at Chestnut Street.
14. Lincoln Street. Vehicles traveling west on Lincoln Street shall stop at Washington Street.
15. Jackson Street. Vehicles traveling west on Jackson Street shall stop at Washington Street.
16. Jackson Street. Vehicles traveling east on Jackson Street shall stop at Locust Street.
17. Soldiers Avenue. Vehicles traveling west on Soldiers Avenue shall stop at Locust Street.
18. Morrison Street. Vehicles traveling east on Morrison Street shall stop at Locust Street.
19. Harrison Street. Vehicles traveling east on Harrison Street shall stop at Washington Street.
20. Harrison Street. Vehicles traveling on Harrison Street shall stop at Locust Street.
21. Harrison Street. Vehicles traveling west on Harrison Street shall stop at Washington Street.
22. Maple Street. Vehicles traveling east on Maple Street shall stop at Locust Street.
23. Chestnut Street. Vehicles traveling south on Chestnut Street shall stop at Union Street.
24. Chestnut Street. Vehicles traveling north on North Chestnut Street shall stop at East Madison Street.

(Ord. 204, Passed December 8, 1997)

25. North Chestnut Street. Vehicles traveling north on North Chestnut Street shall stop at East Madison Street.

(Ord. 204, Passed December 8, 1997)

26. Franklin Street. Vehicles traveling south on Franklin Street shall stop at Union Street.
27. Bell Street. Vehicles traveling on Bell Street shall stop at Union Street.
28. Washington Street. Vehicles traveling on Washington Street shall stop at Union Street.
29. Webster Street. Vehicles traveling on Webster Street shall stop at Union Street.
30. Locust Street. Vehicles traveling north on Locust Street shall stop at Union Street.
31. East Street. Vehicles traveling south on East Street shall stop at Harrison Street.
32. Chestnut Street. Vehicles traveling north on Chestnut Street shall stop at Union Street.
33. Miller Street. Vehicles traveling south on Miller Street shall stop at East Harrison Street.

(Ord. 205, Passed June 8, 1998)

34. Morrison Street. Vehicles traveling west on Morrison Street shall stop at East Street.
(Ord. 205, Passed June 8, 1998)

35. Madison Street. Vehicles traveling on Madison Street shall stop at Bell Street.
(Ord. 152, Passed November 14, 1983)

36. Repealed

(Ord. 208, Passed January 31, 2000)

(Ord. 232, Passed December 8, 2003)

37. East Street. Vehicles traveling north on East Street shall stop at East Morrison Street.
(Ord. 208, Passed January 31, 2000)

38. Miller Street. Vehicles traveling north on Miller Street shall stop at East Morrison Street.

(Ord. 208, Passed January 31, 2000)

39. Rabbit Run Road. Vehicles traveling West on Rabbit Run Road shall stop at N Washington Street.

(Ord. 267, Passed April 9, 2012)

40. Bixby Road. Vehicles traveling West on Bixby Road shall stop at N Washington Street.
(Ord. 267, Passed April 9, 2012)

41. Bixby Road. Vehicles traveling East on Bixby Road shall stop at Viking Road.
(Ord. 267, Passed April 9, 2012)

42. Viking Road. Vehicles traveling South on Viking Road shall stop at E William Street.
(Ord. 267, Passed April 9, 2012)

3-3-19 YIELD AT INTERSECTIONS. At the intersections of streets where, because of heavy cross-traffic or other traffic conditions, particular hazard exists, the Superintendent of Public Works is hereby authorized to determine whether vehicles shall 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 yield is required. Every driver of a vehicle shall yield before entering an intersection as required herein:

1. Jackson Street. Vehicles traveling on Jackson Street shall yield at Webster Street.

2. Lincoln Street. Vehicles traveling East on Lincoln Street shall yield at Bell Street.

3. Lincoln Street. Vehicles traveling on Lincoln Street shall yield at Webster Street.

4. Harrison Street. Vehicles traveling on Harrison Street shall yield at Webster Street.

5. Webster Street. Vehicles traveling south on Webster Street shall yield at Maple Street.

6. Golf View Drive. Vehicles traveling on Golf View Drive shall yield at Woods Edge Drive.
(Ord. 232, Passed December 8, 2003)

3-3-20 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.

3-3-21 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. School crossing zone on Union Street at Washington Street.
2. School crossing zone on Union Street at Chestnut Street.

PEDESTRIANS' RIGHTS AND DUTIES.

3-3-22 PROHIBITED CROSSING. Pedestrians crossing a street in the business district shall cross in the crosswalks only.

(Code of Iowa, Sec. 321.327)

3-3-23 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.

3-3-24 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)

3-3-25 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)

3-3-26 SIGNS OR MARKINGS INDICATING ANGLE PARKING. The Superintendent of Public Works, 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.

Angle or diagonal parking shall be permitted only in the following locations:

1. Washington Street. On the east side from Union Street to Madison Street.
2. Washington Street. On the west side from the railroad right-of-way to Madison Street.
3. Madison Street. On the south side from Bell Street to Washington Street.
4. Madison Street. On the north side from Washington Street to Webster Street.
(Code of Iowa, Sec. 321.361)

3-3-27 OBEDIENCE TO ANGLE PARKING SIGNS OR MARKINGS.

1. 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.

2. No person shall park a truck, pickup truck, van, minivan or SUV in the first designated angle parking stall from the intersection of Madison Street and Washington Street, except for the northeast corner of the intersection.

(Ord. 222, Passed March 11, 2002)

STOPPING, STANDING, OR PARKING PROHIBITED IN SPECIFIED PLACES.

3-3-28 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. On a sidewalk.
2. In front of a public or private driveway.
3. Within an intersection.
4. Within five (5) feet of either side of the point on the curb nearest to a fire hydrant.
5. On a crosswalk.
6. Within ten (10) feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of the roadway.

7. Within fifty (50) feet of the nearest rail of a railroad crossing, except when parked parallel with such rail and not exhibiting a red light.

8. Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance when properly sign posted.

9. Alongside or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic.

10. On the roadway side of any vehicle stopped or parked at the edge or curb of street.

11. Opposite the entrance to a garage or driveway in such a manner or under such conditions as to leave available less than twenty (20) feet of the width of the roadway for the free movement of vehicular traffic.

12. Upon any street or in any alley in any part of the City in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway of such street or alley for the free movement of vehicular traffic, except when necessary in obedience to traffic regulations or traffic signs, or signals of a police officer.

13. At any place where official signs or curb markings prohibit stopping, standing or parking.

14. Within ten (10) feet of the crosswalk at all intersections within the City.

15. In an alley under any fire escape at any time.

3-3-29 **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 City Council 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 City Council, 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))

3-3-30 **AUTHORITY TO IMPOUND VEHICLES.** Members of the Sheriff's Department are authorized to remove, or cause to be removed, a vehicle from a street, public alley, or highway to the nearest garage or other place of safety, or to a garage designated or maintained by the Sheriff's Department, or otherwise maintained by the City, under the following circumstances:

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

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

3. When any vehicle is left parked upon a street for a continuous period of forty-eight hours or more. A diligent effort shall first be made to locate the owner. If the owner is found, the owner shall be given the opportunity to remove the vehicle.

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

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

STOPPING, STANDING OR PARKING.

3-3-31 **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 Superintendent of Public Works 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)

3-3-32 **PARKING DURING SNOW EMERGENCY.** No person shall park, abandon, or leave unattended any vehicle on any public street, alley, or City-owned off-street parking area during any snow emergency proclaimed by the Mayor unless the snow has been removed or plowed from said street, alley or parking area and the snow has ceased to fall. A snow emergency parking ban shall continue from its proclamation through the duration of the snow or ice storm and the forty-eight hour period after cessation of the storm except as above provided upon streets which have been fully opened.

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

(Code of Iowa, Sec. 321.236)

3-3-33 **PARKING PROHIBITED.** All parking is prohibited as follows:

1. On Washington Street from Union Street to the former railroad right-of-way between the hours of 2:00 a.m. to 4:30 a.m.

(Ord. 159, Passed May 12, 1986)

2. Ninety-six (96) feet south on Chestnut Street from the corner of West Union and 100 feet west on West Union from the corner of South Chestnut.

(Ord. 206, Passed August 10, 1998)

3. One hundred five (105) feet West of the Convalescent Home Driveway on West Lincoln Street.

(Ord. 211, Passed September 19, 2000)

4. There shall be no parking on the east side of any street running north and south, nor on the north side of any street running east and west, except as follows:

a. There shall be no parking on the south side of Soldiers Avenue, however, parking shall be allowed on the north side of Soldiers Avenue.

b. Parking shall be allowed on either side of Madison Street.

c. Parking shall be allowed on either side of Washington Street between State Highway #3 and the former railroad right of way.

(Ord. 149, Passed February 9, 1982)

5. There shall be no parking on North Chestnut Street, South Chestnut Street, and West Union Street as follows:

a. No parking on South Chestnut Street, for Fifty (50) feet south of the intersection of West Union Street and South Chestnut Street.

b. No parking on West Union Street, for Fifty (50) feet west of the intersection of West Union Street and North Chestnut Street.

c. No parking on West Union Street, for Twenty-five (25) feet east of the intersection of West Union Street and North Chestnut Street.

d. No parking on West Union Street, for Twenty-five (25) feet east of the intersection of West Union Street and South Chestnut Street.

e. No parking on North Chestnut Street, for Fifteen (15) feet north of the intersection of West Union Street and North Chestnut Street.

(Ord. 217, Passed October 8, 2001)

f. No parking on West Union Street, for Fifty (50) feet west of the intersection of West Union Street and South Chestnut Street.

(Ord. 269, Passed May 14, 2012)

6. No parking on West Madison Street, west of the intersection of North Chestnut Street and West Madison Street.

(Ord. 217, Passed October 8, 2001)

7. No parking on the west side of North Locust Street.

(Ord. 238, Passed April 7, 2005)

8. No parking on the south side of East William Street, for two hundred twenty-five (225) feet east of the intersection of East William Street and North Locust Street.

(Ord. 238, Passed April 7, 2005)

9. No parking is permitted within 24 inches of any public or private driveway. The owner of any driveway shall be permitted to paint the curbing yellow within the 24 inches adjacent to the driveway.

Ord. 250, Passed December 12, 2006)

3-3-33A PARKING LIMITED. All parking is limited as follows:

Twenty (20) minute parking from 7:00 a.m. through 4:00 p.m. on school days, for three hundred seventy-five (375) feet west of the intersection of West Union Street and North Chestnut Street.

(Ord. 236, Passed June 14, 2004)

3-3-34 TRUCK PARKING LIMITED. No person shall park a motor truck, truck tractor with or without trailer attached, semi-trailer or other motor vehicle with trailer attached in violation of the following regulations. The provisions of this section shall not apply to pick-up, light delivery or panel delivery trucks. The words used in this section shall have the meanings respectively ascribed to them in Section 321.1 of the Code of Iowa, which are by this reference adopted herein.

(Code of Iowa, Secs. 321.236(1) and 321.1)

1. Business and Residential District. Excepting only when such vehicles are actually engaged in the delivery or receiving of merchandise or cargo within the prohibited area, no person shall park or leave unattended such vehicle on any of the streets in the business or residential districts having a roadway of less than twenty-nine feet in width, and no person shall park or leave unattended such vehicle on any of the other streets in the business or residential districts for a continuous period of more than two (2) hours. When actually receiving or delivering merchandise or cargo such vehicle shall be stopped or parked in a manner which will not interfere with other traffic.

2. Noise. No such vehicle shall be left standing or parked upon any street, alley, public or private parking lot, or drive of any service station between the hours of nine (9) o'clock p.m. and seven (7) o'clock a.m. with the engine, auxiliary engine, air compressor, refrigerating equipment or other device in operation giving off audible sounds excepting only the drive of a service station when actually being serviced, and then in no event for more than thirty (30) minutes.

3. Livestock. No such vehicle containing livestock shall be parked on any street, alley or highway for a period of time of more than thirty (30) minutes.

(Ord. 155, Passed May 21, 1984)

MISCELLANEOUS DRIVING RULES.

3-3-35 VEHICLES NOT TO BE DRIVEN ON SIDEWALKS. The driver of a vehicle shall not drive upon or within any sidewalk area.

3-3-36 CLINGING TO VEHICLES. No person shall drive a motor vehicle on the streets of this City unless all passengers of the vehicle are inside the vehicle in the place intended for their accommodation. No person shall ride on the running board of a motor vehicle or in any other place not customarily used for carrying passengers. No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself or herself to any vehicle upon a roadway.

3-3-37 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.

3-3-38 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.

3-3-39 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.

3-3-40 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.

3-3-41 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 streets designated.

BICYCLE REGULATIONS.

3-3-42 DEFINITIONS. For the purpose of this Chapter the following terms are defined:

1. "Bicycles" shall mean either of the following:
 - a. A device having two wheels and having at least one saddle or seat for the use of a rider which is propelled by human power.

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

(Code of Iowa, Sec. 321.1)

3-3-43 **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.

3-3-44 **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.

3-3-45 **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.

3-3-46 **SPEED.** No person shall operate a bicycle at a speed greater than is reasonable and prudent under existing conditions.

3-3-47 **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.

3-3-48 **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.

3-3-49 **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.

3-3-50 **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.

3-3-51 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.

3-3-52 SNOWMOBILE DEFINITIONS.

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

3-3-53 PERMITTED AREAS OF OPERATION. Snowmobiles will be allowed to operate in the City as follows: Snowmobiles may be operated on any street within the City for the sole and exclusive purpose of using the most direct roadway for the ingress to and egress from the City. No snowmobile shall be driven on any roadway solely for entertainment or pleasure.

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

(Code of Iowa, Sec. 321G.9(4a))
(Previous Code, Sec. 2.1-6.02(2))

3-3-54 REGULATIONS. It shall be unlawful for any person to operate a snowmobile under the following circumstances:

1. On private property of another without the express permission to do so by the owner or occupant of said property.
2. On public school grounds, park property, playgrounds, recreational areas and golf courses without express permission to do so by the proper public authority.

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

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

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

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

7. No person shall operate a snowmobile in the City from ten o'clock (10:00) p.m. to seven o'clock (7:00) a.m., except for the purpose of loading and unloading a snowmobile from another vehicle or trailer.

3-3-55 EQUIPMENT REQUIRED. All snowmobiles operated within the City shall have the following equipment:

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

2. Adequate brakes in good 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.

3-3-56 UNATTENDED VEHICLES. It is unlawful for the owner or operator to leave or allow a snowmobile to be or remain unattended on public property while the motor is running or the key left in the ignition.

3-3-57 RESTRICTION OF OPERATION. The City Council may, by resolution, prohibit the operation of snowmobiles within the right-of-way of the public roads, streets or alley or other City property within the City when the public safety and welfare so requires.

3-3-58 TRAFFIC REGULATION. Each person operating a snowmobile shall strictly observe all traffic signs and signals and all other traffic rules and regulations applicable thereto, and shall obey the orders and directions of any police officer of the City authorized to direct or regulate traffic.

OFF-ROAD VEHICLES

3-3-63 DEFINITIONS. For use in this Chapter the following terms are defined:

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

2. “Off-road motorcycle” means a two-wheeled motor vehicle that has a seat or saddle designed to be straddled by the operator and handlebars for steering control and that is intended by the manufacturer for use on natural terrain. “Off-road motorcycle” includes a motorcycle that was originally issued a certificate of title and registered for highway use under Chapter 321, but which contains design features that enable operation over natural terrain.

3. “Off-road utility vehicle” means a motorized flotation-tire vehicle with not less than four and not more than six low-pressure tires that is limited in engine displacement to less than one thousand five hundred cubic centimeters and in total dry weight to not more than one thousand eight hundred pounds and that has a steering wheel for control.

(Code of Iowa, Sec. 321I.1(1))
(Amended during codification)

3-3-60 GENERAL REGULATIONS. No person shall operate an ATV, off-road motorcycle, or off-road utility vehicle within the City in violation of Chapter 321I of the Code of Iowa or in violation of rules established by the Natural Resource Commission of the Department of Natural Resources governing their registration, numbering, equipment, and manner of operation

(Code of Iowa, Sec. 321I)

3-3-61 OPERATION OF ALL-TERRAIN VEHICLES. The operators of ATVs, off-road motorcycles, and off-road utility vehicles shall comply with the following restrictions as to where the vehicles may be operated within the City:

1. Streets. On streets only in accordance with Sec. 321.234A of the Code of Iowa or on such streets as may be designated by resolution of the City Council for the sport of driving.

(Code of Iowa, Sec. 321I.10(1))
(Code of Iowa, Sec. 321I.10(2a))

2. Trails. Not be operated on snowmobile trails except where designated.

(Code of Iowa, Sec. 321I.10(3))

3. Railroad Right-of-way. Shall not be operated on an operating railroad right-of-way. May be driven across a railroad right-of-way only at an established crossing and notwithstanding any other provisions of law, may if necessary, use the improved portion of the established crossing after yielding to all oncoming traffic.

(Code of Iowa. Sec. 332I.14(h))

4. Parks and Other City Land. Not be operated in any park, playground or upon any other property owned by the City without the express permission of the City.

5. Sidewalk or Parking. Not be operated upon the public sidewalk or that portion of the street located between the curb line and the sidewalk or property line commonly referred to as the “parking”.

Not be operated without suitable and effective muffling devices. An all-terrain vehicle shall comply with the sound level standards and testing procedures established by the society of automotive engineers under SAE J1287.

3-3-62 NEGLIGENCE. The owner and operator of an ATV, an off-road motorcycle, or an off-road utility vehicle is liable for any injury or damage occasioned by the negligent operation of the ATV, off-road motorcycle, or off-road utility or snowmobile. The owner of an ATV, an off-road motorcycle, or an off-road utility vehicle shall be liable for any such injury or damage only if the owner was the operator of the ATV, off-road motorcycle, or off-road utility vehicle at the time the injury or damage occurred or if the operator had the owner’s consent to operate the ATV, off-road motorcycle, or off-road utility vehicle at the time the injury or damage occurred.

(Code of Iowa, Sec. 321I.19)

3-3-63 ACCIDENT REPORTS. Whenever an ATV, off-road motorcycle, or off-road utility vehicle is involved in an accident resulting in injury or death to anyone or property damage amounting to one thousand dollars (\$1,000.00) or more, either the operator or someone acting for the operator shall immediately notify a law enforcement officer and shall file an accident report, in accordance with State law.

(Code of Iowa, Sec. 321I.11)

GOLF CARTS

3-3-64 DEFINITIONS. For use in this ordinance “golf cart” is defined as a motorized 4-wheeled vehicle designed to transport person(s) on a golf course.

3-3-65 OPERATION OF GOLF CARTS. Golf carts may be operated on City streets by persons possessing a valid driver’s license provided that a special permit is obtained from the City Council. The application for a permit shall set forth that the applicant meets the requirements of this section, the proposed routes of the applicant, and a compelling need for issuance of the permit. The City Council may impose restrictions and conditions in addition to those set forth in this section and may deny an application when a compelling need for the permit is not demonstrated. A golf cart shall not be operated upon a City street which is a primary road extension, i.e., State or Federal highway, but shall be allowed to cross a City street which is a primary road extension through the City. The golf cart shall be equipped with adequate brakes, a slow-moving vehicle sign, and a bicycle safety flag. The golf cart shall be operated only on the streets from sunrise to sunset. Golf carts operated on City streets need not be registered under Chapter 321 of the Code of Iowa

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.

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 seven days of the violation, for the following parking violations:

- | | |
|--------------------------------------|----------------------------------|
| 1. Overtime parking | \$ 5.00 |
| 2. Prohibited parking | \$ 5.00 |
| 3. No parking zone | \$ 5.00 |
| 4. Blocking alley | \$ 5.00 |
| 5. Illegal parking | \$ 5.00 |
| 6. Street cleaning | \$ 5.00 |
| 7. Snow removal ban | \$ 5.00 |
| 8. Persons with disabilities parking | \$ 100.00 |
| | (Code of Iowa, Sec. 321L.4(2)) |
| 9. Snowmobiles | \$ 20.00 |
| | (Code of Iowa, Sec. 805.8(4)(b)) |

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.

TITLE III COMMUNITY PROTECTION

CHAPTER 4 - FIRE LIMITS

3-4-1	Fire Limits Established	3-4-7	Accessory Buildings
3-4-2	Plans Submitted	3-4-8	Special Permit
3-4-3	Buildings Prohibited	3-4-9	Moving Buildings
3-4-4	Walls and Roof	3-4-10	Reconstruction Prohibited
3-4-5	Exterior and Division Walls	3-4-11	Board of Appraisement
3-4-6	Beams in Walls	3-4-12	Removal of Buildings

3-4-1 FIRE LIMITS ESTABLISHED. The fire limits are established to include all territory within the following boundaries:

Blocks two (2) and three (3) Yankee Settlement Center Addition; Blocks six (6) and seven (7) Harrison Noble's Addition; Lots three (3), four (4), five (5), fourteen (14), fifteen (15) and sixteen (16) Peters Addition; unplatted parcel described as: commencing at the NE corner of the W 1/2 of the NE 1/4 of the NW 1/4 of Section two (2), twp. ninety (90) North, Range 5, West of the 5th P.M., thence West 133 feet, thence South 133 feet, thence East 133 feet, thence North to place of beginning; all of above described property being in the City of Edgewood, Clayton & Delaware Counties, Iowa.

3-4-2 PLANS SUBMITTED. It shall be unlawful to build, enlarge or alter any wall, structure, building or part thereof, within the Fire Limits, until a plan of the proposed work, together with a statement of materials to be used shall have been submitted to the Mayor, who shall, if in accordance with the provisions of this Chapter, issue a permit for the proposed work.

3-4-3 BUILDINGS PROHIBITED. The erection of any building or structure of any kind, or additions thereto, or substantial alterations thereof, involving partial re-building, are prohibited in the Fire Limits, unless constructed in strict compliance with the provisions of this Chapter.

3-4-4 WALLS AND ROOF. The building or structure shall be enclosed on all sides with walls constructed wholly of stone, brick, terra-cotta, hollow building tile, concrete or other fire proof material and the roof, top and sides of all roof structures, including dormer windows and cornices, shall be covered with incombustible material, such as metal, slate, tile, composition shingles or roofing approved by the National Board of Fire Underwriters as Fire Resistive. Wooden stud walls covered with metal or veneered with brick shall not be construed as fire proof or in compliance with the provisions of this section.

3-4-5 EXTERIOR AND DIVISION WALLS. All exterior or division walls of buildings hereafter erected, shall be of sufficient thickness to support the load to be carried. All solid brick or reinforced concrete, exterior or division walls, shall be not less than twelve (12) inches thick in the upper two stories or upper thirty (30) feet, increasing four (4) inches in thickness for each two stories or fraction thereof below. Such exterior or division walls, when constructed of other permissible material, such as concrete tile or hollow tile, shall be at least

four (4) inches thicker than solid brick or reinforced concrete walls. All exterior or division walls shall extend at least fifteen (15) inches above the roof.

3-4-6 BEAMS IN WALLS. The ends of all floor, ceiling, or roof beams, entering a party or firewall from opposite sides, shall be separated by at least four (4) inches of solid masonry. Such separation may be obtained by corbeling the wall, or staggering the beams, but no wall shall be corbeled more than two (2) inches for this purpose. The ends of all wooden beams that enter walls shall be cut to a bevel to make them self-releasing.

3-4-7 ACCESSORY BUILDINGS. The Mayor, upon vote of a majority of the City Council in favor thereof, may issue a permit to build a coal house and other out buildings of other materials than those specified in this Chapter, not exceeding twelve (12) feet in height and one hundred and fifty (150) square feet in area, to be placed not less than twenty feet (20') from any other building or erection within the Fire Limits, and with the use of which no fire is anticipated. To obtain such permit, written application shall be made to the Mayor and the City Council before any work is done, specifying the location, size and contemplated use of the proposed erection, and if a majority of the City Council vote in favor of granting such permit and the Mayor approves of the same, the Mayor shall issue a permit in writing.

3-4-8 SPECIAL PERMIT. The City Council may, by four-fifths vote, issue a special permit to improve any property within the Fire Limits contrary to the provisions of this Chapter, on condition that such improvement shall not increase the rates for fire insurance or the fire hazard, according to the rules of the Iowa Insurance Service Bureau.

3-4-9 MOVING BUILDINGS. The removal of any building not constructed in accordance with the provisions of this Chapter, from without to within the Fire Limits or from any part of the Fire Limits to any other place therein is prohibited.

3-4-10 RECONSTRUCTION PROHIBITED. Any building within the Fire Limits, not constructed in accordance with the provisions of this Chapter, which may hereafter be damaged by fire, decay, or otherwise, to the extent of seventy-five percent (75%) of its value, shall not be repaired or rebuilt but shall be torn down or removed. When the damages are less than seventy-five percent (75%) of its value, the building shall not be repaired, so as to be higher in value than it was before the damages were sustained, except upon approval, by four-fifths of the members of the City Council, of the plans and specifications of such repairs and rebuilding.

3-4-11 BOARD OF APPRAISEMENT. In case of a question as to the amount or extent of damage, by fire or otherwise, to any building, the damage shall be determined by a board of appraisement of three disinterested parties, owners of real estate within the Fire Limits, one of whom shall be appointed by the owner or agent of the building, the second by the Mayor, and the persons thus chosen shall select a third person. If the members of the board appointed by the owner of the property and by the Mayor are unable to agree upon the third member, within ten (10) days of their appointment, the City Council shall appoint such third member. The members of the board shall fix the amount or extent of the damage. Their decision shall be in writing, shall be final and conclusive, and shall be filed with the City Clerk. No building within the Fire

Limits about which there is a question shall be repaired or rebuilt until such finding has been filed with the City Clerk-Treasurer.

3-4-12 REMOVAL OF BUILDINGS. Any person, firm or corporation who shall erect or move any building in the Fire Limits, contrary to the provisions of this Chapter, shall be given ten (10) days written notice by the Mayor to remove or tear down the same, and if such removal or taking down is not completed within ten (10) days from the time of the service of such notice, the Mayor shall cause the same to be removed or taken down. The Mayor shall report an itemized bill of the expense to the City Clerk-Treasurer, and the same shall be charged to the person, firm or corporation owning such building. The City Clerk-Treasurer shall present the bill to the owner of the property and if the bill is not paid within ten (10) days from the date it is presented, the amount of the bill shall be certified, by the City Clerk-Treasurer, to the county auditor, as a special tax against the property and collected the same as other taxes.

TITLE III COMMUNITY PROTECTION

CHAPTER 5 - POLICE AND FIRE PROTECTION

3-5-1	Police Protection	3-5-5	Worker's Compensation and Hospitalization Insurance
3-5-2	Fire Protection	3-5-6	Liability Insurance
3-5-3	Volunteer Firefighters	3-5-7	Fires Outside City Limits
3-5-4	Firefighter's Duties		

3-5-1 POLICE PROTECTION. Pursuant to an agreement made and entered into between the Delaware County Sheriff's Department and the City of Edgewood, police protection for the City is provided by the Delaware County Sheriff's Department.

3-5-2 FIRE PROTECTION. 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)

3-5-3 VOLUNTEER FIREFIGHTERS. No more than thirty (30) residents of the Edgewood, Iowa, area that are at least age eighteen (18) shall be appointed to serve as volunteer firefighters. Prior to appointment as a volunteer firefighter and every four years thereafter a volunteer firefighter must pass a medical physical examination.
(Code of Iowa, Sec. 362.10)

3-5-4 FIREFIGHTER'S DUTIES. When called by the Chief, all firefighters shall report for duty immediately in the manner directed by the Chief. They shall be subject to call at any time. They shall obey strictly the commands of any other firefighter who has been appointed by the Chief to be in command temporarily. Firefighters shall report for training as ordered by the Chief.
(Code of Iowa, Sec. 372.13(4))

3-5-5 WORKER'S COMPENSATION AND HOSPITALIZATION 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 firefighters. All volunteer firefighters shall be covered by the contract.

3-5-6 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.

3-5-7 FIRES OUTSIDE CITY LIMITS. The department shall answer calls to fires and other emergencies outside the City limits if the Fire Chief determines that such emergency exists and that such action will not endanger persons and property within the City limits.

(Code of Iowa, Sec. 364.16)

TITLE III COMMUNITY PROTECTION

CHAPTER 6 - CURFEW FOR MINORS

3-6-1	Preamble	3-6-5	Defenses
3-6-2	Findings and Purpose	3-6-6	Enforcement
3-6-3	Definitions	3-6-7	Penalty, Municipal Infraction
3-6-4	Offenses		

3-6-1 PREAMBLE. The City of Edgewood, Iowa recognizes that all citizens including minors have certain inalienable rights and that among them are the rights of liberty and the pursuit of happiness. Further, all citizens including minors have the right to freedom of religion, freedom of speech, freedom of assembly, and of association. This section should be interpreted to avoid any construction that would result in the appearance of interference with the free exercise of religious worship and political association and this Ordinance shall not be construed to mean that the City intends to interfere with a minor's freedom of association for political, economic, religious, or cultural matters or association for purposes such as marches, demonstrations, picketing, or prayer vigils which are otherwise lawful and peaceful assemblies.
(Code of Iowa, Sec. 364.1)

3-6-2 FINDINGS AND PURPOSE. The City Council has determined that there has been an increase in juvenile violence and crime by persons under the age of 17 in the City of Edgewood, Iowa; and

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

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

3-6-3 DEFINITIONS. In this Chapter:

1. Curfew hours means 12:01 a.m. until 5:00 a.m.
2. Emergency means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

3. Establishment means any privately-owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.

4. Guardian means:

- a. A person who, under court order, is the guardian of the person of a minor; or
- b. A public or private agency with whom a minor has been placed by a court.

5. Minor means any person under age 17 years of age.

6. Operator means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

7. Parent means a person who is:

- a. A biological parent, adoptive parent, or step-parent of another person; or
- b. At least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.

8. Public place means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

9. Remain means to:

- a. Linger or stay; or
- b. Fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

10. Serious Bodily Injury means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss of impairment of the function of any bodily member or organ.

3-6-4 OFFENSES.

1. A minor commits an offense if the minor remains in any public place or on the premises of any establishment within the City during curfew hours.

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

3. The owner, operator, or any employee of an establishment commits an offense if they knowingly allow a minor to remain upon the premises of the establishment during curfew hours.

3-6-5 DEFENSES.

1. It is a defense to prosecution under this Chapter that the minor was:
 - a. Accompanied by the minor's parent or guardian;
 - b. On an errand at the direction of the minor's parent or guardian, without any detour or stop;
 - c. In a motor vehicle involved in interstate travel;
 - d. Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
 - e. Involved in an emergency;
 - f. On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence;
 - g. Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the City of Edgewood, Iowa, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the City of Edgewood, Iowa, a civic organization, or another similar entity that takes responsibility for the minor;
 - h. Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or
 - i. Married or had been married.
2. It is a defense to prosecution under Subsection 3-6-4(3) that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

3-6-6 ENFORCEMENT.

1. Before taking any enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in Section 3-6-5 is present.

2. A minor who is in violation of this Ordinance shall be reunited with the minor's parent or guardian or custodian or other adult taking the place of the parent or shall be taken home by the police officers of the City of Edgewood, Iowa.

3-6-7 PENALTY, MUNICIPAL INFRACTION. The violation of this Chapter shall be a municipal infraction with penalties not to exceed those contained in the City Code.

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 A solicitor specifically includes tree trimmers.

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

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

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

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

3-7-3 PERMITS. Before any person or organization engages in any of the practices defined herein, they must comply with all applicable Ordinances, and must also obtain from the City Administrator/Clerk a permit in accordance with the provisions of sections 3-7-4 and 3-7-5. This permit shall extend no longer than sixty days. A fee of \$25.00 shall be paid at the time of registration to cover the cost of investigation and issuance.

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

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

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

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

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

3-7-7 BOND REQUIRED. Before a permit under this Chapter is issued, each person subject to this Ordinance shall post with the 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.

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TITLE III COMMUNITY PROTECTION

CHAPTER 8 - CIGARETTE LICENSE

3-8-1	Definitions	3-8-6	Refunds
3-8-2	Permit Required	3-8-7	Suspension; Revocation; Civil Penalty
3-8-3	Issuance	3-8-8	Permits not Transferable
3-8-4	Expiration	3-8-9	Display
3-8-5	Fees		

3-8-1 **DEFINITIONS.** For use in this Chapter the following terms are defined as follows:

1. "Cigarette" means any roll for smoking made wholly or in part of tobacco or any substitute for tobacco, irrespective of size or shape and irrespective of tobacco or any substitute for tobacco being flavored, adulterated, or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any other material. However, this definition shall not be construed to include cigars.

(Code of Iowa, Sec. 453A.1(2))

2. "Retailer" means and includes every person in this State who sells, distributes, or offers for sale for consumption, or possess for the purpose of sale for consumption, cigarettes irrespective of quality or amount or the number of sales.

(Code of Iowa, Sec. 453A.1(19))

3. "Place of business" means and includes any place where cigarettes are sold or where cigarettes are stored, within or without the State of Iowa, by the holder of an Iowa permit or kept for the purpose of sale or consumption; or if sold from any vehicle or train, the vehicle or train on which or from which such cigarettes are sold shall constitute a place of business.

(Code of Iowa, Sec. 453A.1(17))

3-8-2 **PERMIT REQUIRED.** No retailer shall distribute, sell, or solicit the sale of any cigarettes within the City of Edgewood, Iowa, without a valid permit for each place of business. The permit shall be displayed publicly in the place of business so that it can be seen easily by the public.

(Code of Iowa, Sec. 453A.13)

3-8-3 **ISSUANCE.** The City Council shall issue or renew a permit, upon a determination that such issuance or renewal will not be detrimental to the public health, safety, or morals, when a retailer who is not a minor has filed with the City Administrator/Clerk a completed application on forms provided by the State Department of Revenue and Finance and accompanied by the fee provided in Section 3-8-5.

(Code of Iowa, Sec. 453A.13(2)(a))

3-8-4 EXPIRATION. Permits expire on June 30 of each year.
(Code of Iowa, Sec. 453A.13(3))

3-8-5 FEES. The fee for permits issued or renewed in July, August, or September is \$75.00. The fee for permits issued in October, November, or December is \$56.25; in January, February or March, \$37.50; and in April, May or June, \$18.75.
(Code of Iowa, Sec. 453A.13(3))

3-8-6 REFUNDS. A retailer may surrender an unrevoked permit in July, August, or September for a refund of \$56.25; in October, November, or December, for \$37.50; or in January, February, or March, for \$18.75.
(Code of Iowa, Sec. 453A.13(4))

3-8-7 SUSPENSION; REVOCATION; CIVIL PENALTY.

1. If a retailer or employee of a retailer has violated Section 453A.2, 453A.36, subsection six (6), or 453A.39, Code of Iowa, the City Council, in addition to the other penalties fixed for such violations in this section, shall assess a penalty after giving the permit holder an opportunity to be heard, upon ten (10) days written notice, stating the reasons for the contemplated action and the time and place at which the person may appear and be heard, as follows:

a. For a first violation, the retailer shall be assessed a civil penalty in the amount of three hundred dollars (4300.00). Failure to pay the civil penalty as ordered under this subsection shall result in automatic suspension of the permit for a period of fourteen (14) days.

b. For a second violation within a period of two (2) years, the retailer's permit shall be suspended for a period of thirty (30) days.

c. For a third violation within a period of three (3) years, the retailer's permit shall be suspended for a period of sixty (60) days.

d. For a fourth violation within a period of three (3) years, the retailer's permit shall be revoked.

2. If a retail permit is suspended or revoked under this section, the suspension or revocation shall only apply to the place of business at which the violation occurred and shall not apply to any other place of business to which the retail permit applies but at which the violation did not occur.

3. The City Administrator/Clerk shall report the suspension or revocation of a retail permit under this section to the Iowa Department of Public Health within thirty days of the suspension or revocation of any retail permit.

3-8-8 PERMITS NOT TRANSFERABLE. A permit shall not be transferable to another place of business or retailer. However, if a retailer who holds a valid permit moves the place of

business, the City Council, if it decides to issue a new permit for the new place of business, shall not charge any additional fee for the unexpired term of the original permit if the retailer has not received a refund for surrender of the original permit.

3-8-9 DISPLAY. The permit shall be displayed in the place of business so that it can be seen easily by the public.

(Code of Iowa, Sec. 453A.13(10))

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TITLE III COMMUNITY PROTECTION
CHAPTER 9 - ALCOHOLIC BEVERAGES

3-9-1	Purpose	3-9-3	Action by City Council
3-9-2	Required Obedience to Provisions of this Chapter and State Law	3-9-4	Transfers

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

(Code of Iowa, Sec. 364.1)

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

1. 123.2 and 123.3 General Prohibition and Definitions
2. 123.18 Favors From Licensee or Permittee
3. 123.22 State Monopoly
4. 123.28 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. 321.294A 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	3-10-7	Auction or Disposal of Abandoned Vehicles
3-10-2	Definitions	3-10-8	Junk Vehicles Declared a Nuisance
3-10-3	Removal of Abandoned Vehicles	3-10-9	Notice to Abate
3-10-4	Notification of Owners and Lienholders	3-10-10	Abatement by Municipality
3-10-5	Impoundment Fees and Bonds	3-10-11	Collection of Cost of Abatement
3-10-6	Hearing Procedures	3-10-12	Exceptions
		3-10-13	Interference with Enforcement

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 totally inoperable; 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 Delaware County Sheriff and has not been reclaimed for a period of ten days; or

e. Any vehicle parked on the street determined by the Delaware County Sheriff 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 vehicle, whether licensed or unlicensed, stored within the corporate limits of the City of Edgewood, Iowa, and which has any one of the following characteristics:

(Ord. 228, Passed April 14, 2003)

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

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

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

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

3-10-3 REMOVAL OF ABANDONED VEHICLES.

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

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

3. When a vehicle is taken into custody and impounded under the provisions of this Chapter, the Delaware County Sheriff or Mayor if the Sheriff is unavailable, shall maintain a record of the vehicle, listing the color, year of manufacture, manufacturer's trade name, body

style, vehicle identification number, and license plate and year displayed on the vehicle. The records shall include the date and hour of tow, location towed from, location towed to, person or firm doing the towing, reason for towing, and the name of the officer authorizing the tow.

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

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

3-10-4 NOTIFICATION OF OWNERS AND LIENHOLDERS.

1. When a vehicle is taken into custody under the provisions of this Chapter or under any provisions of State law, the City Clerk-Treasurer 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.

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 or any person receiving notice may, by written request received by the City Clerk-Treasurer 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 Mayor if the Chief of Police is unavailable, evidence of such person's identity and right to possession of the vehicle, shall sign a receipt for its return, and shall pay the costs of:

a. an impoundment fee

b. towing charges

c. preservation charges

d. storage charges

e. notice charges

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

2. The amount of the charges specified in 3-10-5(1) shall be set by the City Council. The notice charges shall be limited to the actual cost.

3. If a hearing is requested under Section 3-10-4(1)(e), the owner or person lawfully entitled to possession of the vehicle shall be permitted to secure the immediate release of the vehicle upon posting a cash bond in an amount equal to the sum of:

a. the fees required by Section 3-10-5(1)

b. the amount of the fine or penalty for each violation for which there is an outstanding or otherwise unsettled traffic violation notice or warrant.

3-10-6 HEARING PROCEDURES.

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

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

3-10-7 AUCTION OR DISPOSAL OF ABANDONED VEHICLES. The Delaware County Sheriff 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 Edgewood, Iowa, constitutes a threat to the health and safety of the citizens and is a nuisance within the meaning of Section 657.1 of the Code of Iowa. If any junk vehicle is stored upon private property or public property in violation thereof, the owner of the property shall be liable for said violation.

3-10-9 NOTICE TO ABATE.

1. Whenever the Delaware County Sheriff or Mayor if the Sheriff is unavailable, shall find a junk vehicle placed or stored on private property within the City in violation of Section 3-10-8, the Sheriff 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.

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 Administrator/Clerk who shall pay such expenses on behalf of the municipality.

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

3-10-11 COLLECTION OF COST OF ABATEMENT. The City Administrator/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 Administrator/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.

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TITLE III COMMUNITY PROTECTION

CHAPTER 11 - DANGEROUS BUILDINGS

3-11-1	Enforcement Officer	3-11-5	Conduct of Hearing
3-11-2	General Definition of Unsafe	3-11-6	Posting of Signs
3-11-3	Unsafe Building	3-11-7	Right to Demolish
3-11-4	Notice to Owner	3-11-8	Costs

3-11-1 ENFORCEMENT OFFICER. The City Clerk-Treasurer shall be responsible for the enforcement of this Chapter.

3-11-2 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 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 & 364.12(3a))

3-11-3 UNSAFE BUILDING. "Unsafe building" means any structure or mobile home meeting any or all of the following criteria:

1. Collapse of Member. 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. Wind Resistance. 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 twenty (20) pounds per square foot.

3. Material Deterioration. 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. Various Inadequacies. Whenever the building or structure, or any portion thereof, because of:

- a. Dilapidation, deterioration, or decay;

- b. Faulty construction;
 - c. The removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building;
 - d. The deterioration, decay, or inadequacy of its foundation; or
 - e. Any other cause, is likely to partially or completely collapse.
5. Manifestly Unsafe. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
6. Exterior Walls. Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.
7. Deterioration. Whenever the building or structure, exclusive of the foundation, shows thirty-three (33) percent or more damage or deterioration of its supporting member or members, or fifty (50) percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.
8. Damaged Structurally. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become:
- a. An attractive nuisance to children;
 - b. A harbor for vagrants, criminals or immoral persons; or as to
 - c. Enable persons to resort thereto for the purpose of conducting unlawful or immoral acts.
9. Inadequate Maintenance. 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 it is likely to cause sickness or disease.
10. Fire Hazard. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exists, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the Fire Marshal or Fire Chief to be a fire hazard.
11. Public Nuisance. 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. Abandoned. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six (6) months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

3-11-4 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 of such building or structure written notice stating the defects thereof This notice may require the owner or person in charge of the building or premises, within forty-eight (48) hours or such reasonable time as the circumstances require, to commence either the required repairs or improvements or demolition and removal of the building or structure or portions thereof, and all such work shall be completed within ninety (90) days from date of notice, unless otherwise stipulated by the enforcement officer. If necessary, such notice shall also require the building, structure, or portion thereof to be vacated forthwith and not re-occupied until the required repairs and improvements are completed, inspected and approved by the enforcement officer.

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

1. Notice Served. Such notice shall be served by sending by certified mail to owner of record, according to Section 364.12(h) of the Code of Iowa, if the owner is found within the City limits. If the owner is not found within the City limits, such service may be made upon the owner by registered mail or certified mail. The designated period within which said owner or person in charge is required to comply with the order of the enforcement officer shall begin as of the date the owner receives such notice.

2. Hearing. Such notice shall also advise the owner that he or she may request a hearing before the City Council on the notice by filing a written request for hearing within the time provided in the notice.

3-11-5 CONDUCT OF HEARING. If requested, the City Council shall conduct a hearing in accordance with the provisions of Chapter 1-4 of this Code of Ordinances.

3-11-6 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 EDGEWOOD, IOWA." Such notice shall remain posted until the required repairs, demolition, or removal are completed. Such notice shall not be removed without written permission of the enforcement officer and no person shall enter the building except for the purpose of making the required repairs or of demolishing the building.

3-11-7 RIGHT TO DEMOLISH. In case the owner fails, neglects, or refuses to comply with the notice to repair, rehabilitate, or to demolish and remove the building or structure or portion thereof, the 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(3h))

3-11-8 COSTS. Costs incurred under Section 3-11-7 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 Treasurer for collection in the manner provided for other taxes.

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

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TITLE III COMMUNITY PROTECTION
CHAPTER 12 - BUILDING NUMBERING

3-12-1	Definitions	3-12-5	Even-Odd Numbers
3-12-2	Buildings to be Numbered	3-12-6	Numbering System
3-12-3	Baselines	3-12-7	Placing Numbers
3-12-4	Diagonal and Curved Streets	3-12-8	Numbering Plan

3-12-1 **DEFINITIONS.** For use in this article, the following terms are defined:

1. "Street" shall mean everyway or public place of any nature when any part thereof is open to the use of the public as a matter of right.
2. "Principal Building" shall mean the main building on any lot or subdivision thereof.

3-12-2 **BUILDINGS TO BE NUMBERED.** The owner of any property on any street shall cause the principal building or buildings thereon to be numbered as set out in this article. Any new principal building erected shall be numbered by the owner within ten (10) days after the building is ready for occupancy.

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

3-12-3 **BASELINES.** Washington Street shall be the baseline for the numbering system as applied to streets running east and west. Union Street (State Highway No. 3) shall be the baseline for the numbering system as applied to streets running north and south.

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

3-12-4 **DIAGONAL AND CURVED STREETS.** Diagonal and curved streets shall be classified as east-west or north-south streets depending on the general alignment to which they most nearly conform.

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

3-12-5 **EVEN-ODD NUMBERS.** Even numbers shall be assigned on principal buildings fronting on the west side of north-south streets west of and including Washington Street and on the south side of east-west streets, north of and including Union Street. Odd numbers shall be assigned to principal buildings fronting on the east side of north-south streets east of and including Washington Street, and on the north side of east-west streets, north of and including Union Street. Even numbers shall be assigned to principal buildings fronting on the east side of north-south streets east of Washington Street and on the north side of east-west streets south of Union Street. Odd numbers shall be assigned to principal buildings fronting on the west side of north-south streets west of Washington Street, and on the south side of east-west streets, south of Union Street.

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

3-12-6 NUMBERING SYSTEM. Where streets follow regular patterns, the principal buildings fronting on the first block from the baselines shall be assigned numbers between 100 and 199; those fronting on the second block 200 to 299; and so on as needed, increasing the group of numbers by 100 for each block. Where the streets do not follow regular patterns, the numbering system shall be adapted to the system as closely as possible.

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

3-12-7 PLACING NUMBERS. Numbers required by this article shall be placed in a conspicuous place near the main entrance of the principal building. Each number shall be four (4) inches high, plain, legible from the street and of a design approved by the Mayor.

(Ord. 212, Passed May 14, 2001)

3-12-8 NUMBERING PLAN. The Mayor shall prepare a plan for the numbering of principal buildings according to this article. The plan shall be filed with the City Administrator/Clerk so any owner of a principal building may, by applying therefore and furnishing a description of the premises and a description of the location of the building, receive the correct number to be placed on the building.

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

(Ordinance 163, Passed September 8, 1986)

TITLE IV MENTAL AND PHYSICAL HEALTH

CHAPTER 1 - ANIMAL CONTROL

4-1-1	Definitions	4-1-5	Impounding
4-1-2	Immunization	4-1-6	Dangerous Animals
4-1-3	At Large Prohibited	4-1-7	Keeping a Vicious Dog or Cat
4-1-4	Animal Nuisances	4-1-8	Farm Animals Prohibited

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 "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.

3. The term "farm animal" shall mean animals that are maintained for the production of meat or animal products such as, but not limited to, milk and eggs.

4. The term "owner" shall mean any person or persons, firm, association or corporation owning, keeping, sheltering or harboring an animal.

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 and 351.34)

4-1-3 AT LARGE PROHIBITED. No owner or person having custody of an animal shall permit such animal to run at large.

(Code of Iowa, Sec. 351.41)

4-1-4 ANIMAL NUISANCES. It shall be unlawful for any person to permit an animal under such person's control or within such person's custody to commit a nuisance. An animal shall be considered a nuisance if it:

1. Damages, soils, defiles or defecates on private property other than the owner's or on public walks and recreation areas unless such waste is immediately removed and properly disposed of by the owner.

2. Causes unsanitary, dangerous or offensive conditions.

3. Causes a disturbance by excessive barking or other noisemaking or chases vehicles, or molests, attacks or interferes with persons or other domestic animals on public property.

(Code of Iowa, Sec. 657.1)

4-1-5 IMPOUNDING.

1. Any dog found at large in violation of Sections 4-1-2 and 4-1-3 of this Chapter shall be seized and impounded, or, at the discretion of the Mayor, the owner may be served a summons to appear before a proper court to answer charges made thereunder.

2. Owners of dogs shall be notified within two (2) days that upon payment of impounding fees plus the cost of food and care in a reasonable amount, and the cost of vaccination if vaccination is required by Section 4-1-2, the dog will be returned. If the impounded dogs are not recovered by their owners within seven (7) days after notice, the dogs shall be disposed of in a humane manner as directed by the City Council.

(Code of Iowa, Sec. 351.37)

(Ord. 228, Passed April 14, 2003)

4-1-6 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.;

(Amended during codification)

(11) Any cross breed of such animals which have similar characteristics of the animals specified above.

c. Any animals declared to be dangerous by the City Council.

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.

4-1-7 KEEPING A VICIOUS DOG OR CAT. It shall be unlawful for any person or persons to harbor or keep a vicious dog or cat within the City. A vicious cat or dog is deemed so when it shall have attacked or bitten any person (without provocation), or when the propensity to attack or bite persons shall exist and such propensity is known or ought reasonably be known to the owner thereof.

4-1-8 FARM ANIMALS PROHIBITED. No farm animals may be housed or maintained in the City with the following exceptions:

1. Farm animals may be housed or maintained on land in the City that is classified by the County Assessor as agricultural land.

2. Farm animals that are housed or maintained on land in the City, other than on land classified by the County Assessor as agricultural land, as of the date of this Ordinance may remain on that land. However, at such time as those type animals cease to occupy that land they may not again be introduced to that land at a later time.

(Ord. 212, Passed May 14, 2001)

TITLE V HUMAN DEVELOPMENT - EDUCATION AND CULTURE

CHAPTER 1 - LIBRARY SERVICES

5-1-1	Purpose	5-1-7	Contracting with Other Libraries
5-1-2	Public Library	5-1-8	Non-Resident Use
5-1-3	Library Trustees	5-1-9	Expenditures
5-1-4	Qualifications of Trustees	5-1-10	Annual Report
5-1-5	Organization of Board	5-1-11	Injury to Books or Property
5-1-6	Powers and Duties		

5-1-1 PURPOSE. The purpose of this chapter is to provide for the appointment of a City library board of trustees and to specify that board's power and duties.

(Code of Iowa, Sec. 392.5)

5-1-2 PUBLIC LIBRARY. The public library for the City shall be known as the Edgewood Public Library. It shall be referred to in this Chapter as the library.

5-1-3 LIBRARY TRUSTEES. The Board of Trustees of the library, hereinafter referred to as the board, consists of five members. All board members are to be appointed by the Mayor with the approval of the City Council.

5-1-4 QUALIFICATIONS OF TRUSTEES. All of the members of the board shall be bona fide citizens and residents of the City and all shall be over the age of eighteen (18) years. A person may also qualify for the board if they are a bonafide citizen and resident of the area served by the library.

(Code of Iowa, Sec. 392.5)

5-1-5 ORGANIZATION OF THE BOARD.

(Code of Iowa, Sec. 392.5)

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

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

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

5-1-6 POWERS AND DUTIES. The board shall have and exercise the following powers and duties:

(Code of Iowa, Sec. 392.5 & 392.7)

1. Officers. To meet and elect from its members a president, a secretary, and such other officers as it deems necessary. The City Clerk-Treasurer shall serve as board treasurer, but shall not be a member of the board.

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

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

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

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

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

7. Use by Non-Residents. To authorize the use of the library by non-residents of the City and to fix charges therefor.

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

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

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

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

(Code of Iowa, Chapter 661)

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

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

5-1-7 CONTRACTING WITH OTHER LIBRARIES.

1. Contracting. The board may contract with any other boards of trustees of free public libraries, any other City, school corporation, private or semi-private organization, institution of higher learning, township, or county, or with the trustees of any county library district for the use of the library by their respective residents.

(Code of Iowa, Sec. 392.5 and Chap. 28E)

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

(Code of Iowa, Sec. 392.5)

5-1-8 NON-RESIDENT USE. The board may authorize the use of -the library by non-residents in any one or more of the following ways:

(Code of Iowa, Sec. 392.5)

1. Lending. By lending the books or other materials of the library to non-residents on the same terms and conditions as to residents of the City, or upon payment of a special non-resident library fee.

2. Depository. By establishing depositories of library books or other materials to be loaned to non-residents.

3. Bookmobiles. By establishing bookmobiles or a traveling library so that books or other library materials may be loaned to non-residents.

4. Branch Library. By establishing branch libraries for lending books or other library materials to non-residents.

5-1-9 EXPENDITURES. All money appropriated by the City Council for the operation and maintenance of the library shall be set aside in an account for the library. Expenditures shall be paid for only on orders of the board, signed by its president and secretary. The check writing officer is the City Clerk-Treasurer.

(Code of Iowa, Sec. 384.20 and 392.5)

5-1-10 ANNUAL REPORT. The board shall make a report to the City Council immediately after the close of the fiscal year. This report shall contain statements as to the condition of the library, the number of books added, the number circulated, the amount of funds collected, and the amount of money expended in the maintenance of the library during the year, together with such further information as may be required by the City Council.

(Code of Iowa, Sec. 392.5)

5-1-11 INJURY TO BOOKS OR PROPERTY. It shall be unlawful for a person to willfully, maliciously or wantonly tear, deface, mutilate, injure or destroy, in whole or in part, any newspaper, periodical, book, map, pamphlet, chart, picture, or other property belonging to the library or reading room.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 1 - MOBILE HOME REGULATION

6-1-1	Definitions	6-1-4	Emergency and Temporary Parking
6-1-2	Location of Mobile Homes		
6-1-3	Special Permits for Location of Mobile Homes Outside Mobile Home Park	6-1-5	Traffic Code Applicable
		6-1-6	Building Requirements
		6-1-7	Mobile Home Hookups

6-1-1 **DEFINITIONS.** For use in this Chapter the following terms are defined as follows:

1. "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. A "mobile home" is not built to a mandatory building Code, contains no State or federal seals, and was built before June 15, 1976.

(Code of Iowa, Sec. 435.1)
(Ord. 147, Passed November 9, 1981)
(Ord. 212, Passed May 14, 2001)

2. "Mobile Home Park" shall mean any site, lot, field or tract of land upon which four (4) more occupied mobile homes, manufactured homes, or modular 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(4))
(Ord. 147, Passed November 9, 1981)
(Ord. 212, Passed May 14, 2001)

6-1-2 **LOCATION OF MOBILE HOMES.** All mobile homes shall be placed or parked in a mobile home park unless permitted otherwise by State law. This section shall not apply to mobile homes parked or placed upon private property as part of a dealer's or a manufacturer's stock not used as a place for human habitation.

(Ord. 147, Passed November 9, 1981)
(Ord. 212, Passed May 14, 2001)

6-1-3 **SPECIAL PERMITS FOR LOCATION OF MOBILE HOMES OUTSIDE MOBILE HOME PARK.** The City Council, upon application of a mobile home owner, may grant a permit for a mobile home to be located for a limited time on premises outside mobile home parks. The City Council shall issue such special permits when it appears that location within local mobile home park is impracticable or impossible and public health, safety, and welfare interests will not be seriously affected by granting the permit. Special permits shall not be granted for periods in

excess of five (5) year(s) but upon expiration of a special permit reapplication may be made. Application for the permit shall include:

1. A statement concerning the practicability of location within a local mobile home park.
2. A description of sanitation facilities contained within the mobile home and those facilities available at the proposed location.
3. A statement of the desired duration of the special permit.
(Ord. 147, Passed November 9, 1981)

6-1-4 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 twelve (12) hours shall not constitute a violation of 6-1-2, but such parking shall be subject to any prohibitions or regulations contained in other Ordinances of this City.

(Ord. 147, Passed November 9, 1981)

6-1-5 TRAFFIC CODE APPLICABLE. The owner of a mobile home park may elect to have City traffic provisions of the City Code apply to real property in the mobile home park and any person located on the real property. The owner of a mobile home park may waive this right by filing a waiver with the County Recorder.

(Ord. 212, Passed May 14, 2001)

6-1-6 BUILDING REQUIREMENTS. All mobile homes, modular homes and factory built homes as defined in the Iowa Code located outside a mobile home park shall comply with all Ordinances relating to residences or homes in the community and shall be affixed to a permanent foundation.

(Code of Iowa, Sec. 435.26)

(Ord. 212, Passed May 14, 2001)

6-1-7 MOBILE HOME HOOKUPS. A mobile home dealer or an employee of a mobile home dealer may perform water, gas, electrical, and other utility service connections in a mobile home space, or within ten feet of such space, located in a mobile home park, and the dealer or an employee of the dealer may install a tie-down system on a mobile home located in a mobile home park. The connections are subject to inspection and approval by City officials and the mobile home dealer shall pay an inspection fee of twenty-five dollars (\$25.00). No additional permits shall be required.

(Code of Iowa, Sec. 435.26)

(Ord. 212, Passed May 14, 2001)

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 2 - LIQUID WASTES

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- 6-2-1 Purpose
- 6-2-2 Definitions
- 6-2-3 Superintendent
- 6-2-4 Prohibited Acts
- 6-2-5 Sewer Connection Required
- 6-2-6 Service Outside the City
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GENERAL PROVISIONS

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.** For use in this Chapter, unless the context specifically indicates otherwise, the following terms are defined:

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

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

(I.A.C., 567-69.3(1))

3. "Building Sewer": shall mean the extension from the building drain to the public sewer or other place of disposal.

(I.A.C., 567-69.3(1))

4. "City": shall mean the City of Edgewood, Iowa.

5. "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.

6. "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.

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

8. "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.

9. "Natural Outlet": shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

10. "pH": shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

11. "Private Sewer": shall mean a sanitary building drain and sewer privately owned and not directly controlled by public authority.

12. "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.

13. "Public Sewer": shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

14. "Sanitary Sewage": shall mean sewage discharging from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories or institutions, and free from storm, surface water, and industrial waste.

15. "Sanitary Sewer": shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

16. "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.

17. "Sewage Treatment Plant": shall mean any arrangement of devices and structures used for treating sewage.

18. "Sewage Works" or "Sewage System": shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

19. "Sewer": shall mean a pipe or conduit for carrying sewage.

20. "Sewer Rental": shall mean any and all charges, rates, fees, or rentals levied against and payable by contributors, as consideration for the servicing of said contributors by said sewer system.

21. "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.

22. "Storm Drain" or "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.

23. "Superintendent": shall mean the Superintendent of Sewage Works of the City or his or her authorized deputy, agent, or representative.

24. "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.

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

6-2-3 SUPERINTENDENT. The Superintendent of the City sewage system shall be appointed by the City Council and exercise the following powers and duties:

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

1. Operation and Maintenance. The Superintendent shall operate and maintain the City sewage system.

2. Inspection and Tests. The Superintendent shall conduct, necessary inspections and tests to assure compliance with the provisions of this Chapter.

3. Records. The Superintendent shall maintain a complete and accurate record of all sewers, sewer connections and manholes constructed showing the location and grades thereof.

6-2-4 PROHIBITED ACTS. No person shall do, or allow, any of the following:

1. Damage Sewer System. Maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewer system.

2. Downspouts. Connect a roof downspout, exterior foundation drain, area-way drain, sump pump, or other source of surface water runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

3. Manholes. Open or enter any manhole of the sewage system, except by authority of the Superintendent.

4. Objectionable Wastes. Place or deposit in any unsanitary manner on public or private property within the City, or in any area under the jurisdiction of the City, any human or animal excrement, garbage, or other objectionable waste.

5. Septic Tanks. Construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage except as provided in this Chapter.

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

6. Untreated Discharge. Discharge to any natural outlet within the City, or in any area under its jurisdiction, any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Chapter.

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

6-2-5 SEWER CONNECTION REQUIRED. The owners of any houses, buildings, or properties used for human occupancy, employment, recreation or other purposes, situated within the City and abutting on any street, alley or right-of-way in which there is now located, or may in the future be located, a public sanitary or combined sewer, are hereby required to install, at such owner's expense, suitable toilet facilities therein and a building sewer connecting such facilities directly with the proper public sewer, and to maintain the same all in accordance with the provisions of this Chapter, such compliance to be completed within ninety (90) days after date of official notice from the City to do so provided that said public sewer is located within one

hundred fifty (150) feet of the property line of such owner and is of such design as to receive and convey by gravity such sewage as may be conveyed to it.

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

(I.A.C., 567-69.3(3))

6-2-6 SERVICE OUTSIDE THE CITY. The owners of property outside the corporate limits of the City so situated that it may be served by the City sewer system may apply to the City Council for permission to connect to the public sewer upon the terms and conditions stipulated by resolution of the City Council.

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

6-2-7 RIGHT OF ENTRY. The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Chapter. The Superintendent or his or her representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

6-2-8 OWNER'S LIABILITY LIMITED. While performing the necessary work on private property, the Superintendent or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the owner or occupant and the owner or occupant shall be held harmless for, injury or death to City employees and the City shall indemnify the owner or occupant against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the owner or occupant and growing out of any gauging and sampling operation, except as such may be caused by negligence or failure of the owner or occupant to maintain safe conditions.

6-2-9 USE OF EASEMENTS. The Superintendent, and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

6-2-10 SPECIAL PENALTIES. The following special penalty provisions shall apply to violations of this Chapter:

1. Notice of Violation. Any person found to be violating any provision of this Chapter except subsections 1, 3 and 4 of Section 6-2-4, shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

2. Continuing Violations. Any person who shall continue any violation beyond the time limit provided for in subsection 1 hereof, shall be guilty of a misdemeanor, and on conviction thereof shall be fined an amount not exceeding two hundred dollars (\$200) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

(Ord. 212, Passed May 14, 2001)

3. Liability Imposed. Any person violating any of the provisions of this Chapter shall become liable to the City for any expense, loss, or damage occasioned the City by reason of such violation.

BUILDING SEWERS AND CONNECTIONS.

6-2-11 PERMIT REQUIRED. No unauthorized person shall uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City in accordance with the following:

1. Application. Any person desiring to make a connection with the sewer system shall first file with the City Administrator/Clerk an application therefor, on blanks furnished by the City, setting forth the location and description of the property to be connected with the sewer system and for what purpose the sewer is to be used.

2. Plans and Specifications. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the City Council.

3. Classes of Permits. There shall be two (2) classes of building sewer permits:

a. For residential and commercial service.

b. For service to establishments producing industrial wastes.

4. Permit Fee. The person who makes the application shall pay \$50.00 to the City Clerk to cover the cost of issuing the permit and supervising, regulating, and inspecting the work.

(Ord. 199, Passed August 14, 1995)

5. 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 to any such permits being revoked or annulled.

6-2-12 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 his or her 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.

6-2-13 EXCAVATIONS. All excavations for building sewer installations shall be made in accord with the following:

1. Barricades and Lighting. Adequate barricades and warning lights shall be so placed as to protect the public from hazard.

2. Public Convenience. Streets and alleys shall be opened in the manner which will cause the least inconvenience to the public and admit the uninterrupted passage of water along the gutter on the street.

3. Construction Methods. All excavation 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 completed.

4. 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.

5. Completion by the City. Should any excavation in any street or alley be left open or unfinished for a period of twenty-four (24) hours or should the work be improperly done, the Superintendent shall have the right to finish or correct such work and the expense shall be charged to the property owner.

6-2-14 CONNECTION REQUIREMENTS. Any connection with a public sanitary sewer must be made under the direct supervision of the City and in accordance with the following:

1. Old Building Sewers. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the City, to meet all requirements of this article.

2. Separate Building Sewers. A separate and independent building sewer shall be provided for every occupied building except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway. In such cases the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

3. Materials and Installation. All building sewers and connections shall comply fully with all the pertinent and applicable provisions, whether regulatory, procedural, or enforcement provisions of the latest issue of the Iowa State Plumbing Code.

4. Water Lines. When possible, building sewer should be laid at least ten (10) feet horizontally from a water service. The horizontal separation may be less, provided the water service line is located at one side and at least twelve (12) inches above the top of the building sewer.

5. Size. Building sewers shall be sized for the peak expected sewage flow from the building with a minimum building sewer size of four (4) inches.

6. Alignment and Grade. All building sewers shall be laid to a straight line and at a uniform grade of not less than the following:

a. Four (4) inch lines: one-eighth (1/8) inch per foot.

b. Six (6) inch lines: one-sixteenth (1/16) inch per foot.

c. Minimum velocity: 2.50 feet per second with the sewer half full.

d. Deviations: Any deviation in alignment or grade shall be made only with the written approval of the City and shall be made only with proper fittings.

7. 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.

8. 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.

9. Pipe Specifications. Building sewer pipe shall be free from flaws, splits, or breaks. Materials shall be as specified in the state plumbing code except that the building sewer pipe, from the property line to the public sewer, shall comply with one of the following requirements:

a. Clay sewer pipe - A.S.T.M. Specification C700

b. Polyvinyl Chloride (PVC) Plastic Pipe, SDR 26 or 23.5-A.S.T.M. Specification D3034

c. Ductile Iron Pipe – A.S.T.M. Specification A746

10. Bearing Walls. No building sewer shall be laid parallel to, or within three (3) feet of any bearing wall, which might thereby be weakened.

11. Jointing. Fittings, type of joint, and jointing material shall be commensurate with the type of pipe used and subject to the approval of the City, subject to the following specific requirements.

- a. Clay Sewer Pipe - compression joints in accordance with A.S.T.M. C425.
- b. PVC Plastic Pipe – rubber gasket joints in accordance with A.S.T.M. Specification F477.
- c. Ductile Iron Pipe – rubber gasket joints in accordance with A.W.W.A. Specification C111.

12. Unstable Soil. No sewer connection shall be laid so that it is exposed when crossing any watercourse. Where an old watercourse must of necessity to be crossed or where there is any danger of undermining or settlement, ductile iron soil pipe or pvc plastic sewer pipe thoroughly encased in concrete shall be required for such crossings. Such encasement shall extend at least six (6) inches on all sides of the pipe. The cast iron pipe or encased clay pipe shall rest on firm, solid material at either end.

13. 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 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.

14. Back-flow Valves. All new connections to the sanitary sewer system shall require a back-flow valve to be installed for each connection.

(Ord. 265, Passed November 14, 2011)

6-2-15 INTERCEPTORS REQUIRED. Grease, oil, sludge and sand interceptors shall be provided in accordance with the following: Filling stations, automobile wash racks, garages, and other facilities, when, in the opinion of the City Council, they are necessary for the proper handling of such wastes that contain grease in excessive amounts or any flammable waste, sand or other harmful ingredients. Such interceptors shall not be required for private living quarters or dwelling units.

1. Design and Location. All interceptors shall be of a type and capacity as provided by the Iowa Public Health Bulletin and State Plumbing Code, to be approved by the City, and shall be located so as to be readily and easily accessible for cleaning and inspection.

2. Construction Standards. The interceptors shall be constructed of impervious material capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, water-tight and equipped with easily removable covers that shall be gas-tight and water-tight.

3. Maintenance. All interceptors of grease, oil, sludge and sand shall be maintained by the owner at his or her expense in continuously efficient operations at all times.

6-2-16 SEWER TAP. Connection of 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 (12) inches diameter or less and no properly located "Y" branch is available, the owner shall at his or her own expense install a "Y" branch or manufactured saddle connection in the public sewer at the location specified by the City. Where the public sewer is greater than twelve (12) inches 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 private 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.

6-2-17 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 judgment of the Superintendent, a property owner on 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.

6-2-18 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 underground shall be covered or trenches filled until after the sewer has been so inspected and approved. If the Superintendent refuses to approve the work, the plumber or owner must proceed immediately to correct the work.

6-2-19 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 or indirectly be occasioned by the installation of the building sewer.

6-2-20 ABATEMENT OF VIOLATIONS. Construction or maintenance of building sewer lines whether located upon the private property of any owner or in the public right of way, which construction or maintenance is in violation of any of the requirements of this article, shall be

corrected, at the owner's expense within thirty (30) days after date of official notice from the City Council 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.

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

USE OF PUBLIC SEWERS.

6-2-21 **STORM WATER.** No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as 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 City, to a storm sewer or natural outlet.

6-2-22 **SURFACE WATERS EXCEPTION.** Special permits for discharging surface waters to a public sanitary sewer may be issued by the City Council where such discharge is deemed necessary or advisable for purposes of flushing, but any permit so issued shall be subject to revocation at any time when deemed to be in the best interests of the sewer system.

6-2-23 **PROHIBITED DISCHARGES.** No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

1. **Flammable or Explosive Material.** Any gasoline, benzene, naphtha, fuel oil, or other flammable oil, explosive liquid, solid, or gas.

2. **Toxic or Poisonous Materials.** Any water or wastes containing toxic or poisonous solids, liquids, 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) milligrams per liter as CN in the wastes as discharged to the public sewer.

3. **Corrosive Wastes.** Any waters or wastes leaving 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.

4. **Solid or Viscous Substances.** Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in the sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

6-2-24 RESTRICTED DISCHARGES. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the City 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 its opinion as to the acceptability of these wastes, the City 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:

1. High Temperature. Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees F (65 degrees C).

2. Fat, Oil, or Grease. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not in excess of one hundred (100) milligrams per liter or six hundred (600) milligrams per liter of dispersed or other soluble matter.

3. Viscous Substances. Water or wastes containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees F (O and 65 degrees C).

4. Garbage. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Superintendent.

5. Acids. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.

6. Toxic or Poisonous Wastes. Any water or wastes containing a toxic or poisonous substance or of high chlorine demand in sufficient 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. Materials such as copper, zinc, chromium, or similar toxic substances shall be limited to the following average quantities in the sewage as it arrives at the treatment plant and at no time shall the hourly concentration at the sewage treatment plant exceed three (3) times the average concentration.

Iron as Fe	15 parts per million
Chromium as Cr (hexavalent)	5 parts per million
Copper as Cu	3 parts per million
Zinc as Zn	2 parts per million
Chlorine demand	30 parts per million

7. Odor or Taste. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the

City as necessary, after treatment of the composite sewage, to meet the requirements of State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

8. Radioactive Wastes. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the City in compliance with applicable State or Federal regulations.

9. Excess Acidity. Any waters or wastes having a pH in excess of 10.0.

10. Unusual Wastes. Materials which exert or cause;

a. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

b. Excessive discoloration (such as, but not limited to dye wastes and vegetable tanning solutions).

c. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

d. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

11. Noxious or Malodorous Gases. Any noxious or malodorous gas or other substance which either singly or by interaction with other wastes is capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their maintenance and repair.

12. Damaging Substances. Any waters, wastes, materials or substances which react with water or wastes in the sewer system to release noxious gases, develop color of undesirable intensity, form suspended solids in objectionable concentration or create any other condition deleterious to structures and treatment processes.

13. Untreatable Wastes. Waters or wastes containing substances which are not amenable to treatment or, reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

6-2-25 RESTRICTED DISCHARGES - POWERS. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 6-2-4 and which in the judgment of the City may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the City may:

1. Rejection. Reject the wastes.

2. Pretreatment. Require pretreatment to an acceptable condition for discharge to the public sewers.

3. Controls Imposed. Require control over the quantities and rates of discharge, and/or

4. Special Charges. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Chapter 6-5 of this Code.

6-2-26 SPECIAL FACILITIES. If the City 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 City and subject to the requirements of all applicable Codes, Ordinances, and laws. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his or her expense.

6-2-27 CONTROL MANHOLES. When required by the City Council, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the City. The manhole shall be installed by the owner at his or her expense, and shall be maintained by him or her so as to be safe and accessible at all times.

6-2-28 TESTING OF WASTES. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24 hour composites of all outfalls whereas pH's are determined from periodic grab samples).

6-2-29 SPECIAL AGREEMENTS PERMITTED. No statement in this article shall be construed as preventing a special agreement, arrangement or contract between the City Council, and any industrial concern whereby an industrial waste of unusual strength or character may be accepted subject to special conditions, rate and cost as established by the City Council.

PRIVATE SEWER SYSTEMS.

6-2-30 WHEN PROHIBITED. Except as otherwise provided in this article, 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.

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

6-2-31 WHEN REQUIRED. Where a public sanitary sewer is not available under the provisions of Section 6-2-5, the building sewer shall be connected to a private sewage system complying with the provisions of this Chapter.

6-2-32 PERMIT REQUIRED: APPLICATION FEE. Before commencing the construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Superintendent. The application for the permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the Superintendent. A permit and inspection fee of twenty dollars (\$20.00) shall be paid to the City at the time the application is filed.

6-2-33 INSPECTION REQUIRED. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. The Superintendent shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection which shall be before any underground portions are covered. The inspection shall be made within twenty-four (24) hours of the receipt of notice by the Superintendent.

6-2-34 COMPLIANCE WITH STATE RULES. The type, capacity, location and layout of a private sewage disposal system shall comply with all recommendations of the Iowa Department of Natural Resources.

(I.A.C., 567-69.3 (3))

6-2-35 DISCHARGE TO NATURAL OUTLETS PROHIBITED. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(I.A.C., 567-69.3 (3))

6-2-36 MAINTENANCE OF FACILITIES. The owner of private sewage disposal facilities shall operate and maintain the facilities in a sanitary manner at all times and at no expense to the City.

6-2-37 ADDITIONAL REQUIREMENTS. No statement, contained in this article shall be construed to interfere with any additional requirements that may be imposed by any health officer acting in his or her official capacity.

6-2-38 PRIVATE SYSTEMS ABANDONED. Within ninety (90) days of notice that a public sewer is available to a property served by a private sewage disposal system, as provided in Section 6-2-5, a direct connection shall be made to the public sewer in compliance with this

Chapter and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

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

6-2-39 DISPOSAL OF WASTE. Any person engaged in cleaning cesspools, septic tanks or privy vaults shall discharge all effluent into a designated location at the sewage treatment plant. The rate for receiving such waste shall be determined by the City. It shall be unlawful for any person to place any effluent or waste from cesspools, septic tanks or privy vaults in any other location in the City except at the designated location at the sewage treatment plant.

TITLE VI - PHYSICAL ENVIRONMENT

CHAPTER 3 - WATER SERVICE

PUBLIC WATER SYSTEM

- 6-3-1 Definitions
- 6-3-2 Superintendent: Appointment, Duties
- 6-3-3 Mandatory Connections
- 6-3-4 Abandoned Connections
- 6-3-5 Permit
- 6-3-6 Fee For Permit
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- 6-3-9 Excavations
- 6-3-10 Tapping Mains
- 6-3-11 Installation of Water Service Pipe
- 6-3-12 Curb Stop
- 6-3-13 Interior Stop and Waste Cock
- 6-3-14 Inspection and Approval
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- 6-3-16 Shutting Off Water Supply
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WATER METERS

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- 6-3-28 Control Zone 1, Restrictions
- 6-3-29 Control Zone 2, Restrictions
- 6-3-30 Violations
- 6-3-31 Penalties
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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 Superintendent of the City water system or his or her duly authorized assistant, agent or representative.
3. "Water main": shall mean a water supply pipe provided for public or community use.
4. "Water service pipe": shall mean the pipe from the water main to the building served.
5. "Consumer": shall mean any person receiving water service from the City.

6-3-2 SUPERINTENDENT: APPOINTMENT, DUTIES. The City Council shall appoint a Water Superintendent who 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 in conflict with the provisions of this article, 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 the Superintendent may make temporary rules for the protection of the system until due consideration by the City Council may be had.

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

6-3-3 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 stop and made absolutely watertight.

6-3-5 PERMIT. Before any person shall make a connection with the public water system, a written permit must be obtained from the City Clerk. The application for the permit shall be filed with the City Administrator/Clerk on blanks furnished by the City Clerk. The application shall include a legal description of the property, the name of the property owner, the name and address of the person who will do the work, and the general uses of the water. No different or additional uses will be allowed except by written permission of the Superintendent. The Superintendent shall issue the permit, bearing his or her signature and stating the time of issuance, if the proposed work meets all the requirements of this Chapter and if all fees required under this article have been paid. Work under any permit must be begun within six (6) months after it is issued. The Superintendent may at any time revoke the permit for any violation of this Chapter and require that the work be stopped.

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

6-3-6 FEE FOR PERMIT. Before any permit is issued, the person who makes the application shall pay \$50.00 to the City Administrator/Clerk to cover the cost of tapping the main, issuing the permit and supervising, regulating and inspection of the work.

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

(Ord. 198, Passed August 14, 1995)

6-3-7 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.

6-3-8 PLUMBER REQUIRED. All installations of water service pipes and connections to the water system shall be made by a competent plumber.

6-3-9 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.

6-3-10 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 Stop. A brass corporation stop, of the pattern and weight approved by the Superintendent, shall be inserted in every tap in the main. The corporation stop 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 he or she shall require.

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

6-3-11 INSTALLATION OF WATER SERVICE PIPE. Water service pipes from the main to the meter setting shall be standard weight Type K copper or approved ductile or cast iron. Pipe must be laid sufficiently waving, and to such depth, as to prevent rupture from settlement or freezing.

6-3-12 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.

6-3-13 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 service to the others.

6-3-14 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 of authority.

6-3-15 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 the property owner or the plumber. If the plumber is assessed, he or she must pay the costs before the plumber can receive another permit. If the property owner is assessed, such assessment shall be collected with and in the same manner as general property taxes.

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

6-3-16 SHUTTING OFF WATER SUPPLY. After giving a reasonable notice, the Superintendent may shut off the supply of water to any customer, in compliance with the provisions of Chapter 6-5 of this Code, because of any substantial violation of this Chapter. 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.

(Ord. 212, Passed May 14, 2001)

6-3-17 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 corporation stop, water service pipe and curb stop whether in the public right of way or not.

6-3-18 FAILURE TO MAINTAIN. When any corporation stop, water service pipe or curb stop becomes defective or, creates a nuisance and the owner fails to correct such nuisance, the City may do so and assess the costs thereof to the property.

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

6-3-19 OPERATION OF CURB STOP. It shall be unlawful for any person except the Water Superintendent to turn water on at the curb stop.

WATER METERS.

6-3-20 WATER USE METERED. All water furnished consumers shall be measured through meters furnished by the City.

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

6-3-21 FIRE SPRINKLER SYSTEMS - EXCEPTION. Fire sprinkler systems may be connected to water mains by direct connection without meters under the direct supervision of

the Superintendent. No open connection can be incorporated in the system, and there shall be no valves except a main control valve at the entrance to the building which must be sealed open.

6-3-22 LOCATION OF METERS. All meters shall be so located that they are easily accessible to meter readers and repairpersons and protected from freezing.

6-3-23 METER SETTING. The property owner shall have provided all necessary piping and fittings for proper setting of the meter by the City 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.

6-3-24 METER REPAIRS; COST. Whenever a water meter owned by the City is found to be out of order, the Superintendent shall have it repaired. If it is found that damage to the meter has occurred due to the carelessness or negligence of the consumer or property owner, then the property owner shall be liable for the cost of repairs.

6-3-25 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.

LAND NEAR MUNICIPAL WELL.

6-3-26 CONTROL ZONES. There shall be and there is hereby established two (2) "control zones" surrounding Municipal Water Well #85-1 for the prevention of possible contamination of said well.

(Ord. 158, Passed January 14, 1985)

6-3-27 CONTROL ZONE 1 & 2, LOCATIONS. "Control Zone 1" herein referred to consists of all lands located within a distance of one hundred feet (100') from the location of the well, and "Control Zone 2" herein referred to consists of all lands located within a distance of two hundred feet (200') from the location of the well.

(Ord. 158, Passed January 14, 1985)

6-3-28 CONTROL ZONE 1, RESTRICTIONS. It shall be unlawful for any person, persons, or group of persons to erect or cause to be erected within "Control Zone 1" any of the following structures, uses or activities:

- Land Application of Solid Wastes
- Irrigation of Wastewater
- Concrete Vaults and Septic Tanks
- Chemical Application to Ground Surface
- Chemical and Mineral Storage Above Ground
- Animal Enclosure
- Land Application or Storage of Animal Wastes
- Earthen Silage Storage Trench or Pit

(Ord. 158, Passed January 14, 1985)

6-3-29 CONTROL ZONE 2, RESTRICTIONS. It shall be unlawful for any person, persons, or group of persons to erect or cause to be erected within "Control Zone 2" any of the following structures, uses or activities:

- Cemetery
- Cesspool and Earth Pit Privies
- Chemical and Mineral Storage On or Under Ground
- Private Well
- Soil Absorption Field
- Stockpile of Animal Wastes
- Wastewater Plant
- Lagoon
- Sanitary or Industrial Discharges
- Solid Waste Disposal Site

(Ord. 158, Passed January 14, 1985)

6-3-30 VIOLATIONS. Any person, persons or group of persons found to be violating any provisions of this Ordinance 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.

(Ord. 158, Passed January 14, 1985)

6-3-31 PENALTIES. Any person or group of persons who shall continue any violation beyond the time limit provided for in Section 6-3-30 shall be subject to penalties as provided for in Chapter 1-3 of this Code. Each day in which any such violation shall continue shall be deemed a separate offense.

(Ord. 158, Passed January 14, 1985)

(Ord. 212, Passed May 14, 2001)

6-3-32 LIABILITY TO CITY. Any person, persons or group of persons violating any of the provisions of this Ordinance shall be liable to the City of Edgewood for any expense, loss, or damage occasioned the City by reason of such violation.

(Ord. 158, Passed January 14, 1985)

TITLE VI - PHYSICAL ENVIRONMENT

CHAPTER 3A – PUBLIC WATER SUPPLY WELLHEAD PROTECTION REGULATIONS

PUBLIC WATER SYSTEM	6-3A-6	Restrictions within the Zone of Sensitivity	
6-3A-1	Definitions	6-3A-7	Exceptions
6-3A-2	Substances Regulated	6-3A-8	Determination of Locations within Zones
6-3A-3	Maps of Zones of Influence	6-3A-9	Enforcement and Penalties
6-3A-4	Restrictions within the Primary Protection Zone	6-3A-10	Inspections
6-3A-5	Restriction within the Secondary Protection Zone	6-3A-11	Notice of Violation and Hearing
		6-3A-12	Injunctive Relief

6-3A-1 DEFINITIONS. For use in this Chapter the following terms are defined:

1. "Aquifer" - A rock formation, group of rock formations or part of a rock formation that contains enough saturated permeable material to yield significant quantities of water.
2. "Alluvium" - Sand, clay, etc., gradually deposited by moving water.
3. "Contamination" - The presence of any harmful or deleterious substances in the water supply.
4. "Groundwater" - Subsurface water in the saturated zone from which wells, springs, and groundwater runoff are supplied.
5. "Hazardous Substances" - Those materials specified in Section 128.03 of this ordinance.
6. "Flow System Boundaries" - A delineation criterion that uses groundwater divides, surface water bodies, or other hydrologic/physical features to delineate a Wellhead Protection Area.
7. "Labeled Quantities" - The maximum quantity of chemical as recommended on the label, for specific applications.
8. "Person" - Any natural person, individual, public or private corporation, firm association, joint venture, partnership, municipality, governmental agency, political subdivision, public officer, or any other entity whatsoever or any combination of such, jointly or severally.

9. "Petroleum Product" - Fuels, (gasoline, diesel fuel, kerosene, and mixtures of these products), lubricating oils, motor oils, hydraulic fluids, solvents, and other similar products.

10. "Pollution" - The presence of any substance (organic, inorganic, radiological, or biological) or condition (temperature, pH, turbidity) in water that tends to degrade usefulness of the water.

11. "Potable Water" - Water that is satisfactory for drinking, culinary, and domestic purposes, meeting current drinking water standards.

12. "Primary Containment" - The first level of product-tight containment, i.e., the inside portion of that container which comes into immediate contact on its inner surface with the hazardous material being contained.

13. "Public Utility" - Any utility (gas, water, sewer, electrical, telephone, cable television, etc.) whether publicly owned or privately owned.

14. "Secondary Containment" - The level of product-tight containment external to and separate from the primary containment. Secondary containment shall consist of leakproof trays under containers, floor curbing or other containment systems and shall be of adequate size and design to handle all spills, leaks, overflows, and precipitation until appropriate action can be taken. The specific design and selection of materials shall be sufficient to preclude any substance loss. Containment systems shall be sheltered so that the intrusion of precipitation is effectively prevented.

15. "Shallow Well" - A well located and constructed in such a manner that there is not a continuous five-foot layer of low-permeability soil or rock between the aquifer from which the water supply is drawn and a point 25 feet below the normal ground surface.

16. "Time-Related Capture Zone" - The surface or subsurface area surrounding a pumping well(s) that will supply groundwater recharge to the well(s) within some specified period of time.

17. "Toxic Substance" - Any substance that has the capacity to produce personal injury or illness to humans through ingestion, inhalation, or absorption into the body.

18. "Transit" - The act or process of passing through the wellhead protection zones, where the vehicle in transit may be parked (within the wellhead protection area) for a period not to exceed two (2) hours.

19. "Water Pollution" - The introduction in any surface or underground water, or any organic or inorganic deleterious substance in such quantities, proportions, and accumulations that are injurious to human, plant, animal, fish, and other aquatic life or property or that unreasonable interferes with the comfortable enjoyment of life or property or the conduct of business.

20. "Well" - A pit or hole sunk into the earth to reach a resource supply such as water.

21. "Well Field" - A tract of land that contains a number of wells for supplying water.

22. "Wellhead Protection Zones" - Zones delineated fixed radii criterion around wellheads, within which toxic substances will be regulated to protect the quality of the underground resource.

23. "Zone of contribution" - The area surrounding a pumping well that encompasses all areas or features that supply groundwater recharge to the well.

6-3A-2 SUBSTANCES REGULATED.

The materials regulated by this ordinance shall consist of the following:

1. Substances listed in 40 CFR Section 302.4, List of Hazardous Substance and Reportable Quantities.

2. Substances listed by the Iowa Labor Commissioner pursuant to Section 898.12 of the Iowa Code (Hazardous Chemicals Risks-Right to Know).

3. Substances listed in 40 CFR Section 261, subparts A, B, C, and D, Federal Hazardous Waste List.

6-3A-3 MAPS OF ZONES OF INFLUENCE.

1. Maps - Zone of Protection maps and any amendments thereto are incorporated by reference and made a part of this ordinance. These maps shall be on file at City Hall. At the time of adoption of this ordinance the location of all wells in Edgewood supplying potable water to the City Water System shall be located on the official Wellhead Protection Map with Primary Zone, Secondary Zone and Zone of Sensitivity indicated.

2. Map Maintenance - The Zone of Protection Maps may be updated on an annual basis. The basis for such an update may include, but is not limited to, the following:

- a. Changes in the technical knowledge concerning the aquifer.
- b. Changes in permitted pumping capacity of City wells.
- c. Addition of wells or elimination of existing wells.
- d. Designation of new well fields.

3. Wellhead Protection Zones - The zones of protection indicated on the zone of protection maps are as follows:

a. PRIMARY PROTECTION ZONE - The area within the two (2) year time-related capture zone of any well supplying potable water to the Edgewood water system

b. SECONDARY PROTECTION ZONE - The area within the five (5) year time-related capture zone, excluding the Primary Protection Zone, of any well supplying potable water to the Edgewood water system.

c. ZONE OF SENSITIVITY - The area within the ten (10) year time-related capture zone, excluding the Primary and Secondary Protection Zones, from any well supplying potable water to the Edgewood water system.

6-3A-4 RESTRICTIONS WITHIN THE PRIMARY PROTECTION ZONE.

1. Permitted Uses: - The following uses are permitted uses within the Primary Protection Zone. Uses not listed are to be considered prohibited.

- a. Sewer- residential and commercial.
- b. Playgrounds/Parks.
- c. Wildlife areas, open spaces.
- d. Lawns and Gardens.
- e. Non-motorized trails, such as biking, skiing, nature and fitness trails.

2. Additional restrictions are as follows:

a. No person shall discharge or cause or permit the discharge of a hazardous substance to soils, groundwater, or surface water within the Primary Protection Zone. Any person knowing or having evidence of a discharge shall report such information to the Wellhead Protection Officer.

b. Any person(s) responsible for discharging or causing or permitting such discharge of hazardous substances will be financially responsible for all environmental cleanups costs, and may be subject to fines as specified in this ordinance.

c. No person shall discharge or cause or permit the discharge of fertilizers or pesticides in excess of labeled quantities to the soils, ground water, or surface water within the Primary Protection Zone. Any person knowing or having evidence of a discharge shall report such information to the Wellhead Protection Officer.

6-3A-5 RESTRICTION WITHIN THE SECONDARY PROTECTION ZONE.

1. Permitted Uses - The following uses are permitted in the Secondary Protection Zone. Uses not listed are to be considered prohibited.

- a. All uses listed as permitted in the Primary Protection Zone.

- b. Above ground storage tanks when in compliance with State Fire Marshall's regulations.
- c. Basement storage tanks.

2. Additional restrictions are as follows:

a. No person shall discharge or cause or permit the discharge of a hazardous substance to the soils, groundwater, or surface water within the Secondary Protection Zone. Any person knowing or having evidence of a discharge shall report such information to the Wellhead Protection Officer.

b. Any person(s) responsible for discharging or causing or permitting such discharge of hazardous substances will be financially responsible for all environmental cleanups costs, any may be subject to fines specified in this ordinance.

c. Any person who stores, handles, produces or uses chemicals within the Secondary Protection Zone shall make available the relevant MSDS sheets to the Wellhead Protection Officer regardless of their status under Section 128.07.D.

6-3A-6 RESTRICTIONS WITHIN THE ZONE OF SENSITIVITY

1. Permitted Uses - The following uses are permitted in the Zone of Sensitivity. Uses not listed are to be considered prohibited.

a. All uses listed as permitted in the Primary Protection Zone.

b. All uses listed as permitted in the Secondary Protection Zone.

c. All uses, handling and storage, when in compliance with, and allowed by, federal, state, and local laws and regulations.

2. Additional restrictions are as follows:

a. No person shall discharge or cause or permit the discharge of a hazardous substance, in excess of labeled quantities, to the soils, groundwater, or surface water within the Zone of Sensitivity.

b. Any person(s) responsible for discharging or causing or permitting such discharge of hazardous substances will be financially responsible for all environmental cleanups costs, and may be subject to fines as specified in this ordinance.

6-3A-7 EXCEPTIONS:

1. The following activities or uses are exempt from the provisions of this ordinance:

a. The transportation of any hazardous substance through the well field protection zones, provided the transporting vehicle is in transit.

b. The use of any hazardous substance solely as fuel in a vehicle fuel tank or as a lubricant in a vehicle.

c. Fire, police, emergency medical services, emergency management center facilities, or public utility transmission facility.

d. Retail sales establishments that store and handle hazardous substances for resale in their original unopened containers only in the Secondary Protection Zone and the Zone of Sensitivity.

e. Consumer products limited to use at a facility solely for janitorial or minor maintenance purposes.

f. Consumer products located in the home which are used for personal, family, or household purposes

g. The storage and use of hazardous substances as a fuel or lubricant to provide auxiliary power for emergency use to the well field, provided an enclosed secondary containment system is provided for the hazardous substance.

h. The use of water treatment chemicals connected with the operation of the well. or plant.

2. The use of structures or facilities existing at the time of the adoption of the ordinance codified by this chapter may be continued even though such use may not conform with the regulations of the chapter. However, the storage and use of hazardous substances within the primary protection zone, must provide an enclosed secondary containment system. Such structure or facility may not be enlarged, extended, reconstructed or substituted subsequent to adoption of said ordinance exemption is granted by the City Council.

3. Any person who engages in nonresidential activities relating to the storage, handling, use and/or production of any toxic or hazardous substances who is exempt from this ordinance by law shall not be subject to the restrictions contained herein.

4. All requests for permits or special exceptions in the Edgewood Wellhead Protection Zones must be made in writing to the City Council. All requests must include a list of all hazardous chemicals (MSDS sheets will be made available upon request) to be stored, handled, used, or produced under the permit or special exception. All requests may be required to include an environmental assessment report at the discretion of the City Council. Any exemptions or permits granted will be made conditional and may include environmental monitoring and cleanup costs. The exemption or permit will be made void if environmental and/or safety monitoring indicate that the facility or activity is emitting any releases of harmful

contaminants to the surrounding environment. The facility will be held financially responsible for all environmental cleanup costs.

6-3A-8 DETERMINATION OF LOCATIONS WITHIN ZONES.

1. In determining the location of properties within the zones depicted on the Zone of Protection Maps, the following rules shall apply:

a. Properties located wholly within one (1) zone reflected on the applicable Zone of Protection Map shall be governed by the restrictions applicable to that zone.

b. For properties having parts lying within more than (1) zone as reflected on the applicable Zone of Protection Map, each part shall be governed by the restrictions applicable to the zone in which it is located.

6-3A-9 ENFORCEMENT AND PENALTIES

1. The Water Superintendent is designated as the Wellhead Protection Officer unless another person is specifically designated by the City Council to supervise the implementation and enforcement of this ordinance.

2. The Wellhead Protection Inspector(s) shall be the Water Superintendent.

3. No building permit shall be issued which is a violation of the Iowa DNR "SEPARATION DISTANCE FROM WELLS," a violation of this ordinance or a source of contamination for a city well.

4. No new underground tank(s) will be allowed for auxiliary fuel storage in the Primary or Secondary zones.

5. Any person, firm or corporation who fails to comply with the provisions of this chapter shall be subject to the provisions and penalties provided therein.

6-3A-10 INSPECTIONS:

1. The Wellhead Protection Inspector(s) shall have the power and authority to enter and inspect all buildings, structures and land within all wellhead protection zones for the purpose of making an inspection. Failure of a person having authority over a property to permit an inspection shall be sufficient grounds and probable cause for a court of competent jurisdiction to issue a search warrant to the Protection Officer or Inspector to inspect such premises.

2. In the event a building or structure appears to be vacant or abandoned, and the owner cannot be readily contacted in order to obtain consent for an inspection, the officer or inspector may enter into or upon any open or unsecured portion of the premises in order to conduct an inspection thereof.

3. The Wellhead Protection Officer or Inspector shall inspect each city well annually and shall maintain an inventory, if applicable, of all hazardous substances which exist within the Primary and Secondary Protection Zones. One format that may be used is Iowa DNR Form, OMB No. 2050-0072. MSDS sheets on these chemicals will be made available to the Inspector as under 128.06.B.2.

6-3A-11 NOTICE OF VIOLATION AND HEARING

1. Whenever an officer or an inspector determines that there is a violation of this ordinance, he shall give notice thereof in the manner hereinafter provided.

a. A notice of violation shall:

- (1) Be in writing:
- (2) Be dated and signed by the officer or inspector:
- (3) Specify the violation or violations; and
- (4) State that said violation(s) shall be corrected within ten (10) days of the date on which the inspector issued the notice of violation.

b. Failure of the responsible person(s) to correct the violation within ten (10) days of the date of issue of the notice of violation shall result in the following fines:

- | | |
|---------------------------------|--------------|
| (1) First notice of violation: | \$ 1,000.00 |
| (2) Second notice of violation: | \$ 5,000.00 |
| (3) Third notice of violation: | \$ 10,000.00 |

6-3A-12 INJUNCTIVE RELIEF

1. If any person who engages in nonresidential activities stores, handles, uses, and/or produces toxic substances within the wellhead protection zones, as indicated on the Zone of Protection Maps, continues to operate in violation of the provisions of this ordinance, then, the City may file an action for injunctive relief in the court of jurisdiction.

(Ord. 235, Passed April 12, 2004)

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 4 - SOLID WASTE CONTROL

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SOLID WASTE DISPOSAL

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Designated
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GENERAL PROVISIONS.

6-4-1 **PURPOSE.** The purpose of this Chapter is to provide for the sanitary storage, collection and disposal 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 disposal of solid wastes.

6-4-2 **DEFINITIONS.** For use in this Chapter the following terms are defined:

1. "Solid waste": shall mean garbage, refuse, rubbish, and other similar discarded solid or semisolid materials, including but not limited to such materials resulting from industrial, commercial, agricultural, and domestic activities. Solid waste may include vehicles, as defined by Code of Iowa, Section 321.1(90).

(Code of Iowa, Sec. 455B.301(20))

2. "Garbage": shall mean all solid and semisolid, putrescible animal and vegetable wastes resulting from the handling, preparing, cooking, storing, serving and consuming of food or of material intended for use as food, and all offal, excluding useful industrial by-products,

and shall include all such substances from all public and private establishments and from all residences.

(I.A.C., 400.25.1(7))

3. "Refuse": shall mean putrescible and nonputrescible wastes, including but not limited to garbage, rubbish, ashes, incinerator residues, street cleanings, market and industrial solid wastes and sewage treatment wastes in dry or semisolid form.

(I.A.C., 400.25.1(19))

4. "Rubbish": shall mean nonputrescible solid waste consisting of combustible and noncombustible wastes, such as ashes, paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery or litter of any kind.

(I.A.C., 400-25.1(21))

5. "Open burning": shall mean any materials where the products of combustion are emitted into the open air without passing through a chimney or stack.

(I.A.C., 400-25.1(13))

6. "Landscape waste": shall mean any vegetable or plant wastes except garbage. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery and yard trimmings.

(I.A.C., 400-1.2(31))

7. "Back yard burning": shall mean the disposal of residential waste by open burning on the premises of the property where such waste is generated.

(I.A.C., 400-1.2(10))

8. "Residential waste": shall mean any refuse generated on the premises as a result of residential activities. The term includes landscape wastes grown on the premises or deposited thereon by the elements, but excludes garbage, tires and trade wastes.

(I.A.C., 400-1.2(46))

9. "Discard": shall mean to place, cause to be placed, throw, deposit or drop.

(Code of Iowa, Sec. 455B.361(1))

10. "Litter": shall mean any garbage, rubbish, trash, refuse, waste materials or debris.

(Code of Iowa, Sec. 455B.361(2))

11. "Open dumping": shall mean the depositing of solid wastes on the surface of the ground or into a body or, stream of water.

(I.A.C., 400-25.1(14))

12. "Rubble": shall mean stone, brick or similar inorganic material.

(I.A.C., 400-25.1(22))

13. "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.

(Code of Iowa, Sec. 455B.301(18))

14. "Toxic and hazardous wastes": shall mean waste materials, including but not limited to poisons, biocides, acids, caustics, pathological wastes, and similar harmful wastes which require special handling and disposal procedures to protect the environment and the persons involved in the storage, transport, and disposal of the wastes.

(I.A.C., 400-25.1(35))

15. "Owner": shall mean in addition to the record titleholder any person residing in, renting, leasing, occupying, operating or transacting business in any premises, and as between such parties the duties, responsibilities, liabilities and obligations hereinafter imposed shall be joint and several.

16. "Yard wastes": shall mean grass, clippings, leaves and tree or bush trimmings.

17. "Sanitary disposal": shall mean a method of treating solid waste so that it does not produce a hazard to the public health or safety or create a nuisance.

(I.A.C., 400-25.1(25))

18. "Executive director": shall mean the executive director of the State Department of Natural Resources or his or her designee.

(Code of Iowa, Sec. 455A.1)

19. "Approved Incinerator": shall mean equipment or facilities for the enclosed burning of refuse having a stack adequate to maintain a draft sufficient for efficient combustion and equipped with a screen sufficiently fine to prevent ejection of particles of burning materials as approved by the Iowa Air Quality Commission.

20. "Salvage Operation": shall mean any business, industry or trade engaged wholly or in part in salvaging or reclaiming any product or material, including, but not limited to, chemicals, drums, metals, motor vehicles or shipping containers.

(I.A.C., 400-1.2(49))

6-4-3 HEALTH HAZARD. It shall be unlawful for any person to permit to accumulate on any premises, improved or vacant, or on any public place, such quantities of solid waste, either in containers or not, that shall constitute a health or sanitation hazard.

6-4-4 FIRE HAZARD. It shall be unlawful for any person to permit to accumulate quantities of solid waste within or close to any building, unless the same is stored in containers in such a manner as not to create a fire hazard.

6-4-5 OPEN BURNING PROHIBITED. No person shall allow, cause or permit open burning of combustible materials, except that the following shall be permitted:

(I.A.C. 400-4.2(1))

1. Disaster Rubbish. The open burning of rubbish, including landscape waste, for the duration of the community disaster period in cases where an officially declared emergency condition exists.

(I.A.C., 400-4.2 (3)(a))

2. Diseased Trees. The open burning of diseased trees. However, when the burning of diseased trees causes a nuisance appropriate action may be taken to require relocation of the burning operation. Rubber tires shall not be used to ignite diseased trees.

(I.A.C., 400-4.2 (3)(b))

3. Flare Stacks. The open burning or flaring of waste gases, provided such open burning or flaring is conducted in compliance with applicable rules of the State Department of Natural Resources.

(I.A.C., 400-4.2 (3)(c))

4. Recreational Fires. Open fires for cooking, heating, recreation and ceremonies, provided they comply with the limits for emission of visible air contaminants established by the State Department of Natural Resources.

(I.A.C., 400-4.2 (3)(e))

5. Back Yard Burning. Back yard burning of residential waste at dwellings of four-family units or less.

(I.A.C., 400-4.2 (3)(f))

6. Training Fires. Fires set for the purpose of bona fide training of public or industrial employees in fire fighting methods, provided that the executive director of the State Department of Natural Resources receives notice in writing at least one week before such action commences.

(I.A.C., 400-4.2 (3)(g))

7. Variance. Any person wishing to conduct open burning of materials not exempted herein may make application for a variance to the executive director of the State Department of Natural Resources.

(I.A.C., 400-4.2(2))

6-4-6 LITTERING PROHIBITED. No person shall discard any litter onto or in any water or land, except that nothing in this section shall be construed to affect the authorized collection and discarding of such litter in or on areas or receptacles provided for such purpose. When litter is discarded from a motor vehicle, the driver of the motor vehicle shall be responsible for

the act in any case where doubt exists as to which occupant of the motor vehicle actually discarded the litter.

(Code of Iowa, Sec. 455B.363)

6-4-7 OPEN DUMPING PROHIBITED. No person shall dump or deposit or permit the open dumping or depositing of any solid waste except rubble at any place other than a sanitary disposal project approved by the executive director of the State Department of Natural Resources.

(I.A.C., 400-26.4(1))

6-4-8 TOXIC AND HAZARDOUS WASTES.

1. Labeling. All containers used for the storage, collection or transportation of toxic or hazardous wastes shall be plainly marked so as to provide adequate notice of the contents thereof.

(I.A.C., 400-26.5(1))

2. Vehicles and Containers. All vehicles and containers used for the storage, collection and transportation of toxic and hazardous wastes shall be so constructed that they can be loaded, moved and unloaded in a manner that does not create a danger to public health or safety and in compliance with federal and state laws, rules and regulations.

(I.A.C., 400-26.5(2)(c))

3. Disposal. No person shall deposit in a solid waste container or otherwise offer for collection any toxic or hazardous wastes. Such 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.

(I.A.C., 400-26.4(4))

6-4-9 WASTE STORAGE CONTAINERS. Every person owning, managing, operating, leasing or renting any premises, dwelling unit or any place where refuse accumulates shall provide and at all times maintain in good order and repair portable containers for refuse in accordance with the following:

(I.A.C., 400-26.5(13) and 26.5(2)(b))

1. Container Specification. Waste storage containers shall comply with the following specifications:

a. Residential. The garbage hauler shall collect one container, carton or sealed water-tight plastic bag of Solid Waste, set out at the curb or alley for collection by residential customers. Each can or bag shall have a capacity of not more than thirty-five (35) gallons and weighing not more than forty (40) pounds. Each additional bag or can must have a garbage tag on it, which can be purchased at the City Clerk's office, Karl's Grocery, Stone's Hardware or Edgewood Farm & Home. Each site will be billed for the number of tags purchased from the garbage hauler.

(Ord. 212, Passed May 14, 2001)

b. Commercial. Every person owning, managing, operating, leasing or renting any commercial premise where excessive amounts of refuse accumulates and where its storage in portable containers as required above is impractical, shall maintain metal bulk storage containers.

2. Location of Containers. Residential solid waste containers shall be stored upon the residential premises. Commercial solid waste containers shall be stored upon private property, unless the owner shall have been granted written permission from the City to use public property for such purposes. The storage site shall be well drained, fully accessible to collection equipment, public health personnel and fire inspection personnel.

3. Non-conforming Containers. Solid waste containers which are not adequate will be collected together with their contents and disposed of after due notice to the owner.

6-4-10 STORAGE OF YARD WASTES. All yard wastes shall be stored in containers so constructed and maintained as to prevent the dispersal of wastes placed therein upon the premises served, upon adjacent premises, or upon adjacent public rights of way. Tree limbs less than 4" in diameter and brush shall be securely tied in bundles not larger than 48" long and 18" in diameter when not placed in storage containers. The weight of any individual bundle or container shall not exceed 50 pounds.

6-4-11 SANITARY DISPOSAL REQUIRED. It shall be the duty of each owner to provide for the sanitary disposal of all refuse accumulating on his or her premises before it becomes a nuisance. Any such accumulation remaining on any premises for a period of more than thirty (30) days shall be deemed a nuisance and the City may proceed to abate such nuisances in accordance with the provisions of Chapter 3-2 of this Code.

(Code of Iowa, Chapter 657)

6-4-12 PROHIBITED PRACTICES. It shall be unlawful for any person to:

1. Unlawful Use of Containers. Deposit refuse in any solid waste containers other than his or her own without the written consent of the owner of such containers.

2. Interfere with Collectors. Interfere in any manner with solid waste collection equipment or with solid waste collectors in the lawful performance of their duties as such, whether such equipment or collectors be those of the City, or those of any other authorized waste collection service.

3. Unlawful Disposal. Dispose of refuse at any facility or location which is not an approved sanitary disposal project.

4. Unlawful Collection. Engage in the business of collecting, transporting, processing or disposing of refuse within the City without a contract therefor with the City or a valid permit therefor.

5. Incinerators. Burn rubbish or garbage except in approved incinerators so maintained and operated as to prevent the emission of objectionable odors or particulate matter.

(I.A.C., 400-4.4 (12))

COLLECTION AND TRANSPORTATION.

6-4-13 DEFINITIONS. For use in this Chapter the following terms are defined:

1. "Residential premises": means a single family dwelling and any multiple family dwelling up to and including four (4) separate quarters. Garden type apartments and row type housing units shall be considered residential premises regardless of the total number of such apartments or units which may be included in a given housing development.

2. "Collectors": shall mean any person authorized by this Chapter to gather solid waste from public and private places.

3. "Dwelling unit": shall mean any room or group of rooms located within a structure and forming a single habitable unit with facilities which are used, or are intended to be used, for living, sleeping, cooking and eating.

4. "Single family dwelling": shall mean a structure containing one dwelling unit only.

5. "Multiple family dwelling" shall mean a structure containing more than one dwelling unit.

6. "Property served": shall mean any property which is being used or occupied and is eligible to receive refuse collection and disposal service as provided herein.

6-4-14 COLLECTION SERVICE. The City shall provide for the collection, transportation and deposit of, in an approved sanitary landfill, all of those solid wastes accumulated within the City except the following:

1. Toxic or hazardous wastes.
2. Radioactive wastes.
3. Tires.
4. Motor vehicle batteries.
5. New or used motor oil or hydraulic oil.
6. White goods, including but not limited to washers, dryers, refrigerators, stoves, water heaters and furnaces.
7. Motor vehicles.
8. Street refuse.

- 9. Dead animals.
- 10. Industrial wastes.
- 11. Demolition wastes.
- 12. Sewage treatment wastes.

13. Tree limbs, brush, landscape wastes, yard waste or garden clean up except as may be collected by the City other than at regular collection times for the purpose of composting or other authorized disposal by the City.

(Ord. 186, Passed March 11, 1991)

6-4-15 COLLECTION VEHICLES. Vehicles or containers used for the collection and transportation of garbage and similar putrescible waste or refuse containing such materials shall be leakproof, durable and of easily cleanable construction. They shall be cleaned to prevent nuisances, pollution or insect breeding and shall be maintained in good repair.

6-4-16 LOADING. Vehicles or containers used for the collection and transportation of any solid waste shall be loaded and moved in such a manner that the contents will not fall, leak, or spill therefrom, and shall be covered to prevent blowing or loss of material. Where spillage does occur, the material shall be picked up immediately by the collector or transporter and returned to the vehicle or container and the area properly cleaned.

6-4-17 FREQUENCY OF COLLECTION. All refuse shall be collected from residential premises at least once each week and from commercial, industrial and institutional premises as frequently as may be necessary, but not less than twice each week.

6-4-18 LOCATION OF CONTAINERS. Containers for the storage of wastes awaiting collection shall be placed at the curb or alley line by the owner or occupant of the premises served. Containers or other wastes placed at the curb line shall not be so placed more than 12 hours in advance of the regularly scheduled collection day and shall be promptly removed from the curb line following collection.

6-4-19 BULKY RUBBISH. Bulky rubbish which is too large or heavy to be collected in the normal manner of other refuse may be collected at the discretion of the collector upon request.

6-4-20 RIGHT OF ENTRY. Solid waste collectors are hereby authorized to enter upon private property for the purpose of collecting refuse therefrom as required by this Chapter however, solid waste collectors shall not enter dealing units or other residential buildings.

6-4-21 COLLECTOR'S LICENSE. No person shall engage in the business of collecting, transporting, processing or disposing of solid waste other than his or her own within the City without first obtaining from the City an annual license for each vehicle or container to be used in accordance with the following:

- 1. Application. Application for a waste collector's license shall be made to the City Administrator/Clerk and provide the following:

a. Name and Address. The full name and address of the applicant, and if a corporation, the names and addresses of the officers thereof.

b. Equipment. A complete and accurate listing of the number and type of collection and transportation equipment to be used.

c. Collection Program. A complete description of the frequency, routes and method of collection and transportation to be used.

d. Disposal. A statement as to the precise location and method of disposal or processing facilities to be used.

2. Insurance. No collector's license shall be issued until and unless the applicant therefor, in addition to all other requirements set forth, shall file and maintain with the City evidence of satisfactory public liability insurance covering all operations of the applicant pertaining to such business and all equipment and vehicles to be operated in the conduct thereof in the following minimum amounts:

Bodily injury -	\$50,000 each person; \$100,000 each occurrence
Property damage -	\$50,000

Each insurance policy required hereunder shall include as a part thereof provisions requiring the insurance carrier to notify the City of the expiration, cancellation or other termination of coverage not less than 10 days prior to the effective date of such action.

3. License Fee. A license fee in the amount of \$25.00 for each vehicle or transport container to be issued in the City shall accompany the application. In the event the requested license is not granted, the fee paid shall be refunded by the City Administrator/Clerk to the applicant.

4. License Issued. If the City Administrator/Clerk upon investigation finds the application to be in order and determines that the applicant will collect, transport, process or dispose of refuse without hazard to the public health or damage to the environment and in conformity with law and Ordinance, the City Administrator/Clerk shall issue the requested license to be effective for period of one year from the date approved.

5. License Denied-Appeal. If the City Administrator/Clerk refuses to issue requested license the City Administrator/Clerk shall notify the applicant in writing of the reasons for such refusal and of his or her right of appeal to the City Council. The City Council shall consider any appeals at its next regular meeting and may affirm, reverse or modify the determination of the City Clerk.

6. License Number Displayed. All vehicles, mobile equipment or facilities operated by virtue of a license granted hereunder shall have prominently displayed thereon in a clearly visible manner the license number under which operated.

7. License Renewal. An annual license may be renewed simply upon payment of the required fee if operated in substantially the same manner as provided in the original application and by providing the City Administrator/Clerk with a current listing of vehicles, equipment and facilities in use.

8. License Not Transferable. No license authorized by this Chapter may be transferred to another person.

9. Owner May Transport. Nothing herein is to be construed so as to prevent the owner from transporting refuse accumulating upon premises owned, occupied or used by him or her, provided such refuse is disposed of properly in all approved sanitary disposal project.

SOLID WASTE DISPOSAL.

6-4-22 DEFINITIONS: For use in this Chapter the following terms are defined:

1. "Processing facility": shall mean any incinerator, baler, shredder or similar facility or process employed to reduce the volume of, or change the characteristics of, solid waste prior to final disposal.

2. "Site": shall mean any location, place or tract of land used for collection, storage, conversion, utilization, incineration or burial of solid wastes.

3. "Scavenging": shall mean the collecting, picking up or gathering of discarded material no longer of value for its original purpose but which has value if reclaimed.

4. "Operator": shall mean the person or agency authorized to conduct disposal operations at a public sanitary landfill or licensed private landfill.

5. "Resident": shall mean in addition to any person residing in the City, any person occupying or using any commercial, industrial or institutional premises within the City.

6-4-23 SANITARY DISPOSAL REQUIRED. Solid wastes generated or produced within the City shall be disposed of at a sanitary disposal or processing facility approved by the City and by the executive director of the Iowa State Department of Natural Resources.

(Code of Iowa, Sec. 455B.301A)

6-4-24 OPEN DUMPING PROHIBITED. No person shall cause, allow or permit the disposal of solid wastes upon any place within the jurisdiction of the City owned or occupied by him or her unless such place has been designated by the City as a licensed sanitary landfill, public sanitary landfill or an approved processing facility.

6-4-25 EXCEPTIONS. Nothing in this article shall prohibit the filling, leveling or grading of land with earth, sand, ashes, cinders, slag, gravel, rock, demolition or construction rubble or similar inert wastes provided these materials are not contaminated or mixed with combustible, putrescible or other waste materials, nor to the disposal of animal and agricultural wastes on land used or operated for farming.

6-4-26 TOXIC AND HAZARDOUS WASTES. Toxic or hazardous wastes shall be disposed of only upon receipt of and in accordance with explicit instructions obtained from the executive director of the Iowa State Department of Natural Resources.

6-4-27 RADIOACTIVE MATERIALS. Materials that are radioactive shall not be disposed of in a sanitary disposal project. Luminous timepieces are exempt.

6-4-28 PUBLIC SANITARY LANDFILL DESIGNATED. The sanitary landfill facilities designated by the Delaware County Solid Waste Commission are hereby designated as the official "Public Sanitary Landfill" for the disposal of solid waste produced or originating within the City.

(Ord. 212, Passed May 14, 2001)

6-4-29 PRIVATE SANITARY LANDFILL. Any person may establish and operate a private sanitary landfill within the City for the disposal of his or her own solid waste provided he or she shall first have applied for and received a license from the City designating his or her site as a "Licensed Private Sanitary Landfill" in accordance with the following:

1. Application. Application for a license to operate a private sanitary landfill shall be made in writing to the City Administrator/Clerk and include the following information:

- a. Name and Address. The full name and address of the owner and operator.
- b. Location. The specific location of the site.
- c. Nuisances. An agreement of the applicant to maintain his or her landfill site and the vicinity in a safe and sanitary manner so as to prohibit the creation or maintenance of a nuisance.
- d. Rules and Regulations. Agreement to operate the landfill in accordance with all local, county, state or federal regulations now or hereafter adopted.
- e. Attendant. Agreement to provide a responsible person who will be in constant attendance during all hours of active operation of the landfill.
- f. Other Licenses or Permits. Attached to the application shall be a copy of any required federal, state, county or other local licenses or permits required for such operation.

g. Right of Entry. Agreement to permit access to the landfill site by any officer or governmental representative or agency who may have jurisdiction for the purpose of inspection.

2. Fee. An annual fee in the amount of \$300.00 for each location shall be paid to the City Administrator/Clerk upon filing of an application. In the event the requested license is denied, the City Administrator/Clerk shall refund the fee deposited.

3. License Issued. The City Council shall review the application and if it is determined that the facts stated therein are true and that the proposed operation complies with all other applicable laws, Ordinances and rules; the City Administrator/Clerk shall issue the requested license which shall be effective for a period of one year.

4. Renewal. A license may be renewed for additional one-year periods upon payment of the required fee if operated substantially in the same manner as provided in the original application and in compliance with law or Ordinance.

5. Use Restricted. A licensed private sanitary landfill site shall be used for the exclusive purpose of disposing of the site operator's own waste and shall not be open to any segment of the general public nor to any other private source of waste.

6. Abatement of Violations. If any private sanitary landfill is found to be operated in a manner detrimental to the health or welfare of the public or in violation of any of the provisions of this Chapter, such violation may be abated in the manner as provided for the abatement of nuisances.

6-4-30 LANDFILL OPERATION. All public or private sanitary landfills within the jurisdiction of the City shall be operated in a sanitary, safe and nuisance free manner and in compliance with all local, county, state and federal laws and regulations including, but not limited to the following:

1. Open Burning Restricted. Open burning shall be prohibited except when permitted by the rules of the Iowa Air Quality Commission. Any burning to be conducted by a sanitary disposal project shall be at a location separate and distinct from the sanitary landfill.

2. Scavenging Prohibited. Scavenging shall be prohibited. Any salvaging to be permitted at the landfill site must first be approved by state and local officials.

3. Attendant on Duty. An attendant shall be on duty at the landfill site at all times while it is open for public use.

4. Fence Required. The landfill site shall be fenced to control access and a gate shall be provided at the entrance and kept locked when an attendant is not on duty.

5. Rules Posted. A permanent sign shall be posted at the site entrance identifying the

hours and days the landfill is open, specifying the penalty for unauthorized dumping, identifying the location, if any, which has been designated for disposal of toxic and hazardous wastes and providing other pertinent information.

6. Materials Excluded. At the discretion of the operator certain materials may be excluded from those solid wastes which may be deposited at any sanitary landfill. These excluded materials may include:

a. Junk automobiles and similar bulky objects which may require special processing prior to disposal.

b. Trees and tree limbs, unless they have been cut into pieces not exceeding ten (10) feet in length.

c. Burning materials or materials containing hot or live coals.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 4A - RECYCLING OF SOLID WASTE

6-4A-1 Purpose	6-4A-4 Separation and Placement
6-4A-2 Recycling Required	6-4A-5 Required Pick Up
6-4A-3 Containers	6-4A-6 Unauthorized Collection

6-4A-1 PURPOSE. The purpose of this Ordinance is to require the recycling of certain solid wastes.

(Ord. 189, Passed May 11, 1992)

6-4A-2 RECYCLING REQUIRED. The occupants of each property served by refuse collection provided by the City shall separate the following recyclable materials from other garbage and refuse, and shall dispose of the recyclable materials as follows:

1. Metal. All metals accepted. Remove all food residue and rinse. Clean, then place lid back inside can and then pinch end closed to hold lid inside. No metal items longer than three feet. Acceptable: Clean aluminum foil, pie tins, beverage cans, old pots and pans, tin and aluminum cans, clean paint cans with lids removed, empty non-hazardous aerosol can. Not acceptable: batteries, oil filters, larger appliances, furniture.

2. Paper. Must be clean and dry. All paper can be mixed and should be placed in a paper bag or loose in recycling container. (No plastic bags.) Paper should be covered or held back on rainy days. Paper will not be picked up if wet. Acceptable: Newspaper, magazines, junk mail, inserts, envelopes, paper bags, labels from cans, paper back books, phone books, TV Guides, white ledger, computer paper. Not acceptable: Waxed paper, carbons, photos, tissues, napkins, paper towels, plates, pet food or fertilizer bags, paper cups.

3. Plastics. Rinse three times and air dry. Plastics not marked with a recycling number of 1 through 7 should be discarded. Plastic caps and lids should be removed. Acceptable: Milk jugs, detergent bottles, beverage and yogurt containers, ketchup bottles, butter tubs, lid and caps. Not acceptable: Unmarked plastics, film plastics, plastic bags, auto lubricant container, antifreeze containers, soiled or uncleaned containers.

4. Cardboard. Corrugated and chipboard. Must be clean. Clean all contents from within boxes. Flatten boxes. Acceptable: Cereal and cracker boxes, toilet paper cores, tissue boxes. Not acceptable: Oil stained cardboard, wax-coated cardboard such as milk or juice cartons, butter containers.

5. Container Glass. A separate container, such as a paper bag, cardboard box or a plastic container needs to be used for glass. Glass items can be mixed together. Do not break glass

containers. Acceptable: Clear, brown and green glass jars and bottles. Rinse. Not acceptable: Mirrors, ceramics, ovenware, clay flower pots, crystal, window glass, plate glass, light bulbs.

(Ord. 212, Passed May 14, 2001)

6-4A-3 CONTAINERS. Each property served shall purchase sufficient containers approved by the City to be used for all recyclable materials as required under this Ordinance which are not tied or otherwise bundled, if allowed.

6-4A-4 SEPARATION AND PLACEMENT. All recyclable materials as required under this Ordinance shall be separated from other garbage and refuse and shall be placed at the curb, alley or approved location for solid waste collection on the days scheduled for collection of recyclable materials.

6-4A-5 REQUIRED PICK UP. The City, any employee, agent or contractor performing solid waste collection service shall not be required to pick up or remove recyclable materials which are not tied, secured, or packaged and placed at the curb, alley, or approved location for solid waste collection in accordance with this Ordinance.

6-4A-6 UNAUTHORIZED COLLECTION. At the time recyclable materials are placed at the curb, alley or approved location for pick up pursuant to this Ordinance, such materials become the property of the City or its duly licensed solid waste collector and it shall be a violation of this Ordinance for any person not authorized and licensed by the City to collect, pick up, take or remove any such recyclable materials.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 5 - UTILITIES - BILLING CHARGES

6-5-1	Utility Defined	6-5-8	Separate Metering and Water Rates
6-5-2	Disposition of Fees and Charges	6-5-9	Refuse Collection Rates
6-5-3	Billing for Utility Service	6-5-10	Sewer, Definitions
6-5-4	Discontinuing Services, Fees	6-5-11	Sewer Service Charge System
6-5-5	Residential Rental Property	6-5-12	Equipment Replacement Fun
6-5-6	Customer Guarantee Deposits		
6-5-7	Water Rates		

6-5-1 UTILITY DEFINED. For use in this Chapter, utility is the sewer, water, and refuse collection systems operated by the City.

6-5-2 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.

6-5-3 BILLING FOR UTILITY SERVICE. Billing and payment for utility service shall be in accordance with the following:

1. Meters Read. Water meters shall be read monthly:
2. Bills Issued. The City Administrator/Clerk shall prepare and issue bills for utility service on or before the 25th day of each month for an estimated amount for each month the meter is not read and for the actual amount after adjustments for the estimated bills for each month the meter is read.
3. Bills Payable. Bills for water service shall be due and payable at the office of the City Administrator/Clerk on or before the 10th day of the month following the issuance of a bill.
4. Late Payment Penalty. Bills not paid when due shall be considered delinquent. A late penalty payment of three dollars (\$3.00) shall be added for each month a bill is delinquent.
(Code of Iowa, Sec. 384.84 (1))
(Ord. 185A, Passed October 8, 1990)
5. Insufficient Funds Charge. When a bill is paid with a check that is returned to the City because there are insufficient funds in the customer's account to pay the bill, the City Administrator/Clerk is authorized to charge the customer an additional charge of \$20.00.
(Ord. 212, Passed May 14, 2001)

6-5-4 DISCONTINUING SERVICE, FEES. Utility service to delinquent consumers shall be discontinued in accordance with the following:

1. Notice. The City Administrator/Clerk shall notify, in writing each delinquent consumer that utility service will be discontinued if payment, including late payment charges, is not received within ten (10) days of the date when due. Such notice shall be sent by first class mail within five days of a bill becoming delinquent. Such notice shall afford the account holder the opportunity for a hearing prior to discontinuance of service.

(Ordinance 257, Passed February 9, 2009)

2. Hearing. Each delinquent consumer who has received written notice that utility service will be disconnected shall have the right to a hearing before the Mayor or the Mayor's designee on whether utility services will be discontinued or not, if such hearing is requested to the City Administrator/Clerk by noon on the day preceding the scheduled shut-off date or discontinuance of service.

(Ordinance 257, Passed February 9, 2009)

3. Service Discontinued. The Superintendent shall shut off the supply of water and other utilities to any consumer who, not having requested a hearing, or after hearing finding against said consumer, has failed to make payment by the date specified in the notice of delinquency or by the date directed after hearing.

(Ordinance 257, Passed February 9, 2009)

4. Fees. If a consumer fails to abide by the procedures contained in subsection 6-5-4(1), (2) or (3) above, the city shall post a disconnect notice at the location where utility service is provided. A fee of twenty-five dollars (\$25) shall be charged the customer for the delivery of the disconnect notice. A fee of twenty-five (\$25) shall be charged for disconnecting the service and a fee of twenty-five dollars (\$25) shall be charged for reconnecting the service. If water service is disconnected for non-payment and the customer does not already have a deposit on file, the customer will also be required to pay a \$150 deposit as a tenant or \$50 deposit as a property owner in addition to the above mentioned fees. 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. 197, Passed November 14, 1994)

(Ord. 212, Passed May 14, 2001)

(Ord. 257, Passed February 9, 2009)

5. A lien shall not be certified to the County treasurer for collection unless thirty (30) days prior written notice shall 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 written request for notice, the notice shall also be given to the owner.

(Code of Iowa, Sec. 384.84(3))

(Ord. 212, Passed May 14, 2001)

(Ord. 257, Passed February 9, 2009)

6. If the property in which there are delinquent utilities owing is sold before the City certifies the lien to the County Treasurer, the City may certify the delinquent utilities against another property located in this state owned by the delinquent user.

(Code of Iowa, Sec. 384.84(3)(a)(3)
(Amended during codification)

6-5-5 RESIDENTIAL RENTAL PROPERTY. 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. 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. 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. 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 codification)

6-5-6 CUSTOMER GUARANTEE DEPOSITS. The City Administrator/Clerk shall charge each consumer a security deposit for water, sewer service, garbage pick up and any other service provided by the City, at the sum of fifty dollars (\$50.00). However, consumers who are renting shall be charged an additional one hundred dollars (\$100) for the services. The City Administrator/Clerk shall maintain said security deposit for two years or until such time as the consumer is no longer using any such City services.

(Code of Iowa, Sec. 384.84(1))
(Ord. 169, Passed November 9, 1987)
(Ord. 212, Passed May 14, 2001)
(Ord. 228, Passed April 14, 2003)

6-5-7 WATER RATES. Water service shall be furnished at the following rates:

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

1. The water rate shall be \$3.38 per 1,000 gallons usage per month.
2. Regardless of usage or consumption every consumer furnished water by the City shall pay a minimum amount of \$3.38 per month.
3. The water rate shall be \$6.76 per 1,000 gallons usage per month for water furnished outside of the City limits.
4. Regardless of usage or consumption every consumer furnished water outside of the City limits shall pay a minimum amount of \$6.76 per month.
5. The fixed charge of \$2.50 per service connection per billing period. Such funds will be reserved and used for capital projects related to the water system.
 (Ord. 182, Passed March 12, 1990)
 (Ord. 227, Passed July 15, 2002)
 (Ord. 228, Passed April 14, 2003)
 (Ord. 248, Passed November 20, 2006)
 (Amended during 2013 codification)
6. Water rates will increase by two percent (2%) yearly beginning March 1, 2009.
 (Ord. 256, Passed December 8, 2008)

6-5-8 SEPARATE METERING AND WATER RATES. Any water from the City water system which is not discharged through the City sewer system may be separately metered, provided the consumer purchases the separate meter and pays for all installation and maintenance. All meters, installation and maintenance shall be approved by the Water Superintendent. Such meters shall be read once per year.

6-5-9 REFUSE COLLECTION RATES. The purpose of this Ordinance is to establish the fee for collection of solid waste and for the collection of recyclable wastes.

The fees for refuse collection and disposal service used or available shall be:

1. Residential Refuse Collection: Ten dollars and fifty cents (\$10.50) per month, which includes the weekly garbage pick-up and recycling plus fifty cents (\$.50) for disposal service fee to the City, for a total refuse collection fee for a residence of eleven dollars (\$11.00). Contractor will only pick-up a maximum of 33 gallon can or bags, not exceeding 40 pounds. Each household unit is allowed 1 bag or can of garbage per week for the basic garbage pick-up. Each additional bag or can must have a garbage tag on it. Garbage tags can be purchased for \$1.00 per tag and can be picked up at designated areas in the City.
 (Ord. 216, Passed July 9, 2001)
 (Ord. 221, Passed November 19, 2001)
 (Ord. 254, Passed April 14, 2008)
 (Ord. 268, Passed July 9, 2012)

2. Business Refuse Collection: Three dollars and fifty cents (\$3.50) per month to the City for disposal service fee and such additional amount as agreed by contract with the collector.

(Ord. 216, Passed July 9, 2001)

3. Industrial Refuse Collection. Six dollars and fifty cents (\$6.50) per month to the City for disposal service fee and such additional amount as agreed by contract with the collector.

(Ord. 216, Passed July 9, 2001)

Any business which operates out of a residence shall be charged a Residence Reuse Collection fee. The City Council shall by resolution designate any business to be subject to the industrial charge based on the solid waste output or projected output and the nature of the business.

6-5-10 SEWER, DEFINITIONS. Unless the context specifically indicates otherwise, the meaning of terms used in the Ordinance shall be as follows:

1. "Administration" is defined as those costs attributable to administration of the wastewater treatment works.

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

3. "City" is the area within the corporate boundaries of the City of Edgewood, as presently established or as amended by Ordinance or other legal actions at a future time. The term "City" when used herein may also be used to refer to the City Council and its authorized representatives.

4. "TOC" means total organic carbon which shall be determined using a total organic carbon analyzer.

5. "Debt Service" is that revenue to be used solely for retirement of outstanding debts of the City's wastewater treatment works.

6. "Domestic or Sanitary Waste" shall mean that waste that is primarily produced by residential uses as distinct from industrial waste.

7. "Extra Strength Waste" means wastewater having a BOD greater than 250 milligrams per liter (mg/L) and/or Suspended Solids greater than 250 mg/L and not otherwise classified as an incompatible waste.

8. "Incompatible Waste" is waste that either singly or by interaction with other wastes interferes with any waste treatment process, constitutes a hazard to humans or animals, creates a public nuisance, or creates any hazard in the receiving waters of the wastewater treatment works.

9. "Industrial Users" or "Industries" are:

a. Any nongovernmental, nonresidential user of a publicly owned treatment works which discharges more than the equivalent of 25,000 gallons per day of domestic or sanitary wastes and which is identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented under one of the following divisions:

Division A.	Agriculture, Forestry and Fishing
Division B.	Mining
Division D.	Manufacturing
Division E.	Transportation, Communications, Electric, Gas, and Sanitary Sewers
Division I.	Services

For the purpose of this definition, domestic or sanitary waste shall be considered to have the following characteristics:

BOD ₅	less than 250 mg/L
Suspended Solids	less than 250 mg/L

b. Any nongovernmental user of a publicly owned treatment works which discharges wastewater to the treatment works which contains toxic pollutants or poisonous solids, liquids or gases in sufficient quantity either singly or by interaction with other wastes, to contaminate the sludge of any municipal systems, or to injure or to interfere with any sewage treatment process, or which constitutes a hazard to humans or animals, creates a public nuisance, or creates any hazard in or has an adverse effect on the waters receiving any discharge from the treatment works.

10. "Industrial Wastes" shall mean wastewater discharged by industries.

11. "May" is permissive (see "shall" Sec.6-5-9(20)).

12. "Operation and Maintenance" is defined as those variable costs which are directly attributable to operating and maintaining the waste treatment works.

13. "Pretreatment" shall mean treatment of wastewater from sources before introduction into the treatment works. Reference is made to the Federal Register, Volume 43, Number 123, Part IV, Section 128.

14. "Replacement" shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary to maintain the capacity and performance of the treatment facility throughout the useful life of the facility.

15. "Residential, Commercial, and Institutional Users" are all non-industrial users.

16. "Sanitary Sewer" shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

17. "Sewage" is the spent water of a community. The preferred term is "wastewater".

18. "Sewer" shall mean a pipe or conduit that carries wastewater or drainage water.

19. "Sewer Service Charge System" is defined as the system of charges by which revenue is generated to offset the cost of operation and maintenance plus replacement, administration, and debt service.

20. "Shall" is mandatory (see "May" Sec. 6-5-9(11)).

21. "Slug" shall mean any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24 hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

22. "Storm drain" (sometimes termed "storm sewer") shall mean a drain or sewer for conveying surface water, groundwater, subsurface water, or unpolluted water from any source.

23. "Superintendent" shall mean the Wastewater Superintendent or his or her authorized deputy, agent or representative.

24. "Suspended Solids (SS)" shall mean total suspended matter that either floats on the surface of, or is in suspension in water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as non-filterable residue.

25. "Unpolluted Water" is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

26. "Wastewater" shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and storm water that may be present.

27. "Wastewater Facilities" shall mean the structures, equipment and processes required to collect, convey, and treat domestic and industrial wastes and dispose of the effluent.

28. "Wastewater Treatment Works" shall mean an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge.

29. "Watercourse" shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

6-5-11 SEWER SERVICE CHARGE SYSTEM.

1. The City hereby establishes a Sewer Service Charge System whereby revenues will be generated for debt service and operation, maintenance and replacement.

2. There will be two classes of users:

- a. Residential, Commercial and Institutional
- b. Industrial

3. All users will be billed based on the following rate structure for the monthly billing period:

a. There shall be a fixed charge of \$10.00 per service connection per billing period. Such funds will be reserved and used for capital projects related to the sewer system.

(Ord. 251, Passed August 13, 2007)
(Ord. 260, Passed May 10, 2010)
(Amended during 2013 codification)

b. The sewer rate shall be \$18.00 per 1,000 gallons usage per month. All amounts over 1,000 gallons per month shall be \$4.48 per thousand. Regardless of usage or consumption every consumer furnished sewer by the City shall pay a minimum amount of \$18.00 per month. This amount will be used for administration, operation, maintenance and replacement. In addition, sewer rates will increase yearly by two percent (2%) on March 1, 2011

(Ord. 229, Passed June 9, 2003)
(Ord. 247, Passed October 9, 2006)
(Ord. 255, Passed December 8, 2008)
(Ord. 261, Passed February 14, 2011)

The sewer rate shall be \$36.00 per 1,000 gallons usage per month outside city limits. All amounts over 1,000 gallons per month shall be \$8.96 per thousand. Regardless of usage or consumption every consumer outside city limits furnished sewer by the City shall pay a minimum amount of \$36.00 per month. This amount will be used for administration, operation, maintenance and replacement. In addition, sewer rates will increase yearly by two percent (2%) on March 1, 2011.

(Ord. 261, Passed February 14, 2011)

c. In addition to the rates stated above, users that discharge an extra strength waste will be subject to an extra strength service charge. An extra strength waste is defined as a waste having either a BOD₅ concentration equal to or greater than 250 mg/L or a suspended solids

concentration equal to or greater than 250 mg/L, or both BOD₅ and suspended solids concentration equal to or greater than 250 mg/L. The following formula will be used to compute the extra strength service charge:

$$C_e = (W-250) \times (.00000083G)$$

Where:

C_e = Extra Strength Service Charge in dollars.

W = Waste Strength in Milligrams per Liter.

G = Water Used in Gallons.

Negative values will not be credited against the billing. Establishments not providing automatic waste monitoring equipment will be assessed on the basis of BOD and SS as determined by analysis of all 24 hour composite samples collected by the Superintendent during the billing period. The waste producer will be required to provide a suitable and secure point for metering and sample collection and shall cooperate in every way with the Superintendent. Where it is not feasible to obtain a single representative sample, the Superintendent will use past sample results if they are available or may compute a theoretical waste strength based upon similar establishments. Where it is evident that a constituent of the waste significantly inhibits the standard analysis for BOD, the charges may be assessed on the basis of the T.O.C. analysis.

4. All users shall be charged monthly for sewer service according to the respective water meter readings. The minimum charge for the use of the sanitary sewer service shall be \$5.00 per billing period, plus \$7.00 fixed charge for debt service.

5. If any lot, parcel of land, or premises which discharges sewage into the sanitary sewer system, either directly or indirectly obtains part or all of the water used thereon from sources other than the public utility department and the water so obtained is not measured by a meter in a manner which is acceptable to the Superintendent, then, in such case the City shall permit the discharge of sewage into its sanitary sewerage system only when the owner of such a lot, parcel of land or premises or some other interested party shall at their expense install and maintain a water meter which shall be satisfactory to the Superintendent. Such water meter shall be installed so as to measure all water received on such lot, parcel of land, or premises and the above charges and rates shall be applied to the quantity of water received as measured by such meter. However, if it shall be deemed impracticable by the Superintendent to measure the water used on any lot, parcel of land, or premises, and upon approval of the City Council, a flat charge may be made in accordance with the estimated use of water on such lot, parcel of land, or premises.

6. If (1) a lot, parcel of land, or premises discharges sewage into the sanitary sewer system either directly or indirectly, and (2) the Superintendent is satisfied that a portion of the water measured by the meter or meters does not and cannot enter the sanitary sewer system, then,

in that event, and upon approval by the City Council, the Superintendent is authorized to determine, in such manner and by such method as he or she may deem practicable, the percentage of the water measured by the meter which enters the sanitary sewer system. In such case the charges and rates shall be based upon the percentage of the metered water as determined by the Superintendent and approved by the City Council. In the alternative in any such case, the Superintendent is authorized to require or to permit the installation of other or additional meters in such a manner that the quantity of water which actually enters the sanitary sewer system may be determined. In such case the charges or rates shall be based upon the amount of water so shown to actually enter the sanitary sewer system.

7. The charges and rates for the use and services of the sanitary sewer system to be made against any lot, parcel of land, or premises situated outside the corporate limits of the City which shall have any active connection with the sanitary sewer system or which shall otherwise discharge sewage either directly or indirectly into the sewer system shall be determined as provided in this Chapter and the charge or rate shall be those established in this Chapter.

8. Each meter shall be considered a separate billing unit in applying the above charges and rates, except that any contribution to the sanitary sewer system whose water supply at a particular location is received through more than one meter shall be billed on the basis of the combined reading of the several meters.

9. Bills for the charges for the use and service of the sanitary sewer system shall be made out by the City Administrator/Clerk in accordance with the City's usual and customary practices. The time of making such bills and the period covered thereby shall be in accordance with the meter reading practices of the utility department. All bills shall be payable to the office of the City Clerk.

10. The balance of the revenues derived from the rates and charges shall be deposited with the City Treasurer in the sewer fund. Such revenues shall be used only for the purpose of paying the cost of administering, operating and maintaining the sewer system, to pay the interest and principal on all bonds of the City which have been issued or shall be issued on account of the said system, making improvements to the collection system and treatment works and to maintain an equipment replacement fund for use at any time in making repairs to the treatment works.

11. The City will review the Sewer Service Charge System annually. The City will periodically revise the rates for sewer service to reflect changes in the City's cost of providing said services. The City will notify each user at least annually, in conjunction with a regular bill, of the rate being charged for operation and maintenance, including replacement, of the treatment works.

12. Any user which discharges any toxic pollutants which cause an increase in the cost of managing the effluent or sludge from the treatment works, or any user which discharges any substance which singly by interaction with other substances causes identifiable increases in the cost of operation, maintenance or replacement of the treatment works, shall pay for such increased costs. The charge to each such user shall be as approved by the City Council.

13. This Sewer Service Charge Ordinance shall take precedence over any terms or conditions of agreements or contracts between the City and any sanitary sewer users which are inconsistent with the requirements of any applicable Federal Acts.

6-5-12 EQUIPMENT REPLACEMENT FUND. The City will establish an Equipment Replacement Fund. The purpose of said fund is to have sufficient capital on hand to make necessary replacements of equipment throughout the useful life of the treatment facility. The Equipment Replacement Fund will be established under the following conditions:

1. The money collected each year will be invested to assure the most practical return on the fund.
2. The interest earned will be added to the fund to replace increased treatment equipment costs due to inflation.
3. At least every three years, the Equipment Replacement Fund will be reviewed to assure the required funds are readily available. If the actual replacement expenses differ significantly from the estimated expenses, the funding of the Replacement Account will be adjusted accordingly.

(Ord. 184A, Passed August 13, 1990)

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 6 - UTILITIES - CABLE TELEVISION SYSTEM

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6-6-14	City Preemption Rights	6-6-32	Discontinuing Customer's Service
6-6-15	Maps		
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6-6-17	Liability of City Employees		
6-6-18	Non-Interference		

6-6-1 DEFINITION. The following words and phrases, when used in this Chapter shall, for the purposes of this Chapter, have the meanings ascribed to them in this section:

1. "Cable Television System" means 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 and cable, to subscribing members of the public who pay for such services.

2."Channel" means the segment of the electromagnetic spectrum to which a source of television transmission is assigned.

3."City" means the City of Edgewood, Iowa. When the context so requires, the term City shall mean and include the City, its officers, agents, employees, servants and independent contractors.

4. "FCC" means the Federal Communications Commission.

5. "Franchise" means the rights, privileges, and authority granted by the City to the Grantee hereunder and shall include all of the terms and conditions of this Chapter.

6. "Grantee" means the person granted a franchise by an election. When the context so requires, the term shall mean and include the, its officers, agents, employees, servants and independent contractors thereof.

7. "Person" means any individual, or any corporation, business, firm, or other entity, and shall be construed as singular or plural, or masculine, feminine or neuter, as the context may require.

8. "Private Property" means all property, real, personal, or mixed, owned by a private person, including property owned or used by a public utility not owned or operated by the City.

9. "Property of the Grantee" means all property, real, personal, or mixed, owned by a private person, including property owned or used by a public utility not owned or operated by the City.

10. "Public Property" means all property, real, personal, or mixed, owned or used by the City, including property owned or used by a public utility owned or operated by the City.

6-6-2 PUBLIC ACCESS. Grantee shall provide installation (which shall include all external wiring required for the building and all internal wiring for the connection of one outlet) and cable services without charge to all public and private, primary and secondary schools and all municipally owned buildings located within the City. Service shall be provided on a color capable line and improvements shall be made as technology permits to serve properly the schools and municipal buildings.

6-6-3 CAPACITY AND PROGRAMMING. Grantee shall provide as a part of its cable television service the signals of all television broadcast signals generally available off-the-air to residents in the City and a number of additional television signals consistent with the rules and regulations of the Federal Communications Commission and all other applicable laws, rules, or regulations. Grantee may provide such automated video services and such audio services as it wishes and as are consistent with the terms of this Chapter.

6-6-4 PERMISSION FROM SCHOOLS. Grantee shall not televise, tape, or in any way reproduce or show to the general public any school activity, either as a public service, or as a commercial activity, without the prior approval of the schools involved.

6-6-5 BUSINESS OFFICE: COMPLAINTS. Grantee shall maintain an office or a designated agent within the City for the purpose of receiving, investigating, and responding to service complaints from subscribers. Grantee shall make every reasonable effort to resolve any and all complaints to the satisfaction of the subscriber. Upon receipt by it of any service complaint, the City will forward a copy to the grantee or may take the question up by correspondence with the Grantee. Within such time as may be prescribed by the City, will be called upon to satisfy the complaint or advise the City of its refusal or inability to do so. If Grantee satisfies the complaint, it shall so notify the City, giving particulars of the action taken. The City would forward a copy of Grantee's notice of satisfaction to the complainant. If Grantee

refuses or is unable to satisfy the complaint, it shall notify the City, and the City will forward a copy of such notice to the complainant, with a statement of the procedure to be followed to further prosecute the complaint. When a complaint has not been satisfied, the complainant may file a formal complaint with the City Council in the form and manner to be specified thereby. The complaint to the City Council must be filed within thirty days from the date of the Grantee's notice of refusal or inability to satisfy the complaint. Upon receipt of a formal complaint, the City Council, or its designated agent, shall ascertain the facts and shall have the power to enforce its decision, if against, by all actions hereunder, including the revocation of the franchise.

6-6-6 RECORDS. Grantee shall keep complete records of accounts showing dates and payments received, and shall furnish an annual accounting by a certified public accountant to the City of the payment data as above provided. The City Council shall have the right, power, and authority to inspect the monthly service charge records of the at the premises of the during the business hours of any work day, or any other reasonable time and place, provided is given no less than seven days notice.

6-6-7 SERVICE RULES. Grantee shall have the right to prescribe service rules and regulations for the conduct of its business with its subscribers and service users, not inconsistent with the provisions of its franchise or with the rules and regulations of the Federal Communications Commission, and other applicable laws, rules and regulations. Grantee shall submit to the City the form of its service agreement between and its subscribers and channel users, shall furnish the City a full schedule of its charges to be paid by subscribers before soliciting for subscribers within the City, and shall furnish the City any amendments or alterations in the service agreement or schedule of charges.

6-6-8 PAYMENTS TO CITY.

1. The company shall, commencing one year from the date of the first service, and during each year of operation under this Chapter, pay to the City three percent of the annual gross subscriber revenues received by the company for regular monthly cable television services rendered to customers located within the City. At the time of this annual payment, the company shall furnish the City with an operating report showing the company's annual gross subscriber revenues during the preceding year and such other information as the City shall reasonably require with respect to properties and expenses related to the company's services within the City for such period.

2. All payments as required by the company to the City shall be made semi-annually and shall be due forty-five days after the close of the six-month period.

6-6-9 RATES, MAXIMUMS, REVISION. Grantee may charge no more than the following rates for its services to subscribers:

1. Single User Rates:

Installation Charge

Monthly Service Charge - Basis Service
Monthly Service Charge - Paid Movie Service
Installation - Additional Outlets including FM
Monthly Service Charge, each additional outlet.

Single user charges include all single dwelling units, multiple dwelling units, where billing is made to each individual occupant, individual companies, firms, and professional offices, bars and restaurants. The specified installation charges may be lowered from time to time for promotional purposes.

2. Multiple User Rates:

Installation Charge	Negotiable
Monthly Service Charge	Not to exceed residential rates

Multiple user charges include motels, hotels, mobile home parks, and all multiple dwellings and other business establishments where one billing is made to the owner for five or more single occupant units or outlets. Multiple users shall not include any multiple residential dwelling in which the individual tenant is responsible for the payment of the monthly service charge.

3. The charge for moving or reconnecting an outlet shall not exceed \$10.00. The charge for reconnecting a subscriber or housing unit after disconnecting for any reason shall not exceed \$10.00, providing all wiring, other than internal wiring, has remained in its prior position.

4. The rates and charges specified herein may be raised or lowered by the City if it finds, upon application of, the request of any party, or its own motion, and in compliance with the procedure set forth herein, that a change in rates is necessary to further the public interest in quality cable television service. To allow an application for a change in rates or charges hereunder to be considered and acted upon, it shall be filed with the City Council for approval. In connection with any application considered hereunder, the City or any interested party shall have the right to inspect the books and records of the at grantee's office at reasonable times and upon reasonable notice. The inspection of such books and records shall be governed by the laws of the State of Iowa relating to public documents.

6-6-10 QUALITY OF SIGNAL. Grantee shall, during the period of its franchise, furnish reasonable, adequate and efficient cable television reception service to the residents of the City wherever possible, and shall maintain its system in reasonable repair and working order and provide adequate facilities for such maintenance. These requirements shall be temporarily suspended in the event of natural disaster or emergency conditions or other circumstances beyond the control of Grantee.

6-6-11 EQUIPMENT STANDARDS. Grantee's plant and equipment, including the antenna site, headend, distribution system, towers, structures, poles, wires, underground cable and appurtenances shall be installed in accordance with good engineering practices, and shall be located, erected, constructed, reconstructed, replaced, removed, repaired, maintained and

operated so as not to endanger or interfere with the lives of persons or to interfere with the improvements the City may deem proper to make, or to unnecessarily hinder, or obstruct pedestrian or vehicular traffic to public ways, places and structures. Erection, installation, construction, replacement, removal, repair, maintenance and operation of the system shall be in accordance with the provisions of the National Electrical Code of the National Fire Protection Association and National Electric Safety Code (outside work) and such applicable laws of the State of Iowa and applicable Ordinances of the City which may now be in effect or enacted in the future. All installations shall be of a permanent nature, durable, and maintained in a safe, suitable and substantial condition, in a good order and repair.

6-6-12 MONITORING TESTS. Grantee's cable television system shall meet technical standards of the rules and regulations of the Federal Communications Commission and Grantee shall perform the periodic tests and make the measurements specified in such rules. The system shall be so designed, engineered and maintained by Grantee so as not to interfere with the television and radio reception of the residents of the City who are not subscribers to its services.

6-6-13 JOINT USE; POLES, UNDERGROUNDING. The City hereby grants the right, privilege, and authority to Grantee to lease, rent, or in any other manner, obtain the use of poles with overhead lines, conduits, trenches, ducts, lines, cables, and other equipment and facilities from any and all holders of public licenses and franchises within the corporate limits of the City, and to use such poles, conduits, trenches, ducts, lines and cables in the course of its business. Grantee shall install its cables on existing poles owned by other holders of public licenses and franchises within the corporate limits of the City, whenever possible, for the installation of its cable. When installation of cable on poles is not possible, or when the holders of another public license or franchise have installed underground cable, then in that event, unless the City Council shall otherwise decide, the cable used by Grantee shall be installed underground. Grantee shall only be allowed to erect its own poles upon receiving the permission of the City Council to do so.

6-6-14 CITY PREEMPTION RIGHTS. The City shall retain and hereby does retain the right to utilize the existing poles for future City use, and to require removal of the cable by Grantee where existing poles are not sufficient to adequately handle the proposed City use and Grantee's cable.

6-6-15 MAPS. Grantee shall file with the City Administrator/Clerk a copy, true and accurate, of maps and/or plats of all existing and proposed installations upon the streets. These maps and plats shall conform to the requirements of the City Administrator and shall be kept continuously up to date.

6-6-16 CITY CODES AND ORDINANCES. Grantee shall be required to conform to all present City Codes, including but not limited to plumbing and electrical Codes and any Ordinance providing for the manner and method of cutting streets, excavations in the right of way, backfills, etc. Grantee shall restore all property of the City and of the inhabitants thereof to its original condition after the installation of either overhead or underground cable.

6-6-17 LIABILITY OF CITY EMPLOYEES. Grantee shall hold the City harmless from any damage which Grantee's cable, equipment or other integral parts of its system may cause as a result of any action by any City employee when carrying out said employee's duties.

6-6-18 NON-INTERFERENCE. All transmission and distribution structures, lines, and equipment erected by Grantee within the City shall be so located as to cause minimum interference with the proper use of streets, alleys, and other public ways and places and to cause minimum interference with the rights and/or reasonable convenience of the property owners who adjoin any of the said streets, alleys or other public ways and places.

6-6-19 RESTORATION OF STREETS. In case of any disturbance of pavement, sidewalk, driveway, or other surfacing, Grantee shall, at its own costs and expense and in a manner approved by the City Administrator, 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.

6-6-20 RELOCATION, REMOVALS, PUBLIC WORK. If at any time during the period of a franchise the City shall elect to alter or change the grade of any street, alley or public way, 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.

6-6-21 LOCATION STANDARD. Grantee shall not place poles or other fixtures when the same will interfere with any gas, electric, or telephone fixtures, water hydrant, or main, and all such poles or other fixtures placed in any street shall be placed at the outer edge of the sidewalk and inside the curb line, and those placed in the alleys shall be placed close to the line to the lot abutting on said alley, and then in such a manner as not to interfere with the usual travel on said street, alleys and public ways.

6-6-22 MOVING BUILDINGS. Grantee shall, on the request of any person holding a building moving permit issued by the City, temporarily raise or lower its wires to permit the moving of buildings. The expense of such temporary removal, raising or lowering of wires shall be paid by the person requesting the same, and Grantee shall have the authority to require such payment in advance. Grantee shall be given not less than five days advance notice to arrange for such temporary wire changes.

6-6-23 TREE TRIMMING. Grantee shall have the authority to trim upon and overhanging streets, alleys, sidewalks, and public places of the City so as to prevent the branches of such trees from coming in contact with the wires and cables of the Grantee, all trimming to be done under the supervision and direction of the City and at the expense of the Grantee.

6-6-24 PROTECTION OF WORK. Any opening or obstruction in the streets or other public ways made by the Grantee in the course of the construction, operation, or removal of cable installation shall be guarded and protected at all times by the placement of adequate barriers, fences, or boarding, the bounds of which during periods of dusk and darkness shall be clearly

designated by warning lights. Grantees shall, whenever it is deemed necessary by the City Administrator, install such steel plates as may be necessary to allow a public roadway to remain open while Grantee is in the course of the construction, operation or removal of cable television.

6-6-25 REMOVAL OF PROPERTY ON TERMINATION. Upon termination of its franchise, Grantee shall remove its poles, cable television, transmission and distribution system, and other appurtenances from the streets and sidewalks in the City, when ordered to do so by the City, and shall restore such streets and sidewalks to their original condition.

6-6-26 REVOCATION OF FRANCHISE. If Grantee shall fail to comply with any of the provisions of its franchise, or default in any of its obligations hereunder, except for causes beyond the reasonable control of Grantee, and shall fail within 30 days after written notice from the City to commence and within a reasonable time, complete the correction of such default and noncompliance, the City Council of the City shall have the right to revoke its franchise and all rights of Grantee hereunder. In the event Grantee shall be adjudicated bankrupt or placed in receivership, the City may declare the franchise forfeited and terminated.

6-6-27 FCC CERTIFICATE. Grantee shall apply to the Federal Communications Commission for a certificate of compliance within a reasonable period (not exceeding 90 days) from the date of the granting of its franchise. Within one year of the grant of such certificate by the FCC, Grantee shall complete significant construction of its basic trunk line, and within two years Grantee shall complete installation of its entire system. Grantee shall be entitled to a reasonable and sufficient extension of the schedule specified herein in the event of a legal challenge or threat of such challenge to the ability of the Grantee to provide on its cable television system broadcast signals not available off-the-air in the City, and in the event construction is delayed by acts of God, earthquake, lightning, flood, fire, explosion, vandalism, disturbance, late delivery of equipment, supplies or machinery by suppliers, late performance by suppliers or services, or other similar causes reasonably beyond Grantee's control.

6-6-28 LIABILITY OF GRANTEE. Grantee shall at all times defend, indemnify, protect and save harmless the City and other political subdivisions in the area from and against any and all liability, losses and physical damage to property and bodily injury or death to the City or to person, including payments made under workmen's compensation laws, which may arise out of or be caused by the erection, construction, replacement, removal, maintenance, and operation of Grantee's cable television system, and resulting from or by any negligence, fault, or misconduct on the part of the Grantee, its agents, officers, servants and employees. Grantee shall carry public liability insurance in the amounts of no less than \$100,000/\$300,000 for the protection of itself and the City and the political subdivisions. Grantee shall hold the City and the political subdivisions harmless against damages resulting from legal action which may be brought against it in connection with the establishment and/or operation of Grantee's cable television system in the City, and shall defend at its own expense any action brought against the City and its political subdivisions by reason of the erection, construction, replacement, removal, maintenance, and operation of the Grantee's cable television system. Grantee shall also carry Workmen's Compensation Insurance coverage on all its employees who are engaged in any manner in the erection, construction, replacement, repair, maintenance and operations of Grantee's plant and

equipments. Grantee shall be notified of any claim, demand, or action brought against the City or its political subdivisions for which the City or its political subdivisions may seek reimbursement or defense as provided hereunder, and the City or its political subdivisions shall not settle, capitulate, or admit any such claim, demand or action.

6-6-29 PREFERENTIAL RATES PROHIBITED. Grantee shall not, as to rates, charges, service facilities, rules, regulations or in any other respects, make or grant any preference or advantage to any person nor subject any person to any prejudice or disadvantage; provided, however, this section shall not be deemed to prohibit the establishment of a graduated scale of charges and classified rate schedules to which any customer coming within such classifications shall be entitled.

6-6-30 ASSIGNING FRANCHISE. Grantee shall not sell, transfer or encumber its system or its franchise, without first securing the approval of the City Council; however, Grantee is hereby specifically authorized to assign or encumber its system and franchise for the purpose of financing the construction or operation of its system in the City. If Grantee shall decide to sell its system and franchise, the City is given the right of first refusal to purchase the system and franchise for their fair market value as determined by the existing offers from other bona fide purchasers.

6-6-31 COMPLIANCE WITH LAWS, FUTURE CONFORMANCE. Grantee shall at all times comply with all rules and regulations of the FCC or any duly authorized agency of the United States of America, and all laws duly enacted now or hereafter by the United States Congress or Iowa General Assembly. This Chapter shall be conformed, within one year of their date of adoption, to any and all rules and regulations relating to the permissible term of cable television franchises which may hereafter be adopted by the FCC.

6-6-32 DISCONTINUING CUSTOMER'S SERVICE. Grantee may terminate service to any user not paying the established rates when payment shall be delinquent for ten days after billing. In addition, Grantee may charge an installation charge to commence service terminated for nonpayment.

(Ordinance 156, Passed August 13, 1984)

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 7 - BUILDING PERMITS

6-7-1	Purpose	6-7-10	Rear Yard Requirements
6-7-2	Structure Defined	6-7-11	Special Requirements for Residences
6-7-3	Permit Required		
6-7-4	Application	6-7-12	Variances
6-7-5	Fees	6-7-13	Fences
6-7-6	Plans Required	6-7-14	Curb Cuts
6-7-7	Location of Structure	6-7-15	Authority of City Council
6-7-8	Front Yard Requirements	6-7-16	Permit Issued
6-7-9	Side Yard Requirements	6-7-17	Limitations on Permit

6-7-1 PURPOSE. The purpose of this Chapter is to provide the City Council notice of the type of structure, the kind of construction, the location of any structure to be erected or added within the corporation, the location of any structure on any specific lot within the corporation and to provide reasonable rules for the erection, reconstruction, altering and repair of all kinds of structures.

6-7-2 STRUCTURE DEFINED. As used in this chapter, structure means:

1. Anything constructed or erected with a fixed location that protrudes above the ground or surface level of a parcel of property. Except flagpoles less than height of nearest adjacent building, birdhouses, bird feeder, clotheslines and unfixed landscaping.

2. Structures include but are not limited to buildings, walls, fences, billboards, aboveground storage tanks, and similar uses.

3. Driveways constructed in the public right-of-way.

4. Any concrete, asphalt or hard surface driveway, sidewalk, or pad located within the side yard setback requirements in 6-7-9.

(Ord. 223, Passed March 11, 2002)

(Ord. 234, Passed January 5, 2004)

6-7-3 PERMIT REQUIRED. No structure shall be newly erected or added to without first securing a permit from the City Council.

6-7-4 APPLICATION. All requests for a building permit shall be submitted to the City Administrator/Clerk on forms supplied by the City and accompanied with the appropriate fee for such permit.

6-7-5 FEES. There shall be a permit fee of twenty-five dollars (\$25.00) for such permit. The fee for an expedited permit shall be fifty dollars (\$50.00). Any person commencing construction without a permit shall pay a permit fee of one hundred dollars (\$100.00). If a permit is rejected the fee shall be returned to the applicant.

6-7-6 PLANS REQUIRED. Plans and specifications of any proposed structure shall be filed with the application for the permit.

6-7-7 LOCATION OF STRUCTURE. A complete showing and description of the real estate involved and the location of the structure on the real estate shall be filed with the application. The perimeter of the structure shall be staked prior to submitting an application.

6-7-8 FRONT YARD REQUIREMENTS. There shall be a front yard of not less than twenty (20) feet, except as follows:

1. Where a structure is to be erected on a parcel of land that is within one hundred (100) feet of existing structures on both sides, the minimum front yard shall be a line drawn between the closest front corners of the adjacent structures on the two sides, or

2. Where a structure is to be erected on a parcel of land that is within one hundred (100) feet of an existing structure on one side only within the same block, such structure may be erected as close to the street as a line drawn from the closest front corner of that structure to a point twenty (20) feet back from the front line measured at the center of the lot on which the proposed structure is to be erected.

3. Where lots have a double frontage, the front yard as required herein shall be provided on both streets.

4. Where a structure is erected in the business district. In such case no side yard is required.

(Ord. 228, Passed April 14, 2003)

6-7-9 SIDE YARD REQUIREMENTS. No structure shall be erected closer than five (5) feet to either side lot line, except in the business district where no side yard is required.

(Ord. 223, Passed March 11, 2002)

6-7-10 REAR YARD REQUIREMENTS. There shall be a rear yard provided for each structure of not less than thirty (30) feet or twenty percent (20%) of the depth of the lot, whichever amount is smaller, except in the business district where no rear yard is required.

6-7-11 SPECIAL REQUIREMENTS FOR RESIDENCES. Any structure which is to be a residence for living shall meet the following special requirements:

1. All residences within the City shall have a minimum horizontal dimension of the main body of the whole not less than 20 feet.

(Ord. 270, Passed August 13, 2002)

2. All residences in the City shall contain a total ground floor area of not less than 1000 square feet, measured from the outside of the exterior, including utility rooms, but not including cellars, basements, decks, open porches, breezeways, garages, or other spaces that are not used frequently or during extended periods for living, eating or sleeping purposes.

(Ord. 270, Passed August 13, 2002)

6-7-12 VARIANCES. The City Council may grant a variance to sections 6-7-8, 6-7-9, and 6-7-10 where the setback requirements would cause a hardship on the property owner.

6-7-13 FENCES. No setback requirements shall be applicable to the construction of a fence.

6-7-14 CURB CUTS. No curb cut shall be constructed or permitted without first obtaining a building permit.

6-7-15 AUTHORITY OF CITY COUNCIL. The City Council shall have full authority to accept or reject any plans and specifications submitted.

6-7-16 PERMIT ISSUED. Permits shall be issued by the City Administrator/Clerk in duplicate, one copy for the applicant and one copy to be retained in the City records.

6-7-17 LIMITATIONS ON PERMIT. In the event that construction covered by a permit is not initiated and underway within one year from the date of issuance of a permit, such permit shall be deemed void and of no effect. All permits shall expire and be void eighteen (18) months after issuance by the City Clerk. If construction is not completed, a new application and fee must be submitted.

(Ordinance 214, Passed May 14, 2001)

TITLE VI PHYSICAL ENVIRONMENT
CHAPTER 8 - SIDEWALK REGULATIONS

6-8-1	Purpose	6-8-11	Failure to Obtain Permit; Remedies
6-8-2	Definitions	6-8-12	Inspection and Approval
6-8-3	Cleaning, Snow, Ice, and Accumulations	6-8-13	Barricades and Warning Lights
6-8-4	Maintenance Responsibility	6-8-14	Interference with Sidewalk Improvements
6-8-5	Liability of Abutting Owner	6-8-15	Special Assessments for Construction and Repair
6-8-6	Ordering Sidewalk Improvements	6-8-16	Notice of Assessment for Repair or Cleaning
6-8-7	Repairing Defective Sidewalks	6-8-17	Hearing and Assessment
6-8-8	Notice of Inability to Repair or Barricade	6-8-18	Billing and Certifying to County
6-8-9	Standard Sidewalk Specifications Costs		
6-8-10	Permits for Construction or Removal		

6-8-1 **PURPOSE.** The purpose of this Chapter is to improve and maintain sidewalks in a safe condition, to require owners of abutting property to maintain, repair, replace, construct or reconstruct sidewalks, and to minimize the City's liability as provided in Section 364.12 of the Code of Iowa.

6-8-2 **DEFINITIONS.** As used in this Chapter, the following terms have these meanings:

1. **Defective Sidewalk.** Any public sidewalk exhibiting one or more of the following characteristics:

- a. vertical separations equal to three-fourths (3/4) inch or more.
- b. horizontal separations equal to three-fourths (3/4) inch or more.
- c. holes or depressions equal to three-fourths (3/4) inch or more and at least four (4) inches in diameter.
- d. spalling over fifty (50) percent of the surface of a single square of the sidewalk with one or more depressions equal to one-half (1/2) inch or more.
- e. spalling over less than fifty (50) percent of a single square of the sidewalk with one or more depressions equal to three-fourths (3/4) inch or more.
- f. a single square of sidewalk cracked in such a manner that no part thereof has a piece greater than one square foot.

g. a sidewalk with any part thereof missing to the full depth.

h. a change from design or construction grade equal to or greater than three-fourths (3/4) inch per foot.

2. Sidewalk improvements. The construction, reconstruction, repair, replacement, or removal of a public sidewalk or the excavating, filling, or depositing of material in the public right-of-ways in connection therewith.

3. Owner. The person owning the fee title or the contract purchaser for purposes of notification required herein. For all other purposes, "owner" shall include the lessee, or person in possession.

6-8-3 CLEANING SNOW, ICE, AND ACCUMULATIONS. It shall be the duty of the owner to keep sidewalks abutting the owner's property clear of the natural accumulations of snow or ice. If the owner fails to do so within twenty-four (24) hours after deposit of accumulation, the Mayor may have the natural accumulations of snow or ice removed without notice to the property owner. The Mayor shall give the City Council an itemized and verified statement of the removal costs and a legal description of the property at the next regular City Council meeting. The costs shall be reviewed by the City Council, and if found correct, shall be assessed against the property as taxes. The City Administrator/Clerk shall be directed to certify the costs to the County Treasurer for collection as provided in Section 364.12 of the Code of Iowa.

6-8-4 MAINTENANCE RESPONSIBILITY. The abutting property owner or owners shall be responsible for the repair, replacement or reconstruction of all broken or defective sidewalks to a safe condition and to maintain in a safe condition all sidewalks in the abutting street right-of-way.

6-8-5 LIABILITY OF ABUTTING OWNER. As provided in Section 364.14, Code of Iowa, in the event the owner of property abutting any public sidewalk fails or refuses to perform any act required of them by this Ordinance and in the event an action is brought against the City for personal injuries alleged to have been caused by a defect in or the condition of said sidewalk, the City may notify in writing the said abutting owner that it claims the injury was caused by their negligence and/or their failure to repair the defect or eliminate the condition complained of. The notice shall state the tendency of the action, the name of the plaintiff, the name and location of the court where the action is pending, a brief statement of the alleged facts from which the cause arose, that the City believes that the person notified is liable to it for any judgment rendered against the City, and asking the person to appear and defend.

A judgment obtained in the suit is conclusive in any action by the City against any person so notified, as to the existence of the defect or condition or other cause of the injury or damage, as to the liability of the City to the plaintiff in the first named action, and as to the amount of the

damage or injury. The City may maintain an action against the person notified to recover the amount of the judgment together with all the expenses incurred by the City in the suit.

6-8-6 ORDERING SIDEWALK IMPROVEMENTS. The City Council may order the construction, reconstruction, repair, or replacement of permanent sidewalks upon any street or court. Notice of this order shall be sent to the owner by certified mail. The notice shall include the fact that the owner may request a hearing by the City Council within fifteen (15) days or receipt of the notice.

6-8-7 REPAIRING DEFECTIVE SIDEWALKS. It shall be the duty of the abutting property owner at any time, or upon receipt of thirty (30) days' notice from the City, to repair, replace, or reconstruct all broken or defective sidewalks in the abutting street right-of-way. If, after the expiration of the thirty (30) days as provided in the notice, the required work has not been done or is not in the process of completion, the Mayor shall order the work to proceed to repair, replace, or reconstruct the sidewalk. Upon completion of the work, the Mayor shall submit to the City Council an itemized and verified statement of expenditures for material and labor, and the legal description of the property abutting the sidewalk on which work has been performed. These costs shall be assessed to the property as taxes. The City Administrator/Clerk shall be directed to certify the costs to the County Auditor for collection as provided in Section 364.12 of the Code of Iowa.

6-8-8 NOTICE OF INABILITY TO REPAIR OR BARRICADE. It shall be the duty of the owner of the property abutting the sidewalk, or of the contractor or agent of the owner, to notify the City immediately in the event the owner is unable to make necessary sidewalk improvements or to install or erect warnings and barricades as required by this Chapter.

6-8-9 STANDARD SIDEWALK SPECIFICATIONS. Sidewalks constructed, repaired, or replaced under the provisions of this Chapter shall be of the following construction and meet the following standards:

1. Portland cement concrete shall be the only material used in the construction and repair of sidewalks unless otherwise authorized by the City Council.
2. Sidewalks shall be on one-course construction.
3. Concrete may be placed directly on compact and well-drained soil. Where soil is not well drained, a four (4) inch sub-base of compact, clean, coarse gravel, sand, or cinders shall be laid. The adequacy of the soil drainage is to be determined by the City Superintendent.
4. The sidewalk bed shall be graded to the established grade.
5. Residential sidewalks shall be at least four (4) feet wide, or match existing sidewalks, and four (4) inches thick, and each section shall be no more than four (4) feet in length. In the central business district, sidewalks shall extend from the property line to the curb unless the City Council shall establish a different distance due to the circumstances. Each section shall be four

(4) inches thick and no more than six (6) feet in length and width. All driveway areas shall not be less than six (6) inches in thickness.

6. Residential sidewalks shall be located with the inner edge (edge nearest the abutting private property) on the property line, unless the City Council shall establish a different distance due to the circumstances.

7. All elevations of sidewalks are to be established by the City Council with assistance from the City Superintendent on a case-by-case basis.

8. All sidewalks shall slope at least one-quarter (1/4) inch per foot toward the curb, but in no event more than one-half (1/2) inch per foot toward the curb.

9. All sidewalks shall have a steel trowel finish followed by a "broom" or a "wood float" finish.

10. Ramps for the disabled. There shall not be less than two (2) curb cuts or ramps per lineal block which shall be located on or near the cross-walks at intersections. Each curb cut or ramp shall be at least thirty (30) inches wide, shall be sloped at not greater than one inch of rise per twelve (12) inches lineal distance, except that a slope no greater than one inch of rise per eight (8) inches lineal distance may be used where necessary, shall have a nonskid surface, and shall otherwise be so constructed as to allow reasonable access to the crosswalk for physically disabled persons using the sidewalk.

11. All sidewalk improvements on public property, whether performed by the owner of the abutting property or by the City, shall be performed under the supervision and inspection of the City Superintendent of Public Works, and in accordance with the standard sidewalk specifications set forth in this Chapter.

6-8-10 PERMITS FOR CONSTRUCTION OR REMOVAL. No person shall make any sidewalk improvements unless such person shall obtain a permit from the City Clerk. The permit shall state that the person will comply with the Ordinances of the City and with the specifications for sidewalks adopted by the City. The permit also shall state that the work will be done under the direction and approval of the City Superintendent. All such permits shall be issued without charge and a copy thereof, with the application, shall be filed and preserved in the office of the City Clerk. The permit shall state when the work is to be commenced and when the work is to be completed. The time of completion for the sidewalk improvements may be extended by the City Council. All permits for sidewalk improvements not ordered by resolution of the City Council shall be issued in compliance with this Chapter. The City Council may withhold the issuance of any permit for any sidewalk improvements for a sufficient period to determine the necessity for the proposed improvements or when weather conditions will adversely affect the sidewalk improvements.

6-8-11 FAILURE TO OBTAIN PERMIT; REMEDIES. Whenever any sidewalk improvements are made that do not conform to the provisions of this Chapter and with the

specifications, or when any sidewalk improvements are made without a permit, the Mayor shall serve notice to obtain a permit upon the property owner and upon the contractor doing the work. If the sidewalk is in the course of construction, the notice shall order the work to stop until a permit is obtained and the work is corrected to comply with the specifications. If the sidewalk work has been completed, the owner shall obtain a permit immediately and perform any needed corrections within five (5) days from receipt of the permit. If the owner fails to comply with this notice, the Mayor shall have the work completed and the costs assessed to the property owner as provided in this Chapter.

6-8-12 INSPECTION AND APPROVAL. Upon final completion, the City Superintendent shall inspect the work and may order corrections if the work does not meet specifications. When the Clerk does meet all requirements of this chapter, the specifications, and the permit, the Superintendent of Public Works shall indicate this on both copies of the permit.

6-8-13 BARRICADES AND WARNING LIGHTS. Proper warning lights and barricades shall be placed to protect persons from materials, equipment, and dangerous conditions. Placement and maintenance of adequate warnings is the responsibility of the constructor, the owner, and the lessee of the property.

6-8-14 INTERFERENCE WITH SIDEWALK IMPROVEMENTS. No person shall knowingly or willfully drive any vehicle upon any portion of any sidewalk or approach thereto while it is in the process of being improved, or upon any portion of any completed sidewalk or approach thereto, or shall remove or destroy any part or all of any sidewalk or approach thereto, or shall remove, destroy, mar, or deface any sidewalk at any time or destroy, mar, remove, or deface any notice or warning device provided by this Chapter.

6-8-15 SPECIAL ASSESSMENTS FOR CONSTRUCTION AND REPAIR. The City Council may assess the cost of initial construction, improvements, and/or repair of sidewalks in the City according to the special assessment procedures established in Chapter 384, division IV, Code of Iowa.

6-8-16 NOTICE OF ASSESSMENT FOR REPAIR OR CLEANING COSTS. When the Mayor submits a bill for sidewalk improvements or for removal of accumulations as provided in this chapter the City Administrator/Clerk shall send a notice of such facts to the owner of the abutting property. The notice may be given either by personal service or by certified mail to the last known address of the owner. The notice shall contain a statement of the work performed, the cost of the work that is being assessed, a description of the property affected, and the fact that the person may pay the amount assessed within thirty (30) days without interest or penalty. The notice also shall indicate that the person may object to such assessment and given the place and time at which City Council will hear such objections. The time set for hearing shall be at least fifteen (15) days after the service or mailing of the notice.

6-8-17 HEARING AND ASSESSMENT. At the time and place designed in the Notice, the City Council shall consider all objections to the assessment, correct all errors or omissions, and adopt a corrected list as the amounts to be assessed against the property.

6-8-18 BILLING AND CERTIFYING TO COUNTY. Thirty (30) days after the City Council's decision, the City Administrator/Clerk shall certify any unpaid amounts to the County Auditor. The unpaid assessments shall constitute a lien against the property and shall be collected by the County Treasurer in the same manner as other taxes. Any assessment that exceeds \$100 may be paid in installments assessed by City Council, not exceeding ten, in the same manner and at the same interest rates as for special assessments under Chapter 384, division IV, Code of Iowa. No interest shall be charged for assessments, or parts thereof, paid within thirty (30) days of the time the City Council determined the final amounts.

(Ordinance 191, Passed July 13, 1992)

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 9 - STREETS AND ALLEYS

6-9-1	Removal of Warning Devices	6-9-8	Traveling on Barricaded Street Prohibited
6-9-2	Obstructing or Defacing Streets	6-9-9	Use of Parkings
6-9-3	Placing Debris On Streets	6-9-10	Use of Streets for Business Purposes
6-9-4	Injuring New Pavement	6-9-11	Washing Vehicle on Streets Prohibited
6-9-5	Excavations	6-9-12	Street Width
6-9-6	Dumping of Snow		
6-9-7	Playing in Streets		

6-9-1 REMOVAL OF WARNING DEVICES. It shall be unlawful for a person to willfully remove, throw down, destroy or carry away from any highway, street, alley, avenue or bridge any lamp, obstruction, guard or other article or things, or extinguish any lamp or other light, erected or placed 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)

6-9-2 OBSTRUCTING OR DEFACING STREETS. It shall be unlawful for any person to obstruct, deface or injure any public road in any manner.

(Code of Iowa, Sec. 716.5)

6-9-3 PLACING DEBRIS ON STREETS. It shall be unlawful for any person to throw or deposit on any street any glass bottle, glass, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, or any other debris, or any other substance likely to injure any person, animal or vehicle.

(Code of Iowa, Sec. 321.369)

6-9-4 INJURING NEW PAVEMENT. It shall be unlawful for any person to willfully injure new pavement in any street, alley or sidewalk by willfully driving, walking or making marks on such pavement before it is ready for use.

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

6-9-5 EXCAVATIONS.

1. Permit. No person shall dig, excavate or in any manner disturb any street in the City, unless such person shall first obtain a permit therefor as hereinafter provided or as provided in other sections of the City Code.

2. Requirements. Before such permit shall be granted the person shall file with the City Administrator/Clerk a written application. The application shall give an exact description of the

property, by lot and street number, in front of or along which it is desired to excavate, state the purpose and for whom and by whom the excavation is to be made, and who will be responsible for the refilling of said ditch and restoration of the street surface.

3. No permit shall be required by any person contracted by the City requiring excavation. However, such contractor shall be required to show evidence of a performance and maintenance bond in an amount to cover the cost of the improvements.

6-9-6 DUMPING OF SNOW. It shall be unlawful for any person to throw, push, or place or cause to be thrown, pushed or placed, any ice or snow from private property, sidewalks, or driveways onto the traveled way of streets so as to obstruct gutters, or impede the passage of vehicles upon the street or to create a hazardous condition therein; except where, in the cleaning of large commercial drives in the business district it is absolutely necessary to move the snow onto the streets temporarily, such accumulation shall be removed promptly by the property owner or his or her agent, and only after first making arrangements for such prompt removal at the owner's cost of the accumulation within a reasonably short time.

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

6-9-7 PLAYING IN STREETS. It shall be unlawful for any person to coast, sled or play games on streets or highways except in the areas blocked off by the City Council for such purposes.

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

6-9-8 TRAVELING ON BARRICADED STREET PROHIBITED. It shall be unlawful for any person to travel or operate any vehicle on any street or public way temporarily closed by barricades lights, signs, or flares placed thereon by the authority or permission of any City official, police officer or member of the fire department.

6-9-9 USE OF PARKINGS. It shall be unlawful to temporarily or permanently park, store, or place any car, truck, vehicle, junk or any other goods, wares and merchandise of any kind upon any street parking without permission of the City Council.

6-9-10 USE OF STREETS FOR BUSINESS PURPOSES. It shall be unlawful to park, store or place any new or used car or cars, machinery, or any other goods, wares, and merchandise of any kind upon any street for the purpose of storage, exhibition, sale or offering same for sale, without permission of the City Council.

6-9-11 WASHING VEHICLE ON STREETS PROHIBITED. It shall be unlawful for any person to use any public sidewalk or street for the purpose of washing or cleaning any automobile, truck equipment, or any vehicle of any kind when such work is done for hire or as a business. This shall not be construed to prevent any person from washing or cleaning his or her own vehicle or equipment when it is lawfully parked in the street.

6-9-12 STREET WIDTH. All new City streets in the corporate limits of the City shall have a right of way width of sixty-six feet (66), except the City Council may waive this requirement for good cause shown based on need, topography, intended use, or other good reason.

(Ord. 180, Passed July 10, 1989)

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 10 - RESTRICTED RESIDENCE DISTRICT

6-10-1	Purpose	6-10-4	Exceptions
6-10-2	District Described	6-10-5	Certifying Ordinance
6-10-3	Prohibited Use	6-10-6	Action to Abate

6-10-1 PURPOSE. The purpose of this Chapter is to provide and establish reasonable rules and regulations for the erection, reconstruction, and repairing of buildings of all kinds, that there shall be no use in such district except for residences, schoolhouses, churches, and other similar structures, except when a permit is granted in accordance with this Ordinance, as well as the use and occupancy of such buildings to promote the health, morals, safety, and general welfare in the City.

6-10-2 DISTRICT DESCRIBED. The following restricted residence district is hereby designated and established. All that area lying within the corporate limits of the City except the following described areas:

1. All that area south of the north corporate limits, north of the center of Union Street, west of the east corporate limits, and east of a line from the north corporate limits, south along the center of Franklin Street to the center of William Street, east along the center of William Street to center of Bell Street, south along the center of Bell Street to the center of Union Street.

2. All that area one hundred fifty-eight feet (158') wide south of the center of Union Street from the center of Locust Street to the center of Bell Street.

3. All that area bounded by the center of Union Street, the center of Chestnut Street, the center of Lincoln Street, and the center of Bell Street.

4. All that area north of the south corporate limits, west of the east corporate limits, east of the center of Chestnut Street and south of a line from Chestnut Street east along the center of Harrison Street, south along the center of Bell Street, east along the center of Maple Street, north along the center of Locust Street and east along the center of Harrison Street to the east corporate limits.

5. All that area east of the west corporate limits for a distance of 650 feet and north 500 feet from the center of Union Street (State Highway No. 3) and south 500 feet from the center of Union Street (State Highway No. 3).

6. Lot One (1) of Lot Two (2) in the Northeast Quarter (NE 1/4) of the Southwest Quarter (SW 1/4) of Section 35, Township Ninety-one North (T91N), Range Five (5) West of the Fifth Principal Meridian, City of Edgewood, Clayton County, Iowa.

(Ord. 266, Passed March 12, 2012)

7. Lot One (1) of Lot Two (2) in the Northwest Quarter (NW 1/4) of the Southeast Quarter (SE 1/4) of Section 35, Township Ninety-one North (T91N), Range Five (5) West of the Fifth Principal Meridian, City of Edgewood, Clayton County, Iowa.

(Ord. 266, Passed March 12, 2012)

6-10-3 PROHIBITED USE. No buildings or other structures, except residences, school houses, churches and other similar structures, shall be erected, altered, repaired, used or occupied within the restricted residence district as defined herein without first receiving from the City Council a special use permit therefore. No metal buildings larger than twelve feet by twelve feet shall be erected in a restricted residence district without first receiving from the City Council a special use permit. No such special use permit shall be issued without the affirmative vote of three-fourths (3/4) of the full City Council.

6-10-4 EXCEPTIONS. The provisions of the preceding section shall have no application to any business, store, shop or factory existing and in operation in a restricted residence district on the first day of August, 1992, except in the matter of reconstruction, repair, alteration or change in use of structure.

6-10-5 CERTIFYING ORDINANCE. Within fifteen (15) days after this Ordinance becomes effective the Clerk shall prepare or have prepared a plat of the restricted residence district as established by this Ordinance and certify such Ordinance and plat to the County Recorder.

6-10-6 ACTION TO ABATE. Any building or structure erected, altered, repaired, used or occupied in violation of this Chapter shall be determined a nuisance and the same may be abated by the City or by any property owner within said district in the manner provided for the abatement of nuisances.

(Ord. 192, Passed December 14, 1992)

6-10-7 DOWNTOWN DISTRICT PROHIBITION. It shall be unlawful for the first floor of any structure in the downtown district to be used for residential purposes. The downtown district shall be comprised of North Washington Street from Union Street North to 303 North Washington Street.

This section shall have no application to any first floor residence existing prior to the adoption and publication of this ordinance.

(Ord. 249, Passed November 7, 2006)

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 11 - TREES

6-11-1	Purpose	DUTCH ELM DISEASE CONTROL
6-11-2	Definitions	
6-11-3	Tree Board	6-11-7 Trees Subject to Removal
6-11-4	Planting Restrictions	6-11-8 Duty to Remove
6-11-5	Duty to Trim Trees	6-11-9 Inspections
6-11-6	Removal of Trees	6-11-10 Removal from City Property
		6-11-11 Removal from Private Property

6-11-1 **PURPOSE.** The purpose of this ordinance is to encourage tree planting and care, for beautification, air cooling and purification, noise abatement, property value enhancement and wildlife habitat in the town of Edgewood. This ordinance will also promote and protect the public health and safety by providing for the regulation of planting, and removal of trees.

6-11-2 **DEFINITIONS.** For use in this Chapter, the following terms are defined:

1. **Shade trees.** Those obtaining a height of 35 feet or more.
2. **Tree Board.** Made up of the City Superintendent, one citizen of Edgewood and one City Council member.
3. **Parking.** 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.
4. **Shrub.** A wood plant with several stems and usually with a low mature height of eight feet or less.
5. **Tree.** Any woody perennial plant with a main trunk and many branches, and includes living or dead trees and standing or fallen trees.

6-11-3 **TREE BOARD.** A Tree Board of at least three members shall be appointed by the Mayor and approved by the City Council. The Board shall be made up of at least one City Council member, the City Superintendent, and a citizen who is a resident of the City. The term of the Board shall be three years; except that the term of the first member appointed shall be two years.

1. The Board will assist the City Council in developing policies regarding trees, interpreting this ordinance to citizens, and will make individual decisions regarding planting, maintenance and removal of trees.
2. Compensation. Board members shall receive no compensation.
3. Any person aggrieved by a decision or interpretation by the Tree Board may appeal the decision to the City Council by filing written notice with the City Administrator/Clerk within 15 days after the decision of the Tree Board.

6-11-4 PLANTING RESTRICTIONS. No tree shall be planted in any street or parking except in accordance with the following:

1. Trees permitted. Plantings are limited to the following varieties: SMALL: Flowering Crab, Pear (fruitless), Armur Maple, Tulip Tree, Lilac Tree, Thornless Hawthorn; MEDIUM: Ash, Hackberry, Littleleaf Linden, American Linden, Ginko, European River Birch, Norwegian Sunset Maple; LARGE: Sugar and Black Maple, Rabrum Maple, Swamp and White Oak.

2. Prohibited Trees . No person shall plant in any street, any fruit bearing tree or any tree of the kinds commonly known as cottonwood, poplar, boxelder, Chinese elm, evergreens, soft maple, willow, walnut, catalpa or horsechestnut.

3. Alignment. All trees planted in the parking must be planted midway between the outer line of the sidewalk and the curb. In the event a curb line is not established, trees shall be planted in a line 10 feet from the property line.

4. Spacing. Trees shall not be planted on the parking if it is less than nine (9) feet in width, or contains less than eighty-one (81) square feet of exposed soil surface per tree, except with the written consent of the Tree Board. Trees shall not be planted closer than thirty-five (35) feet to street intersections (property lines extended) and ten (10) feet to driveways. If it is at all possible, trees should be planted inside the property lines and not between the sidewalk and the curb.

5. Trees, other than small trees or trees approved by the Tree Board, shall not be planted under or within ten (10') lateral feet of any overhead power line or overhead utility wire, and no tree shall be planted within five (5') lateral feet of any underground water, sewer, transmission or other utility line.

6-11-5 DUTY TO TRIM TREES. The owner or agent of the abutting property shall keep trees that overhang the street trimmed so that branches will be at least fifteen (15) feet above the surface of the street and eight (8) feet above the sidewalks.

It shall be unlawful for any person to trim or cut any tree in the street or parking without permission and supervision of the city.

If the abutting property owner fails to trim as required in this Chapter, the City may serve notice on the property owner requiring him or her to do so within five (5) days. If he or she fails to trim trees within that time, the City may perform the required action and assess the costs against the property for collection in same manner as a property tax.

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

6-11-6 REMOVAL OF TREES. The City of Edgewood, at the request of the Tree Board, shall remove trees on public property which have become diseased, or which constitute a danger to the public, or which may otherwise be declared a nuisance.

(Code of Iowa, Sec. 364.12(2)(c) and 372.13(4))

DUTCH ELM DISEASE CONTROL.

6-11-7 TREES SUBJECT TO REMOVAL. The City Council, having determined that the health of the elm trees within the City is threatened by a fatal disease known as the Dutch elm disease, hereby declares the following shall be removed:

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

1. Living or standing trees. Any living or standing elm tree or part thereof infected with the Dutch elm disease fungus or which harbors any of the elm bark beetles, that *scolytus multistriatus* (eichb) or *hylurgopinus rufipes* (marsh.)

2. Dead trees. Any dead elm tree or part thereof including logs, branches, stumps, firewood or other elm material from which the bark has not been removed and burned or sprayed with an effective elm bark beetle destroying insecticide.

6-11-8 DUTY TO REMOVE. No person, firm or corporation shall permit any tree or material as defined in Section 6-11-7 to remain on the premises owned, controlled or occupied by him or her within the City.

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

6-11-9 INSPECTIONS. The City Superintendent shall inspect or cause to be inspected all premises and places within the City to determine whether any condition as defined in Section 6-11-7 exists thereon, and shall also inspect or cause to be inspected any elm trees reported or suspected to be infected with the Dutch elm disease or any elm bark bearing material reported or suspected to be infected with the elm bark beetles.

6-11-10 REMOVAL FROM CITY PROPERTY. If the City Superintendent upon inspection or examination, in person or by some qualified person acting for him or her, shall determine that any condition as herein defined exists in or upon any public street, alley, park or any public place, including the strip between the curb and the lot line of private property, within the City and that the danger of other elm trees within the City is imminent, he or she shall immediately cause it to be removed and burned or otherwise correct the same in such manner as to destroy or prevent as fully as possible the spread of Dutch elm disease or the insect pests or vectors known to carry such disease fungus.

6-11-11 REMOVAL FROM PRIVATE PROPERTY. If the City Superintendent upon inspection or examination, in person or by some qualified person acting for him or her, shall determine with reasonable certainty that any condition as herein defined exists in or upon private premises and that the danger to other elm trees within the City is imminent, he or she shall immediately notify by certified mail the owner, occupant or person in charge of such property, to correct such condition within 14 days of said notification. If such owner, occupant or person in charge of said property fails to comply within 14 days of receipt thereof, the City Council may cause the nuisance to be removed and the cost assessed against the property as provided.

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

If the City Superintendent is unable to determine with reasonable certainty whether or not a tree in or upon private premises is infected with Dutch elm disease, he or she is authorized to remove or cut specimens from said tree, and obtain a diagnosis of such specimens.

(Ordinance 230, Passed August 11, 2003)

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 12 - INDUSTRIAL PROPERTY TAX CREDITS

- | | |
|--|--------------------------------|
| 6-12-1 Purpose | 6-12-4 Procedure for Obtaining |
| 6-12-2 Partial Exemption from Taxation | Exemption |
| 6-12-3 Period of Exemptions and Credit Limitations | |

6-12-1 PURPOSE. The purpose of this Ordinance is to authorize partial property tax exemptions for industrial property on which improvements have been made, in accordance with the provisions of Chapter 427B of the Code of Iowa (1985).

6-12-2 PARTIAL EXEMPTION FROM TAXATION. The City of Edgewood hereby provides for a partial tax exemption from property taxation of the actual value added to industrial real estate by the new construction of industrial real estate and the acquisition of or improvement to machinery and equipment as assessed as real estate pursuant to Section 427A.1(1)(e) Code of Iowa (1985) within the limits of the City of Edgewood, Iowa. This provision shall be subject to definitions and requirements set forth in Chapter 427B of the Code of Iowa (1985).

6-12-3 PERIOD OF EXEMPTIONS AND CREDIT LIMITATIONS. The actual value added to the industrial real estate for the reasons specified in Section 6-12-2 above is eligible to receive a partial, exemption from taxation for a period of five years. "Actual value added" means the actual value added as of the first year for which the exemption is received, except that actual value added by improvements to machinery and equipment means the actual value as determined by the Assessor as of January 1st of each year for which the exemption is received. The amount of actual value added which is eligible to be exempt from taxation shall be as follows:

For the first year	75%
For the second year	60%
For the third year	45%
For the fourth year	30%
For the fifth year	15%

6-12-4 PROCEDURE FOR OBTAINING EXEMPTION. An Application for Exemption shall be filed by the owner of the property with the local Assessor by February 1st of the assessment year in which the value added is first assessed for taxation, for each project resulting in actual value added for which an exemption is claimed. Application for exemption shall be made on forms prescribed by the Director of Revenue of the State of Iowa, supplying all information deemed necessary by said Director.

(Ordinance 167, Passed April 13, 1987)

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 13 - URBAN RENEWAL

EDGEWOOD URBAN RENEWAL AREA --1988

- 6-13-1 Purpose
- 6-13-2 Definitions
- 6-13-3 Provisions for Division of Taxes

EDGEWOOD ECONOMIC DEVELOPMENT DISTRICT--1992

- 6-13-4 Purpose
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AMENDMENT TO ECONOMIC DEVELOPMENT DISTRICT --1992

- 6-13-7 Purpose
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EDGEWOOD ECONOMIC DEVELOPMENT DISTRICT--1997

- 6-13-10 Purpose
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EDGEWOOD URBAN RENEWAL AREA--1988

6-13-1 PURPOSE. The purpose of this Ordinance is to provide for the division of taxes levied on the taxable property in the Edgewood Urban Renewal Area of the City of Edgewood, Iowa, each year by and for the benefit of the state, city, county, school districts or other taxing districts after the effective date of this Ordinance in order to create a special fund to pay the principal of and interest on loans, moneys advanced to or indebtedness, including bonds proposed to be issued by the City of Edgewood to finance projects in such area.

6-13-2 DEFINITIONS. For use within this Ordinance, the following terms shall have the following meanings:

"City" shall mean the City of Edgewood, Iowa.

"County" shall mean the County of Delaware, Iowa.

"Urban Renewal Area" shall mean the Edgewood Urban Renewal Area of the City of Edgewood, Iowa, the boundaries of which are set out below, such area having been identified in the Urban Renewal Plan approved by the City Council by resolution adopted on December 12, 1988:

That part of the vacated alley abutting the Southline of Lots Five (5) and Six (6), and the North line of Lots Seven (7) and Eight (8), Block One (1) of F.A. Densmore's Second Addition; AND

That part of vacated Lincoln Street from the West line of Anson Street West to the East line of vacated Dewey Street, being a plot of land approximately sixty-six (66) feet by two hundred sixty four (264) feet; AND

That part of the vacated alley in Block Four (4) of F.A. Densmore's Second Addition, described as that part abutting the West line of Lots Four (4), Five (5), and Six (6) and the East line of Lots Seven (7), Eight (8), and Nine (9); AND

That part of vacated Anson Street which abuts the West line of Lots Seven (7) and Eight (8), Block Three (3), F.A. Densmore's Second Addition, and the East line of Lots Five (5) and Six (6), Block Four (4) of said Addition; AND

That part of vacated Jackson Street which abuts the South line of Lot Twelve (12), Block Four (4), and the North line of Lot Seven (7), Block Five (5), in F.A. Densmore's Second Addition; AND

That part of vacated Morrison Street from extended West line of Block Five (5), to the extended West line of Block Six (6), F.A. Densmore's Second Addition; AND

That part of the vacated alley in Block Five (5) of F.A. Densmore's Second Addition that abuts the West line of Lots One (1), Two (2), Three (3) and Four (4) and the East line of Lots Nine (9), Ten (10), Eleven (11) and Twelve (12); AND

That part of vacated Anson Street beginning at the South line of vacated Jackson Street, running thence South to the North line of vacated Morrison Street; All in the City of Edgewood, Delaware County, Iowa, and that part of vacated Morrison Street described as:

Commencing at Southwest (SW) corner of Lot Twelve (12), Block Six (6) of F.A. Densmore's Second Addition to Edgewood, thence East one hundred thirty nine (139) feet, thence South eight (8) feet, thence West one hundred thirty nine (139) feet, thence North eight (8) feet to point of beginning; AND

Lots 7, 8, 9, 10, 11, and 12 of Block Four (4) Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 of Block Five (5) and the North eighty-eight (88) feet of the vacated alley in said Block Five (5) the North twenty-six (26) feet of Lot 3 and all of Lots 4, 7, 8, 9, 10, 11 and 12, Block Six (6) and all of the vacated alley in said Block Six (6), except the North eighty-eight (88) feet thereof that part of vacated Dewey Street running South from the South line of vacated Lincoln Street to the South line of Morrison Street; all of said property being in Densmore's Second Addition to the City of Edgewood, Delaware County, Iowa AND

The East three-tenths ($3/10$) of the West one-half ($W 1/2$) of the South one-fourth ($S 1/4$) of the Northwest Quarter ($NW 1/4$) of the Northwest Quarter ($NW 1/4$) of Section Two (2),

Twp. Ninety North (90N), Range Five (5), West of the 5th P.M., Delaware County, Iowa
AND

That part of the Northwest Quarter (NW 1/4) of the Northwest Quarter (NW 1/4) of Section Two (2) and the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of Section Three (3), Township Ninety North (90N), Range Five (5), West of the Fifth P.M. That part lying in Section 3 is also known as Lot 13 of the Subdivision of NE 1/4, NE 1/4 of Section 3, Township 90 North, Range 5 West of the Fifth P.M., described as commencing at the Northwest corner of said Section Two (2), thence North 89°45' East three hundred forty five and two-tenth (345.2) feet along the North line of said Section Two (2), thence South 02°00' West two hundred fifty nine and twelve hundredths (259.12) feet to the point of beginning, thence South 02°00' West Seven hundred thirty and eighty eight hundredths (730.88) feet, thence south 89°45' East one hundred sixty five (165) feet, thence South 02°00' West three hundred thirty two and thirty five hundredths (332.35) feet, thence South 89°45' West five hundred ten and four-tenths (510.4) feet, thence North 01°09' East six hundred sixty three and seventeen hundredths (663.17) feet, thence North 89°45' East two (2) feet, thence North 01°09' East four hundred twenty six (426) feet, thence North 89°45' East one hundred forty six (146) feet, thence South 01°09' West twenty five (25) feet, thence North 89°45' East two hundred thirteen and fifteen hundredths (213.15) feet to the point of beginning in Delaware County, Iowa AND Lots Five (5), Six (6), Seven (7), and Eight (8), Block One (1); and Dewey Street from the South line of Union Street running South to the South line of Lincoln Street, all in F.A. Densmore's Second Addition to Edgewood, Iowa, according to plat recorded in Book 1 Plats, Page 113, from the 19th day of May, 1982, at 8:00 o'clock A.M. to the 29th day of July, 1987, at 8:00 o'clock A.M. AND

Lots Three (3), Four (4), Nine (9) and Ten (10), in Block One (1) of F.A. Densmore's Second Addition to Edgewood, Iowa, and, that part of the alley in Block One (1), F.A. Densmore's Second Addition to the Town of Edgewood, Iowa, running along and adjacent to the South end of Lots Three (3) and Four (4) and the North end of Lots Nine (9) and Ten (10) of said Block, this part of said alley being 88 feet in length, all in Block One (1), F.A. Densmore's Second Addition to Edgewood, Iowa, according to plat recorded in Book 1 Plats, Page 113 AND

That part of vacated Anson Street running South from the Southeast corner of Lot Five (5), Block Four (4), and the Southwest corner of Lot Eight (8), Block Three (3), all in F.A. Densmore's Second Addition to Edgewood, Delaware County, Iowa, to the South line of vacated Jackson Street, and That part of vacated Jackson Street running West from the West line of vacated Anson Street to the Southeast corner of Lot Twelve (12) in Block Four (4) and the Northeast Corner of Lot Seven (7), in Block Five (5), all in Densmore's Second Addition to Edgewood, Delaware County, Iowa, and That part of the vacated alley in Block Four (4) F.A. Densmore's Second Addition to Edgewood, Delaware County, Iowa, which abuts the West line of Lots One (1), Two (2) and Three (3) and the East line of Lots Ten (10), Eleven (11), and Twelve (12) thereof, and Lots One (1), Two (2), and Three (3) in Block Four (4) of F.A. Densmore's Second Addition to Edgewood, Delaware County, Iowa, AND

The Southwest Quarter (SW 1/4) of the Northwest Quarter (NW 1/4) and the North half (N 1/2) of the Northwest Quarter (NW 1/4) of the Southwest Quarter (SW 1/4) all in Section Two (2), Township Ninety North (90N), Range Five, West of the Fifth P.M., Delaware County, Iowa, containing sixty (60) acres, more or less AND

That part of the Northwest Quarter (NW 1/4) of the Northwest fractional Quarter (NWfr1/4) of Section Two (2) described as commencing at a point eight (8) feet South of the Southwest corner of Lot Twelve (12), Block Six (6), F.A. Densmore's Second Addition to Edgewood, Iowa, and running thence South to the South line of said Northwest Quarter (NW 1/4) of the Northwest fractional Quarter (NWfr1/4), thence East along said South line two hundred sixty four (264.0) feet, thence North to a point one hundred eighty one (181.0) feet South of the Southeast corner of Lot One (1), Block Six (6) of said F.A. Densmore's Second Addition, thence West one hundred twenty five (125.0) feet, thence North one hundred seventy three (173.0) feet, thence West one hundred thirty nine (139.0) feet to the point of beginning; and that part of the Northwest Quarter (NW1/4) of the Northwest fractional Quarter (NWfr1/4) of Section Two (2) described as commencing at the Southeast corner of Lot Sixteen (16), Block Seven (7) in F.A. Densmore's Second Addition to Edgewood, Iowa, and running thence North 89°45' West along the South line of said Block Seven (7) two hundred eighty-three and four-tenths (283.4) feet to the Southwest corner of said Block Seven (7), thence South 1°03' West one hundred sixty five (165.0) feet, thence South 2°00' West to a point that is fifty (50.0) feet north of the South line of said Northwest Quarter (NW1/4) of the Northwest fractional Quarter (NWfr1/4), thence East twenty (20.0) feet, thence South fifty (50.0) feet to the South line of said Northwest Quarter (NW1/4) of the Northwest fractional Quarter (NWfr1/4), thence North 89°45' East along said South line two hundred sixty eight (268.0) feet, more or less, to a point in range with the East line of said Block Seven (7), thence North 1°03' East three hundred thirty eight and fifty two one-hundredths (338.52) feet, more or less, to the point of beginning, all in Section Two (2), Township Ninety (90) North, Range Five (5), West of the Fifth Principal Meridian, in Delaware County, Iowa, AND

Lots Four (4), Five (5), and Six (6), Block Four (4) of F.A. Densmore's Second Addition to Edgewood, Delaware County, Iowa, AND

Commencing at the Northeast corner of Section Three (3), Township Ninety (90) North, Range Five (5), West of the Fifth P.M., on the centerline of Union Street, Edgewood, Iowa, thence West on the said centerline a distance of 19.8 feet to the South section corner of Sections 34 and 35, Township 91 North, Range 5, West of the Fifth P.M., this being the point of beginning, thence South 00°52' East 228 feet, thence East 2 feet, thence South 00°52' East 259 feet, thence West 181 feet, more or less, thence North 487 feet, more or less, to a point on the centerline of said Union Street, Edgewood, Iowa, which is 172 feet West of the point of beginning, thence East on the centerline of said Union Street to the point of beginning. The above land being one and the same as Lot Ten (10) of the Plat of the Subdivision of the NE1/4 of the NE1/4 of Section 3, T90N, R5W of the Fifth P.M.,

Delaware County, Iowa, said plat being of record April 12, 1985, in Book 5 Plats, Page 104; AND

Lot Nine (9) of the Subdivision of the NE1/4 of the NE1/4 of Section 3, T90N, R5W of the Fifth P.M., Delaware County, Iowa, and a tract of land abutting said Lot Nine (9) on the South and described as: commencing at the Southwest corner of said Lot Nine (9), thence South 187.0 feet, thence East 300.0 feet, thence North 187.0 feet to the Southeast corner of said Lot Nine (9), thence West 300.00 along the South line of said Lot Nine (9), to the point of beginning. Also on easement for ingress and egress over and across the South 150.0 feet

of the "proposed street" of the said Subdivision of the NE1/4 of the NE1/4 of said Section 3.

6-13-3 PROVISIONS FOR DIVISION OF TAXES. After the effective date of this Ordinance, the taxes levied on the taxable property in the Urban Renewal Area each year by and for the benefit of the State of Iowa, the City, the County and any school district or other taxing district in which the Urban Renewal Area is located, shall be divided as follows:

1. that portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the Urban Renewal Area, as shown on the assessment roll as of January 1 of the calendar year preceding the effective date of this Ordinance, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid. For the purpose of allocating taxes levied by or for any taxing district which did not include the territory in the Urban Renewal Area on the effective date of this Ordinance, but to which the territory has been annexed or otherwise included after the effective date, the assessment roll as of January 1 of the calendar year preceding the effective date of this Ordinance shall be used in determining the assessed valuation of the taxable property in the Urban Renewal Area on the effective date.

2. that portion of the taxes each year in excess of such amounts shall be allocated to and when collected be paid into a special fund of the City to pay the principal of and interest on loans, moneys advanced to or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.9(1), of the Code of Iowa, incurred by the City to finance or refinance, in whole or in part, projects in the Urban Renewal Area, except that taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this Ordinance. Unless and until the total assessed valuation of the taxable property in the Urban Renewal Area exceeds the total assessed value of the taxable property in such area as shown by the assessment roll referred to in subsection (1) of this section, all of the taxes levied and collected upon the taxable property in the Urban Renewal Area shall be paid into the funds for the respective taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes. When such loans, advances, indebtedness, and bonds, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in

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

3. the portion of taxes mentioned in subsection (2) of this section and the special fund into which that portion shall be paid may be irrevocably pledged by the City for the payment of the principal and interest on loans, advances, bonds issued under the authority of Section 403.9(1) of the Code of Iowa, or indebtedness incurred by the City to finance or refinance in whole or in part projects in the Urban Renewal Area.

4. as used in this section, the word "taxes" includes, but is not limited to, all levies on an ad valorem basis upon land or real property.

(Ordinance 177, Passed December 12, 1988)

EDGEWOOD ECONOMIC DEVELOPMENT DISTRICT--1992

6-13-4 PURPOSE. The purpose of this Ordinance is to provide for the division of taxes levied on the taxable property in the Edgewood Urban Renewal Areas of the City of Edgewood, Iowa, each year by and for the benefit of the state, city, county, school districts or other taxing districts after the effective date of this Ordinance in order to create a special fund to pay the principal of and interest on loans, moneys advanced to or indebtedness, including bonds proposed to be issued by the City of Edgewood to finance projects in such area.

6-13-5 DEFINITIONS. For use within this Ordinance, the following terms shall have the following meanings:

"City" shall mean the City of Edgewood, Iowa.

"County" shall mean the County of Delaware, and the County of Clayton, Iowa.

"Urban Renewal Area" shall mean the "Edgewood Economic Development District" the boundary of which are is set out below, such area having been identified in the Urban Renewal Plan approved by the City Council by resolution adopted on December 14, 1992:

Description for the Urban Renewal/TIF area.

The Northwest Quarter (NW 1/4) of the Southeast Quarter (SE 1/4); The Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4); The Northeast Quarter (NE 1/4) of the Southwest Quarter (SW 1/4); The Southeast Quarter (SE 1/4) of the Southwest Quarter (SW 1/4); including Blocks 1, 2 and 3 of Yankee Settlement Centre, and including Lots 1, 2, 3, 7, 8, 9, 10, 11 and 12 in Block 6 of Harrison Noble's Addition to Edgewood and Block 7 of Harrison Noble's Addition to Edgewood but excepting Blocks 4 and 5 Yankee Settlement Centre and excepting Lots 4, 5 and 6 in Block 6 of Harrison Noble's Addition to Edgewood; All public roads, streets and alleys contained in the above legal descriptions and also lying adjacent to the above legal descriptions. All in Section 35, Township 91 North, Range 6 West of the 5th P.M. in Clayton County, Iowa.

AND

Lots 1, 2, 3, 4, 5 and 6 of Block 2 Gifford's Addition to Edgewood; Lots 14, 15 and 16 of Peter's Addition to Edgewood; Commencing at the Northeast (NE) corner of the West Half (W 1/2) of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of Section Two (2), Township Ninety (90) North, Range 5 West of the Fifth Principal Meridian, thence West 165 feet, thence South 133 feet, thence East 165 feet, thence North 133 feet to the place of beginning; All public roads, streets and alleys contained in the above legal descriptions and also lying adjacent to the above legal descriptions; All in Delaware County, Iowa.

6-13-6 PROVISIONS FOR DIVISION OF TAXES LEVIED ON TAXABLE PROPERTY IN THE URBAN RENEWAL AREAS. After the effective date of this Ordinance, the taxes levied on the taxable property in the Urban Renewal Area each year by and for the benefit of the State of Iowa, the City, the County and any school district or other taxing district in which an Urban Renewal Area is located, shall be divided as follows:

1. that portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the Urban Renewal Area, as shown on the assessment roll as of January 1 of the calendar year preceding the effective date of this Ordinance, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid. For the purpose of allocating taxes levied by or for any taxing district which did not include the territory in an Urban Renewal Area on the effective date of this Ordinance, but to which the territory has been annexed or otherwise included after the effective date, the assessment roll as of January 1 of the calendar year preceding the effective date of this Ordinance shall be used in determining the assessed valuation of the taxable property in the Urban Renewal Area on the effective date.

2. that portion of the taxes each year in excess of such amounts shall be allocated to and when collected be paid into a special fund of the City to pay the principal of and interest on loans, moneys advanced to or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.9(1), of the Code of Iowa, incurred by the City to finance or refinance, in whole or in part, projects in the Urban Renewal Area, except that taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this Ordinance. Unless and until the total assessed valuation of the taxable property in the Urban Renewal Area exceeds the total assessed value of the taxable property in such area as shown by the assessment roll referred to in subsection (1) of this section, all of the taxes levied and collected upon the taxable property in an Urban Renewal Area shall be paid into the funds for the respective taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes. When such loans, advances, indebtedness, and bonds, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in

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

3. the portion of taxes mentioned in subsection (2) of this section and the special fund into which that portion shall be paid may be irrevocably pledged by the City for the payment of the principal and interest on loans, advances, bonds issued under the authority of Section 403.9(1) of the Code of Iowa, or indebtedness incurred by the City to finance or refinance in whole or in part projects in the Urban Renewal Area.

4. as used in this section, the word "taxes" includes, but is not limited to, all levies on an ad valorem basis upon land or real property.

(Ord. 213, Passed June 11, 2001)

AMENDMENT TO THE ECONOMIC DEVELOPMENT DISTRICT--1992

6-13-7 PURPOSE. The purpose of this Ordinance is to provide for the division of taxes levied on the taxable property in the 2001 Addition to the Edgewood Urban Renewal Area of the City of Edgewood, Iowa, each year by and for the benefit of the state, city, county, school districts or other taxing districts after the effective date of this Ordinance in order to create a special fund to pay the principal of and interest on loans, moneys advanced to or indebtedness, including bonds proposed to be issued by the City of Edgewood to finance projects in such area.

(Ord. 215, Passed June 11, 2001)

6-13-8 DEFINITIONS. For use within this Ordinance the following terms shall have the following meanings:

"City" shall mean the City of Edgewood, Iowa.

"County" shall mean the Counties of Clayton and Delaware, Iowa.

"Urban Renewal Area Amendment" shall mean the 2001 Addition to the Edgewood Urban Renewal Area of the City of Edgewood, Iowa the boundaries of which are set out below, approved by the City Council by resolution adopted on December 14, 1992:

All that part of Lot Five (5) lying within the city limits of Edgewood, Lot Five A (5A), Lot Six (6), Lot Seven (7), Lot Eight (8), and that part of Lot Eleven (11) lying within the city limits of Edgewood except that portion described as commencing at the Southwest Corner of Lot Nine (9), thence South 187.0 feet, thence East 300.0 feet, thence North 187.0 feet, thence West 300.0 feet along the South line of said Lot Nine (9) to the point of beginning, all being within the Subdivision of the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼) of Section Three (3), Township Ninety North (T90N), Range Five West (R5W) of the 5th P.M., Delaware County, Iowa per plat recorded in Book 5 Plats, Page 104;

AND

The East One-half (E ½) of the Southeast Quarter (SE ¼) of the Northeast Quarter (NE ¼) of Section Three (3), Township Ninety North (T90N), Range Five West (R5W) of the 5th P.M., Delaware County, Iowa;

AND

All of West and East Harrison Street lying within the City limits of Edgewood;

AND

All of South East Street within the City of Edgewood, Iowa lying North of the South line of Harrison Street and South of the South line of Lot Fourteen (14) of Phelps Addition to Edgewood, Iowa;

AND

All of East Morrison Street lying East of the West line of South East Street in the City of Edgewood, Iowa;

AND

All of Soldiers Avenue lying East of the extended West line of Lot Eighteen (18) of Phelps Addition to the City of Edgewood and West of the east line of South Fleming Street;

AND

All of South Fleming Street in the City of Edgewood lying South of the extended North line of Lot Twenty-three (23) of Durfey's Addition to the City of Edgewood and North of the South line of Soldiers Avenue;

AND

Lot Eight (8) of Kern's Subdivision being a subdivision of Lot 3 and Part of Lot 4 of the Subdivision of the Northwest Quarter (NW ¼) of the Northeast Quarter (NE ¼) and of adjacent railroad right-of-way in Section Two (2), Township Ninety North (T90N), Range Five West (R5W) of the 5th P.M., Delaware County, Iowa, per plat recorded in Book 6 Plats, Page 129;

AND

Lots Eighteen (18) and Nineteen (19) of Phelp's Addition to Edgewood per Plat recorded in Book 1 Plats, Page 91;

AND

Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Nine (9), Ten (10), Eleven (11), Twelve (12), and Thirteen (13) of South Town Manor, a subdivision of part of Lot 2, Lot 3, and Lot 4, all in the subdivision of Lot 5 of the subdivision of the Northwest Quarter (NW ¼) of the Northeast Quarter (NE ¼) of Section Two (2), Township Ninety North (T90N), Range Five West (R5W) of the 5th P.M., Delaware County, Iowa per plat recorded in Book 5 Plats, Page 47;

AND

Lots One (1), Two (2), and Three (3) of the Subdivision of Lot Fourteen (14) of South Town Manor, City of Edgewood, Delaware County, Iowa, per plat recorded in Book 5 Plats, Page 125;

AND

All of the One hundred (100) feet wide former right-of-way of the Chicago, Milwaukee, St. Paul, and Pacific Railroad Company that runs through the Northwest Quarter (NW ¼) of the Northeast Quarter (NE ¼) of Section Two (2), Township Ninety North (T90N), Range Five West (R5W) of the 5th P.M., City of Edgewood, Delaware County, Iowa, EXCEPT that part lying Northerly of the South line of Kern's Subdivision in the City of Edgewood, as recorded in Book 6 Plats, Page 129.

AND

Property located in the Clayton County portion of the City of Edgewood, bounded on the north and west by the city limits, on the east by Franklin, Newton, and Chestnut Streets, and on the south by Union Street, but excluding the Edgewood Locker, Everett and adjoining residential properties located between the west city limits and the west line of the school property.

(Ord. 215, Passed June 11, 2001)

And

All of the right-of-way of Miller Street lying south of the north line of East Morrison Street and north of the south line of East Harrison Street, being in the City of Edgewood, Delaware County, Iowa

(Ord. 224, Passed March 11, 2002)

6-13-9 PROVISIONS FOR DIVISION OF TAXES LEVIED ON TAXABLE PROPERTY IN THE URBAN RENEWAL AREAS. After the effective date of this Ordinance, the taxes levied on the taxable property in the Urban Renewal Area Amendment each year by and for the benefit of the State of Iowa, the City, the County and any school district or other taxing district in which an Urban Renewal Area Amendment is located, shall be divided as follows:

1. that portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the Urban Renewal Area Amendment, as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which the City certifies to the County Auditor the amount of loans, advances, indebtedness, or bonds payable from the special fund referred to in paragraph (2) below, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid. For the purpose of allocating taxes levied by or for any taxing district which did not include the territory in an Urban Renewal Area Amendment on the effective date of this Ordinance, but to which the territory has been annexed or otherwise included after the effective date, the assessment roll applicable to property in the annexed territory as of January 1 of the calendar year preceding the effective date of this Ordinance which amends the plan for the Urban Renewal Area Amendment to the annexed area, shall be used in determining the assessed valuation of the taxable property in the Urban Renewal Area on the effective date.

2. that portion of the taxes each year in excess of such amounts shall be allocated to and when collected be paid into a special fund of the City to pay the principal of and interest on loans, moneys advanced to or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.9(1), of the Code of Iowa, incurred by the City to finance or refinance, in whole or in part, projects in the Urban Renewal Area Amendment, except that taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this Ordinance. Unless and until the total assessed valuation of the taxable property in the Urban Renewal Area Amendment exceeds the total assessed value of the taxable property in such area as shown by the assessment roll referred to in subsection (1) of this section, all of the taxes levied and collected upon the taxable property in an Urban Renewal Area Amendment shall be paid into the funds for the respective taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes. When such loans, advances, indebtedness, and bonds, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the Urban Renewal Area Amendment shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

3. the portion of taxes mentioned in subsection (2) of this section and the special fund into which that portion shall be paid may be irrevocably pledged by the City for the payment of the principal and interest on loans, advances, bonds issued under the authority of Section 403.9(1) of the Code of Iowa, or indebtedness incurred by the City to finance or refinance in whole or in part projects in the Urban Renewal Area Amendment.

4. as used in this section, the word "taxes" includes, but is not limited to, all levies on an ad valorem basis upon land or real property.

(Ord. 215, Passed June 11, 2001)

EDGEWOOD ECONOMIC DEVELOPMENT DISTRICT--1997

6-13-10 PURPOSE. The purpose of this Ordinance is to provide for the division of taxes levied on the taxable property in Urban Renewal Areas of the City of Edgewood, Iowa, each year by and for the benefit of the state, city, county, school districts or other taxing districts after the effective date of this Ordinance in order to create a special fund to pay the principal of and interest on loans, moneys advanced to or indebtedness, including bonds proposed to be issued by the City of Edgewood to finance projects in such area.

6-13-11 DEFINITIONS. For use within this Ordinance, the following terms shall have the following meanings:

"City" shall mean the City of Edgewood, Iowa.

"County" shall mean the County of Clayton, Iowa.

"Urban Renewal Area" shall mean the "Edgewood Economic Development District" the boundary of which is set out below, such area having been identified in the Urban Renewal Plan approved by the City Council by resolution adopted on September 15, 1997.

Lot Two (2) of the South East Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of Section Thirty-Four (34), Township Ninety-One (91) North, Range Five (5), West of the 5th P.M. in Clayton County, Iowa, according to the Plat recorded in Book 15, Plats, Page 96; Subject to an easement for the ingress and egress as granted in Book 66, T.L.D, Page 229.

6-13-12 PROVISIONS FOR DIVISION OF TAXES LEVIED ON TAXABLE PROPERTY IN THE URBAN RENEWAL AREAS. After the effective date of this Ordinance, the taxes levied on the taxable property in an Urban Renewal Area each year by and for the benefit of the State of Iowa, the City, the County and any school district or other taxing district in which an Urban Renewal Area is located, shall be divided as follows:

1. that portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the Urban Renewal Area, as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which the City certifies to the County Auditor the amount of loans, advances, indebtedness, or bonds payable from the division of property tax revenue, referred to in paragraph 2 below shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid. For the purpose of allocating taxes levied by or for any taxing district which did not include the territory in an Urban Renewal Area on the effective date of this Ordinance, but to which the territory has been annexed or otherwise included after the effective date, the assessment roll as of January 1 of the calendar year preceding the effective date of this Ordinance, shall be used in determining the assessed valuation of the taxable property in an Urban Renewal Area on the effective date.

2. that portion of the taxes each year in excess of such amounts shall be allocated to and when collected be paid into a special fund of the City to pay the principal of and interest on loans, moneys advanced to or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.9(1), of the Code of Iowa, incurred by the City to finance or refinance, in whole or in part, projects in an Urban Renewal Area, except that taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this Ordinance. Unless and until the total assessed valuation of the taxable property in the Urban Renewal Area exceeds the total assessed value of the taxable property in such area as shown by the assessment roll referred to in subsection (1) above of this Ordinance, all of the taxes levied and collected upon the taxable property in an Urban Renewal Area shall be paid into the funds for the respective taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes. When such loans, advances, indebtedness, and bonds, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in an

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

3. the portion of taxes mentioned in Section (2) of this Ordinance and the special fund into which that portion shall be paid may be irrevocably pledged by the City for the payment of the principal and interest on loans, advances, bonds issued under the authority of Section 403.9(1) of the Code of Iowa, or indebtedness incurred by the City to finance or refinance in whole or in part projects in an Urban Renewal Area.

4. as used in this Ordinance, the word "taxes" includes, but is not limited to, all levies on an ad valorem basis upon land or real property.

5. the City Administrator/Clerk shall certify to the County Auditor on or before December 1 of each year the amount of loans, advances, indebtedness, or bonds which qualify for payment from the special fund referred to in subsection (2) of this section.

6. this Ordinance shall expire twenty (20) years from the calendar year following the calendar year in which City Administrator/Clerk first certifies to the County Auditor as described in subsection (5) of this section.

(Ord. 203, Passed September 30, 1997)

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 14 - NAMING OF STREETS

NAMING OF STREETS

6-14-5 Revision of Street Name Map

6-14-1 Naming New Streets

DEDICATING OF STREETS

6-14-2 Changing Name of Street

6-14-3 Recording Street Names

6-14-6 Dedication of North Locust Street

6-14-4 Official Street Name Map

NAMING OF STREETS

6-14-1 **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. The following property: Lot A, Lot B and Lot C in the Replat of Lots 5 through 9 of Industrial Park First Addition in the SW ¼ - SE ¼ Section 35 – T91N – R5W City of Edgewood, Clayton County, Iowa according to plat recorded in Book 27, Page 84 is hereby named Lot A – Viking Road, Lot B & Lot C – N Fleming Street.

(Ord. 245, Passed August 14, 2006)

4. The following property: Lot A of the Ed-Co Community Dreams Subdivision is hereby named - Bixby Street and Lot 6 NE-SW and the North 31.05 feet of Lot 3 NW-SE is hereby named Rabbit Run Road. All located in Edgewood, Iowa, Clayton County, Iowa.

(Ord. 262, Passed March 21, 2011)

6-14-2 **CHANGING NAME OF STREET.** The City Council may by Ordinance change the name of a street.

(Code of Iowa, Sec. 354.26)

6-14-3 **RECORDING STREET NAMES.** Following adoption of an Ordinance naming or changing the name of a street, the City Clerk-Treasurer shall certify and file a copy thereof with the County Recorder, County Auditor, and County Assessor.

(Code of Iowa, Sec. 354.26)

(Ord. 212, Passed May 14, 2001)

6-14-4 OFFICIAL STREET NAME MAP. Streets within the City are named as shown on the Official Street Name Map which is hereby adopted by reference and declared to be a part of this Chapter. The Official Street Name Map shall be identified by the signature of the Mayor, and bearing, the seal of the City under the following words: "This is to certify that this is the Official Street Name Map referred to in Section 6-14-4 of the City Code of Edgewood, Iowa.

6-14-5 REVISION OF STREET NAME MAP. If in accordance with the provisions of this Chapter, changes are made in street names, such changes shall be entered on the Official Street Name Map promptly after the amendment has been approved by the governing body with an entry on the Official Street Name Map as follows: "On (date), by official action of the City Council, the following change(s) were made in the Official Street Name Map: (brief description), which entry shall be signed by the Mayor and attested by the City Clerk-Treasurer. No amendment to this Chapter which involves naming or changing the name of a street shall become effective until after such change and entry has been made on said map."

DEDICATING OF STREETS

6-14-6 DEDICATION OF NORTH LOCUST STREET

That the property presently owned by the City and legally described as:

That portion of the Southwest Quarter of the Southeast Quarter and Southeast Quarter of the Southwest Quarter of Section 35, Township 91 North, Range 5 West of the 5th Principal Meridian, City of Edgewood, Clayton County, Iowa, described as follows: Commencing at the South Quarter Corner of said Section 35; thence North 01 degrees 17 minutes 04 seconds East, 238.38 feet along the Westerly line of said Southwest Quarter of the Southeast Quarter to the point of beginning being on the Northeasterly line of the former Chicago, Milwaukee, St. Paul and Pacific Railroad Company 100 foot wide right of way; thence South 51 degrees 17 minutes 34 seconds East, 149.50 feet along said Northeasterly line; thence North 01 degree 42 minutes 00 seconds East, 235.93 feet along the Easterly line of that tract of land described in Book 80, page 386 in the Office of the Clayton County Recorder; thence South 89 degrees 16 minutes 30 seconds West, 117.51 feet along the Northerly line of the South 379 feet of said Southwest Quarter of the Southeast Quarter to a point on said Northerly line that is 3.00 feet distant from the Northwest Corner of said South 379 feet; thence South 01 degree 17 minutes 04 seconds West, 75.00 feet parallel with the Westerly line of said Southwest Quarter of the Southeast Quarter; thence South 15 degrees 02 minutes 30 seconds West, 59.18 feet to the Northeasterly line of said 100 foot wide former right of way; thence South 51 degrees 17 minutes 34 seconds East 13.94 feet to the point of beginning; containing 22,619 square feet.

and

That portion of the former Chicago, Milwaukee, St. Paul and Pacific Railroad Company 100 foot wide right of way located in the Southwest Quarter of the Southeast Quarter and in the Southeast Quarter of the Southwest Quarter of Section 35, Township 91 North, Range 5 West of the 5th Principal Meridian, City of Edgewood, Clayton County, Iowa, described as follows: Commencing at the South Quarter Corner of said Section 35; thence North 01 degrees 17

minutes 04 seconds East, 238.38 feet along the Westerly line of said Southwest Quarter of the Southeast Quarter to the point of beginning being on the Northeasterly Line of the former Chicago, Milwaukee, St. Paul and Pacific Railroad Company 100 foot wide right of way; thence South 51 degrees 17 minutes 34 seconds East, 128.45 feet along said Northeasterly line to the Easterly extension of the Northerly line of Lots 1 through 6, Block 1, Yankee Settlement Centre in said Section 35; thence South 90 degrees 00 minutes 00 seconds West, 135.04 feet to the Northeasterly Corner of said Lot 1, Block 1; thence North 15 degrees 02 minutes 30 seconds East, 92.20 feet to said Northeasterly line of said 100 foot wide former right of way; thence South 51 degrees 17 minutes 34 seconds East, 13.94 feet to the point of beginning; containing 6,012 square feet.

and

That portion of the Southwest Quarter of the Southeast Quarter of Section 35, Township 91 North, Range 5 West of the 5th Principal Meridian, City of Edgewood, Clayton County, Iowa and a portion of vacated Clay Street in Yankee Settlement Centre, City of Edgewood, Clayton County, Iowa, described as follows: Beginning at the Southeast Corner of Lot 1 of Block 1 in said Yankee Settlement Centre; thence North 90 degrees 00 minutes 00 seconds East 33.01 feet along the Northerly right of way line of Iowa Primary Highway 3 to a point on the Westerly line of said Southwest Quarter of the Southeast Quarter; thence North 89 degrees 16 minutes 30 seconds East 67.02 feet along said right of way line; thence North 01 degrees 17 minutes 04 seconds East, 124.18 feet to the Easterly extension of the Northerly line of Lots 1 through 6, of Block 1 in said Yankee Settlement Centre; thence North 90 degrees 00 minutes 00 seconds West, 100.00 feet along said extension to the Northeasterly corner of said Lot 1; thence South 01 degrees 17 minutes 04 seconds West, 125.03 feet to the point of beginning; containing 12,472 square feet.

(Ord. 239-05, Passed June 13, 2005)

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 15 – LONG RANGE PLANNING ADVISORY COMMISSION

6-15-1	Commission Created; Composition	6-15-4	Organization; Meetings
6-15-2	Term of Office	6-15-5	Procedures for Operations
6-15-3	Powers		

6-15-1 COMMISSION CREATED; COMPOSITION. There is hereby created a city long range planning advisory commission, which shall consist of five (5) members appointed by the city council who shall be qualified by their knowledge, experience, and ability to contribute to the city's long range planning and development efforts.

6-15-2 TERM OF OFFICE. The term of office for a member, other than the member designated by the city council, shall be three (3) years or until a successor is duly appointed.

6-15-3 POWERS. The commission shall have the following powers, duties, and responsibilities:

1. To provide a leadership role in the planning, coordinating, and sponsoring of a periodic community planning process;
2. To coordinate and supervise the preparation and maintenance of the comprehensive plan;
3. To provide input to the city in the preparation of the city's recommended multiyear capital improvement program (CIP);
4. To make comprehensive studies of the present condition and the future growth of the city to provide input into the community planning process and to guide and accomplish a coordinated, consistent, and harmonious development of the city in accordance with the present and future needs thereof to the end that the health, safety, morals, order, convenience, prosperity, and general welfare may be promoted;
5. To make or cause to be made such surveys, studies, maps, plans, or charts of the city with due regard to its relation to neighboring territory as may be determined as necessary to carry out the purposes of the commission;
6. To recommend amendments to all or a part of the comprehensive plan in response to the community planning process, upon its own initiative, but only after a public hearing;

7. To review proposed urban renewal plans and urban renewal plan amendments and urban revitalization plans and urban revitalization plan amendments for consistency with the comprehensive plan for the city;

8. To undertake public information efforts to enhance public understanding of the community planning process generally and the comprehensive plan specifically; and

9. To undertake from time to time other specific long range planning projects which may be referred to it by the city council.

10. The commission shall file with the city clerk a final report on or before September 15, 2012.

6-15-4. ORGANIZATION; MEETINGS.

1. Officers; Rules And Regulations. The commission shall choose annually, at its first regular meeting of the fiscal year, one of its members to act as chairperson, and another of its members to act as vice chairperson, to perform all of the duties of the chairperson during the chairperson's absence or disability. The commission shall adopt such rules and regulations governing its organization and procedures as it may be deemed necessary.

2. Meetings. The commission shall meet as necessary to fulfill the purposes for which the commission was created.

3. Attendance. Attendance of all members shall be entered on the minutes. If any member fails to attend at least two-thirds (2/3) of all regularly scheduled meetings within any twelve (12) month period, such failure shall constitute grounds for the commission to recommend to the city council that said member be replaced.

4. Minutes Filed With City Clerk, The commission shall file with the city clerk a copy of the minutes of each regular and special meeting of the commission within ten (10) days after each such meeting.

6-15-5. PROCEDURES FOR OPERATIONS. All administrative, personnel, accounting, budgetary, and procurement policies of the city shall govern the commission in all its operations.
(Ord. 264, Passed August 8, 2011)

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 16 – BUILDING CODE FOR THE CITY OF EDGEWOOD

- 6-16-1 Title
- 6-16-2 Adoption by Reference
- 6-16-3 Scope
- 6-16-4 Enforcement

6-16-1 TITLE. This Chapter shall be known and referred to as the Building Code for the City of Edgewood.

6-16-2 ADOPTION BY REFERENCE. Except as modified, the following codes are hereby adopted by reference:

1. 2009 International Building Code.
2. 2004 International Plumbing Code.
3. 2008 National Electrical Code.
4. 2000 International Mechanical Code.
5. 2009 National Fire Code.

6-16-3 SCOPE. The Building Code enumerated in 6-15-3 applies only to buildings owned by the City of Edgewood whose construction is completed after the passage of this Ordinance.

6-16-4 ENFORCEMENT. The "Building Official" enumerated in the above codes, which are adopted by reference, shall be designated by the City Council and shall be qualified to do such inspections. The Building Official is hereby authorized and directed to enforce the provisions of this Code and shall have the authority to offer interpretations of this Code and to adopt policies and procedures in order to clarify the application of its provisions.

(Ord. 263, Passed July 11, 2011)

TITLE VII SPECIAL ORDINANCES

CHAPTER 1 - STREET AND SIDEWALK GRADES

The following Ordinances not codified herein, and specifically saved from repeal, have been adopted establishing street and/or sidewalk grades and remain in full force and effect.

<u>ORDINANCE NO.</u>	<u>ADOPTED</u>
11	August 3, 1900
17	May 9, 1901
18	September 10, 1901
41	April 20, 1905
42	November 9, 1908
43	September 20, 1906
47	June 11, 1908
48	June 11, 1908
51	September 10, 1908
52	October 8, 1908
57	July 20, 1911
103	June 6, 1949
110	June 7, 1952
131	September 24, 1970
135	July 3, 1974
142	No Date
194	June 2, 1993
225	June 10, 2002
244	February 27, 2006
258	February 9, 2009
259	February 9, 2009

TITLE VII SPECIAL ORDINANCES

CHAPTER 2 - VACATED 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 the 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 article.

(Code of Iowa, 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.

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 the judgment 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))

EDITOR'S NOTE

The following Ordinances, not codified herein and specifically saved from repeal, have been adopted vacating certain streets and/or alleys and remain in full force and effect.

ORDINANCE NO.	ADOPTED
55	December 10, 1908
56	December 2, 1910
77	Undated
78	May, 1926
106	January 16, 1950
108	February 5, 1951
113	March 29, 1955
115	June 6, 1956
148	January 18, 1982
153	December 12, 1983 (Quit Claim Deed)
154	March 12, 1984 (Amend Ordinance 153)
231	January 5, 2004: Alley in Block 2 Gifford's Addition

TITLE VII SPECIAL ORDINANCES

CHAPTER 3 - ELECTRIC FRANCHISE

7-3-1	Franchise Granted	7-3-14	Franchise Fee-Indemnification
7-3-2	Liability	7-3-15	Franchise Fee Collection Schedule
7-3-3	Excavations	7-3-16	Franchise Fee-Changes
7-3-4	Relocation	7-3-17	Franchise Fee-Proper Use
7-3-5	Meters	7-3-18	Franchise Fee-Refunds
7-3-6	Modern System	7-3-19	Franchise Fee-Modifications
7-3-7	Franchise Not Exclusive	7-3-20	Franchise Fee-Uses
7-3-8	Continuous Service	7-3-21	Other Fees
7-3-9	Franchise Fee	7-3-22	Franchise Term
7-3-10	Franchise Fee-Bills	7-3-23	Publication Expense
7-3-11	Franchise Fee-Implementation	7-3-24	Franchise Acceptance
7-3-12	Franchise Fee-Administration	7-3-25	Acceptance by Company
7-3-13	Franchise Fee-Annexation		

7-3-1 **FRANCHISE GRANTED.** There is hereby granted to INTERSTATE POWER AND LIGHT COMPANY, hereinafter referred to as the "Company," its successors and assigns, the right and franchise to acquire, construct, reconstruct, erect, maintain and operate in the City, works and plants for the manufacture and generation of electricity and a distribution system for electric light, heat and power and the right to erect and maintain the necessary poles, lines, wires, conduits and other appliances for the distribution of electric current along, under and upon the streets, alleys and public places in the said City to supply individuals, corporations, communities, and municipalities both inside and outside of said City with electric light, heat and power for the period of twenty-five (25) years; also the right of eminent domain as provided in Section 364.2 of the Code of Iowa.

7-3-2 **LIABILITY.** The poles, lines, wires, circuits, and other appliances shall be placed and maintained so as not to unnecessarily interfere with the travel on said streets, alleys, and public places in said City nor unnecessarily interfere with the proper use of the same, including ordinary drainage, or with the sewers, underground pipe and other property of the City, and the said Company, its successors and assigns shall hold the City free and harmless from-all-damages-to-the-extent arising from the negligent acts or omissions of the Company in the erection or maintenance of said system.

7-3-3 **EXCAVATIONS.** In making any excavations in any street, alley, or public place, Company, its successors and assigns, shall protect the site while work is in progress by guards, barriers or signals, shall not unnecessarily obstruct the use of the streets, and shall back fill all openings in such manner as to prevent settling or depressions in surface, pavement or sidewalk of such excavations with same materials, restoring the condition as nearly as practical.

7-3-4 RELOCATION. The Company shall, at its cost, locate and relocate its existing facilities or equipment in, on, over or under any public street or alley in the City in such a manner as the City may at any time reasonably require for the purposes of facilitating the construction, reconstruction, maintenance or repair of the street or alley or any public improvement thereof, in or about any such street or alley or reasonably promoting the efficient operation of any such improvement.

If the City orders or requests the Company to relocate its existing facilities or equipment for any reason other than as specified above, or as the result of the initial request of a commercial or private developer, the Company shall receive payment for the cost of such relocation as a precondition to relocating its existing facilities or equipment.

The City shall consider reasonable alternatives in designing its public works projects so as not arbitrarily to cause the Company unreasonable additional expense in exercising its authority under this section. The City shall also provide a reasonable alternative location for the Company's facilities as part of its relocation request.

The City shall give the Company reasonable advance written notice to vacate a public right-of-way. Prior to vacating a public right-of-way, the Company shall be provided an opportunity to secure an easement to allow it to operate and maintain its existing facilities.

7-3-5 METERS. The Company, its successors and assigns, shall furnish and install all meters at its own expense, and shall provide the service wire to buildings as set forth in the Company's tariff filed with the Iowa Utilities Board.

7-3-6 MODERN SYSTEM. The system authorized by this Ordinance shall be modern and up-to-date and shall be of sufficient capacity to supply all reasonable demands of said City and its inhabitants thereof and shall be kept in a modern and up-to-date condition.

7-3-7 FRANCHISE NOT EXCLUSIVE. The franchise granted by this Ordinance shall not be exclusive.

7-3-8 CONTINUOUS SERVICE. Service to be rendered by the Company under this franchise shall be continuous unless prevented from doing so by fire acts of God, unavoidable accidents or casualties, or reasonable interruptions necessary to properly service the Company's equipment, and in such event service shall be resumed as quickly as is reasonably possible.

7-3-9 FRANCHISE FEE. In its monthly billing the Company shall include a franchise fee of zero percent (0%) on the gross receipts from the sale of electricity to the Company's electric customers located within the corporate limits of the City.

7-3-10 FRANCHISE FEE-BILLS. The franchise fee shall be applied to all customers' bills in accordance with Iowa Code Chapter 364.2 and 423B.5. The amount of the franchise fee shall be shown separately on the utility bill to each customer.

7-3-11 FRANCHISE FEE-IMPLEMENTATION. The Company will commence collecting franchise fees on or before the first Company billing cycle of the first calendar month following ninety (90) days of receipt of information required of the City to implement the franchise fee. This information shall include but not be limited to a copy of the City's Revenue Purpose Statement and written proof of legal adoption and publication of the Revenue Purpose Statement, City's list of City utility accounts exempt per Iowa law from the franchise fee, signed Nondisclosure Agreement pertaining to the protection of the confidentiality of utility service address information provided by the Company to the City, and the City's verified utility customer service address list.

7-3-12 FRANCHISE FEE-ADMINISTRATION. The City recognizes that the costs of franchise fee administration are not charged directly to the City and agrees it shall reimburse the Company for any initial or ongoing costs incurred by the Company in collecting franchise fees that the Company in its sole opinion deems to be in excess of typical costs of franchise fee administration.

7-3-13 FRANCHISE FEE-ANNEXATION. Upon receipt of a final and unappealable order or approval authorizing annexation, or changes in the corporate limits of said City, the City Clerk shall provide written notification by certified mail to an officer of Company of such annexation or change in the limits of said City, and the Company shall apply the franchise fee to its customers who are affected by the annexation or change in the corporate limits of the City, commencing on an agreed upon date which is not less than ninety (90) days from receipt of the information required of the City to implement the franchise fee.

The Company shall have no obligation to collect franchise fees from customers in any annexed area until and unless the following have all been provided to the Company by certified mail.: such final and unappealable orders or approvals, the City's list of City utility accounts exempt from the franchise fee in the annexed area, and the City's verified utility customer service address list for the annexed area.

7-3-14 FRANCHISE FEE-INDEMNIFICATION. The City shall indemnify the Company from claims of any nature arising out of or related to the imposition and collection of the franchise fee. In addition, the Company shall not be liable for collecting franchise fees from any customer originally or subsequently identified, or incorrectly identified, by the City as being subject to the franchise fee or being exempt from the imposition of franchise fees.

7-3-15 FRANCHISE FEE COLLECTION SCHEDULE. The Company shall remit franchise fee revenues, minus uncollectible amounts, to the City no more frequently than on or before the last business day of the month following each calendar year quarter. Company shall notify City at least thirty (30) days in advance of any changes made in this collection schedule, including any alterations in the calendar quarters or any other changes in the remittance periods.

7-3-16 FRANCHIS FEE-CHANGES. The City shall give the Company a minimum 6-month notice prior to the request to implement any adjustment in the percentage of franchise fee to be collected pursuant to Section 9 hereof. The City agrees to modify the level of franchise fees

imposed only once in any 24-month period. When any such Ordinance increasing, decreasing, modifying or eliminating the franchise fee shall become effective, billings reflecting the change shall commence on an agreed upon date which is not less than ninety (90) days following written notice to the Company by certified mail. The Company shall not be required to implement such new percentage unless and until it determines that it has received appropriate official documentation of final action by the city council. In no event may the percentage of franchise fee exceed the statutory amount authorized by Iowa law.

7-3-17 FRANCHISE FEE-PROPER USE. The City shall be solely responsible for the proper use of any amounts collected as franchise fees, and shall only use such fees as collected for a purpose as allowed by applicable law.

7-3-18 FRANCHISE FEE-REFUNDS. The Company shall not, under any circumstances be required to return or refund any franchise fees that have been collected from City customers and remitted to the City. In the event the Company is required to provide data or information in defense of the City's imposition of franchise fees or the Company is required to assist the City in identifying customers or calculating any franchise fee refunds for groups of customers or individual customers, the City shall reimburse the Company for the expenses incurred by the Company to provide such data or information.

7-3-19 FRANCHISE FEE-MODIFICATIONS. Collection of the franchise fee shall cease at the earlier of the modification or repeal of the franchise fee or the end of the Ordinance term.

1. The obligation to collect and remit the fee imposed by this Ordinance is modified if:

a. Any other person is authorized to sell electricity to customers within the corporate limits of the City and the City imposes a franchise fee or its lawful equivalent at zero or the lesser rate than provided in this Ordinance, in which case the obligation of Company to collect and remit franchise fee shall be modified to zero or the lesser rate; or

b. The City adds additional territory by annexation or consolidation and is unable or unwilling to impose the franchise fee upon all persons selling electricity to consumers within the additional territory, in which case the franchise fee imposed on the revenue from sales by Company in the additional territory shall be zero or equal to that of the lowest fee being paid by any other retail seller of electricity within the City; or

c. The Iowa General Assembly enacts legislation, or any Iowa court issues a final judicial decision regarding franchise fees, or the Iowa Utilities Board issues a final nonappealable order (collectively, "Final Franchise Fee Action") that modifies, but does not repeal, the ability of the City to impose a franchise fee or the ability of Company to collect from City customers and remit franchise fees to City. Within sixty (60) days of Final Franchise Fee Action, the City shall notify Company and the parties shall meet to determine whether this Ordinance can be revised, and, if so, how to revise the franchise fee on a continuing basis to meet revised legal requirements. After Final Franchise Fee Action and until passage by the City of revisions to the franchise fee Ordinance, Company may temporarily discontinue collection

and remittance of the franchise fee if in its sole opinion it believes it is required to do so in order to comply with revised legal requirements.

2. The obligation to collect and remit the fee imposed by this Ordinance is repealed, effective as of the date specified below with no liability therefor, if:

a. Any of the imposition, collection or remittance of a franchise fee is ruled to be unlawful by the Supreme Court of Iowa, effective as of the date of such ruling or as may be specified by that Court; or

b. The Iowa General Assembly enacts legislation making imposition, collection or remittance of a franchise fee unlawful, effective as of the date lawfully specified by the General Assembly; or

c. The Iowa Utilities Board, or any successor agency, denies the Company the right to impose, collect or remit a franchise fee provided such denial is affirmed by the Supreme Court of Iowa, effective as of the date of the final agency order from which the appeal is taken.

7-3-20 FRANCHISE FEE-USES. The franchise fee shall be in lieu of any other payments to the City for the Company's use of streets, alleys and public places in the said City and other administrative or regulatory costs with regard to said franchise; and said poles, lines, wires, conduits and other appliances for the distribution of electric current along, under and upon the streets, alleys and public places in the said City to supply individuals, corporations, communities, and municipalities both inside and outside of said City with electric light, heat and power shall be exempt from any special tax, assessment, license or rental charge during the entire term of this Ordinance.

7-3-21 OTHER FEES. The City shall not, pursuant to Chapter 480A.6 of the Code of Iowa, impose or charge right-of-way management fees upon the Company or fees for permits for Company construction, maintenance, repairs, excavation, pavement cutting or inspections of Company work sites and projects or related matters.

7-3-22 FRANCHISE TERM. The term of the franchise granted by this Ordinance and the rights granted thereunder shall continue for the period of twenty-five (25) years from and after its acceptance by the said Company, as herein provided.

7-3-23 PUBLICATION EXPENSE. The expense of the publication of this Ordinance shall be paid by the Company.

7-3-24 FRANCHISE ACCEPTANCE. The franchise granted by this Ordinance shall be conditioned upon acceptance by the Company in writing. The acceptance shall be filed with the City Clerk within ninety (90) days from passage of this Ordinance.

7-3-25 ACCEPTANCE BY COMPANY. This Ordinance sets forth and constitutes the entire agreement between the Company and the City with respect to the rights contained herein, and

may not be superseded, modified or otherwise amended without the written approval and acceptance of the Company. Upon written acceptance by the Company, this Ordinance shall supersede, abrogate and repeal the prior electric system Ordinance between the Company and the City as of the date this Ordinance is accepted by the Company. Notwithstanding the foregoing, in no event shall the City enact any Ordinance or place any limitations, either operationally or through the assessment of fees other than those approved and accepted by the Company within this Ordinance, that create additional burdens upon the Company, or which delay utility operations.

(Ordinance 170)

(Franchise approved for election Nov. 9, 1987)

(Franchise voted December 15, 1987)

(Franchise accepted January 11, 1988)

(Ord. 271, Passed October 8, 2012)

TITLE VII SPECIAL ORDINANCES

CHAPTER 4 – NATURAL GAS FRANCHISE

7-4-1	Purpose	7-4-9	Confidential Information
7-4-2	Franchise Granted	7-4-10	Force Majeure
7-4-3	Term	7-4-11	Hold Harmless
7-4-4	Governing Rules and Regulations	7-4-12	Severability
7-4-5	Franchise Fees	7-4-13	Non Waiver
7-4-6	Construction and Maintenance of Company Facilities	7-4-14	Repeal Conflicting Ordinances
7-4-7	Extension of Company Facilities	7-4-15	Effect and Interpretation of Ordinance
7-4-8	Relocation of Company Facilities	7-4-16	Effective Date and Acceptance

7-4-1 PURPOSE. An Ordinance granting Aquila, Inc., d/b/a Aquila Networks, a Delaware corporation, its successors and assigns, a natural gas franchise and the authority to construct, operate, maintain, and extend a natural gas distribution plant and system, and granting the right to use the streets, alleys, and other public places within the present or future corporate limits of the City of Edgewood, Iowa.

7-4-2 FRANCHISE GRANTED. The City of Edgewood, Iowa, (hereinafter referred to as "Grantor") hereby grants a non-exclusive franchise to Aquila, Inc, d/b/a Aquila Networks, a Delaware corporation, (hereinafter called "Grantee"), its lessees, successors and assigns. Grantee is hereby granted the right, privilege, franchise, permission and authority to lay, construct, install, maintain, operate and extend in, along, over or across the present and future streets, alleys, avenues, bridges, public rights-of-way and public places as are now within the present or future limits of said Grantor, a natural gas distribution system and all facilities necessary for the purpose of supplying natural gas or processed gas for all purposes to the inhabitants of said Grantor and consumers in the vicinity thereof, and for the distribution of natural gas from or through said Grantor to points beyond the limits thereof. Such facilities shall include, but not be limited to, all mains, services, pipes, conduits and appliances necessary or convenient for transmitting, transporting, distributing and supplying natural gas for all purposes for which it may be used, and to do all other things necessary and proper in providing natural gas service to the inhabitants of Grantor and in carrying on such business.

7-4-3 TERM. The rights and privileges granted by this Ordinance shall remain in effect for a period of twenty-five (25) years from the effective date of this Ordinance hereof subject to cancellation at the end of the tenth (10th) year. Grantor, through its Clerk, shall notify Grantee in writing at least one hundred and eighty (180) days before the expiration of the initial term that Grantor, desires not to renew the franchise.

7-4-4 GOVERNING RULES AND REGULATIONS. This Ordinance is granted subject to all conditions, limitations and immunities now provided for, or as hereafter amended, and applicable

to the operations of a public utility, by State or Federal law. The rates to be charged by Grantee for service within the present or future corporate limits of Grantor and the rules and regulations regarding the character, quality and standards of service to be furnished by Grantee shall be under the jurisdiction and control of such regulatory body or bodies as may, from time to time, be vested by law with authority and jurisdiction over the rates, regulations and quality and standards of service to be supplied by Grantee. Provided however, should any judicial, regulatory or legislative body, having proper jurisdiction, take any action that precludes Grantee from recovering from its customers any cost associated with services provided hereunder, then Grantee and Grantor shall renegotiate the terms of this Ordinance in accordance with the action taken, so as to allow Grantee to be made whole economically. In determining the rights and duties of the Grantee, the terms of this franchise Ordinance shall take precedence over any conflicting terms or requirements contained in any other Ordinance enacted by the Grantor.

If an energy supplier is unable to furnish an adequate supply of energy due to an emergency, an order or decision of a public regulatory body, or other acts beyond the control of the Grantee, then the Grantee shall have the right and authority to adopt reasonable rules and regulations limiting, curtailing or allocating extensions of service or supply of energy to any customers or prospective customers, and withholding the supply of energy to new customers, provided that such rules and regulations shall be uniform as applied to each class of customers or prospective customers, and shall be non-discriminatory as between communities receiving service from the Grantee.

7-4-5 FRANCHISE FEES. Grantor may, during the term of this franchise, in its discretion after public hearing, but not more than once a year, and upon three-quarters vote of the members of Grantor's City Council, impose a franchise fee on customers located within the corporate city limits of Grantor. The form of assessment and collection of the franchise fee approved by Grantor must be based on one of the following methods: 1) Percentage of Gross Receipts of regulated sales or transportation revenues collected within the City, 2) Volumetric fee based on the delivery of energy within Grantor's corporate city limits, or 3) Flat Fee collected from Customers on a nondiscriminatory basis who are located within the City; provided however, that no franchise fee shall be effective against Grantee unless and until the City imposes a fee or tax of the same percentage or other method on the gross revenues, delivery or customers of all other energy suppliers. Grantor may request that Grantee propose ordinance language that will apply the permitted franchise fee.

7-4-6 CONSTRUCTION AND MAINTENANCE OF COMPANY FACILITIES. Any pavements, sidewalks or curbing taken up and any and all excavations made shall be done in such a manner as to cause only such inconvenience to the inhabitants of Grantor and to the general public as is reasonably necessary; and repairs and replacements shall be made promptly by Grantee, leaving such properties in as good as condition as existed immediately prior to excavation.

Grantee agrees that for the term of this grant, it will maintain facilities and equipment sufficient to meet the current and future energy requirements of Grantor, its inhabitants and industries. While maintaining its facilities and equipment, Grantee shall obtain permits as required by

ordinance, except that in emergency situations, Grantee shall take immediate unilateral actions as it determines are necessary to protect the public health, safety, and welfare; in which case, Grantee shall notify Grantor as soon as reasonably possible.

Grantor will give Grantee reasonable notice of plans for street improvements where paving or resurfacing of a permanent nature is involved that affect Grantee's facilities. The notice shall contain the nature and character of the improvements, the rights-of-way upon which the improvements are to be made, the extent of the improvements and the time when the Grantor will start the work, and, if more than one right-of-way is involved, the order in which this work is to proceed. The notice shall be given to the Grantee a sufficient length of time, considering seasonable working conditions, in advance of the actual commencement of the work to permit the Grantee to make any additions, alterations, or repairs to its facilities.

7-4-7 EXTENSION OF COMPANY FACILITIES. Upon receipt and acceptance of a valid application for service, Grantee shall, subject to its own economic feasibility criteria, make reasonable extensions of its distribution facilities to serve customers located within the current or future corporate limits of Grantor.

7-4-8 RELOCATION OF COMPANY FACILITIES. If Grantor elects to change the grade of or otherwise alter any street, alley, avenue, bridge, public right-of-way or public place for a public purpose, Grantee, upon reasonable notice from Grantor, shall remove and relocate its facilities or equipment situated in the public rights-of-way, if such removal is necessary to prevent interference and not merely for the convenience of the Grantor, at the cost and expense of Grantee. If Grantor orders or requests Grantee to relocate its facilities or equipment for the primary benefit of a commercial or private project, or as a result of the initial request of a commercial or private developer or other non-public entity, and such removal is necessary to prevent interference and not merely for the convenience of the Grantor or other right-of-way user, Grantee shall receive payment for the cost of such relocation as a precondition to relocating its facilities or equipment. Grantor shall consider reasonable alternatives in designing its public works projects so as not arbitrarily to cause Grantee unreasonable additional expense in exercising its authority under this section. Grantor shall also provide a reasonable alternative location for Grantee's facilities. Grantor shall give Grantee written notice of vacating of a public right-of-way. Vacating of a public right-of-way shall not deprive the Grantee of its right to operate and maintain existing facilities, until the reasonable cost of relocating the same are first paid to the Grantee.

Any person or corporation desiring to move a building or other structure along, or to make any unusual use of any street, alley, avenue, bridge, public right-of-way or public place which shall interfere with the facilities or equipment of the Grantee, shall first give notice to the Grantor and the Grantee and pay a sum sufficient to cover the expense and damage incident to the moving of Grantee's facilities and equipment.

7-4-9 CONFIDENTIAL INFORMATION. Grantor acknowledges that certain information it might request pursuant to this franchise may be of a proprietary and confidential nature. If Grantee requests that any information provided by Grantee to Grantor be kept confidential due to

such proprietary or commercial value, Grantor and its employees, agents, and representatives shall maintain the confidentiality of that information, to the extent allowed by law. If Grantor is requested or required by legal or administrative process to disclose any such confidential information, Grantor shall promptly notify Grantee of such request or requirement so that Grantee may seek an appropriate protective order or other relief. Grantor shall use all reasonable efforts to ensure that the confidentiality of Grantee's confidential information is maintained.

7-4-10 **FORCE MAJEURE.** It shall not be a breach or default under this franchise if either party fails to perform its obligations hereunder due to Force Majeure. Force Majeure shall include, but not be limited to, the following: 1) physical events such as acts of God, landslides, lightning, earthquakes, fires, freezing, storms, floods, washouts, explosions, breakage or accident or necessity of repairs to machinery, equipment or distribution or transmission lines; 2) acts of others such as strikes, work-force stoppages, riots, sabotage, insurrections or wars; 3) governmental actions such as necessity for compliance with any court order, law, statute, ordinance, executive order, or regulation promulgated by a governmental authority having jurisdiction; and any other causes, whether of the kind herein enumerated or otherwise not reasonably within the control of the affected party to prevent or overcome. Each party shall make reasonable efforts to avoid Force Majeure and to resolve such event as promptly as reasonably possible once it occurs in order to resume performance; provided, however, that this provision shall not obligate a party to settle any labor strike.

7-4-11 **HOLD HARMLESS.** Grantee, during the term of this Ordinance, agrees to save harmless Grantor from and against all claims, demands, losses and expenses arising directly out of the negligence of Grantee, its employees or agents, in the constructing, operating, and maintaining of distribution and transmission facilities or appliances of Grantee; provided, however, that Grantee need not save harmless Grantor from claims, demands, losses and expenses arising out of the negligence of Grantor, its employees or agents.

7-4-12 **SEVERABILITY.** If any clause, sentence or section of this Ordinance is deemed invalid by any judicial, regulatory or legislative body having proper jurisdiction, the remaining provisions shall not be affected.

7-4-13 **NON WAIVER.** Any waiver of any obligation or default under this franchise shall not be construed as a waiver of any future defaults, whether of like or different character.

7-4-14 **REPEAL CONFLICTING ORDINANCES.** This ordinance, when accepted by Grantee as provided below, shall constitute the entire agreement between the Grantor and the Grantee relating to this franchise and the same shall supersede all prior ordinances pertaining to this franchise agreement, and any terms and conditions of such prior ordinances or parts of ordinances in conflict herewith are hereby repealed. Ordinance No. 144 of the City of Edgewood, Iowa, is hereby repealed as of the effective date hereof.

7-4-15 **EFFECT AND INTERPRETATION OF ORDINANCE.** The captions which precede each section of this ordinance are for convenience in reference only and shall not be taken into

consideration in the interpretation of any of the provisions of this ordinance.

7-4-16 EFFECTIVE DATE AND ACCEPTANCE. This Ordinance shall become effective and be a binding contract between the Grantor and Grantee, upon its final passage and approval by Grantor, in accordance with applicable laws and regulations, and upon acceptance by Grantee by written instrument within sixty (60) days of passage by the governing body, and filed with the City Administrator/Clerk of the City of Edgewood, Iowa. The City Administrator/Clerk shall sign and affix the community seal to acknowledge receipt of such acceptance, and return one copy to Grantee. If Grantee does not, within sixty(60)days following passage of this Ordinance express in writing its objections to any terms or provisions contained therein, or reject this ordinance in its entirety, Grantee shall be deemed to have accepted this ordinance and all of its terms and conditions.

(Ordinance 242, Passed September 12, 2005)

TITLE VII SPECIAL ORDINANCES

CHAPTER 5 - TELEPHONE FRANCHISE

7-5-1	Franchise Granted	7-5-6	Ordinances in Conflict
7-5-2	Service Installations; Excavations	7-5-7	Severability
7-5-3	Interference With Poles, Wires	7-5-8	Publication of Ordinance
7-5-4	Liability	7-5-9	Effective Date of Ordinance
7-5-5	Injury to Grantee Property		

7-5-1 **FRANCHISE GRANTED.** General Telephone Company of the Midwest, a corporation, its successors and assigns (hereinafter referred to as "Grantee"), is hereby granted a franchise for a period of twenty-five (25) years from the effective date of this Ordinance to acquire, construct, reconstruct, maintain, extend and operate such telephone plant or system and such facilities thereof, including lines, poles, wires, stubs, anchors, cables, vaults, laterals, conduits and other fixtures and equipment in, upon, through, over, under, along and across the public streets, alleys, highways and other passageways or public grounds of or in the corporate limits of the City of Edgewood, Iowa (hereinafter referred to as "Municipality"), as now or hereafter established, as may be necessary and/or convenient for supplying to the citizens of the Municipality, to adjacent rural areas and to the public as large telephone and telecommunications service, local and long distance, and telecommunication by telephone or other electric signals, and for the conduct of a general telephone and telecommunications business therein.

7-5-2 **SERVICE INSTALLATIONS; EXCAVATIONS.** Grantee's rights and privileges in the public ways and grounds of the Municipality shall be exercised as follows:

1. Locations of its existing system are hereby approved; changes of location, additions or extensions thereto affecting public grounds or ways shall be under the supervision of Municipality's street committee or such other officer or officers as may be designated by the Mayor and City Council for that purpose.

2. The installations of Grantee shall be so placed and the servicing and operation thereof so performed as to not unreasonably interfere with ordinary travel on the public ways or with ingress to or egress from public or private property.

3. Grantee may make excavations in public grounds or ways, and may take up such portions of pavement or sidewalk as it deems necessary for the installation, maintenance, replacement or removal of its facilities. Excavations so made shall be refilled and surfacing thus disturbed shall be restored to as reasonably good condition as before.

4. Grantee shall permit Municipality to attach to its poles its fire and/or police wires and apparatus incident thereto such attachments to be made under the direction and supervision of Grantee and so made and maintained as not to interfere with Grantee's use of said poles.

7-5-3 INTERFERENCE WITH POLES, WIRES. Grantee shall accommodate public or private necessity to move along or across public ways or grounds of the Municipality vehicles or structures, other than parade components, of such height or size as to interfere with its poles and/or wires erected hereunder and shall temporarily remove or adjust the same to permit such passage provided:

1. Written notice thereof shall be served upon Grantee's agent or manager at Manchester, Iowa, not less than forty-eight (48) hours in advance of the time set for the proposed passage;
2. Grantee be paid in advance the actual cost of such accommodation.

7-5-4 LIABILITY. Grantee shall indemnify Municipality against loss from claims or causes of action arising out of its construction, reconstruction, maintenance or operation of the installations herein authorized.

7-5-5 INJURY TO GRANTEE PROPERTY. It shall be unlawful for any person to injure, destroy or deface any property of Grantee lawfully installed and maintained hereunder or to post bills or signs thereon. A violation of this section shall constitute a misdemeanor and be punishable by a fine of not more than one hundred dollars or imprisonment in jail not to exceed thirty days.

7-5-6 ORDINANCES IN CONFLICT. Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

7-5-7 SEVERABILITY. A determination that any part of this Ordinance is invalid shall not affect remaining portions or provisions hereof.

7-5-8 PUBLICATION OF ORDINANCE. Grantee shall pay the costs of publishing this Ordinance and of conducting the election thereon required by law.

7-5-9 EFFECTIVE DATE OF ORDINANCE. This Ordinance shall become effective:

1. Upon its approval by a majority of the legal electors of the Municipality voting thereon;
2. The publication thereof required by law;
3. Grantee's written acceptance of same filed with the City Clerk; and
4. Grantee's payment of the costs of the election, including costs of notice.

(Ordinance 150, Passed November 15, 1982)

(Voted December 21, 1982)

(Accepted March 9, 1983)

TITLE VII SPECIAL ORDINANCES

CHAPTER 6 - CABLE FRANCHISE

7-6-1	Grant of Franchise	7-6-4	Severability
7-6-2	Effective Date of Franchise	7-6-5	Ordinances in Conflict
7-6-3	Assignment of Rights	7-6-6	Ordinance In Effect

7-6-1 GRANT OF FRANCHISE. A non-exclusive right is hereby granted to Dowden Cable Partners, L.P., an Iowa Corporation, its successors and assigns, to establish, construct, operate, maintain, repair, replace, renew, reconstruct, and remove a cable television system across public property in the City limits for a term of twenty years, in accordance with the laws and regulations of the United States of America and the State of Iowa and the Ordinances and regulations of the City of Edgewood, including the non-exclusive right, privilege and authority:

1. to sell and supply cable audio and video communication service to persons within the City;
2. to use public real estate within the City;
3. to engage in such further activities within the City as may now or hereinafter be consistent with the generally accepted principles applicable to the operation of a cable television system.

7-6-2 EFFECTIVE DATE OF FRANCHISE. The franchise shall become effective from and after the effective date of this Ordinance and compliance by Dowden Cable Partners, L. P., with Federal Communications Commission rules and regulations and the Ordinances of the City of Edgewood, Iowa.

7-6-3 ASSIGNMENT OF RIGHTS. Dowden Cable Partners, L. P., 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 reasonably withheld, provided that the company shall have the right to assign the provisions of this Ordinance to a corporation to be formed and controlled by it, without prior consent of the City.

7-6-4 SEVERABILITY. Should any section, clause or provision of this Ordinance be declared invalid by a Court of record, the same shall not affect the validity of the Ordinance as a whole or any part thereunder other than the part so declared invalid.

7-6-5 ORDINANCES IN CONFLICT. All Ordinances or parts thereof in conflict with the terms of this Ordinance are hereby repealed.

7-6-6 ORDINANCE IN EFFECT. This Ordinance shall be in full force and effect from and after its approval by the electors and adoption by the said City Council, City of Edgewood, Iowa, and its written acceptance of it and the Edgewood Cable Television Regulatory Ordinance by Dowden Cable Partners, L. P., and filed with the City Clerk.

(Ordinance 151, Passed June 20, 1983)

(Amended by Ordinance 166, Passed April 13, 1987)

Editor's Note: According to Resolution 99-7 the current Cable Service provider is Mediacom.

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