

**CODE OF ORDINANCES**

**OF THE**

**CITY OF**

**SHUEYVILLE, IOWA**

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**CODE OF ORDINANCES  
OF THE  
CITY OF SHUEYVILLE, IOWA**

*Adopted January 12, 2021, by Ordinance No. 2021-05*

**SUPPLEMENT RECORD**

SUPPLEMENT		ORDINANCES AMENDING CODE		
Supp. No.	Repeals, Amends or Adds	Ord. No.	Date	Subject
Mar-22	Ch. 155	2022-01	3-8-22	Building Codes
Sep-22	Ch. 75	2022-02	9-13-22	Snowmobiles
	Ch. 74	2022-03	9-13-22	All-Terrain Vehicles and Off-Road Utility Vehicles
	69.12	2022-04	9-13-22	Snow Emergency
Sep-23	Ch. 165	2022-05	11-8-22	Rezoning From AG and R-2 to C-1
	Ch. 37	2023-01	4-11-23	Knox Box System
	170.10	2023-02	4-11-23	Water Tank Requirements
	165.19	2023-03	4-11-23	Solar Energy Systems
	7.05; 7.08	2023-04	9-12-23	Fiscal Management
	120.04; 120.05; 121.05	2023-05	9-12-23	Liquor Licenses and Cigarette and Tobacco Permits
Nov-24	15.04	2023-06	10-10-23	Mayor Compensation
	16.04	2023-07	10-10-23	Mayor Pro Tem Compensation
	17.06	2023-08	10-10-23	City Council Compensation
	21.04	2023-09	10-10-23	Planning and Zoning Commission Compensation
	165.16	2023-10	10-10-23	Board of Adjustment Compensation
	Ch. 160	2023-11	12-12-23	Floodplain Management
	Ch. 137	2024-01	5-14-24	Vacating Public Ways and Grounds
	5.02	2024-02	10-8-24	Bond Requirements
	5.06	2024-03	10-8-24	Electronic Meetings
	7.05(4)	2024-04	10-8-24	Operating Budget Preparation
	18.03	2024-05	10-8-24	Publication of Minutes
	50.08	2024-06	10-8-24	Adult Establishment Nuisances
	60.02; 65.05	2024-07	10-8-24	Pedestrians' Right-of-Way
	136.04	2024-08	10-8-24	Sidewalk Liability
	Ch. 165	2024-09	11-12-24	Zoning Map
	170.10	2024-10	11-12-24	Fire Protection Water Tank Requirements
	Ch. 173	2024-11	11-12-24	Site Plan Regulations
	165.09(4)(D); 165.10(6); 165.11(6); 165.14(17); 165.15	2024-12	11-12-24	Zoning Regulations



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# CHAPTER 1

## CODE OF ORDINANCES

1.01 Title	1.08 Amendments
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1.04 Indemnity	1.11 Severability
1.05 Personal Injuries	1.12 Warrants
1.06 Rules of Construction	1.13 General Standards for Action
1.07 Extension of Authority	1.14 Standard Penalty

**1.01 TITLE.** This code of ordinances shall be known and may be cited as the Code of Ordinances of the City of Shueyville, Iowa.

**1.02 DEFINITIONS.** Where words and phrases used in this Code of Ordinances are defined in the *Code of Iowa*, such definitions apply to their use in this Code of Ordinances unless such construction would be inconsistent with the manifest intent of the Council or repugnant to the context of the provision. Other words and phrases used herein have the following meanings, unless specifically defined otherwise in another portion of this Code of Ordinances or unless such construction would be inconsistent with the manifest intent of the Council or repugnant to the context of the provision:

1. “Alley” means a public right-of-way, other than a street, affording secondary means of access to abutting property.
2. “City” means the City of Shueyville, Iowa.
3. “Clerk” means the city clerk of Shueyville, Iowa.
4. “Code” means the specific chapter of this Code of Ordinances in which a specific subject is covered and bears a descriptive title word (such as the Building Code and/or a standard code adopted by reference).
5. “Code of Ordinances” means the Code of Ordinances of the City of Shueyville, Iowa.
6. “Council” means the city council of Shueyville, Iowa.
7. “County” means Johnson County, Iowa.
8. “May” confers a power.
9. “Measure” means an ordinance, amendment, resolution or motion.
10. “Must” states a requirement.
11. “Occupant” or “tenant,” applied to a building or land, includes any person who occupies the whole or a part of such building or land, whether alone or with others.
12. “Ordinances” means the ordinances of the City of Shueyville, Iowa, as embodied in this Code of Ordinances, ordinances not repealed by the ordinance adopting this Code of Ordinances, and those enacted hereafter.
13. “Person” means an individual, firm, partnership, domestic or foreign corporation, company, association or joint stock association, trust or other legal entity,

and includes a trustee, receiver, assignee, or similar representative thereof, but does not include a governmental body.

14. “Public way” includes any street, alley, boulevard, parkway, highway, sidewalk, or other public thoroughfare.

15. “Shall” imposes a duty.

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

17. “State” means the State of Iowa.

18. “Statutes” or “laws” means the latest edition of the *Code of Iowa*, as amended.

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

Words that are not defined in this Code of Ordinances or by the *Code of Iowa* have their ordinary meaning unless such construction would be inconsistent with the manifest intent of the Council, or repugnant to the context of the provision.

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

*(Code of Iowa, Sec. 364.1)*

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

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

damage, as to the liability of the City to the plaintiff in the first named action, and as to the amount of the damage or injury. The City may maintain an action against the person notified to recover the amount of the judgment together with all the expenses incurred by the City in the suit.

*(Code of Iowa, Sec. 364.14)*

**1.06 RULES OF CONSTRUCTION.** In the construction of this Code of Ordinances, the rules of statutory construction as set forth in Chapter 4 of the *Code of Iowa* shall be utilized to ascertain the intent of the Council, with the understanding that the term “statute” as used therein will be deemed to be synonymous with the term “ordinance” when applied to this Code of Ordinances.

**1.07 EXTENSION OF AUTHORITY.** Whenever an officer or employee is required or authorized to do an act by a provision of this Code of Ordinances, the provision shall be construed as authorizing performance by a regular assistant, subordinate, or a duly authorized designee of said officer or employee.

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

*(Code of Iowa, Sec. 380.2)*

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

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

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

**1.12 WARRANTS.** If consent to enter upon or inspect any building, structure, or property pursuant to a municipal ordinance is withheld by any person having the lawful right to exclude, the City officer or employee having the duty to enter upon or conduct the inspection may apply to the Iowa District Court in and for the County, pursuant to Section 808.14 of the *Code of Iowa*, for an administrative search warrant. No owner, operator or occupant, or any other person having charge, care, or control of any dwelling unit, rooming unit, structure, building, or premises shall fail or neglect, after presentation of a search warrant, to permit entry therein by the municipal officer or employee.

**1.13 GENERAL STANDARDS FOR ACTION.** Whenever this Code of Ordinances grants any discretionary power to the Council or any commission, board, or officer or employee of the City and does not specify standards to govern the exercise of the power, the power shall be exercised in light of the following standard: The discretionary power to grant, deny, or

revoke any matter shall be considered in light of the facts and circumstances then existing and as may be reasonably foreseeable, and due consideration shall be given to the impact upon the public health, safety and welfare, and the decision shall be that of a reasonably prudent person under similar circumstances in the exercise of the police power.

**1.14 STANDARD PENALTY.** Unless another penalty is expressly provided by this Code of Ordinances for violation of any particular provision, section, or chapter, any person failing to perform a duty required by this Code of Ordinances or otherwise violating any provision of this Code of Ordinances or any rule or regulation adopted herein by reference shall, upon conviction, be subject to a fine of at least \$105.00 but not to exceed \$855.00.<sup>†</sup>

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

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<sup>†</sup> **EDITOR'S NOTE:** For civil penalty for violations of this Code of Ordinances, see Chapter 3.

## CHAPTER 2

# CHARTER

2.01 Title  
2.02 Form of Government  
2.03 Powers and Duties of City Officers

2.04 Number and Term of Council  
2.05 Term of Mayor  
2.06 Copies on File

**2.01 TITLE.** This chapter may be cited as the charter of the City of Shueyville, Iowa.<sup>†</sup>

**2.02 FORM OF GOVERNMENT.** The form of government of the City is the Mayor-Council form of government.

*(Code of Iowa, Sec. 372.4)*

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

**2.04 NUMBER AND TERM OF COUNCIL.** The Council consists of five Council Members elected at large for overlapping terms of four years.

*(Code of Iowa, Sec. 376.2)*

**2.05 TERM OF MAYOR.** The Mayor is elected for a term of four years.

*(Code of Iowa, Sec. 376.2)*

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

*(Code of Iowa, Sec. 372.1[3])*

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<sup>†</sup> **EDITOR'S NOTE:** An Ordinance adopting a charter for the City was passed and approved by the Council on March 26, 1968.

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## CHAPTER 3

# MUNICIPAL INFRACTIONS

3.01 Municipal Infraction  
3.02 Environmental Violation  
3.03 Penalties

3.04 Civil Citations  
3.05 Alternative Relief  
3.06 Alternative Penalties

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

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

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

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

1. A violation arising from noncompliance with a pretreatment standard or requirement referred to in 40 C.F.R. §403.8.
2. The discharge of airborne residue from grain, created by the handling, drying, or storing of grain, by a person not engaged in the industrial production or manufacturing of grain products.
3. The discharge of airborne residue from grain, created by the handling, drying, or storing of grain, by a person engaged in such industrial production or manufacturing if such discharge occurs from September 15 to January 15.

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

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

1. Standard Civil Penalties.
  - A. First offense – not to exceed \$750.00
  - B. Each repeat offense – not to exceed \$1,000.00

Each day that a violation occurs or is permitted to exist constitutes a repeat offense.

2. Special Civil Penalties.
  - A. A municipal infraction arising from noncompliance with a pretreatment standard or requirement, referred to in 40 C.F.R. §403.8, by an industrial user is punishable by a penalty of not more than \$1,000.00 for each day a violation exists or continues.

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<sup>†</sup> **EDITOR'S NOTE:** For criminal penalty for violations of this Code of Ordinances, see Section 1.14.

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

- (1) The violation results solely from conducting an initial startup, cleaning, repairing, performing scheduled maintenance, testing, or conducting a shutdown of either equipment causing the violation or the equipment designed to reduce or eliminate the violation.
- (2) The City is notified of the violation within 24 hours from the time that the violation begins.
- (3) The violation does not continue in existence for more than eight hours.

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

*(Code of Iowa, Sec. 364.22[4])*

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

If the citation affects real property and charges a violation relating to the condition of the property, including a building code violation, a local housing regulation violation, a housing code violation, or a public health or safety violation, after filing the citation with the Clerk of the District Court, the City shall also file the citation in the office of the County Treasurer.

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

*(Code of Iowa, Sec. 364.22[9])*

**3.06 ALTERNATIVE PENALTIES.** This chapter does not preclude a peace officer from issuing a criminal citation for a violation of this Code of Ordinances or regulation if criminal

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

*(Code of Iowa, Sec. 364.22[12])*

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## CHAPTER 5

# OPERATING PROCEDURES

5.01 Oaths  
5.02 Bonds  
5.03 Powers and Duties  
5.04 Books and Records  
5.05 Transfer to Successor  
5.06 Meetings

5.07 Conflict of Interest  
5.08 Resignations  
5.09 Removal of Appointed Officers and Employees  
5.10 Vacancies  
5.11 Gifts  
5.12 Minimum Wage Requirements

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

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

*(Code of Iowa, Sec. 63.1)*

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

*(Code of Iowa, Sec. 63.10)*

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

- A. Mayor
- B. City Clerk
- C. Members of all boards, commissions, or bodies created by law.

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

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

1. Required. The Council shall provide by resolution for a surety bond or blanket position bond running to the City and covering the Mayor, Clerk, Treasurer, and such other officers and employees as may be necessary and advisable except as allowed in Subsection 5.

*(Code of Iowa, Sec. 64.13)*

2. Bonds Approved. Bonds shall be approved by the Council.

*(Code of Iowa, Sec. 64.19)*

3. Bonds Filed. All bonds, after approval and proper record, shall be filed with the Clerk.

*(Code of Iowa, Sec. 64.23(6))*

4. Record. The Clerk shall keep a book, to be known as the “Record of Official Bonds” in which shall be recorded the official bonds of all City officers, elective or appointive.

*(Code of Iowa, Sec. 64.24(1)(a))*

5. Insurance Policy in Lieu of Bond. In lieu of a bond, a public officer required to obtain a bond pursuant to Chapter 64 of the *Code of Iowa* may obtain an insurance policy in an amount not less than the amounts required of a bond.

*(Code of Iowa, Sec. 64.3)*

*(Section 5.02 – Ord. 2024-02 – Nov. 24 Supp.)*

**5.03 POWERS AND DUTIES.** Each municipal officer shall exercise the powers and perform the duties prescribed by law and this Code of Ordinances, or as otherwise directed by the Council unless contrary to State law or City charter.

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

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

*(Code of Iowa, Sec. 22.2 and 22.3A)*

**5.05 TRANSFER TO SUCCESSOR.** Each officer shall transfer to his or her successor in office all books, papers, records, documents and property in the officer’s custody and appertaining to that office.

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

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

1. Definitions. The following terms are defined for use in this section.
  - A. “Closed session” means a meeting to which all members of the public do not have access as allowed by Section 21.5 of the *Code of Iowa*.
  - B. “Hybrid meeting” means a meeting involving both remote participation and in-person participation by members.  
*(Code of Iowa, Sec. 21.8(4)(a))*
  - C. “Open session” means a meeting to which all members of the public have access.  
*(Code of Iowa, Sec. 21.2(3))*
  - D. “Remote participation” means real-time participation by a remotely located individual in a meeting which is being held in a different physical location using integrated audio, video, and other digital tools.  
*(Code of Iowa, Sec. 21.8(4)(b))*
  - E. “Reasonable notice” means advising the news media who have filed a request for notice with the governmental body and posting the notice on a bulletin board or other prominent place which is easily accessible to the public and clearly designated for that purpose at the principal office of the body

holding the meeting, or if not such office exists, at the building in which the meeting is to be held.

*(Code of Iowa, Sec. 21.4(1))*

F. “Teleconference participation” means participation using audio conference tools involving multiple participants in at least two separate locations.

*(Code of Iowa, Sec. 21.8(4)(c))*

G. “Virtual meeting” means a meeting involving real-time interaction using integrated audio, video, and other digital tools, in which participants do not share a physical location.

*(Code of Iowa, Sec. 21.8(4)(d))*

2. Notice of Meetings. Reasonable notice of the time, date, and place of each meeting and its tentative agenda shall be given.

*(Code of Iowa, Sec. 21.4)*

3. Meetings Open. All meetings shall be held in open session unless closed sessions are held as expressly permitted by State law.

*(Code of Iowa, Sec. 21.3)*

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

*(Code of Iowa, Sec. 21.3)*

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

*(Code of Iowa, Sec. 21.5)*

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

*(Code of Iowa, Sec. 21.7)*

7. Electronic Meetings. A governmental body shall provide for hybrid meetings, teleconference participation, virtual meetings, remote participation, and other hybrid options for the members of the governmental body to participate in official meetings. A governmental body conducting a meeting pursuant to this subsection shall comply with all of the provisions of Chapter 21 of the *Code of Iowa*.

*(Code of Iowa, Sec. 21.8)*

*(Section 5.06 – Ord. 2024-03 – Nov. 24 Supp.)*

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

*(Code of Iowa, Sec. 362.5)*

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

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

2. Investment of Funds. The designation of a bank or trust company as a depository, paying agent, or for investment of funds.  
*(Code of Iowa, Sec. 362.5[3b])*
3. City Treasurer. An employee of a bank or trust company, who serves as Treasurer of the City.  
*(Code of Iowa, Sec. 362.5[3c])*
4. Stock Interests. Contracts in which a City officer or employee has an interest solely by reason of employment, or a stock interest of the kind described in Subsection 8 of this section, or both, if the contracts are made by competitive bid in writing, publicly invited and opened, or if the remuneration of employment will not be directly affected as a result of the contract and the duties of employment do not directly involve the procurement or preparation of any part of the contract. The competitive bid qualification of this subsection does not apply to a contract for professional services not customarily awarded by competitive bid.  
*(Code of Iowa, Sec. 362.5[3e])*
5. Newspaper. The designation of an official newspaper.  
*(Code of Iowa, Sec. 362.5[3f])*
6. Existing Contracts. A contract in which a City officer or employee has an interest if the contract was made before the time the officer or employee was elected or appointed, but the contract may not be renewed.  
*(Code of Iowa, Sec. 362.5[3g])*
7. Volunteers. Contracts with volunteer firefighters or civil defense volunteers.  
*(Code of Iowa, Sec. 362.5[3h])*
8. Corporations. A contract with a corporation in which a City officer or employee has an interest by reason of stock holdings when less than five percent of the outstanding stock of the corporation is owned or controlled directly or indirectly by the officer or employee or the spouse or immediate family of such officer or employee.  
*(Code of Iowa, Sec. 362.5[3i])*
9. Contracts. Contracts made by the City upon competitive bid in writing, publicly invited and opened.  
*(Code of Iowa, Sec. 362.5[3d])*
10. Cumulative Purchases. Contracts not otherwise permitted by this section, for the purchase of goods or services that benefit a City officer or employee, if the purchases benefiting that officer or employee do not exceed a cumulative total purchase price of \$6,000.00 in a fiscal year.  
*(Code of Iowa, Sec. 362.5[3j])*
11. Franchise Agreements. Franchise agreements between the City and a utility and contracts entered into by the City for the provision of essential City utility services.  
*(Code of Iowa, Sec. 362.5[3k])*
12. Third Party Contracts. A contract that is a bond, note or other obligation of the City and the contract is not acquired directly from the City but is acquired in a transaction with a third party who may or may not be the original underwriter, purchaser, or obligee of the contract.  
*(Code of Iowa, Sec. 362.5[3l])*



**5.08 RESIGNATIONS.** An elected officer who wishes to resign may do so by submitting a resignation in writing to the Clerk so that it shall be properly recorded and considered. A person who resigns from an elective office is not eligible for appointment to the same office during the time for which the person was elected if, during that time, the compensation of the office has been increased.

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

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

*(Code of Iowa, Sec. 372.15)*

**5.10 VACANCIES.** A vacancy in an elective City office during a term of office shall be filled in accordance with Section 372.13[2] of the *Code of Iowa*.

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

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

**5.12 MINIMUM WAGE REQUIREMENTS.** The purpose of this section is to reaffirm the minimum wage requirements as set forth in Chapter 91D of the 2015 *Code of Iowa*. The Johnson County minimum wage adopted by the Johnson County Board of Supervisors on or about November 1, 2015, is hereby rejected insofar as it raises the minimum wage requirement above that set by Chapter 91D of the 2015 *Code of Iowa*.

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## CHAPTER 6

# CITY ELECTIONS

**6.01 Nominating Method to Be Used**  
**6.02 Nominations by Petition**  
**6.03 Adding Name by Petition**

**6.04 Preparation of Petition and Affidavit**  
**6.05 Filing; Presumption; Withdrawals; Objections**  
**6.06 Persons Elected**

**6.01 NOMINATING METHOD TO BE USED.** All candidates for elective municipal offices shall be nominated under the provisions of Chapter 45 of the *Code of Iowa*.

*(Code of Iowa, Sec. 376.3)*

**6.02 NOMINATIONS BY PETITION.** Nominations for elective municipal offices of the City may be made by nomination paper or papers signed by not less than 10 eligible electors, residents of the City.

*(Code of Iowa, Sec. 45.1)*

**6.03 ADDING NAME BY PETITION.** The name of a candidate placed upon the ballot by any other method than by petition shall not be added by petition for the same office.

*(Code of Iowa, Sec. 45.2)*

**6.04 PREPARATION OF PETITION AND AFFIDAVIT.** Nomination papers shall include a petition and an affidavit of candidacy. The petition and affidavit shall be substantially in the form prescribed by the State Commissioner of Elections, shall include information required by the *Code of Iowa*, and shall be signed in accordance with the *Code of Iowa*.

*(Code of Iowa, Sec. 45.3, 45.5 & 45.6)*

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

*(Code of Iowa, Sec. 45.4)*

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

*(Code of Iowa, Sec. 376.8[3])*

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## CHAPTER 7

# FISCAL MANAGEMENT

7.01 Purpose  
7.02 Finance Officer  
7.03 Cash Control  
7.04 Fund Control

7.05 Operating Budget Preparation  
7.06 Budget Amendments  
7.07 Accounting  
7.08 Financial Reports

**7.01 PURPOSE.** The purpose of this chapter is to establish policies and provide for rules and regulations governing the management of the financial affairs of the City.

**7.02 FINANCE OFFICER.** The Clerk is the finance and accounting officer of the City and is responsible for the administration of the provisions of this chapter.

**7.03 CASH CONTROL.** To assure the proper accounting and safe custody of moneys the following shall apply:

1. Deposit of Funds. All moneys or fees collected for any purpose by any City officer shall be deposited through the office of the finance officer. If any said fees are due to an officer, they shall be paid to the officer by check drawn by the finance officer and approved by the Council only upon such officer's making adequate reports relating thereto as required by law, ordinance, or Council directive.

2. Deposits and Investments. All moneys belonging to the City shall be promptly deposited in depositories selected by the Council in amounts not exceeding the authorized depository limitation established by the Council or invested in accordance with the City's written investment policy and State law, including joint investments as authorized by Section 384.21 of the *Code of Iowa*.

*(Code of Iowa, Sec. 384.21, 12B.10, 12C.1)*

3. Petty Cash Fund. The finance officer shall be custodian of a petty cash fund for the payment of small claims for minor purchases, collect-on-delivery transportation charges, and small fees customarily paid at the time of rendering a service, for which payments the finance officer shall obtain some form of receipt or bill acknowledged as paid by the vendor or agent. At such time as the petty cash fund is approaching depletion, the finance officer shall draw a check for replenishment in the amount of the accumulated expenditures and said check and supporting detail shall be submitted to the Council as a claim in the usual manner for claims and charged to the proper funds and accounts. It shall not be used for salary payments or other personal services or personal expenses.

**7.04 FUND CONTROL.** There shall be established and maintained separate and distinct funds in accordance with the following:

1. Revenues. All moneys received by the City shall be credited to the proper fund as required by law, ordinance, or resolution.

2. Expenditures. No disbursement shall be made from a fund unless such disbursement is authorized by law, ordinance, or resolution, was properly budgeted, and supported by a claim approved by the Council.

3. Emergency Fund. No transfer may be made from any fund to the Emergency Fund.

*(545 IAC 2.5[2])*

4. Debt Service Fund. Except where specifically prohibited by State law, moneys may be transferred from any other City fund to the Debt Service Fund to meet payments of principal and interest. Such transfers must be authorized by the original budget or a budget amendment.

*(545 IAC 2.5[3])*

5. Capital Improvements Reserve Fund. Except where specifically prohibited by State law, moneys may be transferred from any City fund to the Capital Improvements Reserve Fund. Such transfers must be authorized by the original budget or a budget amendment.

*(545 IAC 2.5[4])*

6. Utility and Enterprise Funds. A surplus in a Utility or Enterprise Fund may be transferred to any other City fund, except the Emergency Fund, by resolution of the Council. A surplus may exist only after all required transfers have been made to any restricted accounts in accordance with the terms and provisions of any revenue bonds or loan agreements relating to the Utility or Enterprise Fund. A surplus is defined as the cash balance in the operating account or the unrestricted net position calculated in accordance with generally accepted accounting principles, after adding back the net pension and other postemployment benefits, liabilities, and the related deferred inflows of resources and deducting the related deferred outflows of resources, in excess of:

- A. The amount of the expenses of disbursements for operating and maintaining the utility or enterprise for the preceding three months; and
- B. The amount necessary to make all required transfers to restricted accounts for the succeeding three months.

*(545 IAC 2.5[5])*

7. Balancing of Funds. Fund accounts shall be reconciled at the close of each month and a report thereof submitted to the Council.

**7.05 OPERATING BUDGET PREPARATION.** The annual operating budget of the City shall be prepared in accordance with the following:

1. Proposal Prepared. The finance officer is responsible for preparation of the annual budget detail, for review by the Mayor and Council and adoption by the Council in accordance with directives of the Mayor and Council.
2. Boards and Commissions. All boards, commissions, and other administrative agencies of the City that are authorized to prepare and administer budgets must submit their budget proposals to the finance officer for inclusion in the proposed City budget at such time and in such form as required by the Council.
3. Submission to Council. The finance officer shall submit the completed budget proposal to the Council each year at such time as directed by the Council.
4. Annual Statement.

*(Code of Iowa, Sec. 24.2A(2))*

- A. On or before 4:00 p.m. on March 5 of each year, the City shall file, with the Department of Management, a report containing all necessary information

for the Department of Management to compile and calculate amounts required to be included in the statement mailed under Paragraph B.

B. Not later than March 15, the County Auditor, using information compiled and calculated by the Department of Management shall send to each property owner or taxpayer within the County, by regular mail, an individual statement containing all of the required information as provided under Section 24.2A(2)(b)(1-10) of the *Code of Iowa*.

C. The Department of Management shall prescribe the form for the report required under Paragraph A, the statements to be mailed under Paragraph B, and the public hearing notice required under Paragraph D.

D. The Council shall set a time and place for a public hearing on the City's proposed property tax amount for the budget year and the City's information included in the statements under Paragraph B. The proposed property tax hearing shall be set on a date on or after March 20 of the budget year immediately preceding the budget year for which the tax is being proposed. At the hearing, the Council shall receive oral or written testimony from any resident or property owner of the City. This public hearing shall be separate from any other meeting of the Council, including any other meeting or public hearing relating to the City's budget, and other business of the City that is not related to the proposed property tax amounts and the information in the statements shall not be conducted at the public hearing. After all testimony has been received and considered, the governing body may decrease, but not increase, the proposed property tax amount to be included in the City's budget.

(1) Notice of the public hearing shall be published not less than 10 nor more than 20 days prior to the hearing, in a newspaper published at least once weekly and having general circulation in the City. However, if the City has a population of 200 or less, publication may be made by posting in three public places in the City.

(2) Notice of the hearing shall also be posted and clearly identified on the City's internet site for public viewing beginning on the date of the newspaper publication and shall be maintained on the City's internet site with all such prior year notices.

(3) Additionally, if the City maintains a social media account on one or more social media applications, the public hearing notice or an electronic link to the public hearing notice shall be posted on each such account on a date no later than the date of publication of the notice.

(4) Failure of a newspaper to publish a required notice under this paragraph shall not be considered a failure of a political subdivision to provide required notice under this paragraph if all of the following conditions are met:

a. Notice of the public hearing was provided to each property owner and each taxpayer within the political subdivision in statements required under Section 24.2A(2)(b) of the *Code of Iowa*.

b. The political subdivision can demonstrate to the county auditor that the political subdivision provided sufficient time for the newspaper to publish the notice.

*(Subsection 4 – Ord. 2024-04 – Nov. 24 Supp.)*

5. Council Review. The Council shall review the proposed budget and may make any adjustments it deems appropriate in the budget before accepting such proposal for publication, hearing, and final adoption.

6. Notice of Hearing. Following, and not until the requirements, of Subsection 4 of this section, are completed, the Council shall set a time and place for public hearing on the budget to be held before April 30 and shall publish notice of the hearing not less than 10 nor more than 20 days before the hearing. A summary of the proposed budget and a description of the procedure for protesting the City budget under Section 384.19 of the *Code of Iowa*, in the form prescribed by the Director of the Department of Management, shall be included in the notice. Proof of publication of the notice under this subsection must be filed with the County Auditor.

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

7. Copies of Budget on File. Not less than 20 days before the date that the budget must be certified to the County Auditor and not less than 10 days before the public hearing, the Clerk shall make available a sufficient number of copies of the detailed budget to meet the requests of taxpayers and organizations and have them available for distribution at the offices of the Mayor and City Clerk and have a copy posted at one of the places designated for the posting of notices.

*(Code of Iowa, Sec. 384.16[2])*

8. Adoption and Certification. After the hearing, the Council shall adopt, by resolution, a budget for at least the next fiscal year and the Clerk shall certify the necessary tax levy for the next fiscal year to the County Auditor and the County Board of Supervisors. The tax levy certified may be less than, but not more than, the amount estimated in the proposed budget submitted at the final hearing, unless an additional tax levy is approved at a City election. Two copies each of the detailed budget as adopted and of the tax certificate must be transmitted to the County Auditor.

*(Code of Iowa, Sec. 384.16[5])*

*(Section 7.05 – Ord. 2023-04 – Sep. 23 Supp.)*

**7.06 BUDGET AMENDMENTS.** A City budget finally adopted for the following fiscal year becomes effective July 1 and constitutes the City appropriation for each program and purpose specified therein until amended as provided by this section.

*(Code of Iowa, Sec. 384.18)*

1. Program Increase. Any increase in the amount appropriated to a program must be prepared, adopted, and subject to protest in the same manner as the original budget.

*(545 IAC 2.2)*

2. Program Transfer. Any transfer of appropriation from one program to another must be prepared, adopted, and subject to protest in the same manner as the original budget.

*(545 IAC 2.3)*

3. Activity Transfer. Any transfer of appropriation from one activity to another activity within a program must be approved by resolution of the Council.

*(545 IAC 2.4)*



4. Administrative Transfers. The finance officer shall have the authority to adjust, by transfer or otherwise, the appropriations allocated within a specific activity without prior Council approval.

*(545 IAC 2.4)*

**7.07 ACCOUNTING.** The accounting records of the City shall consist of not less than the following:

1. Books of Original Entry. There shall be established and maintained books of original entry to provide a chronological record of cash received and disbursed.
2. General Ledger. There shall be established and maintained a general ledger controlling all cash transactions, budgetary accounts and for recording unappropriated surpluses.
3. Checks. Two signatures are required on all City checks. Checks shall be prenumbered and signed by any two of the following: Clerk, Mayor, or Mayor Pro Tem, following Council approval, except as provided by Subsection 5 hereof.
4. Budget Accounts. There shall be established such individual accounts to record receipts by source and expenditures by program and activity as will provide adequate information and control for budgeting purposes as planned and approved by the Council. Each individual account shall be maintained within its proper fund and so kept that receipts can be immediately and directly compared with revenue estimates and expenditures can be related to the authorizing appropriation. No expenditure shall be posted except to the appropriation for the function and purpose for which the expense was incurred.
5. Immediate Payment Authorized. The Council may by resolution authorize the Clerk to issue checks for immediate payment of amounts due, which if not paid promptly would result in loss of discount, penalty for late payment or additional interest cost. Any such payments made shall be reported to the Council for review and approval with and in the same manner as other claims at the next meeting following such payment. The resolution authorizing immediate payment shall specify the type of payment so authorized and may include (but is not limited to) payment of utility bills, contractual obligations, payroll, and bond principal and interest.
6. Utilities. The finance officer shall perform and be responsible for accounting functions of the municipally owned utilities.

**7.08 FINANCIAL REPORTS.** The finance officer shall prepare and file the following financial reports:

1. Monthly Reports. There shall be submitted to the Council each month a report showing the activity and status of each fund, program, sub-program, and activity for the preceding month.
2. Annual Report. Not later than December 1 of each year there shall be published an annual report containing a summary for the preceding fiscal year of all collections and receipts, all accounts due the City, and all expenditures, the current public debt of the City, and the legal debt limit of the City for the current fiscal year. The Annual Financial Report shall be prepared on forms and pursuant to instructions prescribed by the Auditor of State. Beginning with the Annual Financial Report published by December 1, 2025, each report shall include a list of bonds, notes, or other obligations issued by the City during the most recently

completed fiscal year, and the applicable lists for other fiscal years beginning on or after July 1, 2024, for which obligations remain unpaid, payable from any source, including the amount of the issuance, the project or purpose of the issuance, whether the issuance was approved at election, eligible to be subject to a petition for an election, or was exempt from approval at election as the result of statutory exclusions based on population of the City or amount of the issuance, and identification of issuances from the fiscal year or prior fiscal years related to the same project or purpose.

*(Code of Iowa, Sec. 384.22)*

*(Section 7.08 – Ord. 2023-04 – Sep. 23 Supp.)*

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**CHAPTER 10**  
**URBAN RENEWAL**

<b>EDITOR'S NOTE</b>		
The following ordinances not codified herein, and specifically saved from repeal, have been adopted establishing Urban Renewal Areas in the City and remain in full force and effect.		
<b>ORDINANCE NO.</b>	<b>ADOPTED</b>	<b>NAME OF AREA</b>
46	December 9, 2003	Shueyville 2003 Urban Renewal Plan
--	December 5, 2007	Amendment #1
--	July 9, 2009	Amendment #2
--	August 9, 2016	Amendment #3

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## CHAPTER 15

### MAYOR

15.01 Term of Office  
15.02 Powers and Duties  
15.03 Appointments

15.04 Compensation  
15.05 Voting

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

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

1. Chief Executive Officer. Act as the chief executive officer of the City and presiding officer of the Council, supervise all departments of the City, give direction to department heads concerning the functions of the departments, and 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, Sec. 372.14[1])*

2. Proclamation of Emergency. Have authority to take command of the police and govern the City by proclamation, upon making a determination that a time of emergency or public danger exists. Within the City limits, the Mayor has all the powers conferred upon the Sheriff to suppress disorders.

*(Code of Iowa, Sec. 372.14[2])*

3. Special Meetings. Call special meetings of the Council when the Mayor deems such meetings necessary to the interests of the City.

*(Code of Iowa, Sec. 372.14[1])*

4. Mayor's Veto. Sign, veto, or take no action on an ordinance, amendment, or resolution passed by the Council. The Mayor may veto an ordinance, amendment, or resolution within 14 days after passage. The Mayor shall explain the reasons for the veto in a written message to the Council at the time of the veto.

*(Code of Iowa, Sec. 380.5 and 380.6[2])*

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

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

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

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

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

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

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

**15.03 APPOINTMENTS.** The Mayor shall appoint the following officials:

*(Code of Iowa, Sec. 372.4)*

1. Mayor Pro Tem
2. Planning and Zoning Commission
3. Board of Adjustment

**15.04 COMPENSATION.** The salary of the Mayor is \$50.00 per meeting attended, plus \$150.00 per month, payable quarterly. *(Ord. 2023-06 – Nov. 24 Supp.)*

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

*(Code of Iowa, Sec. 372.4)*

## CHAPTER 16

### MAYOR PRO TEM

16.01 Vice President of Council  
16.02 Powers and Duties

16.03 Voting Rights  
16.04 Compensation

**16.01 VICE PRESIDENT OF COUNCIL.** The Mayor shall appoint a member of the Council as Mayor Pro Tem, who shall serve as vice president of the Council.

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

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

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

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

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

**16.04 COMPENSATION.** If the Mayor Pro Tem performs the duties of the Mayor during the Mayor's absence or disability for a continuous period of 15 days or more, the Mayor Pro Tem may be paid for that period the compensation as determined by the Council, based upon the Mayor Pro Tem's performance of the Mayor's duties and upon the compensation of the Mayor. When acting as Mayor, the Mayor Pro Tem receives \$100.00 per meeting attended payable quarterly.

*(Ord. 2023-07 – Nov. 24 Supp.)*

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## CHAPTER 17

### CITY COUNCIL

17.01 Number and Term of Council  
17.02 Powers and Duties  
17.03 Exercise of Power

17.04 Council Meetings  
17.05 Appointments  
17.06 Compensation

**17.01 NUMBER AND TERM OF COUNCIL.** The Council consists of five Council members elected at large for overlapping terms of four years.

*(Code of Iowa, Sec. 372.4 and 376.2)*

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

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

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

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

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

3. Public Improvements. The Council shall make all orders for the construction of any improvements, bridges, or buildings.

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

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

*(Code of Iowa, Ch. 26)*

5. Employees. The Council shall authorize, by resolution, the number, duties, term of office, and compensation of employees or officers not otherwise provided for by State law or the Code of Ordinances.

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

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

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

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

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

1. Action by Council. Passage of an ordinance, amendment, or resolution requires a majority vote of all of the members of the Council. Passage of a motion requires a majority vote of a quorum of the Council. A resolution must be passed to spend public funds in excess of \$100,000.00 on a public improvement project, or to accept public improvements and facilities upon their completion. Each Council member's vote on a measure must be recorded. A measure that fails to receive sufficient votes for passage shall be considered defeated.

*(Code of Iowa, Sec. 380.4)*

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

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

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

A. An ordinance or amendment signed by the Mayor becomes effective when the ordinance or a summary of the ordinance is published, unless a subsequent effective date is provided within the ordinance or amendment.

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

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

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

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

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

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

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

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

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

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

*(Code of Iowa, Sec. 380.1[a])*

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

1. Regular Meetings. The time and place of the regular meetings of the Council shall be fixed by resolution of the Council.
2. Special Meetings. Special meetings shall be held upon call of the Mayor or upon the request of a majority of the members of the Council.  
*(Code of Iowa, Sec. 372.13[5])*
3. Quorum. A majority of all Council members is a quorum.  
*(Code of Iowa, Sec. 372.13[1])*
4. Rules of Procedure. The Council shall determine its own rules and maintain records of its proceedings.  
*(Code of Iowa, Sec. 372.13[5])*
5. Compelling Attendance. Any three members of the Council can compel the attendance of the absent members at any regular, adjourned, or duly called meeting, by serving a written notice upon the absent members to attend at once.

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

1. City Clerk
2. City Attorney
3. City Engineer, Annually

**17.06 COMPENSATION.** The salary of each Council member is \$50.00 for each meeting of the Council attended, payable quarterly.  
*(Ord. 2023-08 – Nov. 24 Supp.)*

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## CHAPTER 18

### CITY CLERK

18.01 Appointment and Compensation	18.08 Records
18.02 Powers and Duties: General	18.09 Attendance at Meetings
18.03 Publication of Minutes	18.10 Licenses and Permits
18.04 Recording Measures	18.11 Notification of Appointments
18.05 Other Publications	18.12 Elections
18.06 Authentication	18.13 City Seal
18.07 Certification	

**18.01 APPOINTMENT AND COMPENSATION.** At its first meeting in January following the regular City election, the Council shall appoint by majority vote a City Clerk to serve for a term of two years. The Clerk shall receive such compensation as established by resolution of the Council.

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

**18.02 POWERS AND DUTIES: GENERAL.** The Clerk or, in the Clerk's absence or inability to act, the Deputy Clerk has the powers and duties as provided in this chapter, this Code of Ordinances, and the law.

**18.03 PUBLICATION OF MINUTES.** Within 15 days following a regular or special meeting of the Council, the Clerk shall cause the minutes of the proceedings of the Council, including the total expenditure from each City fund, to be delivered to a newspaper of general circulation in the City for publication. The publication shall include a list of all claims allowed and a summary of all receipts and shall show the gross amount of the claims.

*(Code of Iowa, Sec. 372.13(6))*

*(Section 18.03 – Ord. 2024-05 – Nov. 24 Supp.)*

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

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

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

*(Code of Iowa, Sec. 362.3)*

1. Time. If notice of an election, hearing, or other official action is required by this Code of Ordinances or law, the notice must be published at least once, not less than four or more than 20 days before the date of the election, hearing, or other action, unless otherwise provided by law.
2. Manner of Publication. A publication required by this Code of Ordinances or law must be in a newspaper published at least once weekly and having general

circulation in the City, except that ordinances and amendments may be published by posting in the following places:

Shuey's Restaurant and Lounge  
Community Center  
Shueyville United Methodist Church  
City's Website

The Clerk is hereby directed to post promptly such ordinances and amendments, and to leave them so posted for not less than 10 days after the first date of posting. Unauthorized removal of the posted ordinance or amendment prior to the completion of the ten days shall not affect the validity of said ordinance or amendment. The Clerk shall note the first date of such posting on the official copy of the ordinance and in the official ordinance book immediately following the ordinance.

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

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

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

*(Code of Iowa, Sec. 380.11)*

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

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

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

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

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

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

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

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

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

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

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

**18.09 ATTENDANCE AT MEETINGS.** The Clerk shall attend all regular and special Council meetings and, at the direction of the Council, the Clerk shall attend meetings of committees, boards, and commissions. The Clerk shall record and preserve a correct record of the proceedings of such meetings.

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

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

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

**18.11 NOTIFICATION OF APPOINTMENTS.** The Clerk shall inform all persons appointed by the Mayor or Council to offices in the City government of their positions and the time at which they shall assume the duties of their offices.

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

**18.12 ELECTIONS.** The Clerk shall perform the duties relating to elections in accordance with Chapter 376 of the *Code of Iowa*.

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

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## CHAPTER 19

# CITY TREASURER

**19.01 Appointment**  
**19.02 Compensation**

**19.03 Duties of Treasurer**

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

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

**19.03 DUTIES OF TREASURER.** The duties of the Treasurer are as follows:  
*(Code of Iowa, Sec. 372.13[4])*

1. Custody of Funds. Be responsible for the safe custody of all funds of the City in the manner provided by law and Council direction.
2. Record of Fund. Keep the record of each fund separate.
3. Record Receipts. Keep an accurate record of all money or securities received by the Treasurer on behalf of the City and specify the date, from whom, and for what purpose received.
4. Record Disbursements. Keep an accurate account of all disbursements, money, or property, specifying date, to whom, and from what fund paid.
5. Special Assessments. Keep a separate account of all money received by the Treasurer from special assessments.
6. Deposit Funds. Upon receipt of moneys to be held in the Treasurer's custody and belonging to the City, deposit the same in depositories selected by the Council.
7. Reconciliation. Reconcile depository statements with the Treasurer's books and certify monthly to the Council the balance of cash and investments of each fund and amounts received and disbursed.
8. Debt Service. Keep a register of all bonds outstanding and record all payments of interest and principal.
9. Other Duties. Perform such other duties as specified by the Council by resolution or ordinance.

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## CHAPTER 20

### CITY ATTORNEY

**20.01 Appointment and Compensation**

**20.02 Attorney for City**

**20.03 Power of Attorney**

**20.04 Ordinance Preparation**

**20.05 Review and Comment**

**20.06 Provide Legal Opinion**

**20.07 Attendance at Council Meetings**

**20.08 Prepare Documents**

**20.01 APPOINTMENT AND COMPENSATION.** The Council shall appoint by majority vote a City Attorney to serve for a term of one year. The City Attorney shall receive such compensation as established by resolution of the Council.

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

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

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

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

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

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

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

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

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

**20.06 PROVIDE LEGAL OPINION.** The City Attorney shall give advice or a written legal opinion on City contracts and all questions of law relating to City matters submitted by the Clerk, Mayor, or Mayor Pro Tem.

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

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

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

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

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

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## CHAPTER 21

# PLANNING AND ZONING COMMISSION

21.01 Planning and Zoning Commission  
21.02 Term of Office  
21.03 Vacancies

21.04 Compensation  
21.05 Powers and Duties

**21.01 PLANNING AND ZONING COMMISSION.** The City Planning and Zoning Commission, hereinafter referred to as the Commission, consists of five members appointed by the Council. The Commission members shall be residents of the City and shall not hold any elective office in the City government.

*(Code of Iowa, Sec. 414.6 and 392.1)*

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

*(Code of Iowa, Sec. 392.1)*

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

*(Code of Iowa, Sec. 392.1)*

**21.04 COMPENSATION.** All members of the Commission shall be paid \$35.00 per meeting, payable quarterly.

*(Ord. 2023-09 – Nov. 24 Supp.)*

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

1. Selection of Officers. The Commission shall choose annually at its first regular meeting one of its members to act as Chairperson and another as Vice Chairperson, who shall perform all the duties of the Chairperson during the Chairperson's absence or disability.

*(Code of Iowa, Sec. 392.1)*

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

*(Code of Iowa, Sec. 392.1)*

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

*(Code of Iowa, Sec. 414.6)*

4. Recommendations on Improvements. The design and proposed location of public improvements shall be submitted to the Commission for its recommendations prior to any actions being taken by the City for the construction or placement of such improvements. Such requirements and recommendations shall not act as a stay upon

1. action for any such improvement if the Commission, after 30 days' written notice requesting such recommendations, has failed to file the same.

*(Code of Iowa, Sec. 392.1)*

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

*(Code of Iowa, Sec. 392.1)*

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

*(Code of Iowa, Sec. 392.1)*

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

*(Code of Iowa, Sec. 392.1)*

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

*(Code of Iowa, Sec. 392.1)*

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## CHAPTER 30

# CONTRACT LAW ENFORCEMENT

**30.01 CONTRACT LAW ENFORCEMENT.** The Council may contract with the County Sheriff or any other qualified lawful entity to provide law enforcement services within the City, and the Sheriff or such other entity shall have and exercise the powers and duties as provided in said contract and as required by law or ordinance.

*(Code of Iowa, Sec. 28E.30)*

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**CHAPTER 35**  
**FIRE PROTECTION**

**35.01 CONTRACT.** Pursuant to Chapter 28E of the *Code of Iowa*, the City has entered into a contract agreement with Jefferson Monroe Fire Department for fire protection and prevention within the City.

*(Code of Iowa, Sec. 28E.12)*

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## CHAPTER 36

# HAZARDOUS SUBSTANCE SPILLS

36.01 Purpose

36.02 Definitions

36.03 Cleanup Required

36.04 Liability for Cleanup Costs

36.05 Notifications

36.06 Police Authority

36.07 Liability

**36.01 PURPOSE.** In order to reduce the danger to the public health, safety, and welfare from the leaks and spills of hazardous substances, these regulations are promulgated to establish responsibility for the treatment, removal, and cleanup of hazardous substance spills within the City limits.

**36.02 DEFINITIONS.** For purposes of this chapter the following terms are defined:

1. “Cleanup” means actions necessary to contain, collect, control, identify, analyze, clean up, treat, disperse, remove, or dispose of a hazardous substance.

*(Code of Iowa, Sec. 455B.381[1])*

2. “Hazardous condition” means any situation involving the actual, imminent, or probable spillage, leakage, or release of a hazardous substance onto the land, into a water of the State, or into the atmosphere which creates an immediate or potential danger to the public health or safety or to the environment.

*(Code of Iowa, Sec. 455B.381[4])*

3. “Hazardous substance” means any substance or mixture of substances that presents a danger to the public health or safety and includes, but is not limited to, a substance that is toxic, corrosive, or flammable, or that is an irritant or that generates pressure through decomposition, heat, or other means. “Hazardous substance” may include any hazardous waste identified or listed by the administrator of the United States Environmental Protection Agency under the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, or any toxic pollutant listed under Section 307 of the Federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous substance designated under Section 311 of the Federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous material designated by the Secretary of Transportation under the Hazardous Materials Transportation Act.

*(Code of Iowa, Sec. 455B.381[5])*

4. “Responsible person” means a person who at any time produces, handles, stores, uses, transports, refines, or disposes of a hazardous substance, the release of which creates a hazardous condition, including bailees, carriers, and any other person in control of a hazardous substance when a hazardous condition occurs, whether the person owns the hazardous substance or is operating under a lease, contract, or other agreement with the legal owner of the hazardous substance.

*(Code of Iowa, Sec. 455B.381[7])*

**36.03 CLEANUP REQUIRED.** Whenever a hazardous condition is created by the deposit, injection, dumping, spilling, leaking, or placing of a hazardous substance, so that the hazardous substance or a constituent of the hazardous substance may enter the environment or be emitted

into the air or discharged into any waters, including ground waters, the responsible person shall cause the condition to be remedied by a cleanup, as defined in the preceding section, as rapidly as feasible to an acceptable, safe condition. The costs of cleanup shall be borne by the responsible person. If the responsible person does not cause the cleanup to begin in a reasonable time in relation to the hazard and circumstances of the incident, the City may, by an authorized officer, give reasonable notice, based on the character of the hazardous condition, said notice setting a deadline for accomplishing the cleanup and stating that the City will proceed to procure cleanup services and bill the responsible person for all costs associated with the cleanup if the cleanup is not accomplished within the deadline. In the event that it is determined that immediate cleanup is necessary as a result of the present danger to the public health, safety, and welfare, then no notice shall be required and the City may proceed to procure the cleanup and bill the responsible person for all costs associated with the cleanup. If the bill for those services is not paid within 30 days, the City Attorney shall proceed to obtain payment by all legal means. If the cost of the cleanup is beyond the capacity of the City to finance it, the authorized officer shall report to the Council and immediately seek any State or federal funds available for said cleanup.

**36.04 LIABILITY FOR CLEANUP COSTS.** The responsible person shall be strictly liable to the City for all of the following:

1. The reasonable cleanup costs incurred by the City or the agents of the City as a result of the failure of the responsible person to clean up a hazardous substance involved in a hazardous condition.
2. The reasonable costs incurred by the City or the agents of the City to evacuate people from the area threatened by a hazardous condition caused by the person.
3. The reasonable damages to the City for the injury to, destruction of, or loss of City property, including parks and roads, resulting from a hazardous condition caused by that person, including the costs of assessing the injury, destruction, or loss.
4. The excessive and extraordinary cost incurred by the City or the agents of the City in responding at and to the scene of a hazardous condition caused by that person.

**36.05 NOTIFICATIONS.**

1. A person manufacturing, storing, handling, transporting, or disposing of a hazardous substance shall notify the State Department of Natural Resources and the Sheriff Department of the occurrence of a hazardous condition as soon as possible but not later than six hours after the onset of the hazardous condition or discovery of the hazardous condition. The Sheriff Department shall immediately notify the Department of Natural Resources.
2. Any other person who discovers a hazardous condition shall notify the Sheriff Department, which shall then notify the Department of Natural Resources.

**36.06 POLICE AUTHORITY.** If the circumstances reasonably so require, the law enforcement officer or an authorized representative may:

1. Evacuate persons from their homes to areas away from the site of a hazardous condition, and
2. Establish perimeters or other boundaries at or near the site of a hazardous condition and limit access to cleanup personnel.

No person shall disobey an order of any law enforcement officer issued under this section.

**36.07 LIABILITY.** The City shall not be liable to any person for claims of damages, injuries, or losses resulting from any hazardous condition, unless the City is the responsible person as defined in Section 36.02(4).

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## CHAPTER 37

# KNOX BOX SYSTEM

### 37.01 Definitions

### 37.02 Installation Required for New Structures

### 37.03 Installation Required for Existing Structures

### 37.04 General Requirements

### 37.05 Application

**37.01 DEFINITIONS.** The following definitions are for the purpose of administering and enforcing the Know Box System ordinance:

1. “Knox box” is required when access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or firefighting purposes, the Fire Code office is authorized to require a key box to be installed in an approved location. The key box shall be an approved type listed in accordance with UL 1037, and shall contain keys to gain necessary access as required by the Fire Code official.

**37.02 INSTALLATION REQUIRED FOR NEW STRUCTURES.** The following structures constructed after the effective date of the ordinance codified in this chapter shall be equipped with a Knox box:

1. Commercial, industrial, and public structures.
2. Multi-family residential structures (defined as three or more dwelling units for the purpose of this chapter) that have shared or common hallways or entrances.
3. Mixed use commercial and residential structures.
4. Any other structures that have an automatic fire suppression system as defined in the *International Fire Code* and/or a fire alarm system, except for one- and two-family dwellings that have a NFPA 13D fire sprinkler system (Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes) and/or a residential fire alarm system.

**37.02 INSTALLATION REQUIRED FOR EXISTING STRUCTURES.**

1. Existing structures that have an automatic fire suppression system as defined in the *International Fire Code* and/or a fire alarm system shall install a Knox box system within six months of being notified. One- or two-family dwellings that have a NFPA 13D fire sprinkler system (Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes) and/or a residential fire alarm system are exempt from this requirement.
2. Existing structures that do not have an automatic fire suppression system as defined in the *International Fire Code* and/or a fire alarm system shall install a Knox box if an occupant or owner of the structure applies for a building permit. One- or two-family dwellings are exempt from this requirement.
3. Existing structures that are subject to change of use, change of occupancy, or change of ownership shall install a Knox box.

**37.03 GENERAL REQUIREMENTS.**

1. All newly constructed structures subject to this chapter shall have the Knox box installed and operational prior to the issuance of an occupancy permit.
2. The Fire Chief shall designate the type of Knox box to be implemented within the City and shall have the authority to require all structures to use the designated system.
3. The Knox box shall be located at or near the main entrance to the building or property. It shall be mounted at a height of six feet above final grade or designated by the Fire Chief.
4. The owner or operator of a structure required to have a Knox box shall, at all times, keep a current key in the lock box that will allow for access to the structure.
5. The Fire Chief shall be authorized to implement rules and regulations for the use of the Knox box system.
6. Structures required by this chapter to have a Knox box shall not share a Knox box with another structure.
7. Based on the size of the structure, additional Knox boxes may be required at the determination of the Fire Chief.
8. Any property or building owner failing to comply with or in violation of the terms of this chapter after notice from the Fire Chief shall be subject to a municipal infraction or simple misdemeanor citation.

**37.04 APPLICATION.** The Fire Chief shall write a procedure for the use of the Knox box system by the Fire Department.

*(Ch. 37 – Ord. 2023-01 – Sep. 23 Supp.)*

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**CHAPTER 40**  
**PUBLIC PEACE**

**40.01 Assault**  
**40.02 Harassment**  
**40.03 Disorderly Conduct**

**40.04 Unlawful Assembly**  
**40.05 Failure to Disperse**

**40.01 ASSAULT.** No person shall, without justification, commit any of the following:

1. Pain or Injury. Any act that is intended to cause pain or injury to another or that is intended to result in physical contact that will be insulting or offensive to another, coupled with the apparent ability to execute the act.

*(Code of Iowa, Sec. 708.1[1])*

2. Threat of Pain or Injury. Any act that is intended to place another in fear of immediate physical contact which will be painful, injurious, insulting, or offensive, coupled with the apparent ability to execute the act.

*(Code of Iowa, Sec. 708.1[2])*

An act described in Subsections 1 and 2 shall not be an assault under the following circumstances: (i) if the person doing any of the enumerated acts, and such other person, are voluntary participants in a sport, social or other activity, not in itself criminal, and such act is a reasonably foreseeable incident of such sport or activity, and does not create an unreasonable risk of serious injury or breach of the peace; (ii) if the person doing any of the enumerated acts is employed by a school district or accredited nonpublic school, or is an area education agency staff member who provides services to a school or school district, and intervenes in a fight or physical struggle or other disruptive situation that takes place in the presence of the employee or staff member performing employment duties in a school building, on school grounds, or at an official school function, regardless of the location, whether the fight or physical struggle or other disruptive situation is between students or other individuals, if the degree and the force of the intervention is reasonably necessary to restore order and to protect the safety of those assembled.

*(Code of Iowa, Sec. 708.1)*

**40.02 HARASSMENT.** No person shall commit harassment.

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

A. Communicates with another by telephone, telegraph, writing, or via electronic communication without legitimate purpose and in a manner likely to cause the other person annoyance or harm.

*(Code of Iowa, Sec. 708.7)*

B. Places any simulated explosive or simulated incendiary device in or near any building, vehicle, airplane, railroad engine or railroad car, or boat occupied by the other person.

*(Code of Iowa, Sec. 708.7)*

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

*(Code of Iowa, Sec. 708.7)*

D. Reports or causes to be reported false information to a law enforcement authority implicating another in some criminal activity, knowing that the information is false, or reports the alleged occurrence of a criminal act, knowing the same did not occur.

*(Code of Iowa, Sec. 708.7)*

2. A person commits harassment when the person, purposefully and without legitimate purpose, has personal contact with another person, with the intent to threaten, intimidate or alarm that other person. As used in this section, unless the context otherwise requires, "personal contact" means an encounter in which two or more people are in visual or physical proximity to each other. "Personal contact" does not require a physical touching or oral communication, although it may include these types of contacts.

**40.03 DISORDERLY CONDUCT.** No person shall do any of the following:

1. Fighting. Engage in fighting or violent behavior in any public place or in or near any lawful assembly of persons, provided that participants in athletic contests may engage in such conduct that is reasonably related to that sport.

*(Code of Iowa, Sec. 723.4[1])*

2. Noise. Make loud and raucous noise in the vicinity of any residence or public building which causes unreasonable distress to the occupants thereof.

*(Code of Iowa, Sec. 723.4[2])*

3. Abusive Language. Direct abusive epithets or make any threatening gesture that the person knows or reasonably should know is likely to provoke a violent reaction by another.

*(Code of Iowa, Sec. 723.4[3])*

4. Disrupt Lawful Assembly. Without lawful authority or color of authority, disturb any lawful assembly or meeting of persons by conduct intended to disrupt the meeting or assembly.

*(Code of Iowa, Sec. 723.4[4])*

5. False Report of Catastrophe. By words or action, initiate or circulate a report or warning of fire, epidemic, or other catastrophe, knowing such report to be false or such warning to be baseless.

*(Code of Iowa, Sec. 723.4[5])*

6. Disrespect of Flag. Knowingly and publicly use the flag of the United States in such a manner as to show disrespect for the flag as a symbol of the United States, with the intent or reasonable expectation that such use will provoke or encourage another to commit trespass or assault. As used in this subsection:

*(Code of Iowa, Sec. 723.4[6])*

A. "Deface" means to intentionally mar the external appearance.

B. "Defile" means to intentionally make physically unclean.

C. "Flag" means a piece of woven cloth or other material designed to be flown from a pole or mast.

D. “Mutilate” means to intentionally cut up or alter so as to make imperfect.

E. “Show disrespect” means to deface, defile, mutilate, or trample.

F. “Trample” means to intentionally tread upon or intentionally cause a machine, vehicle, or animal to tread upon.

7. Obstruct Use of Street. Without authority or justification, obstruct any street, sidewalk, highway, or other public way, with the intent to prevent or hinder its lawful use by others.

*(Code of Iowa, Sec. 723.4[7])*

8. Funeral or Memorial Service. Within 1,000 feet of the building or other location where a funeral or memorial service is being conducted, or within 1,000 feet of a funeral procession or burial:

A. Make loud and raucous noise that causes unreasonable distress to the persons attending the funeral or memorial service or participating in the funeral procession.

B. Direct abusive epithets or make any threatening gesture that the person knows or reasonably should know is likely to provoke a violent reaction by another.

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

This subsection applies to conduct within 60 minutes preceding, during, and within 60 minutes after a funeral, memorial service, funeral procession, or burial.

*(Code of Iowa, Sec. 723.5)*

**40.04 UNLAWFUL ASSEMBLY.** It is unlawful for three or more persons to assemble together, with them or any of them acting in a violent manner, and with intent that they or any of them will commit a public offense. No person shall willingly join in or remain part of an unlawful assembly, knowing or having reasonable grounds to believe it is such.

*(Code of Iowa, Sec. 723.2)*

**40.05 FAILURE TO DISPERSE.** A peace officer may order the participants in a riot or unlawful assembly or persons in the immediate vicinity of a riot or unlawful assembly to disperse. No person within hearing distance of such command shall refuse to obey.

*(Code of Iowa, Sec. 723.3)*

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## CHAPTER 41

### PUBLIC HEALTH AND SAFETY

41.01 Distributing Dangerous Substances	41.08 Abandoned or Unattended Refrigerators
41.02 False Reports to or Communications with Public Safety Entities	41.09 Antenna and Radio Wires
41.03 Providing False Identification Information	41.10 Barbed Wire and Electric Fences
41.04 Refusing to Assist Officer	41.11 Discharging Weapons
41.05 Harassment of Public Officers and Employees	41.12 Throwing and Shooting
41.06 Interference with Official Acts	41.13 Urinating and Defecating
41.07 Removal of an Officer's Communication or Control Device	41.14 Fireworks
	41.15 Drug Paraphernalia

**41.01 DISTRIBUTING DANGEROUS SUBSTANCES.** No person shall distribute samples of any drugs or medicine, or any corrosive, caustic, poisonous or other injurious substance unless the person delivers such into the hands of a competent person, or otherwise takes reasonable precautions that the substance will not be taken by children or animals from the place where the substance is deposited.

*(Code of Iowa, Sec. 727.1)*

**41.02 FALSE REPORTS TO OR COMMUNICATIONS WITH PUBLIC SAFETY ENTITIES.** No person shall do any of the following:

*(Code of Iowa, Sec. 718.6)*

1. Report or cause to be reported false information to a fire department, a law enforcement authority, or other public safety entity, knowing that the information is false, or report the alleged occurrence of a criminal act knowing the act did not occur.
2. Telephone an emergency 911 communications center, knowing that he or she is not reporting an emergency or otherwise needing emergency information or assistance.
3. Knowingly provide false information to a law enforcement officer who enters the information on a citation.

**41.03 PROVIDING FALSE IDENTIFICATION INFORMATION.** No person shall knowingly provide false identification information to anyone known by the person to be a peace officer, emergency medical care provider, or firefighter, whether paid or volunteer, in the performance of any act that is within the scope of the lawful duty or authority of that officer, emergency medical care provider, or firefighter.

*(Code of Iowa, Sec. 719.1A)*

**41.04 REFUSING TO ASSIST OFFICER.** Any person who is requested or ordered by any magistrate or peace officer to render the magistrate or officer assistance in making or attempting to make an arrest, or to prevent the commission of any criminal act, shall render assistance as required. No person shall unreasonably and without lawful cause, refuse or neglect to render assistance when so requested.

*(Code of Iowa, Sec. 719.2)*

**41.05 HARASSMENT OF PUBLIC OFFICERS AND EMPLOYEES.** No person shall willfully prevent or attempt to prevent any public officer or employee from performing the officer's or employee's duty.

*(Code of Iowa, Sec. 718.4)*

**41.06 INTERFERENCE WITH OFFICIAL ACTS.** No person shall knowingly resist or obstruct anyone known by the person to be a peace officer, jailer, emergency medical care provider under Chapter 147A of the *Code of Iowa*, or firefighter, whether paid or volunteer, or a person performing bailiff duties pursuant to Section 602.1303[4] of the *Code of Iowa*, in the performance of any act that is within the scope of the lawful duty or authority of that officer, jailer, emergency medical care provider, or firefighter, or person performing bailiff duties, or shall knowingly resist or obstruct the service or execution by any authorized person of any civil or criminal process or order of any court. The terms "resist" and "obstruct" as used in this section do not include verbal harassment unless the verbal harassment is accompanied by a present ability and apparent intention to execute a verbal threat physically.

*(Code of Iowa, Sec. 719.1)*

**41.07 REMOVAL OF AN OFFICER'S COMMUNICATION OR CONTROL DEVICE.** No person shall knowingly or intentionally remove or attempt to remove a communication device or any device used for control from the possession of a peace officer or correctional officer, when the officer is in the performance of any act which is within the scope of the lawful duty or authority of that officer and the person knew or should have known the individual to be an officer.

*(Code of Iowa, Sec. 708.12)*

**41.08 ABANDONED OR UNATTENDED REFRIGERATORS.** No person shall abandon or otherwise leave unattended any refrigerator, ice box, or similar container, with doors that may become locked, outside of buildings and accessible to children, nor shall any person allow any such refrigerator, ice box, or similar container, to remain outside of buildings on premises in the person's possession or control, abandoned or unattended and so accessible to children.

*(Code of Iowa, Sec. 727.3)*

**41.09 ANTENNA AND RADIO WIRES.** It is unlawful for a person to allow antenna wires, antenna supports, radio wires, or television wires to exist over any street, alley, highway, sidewalk, public way, public ground, or public building without written consent of the Council.

*(Code of Iowa, Sec. 364.12[2])*

**41.10 BARBED WIRE AND ELECTRIC FENCES.** It is unlawful for a person to use barbed wire or electric fences to enclose land within the City limits without the written consent of the Council unless such land consists of 10 acres or more and is used as agricultural land.

**41.11 DISCHARGING WEAPONS.**

1. It is unlawful for a person to discharge rifles, shotguns, revolvers, pistols, guns, or other firearms of any kind within the City limits except by written consent of the Council.
2. No person shall intentionally discharge a firearm in a reckless manner.

**41.12 THROWING AND SHOOTING.** It is unlawful for a person to throw stones, bricks, or missiles of any kind or to shoot arrows, paintballs, rubber guns, slingshots, air rifles, BB

guns, or other dangerous instruments or toys on or into any street, alley, highway, sidewalk, public way, public ground, or public building, without written consent of the Council.

*(Code of Iowa, Sec. 364.12[2])*

**41.13 URINATING AND DEFECATING.** It is unlawful for any person to urinate or defecate onto any sidewalk, street, alley, or other public way, or onto any public or private building, including but not limited to the wall, floor, hallway, steps, stairway, doorway, or window thereof, or onto any public or private land.

**41.14 FIREWORKS.**

1. Definitions. The following terms, words, and phrases, when used in this section, shall have the meaning as set forth in this section, except where the context clearly indicates a different meaning:

A. “Consumer fireworks” includes First-Class Consumer Fireworks and Second-Class Consumer Fireworks as those terms are defined in Section 100.19 and Chapter 727.2 of the *Code of Iowa*. Consumer fireworks do not include novelties enumerated in Chapter 3 of the American Pyrotechnics Association’s Standard 87-1 or Display Fireworks enumerated in Chapter 4 of the American Pyrotechnics Association’s Standard 87-1.

B. “Display fireworks” includes any explosive composition or combination of explosive substances or article prepared for the purpose of providing a visible or audible effect by combustion, explosion, deflagration, or detonation and includes fireworks containing any explosive or flammable compound or other device containing any explosive substance. Display fireworks do not include novelties or consumer fireworks enumerated in Chapter 3 of the American Pyrotechnics Association’s Standard 87-1.

C. “Fireworks” means consumer fireworks and display fireworks. Fireworks does not include novelties enumerated in Chapter 3 of the American Pyrotechnics Association’s Standard 87-1, and that comply with the labeling regulations promulgated by the United States Consumer Products Safety Commission.

2. Violations. Any person or entity who fails to perform an act required by the provisions of this section or who commits an act prohibited by this section shall be guilty of a simple misdemeanor punishable by a fine or punishable as a municipal infraction civil penalty as set forth in this Code of Ordinances. A citation issued by the Johnson County Sherriff’s department will constitute a fine from the City.

A. A person who sells consumer fireworks to a person who is less than 18 years of age commits a simple misdemeanor, punishable by a fine not less than \$500.00.

B. A person who is less than 18 years of age who purchases consumer fireworks commits a simple misdemeanor, punishable by a fine not less than \$500.00.

C. A person who uses or explodes consumer fireworks in violation of this section commits a simple misdemeanor, punishable by a fine not less than \$500.00.

- D. A person who uses or explodes display fireworks while the use of such device is in violation of this section commits a simple misdemeanor, punishable by a fine not less than \$500.00.
- E. A person or entity who sells consumer fireworks without a license issued by the City will result in a fine not less than \$500.00 per day in violation.
3. Prohibitions. It is unlawful for any person to do any of the following:
- A. Manufacture fireworks within the City limits.
- B. Sell display fireworks within the City limits.
- C. Possess, use, or explode display fireworks, except in possession of and in compliance with all requirements of a permit issued by the City under this section.
4. Sale of Consumer Fireworks. It is unlawful for any person to offer for sale, expose for sale, or sell consumer fireworks, unless the person is a retailer or community group defined in Chapter 100 of the *Code of Iowa*, and possesses and complies with all requirements of a consumer fireworks seller license issued by the State Fire Marshal. In addition, any person shall also possess a fireworks permit and provide proof of insurance to the City in order to offer for sale, expose for sale, or sell consumer fireworks. The cost of said fireworks permit shall be \$750.00 per calendar year.
- A. Consumer fireworks shall only be sold during the dates and times as established by the *Code of Iowa*.
- B. Consumer fireworks may only be sold in the following zoning districts of the City:
- (1) Commercial
- (2) Industrial
- C. Consumer fireworks may not be sold on public property or within 500 feet of a residential zoning district.
- D. Buildings and temporary structures are required to meet the National Fire Protection Association Safety Standards 1124.
5. Seller Requirements.
- A. Prior to any person engaging in the sale of consumer fireworks, the following shall be provided to the City at City Hall:
- (1) License. Proof of valid license issued from the State Fire Marshal.
- (2) Liability Insurance. Proof of liability insurance separate from the building property insurance specifically showing coverage of fireworks sales for an aggregate amount of \$2,000,000.
- (3) Fire Inspection. Any property, building, or premises, whether it be permanent or temporary, intended for the sale of consumer fireworks shall have an initial on-site fire inspection completed by the State Fire Marshal prior to engaging in the sale of consumer fireworks. The Fire Marshal shall cause an annual inspection to occur meeting the requirements of the National Fire Protection Code 1124 (2017 edition) and the current fire code adopted by the City.



B. Dates of Sale. Consumer fireworks sales shall only be conducted in accordance with dates and times designated by *Code of Iowa* Section 727.2. It is unlawful to sell consumer fireworks without meeting the requirements specified in this section, or to sell fireworks outside of the dates specified.

(1) Approved consumer fireworks sales meeting the requirements of this section shall be allowed from an approved permanent structure or building between June 1 and July 8 and from December 10 until January 3.

(2) Approved consumer fireworks sales meeting the requirements of this section shall be allowed from an approved temporary structure between June 13 and July 8.

C. Safety Requirements. The following safety requirements shall be adopted for all locations where consumer fireworks are sold:

(1) All transportation, storage, and sales of consumer fireworks shall conform to the safety standards set forth by the National Fire Protection Code 1124 (2017 Edition), including (but not limited to) those standards concerning separation distance requirements and aggregate weight limits.

(2) There shall be no more than 1,000 pounds of 1.4G consumer fireworks on site at any temporary structure sales location.

(3) Any permanent structure used primarily for the purpose of consumer fireworks sales shall conform to commercial or industrial zoning requirements, 50 feet from a property line, public roadway, alley, or highway; and 500 feet from an inhabited building and 500 feet from a residential zoning district.

(4) Any temporary structure having between 500 and 1,000 pounds of total aggregate weight of DOT 1.4G consumer fireworks shall be located 55 feet from a property line, public roadway, alley, or highway; and 110 feet from an inhabited building and 500 feet from a residential zoning district.

(5) Smoking, open flame source, or matches shall not be located within 50 feet where consumer fireworks are sold. The following exemptions apply:

a. Lighters and matches may be sold as part of a retail business in commercial structures who engage in other merchandise sales where consumer fireworks are not the primary business.

b. Locations that engage in consumer fireworks sales as a primary source of revenue may sell extended lighters so long as lighters are located in a sealed package and not opened within the store premises.

(6) All electrical wiring shall meet NFPA 70 National Electrical Code. Permanent structures or buildings used primarily for consumer fireworks sales shall meet wiring requirements for a hazardous

location, including covered light fixtures to avoid sparks upon failure or damage to lights.

(7) Locations shall maintain 48-inch clear aisles between consumer fireworks display shelves.

(8) Locations shall maintain two approved exits for egress during an emergency. All approved exits shall be clearly marked with signage, except that exit signs shall be illuminated in permanent structures.

(9) Consumer fireworks sales shall only be permitted in a single story at grade building or structure to facilitate easy exiting during an emergency.

(10) Locations shall have a minimum of two 10 pounds ABC rated fire extinguishers mounted in accordance with NFPA 10. Additional fire extinguishers shall be placed in locations to prevent travel distance exceeding 75 feet in order to reach a fire extinguisher.

(11) All doors used as service doors outside the view of a clerk shall be locked to prevent unauthorized persons from entering the building unnoticed. If doors are approved exit doors as part of the two approved exits needed, they shall be operable without special tools, keys, or knowledge. Delayed or alarmed egress doors are permitted so long as release is activated within eight seconds.

(12) No persons under the influence of alcohol, drugs, or narcotics shall be allowed to remain in the business where consumer fireworks are sold as a primary business.

(13) No more than one conex container or approved explosive magazine shall be located on site for short-term storage of extra product. All containers shall be properly placarded and equipped with tamper proof locking devices. It is permitted to place containers in a security fenced area.

(14) Individual consumer fireworks devices or opened consumer fireworks packages shall not be permitted to be displayed. No open fuses shall be exposed during storage inside a sales location.

(15) Consumer fireworks sales shall only be allowed in areas zoned for commercial and industrial use.

(16) Any person engaged in consumer firework sales in any other zone other than commercial and industrial zoned areas shall not be approved for sales within the City limits.

(17) No person shall sell a DOT 1.4G consumer firework to a person under the age of 18.

(18) Consumer fireworks shall not be sold to an intoxicated person or to any person whom a reasonable person would believe may be impaired by other substances.

D. Signage Requirements. The City prohibits the use of fireworks. Sellers of fireworks shall be required to adhere to the following:

- (1) Comply with the City's sign ordinance.
  - (2) Post the City's fireworks ordinance in a visible location accessible to consumers.
  - (3) Post in plain view a (Shueyville-provided) sign stating: USE OF CONSUMER FIREWORKS IS PROHIBITED WITHIN THE SHUEYVILLE CITY LIMITS.
6. Use of Consumer Fireworks Is Prohibited. Shueyville prohibits the use of fireworks. Fireworks constitute a threat to public safety and/or private property and the use of these devices constitutes a nuisance to landowners. It is unlawful for any person to do any of the following:
- A. Use or explode any consumer fireworks within the City corporate limits.
  - B. Use or explode display fireworks within the City corporate limits without a valid permit issued by the City.
7. Use of Display Fireworks; Permits Required. A permit must be obtained from the City in order to use or explode display fireworks. A person or entity seeking a permit to use display fireworks must adhere to the following:
- A. Provide proof of insurance at the following levels to receive a permit:
    - (1) Personal Injury: \$1,000,000.00 each occurrence
    - (2) Property Damage: \$500,000.00 each occurrence
    - (3) General Aggregate: \$2,000,000.00 General Aggregate
  - B. The cost of the permit shall be \$250.00 per occurrence.
8. Seizure of Fireworks. The Fire Marshal may seize, take, remove, or cause to be removed, at the expense of the owner, all consumer fireworks or display fireworks offered or exposed for sales, used, stored, possessed or held in violation of this section.

#### **41.15 DRUG PARAPHERNALIA.**

*(Code of Iowa, Sec. 124.414)*

1. As used in this section "drug paraphernalia" means all equipment, products or materials of any kind used or attempted to be used in combination with a controlled substance, except those items used in combination with the lawful use of a controlled substance, to knowingly or intentionally and primarily do any of the following:
- A. Manufacture a controlled substance.
  - B. Inject, ingest, inhale, or otherwise introduce into the human body a controlled substance.
  - C. Test the strength, effectiveness, or purity of a controlled substance.
  - D. Enhance the effect of a controlled substance.

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

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

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## CHAPTER 42

# PUBLIC AND PRIVATE PROPERTY

42.01 Trespassing

42.02 Criminal Mischief

42.03 Defacing Proclamations or Notices

42.04 Unauthorized Entry

42.05 Fraud

42.06 Theft

42.07 Other Public Property Offenses

### 42.01 TRESPASSING.

1. Prohibited. It is unlawful for a person to knowingly trespass upon the property of another.

*(Code of Iowa, Sec. 716.8)*

2. Definitions. For purposes of this section:

*(Code of Iowa, Sec. 716.7[1])*

A. “Property” includes any land, dwelling, building, conveyance, vehicle, or other temporary or permanent structure, whether publicly or privately owned.

B. “Public utility” is a public utility as defined in Section 476.1 of the *Code of Iowa* or an electric transmission line as provided in Chapter 478 of the *Code of Iowa*.

C. “Public utility property” means any land, dwelling, building, conveyance, vehicle, or other temporary or permanent structure owned, leased, or operated by a public utility and that is completely enclosed by a physical barrier of any kind.

D. “Railway corporation” means a corporation, company, or person owning, leasing, or operating any railroad in whole or in part within this State.

E. “Railway property” means all tangible real and personal property owned, leased, or operated by a railway corporation, with the exception of any administrative building or offices of the railway corporation.

- F. “Trespass” means one or more of the following acts:

*(Code of Iowa, Sec. 716.7[2a])*

(1) Entering upon or in property without the express permission of the owner, lessee, or person in lawful possession with the intent to commit a public offense or to use, remove therefrom, alter, damage, harass, or place thereon or therein anything animate or inanimate.

(2) Entering or remaining upon or in property without justification after being notified or requested to abstain from entering or to remove or vacate therefrom by the owner, lessee, or person in lawful possession, or the agent or employee of the owner, lessee, or person in lawful possession, or by any peace officer, magistrate, or public employee whose duty it is to supervise the use or maintenance of the property.

(3) Entering upon or in property for the purpose or with the effect of unduly interfering with the lawful use of the property by others.

(4) Being upon or in property and wrongfully using, removing therefrom, altering, damaging, harassing, or placing thereon or therein anything animate or inanimate, without the implied or actual permission of the owner, lessee, or person in lawful possession.

(5) Entering or remaining upon or in railway property without lawful authority or without the consent of the railway corporation which owns, leases, or operates the railway property. This paragraph does not apply to passage over a railroad right-of-way, other than a track, railroad roadbed, viaduct, bridge, trestle, or railroad yard, by an unarmed person if the person has not been notified or requested to abstain from entering onto the right-of-way or to vacate the right-of-way and the passage over the right-of-way does not interfere with the operation of the railroad.

(6) Entering or remaining upon or in public utility property without lawful authority or without the consent of the public utility that owns, leases, or operates the public utility property. This paragraph does not apply to passage over public utility right-of-way by a person if the person has not been notified or requested by posted signage or other means to abstain from entering onto the right-of-way or to vacate the right-of-way.

3. Specific Exceptions. "Trespass" does not mean either of the following:

*(Code of Iowa, Sec. 716.7[2b])*

A. Entering upon the property of another for the sole purpose of retrieving personal property which has accidentally or inadvertently been thrown, fallen, strayed, or blown onto the property of another, provided that the person retrieving the property takes the most direct and accessible route to and from the property to be retrieved, quits the property as quickly as is possible, and does not unduly interfere with the lawful use of the property. This paragraph does not apply to public utility property where the person has been notified or requested by posted signage or other means to abstain from entering.

B. Entering upon the right-of-way of a public road or highway.

**42.02 CRIMINAL MISCHIEF.** It is unlawful, for any person who has no right to do so, to intentionally damage, deface, alter, or destroy property.

*(Code of Iowa, Sec. 716.1)*

**42.03 DEFACING PROCLAMATIONS OR NOTICES.** It is unlawful for a person intentionally to deface, obliterate, tear down, or destroy in whole or in part, any transcript or extract from or of any law of the United States or the State, or any proclamation, advertisement, or notification, set up at any place within the City by authority of the law or by order of any court, during the time for which the same is to remain set up.

*(Code of Iowa, Sec. 716.1)*

**42.04 UNAUTHORIZED ENTRY.** No unauthorized person shall enter or remain in or upon any public building, premises, or grounds in violation of any notice posted thereon or when said

building, premises or grounds are closed and not open to the public. When open to the public, a failure to pay any required admission fee also constitutes an unauthorized entry.

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

*(Code of Iowa, Sec. 714.8)*

**42.06 THEFT.** It is unlawful for any person to commit theft as defined in Section 714.1 of the *Code of Iowa*.

*(Code of Iowa, Sec. 714.1)*

**42.07 OTHER PUBLIC PROPERTY OFFENSES.** The following chapters of this Code of Ordinances contain regulations prohibiting or restricting other activities or conditions that are also deemed to be public property offenses:

1. Chapter 105 – Solid Waste Control and Recycling
  - A. Section 105.07 – Littering Prohibited
2. Chapter 135 – Street Use and Maintenance
  - A. Section 135.01 – Removal of Warning Devices
  - B. Section 135.02 – Obstructing or Defacing
  - C. Section 135.03 – Placing Debris On
  - D. Section 135.04 – Playing In
  - E. Section 135.05 – Traveling on Barricaded Street or Alley
  - F. Section 135.08 – Burning Prohibited
  - G. Section 135.12 – Dumping of Snow
3. Chapter 136 – Sidewalk Regulations
  - A. Section 136.11 – Interference with Sidewalk Improvements
  - B. Section 136.14 – Fires or Fuel on Sidewalks
  - C. Section 136.15 – Defacing
  - D. Section 136.16 – Debris on Sidewalks
  - E. Section 136.17 – Merchandise Display
  - F. Section 136.18 – Sales Stands

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## CHAPTER 45

# ALCOHOL CONSUMPTION AND INTOXICATION

45.01 Persons Under Legal Age

45.02 Public Consumption or Intoxication

45.03 Open Containers in Motor Vehicles

45.04 Social Host

**45.01 PERSONS UNDER LEGAL AGE.** As used in this section, “legal age” means 21 years of age or more.

1. A person or persons under legal age shall not purchase or attempt to purchase, consume, or individually or jointly have alcoholic beverages in their possession or control; except in the case of any alcoholic beverage given or dispensed to a person under legal age within a private home and with the knowledge, presence, and consent of the parent or guardian, for beverage or medicinal purposes or as administered to the person by either a physician or dentist for medicinal purposes and except to the extent that a person under legal age may handle alcoholic beverages during the regular course of the person’s employment by a liquor control licensee, or wine or beer permittee under State laws.

*(Code of Iowa, Sec. 123.47[2])*

2. A person under legal age shall not misrepresent the person’s age for the purpose of purchasing or attempting to purchase any alcoholic beverage from any liquor control licensee or wine or beer permittee.

*(Code of Iowa, Sec. 123.49[3])*

**45.02 PUBLIC CONSUMPTION OR INTOXICATION.**

1. As used in this section unless the context otherwise requires:

A. “Arrest” means the same as defined in Section 804.5 of the *Code of Iowa* and includes taking into custody pursuant to Section 232.19 of the *Code of Iowa*.

B. “Chemical test” means a test of a person’s blood, breath, or urine to determine the percentage of alcohol present by a qualified person using devices and methods approved by the Commissioner of Public Safety.

C. “Peace officer” means the same as defined in Section 801.4 of the *Code of Iowa*.

D. “School” means a public or private school or that portion of a public or private school that provides teaching for any grade from kindergarten through grade twelve.

2. A person shall not use or consume alcoholic liquor, wine, or beer upon the public streets or highways. A person shall not use or consume alcoholic liquor in any public place, except premises covered by a liquor control license. A person shall not possess or consume alcoholic liquors, wine, or beer on public school property or while attending any public or private school-related function. A person shall not be intoxicated in a public place.

3. A person shall not simulate intoxication in a public place.

4. When a peace officer arrests a person on a charge of public intoxication under this section, the peace officer shall inform the person that the person may have a chemical test administered at the person's own expense. If a device approved by the Commissioner of Public Safety for testing a sample of a person's breath to determine the person's blood alcohol concentration is available, that is the only test that need be offered the person arrested. In a prosecution for public intoxication, evidence of the results of a chemical test performed under this subsection is admissible upon proof of a proper foundation. The percentage of alcohol present in a person's blood, breath, or urine established by the results of a chemical test performed within two hours after the person's arrest on a charge of public intoxication is presumed to be the percentage of alcohol present at the time of arrest.

*(Code of Iowa, Sec. 123.46)*

**45.03 OPEN CONTAINERS IN MOTOR VEHICLES.** *[See Section 62.01(6) of this Code of Ordinances.]*

**45.04 SOCIAL HOST.** A person who is the owner or lessee of, or who otherwise has control over, property that is not a licensed premises shall not knowingly permit any person, knowing or having reasonable cause to believe the person to be under the age of eighteen, to consume or possess on such property any alcoholic beverage. The provisions of this subsection shall not apply to a landlord or manager of the property or to a person under legal age who consumes or possesses any alcoholic beverage in connection with a religious observance, ceremony, or rite.

*(Code of Iowa, Sec. 123.47)*

## CHAPTER 46

### MINORS

#### 46.01 Cigarettes and Tobacco

#### 46.02 Contributing to Delinquency

**46.01 CIGARETTES AND TOBACCO.** It is unlawful for any person under 21 years of age to smoke, use, possess, purchase, or attempt to purchase any tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes. Possession of tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes by an individual under 21 years of age shall not constitute a violation of this section if the individual under 21 years of age possesses the tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes as part of the person's employment and said person is employed by a person who holds a valid permit under Chapter 453A of the *Code of Iowa* or who lawfully offers for sale or sells cigarettes or tobacco products.

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

**46.02 CONTRIBUTING TO DELINQUENCY.** It is unlawful for any person to encourage any child under 18 years of age to commit any act of delinquency.

*(Code of Iowa, Sec. 709A.1)*

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## CHAPTER 50

# NUISANCE ABATEMENT PROCEDURE

50.01 Definition of Nuisance  
50.02 Nuisances Enumerated  
50.03 Other Conditions  
50.04 Nuisances Prohibited

50.05 Nuisance Abatement  
50.06 Abatement of Nuisance by Written Notice  
50.07 Municipal Infraction Abatement Procedure  
50.08 Adult Establishments

**50.01 DEFINITION OF NUISANCE.** Whatever is injurious to health, indecent, or unreasonably offensive to the senses, or an obstruction to the free use of property so as essentially to interfere unreasonably with the comfortable enjoyment of life or property is a nuisance.

*(Code of Iowa, Sec. 657.1)*

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

*(Code of Iowa, Sec. 657.2)*

1. **Offensive Smells.** Erecting, continuing, or using any building or other place for the exercise of any trade, employment, or manufacture that, 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.
2. **Filth or Noisome Substance.** Causing or suffering any offal, filth, or noisome substance to be collected or to remain in any place to the prejudice of others.
3. **Impeding Passage of Navigable River.** Obstructing or impeding without legal authority the passage of any navigable river, harbor, or collection of water.
4. **Water Pollution.** Corrupting or rendering unwholesome or impure the water of any river, stream, or pond, or unlawfully diverting the same from its natural course or state, to the injury or prejudice of others.
5. **Blocking Public and Private Ways.** Obstructing or encumbering, by fences, buildings or otherwise, the public roads, private ways, streets, alleys, commons, landing places, or burying grounds.
6. **Billboards.** Billboards, signboards, and advertising signs, whether erected and constructed on public or private property, that so obstruct and impair the view of any portion or part of a public street, avenue, highway, boulevard, or alley or of a railroad or street railway track as to render dangerous the use thereof. **(See also Section 62.06)**
7. **Storing of Flammable Junk.** Depositing or storing of flammable junk, such as old rags, rope, cordage, rubber, bones and paper, by dealers in such articles within the fire limits of the City, unless in a building of fireproof construction. **(See also Chapter 51)**
8. **Air Pollution.** Emission of dense smoke, noxious fumes, or fly ash.
9. **Weeds, Brush.** Dense growth of all weeds, vines, brush, or other vegetation in the City so as to constitute a health, safety, or fire hazard.

10. Dutch Elm Disease. Trees infected with Dutch elm disease. **(See also Chapter 151)**

11. Airport Air Space. 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, unless such object or structure constitutes a proper use or enjoyment of the land on which the same is located.

12. Houses of Ill Fame. Houses of ill fame, kept for the purpose of prostitution and lewdness; gambling houses; places resorted to by persons participating in criminal gang activity prohibited by Chapter 723A of the *Code of Iowa* or places resorted to by persons using controlled substances, as defined in Section 124.101 of the *Code of Iowa*, in violation of law, or houses where drunkenness, quarreling, fighting, or breaches of the peace are carried on or permitted to the disturbance of others.

**50.03 OTHER CONDITIONS.** The following chapters of this Code of Ordinances contain regulations prohibiting or restricting other conditions that are deemed to be nuisances:

1. Junk and Junk Vehicles **(See Chapter 51)**
2. Dangerous Buildings **(See Chapter 145)**
3. Storage and Disposal of Solid Waste **(See Chapter 105)**
4. Trees **(See Chapter 151)**
5. Construction and Repair of Buildings **(See Chapter 155)**

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

*(Code of Iowa, Sec. 657.3)*

**50.05 NUISANCE ABATEMENT.** Whenever any authorized municipal officer finds that a nuisance exists, such officer has the authority to determine on a case-by-case basis whether to utilize the nuisance abatement procedure described in Section 50.06 of this chapter or the municipal infraction procedure referred to in Section 50.07.

*(Code of Iowa, Sec. 364.12[3h])*

**50.06 ABATEMENT OF NUISANCE BY WRITTEN NOTICE.** Any nuisance, public or private, may be abated in the manner provided for in this section:

*(Code of Iowa, Sec. 364.12[3h])*

1. Contents of Notice to Property Owner. The notice to abate shall contain: †
  - A. Description of Nuisance. A description of what constitutes the nuisance.

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† **EDITOR'S NOTE:** A suggested form of notice for the abatement of nuisances is included in the Appendix of this Code of Ordinances. Caution is urged in the use of this administrative abatement procedure, particularly where cost of abatement is more than minimal or where there is doubt as to whether or not a nuisance does in fact exist. If compliance is not secured following notice and hearings, we recommend you review the situation with your attorney before proceeding with abatement and assessment of costs. Your attorney may recommend proceedings in court under Chapter 657 of the *Code of Iowa* rather than this procedure.

- B. Location of Nuisance. The location of the nuisance.
- C. Acts Necessary to Abate. A statement of the act or acts necessary to abate the nuisance.
- D. Reasonable Time. A reasonable time within which to complete the abatement.
- E. Assessment of City Costs. A statement that if the nuisance or condition is not abated as directed and no request for hearing is made within the time prescribed, the City will abate it and assess the costs against the property owner.
2. Method of Service. The notice may be in the form of an ordinance or sent by certified mail to the property owner.  
*(Code of Iowa, Sec. 364.12[3h])*
3. Request for Hearing. Any person ordered to abate a nuisance may have a hearing with the Council as to whether a nuisance exists. A request for a hearing must be made in writing and delivered to the Clerk within the time stated in the notice, or it will be conclusively presumed that a nuisance exists and it must be abated as ordered. The hearing will be before the Council at a time and place fixed by the Council. The findings of the Council shall be conclusive and, if a nuisance is found to exist, it shall be ordered abated within a reasonable time under the circumstances.
4. 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. The City shall assess the costs as provided in Subsection 6 of this section after notice to the property owner under the applicable provisions of Subsections 1 and 2, and the hearing as provided in Subsection 3.  
*(Code of Iowa, Sec. 364.12[3h])*
5. Abatement by City. If the person notified to abate a nuisance or condition neglects or fails to abate as directed, the City may perform the required action to abate, keeping an accurate account of the expense incurred. The itemized expense account shall be filed with the Clerk, who shall pay such expenses on behalf of the City.  
*(Code of Iowa, Sec. 364.12[3h])*
6. Collection of Costs. The Clerk shall send a statement of the total expense incurred by certified mail to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within one month, the Clerk shall certify the costs to the County Treasurer and such costs shall then be collected with, and in the same manner as, general property taxes.  
*(Code of Iowa, Sec. 364.12[3h])*
7. Installment Payment of Cost of Abatement. If the amount expended to abate the nuisance or condition exceeds \$500.00, the City may permit the assessment to be paid in up to 10 annual installments, to be paid in the same manner and with the same interest rates provided for assessments against benefited property under State law.  
*(Code of Iowa, Sec. 364.13)*
8. Failure to Abate. Any person causing or maintaining a nuisance who shall fail or refuse to abate or remove the same within the reasonable time required and specified in the notice to abate is in violation of this Code of Ordinances.

**50.07 MUNICIPAL INFRACTION ABATEMENT PROCEDURE.** In lieu of the abatement procedures set forth in Section 50.06, the requirements of this chapter may be enforced under the procedures applicable to municipal infractions as set forth in Chapter 3 of this Code of Ordinances.

**50.08 ADULT ESTABLISHMENTS.**

1. As used in this section, “adult establishment” means any business that provides nude or topless dancing or operates any other adult-oriented business.
2. A public safety nuisance exists when it is established by clear and convincing evidence that an owner, manager, employee, contemporaneous patron, or guest of an adult establishment commits any of the following acts either on the premises or in any parking lots or areas, including but not limited to public rights-of-way, adjacent to the premises:
  - A. Unlawfully discharges a firearm or uses an offensive weapon, as defined in Section 724.1 of the *Code of Iowa*, regardless of whether it inflicts injury or death.
  - B. Assaults another person with a dangerous weapon as defined in Section 702.7 of the *Code of Iowa* resulting in injury or death.
  - C. Engages in a riot as defined in Section 723.1 of the *Code of Iowa* on three or more dates within a 12-month period to which the police respond and disperse a crowd. The participants need not be the same persons for each incident.
3. When the City Attorney believes a serious threat to the public safety exists, the City Attorney or any other attorney on behalf of the City Attorney, may file a suit in equity in the district court without bond seeking abatement of the public safety nuisance arising from an adult establishment.

*(Code of Iowa, Sec. 657.12)*

*(Section 50.08 – Ord. 2024-06 – Nov. 24 Supp.)*



## CHAPTER 51

# JUNK AND JUNK VEHICLES

### 51.01 Definitions

### 51.02 Junk and Junk Vehicles Prohibited

### 51.03 Junk and Junk Vehicles a Nuisance

### 51.04 Exceptions

### 51.05 Notice to Abate

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

1. “Junk” means all old or scrap copper, brass, lead, or any other non-ferrous metal; old or discarded rope, rags, batteries, paper, trash, rubber, debris, waste or used lumber, or salvaged wood; dismantled vehicles, machinery, and appliances or parts of such vehicles, machinery, or appliances; iron, steel, or other old or scrap ferrous materials; old or discarded glass, tinware, plastic or old or discarded household goods or hardware. Neatly stacked firewood located on a side yard or a rear yard is not considered junk.
2. “Junk vehicle” means any vehicle legally placed in storage with the County Treasurer or unlicensed and having any of the following characteristics:
  - A. Broken Glass. Any vehicle with a broken or cracked windshield, window, headlight or tail light, or any other cracked or broken glass.
  - B. Broken, Loose, or Missing Part. Any vehicle with a broken, loose, or missing fender, door, bumper, hood, steering wheel, or trunk lid.
  - C. Habitat for Nuisance Animals or Insects. Any vehicle that has become the habitat for rats, mice, snakes, or any other vermin or insects.
  - D. Flammable Fuel. Any vehicle that contains gasoline or any other flammable fuel.
  - E. Inoperable. Any motor vehicle that lacks an engine or two or more wheels or other structural parts, rendering said motor vehicle totally inoperable, or that cannot be moved under its own power or has not been used as an operating vehicle for a period of 30 days or more.
  - F. Defective or Obsolete Condition. Any other vehicle that, because of its defective or obsolete condition, in any other way constitutes a threat to the public health and safety.

Mere licensing of such vehicle shall not constitute a defense to the finding that the vehicle is a junk vehicle.

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

**51.02 JUNK AND JUNK VEHICLES PROHIBITED.** It is unlawful for any person to store, accumulate, or allow to remain on any private property within the corporate limits of the City any junk or junk vehicle.

**51.03 JUNK AND JUNK VEHICLES A NUISANCE.** It is hereby declared that any junk or junk vehicle located upon private property, unless excepted by Section 51.04, constitutes a threat to the health and safety of the citizens and is a nuisance within the meaning of Section 657.1 of the *Code of Iowa*. If any junk or junk vehicle is kept upon private property in violation hereof, the owner of or person occupying the property upon which it is located shall be prima facie liable for said violation.

*(Code of Iowa, Sec. 364.12[3a])*

**51.04 EXCEPTIONS.** The provisions of this chapter do not apply to any junk or a junk vehicle stored within a garage or other enclosed structure.

**51.05 NOTICE TO ABATE.** Upon discovery of any junk or junk vehicle located upon private property in violation of Section 51.03, the City shall within five days initiate abatement procedures as outlined in Chapter 50 of this Code of Ordinances.

*(Code of Iowa, Sec. 364.12[3a])*

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## CHAPTER 55

# ANIMAL PROTECTION AND CONTROL

55.01 Definitions	55.09 Vicious Dogs
55.02 Animal Neglect	55.10 Rabies Vaccination
55.03 Livestock Neglect	55.11 Owner's Duty
55.04 Abandonment of Cats and Dogs	55.12 Confinement
55.05 Livestock	55.13 Summons Issued
55.06 At Large Prohibited	55.14 Pet Awards Prohibited
55.07 Damage or Interference	55.15 Tampering with a Rabies Vaccination Tag
55.08 Annoyance or Disturbance	55.16 Tampering with an Electronic Handling Device

**55.01 DEFINITIONS.** The following terms are defined for use in this chapter.

1. "Advertise" means to present a commercial message in any medium, including (but not limited to) print, radio, television, sign, display, label, tag, or articulation.
2. "Animal" means a nonhuman vertebrate.  
*(Code of Iowa, Sec. 717B.1)*
3. "Animal shelter" means a facility which is used to house or contain dogs or cats, or both, and which is owned, operated, or maintained by an incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of such animals.
4. "At large" means off the premises of the owner and not under the control of a competent person, restrained within a motor vehicle, or housed in a veterinary hospital or kennel.
5. "Business" means any enterprise relating to any of the following:
  - A. The sale or offer for sale of goods or services.
  - B. A recruitment for employment or membership in an organization.
  - C. A solicitation to make an investment.
  - D. An amusement or entertainment activity.
6. "Commercial establishment" means an animal shelter, boarding kennel, commercial breeder, commercial kennel, dealer, pet shop, pound, public auction, or research facility.
7. "Fair" means any of the following:
  - A. The annual fair and exposition held by the Iowa State Fair Board pursuant to Chapter 173 of the *Code of Iowa* or any fair event conducted by a fair under the provisions of Chapter 174 of the *Code of Iowa*.
  - B. An exhibition of agricultural or manufactured products.
  - C. An event for operation of amusement rides or devices or concession booths.
8. "Game" means a "game of chance" or "game of skill" as defined in Section 99B.1 of the *Code of Iowa*.

9. “Injury” means an animal’s disfigurement; the impairment of an animal’s health; or an impairment to the functioning of an animal’s limb or organ, or the loss of an animal’s limb or organ.

10. “Livestock” means an animal belonging to the bovine, caprine, equine, ovine or porcine species, ostriches, rheas, and emus; farm deer (as defined in Section 170.1 of the *Code of Iowa*); or poultry.

*(Code of Iowa, Sec. 717.1)*

11. “Owner” means any person owning, keeping, sheltering, or harboring an animal.

12. “Pet” means a living dog, cat, or an animal normally maintained in a small tank or cage in or near a residence, including but not limited to a rabbit, gerbil, hamster, mouse, parrot, canary, mynah, finch, tropical fish, goldfish, snake, turtle, gecko, or iguana.

13. “Pound” means a facility for the prevention of cruelty to animals operated by the State, a municipal corporation, or other political subdivision of the State for the purpose of impounding or harboring seized stray, homeless, abandoned, or unwanted dogs, cats, or other animals; or a facility operated for such a purpose under a contract with any municipal corporation or incorporated society.

14. “Research facility” means any school or college of medicine, veterinary medicine, pharmacy, dentistry, or osteopathic medicine, or hospital, diagnostic or research laboratories, or other educational or scientific establishment situated in the State concerned with the investigation of, or instruction concerning the structure or function of living organisms, the cause, prevention, control, or cure of diseases or abnormal conditions of human beings or animals.

15. “Veterinarian” means a veterinarian licensed pursuant to Chapter 169 of the *Code of Iowa* who practices veterinary medicine in the State.

## **55.02 ANIMAL NEGLECT.**

1. It is unlawful for a person who owns or has custody of an animal and confines that animal to fail to provide the animal with any of the following conditions for the animal’s welfare:

*(Code of Iowa, Sec. 717B.3)*

A. Access to food in an amount and quality reasonably sufficient to satisfy the animal’s basic nutrition level to the extent that the animal’s health or life is endangered.

B. Access to a supply of potable water in an amount reasonably sufficient to satisfy the animal’s basic hydration level to the extent that the animal’s health or life is endangered. Access to snow or ice does not satisfy this requirement.

C. Sanitary conditions free from excessive animal waste or the overcrowding of animals to the extent that the animal’s health or life is endangered.

D. Ventilated shelter reasonably sufficient to provide adequate protection from the elements and weather conditions suitable for the age, species, and physical condition of the animal so as to maintain the animal in a state of good health to the extent that the animal’s health or life is endangered. The shelter

must protect the animal from wind, rain, snow, or sun and have adequate bedding to provide reasonable protection against cold and dampness. A shelter may include a residence, garage, barn, shed, or doghouse.

E. Grooming, to the extent it is reasonably necessary to prevent adverse health effects or suffering.

F. Veterinary care deemed necessary by a reasonably prudent person to relieve an animal's distress from any of the following:

(1) A condition caused by failing to provide for the animal's welfare as described in this section.

(2) An injury or illness suffered by the animal causing the animal to suffer prolonged pain and suffering.

2. This section does not apply to any of the following:

A. A person operating a commercial establishment under a valid authorization issued or renewed under Section 162.2A of the *Code of Iowa*, or a person acting under the direction or supervision of that person, if all of the following apply:

(1) The animal, as described in Subsection 1, was maintained as part of the commercial establishment's operation.

(2) In providing conditions for the welfare of the animal, as described in Subsection 1, the person complied with the standard of care requirements provided in Section 162.10A[1] of the *Code of Iowa*, including any applicable rules adopted by the Department of Agriculture and Land Stewardship applying to: (i) a State licensee or registrant operating pursuant to Section 162.10A[2a] or [2b] of the *Code of Iowa*; or (ii) a permittee operating pursuant to Section 162.10A[2c] of the *Code of Iowa*.

B. A research facility if the research facility has been issued or renewed a valid authorization by the Department of Agriculture and Land Stewardship pursuant to Chapter 162 of the *Code of Iowa*, and performs functions within the scope of accepted practices and disciplines associated with the research facility.

**55.03 LIVESTOCK NEGLECT.** It is unlawful for a person who impounds or confines livestock in any place to fail to provide the livestock with care consistent with customary animal husbandry practices, or to deprive the livestock of necessary sustenance, or to injure or destroy livestock by any means that causes pain or suffering in a manner inconsistent with customary animal husbandry practices.

*(Code of Iowa, Sec. 717.2)*

**55.04 ABANDONMENT OF CATS AND DOGS.** It is unlawful for a person who owns or has custody of a cat or dog to relinquish all rights in and duties to care for the cat or dog. This section does not apply to any of the following:

*(Code of Iowa, Sec. 717B.8)*

1. The delivery of a cat or dog to another person who will accept ownership and custody of the cat or dog.

2. The delivery of a cat or dog to an animal shelter or that has been issued or renewed a valid authorization by the Department of Agriculture and Land Stewardship under Chapter 162 of the *Code of Iowa*.
3. A person who relinquishes custody of a cat at a location in which the person does not hold a legal or equitable interest, if previously the person had taken custody of the cat at the same location and provided for the cat's sterilization by a veterinarian.

**55.05 LIVESTOCK.** It is unlawful for a person to keep livestock within the City except by written consent of the Council or except in compliance with the City's zoning regulations.

**55.06 AT LARGE PROHIBITED.** It is unlawful for any owner to allow an animal to run at large within the corporate limits of the City.

**55.07 DAMAGE OR INTERFERENCE.** It is unlawful for the owner of an animal to allow or permit such animal to pass upon the premises of another thereby causing damage to, or interference with, the premises.

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

**55.09 VICIOUS DOGS.** It is unlawful for any person to harbor or keep a vicious dog within the City. A dog is deemed to be vicious when it has attacked or bitten any person without provocation, or when propensity to attack or bite persons exists and is known or ought reasonably to be known to the owner.

**55.10 RABIES VACCINATION.** Every owner of a dog shall obtain a rabies vaccination for such animal. It is unlawful for any person to own or have a dog in said person's possession, six months of age or over, which has not been vaccinated against rabies. Dogs kept in State or federally licensed kennels and not allowed to run at large are not subject to these vaccination requirements.

*(Code of Iowa, Sec. 351.33)*

**55.11 OWNER'S DUTY.** It is the duty of the owner of any dog, cat, or other animal that has bitten or attacked a person or any person having knowledge of such bite or attack to report this act to a local health or law enforcement official. It is the duty of physicians and veterinarians to report to the local board of health the existence of any animal known or suspected to be suffering from rabies.

*(Code of Iowa, Sec. 351.38)*

**55.12 CONFINEMENT.** If a local board of health receives information that an animal has bitten a person or that a dog or animal is suspected of having rabies, the board shall order the owner to confine such animal in the manner it directs. If the owner fails to confine such animal in the manner directed, the animal shall be apprehended and impounded by such board, and after 10 days the board may humanely destroy the animal. If such animal is returned to its owner, the owner shall pay the cost of impoundment. This section does not apply if a police service dog or a horse used by a law enforcement agency and acting in the performance of its duties has bitten a person.

*(Code of Iowa, Sec. 351.39)*

**55.13 SUMMONS ISSUED.** The owner of any dog or other animal shall be issued a summons to appear before a proper court to answer charges of permitting such dog or animal to be at large in violation of this chapter.

**55.14 PET AWARDS PROHIBITED.**

*(Code of Iowa, Ch. 717E)*

1. Prohibition. It is unlawful for any person to award a pet or advertise that a pet may be awarded as any of the following:
  - A. A prize for participating in a game.
  - B. A prize for participating in a fair.
  - C. An inducement or condition for visiting a place of business or attending an event sponsored by a business.
  - D. An inducement or condition for executing a contract that includes provisions unrelated to the ownership, care, or disposition of the pet.
2. Exceptions. This section does not apply to any of the following:
  - A. A pet shop licensed pursuant to Section 162.5 of the *Code of Iowa* if the award of a pet is provided in connection with the sale of a pet on the premises of the pet shop.
  - B. Youth programs associated with 4-H Clubs; Future Farmers of America; the Izaak Walton League of America; or organizations associated with outdoor recreation, hunting, or fishing, including but not limited to the Iowa Sportsmen's Federation.

**55.15 TAMPERING WITH A RABIES VACCINATION TAG.** It is unlawful to tamper with a rabies vaccination tag.

*(Code of Iowa, Sec. 351.45)*

1. A person commits the offense of tampering with a rabies vaccination tag if all of the following apply:
  - A. The person knowingly removes, damages, or destroys a rabies vaccination tag as described in Section 351.35 of the *Code of Iowa*.
  - B. The rabies vaccination tag is attached to a collar worn by a dog, including as provided in Sections 351.25 and 351.26 of the *Code of Iowa*.
2. This section shall not apply to an act taken by any of the following:
  - A. The owner of the dog, an agent of the owner, or a person authorized to take action by the owner.
  - B. A peace officer.
  - C. A veterinarian.
  - D. An animal shelter or pound.

**55.16 TAMPERING WITH AN ELECTRONIC HANDLING DEVICE.** It is unlawful to tamper with an electronic handling device.

*(Code of Iowa, Sec. 351.46)*

1. A person commits the offense of tampering with an electronic handling device if all of the following apply:
  - A. The person knowingly removes, disables, or destroys an electronic device designed and used to maintain custody or control of the dog or modify the dog's behavior.
  - B. The electronic device is attached to or worn by the dog or attached to an item worn by the dog, including (but not limited to) a collar, harness, or vest.
2. This section shall not apply to an act taken by any of the following:
  - A. The owner of the dog, an agent of the owner, or a person authorized to take action by the owner.
  - B. A peace officer.
  - C. A veterinarian.
  - D. An animal shelter or pound.

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## CHAPTER 60

# ADMINISTRATION OF TRAFFIC CODE

60.01 Title

60.02 Definitions

60.03 Administration and Enforcement

60.04 Power to Direct Traffic

60.05 Reports of Traffic Accidents

60.06 Peace Officer's Authority

60.07 Obedience to Peace Officers

**60.01 TITLE.** Chapters 60 through 70 of this Code of Ordinances may be known and cited as the “Shueyville Traffic Code” (and are referred to herein as the “Traffic Code”).

**60.02 DEFINITIONS.** Where words and phrases used in the Traffic Code are defined by State law, such definitions apply to their use in said Traffic Code and are hereby adopted by reference. Those definitions so adopted that need further definition or are reiterated, and other words and phrases used herein, have the following meanings:

1. “Business District” means the territory contiguous to and including a highway when 50 percent or more of the frontage thereon for a distance of 300 feet or more is occupied by buildings in use for business.

2. “MPH” means miles per hour.

3. “Parade” means any march or procession of persons or vehicles organized for marching or moving on the streets in an organized fashion or manner or any march or procession of persons or vehicles represented or advertised to the public as a parade.

4. “Park” or “parking” means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

5. “Peace officer” means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

6. “Pedestrian” means a person afoot or a person using a pedestrian conveyance.  
*(Code of Iowa, Sec. 321.1(51))*

7. “Pedestrian conveyance” means any human-powered device by which a pedestrian may move other than by walking or by which a pedestrian may move another person, including but not limited to a wheelchair, stroller, skateboard, scooter, or other similar device. Pedestrian conveyance also includes an electric personal assistive mobility device and any other device used to move a person sitting or standing on the device regardless of whether the device is powered by an electric motor, so long as the electric motor produces less than 750 watts. Pedestrian conveyance does not include a bicycle.

*(Code of Iowa, Sec. 321.1(51A))*

8. “Residence district” means the territory contiguous to and including a highway not comprising a business, suburban, or school district, where 40 percent or more of the frontage on such a highway for a distance of 300 feet or more is occupied by dwellings or by dwellings and buildings in use for business.

*(Code of Iowa, Sec. 321.1(63))*

9. “School district” means the territory contiguous to and including a highway for a distance of 200 feet in either direction from a schoolhouse.

*(Code of Iowa, Sec. 321.1(70))*

10. “Stand” or “standing” means the halting of a vehicle, whether occupied or not, otherwise than for the purpose of and while actually engaged in receiving or discharging passengers.

11. “Stop” means when required, the complete cessation of movement.

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

13. “Suburban district” means all other parts of the City not included in the business, school, or residence districts.

*(Code of Iowa, Sec. 321.1(78))*

14. “Traffic control device” means all signs, signals, markings, and devices not inconsistent with this chapter, lawfully placed or erected for the purpose of regulating, warning, or guiding traffic.

15. “Vehicle” means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway. Vehicle does not include:

A. Any device moved by human power, including a low-speed electric bicycle.

B. Any device used exclusively upon stationary rails or tracks.

C. Any personal delivery device operated pursuant to Chapter 321O of the *Code of Iowa*.

D. Any integral part of a truck tractor or road tractor which is mounted on the frame of the truck tractor or road tractor immediately behind the cab and which may be used to transport persons and property, but which cannot be drawn upon the highway by the truck tractor or another motor vehicle.

E. Any steering axle, dolly, auxiliary axle, or other integral part of another vehicle which in and of itself is incapable of commercially transporting any person or property but is used primarily to support another vehicle.

*(Code of Iowa, Sec. 321.1(90))*

*(Section 60.02 – Ord. 2024-07 – Nov. 24 Supp.)*

**60.03 ADMINISTRATION AND ENFORCEMENT.** Provisions of this chapter and State law relating to motor vehicles and law of the road are enforced by the peace officer.

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

**60.04 POWER TO DIRECT TRAFFIC.** A peace officer, and, in the absence of a peace officer, any officer of the Fire Department when at the scene of a fire, is authorized to direct all traffic by voice, hand or signal in conformance with traffic laws. In the event of an emergency, traffic may be directed as conditions require, notwithstanding the provisions of the traffic laws.

*(Code of Iowa, Sec. 102.4 and 321.236[2])*

**60.05 REPORTS OF TRAFFIC ACCIDENTS.** The driver of a vehicle involved in an accident within the limits of the City shall file a report as and when required by the Iowa Department of Transportation. A copy of this report shall be filed with the City for the confidential use of peace officers and shall be subject to the provisions of Section 321.271 of the *Code of Iowa*.

*(Code of Iowa, Sec. 321.273)*

**60.06 PEACE OFFICER'S AUTHORITY.** A peace officer is authorized to stop a vehicle to require exhibition of the driver's license of the driver, to serve a summons or memorandum of traffic violation, to inspect the condition of the vehicle, to inspect the vehicle with reference to size, weight, cargo, log book, bills of lading or other manifest of employment, tires and safety equipment, or to inspect the registration certificate, the compensation certificate, travel order, or permit of such vehicle. A peace officer having probable cause to stop a vehicle may require exhibition of the proof of financial liability coverage card issued for the vehicle.

*(Code of Iowa, Sec. 321.492)*

**60.07 OBEDIENCE TO PEACE OFFICERS.** No person shall willfully fail or refuse to comply with any lawful order or direction of any peace officer invested by law with authority to direct, control, or regulate traffic.

*(Code of Iowa, Sec. 321.229)*

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# CHAPTER 61

## TRAFFIC CONTROL DEVICES

61.01 Installation  
61.02 Compliance  
61.03 Crosswalks

61.04 Traffic Lanes  
61.05 Standards

**61.01 INSTALLATION.** The City Council shall establish by resolution, and cause to be placed and maintained, appropriate traffic control devices to indicate parking spaces and zones, no parking zones, limited parking zones, reserved parking zones, loading zones, safety zones, school zones, hospital zones, quiet zones, traffic zones other than the above, truck routes, school stops, stop intersections, yield right-of-way intersections, one-way streets, streets to be laned for traffic, and play streets. The Council shall also have the power to designate and indicate by resolution intersections at which traffic shall be controlled by traffic signals; intersections at which left turns, right turns and U-turns shall be prohibited; and intersections at which markers, buttons or other indications shall be placed to indicate the course to be traveled by vehicles traversing or turning at such intersections. The City shall keep a record of all such traffic control devices.

*(Code of Iowa, Sec. 321.254 & 321.255)*

**61.02 COMPLIANCE.** No driver of a vehicle shall disobey the instructions of any official traffic control device placed in accordance with the provisions of this chapter, unless at the time otherwise directed by a peace officer, subject to the exceptions granted the driver of an authorized emergency vehicle under Section 321.231 of the *Code of Iowa*.

*(Code of Iowa, Sec. 321.256)*

**61.03 CROSSWALKS.** The City Council is hereby authorized to designate and maintain crosswalks by appropriate traffic control devices at intersections where, due to traffic conditions, there is particular danger to pedestrians crossing the street or roadway, and at such other places as traffic conditions require.

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

**61.04 TRAFFIC LANES.** Where traffic lanes have been marked on street pavements at such places as traffic conditions require, it is unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of any such lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

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

**61.05 STANDARDS.** Traffic control devices shall comply with standards established by *The Manual of Uniform Traffic Control Devices for Streets and Highways*.

*(Code of Iowa, Sec. 321.255)*

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## CHAPTER 62

# GENERAL TRAFFIC REGULATIONS

62.01 Violation of Regulations  
62.02 Play Streets Designated  
62.03 Vehicles on Sidewalks  
62.04 Clinging to Vehicle

62.05 Quiet Zones  
62.06 Obstructing View at Intersections  
62.07 Engine and Compression Brakes

**62.01 VIOLATION OF REGULATIONS.** Any person who willfully fails or refuses to comply with any lawful order of a peace officer or direction of a Fire Department officer during a fire, or who fails to abide by the applicable provisions of the following Iowa statutory laws relating to motor vehicles and the statutory law of the road is in violation of this section. These sections of the *Code of Iowa* are adopted by reference and are as follows:

1. Display of Registration and License to Drive: 321.17, 321.32, 321.37, 321.38, 321.57, 321.67, 321.78, 321.79, 321.91, 321.98, 321.99, 321.104, 321.115, 321.174, 321.174A, 321.180, 321.180B, 321.193, 321.194, 321.208A, 321.216, 321.216B, 321.216C and 321.218 through 321.224.
2. All Terrain Vehicles, Golf Carts, and Bicycles to Obey Traffic Regulations, Speed Detection Jamming Devices, Road Workers: 321.232 through 321.234A, 235A and 321.247.
3. Traffic Signs, Signals, and Markings: 321.259 and 321.260.
4. Accidents and Accident Reporting: 321.262 through 321.266.
5. Operation of Motorcycles and Motorized Bicycles: 321.275.
6. Drag Racing; Speed; Open Containers; Control of Vehicle: 321.276, 321.277, 321.277A, 321.278, 321.281, 321.284, 321.284A, 321.288, 321.295, 321.333, 321.382 and 321.383.
7. Driving on Right, Meeting, Overtaking, Following, or Towing: 321.297 through 321.299 and 321.302 through 321.307 and 321.309 and 321.310.
8. Turning and Starting, Signals on Turning and Stopping: 321.312 through 321.318.
9. Right-of-Way: 321.319 through 321.324A.
10. Pedestrian Rights and Duties and Safety Zones: 321.329, 321.330, 321.332, 321.333, and 321.340.
11. Railroad Crossings: 321.341 through 321.344 and 321.344B.
12. Stopping, Standing, Parking: 321.354 and 321.359.
13. Unattended Vehicle, Obstructing Driver's View, Crossing Median, Following Fire Apparatus, or Crossing Fire Hose, and Putting Glass, Etc., on Streets: 321.362 through 321.365 and 321.367 through 321.371.
14. School Buses: 321.372.
15. Lighting Equipment Required and Time of Use: 321.384 through 321.390, 321.392 through 321.395, 321.398, 321.402 through 321.405, 321.408, 321.409,

321.415, 321.417 through 321.423. In accordance with authorization granted by Section 321.395, *Code of Iowa*, motor vehicles parked upon any street where permitted by this chapter need not display required lights where there is sufficient light emitted from City street lights to reveal any person or object within a distance of 500 feet upon such street.

16. Brakes, Horns, Sirens, Mufflers, Wipers, Mirrors, Tires, Flares, Windows, Safety Belts, and Special Markings for Transporting Explosives: 321.430 through 321.434; 321.436 through 321.442; 321.444 through 321.446, 321.449, 321.449A, 321.449B, and 321.450.

17. Size, Weight, and Load: 321.454 through 321.458, 321.460 through 321.463, 321.465 and 321.466.

18. Unsafe Vehicles: 321.381 and 321.381A.

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

*(Code of Iowa, Sec. 321.255)*

**62.03 VEHICLES ON SIDEWALKS.** The driver of a vehicle shall not drive upon or within any sidewalk area except at a driveway.

**62.04 CLINGING TO VEHICLE.** No person shall drive a motor vehicle on the streets of the City unless all passengers of said vehicle are inside the vehicle in the place intended for their accommodation. No person riding upon any bicycle, coaster, roller skates, in-line skates, sled, or toy vehicle shall attach the same or himself or herself to any vehicle upon a roadway.

**62.05 QUIET ZONES.** Whenever authorized signs are erected indicating a quiet zone, no person operating a motor vehicle within any such zone shall sound the horn or other warning device of such vehicle except in an emergency.

**62.06 OBSTRUCTING VIEW AT INTERSECTIONS.** It is unlawful to allow any tree, hedge, billboard, or other object to obstruct the view of an intersection by preventing persons from having a clear view of traffic approaching the intersection from cross streets. Any such obstruction is deemed a nuisance and in addition to the standard penalty may be abated in the manner provided by Chapter 50 of this Code of Ordinances.

**62.07 ENGINE AND COMPRESSION BRAKES.**

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

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

[The next page is 301]



## CHAPTER 63

# SPEED REGULATIONS

**63.01 General**

**63.02 State Code Speed Limits**

**63.03 Parks, Cemeteries, and Parking Lots**

**63.04 Special Speed Zones**

**63.05 Minimum Speed**

**63.01 GENERAL.** Every driver of a motor vehicle on a street shall drive the same at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface and width of the street and of any other conditions then existing, and no person shall drive a vehicle on any street at a speed greater than will permit said driver to bring it to a stop within the assured clear distance ahead, such driver having the right to assume, however, that all persons using said street will observe the law.

*(Code of Iowa, Sec. 321.285)*

**63.02 STATE CODE SPEED LIMITS.** The following speed limits are established in Section 321.285 of the *Code of Iowa* and any speed in excess thereof is unlawful unless specifically designated otherwise in this chapter as a special speed zone.

1. Business District – 20 miles per hour.
2. Residence or School District – 25 miles per hour.
3. Suburban District – 45 miles per hour.

**63.03 PARKS, CEMETERIES, AND PARKING LOTS.** A speed in excess of 15 miles per hour in any public park, cemetery, or parking lot, unless specifically designated otherwise in this chapter, is unlawful.

*(Code of Iowa, Sec. 321.236[5])*

**63.04 SPECIAL SPEED ZONES.** In accordance with requirements of the Iowa Department of Transportation, or whenever the Council shall determine upon the basis of an engineering and traffic investigation that any speed limit listed in Section 63.02 is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of the City street system, the Council shall determine and adopt by ordinance such higher or lower speed limit as it deems reasonable and safe at such location. The following special speed zones have been established:

*(Code of Iowa, Sec. 321.290)*

1. Special 35 MPH Speed Zones. A speed in excess of 35 miles per hour is unlawful on any of the following designated streets or parts thereof.
  - A. 120<sup>th</sup> Street (F12) within the City limits.
  - B. On Club Road and Curtis bridge Road (W4F – old 218) within the City limits.

**63.05 MINIMUM SPEED.** A person shall not drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation, or in compliance with law.

*(Code of Iowa, Sec. 321.294)*

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## CHAPTER 64

# TURNING REGULATIONS

### 64.01 Turning at Intersections

### 64.02 U-Turns

### 64.03 Left Turn for Parking

**64.01 TURNING AT INTERSECTIONS.** The driver of a vehicle intending to turn at an intersection shall do so as follows:

1. Both the approach for a right turn and a right turn shall be made as close as practical to the right-hand curb or edge of the roadway.
2. Approach for a left turn shall be made in that portion of the right half of the roadway nearest the centerline thereof and after entering the intersection the left turn shall be made so as to depart from the intersection to the right of the centerline of the roadway being entered.
3. Approach for a left turn from a two-way street into a one-way street shall be made in that portion of the right half of the roadway nearest the centerline thereof and by passing to the right of such centerline where it enters the intersection. A left turn from a one-way street into a two-way street shall be made by passing to the right of the centerline of the street being entered upon leaving the intersection.

The Council may cause markers, buttons or signs to be placed within or adjacent to intersections and thereby require and direct, as traffic conditions require, that a different course from that specified above be traveled by vehicles turning at intersections, and when markers, buttons or signs are so placed, no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such markers, buttons or signs.

*(Code of Iowa, Sec. 321.311)*

**64.02 U-TURNS.** It is unlawful for a driver to make a U-turn except at an intersection; however, U-turns are prohibited within the Business District and at any intersection where a sign prohibiting U-turns is posted in accordance with Chapter 61 of this Traffic Code.

*(Code of Iowa, Sec. 321.236[9])*

**64.03 LEFT TURN FOR PARKING.** No person shall make a left hand turn, crossing the centerline of the street, for the purpose of parking on said street.

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## CHAPTER 65

### STOP OR YIELD REQUIRED

65.01 Stop or Yield

65.02 School Stops

65.03 Stop Before Crossing Sidewalk

65.04 Stop When Traffic Is Obstructed

65.05 Pedestrians' Right-of-Way

**65.01 STOP OR YIELD.** Every driver of a vehicle shall stop or yield as directed by traffic control devices posted in accordance with Chapter 61 of this Traffic Code.

**65.02 SCHOOL STOPS.** At any school crossing zone, every driver of a vehicle approaching said zone shall bring the vehicle to a full stop at a point 10 feet from the approach side of the crosswalk marked by an authorized school stop sign and thereafter proceed in a careful and prudent manner until the vehicle shall have passed through such school crossing zone.

*(Code of Iowa, Sec. 321.249)*

**65.03 STOP BEFORE CROSSING SIDEWALK.** The driver of a vehicle emerging from a private roadway, alley, driveway, or building shall stop such vehicle immediately prior to driving onto the sidewalk area and thereafter shall proceed into the sidewalk area only when able to do so without danger to pedestrian traffic and shall yield the right-of-way to any vehicular traffic on the street into which the vehicle is entering.

*(Code of Iowa, Sec. 321.353)*

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

**65.05 PEDESTRIANS' RIGHT-OF-WAY.** Where traffic control signals are not in place or in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping, if need be, to so yield to a pedestrian or a person riding a bicycle crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection.

*(Code of Iowa, Sec. 321.327)*

*(Section 65.05 – Ord. 2024-07 – Nov. 24 Supp.)*

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## CHAPTER 66

# LOAD AND WEIGHT RESTRICTIONS

66.01 Temporary Embargo  
66.02 Permits for Excess Size and Weight  
66.03 Load Limits Upon Certain Streets

66.04 Load Limits on Bridges  
66.05 Truck Route

**66.01 TEMPORARY EMBARGO.** If the Council declares an embargo when it appears by reason of deterioration, rain, snow or other climatic conditions that certain streets will be seriously damaged or destroyed by vehicles weighing in excess of an amount specified by the signs, no such vehicles shall be operated on streets so designated by such signs erected in accordance with Chapter 61 of this Traffic Code.

*(Code of Iowa, Sec. 321.471 & 472)*

**66.02 PERMITS FOR EXCESS SIZE AND WEIGHT.** The Council may, upon application and good cause being shown therefor, issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight or load exceeding the maximum specified by State law or the City over those streets or bridges named in the permit which are under the jurisdiction of the City and for which the City is responsible for maintenance.

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

**66.03 LOAD LIMITS UPON CERTAIN STREETS.** When signs are erected giving notice thereof, no person shall operate any vehicle with a gross weight in excess of the amounts specified on such signs at any time upon any of the streets or parts of streets for which said signs are erected in accordance with Chapter 61 of this Traffic Code.

*(Code of Iowa, Sec. 321.473 & 475)*

**66.04 LOAD LIMITS ON BRIDGES.** Where it has been determined that any City bridge has a capacity less than the maximum permitted on the streets of the City, or on the street serving the bridge, the Council may cause to be posted and maintained signs, in accordance with Chapter 61 of this Traffic Code, on said bridge and at suitable distances ahead of the entrances thereof to warn drivers of such maximum load limits, and no person shall drive a vehicle weighing, loaded or unloaded, upon said bridge in excess of such posted limit.

*(Code of Iowa, Sec. 321.471)*

**66.05 TRUCK ROUTE.** When truck routes have been designated in accordance with Chapter 61, any motor vehicle exceeding established weight limits shall comply with the following:

1. Use of Established Routes. Every such motor vehicle having no fixed terminal within the City or making no scheduled or definite stops within the City for the purpose of loading or unloading shall travel over or upon those streets within the City designated as truck routes and none other.

*(Code of Iowa, Sec. 321.473)*

2. Deliveries Off Truck Route. Any such motor vehicle, when loaded or empty, having a fixed terminal, making a scheduled or definite stop within the City for the purpose of loading or unloading shall proceed over or upon the designated routes to the

nearest point of its scheduled or definite stop and shall proceed thereto, load or unload and return, by the most direct route to its point of departure from said designated route.

*(Code of Iowa, Sec. 321.473)*

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

*(Code of Iowa, Sec. 321.473)*



**CHAPTER 67**  
**PEDESTRIANS**

**67.01 Walking in Street**  
**67.02 Hitchhiking**

**67.03 Pedestrian Crossing**

**67.01 WALKING IN STREET.** Pedestrians shall at all times, when walking on or along a street, walk on the left side of the street.

*(Code of Iowa, Sec. 321.326)*

**67.02 HITCHHIKING.** No person shall stand in the traveled portion of a street for the purpose of soliciting a ride from the driver of any private vehicle.

*(Code of Iowa, Sec. 321.331)*

**67.03 PEDESTRIAN CROSSING.** Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

*(Code of Iowa, Sec. 321.328)*

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**CHAPTER 68**  
**ONE-WAY TRAFFIC**

**68.01 ONE-WAY TRAFFIC REQUIRED.** When appropriate signs are in place, as provided for in Chapter 61 of this Traffic Code, vehicular traffic, other than permitted cross traffic, shall move only in the direction indicated on such signs.

*(Code of Iowa, Sec. 321.236[4])*

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## CHAPTER 69

# PARKING REGULATIONS

69.01 Parking Limited or Controlled

69.02 Park Adjacent to Curb

69.03 Parking on One-Way Streets

69.04 Angle Parking

69.05 Manner of Angle Parking

69.06 Parking for Certain Purposes Illegal

69.07 Parking Prohibited

69.08 Persons With Disabilities Parking

69.09 Truck Parking Limited

69.10 Snow Removal

69.11 Snow Routes

69.12 Snow Emergency

**69.01 PARKING LIMITED OR CONTROLLED.** Parking of vehicles shall be controlled or limited where so indicated by designated traffic control devices in accordance with Chapter 61 of this Traffic Code. No person shall stop, park or stand a vehicle in violation of any such posted parking regulations unless in compliance with the directions of a peace officer.

**69.02 PARK ADJACENT TO CURB.** No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the right-hand wheels of the vehicle within 18 inches of the curb or edge of the roadway except as hereinafter provided in the case of angle parking and vehicles parked on the left-hand side of one-way streets.

*(Code of Iowa, Sec. 321.361)*

**69.03 PARKING ON 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 18 inches of the curb or edge of the roadway except as hereinafter provided in the case of angle parking.

*(Code of Iowa, Sec. 321.361)*

**69.04 ANGLE PARKING.** Angle or diagonal parking is permitted only in the following locations:

*(Code of Iowa, Sec. 321.361)*

- NONE -

**69.05 MANNER OF ANGLE PARKING.** Upon those streets or portions of streets which have been signed or marked for angle parking, no person shall park or stand a vehicle other than at an angle to the curb or edge of the roadway or in the center of the roadway as indicated by such signs and markings. No part of any vehicle or the load thereon, when said vehicle is parked within a diagonal parking district, shall extend into the roadway more than a distance of 16 feet when measured at right angles to the adjacent curb or edge of roadway.

*(Code of Iowa, Sec. 321.361)*

**69.06 PARKING FOR CERTAIN PURPOSES ILLEGAL.** No person shall park a vehicle upon public property for more than 24 hours, unless otherwise limited under the provisions of Section 69.01 of this chapter, or for any of the following principal purposes:

*(Code of Iowa, Sec. 321.236[1])*

1. Sale. Displaying such vehicle for sale.

2. Repairing. For lubricating, repairing or for commercial washing of such vehicle except such repairs as are necessitated by an emergency.
3. Advertising. Displaying advertising.
4. Merchandise Sales. Selling merchandise from such vehicle except in a duly established market place or when so authorized or licensed under the Code of Ordinances.

**69.07 PARKING PROHIBITED.** No one shall stop, stand or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or traffic control device, in any of the following places:

1. Crosswalk. On a crosswalk.  
*(Code of Iowa, Sec. 321.358[5])*
2. Center Parkway. On the center parkway or dividing area of any divided street.  
*(Code of Iowa, Sec. 321.236[1])*
3. Mailboxes. Within 20 feet on either side of a mailbox which is so placed and so equipped as to permit the depositing of mail from vehicles on the roadway.  
*(Code of Iowa, Sec. 321.236[1])*
4. Sidewalks. On or across a sidewalk.  
*(Code of Iowa, Sec. 321.358[1])*
5. Driveway. In front of a public or private driveway.  
*(Code of Iowa, Sec. 321.358[2])*
6. Intersection. Within an intersection or within 10 feet of an intersection of any street or alley.  
*(Code of Iowa, Sec. 321.358[3])*
7. Fire Hydrant. Within five feet of a fire hydrant.  
*(Code of Iowa, Sec. 321.358[4])*
8. Stop Sign or Signal. Within 10 feet upon the approach to any flashing beacon, stop or yield sign, or traffic control signal located at the side of a roadway.  
*(Code of Iowa, Sec. 321.358[6])*
9. Railroad Crossing. Within 50 feet of the nearest rail of a railroad crossing, except when parked parallel with such rail and not exhibiting a red light.  
*(Code of Iowa, Sec. 321.358[8])*
10. Fire Station. Within 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 75 feet of said entrance when properly sign posted.  
*(Code of Iowa, Sec. 321.358[9])*
11. Excavations. Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic.  
*(Code of Iowa, Sec. 321.358[10])*
12. Double Parking. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.  
*(Code of Iowa, Sec. 321.358[11])*
13. Hazardous Locations. When, because of restricted visibility or when standing or parked vehicles would constitute a hazard to moving traffic, or when other traffic

conditions require, the Council may cause curbs to be painted with a yellow color and erect no parking or standing signs.

*(Code of Iowa, Sec. 321.358[13])*

14. Churches, Nursing Homes and Other Buildings. A space of 50 feet is hereby reserved at the side of the street in front of any theatre, auditorium, hotel having more than 25 sleeping rooms, hospital, nursing home, taxicab stand, bus depot, church, or other building where large assemblages of people are being held, within which space, when clearly marked as such, no motor vehicle shall be left standing, parked or stopped except in taking on or discharging passengers or freight, and then only for such length of time as is necessary for such purpose.

*(Code of Iowa, Sec. 321.360)*

15. Alleys. No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than 10 feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand or park a vehicle within an alley in such a position as to block the driveway entrance to any abutting property. The provisions of this subsection shall not apply to a vehicle parked in any alley which is 18 feet wide or less; provided said vehicle is parked to deliver goods or services.

*(Code of Iowa, Sec. 321.236[1])*

16. Ramps. In front of a curb cut or ramp which is located on public or private property in a manner which blocks access to the curb cut or ramp.

*(Code of Iowa, Sec. 321.358[15])*

17. Area Between Lot Line and Curb Line. That area of the public way not covered by sidewalk and lying between the lot line and the curb line, where curbing has been installed.

18. In More Than One Space. In any designated parking space so that any part of the vehicle occupies more than one such space or protrudes beyond the markings designating such space.

**69.08 PERSONS WITH DISABILITIES PARKING.** The following regulations shall apply to the establishment and use of persons with disabilities parking spaces:

1. Establishment. Persons with disabilities parking spaces shall be established and designated in accordance with Chapter 321L of the *Code of Iowa* and Iowa Administrative Code, 661-18. No unauthorized person shall establish any on-street persons with disabilities parking space without first obtaining Council approval.

2. Improper Use. The following uses of a persons with disabilities parking space, located on either public or private property, constitute improper use of a persons with disabilities parking permit, which is a violation of this Code of Ordinances:

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

A. Use by an operator of a vehicle not displaying a persons with disabilities parking permit;

B. Use by an operator of a vehicle displaying a persons with disabilities parking permit but not being used by a person issued a permit or being transported in accordance with Section 321L.2[1b] of the *Code of Iowa*;

C. Use by a vehicle in violation of the rules adopted under Section 321L.8 of the *Code of Iowa*.

3. Wheelchair Parking Cones. No person shall use or interfere with a wheelchair parking cone in violation of the following:

A. A person issued a persons with disabilities parking permit must comply with the requirements of Section 321L.2A[1] of the *Code of Iowa* when utilizing a wheelchair parking cone.

B. A person shall not interfere with a wheelchair parking cone which is properly placed under the provisions of Section 321L.2A[1] of the *Code of Iowa*.

**69.09 TRUCK PARKING LIMITED.** No person shall park a motor truck, semi-trailer, or other motor vehicle with trailer attached in violation of the following regulations. The provisions of this section shall not apply to pickup, light delivery or panel delivery trucks.

*(Code of Iowa, Sec. 321.236[1])*

1. Business District. Excepting only when such vehicles are actually engaged in the delivery or receiving of merchandise or cargo, no person shall park or leave unattended such vehicle on any streets within the Business District. 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 10:00 p.m. and 7:00 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 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 30 minutes.

**69.10 SNOW REMOVAL.** No person shall park, abandon or leave unattended any vehicle on any public street, alley, or City-owned off-street parking area during snow removal operations unless the snow has been removed or plowed from said street, alley or parking area and the snow has ceased to fall.

*(Code of Iowa, 321.236[1])*

**69.11 SNOW ROUTES.** The Council may designate certain streets in the City as snow routes. When conditions of snow or ice exist on the traffic surface of a designated snow route, it is unlawful for the driver of a vehicle to impede or block traffic.

*(Code of Iowa, Sec. 321.236[12])*

**69.12 SNOW EMERGENCY.** The purpose of this section is to provide for a system whereby persons are notified of snow emergencies. Without such an ordinance, cars remain parked on certain streets and effective plowing is curtailed. Consequently, parking places are hard to obtain and cars often park too far from the curb, creating a hazard to other motorists.

1. A snow emergency shall automatically go into effect when snow accumulation reaches two inches. At such time as two inches of snow accumulates on City streets, a snow emergency will go into effect and the parking restrictions set forth herein shall be in effect immediately and without further notice. The City may provide additional notice of the snow emergency as it deems appropriate and necessary.



2. In addition to the provision for automatic snow emergency set forth in Subsection 1 above, whenever the Mayor determines, on the basis of falling snow, sleet, freezing rain, or on the basis of a credible weather forecast, that weather conditions will make it necessary that motor vehicle traffic be expedited and that parking on City streets be prohibited or restricted for snow plowing or other purposes, the Mayor may declare a snow emergency by notifying the City Clerk.
3. No person shall park, abandon, or leave unattended any vehicle on any public street during an automatic or declared snow emergency.
4. A declared snow emergency shall take effect at a time set by the Mayor but not earlier than two hours after it is declared. The Mayor shall declare a snow emergency by notifying the City Clerk, stating the beginning time and, if known, the ending time for the snow emergency. If the office of the Clerk is closed, the Mayor shall file such notice promptly when the office next is opened during normal business hours. The Mayor may cancel such declaration or change the beginning or ending time. Notice shall be given for such cancellations or changes in the same manner as the original snow emergency declaration. The City Clerk shall ensure that notice of declared snow emergencies is promulgated in a timely manner to the public by all appropriate means, as well as promulgate by the same means the cancellation of any snow emergencies.
5. **Enforcement and Towing.** Any person who violates the provisions of this section shall be subject to criminal prosecution in accordance with Chapter 70 and to civil enforcement in accordance with Chapter 3. Each 12-hour period that a vehicle is parked or allowed to remain on any street in violation of this section constitutes a separate and distinct offense. Any vehicles found to be parked where not permitted during a snow emergency may be impounded in accordance with the provisions of Section 70.05.
6. **Appeal.** A violation of this section may be appealed to the City Clerk within thirty (30) days of the date of the violation and prior to a complaint being filed in District Court.

In the event of a timely appeal, the City Clerk shall conduct a summary review and then either determine that the case will be enforced in accordance with the provisions of this section and Chapter 70 or, in the alternative, order administratively that the case be dismissed.

*(Section 69.12 – Ord. 2022-04 – Sep. 22 Supp.)*

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## CHAPTER 70

# TRAFFIC CODE ENFORCEMENT PROCEDURES

**70.01 Arrest or Citation**

**70.02 Scheduled Violations**

**70.03 Parking Violations: Vehicle Unattended**

**70.04 Presumption in Reference to Illegal Parking**

**70.05 Impounding Vehicles**

**70.01 ARREST OR CITATION.** Whenever a peace officer has reasonable cause to believe that a person has violated any provision of the Traffic Code, such officer may:

1. Immediate Arrest. Immediately arrest such person and take such person before a local magistrate; or
2. Issue Citation. Without arresting the person, prepare in quintuplicate a combined traffic citation and complaint as adopted by the Iowa Commissioner of Public Safety, or issue a uniform citation and complaint utilizing a State-approved computerized device.

*(Code of Iowa, Sec. 805.6 & 321.485)*

**70.02 SCHEDULED VIOLATIONS.** For violations of the Traffic Code that are designated by Section 805.8A of the *Code of Iowa* to be scheduled violations, the scheduled fine for each of those violations shall be as specified in Section 805.8A of the *Code of Iowa*.

*(Code of Iowa, Sec. 805.8 & 805.8A)*

**70.03 PARKING VIOLATIONS: VEHICLE UNATTENDED.** When a vehicle is parked in violation of any provision of the Traffic Code, and the driver is not present, the citation as herein provided shall be attached to the vehicle in a conspicuous place.

**70.04 PRESUMPTION IN REFERENCE TO ILLEGAL PARKING.** In any proceeding charging a standing or parking violation, a prima facie presumption that the registered owner was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred shall be raised by proof that:

1. Described Vehicle. The particular vehicle described in the information was parked in violation of the Traffic Code; and
2. Registered Owner. The defendant named in the information was the registered owner at the time in question.

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

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

*(Code of Iowa, Sec. 321.236[1])*

2. Illegally Parked Vehicle. When any vehicle is left unattended and is so illegally parked as to constitute a definite hazard or obstruction to the normal movement of traffic.

*(Code of Iowa, Sec. 321.236[1])*

3. Snow Removal. When any vehicle is left parked in violation of a ban on parking during snow removal operations.

4. Parked Over Limited Time Period. When any vehicle is left parked for a continuous period in violation of any limited parking time. If the owner can be located, the owner shall be given an opportunity to remove the vehicle.

*(Code of Iowa, Sec. 321.236[1])*

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

*(Code of Iowa, Sec. 321.236[1])*

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## CHAPTER 74

# ALL-TERRAIN VEHICLES AND OFF-ROAD UTILITY VEHICLES

74.01 Purpose  
74.02 Definitions  
74.03 Operation of ATV/UTV Permitted  
74.04 Speed  
74.05 Equipment

74.06 Hours and Dates  
74.07 Travel Prohibited  
74.08 Occupant Load  
74.09 Proof of Financial Liability Coverage

**74.01 PURPOSE.** The purpose of this chapter of the Code of Ordinances is to permit the operation of ATV's/UTV's on certain streets in the City, as authorized by Section 3211.1(17) of the *Code of Iowa*, as amended. This chapter shall apply whenever an ATV/UTV is operated on any City street or alley within the City of Shueyville.

**74.02 DEFINITIONS.** For the purpose of this ordinance the following words and phrases are defined as follows:

1. "All-terrain vehicles (ATV)" means a motorized vehicle with not less than three and not more than six non-highway tires that is limited in engine displacement to less than 1000 cubic centimeters and in total dry weight to less than 1200 pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.
2. "Off-road utility vehicles (UTV)" means a motorized vehicle with not less than four and not more than eight non-highway tires or rubberized tracks that has a seat that is of bucket or bench design, not intended to be straddled by the operator, and a steering wheel or control levers for control. "Off-road utility vehicle" includes the following vehicles:
  - A. "Off-road utility vehicle – Type 1" means an off-road utility vehicle with a total dry weight on one thousand two hundred pounds or less and a width of fifty inches or less.
  - B. "Off-road utility vehicle – Type 2" means an off-road utility vehicle, other than a Type 1 off-road utility vehicle, with a total dry weight of two thousand pounds or less and a width of sixty-five inches or less.
  - C. "Off-road utility vehicle – Type 3" means an off-road utility vehicle, other than a Type 1 off-road utility vehicle, with a total dry weight of more than two thousand pounds or a width of sixty-five inches or both.
3. "Operate" means to use or control the movement of the ATV/UTV in any manner or degree.
4. "Operator" means the person who uses or controls the movement of the ATV/UTV.
5. "Passenger" means a person who does not use or control the movement of the ATV/UTV but who merely rides on/in the ATV/UTV.
6. "Street" means that portion of the street or alley intended for vehicular travel.

**74.03 OPERATION OF ATV/UTV PERMITTED.** ATV's/UTV's may be operated upon the streets of the City by persons possessing a valid Iowa operator's license, and at least eighteen (18) years of age.

**74.04 SPEED.** No ATV's/UTV's shall be operated on any City street at a speed in excess of the posted speed limit with a maximum speed of thirty-five (35) miles per hour.

**74.05 EQUIPMENT.** ATV's/UTV's may operate upon City streets as required by State law with the equipment required by State law.

**74.06 HOURS AND DATES.** ATV's/UTV's may be operated on City streets during the following times and dates:

1. ATV's/UTV's may be operated only between 4 a.m. to 10 p.m.

**74.07 TRAVEL PROHIBITED.** It shall be unlawful to operate ATV's/UTV's in any public cemetery, park, playground, or on any sidewalk or trail or any other publicly owned property without express written permission from the City, public parking areas excluded.

**74.08 OCCUPANT LOAD.** It shall be unlawful to operate ATV's/UTV's in excess of the designated occupant load thereof or ride on any portion not designed to carry passengers.

**74.09 PROOF OF FINANCIAL LIABILITY COVERAGE.** No person shall operate an ATV/UTV on any public street, or alley without proof of financial liability coverage for the vehicle and carried proof of such financial liability coverage in accordance with Section 321.20B of the *Code of Iowa*.

*(Ch. 74 – Ord. 2022-03 – Sep. 22 Supp.)*

# CHAPTER 75

## SNOWMOBILES

75.01 Purpose  
75.02 Definitions  
75.03 General Regulations  
75.04 Operation of Snowmobiles

75.05 Negligence  
75.06 Accident Reports  
75.07 Exceptions

**75.01 PURPOSE.** The purpose of this chapter is to regulate the operation of snowmobiles within the City.

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

1. “Snowmobile” means a motorized vehicle that weighs less than 1,000 pounds, that uses sled-type runners or skis, endless belt-type tread with a width of 48 inches or less, or any combination of runners, skis, or tread, and is designed for travel on snow or ice. “Snowmobile” does not include an all-terrain vehicle that has been altered or equipped with runners, skis, belt-type tracks, or treads.

*(Code of Iowa, Sec. 321G.1)*

**75.03 GENERAL REGULATIONS.** No person shall operate a snowmobile within the City in violation of the provisions of Chapter 321G 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, equipment, and manner of operation.

*(Code of Iowa, Ch. 321G and Ch. 321I)*

**75.04 OPERATION OF SNOWMOBILES.** The operators of snowmobiles shall comply with the following restrictions as to where snowmobiles may be operated within the City:

1. **Plowed Streets.** Snowmobiles shall be operated only upon streets that have not been plowed during the snow season and on such other streets as may be designated by resolution of the Council.

*(Code of Iowa, Sec. 321G.9[4a])*

2. **Other Streets.** Snowmobiles may be operated on any street within the City for the sole purpose of using the most direct roadway for the ingress to and egress from the City, except for the following designated streets or within areas bounded by said street:

- A. Any part of 120<sup>th</sup> Street.

Snowmobiles are limited to the marked trail on Curtis Bridge Road and Club Road.

3. **Exceptions.** Snowmobiles may be operated on prohibited streets only under the following circumstances:

- A. **Emergencies.** Snowmobiles may be operated on any street in an emergency during the period of time when and at locations where snow upon the roadway renders travel by conventional motor vehicles impractical.

*(Code of Iowa, Sec. 321G.9[4c])*

B. Direct Crossing. Snowmobiles may make a direct crossing of a prohibited street provided all of the following occur:

- (1) The crossing is made at an angle of approximately 90 degrees to the direction of the street and at a place where no obstruction prevents a quick and safe crossing;
- (2) The snowmobile is brought to a complete stop before crossing the street;
- (3) The driver yields the right-of-way to all on-coming traffic that constitutes an immediate hazard; and
- (4) In crossing a divided street, the crossing is made only at an intersection of such street with another street.

*(Code of Iowa, Sec. 321G.9[2])*

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

*(Code of Iowa, Sec. 321G.13[1h])*

5. Trails. Snowmobiles shall not be operated on all-terrain vehicle trails except where so designated.

*(Code of Iowa, Sec. 321G.9[4f])*

6. Parks and Other City Land. Snowmobiles shall not be operated in any park, playground, or upon any other City-owned property without the express permission of the City. A snowmobile shall not be operated on any City land without a snow cover of at least one-tenth of one inch.

7. Sidewalk or Parking. Snowmobiles shall not be operated upon the public sidewalk or that portion of the street located between the curb line and the sidewalk or property line commonly referred to as the "parking" except for purposes of crossing the same to a public street upon which operation is authorized by this chapter.

8. Speed. Snowmobiles shall not be operated on streets or trails at a speed in excess of 25 miles per hour.

9. Towing. No item shall be towed by a snowmobile unless coupled to said snowmobile by a rigid tow bar.

10. Fire Arms. No person shall operate or ride in any snowmobile with any firearm in his or her possession unless it is unloaded and enclosed in a carrying case, or any bow unless it is unstrung or enclosed in a carrying case.

11. Hours of Operation. Operation of snowmobiles within the City is strictly prohibited between the hours of 12:01 a.m. and 9:00 a.m. This is enforced seven days a week.

**75.05 NEGLIGENCE.** The owner and operator of a snowmobile are liable for any injury or damage occasioned by the negligent operation of the snowmobile. The owner of a snowmobile shall be liable for any such injury or damage only if the owner was the operator of the



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

*(Code of Iowa, Sec. 321G.18 and 321I.19)*

**75.06 ACCIDENT REPORTS.** Whenever a snowmobile is involved in an accident resulting in injury or death to anyone or property damage amounting to \$1,500.00 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. 321G.10 and 321I.11)*

**75.07 EXCEPTIONS.** Nothing in these requirements shall restrict riding lawn mowers, snowblowers, and other snow removal equipment or motorized wheelchairs from being operated upon City sidewalks or trails.

*(Ch. 75 – Ord. 2022-02 – Sep. 22 Supp.)*

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## CHAPTER 76

### BICYCLE REGULATIONS

76.01 Scope of Regulations	76.08 Riding on Sidewalks
76.02 Traffic Code Applies	76.09 Towing
76.03 Double Riding Restricted	76.10 Improper Riding
76.04 Two Abreast Limit	76.11 Parking
76.05 Speed	76.12 Equipment Requirements
76.06 Emerging from Alley or Driveway	76.13 Special Penalty
76.07 Carrying Articles	

**76.01 SCOPE OF REGULATIONS.** These regulations shall apply whenever a bicycle is operated upon any street or upon any public path set aside for the exclusive use of bicycles, subject to those exceptions stated herein.

*(Code of Iowa, Sec. 321.236[10])*

**76.02 TRAFFIC CODE APPLIES.** Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of the State declaring rules of the road applicable to vehicles or by the Traffic Code of the City applicable to the driver of a vehicle, except as to those provisions that by their nature can have no application. Whenever such person dismounts from a bicycle, the person shall be subject to all regulations applicable to pedestrians.

*(Code of Iowa, Sec. 321.234)*

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

*(Code of Iowa, Sec. 321.234[3 and 4])*

**76.04 TWO ABREAST LIMIT.** 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. All bicycles ridden on the roadway shall be kept to the right and shall be operated as near as practicable to the right-hand edge of the roadway.

*(Code of Iowa, Sec. 321.236[10])*

**76.05 SPEED.** No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

*(Code of Iowa, Sec. 321.236[10])*

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

*(Code of Iowa, Sec. 321.236[10])*

**76.07 CARRYING ARTICLES.** No person operating a bicycle shall carry any package, bundle, or article that prevents the rider from keeping at least one hand upon the handlebars.

*(Code of Iowa, Sec. 321.236[10])*

**76.08 RIDING ON SIDEWALKS.** The following provisions apply to riding bicycles on sidewalks:

1. Business District. No person shall ride a bicycle upon a sidewalk within the Business District, as defined in Section 60.02(1) of this Code of Ordinances.

*(Code of Iowa, Sec. 321.236[10])*

2. Other Locations. When signs are erected on any sidewalk or roadway prohibiting the riding of bicycles thereon by any person, no person shall disobey the signs.

*(Code of Iowa, Sec. 321.236[10])*

3. Yield Right-of-Way. Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing.

*(Code of Iowa, Sec. 321.236[10])*

**76.09 TOWING.** It is unlawful for any person riding a bicycle to be towed or to tow any other vehicle upon the streets of the City unless the vehicle is manufactured for such use.

**76.10 IMPROPER RIDING.** No person shall ride a bicycle in an irregular or reckless manner such as zigzagging, stunting, speeding, or otherwise so as to disregard the safety of the operator or others.

**76.11 PARKING.** No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle or against a building or at the curb, in such a manner as to afford the least obstruction to pedestrian traffic.

*(Code of Iowa, Sec. 321.236[10])*

**76.12 EQUIPMENT REQUIREMENTS.** Every person riding a bicycle shall be responsible for providing and using equipment as provided herein:

1. Lamps Required. Every bicycle when in use at nighttime shall be equipped with a lamp on the front emitting a white light visible from a distance of at least 300 feet to the front and with a lamp on the rear exhibiting a red light visible from a distance of 300 feet to the rear, except that 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 headlamps on a motor vehicle, may be used in lieu of a rear light.

*(Code of Iowa, Sec. 321.397)*

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

*(Code of Iowa, Sec. 321.236[10])*

**76.13 SPECIAL PENALTY.** Any person violating the provisions of this chapter may, in lieu of the scheduled fine for bicyclists or standard penalty provided for violations of this Code of Ordinances, allow the person's bicycle to be impounded by the City for not less than five days for the first offense, 10 days for a second offense, and 30 days for a third offense.

## CHAPTER 77

# GOLF CARTS

77.01 Purpose  
77.02 Operation of Golf Carts Permitted  
77.03 Prohibited Streets

77.04 Equipment  
77.05 Hours

**77.01 PURPOSE.** The purpose of this chapter is to permit the operation of golf carts on streets in the City as authorized by Section 321.247 of the *Code of Iowa*. This chapter applies whenever a golf cart is operated on any street or alley.

**77.02 OPERATION OF GOLF CARTS PERMITTED.** Golf carts may be operated upon the streets of the City by persons possessing a valid driver's license, except as prohibited in Section 77.03 of this chapter.

**77.03 PROHIBITED STREETS.** Golf carts shall not be operated upon any City street that is a primary road extension through the City. However, golf carts may cross such a primary road extension.

**77.04 EQUIPMENT.** Golf carts operated upon City streets shall be equipped with a slow-moving vehicle sign and a bicycle safety flag at all times during operation and shall be equipped with adequate brakes.

**77.05 HOURS.** Golf carts may be operated on City streets only between sunrise and sunset.

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## CHAPTER 80

# ABANDONED VEHICLES

80.01 Definitions

80.02 Authority to Take Possession of Abandoned Vehicles

80.03 Notice by Mail

80.04 Notification in Newspaper

80.05 Fees for Impoundment

80.06 Disposal of Abandoned Vehicles

80.07 Disposal of Totally Inoperable Vehicles

80.08 Proceeds from Sales

80.09 Duties of Demolisher

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

*(Code of Iowa, Sec. 321.89[1] & Sec. 321.90)*

1. “Abandoned vehicle” means any of the following:
  - A. A vehicle that has been left unattended on public property for more than 24 hours and lacks current registration plates or two or more wheels or other parts which renders the vehicle totally inoperable.
  - B. A vehicle that has remained illegally on public property for more than 24 hours.
  - C. A vehicle that has been unlawfully parked or placed on private property without the consent of the owner or person in control of the property for more than 24 hours.
  - D. A vehicle that has been legally impounded by order of a police authority and has not been reclaimed for a period of 10 days. However, a police authority may declare the vehicle abandoned within the 10-day period by commencing the notification process.
  - E. Any vehicle parked on the highway determined by a police authority to create a hazard to other vehicle traffic.
  - F. A vehicle that has been impounded pursuant to Section 321J.4B of the *Code of Iowa* by order of the court and whose owner has not paid the impoundment fees after notification by the person or agency responsible for carrying out the impoundment order.
2. “Demolisher” means a person licensed under Chapter 321H of the *Code of Iowa* whose business it is to convert a vehicle to junk, processed scrap, or scrap metal, or otherwise to wreck, or dismantle vehicles.
3. “Garage keeper” means any operator of a parking place or establishment, motor vehicle storage facility, or establishment for the servicing, repair, or maintenance of motor vehicles.
4. “Police authority” means the Iowa State Patrol or any law enforcement agency of a county or city.

**80.02 AUTHORITY TO TAKE POSSESSION OF ABANDONED VEHICLES.** A police authority, upon the authority’s own initiative or upon the request of any other authority having the duties of control of highways or traffic, shall take into custody an abandoned vehicle on public property and may take into custody any abandoned vehicle on private property. The police authority may employ its own personnel, equipment, and facilities or hire a private entity,

equipment, and facilities for the purpose of removing, preserving, storing, or disposing of abandoned vehicles. A property owner or other person in control of private property may employ a private entity that is a garage keeper to dispose of an abandoned vehicle, and the private entity may take into custody the abandoned vehicle without a police authority's initiative. If a police authority employs a private entity to dispose of abandoned vehicles, the police authority shall provide the private entity with the names and addresses of the registered owners, all lienholders of record, and any other known claimant to the vehicle or the personal property found in the vehicle.

*(Code of Iowa, Sec. 321.89[2])*

**80.03 NOTICE BY MAIL.** The police authority or private entity that takes into custody an abandoned vehicle shall notify, within 20 days, by certified mail, the last known registered owner of the vehicle, all lienholders of record, and any other known claimant to the vehicle or to personal property found in the vehicle, addressed to the parties' last known addresses of record, that the abandoned vehicle has been taken into custody. Notice shall be deemed given when mailed. The notice shall describe the year, make, model and vehicle identification number of the vehicle, describe the personal property found in the vehicle, set forth the location of the facility where the vehicle is being held, and inform the persons receiving the notice of their right to reclaim the vehicle and personal property within 10 days after the effective date of the notice upon payment of all towing, preservation, and storage charges resulting from placing the vehicle in custody and upon payment of the costs of the notice. The notice shall also state that the failure of the owner, lienholders, or claimants to exercise their right to reclaim the vehicle or personal property within the time provided shall be deemed a waiver by the owner, lienholders and claimants of all right, title, claim, and interest in the vehicle or personal property and that failure to reclaim the vehicle or personal property is deemed consent to the sale of the vehicle at a public auction or disposal of the vehicle to a demolisher and to disposal of the personal property by sale or destruction. If the abandoned vehicle was taken into custody by a private entity without a police authority's initiative, the notice shall state that the private entity may claim a garage keeper's lien as described in Section 321.90 of the *Code of Iowa*, and may proceed to sell or dispose of the vehicle. If the abandoned vehicle was taken into custody by a police authority or by a private entity hired by a police authority, the notice shall state that any person claiming rightful possession of the vehicle or personal property who disputes the planned disposition of the vehicle or property by the police authority or private entity or of the assessment of fees and charges provided by this section may ask for an evidentiary hearing before the police authority to contest those matters. If the persons receiving notice do not ask for a hearing or exercise their right to reclaim the vehicle or personal property within the 10-day reclaiming period, the owner, lienholders, or claimants shall no longer have any right, title, claim, or interest in or to the vehicle or the personal property. A court in any case in law or equity shall not recognize any right, title, claim, or interest of the owner, lienholders, or claimants after the expiration of the 10-day reclaiming period.

*(Code of Iowa, Sec. 321.89[3a])*

**80.04 NOTIFICATION IN NEWSPAPER.** If it is impossible to determine with reasonable certainty the identity and addresses of the last registered owner and all lienholders, notice by one publication in one newspaper of general circulation in the area where the vehicle was abandoned shall be sufficient to meet all requirements of notice under Section 80.03. The published notice may contain multiple listings of abandoned vehicles and personal property but shall be published within the same time requirements and contain the same information as prescribed for mailed notice in Section 80.03.

*(Code of Iowa, Sec. 321.89[3b])*



**80.05 FEES FOR IMPOUNDMENT.** The owner, lienholder, or claimant shall pay all towing and storage fees as established by the storage facility, whereupon the vehicle shall be released.

*(Code of Iowa, Sec. 321.89[3a])*

**80.06 DISPOSAL OF ABANDONED VEHICLES.** If an abandoned vehicle has not been reclaimed as provided herein, the police authority or private entity shall make a determination as to whether or not the motor vehicle should be sold for use upon the highways, and shall dispose of the motor vehicle in accordance with State law.

*(Code of Iowa, Sec. 321.89[4])*

**80.07 DISPOSAL OF TOTALLY INOPERABLE VEHICLES.** The City or any person upon whose property or in whose possession is found any abandoned motor vehicle, or any person being the owner of a motor vehicle whose title certificate is faulty, lost, or destroyed, may dispose of such motor vehicle to a demolisher for junk, without a title and without notification procedures, if such motor vehicle lacks an engine or two or more wheels or other structural part which renders the vehicle totally inoperable. The police authority shall give the applicant a certificate of authority. The applicant shall then apply to the County Treasurer for a junking certificate and shall surrender the certificate of authority in lieu of the certificate of title.

*(Code of Iowa, Sec. 321.90[2e])*

**80.08 PROCEEDS FROM SALES.** Proceeds from the sale of any abandoned vehicle shall be applied to the expense of auction, cost of towing, preserving, storing, and notification required, in accordance with State law. Any balance shall be held for the owner of the motor vehicle or entitled lienholder for 90 days, and then shall be deposited in the State Road Use Tax Fund. Where the sale of any vehicle fails to realize the amount necessary to meet costs the police authority shall apply for reimbursement from the Department of Transportation.

*(Code of Iowa, Sec. 321.89[4])*

**80.09 DUTIES OF DEMOLISHER.** Any demolisher who purchases or otherwise acquires an abandoned motor vehicle for junk shall junk, scrap, wreck, dismantle, or otherwise demolish such motor vehicle. A demolisher shall not junk, scrap, wreck, dismantle, or demolish a vehicle until the demolisher has obtained the junking certificate issued for the vehicle.

*(Code of Iowa, Sec. 321.90[3a])*

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## CHAPTER 90

# WATER WELLS

**90.01 Connection Required**  
**90.02 Permit**  
**90.03 Permit Effective Upon Completion**  
**90.04 Requirements for Private Well**

**90.05 Connection to Public System**  
**90.06 Operation at Owner's Expense**  
**90.07 Additional Requirements**

**90.01 CONNECTION REQUIRED.** Where a public water system is not available, the building water shall be connected to a private well complying with the provisions of this chapter.

**90.02 PERMIT.** Before commencement of construction of a private well the owner shall first obtain a written permit from Johnson County Health Department. The application for such permit shall be made on a form furnished by the County, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the County. A permit and inspection fee shall be paid to the County at the time the application is filed.

**90.03 PERMIT EFFECTIVE UPON COMPLETION.** A permit for a private well shall not become effective until the installation is completed to the satisfaction of the County. The County shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the County when the work is ready for final inspection. The inspection shall be made within 72 hours of the receipt of notice by the County.

**90.04 REQUIREMENTS FOR PRIVATE WELL.** The type, capacities, location, and layout of a private well shall comply with all recommendations of the Department of Natural Resources of the State of Iowa and the County Health Department.

**90.05 CONNECTION TO PUBLIC SYSTEM.** At such times as a public water system becomes available to a property served by a private well, a direct connection shall be made to the public system in compliance with standards set forth by the City.

**90.06 OPERATION AT OWNER'S EXPENSE.** The owner shall operate and maintain the private well at no expense to the City.

**90.07 ADDITIONAL REQUIREMENTS.** No statement contained in this chapter shall be construed to interfere with any additional requirements that may be imposed by the County Health Officer.

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# CHAPTER 95

## ON-SITE WASTEWATER SYSTEMS

95.01 Purpose  
95.02 Definitions  
95.03 System Required  
95.04 Permit Required

95.05 Compliance with Regulations  
95.06 Discharge Restrictions  
95.07 Maintenance of System  
95.08 Disposal of Septage

**95.01 PURPOSE.** The purpose of this chapter is to establish rules and regulations governing the treatment and disposal of sewage wastewater within the City in order to protect the public health, safety, and welfare.

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

*(567 IAC 69.1[2])*

1. “On-site wastewater treatment and disposal system” means all equipment and devices necessary for proper conduction, collection, storage, treatment, and disposal of wastewater from four or fewer dwelling units or other facilities serving the equivalent of 15 persons (1,500 gpd) or less.
2. “Septage” means the liquid contents (including sludge and scum) of a septic tank.
3. “Wastewater” means the water-carried wastes derived from ordinary living processes.

**95.03 SYSTEM REQUIRED.** Every building wherein persons reside, congregate or are employed shall be provided with an approved on-site wastewater treatment and disposal system complying with the provisions of this chapter.

*(567 IAC 69.1[3])*

**95.04 PERMIT REQUIRED.** No person shall install or alter an on-site wastewater treatment and disposal system without first obtaining a permit from the County Board of Health.

*(567 IAC 69.1[4])*

**95.05 COMPLIANCE WITH REGULATIONS.** The type, capacity, location, and layout of an on-site wastewater treatment and disposal system shall comply with the specifications and requirements set forth by the Iowa Administrative Code 567, Chapter 69, and to such additional requirements as are prescribed by the regulations of the County Board of Health.

*(567 IAC 69.1[3 and 4])*

**95.06 DISCHARGE RESTRICTIONS.** It is unlawful to discharge any wastewater from an on-site wastewater treatment and disposal system (except under an NPDES permit) to any ditch, stream, pond, lake, natural or artificial waterway, drain tile or to the surface of the ground.

*(567 IAC 69.1[3])*

**95.07 MAINTENANCE OF SYSTEM.** The owner of an on-site wastewater treatment and disposal system shall operate and maintain the system in a sanitary manner at all times and at no expense to the City.

**95.08 DISPOSAL OF SEPTAGE.** No person shall dispose of septage from an on-site treatment system at any location except an approved disposal site.

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## CHAPTER 105

# SOLID WASTE CONTROL

105.01 Purpose

105.02 Definitions

105.03 Sanitary Disposal Required

105.04 Health and Fire Hazard

105.05 Open Burning Restricted

105.06 Separation of Yard Waste Required

105.07 Littering Prohibited

105.08 Toxic and Hazardous Waste

105.09 Waste Storage Containers

105.10 Prohibited Practices

**105.01 PURPOSE.** The purpose of the chapters in this Code of Ordinances pertaining to Solid Waste Control and Collection is to provide for the sanitary storage, collection, and disposal of solid waste and, thereby, to protect the citizens of the City from such hazards to their health, safety, and welfare as may result from the uncontrolled disposal of solid waste.

**105.02 DEFINITIONS.** For use in these chapters the following terms are defined:

1. “Collector” means any person authorized to gather solid waste from public and private places.

2. “Discard” means to place, cause to be placed, throw, deposit, or drop.  
*(Code of Iowa, Sec. 455B.361[1])*

3. “Dwelling unit” means any room or group of rooms located within a structure and forming a single habitable unit with facilities that are used or are intended to be used for living, sleeping, cooking, and eating.

4. “Garbage” means all solid and semisolid, putrescible animal and vegetable waste resulting from the handling, preparing, cooking, storing, serving, and consuming of food or of material intended for use as food, and all offal, excluding useful industrial by-products, and includes all such substances from all public and private establishments and from all residences.  
*(567 IAC 100.2)*

5. “Landscape waste” means any vegetable or plant waste except garbage. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, and yard trimmings.  
*(567 IAC 20.2)*

6. “Litter” means any garbage, rubbish, trash, refuse, waste materials, or debris not exceeding 10 pounds in weight or 15 cubic feet in volume. Litter includes but is not limited to empty beverage containers, cigarette butts, food waste packaging, other food or candy wrappers, handbills, empty cartons, or boxes.  
*(Code of Iowa, Sec. 455B.361[2])*

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

8. “Refuse” means putrescible and non-putrescible waste, including but not limited to garbage, rubbish, ashes, incinerator residues, street cleanings, market and industrial solid waste, and sewage treatment waste in dry or semisolid form.

*(567 IAC 100.2)*

9. “Residential premises” means a single-family dwelling and any multiple-family dwelling up to and including four separate dwelling units.

10. “Residential waste” means any refuse generated on the premises as a result of residential activities. The term includes landscape waste grown on the premises or deposited thereon by the elements, but excludes garbage, tires, trade wastes, and any locally recyclable goods or plastics.

*(567 IAC 20.2)*

11. “Rubbish” means non-putrescible solid waste consisting of combustible and non-combustible waste, such as ashes, paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, or litter of any kind.

*(567 IAC 100.2)*

12. “Sanitary disposal” means a method of treating solid waste so that it does not produce a hazard to the public health or safety or create a nuisance.

*(567 IAC 100.2)*

13. “Sanitary disposal project” means all facilities and appurtenances (including all real and personal property connected with such facilities) that are acquired, purchased, constructed, reconstructed, equipped, improved, extended, maintained, or operated to facilitate the final disposition of solid waste without creating a significant hazard to the public health or safety, and which are approved by the Director of the State Department of Natural Resources. “Sanitary disposal project” does not include a pyrolysis or gasification facility as defined in Section 455B.301 of the *Code of Iowa*.

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

14. “Solid waste” means garbage, refuse, rubbish, and other similar discarded solid or semisolid materials, including but not limited to such materials resulting from industrial, commercial, agricultural, and domestic activities. Solid waste may include vehicles, as defined by Section 321.1 of the *Code of Iowa*. Solid waste does not include any of the following:

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

A. Hazardous waste regulated under the Federal Resource Conservation and Recovery Act, 42 U.S.C. § 6921-6934.

B. Hazardous waste as defined in Section 455B.411 of the *Code of Iowa*, except to the extent that rules allowing for the disposal of specific wastes have been adopted by the State Environmental Protection Commission.

C. Source, special nuclear, or by-product material as defined in the Atomic Energy Act of 1954, as amended to January 1, 1979.

D. Petroleum contaminated soil that has been remediated to acceptable State or federal standards.

E. Steel slag which is a product resulting from the steel manufacturing process and is managed as an item of value in a controlled manner and not as a discarded material.



F. Material that is legitimately recycled pursuant to Section 455D.4A of the *Code of Iowa*.

G. Post-use polymers or recoverable feedstocks that are any of the following:

- (1) Processed at a pyrolysis or gasification facility.
- (2) Held at a pyrolysis or gasification facility prior to processing to ensure production is not interrupted.

**105.03 SANITARY DISPOSAL REQUIRED.** It is the duty of each owner to provide for the sanitary disposal of all refuse accumulating on the owner's premises before it becomes a nuisance. Any such accumulation remaining on any premises for a period of more than 30 days shall be deemed a nuisance and the City may proceed to abate such nuisances in accordance with the provisions of Chapter 50 or by initiating proper action in district court.

*(Code of Iowa, Ch. 657)*

**105.04 HEALTH AND FIRE HAZARD.** It is unlawful for any person to permit to accumulate on any premises, improved or vacant, or on any public place, such quantities of solid waste that constitute a health, sanitation or fire hazard.

**105.05 OPEN BURNING RESTRICTED.** No person shall allow, cause, or permit open burning of combustible materials where the products of combustion are emitted into the open air without passing through a chimney or stack, except that open burning is permitted in the following circumstances:

*(567 IAC 23.2 and 100.2)*

1. Disaster Rubbish. The open burning of rubbish, including landscape waste, for the duration of the community disaster period in cases where an officially declared emergency condition exists, provided that the burning of any structures or demolished structures is conducted in accordance with 40 CFR Section 61.145.

*(567 IAC 23.2[3]"a")*

2. Trees and Tree Trimmings. The open burning of trees and tree trimmings at a City-operated burning site, provided such burning is conducted in compliance with the rules established by the State Department of Natural Resources.

*(567 IAC 23.2[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.

*(567 IAC 23.2[3]"c")*

4. Landscape Waste. The disposal by open burning of landscape waste originating on the premises. However, the burning of landscape waste produced in clearing, grubbing, and construction operations shall be limited to areas located at least one-fourth mile from any building inhabited by other than the landowner or tenant conducting the open burning. Rubber tires shall not be used to ignite landscape waste.

*(567 IAC 23.2[3]"d")*

5. Recreational Fires. Open fires for cooking, heating, recreation, and ceremonies, provided they comply with the limits for emission of visible air

contaminants established by the State Department of Natural Resources. Rubber tires shall not be burned in a recreational fire.

*(567 IAC 23.2[3]“e”)*

6. Residential Waste. Backyard burning of residential waste at dwellings of four-family units or less.

*(567 IAC 23.2[3]“f”)*

7. Training Fires. Fires set for the purpose of conducting bona fide training of public or industrial employees in firefighting methods, provided that the training fires are conducted in compliance with rules established by the State Department of Natural Resources.

*(567 IAC 23.2[3]“g”)*

8. Pesticide Containers and Seed Corn Bags. The disposal by open burning of paper or plastic pesticide containers (except those formerly containing organic forms of beryllium, selenium, mercury, lead, cadmium, or arsenic) and seed corn bags resulting from farming activities occurring on the premises if burned in accordance with rules established by the State Department of Natural Resources.

*(567 IAC 23.2[3]“h”)*

9. Agricultural Structures. The open burning of agricultural structures if in accordance with rules and limitations established by the State Department of Natural Resources.

*(567 IAC 23.2[3]“i”)*

10. Controlled Burning of a Demolished Building. The controlled burning of a demolished building by the City, subject to approval of the Council, provided that the controlled burning is conducted in accordance with rules and limitations established by the State Department of Natural Resources.

*(567 IAC 23.2[3]“j”)*

11. Variance. Any person wishing to conduct open burning of materials not permitted herein may make application for a variance to the Director of the State Department of Natural Resources.

*(567 IAC 23.2[2])*

**105.06 SEPARATION OF YARD WASTE REQUIRED.** All yard waste shall be separated by the owner or occupant from all other solid waste accumulated on the premises and shall be composted or burned on the premises. As used in this section, “yard waste” means any debris such as grass clippings, leaves, garden waste, brush, and trees. Yard waste does not include tree stumps.

**105.07 LITTERING PROHIBITED.** No person shall discard any litter onto or in any water or land, except that nothing in this section shall be construed to affect the authorized collection and discarding of such litter in or on areas or receptacles provided for such purpose. When litter is discarded from a motor vehicle, the driver of the motor vehicle shall be responsible for the act in any case where doubt exists as to which occupant of the motor vehicle actually discarded the litter.

*(Code of Iowa, Sec. 455B.363)*

**105.08 TOXIC AND HAZARDOUS WASTE.** No person shall deposit in a solid waste container or otherwise offer for collection any toxic or hazardous waste. Such materials shall be transported and disposed of as prescribed by the Director of the State Department of Natural

Resources. As used in this section, “toxic and hazardous waste” means waste materials, including (but not limited to) poisons, pesticides, herbicides, acids, caustics, pathological waste, flammable or explosive materials, and similar harmful waste that requires special handling and that must be disposed of in such a manner as to conserve the environment and protect the public health and safety.

*(567 IAC 100.2)  
(567 IAC 102.13[2] and 400 IAC 27.14[2])*

**105.09 WASTE STORAGE CONTAINERS.** Every person owning, managing, operating, leasing, or renting any premises, dwelling unit or any place where refuse accumulates shall provide and at all times maintain in good order and repair portable containers for refuse in accordance with the following:

1. Container Specifications. Waste storage containers shall comply with the following specifications:
  - A. Residential. Residential waste containers, whether they are reusable, portable containers or heavy-duty disposable garbage bags, shall be of sufficient capacity, and leak-proof and waterproof. Disposable containers shall be securely fastened, and reusable containers shall be fitted with a fly-tight lid that shall be kept in place except when depositing or removing the contents of the container. Reusable containers shall also be lightweight and of sturdy construction and have suitable lifting devices.
  - B. Commercial. Every person owning, managing, operating, leasing, or renting any commercial premises where an excessive amount of refuse accumulates and where its storage in portable containers as required above is impractical, shall maintain metal bulk storage containers approved by the City.
2. Storage of Containers. Residential solid waste containers shall be stored upon the residential premises. Commercial solid waste containers shall be stored upon private property, unless the owner has been granted written permission from the City to use public property for such purposes. The storage site shall be well drained and fully accessible to collection equipment, public health personnel, and fire inspection personnel. All owners of residential and commercial premises shall be responsible for proper storage of all garbage and yard waste to prevent materials from being blown or scattered around neighboring yards and streets.
3. Location of Containers for Collection. Containers for the storage of solid waste awaiting collection shall be placed outdoors at some easily accessible place by the owner or occupant of the premises served.
4. Nonconforming Containers. Solid waste placed in containers that are not in compliance with the provisions of this section will not be collected.

**105.10 PROHIBITED PRACTICES.** It is unlawful for any person to:

1. Unlawful Use of Containers. Deposit refuse in any solid waste containers not owned by such person without the written consent of the owner of such containers.
2. Interfere with Collectors. Interfere in any manner with solid waste collection equipment or with solid waste collectors in the lawful performance of their duties as such, whether such equipment or collectors be those of the City, or those of any other authorized waste collection service.

3. Incinerators. Burn rubbish or garbage except in incinerators designed for high temperature operation, in which solid, semisolid, liquid, or gaseous combustible refuse is ignited and burned efficiently, and from which the solid residues contain little or no combustible material, as acceptable to the Environmental Protection Commission.
4. Scavenging. Take or collect any solid waste that has been placed out for collection on any premises, unless such person is an authorized solid waste collector.

## CHAPTER 106

# COLLECTION OF SOLID WASTE

106.01 Collection Service  
106.02 Collection Vehicles  
106.03 Loading

106.04 Frequency of Collection  
106.05 Bulky Rubbish  
106.06 Right of Entry

**106.01 COLLECTION SERVICE.** The collection of solid waste within the City shall be by private contract with collectors.

**106.02 COLLECTION VEHICLES.** Vehicles or containers used for the collection and transportation of garbage and similar putrescible waste or solid waste containing such materials shall be leak-proof, durable and of easily cleanable construction. They shall be cleaned to prevent nuisances, pollution, or insect breeding and shall be maintained in good repair.

*(567 IAC 104.9)*

**106.03 LOADING.** Vehicles or containers used for the collection and transportation of any solid waste shall be loaded and moved in such a manner that the contents will not fall, leak, or spill therefrom, and shall be covered to prevent blowing or loss of material. Where spillage does occur, the material shall be picked up immediately by the collector or transporter and returned to the vehicle or container and the area properly cleaned.

**106.04 FREQUENCY OF COLLECTION.** All solid waste shall be collected from residential premises at least once each week and from commercial, industrial, and institutional premises as frequently as may be necessary, but not less than once each week.

**106.05 BULKY RUBBISH.** Bulky rubbish that is too large or heavy to be collected in the normal manner of other solid waste may be collected by the collector upon request in accordance with procedures established by the Council.

**106.06 RIGHT OF ENTRY.** Solid waste collectors are hereby authorized to enter upon private property for the purpose of collecting solid waste, as required by this chapter; however, solid waste collectors shall not enter dwelling units or other residential buildings.

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## CHAPTER 110

# NATURAL GAS FRANCHISE

110.01 Grant of Franchise  
110.02 Restrictions and Limitations  
110.03 Excavations  
110.04 Relocation of Equipment  
110.05 Restoration of Property  
110.06 Vacating Property

110.07 Information Provided  
110.08 Indemnification  
110.09 Maintenance of System  
110.10 Franchise Fees  
110.11 Termination

**110.01 GRANT OF FRANCHISE.** There is hereby granted to MidAmerican Energy Company, an Iowa corporation (hereinafter called “Company”) and to its successors and assigns the right and franchise to acquire, construct, erect, maintain, and operate in the City a gas distribution system, to furnish natural gas along, under, and upon the right-of-way, streets, avenues, alleys, and public places to serve customers within and without the City and to furnish and sell natural gas to the City and its inhabitants. The Company is granted the right to exercise of powers of eminent domain, subject to City Council approval, upon application by the Company. The franchise shall be effective for a 25-year period from and after the effective date of the ordinance codified in this chapter.<sup>†</sup>

**110.02 RESTRICTIONS AND LIMITATIONS.** The rights and privileges hereby granted are subject to the restrictions and limitations of Chapter 364 of the *Code of Iowa*.

**110.03 EXCAVATIONS.** Company shall have the right to excavate in any public street for the purpose of laying, relaying, repairing, or extending gas pipes, mains, conduits, and other facilities provided that the same shall be so placed as not to unreasonably interfere with any above or below-ground utility services or facilities which have been or may hereafter be located by or under authority of the City.

**110.04 RELOCATION OF EQUIPMENT.** The Company shall, excluding facilities located in private easements (whether titled in Company exclusively or in Company and other entities), in accordance with Iowa law including Company’s tariff on file with and made effective by the Iowa Utilities Board as may subsequently be amended (“Tariff”) at its cost and expense, locate and relocate its existing facilities or equipment in, on, over or under any public street or alley in the City in such a manner as the City may reasonably require for the purposes of facilitating the construction, reconstruction, maintenance, or repair of the street or alley. Relocation expenses for other hard surfaces, including pedestrian and nonmotorized vehicle pathways, will be paid by the City. If the City has a reasonable alternative route for the street, alley, or public improvements or an alternative construction method, which would not cause the relocation of the Company installations, the City shall select said alternative route, or construction method. The City shall be responsible for surveying and staking the right-of-way for City projects that require the Company to relocate Company facilities. If requested the City shall provide, at no cost to the Company, copies of its relocation plan and profile and cross section drawings. If vegetation removal must be completed by the City as part of the City’s project and are necessary whether or not utility facilities must be relocated, the City at its own cost shall be responsible for said removals. If the timing of the tree removals does not coincide

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<sup>†</sup> **EDITOR’S NOTE:** Ordinance No. 107, adopting a natural gas franchise for the City, was passed and adopted on January 12, 2016.

with the Company facilities relocation schedule and Company must remove vegetation or trees that are included in the City's portion of the project, the City shall either remove the vegetation trees at its cost or reimburse the Company for the expenses incurred to remove said trees or vegetation. If project funds from a source other than the City are available to pay for the relocation of utility facilities, the City shall attempt to secure said funds and provide them to the Company to compensate the Company for the costs of relocation. The Company shall not be required to relocate, at its cost and expense, Company facilities in the public right-of-way that have been relocated at Company expense at the direction of the City in the previous 10 years. Pursuant to relocation of Company facilities as may be required hereunder, if the City orders or requests the Company to relocate its existing facilities or equipment in order to directly or indirectly facilitate the project of a commercial or private developer or other non-public entity, City shall reimburse or the City shall require the developer or non-public entity to reimburse the Company for the cost of such relocation as a precondition to relocation. The Company shall not be required to relocate in order to facilitate such private project at its expense.

**110.05 RESTORATION OF PROPERTY.** In making excavations in any streets, avenues, alleys, and public places for the installation of gas pipes, conduits, or apparatus, Company shall not unreasonably obstruct the use of the streets and shall replace the surface, restoring it to the condition as existed immediately prior to excavation. Company agrees any replacement of road surface shall conform to this Code of Ordinances regarding its depth and composition. The Company shall not be required to restore or modify public right-of-way, sidewalks, or other areas in or adjacent to the Company project to a condition superior to its immediate previously existing condition or to a condition exceeding its previously existing condition to the extent any alterations are required for the City to comply with City, State or federal rules, regulations, or laws.

**110.06 VACATING PROPERTY.** Vacating a street, avenue, alley, public ground, or public right-of-way shall not deprive the Company of its right to operate and maintain existing facilities on, below, above, or beneath the vacated property. Prior to the City abandoning or vacating any street, avenue, alley, or public ground where the Company has gas lines, mains, or facilities, the City shall provide Company with not less than 60 days' advance notice of the City's proposed action and, upon request, grant the Company a utility easement covering existing and future facilities and activities. If the City fails to grant the Company a utility easement for said facilities prior to abandoning or vacating a street, avenue, alley, or public ground, the City shall at its cost and expense obtain easements for the existing Company facilities.

**110.07 INFORMATION PROVIDED.** Upon reasonable request, the Company shall provide the City, on a project specific basis, information indicating the horizontal location, relative to boundaries of the right-of-way, of all equipment which it owns or over which it has control that is located in the public right-of-way, including documents, maps, and other information in paper or electronic or other forms ("Information"). The Company and City recognize the Information may in whole or part be considered a confidential record under State or federal law or both. Upon receipt of a request from a third party for information concerning information about the Company's facilities within the City, the City will promptly submit same to Company. If the Company believes any of the information requested constitutes a trade secret which may otherwise be protected from public disclosure by State or federal law, or otherwise exempt from disclosure under the provisions of the Freedom of Information Act, the Federal Energy Regulatory Commission Critical Energy Infrastructure requirements pursuant to 18 CFR 388.112 and 388.113, or Chapter 22 of the *Code of Iowa*, as such statutes and regulations may be amended from time to time, then the Company shall provide the City with a written



explanation of the basis for such assertion of confidentiality or exemption from disclosure within 10 days.

**110.08 INDEMNIFICATION.** The Company shall indemnify and save harmless the City from any and all claims, suits, losses, damages, costs or expenses, on account of injury or damage to any person or property, to the extent caused or occasioned by the Company's negligence in construction, reconstruction, excavation, operation or maintenance of the natural gas facilities authorized by this franchise; provided, however, that the Company shall not be obligated to defend, indemnify and save harmless the City for any costs or damages to the extent arising from the negligence of the City, its officers, employees or agents.

**110.09 MAINTENANCE OF SYSTEM.** The Company shall extend its mains and pipes and operate, and maintain the system in accordance with the applicable regulations of the Iowa Utilities Board or its successors and Iowa law. During the term of this franchise, the Company shall furnish natural gas in the quantity and quality consistent and in accordance with the applicable regulations of the Iowa Utilities Board the Company's tariff made effective by the Iowa Utilities Board or its successors and Iowa law.

**110.10 FRANCHISE FEES.** A franchise fee of 0 percent is imposed upon, and shall be collected from, the natural gas customers of the Company receiving service and located within the corporate limits of the City. The franchise fee shall be imposed upon the gross receipts, minus uncollectible accounts, generated from sales of natural gas and distribution service:

1. The City agrees to modify the level of franchise fees imposed only once in any 24-month period.
2. The Company will commence collecting franchise fees on or before the first Company billing cycle of the first calendar month following 90 days of receipt of information required of the City to implement the franchise fee, including the City's documentation of customer classes subject to or exempted from City-imposed franchise fee.
3. The City shall be solely responsible for identifying customer classes subject to or exempt from paying the City imposed franchise fee. The Company shall have no obligation to collect franchise fees from customers in annexed areas until and unless such ordinances have been provided to the Company by certified mail. The Company shall commence collecting franchise fees in the annexed areas no sooner than 60 days after receiving annexation ordinances from the City.
4. The Company shall not, under any circumstances, be required to return or refund any franchise fees that have been collected from customers and remitted to the City. In the event the Company is required to provide data or information in defense of the City's imposition of franchise fees or the Company is required to assist the City in identifying customers or calculating any franchise fee refunds for groups of or individual customers the City shall reimburse the Company for the expenses incurred by the Company to provide such data or information.

Upon implementation of a franchise fee the City shall not, pursuant to Chapter 480A.6 of the *Code of Iowa*, impose or charge Company right-of-way management fees for permits for Company construction, maintenance, repairs, excavation, pavement cutting, or inspections of Company work sites and projects or related matters.

**110.11 TERMINATION.** Either City or Company ("party") may terminate the franchise if the other party is materially in breach of its provisions. Upon the occurrence of a material

breach, the non-breaching party shall provide the breaching party with notification by certified mail specifying the alleged breach. The breaching party shall have 60 days to cure the breach, unless it notifies the non-breaching party, and the parties agree upon a shorter or longer period for cure. If the breach is not cured within the cure period, the non-breaching party may terminate the franchise. A party shall not be considered to be in breach of the franchise if it has operated in compliance with State or federal law. A party shall not be considered to have breached the franchise if the alleged breach is the result of the actions of a third party or the other party.

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## CHAPTER 111

# ELECTRIC FRANCHISE

111.01 Franchise Granted	111.13 Annexation
111.02 Placement not to Interfere	111.14 Indemnification
111.03 Excavating	111.15 Franchise Fee Remitted
111.04 Existing Facilities	111.16 Notice
111.05 Tree Maintenance	111.17 Responsibility on Use
111.06 Service Provided	111.18 Refund of Fee
111.07 Franchise Non-Exclusive	111.19 Termination of Collection
111.08 Service Continuous	111.20 No Other Fee for Use
111.09 Franchise Fee Billing	111.21 No Right-of-Way Management Fee
111.10 Franchise Fee Shown Separately	111.22 Term
111.11 Franchise Fee Collection	111.23 Entire Agreement
111.12 Franchise Fee Administration Costs	

**111.01 FRANCHISE GRANTED.** There is hereby granted to Linn County Rural Electric Cooperative Association, hereinafter referred to as the “Company,” its electrical energy suppliers as necessary to provide Company distribution at 25,000 volts or less, its successors and assigns, the right and franchise to construct, reconstruct, repair, maintain and operate in the City of Shueyville, Johnson County, Iowa, systems for the distribution of electric power, and the right to construct, reconstruct, repair, maintain and operate the necessary poles, lines, wires, conduits and other appurtenances for the distribution of electric power and energy along, under and upon the streets, avenues, alleys and public ways in the City; also the right to erect and maintain upon the streets, avenues, alleys and public ways, distribution lines through the said City to supply individuals, corporations, communities and municipalities both inside and outside of said City with electric light and power appurtenances for the period of 25 years; also the right of eminent domain as provided in section 364.2 of the *Code of Iowa*.

**111.02 PLACEMENT NOT TO INTERFERE.** The poles, lines, wires, circuits, and other appurtenances 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.

**111.03 EXCAVATING.** 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 the surface, pavement or sidewalk of such excavations with same materials, restoring the condition as nearly as practical. The Company shall not be required to restore or modify public right-of-way, sidewalks or other areas in or adjacent to the Company project to a condition superior to its immediate previously existing condition.

**111.04 EXISTING FACILITIES.** 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. Prior to the City abandoning or vacating any street, avenue, alley or public ground where the Company has electric facilities, the City shall grant the Company a utility easement for said facilities. If the City fails to grant the Company a utility easement for said facilities prior to abandoning or vacating a street, avenue, alley or public place, the City shall, at its cost and expense, obtain easements for existing Company facilities. The Company shall not be required to relocate, at its cost and expense, Company facilities in the public right-of-way that have been relocated at Company expense at the direction of the City in the previous ten years.

**111.05 TREE MAINTENANCE.** The Company is authorized and empowered to prune or remove at Company expense any tree extending into any street, alley or public grounds to maintain electric reliability, safety, to restore utility service and to prevent limbs, branches or trunks from interfering with the wires and facilities of the Company. The pruning and removal of trees shall be performed in accordance with Company's then current line clearance vegetation plan as filed and approved by the Iowa Utilities Board, as well as all applicable codes and standards referenced therein.

**111.06 SERVICE PROVIDED.** During the term of this franchise, the Company shall furnish electric energy in accordance with the applicable regulations of the Iowa Utilities Board and the Company's tariffs. The Company will maintain compliance with Iowa Utilities Board regulatory standards for reliability.

**111.07 FRANCHISE NON-EXCLUSIVE.** The franchise granted by this chapter shall not be exclusive.

**111.08 SERVICE CONTINUOUS.** 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.

**111.09 FRANCHISE FEE BILLING.** In consideration of the right to construct and maintain such electrical facilities and equipment along, upon, across and under the streets, highways, avenues, alleys, bridges and public places of the City, the City reserves the right to impose upon the Company and, by its acceptance of this franchise, it agrees that there shall be collected from Company's customers within the corporate limits of the City and remitted by the Company to the City, a franchise fee in an amount equal to a percentage of the gross receipts derived by the Company from the transmission or distribution of electrical energy to customers within the corporate limits of the City (excluding, however, the sale of electric energy to the City), or assessed or charged in any other manner the City deems appropriate and is consistent with applicable laws as may be changed from time to time, as determined by resolution upon the majority vote of the Council duly scheduled Council meeting after at least a 14 day advance public notice. The City shall give the Company 90 days written notice of the effective date of

any franchise fee imposed by the City on the customers of the Company located within the corporate limits of the City. In the event a franchise fee is imposed by the City, the Company shall remit the sum collected from customers to the City Treasurer quarterly on May 1, August 1, November 1, and February 1 of each year for the three-month period ending respectively March 31, June 30, September 30, and December 31.

**111.10 FRANCHISE FEE SHOWN SEPARATELY.** The franchise fee shall be applied to all customers' bills in accordance with *Code of Iowa* Chapter 364.2 and 423B.5. The amount of the franchise fee shall be shown separately on the utility bill to each customer.

**111.11 FRANCHISE FEE COLLECTION.** The Company will commence collecting franchise fees on or before the first Company billing cycle of the first calendar month following 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.

**111.12 FRANCHISE FEE ADMINISTRATION COST.** The City recognizes that the costs of franchise fee administration are not charged directly to the City and the City and Company agree that the Company may only charge such administrative fees as are provided for in State statute.

**111.13 ANNEXATION.** Upon receipt of a final and unappealable order or approval authorizing annexation, or changes in the corporate 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 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 be 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.

**111.14 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. The Company shall indemnify the City from any and all claims, suits, losses, costs or expenses, on account of injury, including death, or damage to any person or property, caused or occasioned in whole or in part, by the Company's negligence, or the negligence of its officers, employees or agents, in construction, reconstruction, excavation, operation or maintenance of the electrical facilities authorized by this franchise; provided, however, that the Company shall be obligated to defend, indemnify and save harmless the City for any costs or damages arising from the negligence of the City, its officers, employees or agents.

**111.15 FRANCHISE FEE REMITTED.** The Company shall remit franchise fee receipts 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 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.

**111.16 NOTICE.** The City shall give the Company a minimum six-month notice prior to the request to implement any adjustment in the percentage of franchise fees to be collected pursuant to Section 111.09 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 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 Council. In no event may the percentage of franchise fees exceed the statutory amount authorized by Iowa law.

**111.17 RESPONSIBILITY ON 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.

**111.18 REFUND OF FEE.** The Company shall not, under any circumstance 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.

**111.19 TERMINATION OF COLLECTION.** 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 chapter 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 a lesser rate than provided in this chapter, 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 non-appealable 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 60 days of Final Franchise Fee Action, the City shall notify Company and the parties shall meet to determine whether this chapter 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 chapter is repealed, effective as of the date specified below with no liability therefore, 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.

**111.20 NO OTHER FEE FOR USE.** 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 appurtenances 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.

**111.21 NO RIGHT-OF-WAY MANAGEMENT FEE.** 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.

**111.22 TERM.** The term of the franchise granted by this chapter and the rights granted thereunder shall continue for the period of 25 years from and after its acceptance by the said Company, as herein provided. †

**111.23 ENTIRE AGREEMENT.** This chapter 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. 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 chapter, that create additional burdens upon the Company, or which delay utility operations.

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† **EDITOR'S NOTE:** Ordinance No. 2020-04, adopting a electric franchise for the City, was passed and adopted on November 10, 2020.

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## CHAPTER 120

# LIQUOR LICENSES AND WINE AND BEER PERMITS

120.01 License or Permit Required  
120.02 General Prohibition  
120.03 Investigation  
120.04 Action by Council

120.05 Prohibited Sales and Acts  
120.06 Amusement Devices  
120.07 Outdoor Service Areas

**120.01 LICENSE OR PERMIT REQUIRED.** No person shall manufacture for sale, import, sell, or offer or keep for sale, alcoholic liquor, wine, or beer without first securing a liquor control license, wine permit, or beer permit in accordance with the provisions of Chapter 123 of the *Code of Iowa*.

*(Code of Iowa, Sec. 123.22, 123.122, and 123.171)*

**120.02 GENERAL PROHIBITION.** It is unlawful to manufacture for sale, sell, offer, or keep for sale, possess, or transport alcoholic liquor, wine, or beer except upon the terms, conditions, limitations, and restrictions enumerated in Chapter 123 of the *Code of Iowa*, and a license or permit may be suspended or revoked or a civil penalty may be imposed for a violation thereof.

*(Code of Iowa, Sec. 123.2, 123.39, and 123.50)*

**120.03 INVESTIGATION.** Upon receipt of an application for a liquor license, wine or beer permit, the Clerk may forward it to the peace officer, who shall then conduct an investigation and submit a written report as to the truth of the facts averred in the application. The Fire Chief may also inspect the premises to determine if they conform to the requirements of the City. The Council shall not approve an application for a license or permit for any premises that does not conform to the applicable law and ordinances, resolutions, and regulations of the City.

*(Code of Iowa, Sec. 123.30)*

**120.04 ACTION BY COUNCIL.** The Council shall either approve or disapprove the issuance of a retail alcohol license, shall endorse its approval or disapproval on the application, and shall forward the application with the necessary fee and bond, if required, to the Iowa Department of Revenue.

*(Ord. 2023-05 – Sep. 23 Supp.)*

*(Code of Iowa, Sec. 123.32[2])*

**120.05 PROHIBITED SALES AND ACTS.** A person holding a retail alcohol license and the person's agents or employees shall not do any of the following:

1. Sell, dispense, or give to any intoxicated person, or one simulating intoxication, any alcoholic beverage.

*(Code of Iowa, Sec. 123.49[1])*

2. Sell or dispense any alcoholic beverage on the premises covered by the license or permit its consumption thereon between the hours of 2:00 a.m. and 6:00 a.m. on any day of the week.

*(Code of Iowa, Sec. 123.49[2b])*

3. Sell alcoholic beverages to any person on credit, except with a bona fide credit card. This provision does not apply to sales by a club to its members, to sales by a hotel

or motel to bona fide registered guests, or to retail sales by the managing entity of a convention center, civic center, or events center.

*(Code of Iowa, Sec. 123.49[2c])*

4. Employ a person under 18 years of age in the sale or serving of alcoholic beverages for consumption on the premises where sold, except as follows:

A. Definitions. For use in this subsection the following terms are defined as follows:

(1) “Bar” means an establishment where one may purchase alcoholic beverages for consumption on the premises and in which the serving of food is only incidental to the consumption of those beverages.

*(Code of Iowa, Sec. 142D.2[1])*

(2) “Restaurant” means eating establishments, including private and public school cafeterias, which offer food to the public, guests, or employees, including the kitchen and catering facilities in which food is prepared on the premises for serving elsewhere, and including a bar area within a restaurant.

*(Code of Iowa, Sec. 142D.2[17])*

B. This subsection shall not apply if the employer has, on file, written permission from the parent, guardian, or legal custodian of a person 16 or 17 years of age for the person to sell or serve alcoholic beverages for consumption on the premises where sold. However, a person 16 or 17 years of age shall not work in a bar as defined in Paragraph A.

(1) The employer shall keep a copy of the written permission on file until the person is either 18 years of age or no longer engaged in the sale of or serving alcoholic beverages for consumption on the premises where sold.

(2) If written permission is on file in accordance with Paragraph B, a person 16 or 17 years of age may sell or serve alcoholic beverages in a restaurant as defined above in Paragraph A during the hours in which the restaurant serves food.

C. A person 16 or 17 years of age shall not sell or serve alcoholic beverages under this subsection unless at least two employees 18 years of age or older are physically present in the area where alcoholic beverages are sold or served.

D. If a person employed under this subsection reports an incident of workplace harassment to the employer or if the employer otherwise becomes aware of such an incident, the employer shall report the incident to the employee’s parent, guardian, or legal custodian and to the Iowa Civil Rights Commission, which shall determine if any action is necessary or appropriate under Chapter 216 of the *Code of Iowa*.

E. An employer that employs a person under this subsection shall require the person to attend training on prevention and response to sexual harassment upon commencing employment.

F. Prior to a person commencing employment under this subsection, the employer shall notify the employer’s dramshop liability insurer, in a form and

time period prescribed by the Director, that the employer is employing a person under this subsection.

*(Code of Iowa, Sec. 123.49[2f])*

5. In the case of a retail wine or beer permittee, knowingly allow the mixing or adding of alcohol or any alcoholic beverage to wine, beer, or any other beverage in or about the permittee's place of business.

*(Code of Iowa, Sec. 123.49[2i])*

6. Knowingly permit any gambling, except in accordance with Iowa law, or knowingly permit any solicitation for immoral purposes, or immoral or disorderly conduct on the premises covered by the license.

*(Code of Iowa, Sec. 123.49[2a])*

7. Knowingly permit or engage in any criminal activity on the premises covered by the license.

*(Code of Iowa, Sec. 123.49[2j])*

8. Keep on premises covered by a retail alcohol license any alcoholic liquor in any container except the original package purchased from the Iowa Department of Revenue and except mixed drinks or cocktails mixed on the premises for immediate consumption. However, mixed drinks or cocktails that are mixed on the premises and are not for immediate consumption may be consumed on the licensed premises, subject to rules adopted by the Iowa Department of Revenue.

*(Code of Iowa, Sec. 123.49[2d])*

9. Reuse for packaging alcoholic liquor or wine any container or receptacle used originally for packaging alcoholic liquor or wine; or adulterate, by the addition of any substance, the contents or remaining contents of an original package of an alcoholic liquor or wine; or knowingly possess any original package that has been reused or adulterated.

*(Code of Iowa, Sec. 123.49[2e])*

10. Allow any person other than the licensee or employees of the licensee to use or keep on the licensed premises any alcoholic liquor in any bottle or other container that is designed for the transporting of such beverages, except as allowed by State law.

*(Code of Iowa, Sec. 123.49[2g])*

11. Sell, give, possess, or otherwise supply a machine that is used to vaporize an alcoholic beverage for the purpose of being consumed in a vaporized form.

*(Code of Iowa, Sec. 123.49[2k])*

*(Section 120.05 – Ord. 2023-05 – Sep. 23 Supp.)*

**120.06 AMUSEMENT DEVICES.** The following provisions pertain to electrical or mechanical amusement devices possessed and used in accordance with Chapter 99B of the *Code of Iowa*. (Said devices are allowed only in premises with a liquor control license or beer permit, as specifically authorized in said Chapter 99B.)

*(Code of Iowa, Sec. 99B.57)*

1. As used in this section, “registered electrical or mechanical amusement device” means an electrical or mechanical device required to be registered with the Iowa Department of Inspection and Appeals, as provided in Section 99B.53 of the *Code of Iowa*.

2. It is unlawful for any person under the age of 21 to participate in the operation of a registered electrical or mechanical amusement device.
3. It is unlawful for any person owning or leasing a registered electrical or mechanical amusement device, or an employee of a person owning or leasing a registered electrical or mechanical amusement device, to knowingly allow a person under the age of 21 to participate in the operation of a registered electrical or mechanical amusement device.
4. It is unlawful for any person to knowingly participate in the operation of a registered electrical or mechanical amusement device with a person under the age of 21.

#### **120.07 OUTDOOR SERVICE AREAS.**

1. Approval Required. Any permittee or licensee under this chapter or any applicant for a license or permit under this chapter desiring to operate an outdoor service area adjacent to and in conjunction with a licensed premises must obtain the approval of the City Council and of the Iowa Alcoholic Beverages Division or its successor before commencing operation of such outdoor service area.

A. Application. An application for an outdoor service area shall be made upon the form provided by the State. Such application may accompany the initial application or any renewal application for a license or permit under this chapter or may be submitted at any time in conjunction with an amended application for a license or permit.

B. Submittal. An application for the approval of an outdoor service area shall include all information required to be submitted with applications for beer and liquor licenses. The application shall be submitted to the City Clerk at least 15 days prior to the date it is to be considered by the City Council. An outdoor service area shall be subject to the same annual renewal requirements as are all beer and liquor licenses. Approval by the City Council of an outdoor service area shall be by application to the Iowa Alcoholic Beverages Division or its successor with regard to the diagram, dram shop insurance coverage, and all other State requirements.

C. Information Required. Upon submitting an application for an outdoor service area, the applicant shall provide the name and address of the owner of each abutting property as well as every other property which is within 100 feet of the applicant's premises. The applicant shall also post on the applicant's premises in an area readily observable to the public a sign provided by the City regarding the applicant's intent to establish or renew an outdoor service area. Such notice must be posted at least 10 days prior to the date and time when the application will appear on the agenda for approval by the City Council.

D. Approval. Approval or disapproval of an application for an outdoor service area shall be at the discretion of the City Council. Such discretion shall be exercised with due regard to public health, safety, and welfare considerations. In the event that there is a change of ownership, the outdoor service area use shall be permitted to continue, provided the usage is continuous.

2. Regulation of Outdoor Service Areas. The operation of an outdoor service area shall be subject to the following terms, conditions, and regulations:

A. Location Restrictions.

(1) Outdoor service areas must be located on private property and may not encroach on any public right-of-way.

(2) An outdoor service area shall not be located on any side of a licensed establishment which fronts on a street.

(3) An outdoor service area must be immediately adjacent to the licensed establishment of which it is a part.

B. Screening from Public View.

(1) Outdoor service areas that are located on property adjacent to a residential district are required to provide a permanent decorative fence or other suitable barrier at least four feet in height but no more than seven feet in height, as approved by the City Council, which is detectable by persons who are visually impaired, and is entirely opaque with no visual distance between slats.

(2) Emergency exits shall comply with all building, housing and fire codes.

C. Entrances and Exits.

(1) Entrance to the outdoor service area shall only be allowed from within the licensed premises.

(2) Exits from the outdoor service area shall prevent entrance to the outdoor service area from locations other than inside the licensed premises.

(3) Emergency exits shall comply with all building, housing, and fire codes.

D. Hours of Operation.

(1) Outdoor service areas may operate Sunday through Thursday between the hours of 9:30 a.m. and 9:30 p.m., and Friday and Saturday between the hours of 9:30 a.m. through 10:00 p.m.

(2) The owner or operator of an outdoor service area may apply to the City Council for a temporary exception to stay open later than stated hours for a specific, special event. The City Council shall approve any such request and may set special conditions to ensure neighboring properties are not negatively impacted.

E. Noise Restrictions. Amplified sound equipment shall not be in use after the stated hours of operation in the outdoor service area.

F. Occupancy Limits.

(1) The owner or operator of an outdoor service area shall be required to observe the same per square foot occupancy limits that apply to the building which it abuts.

- (2) The occupancy limit for each outdoor service area shall be determined by the City Council.
    - (3) In the event inclement weather requires early closing of the outdoor service area, the licensee or permittee shall not allow patrons of the outdoor service area to enter that portion of the licensed premises housed in the adjacent building if to do so would result in exceeding the occupancy limits therefor as determined by the City Council.
  - G. Advertising and Signs. Advertisements of any form shall not be allowed on the side of the fence, or other screening barrier, that faces away from the permitted premises.
  - H. Safety Issues. All permanent fixtures (e.g., stage, decks, patios, etc.) located within an outdoor service area shall be inspected by the Johnson County Building Department and shall meet all appropriate building, electrical, housing, and fire codes. All inspection fees are the responsibility of the applicant.
  - I. Compliance with City and State Provisions. Outdoor service areas shall comply with appropriate building, housing and fire codes and with all other applicable State and City laws.
3. Temporary Outdoor Service Areas. An outdoor service area in use for no more than three consecutive days in any single year shall be considered temporary. The operation of a temporary outdoor service area shall be subject to the following terms, conditions and regulations:
  - A. Location Restrictions.
    - (1) Temporary outdoor service areas may not be located upon or encroach on any public right-of-way that is open for vehicular traffic.
    - (2) An outdoor service area must be adjacent to the licensed establishment of which it is a part.
  - B. Entrance and Exit.
    - (1) Access to temporary outdoor service areas shall be limited in compliance with the regulations of the Iowa Alcoholic Beverages Division or its successor.
    - (2) Emergency exits shall comply with all building, housing and fire codes.
  - C. Hours of Operation. Temporary outdoor service areas may operate between the hours of noon and 9:30 p.m., unless different hours of operation are specifically authorized by the City Council.
  - D. Noise Restrictions. Amplified sound equipment shall not be in use after the stated hours of operation in the outdoor service area.
  - E. Safety Issues. All temporary stages shall be taken down and removed from public view within 72 hours of the event.
  - F. Compliance with City and State Provisions. Outdoor service areas shall comply with appropriate building, housing, and fire codes and with all other applicable State and City laws, rules, and ordinances.

4. Inspections. All outdoor service areas shall be subject to inspection at least annually at the same time inspection of the adjacent licensed establishment occurs. The City may, in its discretion, inspect an outdoor service area at any other time.
5. Suspension or Revocation of Permission to Operate an Outdoor Service Area.
  - A. The City Council may, after written notice to the licensee or permittee and after a hearing before the Council, suspend or revoke authorization for the operation of an outdoor service area for any establishment when the licensee or permittee has violated or has permitted or allowed the violation of any provision of the *Code of Iowa*, as amended, the terms and conditions of the permit or this Code of Ordinances pertaining to the operation of an outdoor service area or when the continued operation of the outdoor service area constitutes a threat to public health, welfare, or safety or constitutes a nuisance as defined in Chapter 50 of this Code of Ordinances.
  - B. The suspension/revocation procedure shall be initiated by the Mayor by the filing of an administrative complaint with the City Council. Written notice of hearing, as well as a copy of said complaint, shall be served upon the licensee or permittee at least 10 calendar days prior to the date set for hearing.
  - C. Notwithstanding the provisions of this subsection, the City Council may order the immediate closure of an outdoor service area if it is determined that its continued operation presents a clear and imminent threat to public health, safety, or welfare.
  - D. Suspension or revocation by the City for operation of an outdoor service area shall not affect the licensing of the principal establishment unless separate action to suspend or revoke that license/permit is also initiated.

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## CHAPTER 121

# CIGARETTE AND TOBACCO PERMITS

121.01 Definitions  
121.02 Permit Required  
121.03 Application  
121.04 Fees  
121.05 Issuance and Expiration

121.06 Refunds  
121.07 Persons Under Legal Age  
121.08 Self-Service Sales Prohibited  
121.09 Permit Revocation

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

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

1. “Alternative nicotine product” means a product, not consisting of or containing tobacco, that provides for the ingestion into the body of nicotine, whether by chewing, absorbing, dissolving, inhaling, snorting, or sniffing, or by any other means. “Alternative nicotine product” does not include cigarettes, tobacco products, or vapor products, or a product that is regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act.
2. “Cigarette” means any roll for smoking made wholly or in part of tobacco, or any substitute for tobacco, irrespective of size or shape and irrespective of tobacco or any substitute for tobacco being flavored, adulterated, or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any other material. However, cigarette shall not be construed to include cigars.
3. “Place of business” means any place where cigarettes, tobacco products, alternative nicotine products, or vapor products are sold, stored, or kept for the purpose of sale or consumption by a retailer.
4. “Retailer” means every person who sells, distributes, or offers for sale for consumption, or possesses for the purpose of sale for consumption, cigarettes, alternative nicotine products, or vapor products, irrespective of the quantity or amount or the number of sales, or who engages in the business of selling tobacco, tobacco products, alternative nicotine products, or vapor products to ultimate consumers.
5. “Self-service display” means any manner of product display, placement, or storage from which a person purchasing the product may take possession of the product, prior to purchase, without assistance from the retailer or employee of the retailer, in removing the product from a restricted access location.
6. “Tobacco products” means the following: cigars; little cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; cavendish; plug and twist tobacco; fine-cut and other chewing tobaccos; shorts or refuse scraps, clippings, cuttings, and sweepings of tobacco; and other kinds and forms of tobacco prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or for both chewing and smoking, but does not mean cigarettes.
7. “Vapor product” means any noncombustible product, which may or may not contain nicotine, that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from a solution or other substance. “Vapor product” includes

an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device, and any cartridge or other container of a solution or other substance, which may or may not contain nicotine, that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. “Vapor product” does not include a product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act.

**121.02 PERMIT REQUIRED.**

1. Retail Cigarette Permits. It is unlawful for any person, other than a holder of a retail permit, to sell cigarettes, alternative nicotine products, or vapor products at retail and no retailer shall distribute, sell, or solicit the sale of any cigarettes, alternative nicotine products, or vapor products within the City without a valid permit for each place of business. The permit shall, at all times, be publicly displayed at the place of business so as to be easily seen by the public and the persons authorized to inspect the place of business.

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

2. Retail Tobacco Permits. It is unlawful for any person to engage in the business of a retailer of tobacco, tobacco products, alternative nicotine products, or vapor products at any place of business without first having received a permit as a retailer for each place of business owned or operated by the retailer.

*(Code of Iowa, Sec. 453A.47A)*

A retailer who holds a retail cigarette permit is not required to also obtain a retail tobacco permit. However, if a retailer only holds a retail cigarette permit and that permit is suspended, revoked, or expired, the retailer shall not sell any tobacco, tobacco products, alternative nicotine products, or vapor products, during such time.

**121.03 APPLICATION.** A completed application on forms furnished by the State Department of Revenue or on forms made available or approved by the Department and accompanied by the required fee shall be filed with the Clerk. Renewal applications shall be filed at least five days prior to the last regular meeting of the Council in June. If a renewal application is not timely filed, and a special Council meeting is called to act on the application, the costs of such special meeting shall be paid by the applicant.

*(Code of Iowa, Sec. 453A.13 and 453A.47A)*

**121.04 FEES.** The fee for a retail cigarette or tobacco permit shall be as follows:

*(Code of Iowa, Sec. 453A.13 and 453A.47A)*

<b>FOR PERMITS GRANTED DURING:</b>	<b>FEE:</b>
July, August or September	\$ 75.00
October, November or December	\$ 56.25
January, February or March	\$ 37.50
April, May or June	\$ 18.75

**121.05 ISSUANCE AND EXPIRATION.** Upon proper application and payment of the required fee, a permit shall be issued. Each permit issued shall describe clearly the place of business for which it is issued and shall be nonassignable. All permits expire on June 30 of each year. The Clerk shall submit a duplicate of any application for a permit to the Iowa Department of Revenue within 30 days of issuance of a permit. *(Ord. 2023-05 – Sep. 23 Supp.)*

**121.06 REFUNDS.** A retailer may surrender an unrevoked permit and receive a refund from the City, except during April, May, or June, in accordance with the schedule of refunds as provided in Section 453A.13 or 453A.47A of the *Code of Iowa*.

*(Code of Iowa, 453A.13 & 453A.47A)*

**121.07 PERSONS UNDER LEGAL AGE.** A person shall not sell, give, or otherwise supply any tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes to any person under 21 years of age. The provision of this section includes prohibiting person under 21 years of age from purchasing tobacco, tobacco products, alternative nicotine products, vapor products, and cigarettes from a vending machine. If a retailer or employee of a retailer violates the provisions of this section, the Council shall, after written notice and hearing, and in addition to the other penalties fixed for such violation, assess the following:

1. For a first violation, the retailer shall be assessed a civil penalty in the amount of \$300.00. Failure to pay the civil penalty as ordered under this subsection shall result in automatic suspension of the permit for a period of 14 days.
2. For a second violation within a period of two years, the retailer shall be assessed a civil penalty in the amount of \$1,500.00 or the retailer's permit shall be suspended for a period of 30 days. The retailer may select its preference in the penalty to be applied under this subsection.
3. For a third violation within a period of three years, the retailer shall be assessed a civil penalty in the amount of \$1,500.00 and the retailer's permit shall be suspended for a period of 30 days.
4. For a fourth violation within a period of three years, the retailer shall be assessed a civil penalty in the amount of \$1,500.00 and the retailer's permit shall be suspended for a period of 60 days.
5. For a fifth violation within a period of four years, the retailer's permit shall be revoked.

The Clerk shall give 10 days' written notice to the retailer by mailing a copy of the notice to the place of business as it appears on the application for a permit. The notice shall state the reason for the contemplated action and the time and place at which the retailer may appear and be heard.

*(Code of Iowa, Sec. 453A.2, 453A.22 and 453A.36[6])*

**121.08 SELF-SERVICE SALES PROHIBITED.** Except for the sale of cigarettes through a cigarette vending machine as provided in Section 453A.36[6] of the *Code of Iowa*, a retailer shall not sell or offer for sale tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes through the use of a self-service display.

*(Code of Iowa, Sec. 453A.36A)*

**121.09 PERMIT REVOCATION.** Following a written notice and an opportunity for a hearing, as provided by the *Code of Iowa*, the Council may also revoke a permit issued pursuant to this chapter for a violation of Division I of Chapter 453A of the *Code of Iowa* or any rule adopted thereunder. If a permit is revoked, a new permit shall not be issued to the permit holder for any place of business, or to any other person for the place of business at which the violation occurred, until one year has expired from the date of revocation, unless good cause to the contrary is shown to the Council. The Clerk shall report the revocation or suspension of a retail permit to the Alcoholic Beverages Division of the Department of Commerce within 30 days of the revocation or suspension.

*(Code of Iowa, Sec. 453A.22)*

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## CHAPTER 122

# PEDDLERS, SOLICITORS, AND TRANSIENT MERCHANTS

122.01 Purpose	122.09 Revocation of Permit
122.02 Definitions	122.10 Hearing
122.03 Permit Required	122.11 Record and Determination
122.04 Application for Permit	122.12 Appeal
122.05 Bond Required	122.13 Effect of Revocation
122.06 Issuance of Permit	122.14 Rebates
122.07 Display of Permit	122.15 Permit Exemptions
122.08 Permit Not Transferable	122.16 Time Restrictions

**122.01 PURPOSE.** The purpose of this chapter is to protect residents of the City against fraud, unfair competition, and intrusion into the privacy of their homes by licensing and regulating peddlers, solicitors, and transient merchants.

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

1. “Peddler” means any person carrying goods or merchandise who sells or offers for sale for immediate delivery such goods or merchandise from house to house or upon the public street.
2. “Solicitor” means any person who solicits or attempts to solicit from house to house or upon the public street any contribution or donation or any order for goods, services, subscriptions, or merchandise to be delivered at a future date.
3. “Transient merchant” means any person who engages in a temporary or itinerant merchandising business and in the course of such business hires, leases, or occupies any building or structure whatsoever, or who operates out of a vehicle that is parked anywhere within the City limits. Temporary association with a local merchant, dealer, trader, or auctioneer, or conduct of such transient business in connection with, as a part of, or in the name of any local merchant, dealer, trader, or auctioneer does not exempt any person from being considered a transient merchant.

**122.03 PERMIT REQUIRED.** Any person engaging in peddling, soliciting, or in the business of a transient merchant in the City without first obtaining a permit as herein provided is in violation of this chapter.

**122.04 APPLICATION FOR PERMIT.** A sworn application in writing shall be filed with the Clerk for a permit under this chapter. Such application shall set forth the applicant’s name, permanent and local address, business address, if any, physical description, social security number and driver’s license number, and the license plate number of any vehicle that will be used by the applicant. The application shall also set forth the applicant’s employer, if any, and the employer’s address, the nature of the applicant’s business, the last three places of such business, and the length of time sought to be covered by the permit.

**122.05 BOND REQUIRED.** Before a permit under this chapter is issued to a transient merchant, an applicant shall provide to the Clerk evidence that the applicant has filed a bond

with the Secretary of State in accordance with Chapter 9C of the *Code of Iowa* or a \$1,000.00 bond.

**122.06 ISSUANCE OF PERMIT.** If the Clerk finds the application is completed in conformance with the requirements of this chapter, the facts stated therein are found to be correct, and the permit fee paid, a permit shall be issued immediately.

**122.07 DISPLAY OF PERMIT.** Each permittee shall keep such permit in possession at all times while doing business in the City and shall, upon the request of prospective customers, exhibit the permit as evidence of compliance with all requirements of this chapter. Each transient merchant shall display publicly such merchant's permit in the merchant's place of business.

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

**122.09 REVOCATION OF PERMIT.** Following a written notice and an opportunity for a hearing, the Clerk may revoke any permit issued pursuant to this chapter for the following reasons:

1. **Fraudulent Statements.** The permittee has made fraudulent statements in the application for the permit or in the conduct of the business.
2. **Violation of Law.** The permittee has violated this chapter or has otherwise conducted the business in an unlawful manner.
3. **Endangered Public Welfare, Health, or Safety.** The permittee has conducted the business in such manner as to endanger the public welfare, safety, order, or morals.

The Clerk shall send the written notice to the permittee at the permittee's local address. The notice shall contain particulars of the complaints against the permittee, the ordinance provisions or State statutes allegedly violated, and the date, time, and place for hearing on the matter.

**122.10 HEARING.** The Council shall conduct a hearing at which both the permittee and any complainants shall be present to determine the truth of the facts alleged in the complaint and notice. Should the permittee, or authorized representative, fail to appear without good cause, the Council may proceed to a determination of the complaint.

**122.11 RECORD AND DETERMINATION.** The Council shall make and record findings of fact and conclusions of law, and shall revoke a permit only when upon review of the entire record the Council finds clear and convincing evidence of substantial violation of this chapter or State law.

**122.12 APPEAL.** If the Clerk refuses to issue a permit, the Clerk shall make a part of the record the reasons for such refusal. The permittee, or the applicant, shall have a right to a hearing before the Council at its next regular meeting. The Council may reverse, modify, or affirm the decision of the Clerk by a majority vote of the Council members present and the Clerk shall carry out the decision of the Council.

**122.13 EFFECT OF REVOCATION.** Revocation of any permit shall bar the permittee from being eligible for any permit under this chapter for a period of one year from the date of the revocation.

**122.14 REBATES.** Any permittee, except in the case of a revoked permit, shall be entitled to a rebate of part of the fee paid if the permit is surrendered before it expires. The amount of the rebate shall be determined by dividing the total permit fee by the number of days for which the permit was issued and then multiplying the result by the number of full days not expired. In all cases, at least \$5.00 of the original fee shall be retained by the City to cover administrative costs.

**122.15 PERMIT EXEMPTIONS.** The following are excluded from the application of this chapter.

1. Newspapers. Persons delivering, collecting for, or selling subscriptions to newspapers.
2. Club Members. Members of local civic and service clubs, Boy Scout, Girl Scout, 4-H Clubs, Future Farmers of America, and similar organizations.
3. Local Residents and Farmers. Local residents and farmers who offer for sale their own products.
4. Students. Students representing the local Community School District conducting projects sponsored by organizations recognized by the school.
5. Route Sales. Route delivery persons who only incidentally solicit additional business or make special sales.
6. Resale or Institutional Use. Persons customarily calling on businesses or institutions for the purposes of selling products for resale or institutional use.
7. Charitable and Non-Profit Organization. Bona fide charitable and non-profit organizations.

**122.16 TIME RESTRICTIONS.** Permits are in force and effect only between the hours of 8:00 a.m. and 8:00 p.m.

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## CHAPTER 135

### STREET USE AND MAINTENANCE

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|--|--|
| 135.01 Removal of Warning Devices              | 135.08 Burning Prohibited                              |
| 135.02 Obstructing or Defacing                 | 135.09 Excavations                                     |
| 135.03 Placing Debris On                       | 135.10 Property Owner's Responsibility for Maintenance |
| 135.04 Playing In                              | 135.11 Failure to Maintain                             |
| 135.05 Traveling on Barricaded Street or Alley | 135.12 Dumping of Snow                                 |
| 135.06 Use for Business Purposes               | 135.13 Driveway Culverts                               |
| 135.07 Washing Vehicles                        |  |

**135.01 REMOVAL OF WARNING DEVICES.** It is unlawful for a person to willfully remove, throw down, destroy, or carry away from any street or alley any lamp, obstruction, guard, or other article or things, or extinguish any lamp or other light, erected or placed thereupon for the purpose of guarding or enclosing unsafe or dangerous places in said street or alley without the consent of the person in control thereof.

*(Code of Iowa, Sec. 716.1)*

**135.02 OBSTRUCTING OR DEFACING.** It is unlawful for any person to obstruct, deface or injure any street or alley in any manner.

*(Code of Iowa, Sec. 716.1)*

**135.03 PLACING DEBRIS ON.** It is unlawful for any person to throw or deposit on any street or alley any glass, glass bottle, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, leaves, grass, or any other debris likely to be washed into the storm sewer and clog the storm sewer, or any substance likely to injure any person, animal, or vehicle.

*(Code of Iowa, Sec. 321.369)*

**135.04 PLAYING IN.** It is unlawful for any person to coast, sled, or play games on streets or alleys, except in the areas blocked off by the City for such purposes.

*(Code of Iowa, Sec. 364.12[2])*

**135.05 TRAVELING ON BARRICADED STREET OR ALLEY.** It is unlawful for any person to travel or operate any vehicle on any street or alley temporarily closed by barricades, lights, signs, or flares placed thereon by the authority or permission of any City official, police officer, or member of the Fire Department.

**135.06 USE FOR BUSINESS PURPOSES.** It is unlawful to park, store or place, temporarily or permanently, any machinery or junk or any other goods, wares, and merchandise of any kind upon any street or alley for the purpose of storage, exhibition, sale, or offering same for sale, without permission of the Council.

**135.07 WASHING VEHICLES.** It is unlawful for any person to use any public sidewalk, street, or alley for the purpose of washing or cleaning any automobile, truck equipment, or any vehicle of any kind when such work is done for hire or as a business. This does not prevent any person from washing or cleaning his or her own vehicle or equipment when it is lawfully parked in the street or alley.

**135.08 BURNING PROHIBITED.** No person shall burn any trash, leaves, rubbish, or other combustible material in any curb and gutter or on any paved or surfaced street or alley.

**135.09 EXCAVATIONS.** No person shall dig, excavate, or in any manner disturb any street, parking, or alley except in accordance with the following:

1. Permit Required. No excavation shall be commenced without first obtaining a permit. A written application for such permit shall be filed with the City and shall contain the following:
  - A. An exact description of the property, by lot and street number, in front of or along which it is desired to excavate;
  - B. A statement of the purpose, for whom and by whom the excavation is to be made;
  - C. The person responsible for the refilling of said excavation and restoration of the street or alley surface; and
  - D. Date of commencement of the work and estimated completion date.
2. Public Convenience. Streets and alleys shall be opened in the manner that will cause the least inconvenience to the public and admit the uninterrupted passage of water along the gutter on the street.
3. Barricades, Fencing, and Lighting. Adequate barricades, fencing, and warning lights meeting standards specified by the City shall be so placed as to protect the public from hazard. Any costs incurred by the City in providing or maintaining adequate barricades, fencing, or warning lights shall be paid to the City by the permit holder/property owner.
4. Restoration of Public Property. Streets, sidewalks, alleys, and other public property disturbed in the course of the work shall be restored to the condition of the property prior to the commencement of the work, or in a manner satisfactory to the City, at the expense of the permit holder/property owner.
5. Inspection. All work shall be subject to inspection by the City. Backfill shall not be deemed completed, and no resurfacing of any improved street or alley surface shall begin, until such backfill is inspected and approved by the City. The permit holder/property owner shall provide the City with notice at least 24 hours prior to the time when inspection of backfill is desired.
6. Completion by the City. Should any excavation in any street or alley be discontinued or left open and unfinished for a period of 24 hours after the approved completion date, or in the event the work is improperly done, the City has the right to finish or correct the excavation work and charge any expenses for such work to the permit holder/property owner.
7. Responsibility for Costs. All costs and expenses incident to the excavation shall be borne by the permit holder and/or property owner. The permit holder and owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by such excavation.
8. Notification. At least 48 hours prior to the commencement of the excavation, excluding Saturdays, Sundays, and legal holidays, the person performing the excavation shall contact the Statewide Notification Center and provide the center with the information required under Section 480.4 of the *Code of Iowa*.

9. Permit Fee. The permit fee shall be set by Council resolution. A single excavation shall be deemed to constitute all the digging necessary for a single connection, or a cut for installing a main not exceeding 100 feet in length. An additional fee shall be required for every additional 100 feet, or major fraction thereof, of main excavation. All fees are doubled if excavation commences before a permit is obtained.

10. Permit Issued. Upon approval of the application and payment of any required fees, a permit shall be issued.

**135.10 PROPERTY OWNER'S RESPONSIBILITY FOR MAINTENANCE.** The abutting property owner shall maintain all property outside the lot and property lines and inside the curb lines upon public streets and shall keep such area in a safe condition, free from nuisances, obstructions, and hazards. In the absence of a curb, such property shall extend from the property line to that portion of the public street used or improved for vehicular purposes. The abutting property owner shall not be required to remove diseased trees or dead wood on the publicly owned property or right-of-way. Maintenance includes, but is not limited to, timely mowing, trimming trees and shrubs, and picking up litter and debris. The abutting property owner may be liable for damages caused by failure to maintain the publicly owned property or right-of-way.<sup>†</sup>

*(Code of Iowa, Sec. 364.12[2c])*

**135.11 FAILURE TO MAINTAIN.** If the abutting property owner does not perform an action required under the above section within a reasonable time, the City may perform the required action and assess the cost against the abutting property for collection in the same manner as a property tax.

*(Code of Iowa, Sec. 364.12[2e])*

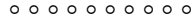
**135.12 DUMPING OF SNOW.** It is unlawful for any person to throw, push, or place or cause to be thrown, pushed or placed, any ice or snow from private property, sidewalks, or driveways onto the traveled way of a street or alley so as to obstruct gutters, or impede the passage of vehicles upon the street or alley or to create a hazardous condition therein; except where, in the cleaning of large commercial drives in the business district it is absolutely necessary to move the snow onto the street or alley temporarily, such accumulation shall be removed promptly by the property owner or agent. Arrangements for the prompt removal of such accumulations shall be made prior to moving the snow.

*(Code of Iowa, Sec. 364.12[2j])*

**135.13 DRIVEWAY CULVERTS.** The property owner shall, at the owner's expense, install any culvert deemed necessary under any driveway or any other access to the owner's property, and before installing a culvert, permission must first be obtained from the City. In the event repairs are needed at any time with respect to culverts, it shall be the responsibility of the property owner to make such repairs, and, in the event the owner fails to do so, the City shall have the right to make the repairs. If the property owner fails to reimburse the City for the cost of said repairs, the cost shall be certified to the County Treasurer and specially assessed against the property as by law provided.

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<sup>†</sup> **EDITOR'S NOTE:** See also Section 136.04 relating to property owner's responsibility for maintenance of sidewalks.



## CHAPTER 136

# SIDEWALK REGULATIONS

136.01 Purpose	136.10 Failure to Repair or Barricade
136.02 Definitions	136.11 Interference with Sidewalk Improvements
136.03 Removal of Snow, Ice, and Accumulations	136.12 Encroaching Steps
136.04 Property Owner's Responsibility for Maintenance	136.13 Openings and Enclosures
136.05 City May Order Repairs	136.14 Fires or Fuel on Sidewalks
136.06 Sidewalk Construction Ordered	136.15 Defacing
136.07 Permit Required	136.16 Debris on Sidewalks
136.08 Sidewalk Standards	136.17 Merchandise Display
136.09 Barricades and Warning Lights	136.18 Sales Stands

**136.01 PURPOSE.** The purpose of this chapter is to enhance safe passage by citizens on sidewalks, to place the responsibility for the maintenance, repair, replacement, or reconstruction of sidewalks upon the abutting property owner and to minimize the liability of the City.

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

1. "Broom finish" means a sidewalk finish that is made by sweeping the sidewalk when it is hardening.
2. "Established grade" means that grade established by the City for the particular area in which a sidewalk is to be constructed.
3. "One-course construction" means that the full thickness of the concrete is placed at one time, using the same mixture throughout.
4. "Owner" means the person owning the fee title to property abutting any sidewalk and includes any contract purchaser for purposes of notification required herein. For all other purposes, "owner" includes the lessee, if any.
5. "Portland cement" means any type of cement except bituminous cement.
6. "Sidewalk" means all permanent public walks in business, residential or suburban areas.
7. "Sidewalk improvements" means the construction, reconstruction, repair, replacement, or removal of a public sidewalk and/or the excavating, filling, or depositing of material in the public right-of-way in connection therewith.
8. "Wood float finish" means a sidewalk finish that is made by smoothing the surface of the sidewalk with a wooden trowel.

**136.03 REMOVAL OF SNOW, ICE, AND ACCUMULATIONS.** The abutting property owner shall remove snow, ice, and accumulations promptly from sidewalks. If a property owner does not remove snow, ice, or accumulations within 48 hours, the City may do so and assess the costs against the property owner for collection in the same manner as a property tax. The abutting property owner may be liable for damages caused by failure to remove snow, ice, and accumulations promptly from the sidewalk.

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

**136.04 PROPERTY OWNER'S RESPONSIBILITY FOR MAINTENANCE.** The abutting property owner shall maintain in a safe and hazard-free condition any sidewalk outside the lot and property lines and inside the curb lines or, in the absence of a curb, any sidewalk between the property line and that portion of the public street used or improved for vehicular purposes. *(Ord. 2024-08 – Nov. 24 Supp.)*

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

**136.05 CITY MAY ORDER REPAIRS.** If the abutting property owner does not maintain sidewalks as required, the Council may serve notice on such owner, by certified mail, requiring the owner to repair, replace or reconstruct sidewalks within a reasonable time and if such action is not completed within the time stated in the notice, the Council may require the work to be done and assess the costs against the abutting property for collection in the same manner as a property tax.

*(Code of Iowa, Sec. 364.12[2d and e])*

**136.06 SIDEWALK CONSTRUCTION ORDERED.** The Council may order the construction of permanent sidewalks upon any street or court in the City and may specially assess the cost of such improvement to abutting property owners in accordance with the provisions of Chapter 384 of the *Code of Iowa*.

*(Code of Iowa, Sec. 384.38)*

**136.07 PERMIT REQUIRED.** No person shall remove, reconstruct, or install a sidewalk unless such person has obtained a permit from the City and has agreed in writing that said removal, reconstruction, or installation will comply with all ordinances and requirements of the City for such work. A written application for such permit shall be filed with the City and shall be accompanied by a permit fee in an amount set by resolution of the Council.

**136.08 SIDEWALK STANDARDS.** Sidewalks repaired, replaced, or constructed under the provisions of this chapter shall be of the following construction and meet the following standards:

1. Cement. Portland cement shall be the only cement used in the construction and repair of sidewalks.
2. Construction. Sidewalks shall be of one-course construction.
3. Sidewalk Base. Concrete may be placed directly on compact and well-drained soil. Where soil is not well drained, a three-inch sub-base of compact, clean, coarse gravel or sand shall be laid. The adequacy of the soil drainage is to be determined by the City.
4. Sidewalk Bed. The sidewalk bed shall be so graded that the constructed sidewalk will be at established grade.
5. Length, Width and Depth. Length, width and depth requirements are as follows:
  - A. Newly constructed residential sidewalks shall be at least five feet wide and four inches thick, and each section shall be no more than five feet in length. Sidewalks shall be not less than six inches thick where such sidewalks cross driveways and alleys.

B. Residential sidewalks repaired or replaced shall be the same as the specifications for construction of new sidewalks except as follows:

(1) Width shall be the lesser of: five feet; the width of the sidewalk being replaced; the width of the adjoining or abutting sidewalk sections where partial replacement is made; or the width of the next nearest connected sidewalk in that block and on that street.

(2) Each section length shall be the same as the sidewalk's width.

C. All sidewalks throughout the Business District shall be constructed from lot line to the curb line unless the location of the sidewalk is varied by an appropriate resolution of the Council upon application by the landowner.

D. Driveway areas shall be not less than six inches in thickness.

6. Location. Residential sidewalks shall be located with the inner edge (edge nearest the abutting private property) on the property line, unless the Council establishes a different distance due to special circumstances.

7. Grade. Curb tops shall be on level with the centerline of the street, which is the established grade.

8. Elevations. The street edge of a sidewalk shall be at an elevation even with the curb at the curb or not less than one-half inch above the curb for each foot between the curb and the sidewalk.

9. Slope. All sidewalks shall slope one-fourth inch per foot toward the curb.

10. Finish. All sidewalks shall be finished with a broom finish or wood float finish.

11. Curb Ramps and Sloped Areas for Persons with Disabilities. If a street, road, or highway is newly built or reconstructed, a curb ramp or sloped area shall be constructed or installed at each intersection of the street, road, or highway with a sidewalk or path. If a sidewalk or path is newly built or reconstructed, a curb ramp or sloped area shall be constructed or installed at each intersection of the sidewalk or path with a street, highway, or road. Curb ramps and sloped areas that are required pursuant to this subsection shall be constructed or installed in compliance with applicable federal requirements adopted in accordance with the Federal Americans with Disabilities Act, including (but not limited to) the guidelines issued by the Federal Architectural and Transportation Barriers Compliance Board.

*(Code of Iowa, Sec. 216C.9)*

**136.09 BARRICADES AND WARNING LIGHTS.** Whenever any material of any kind is deposited on any street, avenue, highway, passageway or alley when sidewalk improvements are being made or when any sidewalk is in a dangerous condition, it shall be the duty of all persons having an interest therein, either as the contractor or the owner, agent, or lessee of the property in front of or along which such material may be deposited, or such dangerous condition exists, to put in conspicuous places at each end of such sidewalk and at each end of any pile of material deposited in the street, a sufficient number of approved warning lights or flares, and to keep them lighted during the entire night and to erect sufficient barricades both at night and in the daytime to secure the same. The party or parties using the street for any of the purposes specified in this chapter shall be liable for all injuries or damage to persons or property arising from any wrongful act or negligence of the party or parties, or their agents or employees or for any misuse of the privileges conferred by this chapter or of any failure to comply with provisions hereof.

**136.10 FAILURE TO REPAIR OR BARRICADE.** It is the duty of the owner of the property abutting the sidewalk, or the owner's contractor or agent, to notify the City immediately in the event of failure or inability to make necessary sidewalk improvements or to install or erect necessary barricades as required by this chapter.

**136.11 INTERFERENCE WITH SIDEWALK IMPROVEMENTS.** No person shall knowingly or willfully drive any vehicle upon any portion of any sidewalk or approach thereto while in the process of being improved or upon any portion of any completed sidewalk or approach thereto, or shall remove or destroy any part or all of any sidewalk or approach thereto, or shall remove, destroy, mar, or deface any sidewalk at any time or destroy, mar, remove, or deface any notice provided by this chapter.

**136.12 ENCROACHING STEPS.** It is unlawful for a person to erect or maintain any stairs or steps to any building upon any part of any sidewalk without permission by resolution of the Council.

**136.13 OPENINGS AND ENCLOSURES.** It is unlawful for a person to:

1. Stairs and Railings. Construct or build a stairway or passageway to any cellar or basement by occupying any part of the sidewalk, or to enclose any portion of a sidewalk with a railing without permission by resolution of the Council.
2. Openings. Keep open any cellar door, grating, or cover to any vault on any sidewalk except while in actual use with adequate guards to protect the public.
3. Protect Openings. Neglect to properly protect or barricade all openings on or within six feet of any sidewalk.

**136.14 FIRES OR FUEL ON SIDEWALKS.** It is unlawful for a person to make a fire of any kind on any sidewalk or to place or allow any fuel to remain upon any sidewalk.

**136.15 DEFACING.** It is unlawful for a person to scatter or place any paste, paint, or writing on any sidewalk.

*(Code of Iowa, Sec. 716.1)*

**136.16 DEBRIS ON SIDEWALKS.** It is unlawful for a person to throw or deposit on any sidewalk any glass, nails, glass bottle, tacks, wire, cans, trash, garbage, rubbish, litter, offal, or any other debris, or any substance likely to injure any person, animal, or vehicle.

*(Code of Iowa, Sec. 364.12[2])*

**136.17 MERCHANDISE DISPLAY.** It is unlawful for a person to place upon or above any sidewalk, any goods or merchandise for sale or for display in such a manner as to interfere with the free and uninterrupted passage of pedestrians on the sidewalk; in no case shall more than three feet of the sidewalk next to the building be occupied for such purposes.

**136.18 SALES STANDS.** It is unlawful for a person to erect or keep any vending machine or stand for the sale of fruit, vegetables or other substances or commodities on any sidewalk without first obtaining a written permit from the Council.

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## CHAPTER 137

# VACATION AND DISPOSAL OF STREETS

137.01 Power to Vacate  
137.02 Planning and Zoning Commission  
137.03 Notice of Vacation Hearing

137.04 Findings Required  
137.05 Disposal of Vacated Streets or Alleys  
137.06 Disposal by Gift Limited

**137.01 POWER TO VACATE.** When, in the judgment of the Council, it would be in the best interest of the City to vacate a street, alley, portion thereof, or any public grounds, the Council may do so by ordinance in accordance with the provisions of this chapter.  
*(Code of Iowa, Sec. 364.12[2a])*

**137.02 PLANNING AND ZONING COMMISSION.** Any proposal to vacate a street, alley, portion thereof, or any public grounds shall be referred by the Council to the Planning and Zoning Commission for its study and recommendation prior to further consideration by the Council. The Commission shall submit a written report including recommendations to the Council within 30 days after the date the proposed vacation is referred to the Commission.  
*(Code of Iowa, Sec. 392.1)*

**137.03 NOTICE OF VACATION HEARING.** The Council shall cause to be published a notice of public hearing of the time at which the proposal to vacate shall be considered.

**137.04 FINDINGS REQUIRED.** No street, alley, portion thereof, or any public grounds shall be vacated unless the Council finds that:

1. Public Use. The street, alley, portion thereof, or any public ground proposed to be vacated is not needed for the use of the public, and therefore, its maintenance at public expense is no longer justified.
2. Abutting Property. The proposed vacation will not deny owners of property abutting on the street or alley reasonable access to their property.

**137.05 DISPOSAL OF VACATED STREETS OR ALLEYS.** When in the judgment of the Council it would be in the best interest of the City to dispose of a vacated street or alley, portion thereof or public ground, the Council may do so in accordance with the provisions of Section 364.7, *Code of Iowa*.  
*(Code of Iowa, Sec. 364.7)*

**137.06 DISPOSAL BY GIFT LIMITED.** The City may not dispose of real property by gift except to a governmental body for a public purpose or to a fair.  
*(Code of Iowa, Sec. 174.15[2] and 364.7[3])*







## CHAPTER 139

# NAMING OF STREETS

139.01 Naming New Streets  
139.02 Changing Name of Street  
139.03 Recording Street Names

139.04 Official Street Name Map  
139.05 Revision of Street Name Map

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

1. Extension of Existing Street. Streets added to the City that are natural extensions of existing streets shall be assigned the name of the existing street.
2. Resolution. All street names, except streets named as a part of a subdivision or platting procedure, shall be named by resolution.
3. Planning and Zoning Commission. Proposed street names shall be referred to the Planning and Zoning Commission for review and recommendation.

**139.02 CHANGING NAME OF STREET.** The Council may, by resolution, change the name of a street.

**139.03 RECORDING STREET NAMES.** Following official action naming or changing the name of a street, the Clerk shall file a copy thereof with the County Recorder, County Auditor and County Assessor.

*(Code of Iowa, Sec. 354.26)*

**139.04 OFFICIAL STREET NAME MAP.** Streets within the City are named as shown on the Official Street Name Map, which is hereby adopted by reference and declared to be a part of this chapter. The Official Street Name Map shall be identified by the signature of the Mayor, and bearing the seal of the City under the following words: "This is to certify that this is the Official Street Name Map referred to in Section 139.04 of the Code of Ordinances of Shueyville, Iowa."

**139.05 REVISION OF STREET NAME MAP.** If in accordance with the provisions of this chapter, changes are made in street names, such changes shall be entered on the Official Street Name Map promptly after the change has been approved by the Council with an entry on the Official Street Name Map as follows: "On (date), by official action of the City Council, the following changes were made in the Official Street Name Map: (brief description)," which entry shall be signed by the Mayor and attested by the Clerk.

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## CHAPTER 145

# DANGEROUS BUILDINGS

145.01 Enforcement Officer  
145.02 General Definition of Unsafe  
145.03 Unsafe Building  
145.04 Notice to Owner

145.05 Conduct of Hearing  
145.06 Posting of Signs  
145.07 Right to Demolish; Municipal Infraction  
145.08 Costs

**145.01 ENFORCEMENT OFFICER.** The Building Inspector is responsible for the enforcement of this chapter.

**145.02 GENERAL DEFINITION OF UNSAFE.** All buildings or structures that are structurally unsafe or not provided with adequate egress, or that constitute a fire hazard, or are otherwise dangerous to human life, or that in relation to existing use constitute a hazard to safety or health, or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, are, for the purpose of this chapter, unsafe buildings. All such unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified in this chapter.

*(Code of Iowa, Sec. 657A.1 & 364.12[3a])*

**145.03 UNSAFE BUILDING.** “Unsafe building” means any structure or mobile home meeting any or all of the following criteria:

1. Various Inadequacies. Whenever the building or structure, or any portion thereof, because of: (i) dilapidation, deterioration, or decay; (ii) faulty construction; (iii) the removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay, or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.
2. Manifestly Unsafe. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
3. Inadequate Maintenance. Whenever a building or structure, used or intended to be used for dwelling purposes, because of dilapidation, decay, damage, faulty construction, or otherwise, is determined by any health officer to be unsanitary, unfit for human habitation or in such condition that it is likely to cause sickness or disease.
4. Fire Hazard. Whenever any building or structure, because of dilapidated condition, deterioration, damage, or other cause, is determined by the Fire Marshal or Fire Chief to be a fire hazard.
5. Abandoned. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

**145.04 NOTICE TO OWNER.** The enforcement officer shall examine or cause to be examined every building or structure or portion thereof reported as dangerous or damaged and, if such is found to be an unsafe building as defined in this chapter, the enforcement officer shall give to the owner of such building or structure written notice stating the defects thereof. This notice may require the owner or person in charge of the building or premises, within 48 hours

or such reasonable time as the circumstances require, to commence either the required repairs or improvements or demolition and removal of the building or structure or portions thereof, and all such work shall be completed within 90 days from date of notice, unless otherwise stipulated by the enforcement officer. If necessary, such notice shall also require the building, structure, or portion thereof to be vacated forthwith and not reoccupied until the required repairs and improvements are completed, inspected, and approved by the enforcement officer.

*(Code of Iowa, Sec. 364.12[3h])*

1. Notice Served. Such notice shall be served by sending by certified mail to the owner of record, according to Section 364.12[3h] of the *Code of Iowa*, if the owner is found within the City limits. If the owner is not found within the City limits, such service may be made upon the owner by registered mail or certified mail. The designated period within which said owner or person in charge is required to comply with the order of the enforcement officer shall begin as of the date the owner receives such notice.
2. Hearing. Such notice shall also advise the owner that he or she may request a hearing before the Council on the notice by filing a written request for hearing within the time provided in the notice.

**145.05 CONDUCT OF HEARING.** If requested, the Council shall conduct a hearing in accordance with the following:

1. Notice. The owner shall be served with written notice specifying the date, time and place of hearing.
2. Owner's Rights. At the hearing, the owner may appear and show cause why the alleged nuisance shall not be abated.
3. Determination. The Council shall make and record findings of fact and may issue such order as it deems appropriate.<sup>†</sup>

**145.06 POSTING OF SIGNS.** The enforcement officer shall cause to be posted at each entrance to such building a notice to read: "DO NOT ENTER. UNSAFE TO OCCUPY. CITY OF SHUEYVILLE, IOWA." Such notice shall remain posted until the required demolition, removal or repairs are completed. Such notice shall not be removed without written permission of the enforcement officer and no person shall enter the building except for the purpose of making the required repairs or of demolishing the building.

**145.07 RIGHT TO DEMOLISH; MUNICIPAL INFRACTION.** In case the owner fails, neglects, or refuses to comply with the notice to repair, rehabilitate, or to demolish and remove the building or structure or portion thereof, the Council may order the owner of the building prosecuted as a violator of the provisions of this chapter and may order the enforcement officer to proceed with the work specified in such notice. A statement of the cost of such work shall be transmitted to the Council. As an alternative to this action, the City may utilize the municipal infraction process to abate the nuisance.

*(Code of Iowa, Sec. 364.12[3h])*

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<sup>†</sup> **EDITOR'S NOTE:** Suggested forms of notice and of a resolution and order of the Council for the administration of this chapter are provided in the APPENDIX to this Code of Ordinances. Caution is urged in the use of this procedure. We recommend you review the situation with your attorney before initiating procedures and follow his or her recommendation carefully.



**145.08 COSTS.** Costs incurred under Section 145.07 shall be paid out of the City treasury. Such costs shall be charged to the owner of the premises involved and levied as a special assessment against the land on which the building or structure is located, and shall be certified to the County Treasurer for collection in the manner provided for other taxes. In addition, the City may take any other action deemed appropriate to recover costs incurred.

*(Code of Iowa, Sec. 364.12[3h])*

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## CHAPTER 146

# MANUFACTURED AND MOBILE HOMES

### 146.01 Definitions

### 146.02 Conversion to Real Property

### 146.03 Foundation Requirements

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

*(Code of Iowa, Sec. 435.1)*

1. “Manufactured home” means a factory-built structure built under the authority of 42 U.S.C. Sec. 5403 which was constructed on or after June 15, 1976, and is required by federal law to display a seal from the United States Department of Housing and Urban Development.
2. “Manufactured home community” means any site, lot, field, or tract of land under common ownership upon which ten or more occupied manufactured homes are harbored, either free of charge or for revenue purposes, and includes any building, structure, or enclosure used or intended for use as part of the equipment of the manufactured home community.
3. “Mobile home” means any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but also includes any such vehicle with motive power not registered as a motor vehicle in Iowa. A mobile home means any such vehicle built before June 15, 1976, which was not built to a mandatory building code and which contains no State or federal seals.
4. “Mobile home park” means any site, lot, field, or tract of land upon which three or more mobile homes or manufactured homes, or a combination of any of these homes, are placed on developed spaces and operated as a for-profit enterprise with water, sewer or septic, and electrical services available.

The term “manufactured home community” or “mobile home park” is not to be construed to include manufactured or mobile homes, buildings, tents, or other structures temporarily maintained by any individual, educational institution, or company on its own premises and used exclusively to house said entity’s own labor or students. The manufactured home community or mobile home park shall meet the requirements of any zoning regulations that are in effect.

**146.02 CONVERSION TO REAL PROPERTY.** A mobile home or manufactured home that is located outside a manufactured home community or mobile home park shall be converted to real estate by being placed on a permanent foundation and shall be assessed for real estate taxes except in the following cases:

*(Code of Iowa, Sec. 435.26)*

1. **Retailer’s Stock.** Mobile homes or manufactured homes on private property as part of a retailer’s or a manufacturer’s stock not used as a place for human habitation.
2. **Existing Homes.** A taxable mobile home or manufactured home that is located outside of a manufactured home community or mobile home park as of January 1, 1995,

shall be assessed and taxed as real estate, but is exempt from the permanent foundation requirement of this chapter until the home is relocated.

**146.03 FOUNDATION REQUIREMENTS.** A mobile home or manufactured home located outside of a manufactured home community or mobile home park shall be placed on a permanent frost-free foundation system that meets the support and anchorage requirements as recommended by the manufacturer or required by the *State Building Code*. The foundation system must be visually compatible with permanent foundation systems of surrounding residential structures. Any such home shall be installed in accordance with the requirements of the *State Building Code*.

*(Code of Iowa, Sec. 103A.10 & 414.28)*

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## CHAPTER 147

# BUILDING PERMITS

147.01 Purpose

147.02 Structure Defined

147.03 Application

147.04 Permit Required

147.05 Fees

147.06 Plans Required

147.07 Location of Structure

147.08 Authority of City Council

147.09 Permit Issued

147.10 Limitations on Permit

**147.01 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.

**147.02 STRUCTURE DEFINED.** A structure is anything constructed or erected with a fixed location on the ground that protrudes above the ground or surface level of a parcel of property. Structures include: buildings (including sheds and garages); curb cuts (new property access); billboards and signs; swimming pools; aboveground storage tanks; and similar uses.

**147.03 APPLICATION.** All requests for a building permit shall be submitted to the City Clerk on application forms supplied by the City and accompanied with the appropriate fee for such application/permit. In addition to the structures defined herein, an application shall also be submitted for decks, porches, fences, retaining walls, and concrete work.

**147.04 PERMIT REQUIRED.** No structure as defined herein shall be erected, reconstructed, altered, or added to without first securing a permit from the City Council, excepting if said structure is under 144 square feet. Permits are not required for fences, retaining walls, and concrete work.

**147.05 FEES.** Fees for filing the application and for any permit shall be set by resolution of the City Council.

**147.06 PLANS REQUIRED.** Plans and specifications of any proposed structure shall be filed with the application for the permit.

**147.07 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.

**147.08 AUTHORITY OF CITY COUNCIL.** The City Council shall have full authority to accept or reject any plans and specifications submitted.

**147.09 PERMIT ISSUED.** Permits shall be issued by the City Clerk in duplicate, one copy for the applicant and one copy to be retained in the City records.

**147.10 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 12 months after

issuance by the City Clerk. If construction is not completed a new application and fee must be submitted.

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## CHAPTER 150

# BUILDING NUMBERING

### 150.01 Definitions

### 150.02 Owner Requirements

### 150.03 Building Numbering Plan

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

1. “Owner” means the owner of the principal building.
2. “Principal building” means the main building on any lot or subdivision thereof.

**150.02 OWNER REQUIREMENTS.** Every owner shall comply with the following numbering requirements:

1. Obtain Building Number. The owner shall obtain the assigned number to the principal building from the Clerk.

*(Code of Iowa, Sec. 364.12[3d])*

2. Display Building Number. The owner shall place or cause to be installed and maintained on the principal building the assigned number in a conspicuous place to the street in figures not less than three inches in height and of a contrasting color with their background.

*(Code of Iowa, Sec. 364.12[3d])*

3. Failure to Comply. If an owner refuses to number a building as herein provided, or fails to do so for a period of 30 days after being notified in writing by the City to do so, the City may proceed to place the assigned number on the principal building and assess the costs against the property for collection in the same manner as a property tax.

*(Code of Iowa, Sec. 364.12[3h])*

**150.03 BUILDING NUMBERING PLAN.** Building numbers shall be assigned in accordance with the system developed by the Council. The even numbers shall be on the west and north sides of all streets and the odd numbers shall be on the east and south sides of all streets.

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## CHAPTER 151

### TREES

151.01 Definition

151.02 Planting Restrictions

151.03 Duty to Trim Trees

151.04 Trimming Trees to Be Supervised

151.05 Disease Control

151.06 Inspection and Removal

**151.01 DEFINITION.** For use in this chapter, “parking” means that part of the street, avenue, or highway in the City not covered by sidewalk and lying between the lot line and the curb line or, on unpaved streets, that part of the street, avenue, or highway lying between the lot line and that portion of the street usually traveled by vehicular traffic.

**151.02 PLANTING RESTRICTIONS.** No tree shall be planted in any parking or street except in accordance with the following:

1. Alignment. All trees planted in any street shall be planted in the parking midway between the outer line of the sidewalk and the curb. In the event a curb line is not established, trees shall be planted on a line 10 feet from the property line.
2. Spacing. Trees shall not be planted on any parking that is less than nine feet in width, or contains less than 81 square feet of exposed soil surface per tree. Trees shall not be planted closer than 20 feet from street intersections (property lines extended) and 10 feet from driveways. If it is at all possible, trees should be planted inside the property lines and not between the sidewalk and the curb.
3. Prohibited Trees. No person shall plant in any street any fruit-bearing tree or any tree of the kinds commonly known as cottonwood, poplar, box elder, Chinese elm, evergreen, willow, or black walnut.

**151.03 DUTY TO TRIM TREES.** The owner or agent of the abutting property shall keep the trees on, or overhanging the street, trimmed so that all branches will be at least 15 feet above the surface of the street and eight feet above the sidewalks. If the abutting property owner fails to trim the trees, the City may serve notice on the abutting property owner requiring that such action be taken within five days. If such action is not taken within that time, the City may perform the required action and assess the costs against the abutting property for collection in the same manner as a property tax.

*(Code of Iowa, Sec. 364.12[2c & e])*

**151.04 TRIMMING TREES TO BE SUPERVISED.** Except as allowed in Section 151.03, it is unlawful for any person to trim or cut any tree in a street or public place unless the work is done under the supervision of the City.

**151.05 DISEASE CONTROL.** Any dead, diseased, or damaged tree or shrub that may harbor serious insect or disease pests or disease injurious to other trees is hereby declared to be a nuisance.

**151.06 INSPECTION AND REMOVAL.** The Council shall inspect or cause to be inspected any trees or shrubs in the City reported or suspected to be dead, diseased or damaged, and such trees and shrubs shall be subject to the following:

1. City Property. If it is determined that any such condition exists on any public property, including the strip between the curb and the lot line of private property, the Council may cause such condition to be corrected by treatment or removal. The Council may also order the removal of any trees on the streets of the City which interfere with the making of improvements or with travel thereon.

2. Private Property. If it is determined with reasonable certainty that any such condition exists on private property and that danger to other trees or to adjoining property or passing motorists or pedestrians is imminent, the Council shall notify by certified mail the owner, occupant or person in charge of such property to correct such condition by treatment or removal within 14 days of said notification. If such owner, occupant, or person in charge of said property fails to comply within 14 days of receipt of notice, the Council may cause the condition to be corrected and the cost assessed against the property.

*(Code of Iowa, Sec. 364.12[3b & h])*

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# CHAPTER 155

## BUILDING CODES

### 155.01 Purpose

### 155.02 Amendments

**155.01 PURPOSE.** The purpose of this ordinance is to adopt by reference and provide certain amendments to the 2021 *International Building Code* (IBC) including Appendix K - Administrative Provisions and the 2021 *International Residential Code* (IRC), including Appendix F - Radon Control Methods and Appendix J - Existing Buildings and Structures, the *Iowa State Electrical Code*, the *Iowa State Mechanical Code* and the *Iowa State Plumbing Code*; and to provide for the protection of the health, welfare and safety of the citizens of Johnson County, Iowa, and to provide for the enforcement of these codes. †

### 155.02 AMENDMENTS.

1. Article 8:6. is hereby amended by deleting Subsection 8:6.1 in its entirety and replacing it with the following:

#### **8:6.1 Purpose.**

The purpose of this ordinance is to adopt by reference and provide certain amendments to the 2021 *International Building Code* (IBC) including Appendix K - Administrative Provisions and the 2021 *International Residential Code* (IRC), including Appendix F - Radon Control Methods and Appendix J - Existing Buildings and Structures, the *Iowa State Electrical Code*, the *Iowa State Mechanical Code* and the *Iowa State Plumbing Code*; and to provide for the protection of the health, welfare and safety of the citizens of Johnson County, Iowa, and to provide for the enforcement of these codes.

2. Article 8:6. Is hereby amended by deleting Subsection 8:6.3 in its entirety and replacing it with the following:

#### **8:6.3 Applicability of Codes.**

The 2021 *International Building Code*, including Appendix K – Administrative Provisions and the 2021 *International Residential Code*, including Appendix F – Radon Control Methods and Appendix J – Existing Buildings and Structures, the *Iowa State Electrical Code*, the *Iowa State Mechanical Code* and the *Iowa State Plumbing Code* shall apply as adopted and amended herein.

3. Article 8:6. is hereby amended by deleting Subsection 8:6.5 in its entirety and replacing it with the following:

#### **8:6.5 Adoption of Uniform Codes.**

Subject to the amendments described in Subsection 8:6.6, the 2021 *International Building Code* including Appendix K - Administrative Provisions and the 2021 *International Residential Code*, including Appendix F - Radon Control Methods and Appendix J - Existing Buildings and Structures, the *Iowa State Electrical Code* - Iowa Administrative Code Chapter 661--504, the *Iowa State Mechanical Code* - Iowa Administrative Code Chapter 641--61, and the *Iowa State Plumbing Code* - Iowa Administrative Code Chapter 641--25; are hereby adopted and along with said amendments shall be known collectively as the Johnson County Building Code or the Building Code.

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† **EDITOR'S NOTE:** The City is adopting Johnson County Ordinance No. 12-16-21-02 that was approved on December 16, 2021, amending the Johnson County Unified Development Ordinance.

4. Article 8:6. is hereby amended by deleting Subsection 8:6.6 in its entirety and replacing it with the following:

**8:6.6 Amendments to Codes.**

The following sections of the 2021 *International Building Code*, the 2021 *International Residential Code*, the *Iowa State Electrical Code*, the *Iowa State Mechanical Code*, and the *Iowa State Plumbing Code* are amended as follows:

A. **Sections 101.1 and R101.1.** Delete Section 101.1 and R101.1 and insert in lieu thereof the following:

**101.1/R101.1 Title.** These regulations shall be known as the Johnson County Building Code, and shall be cited as such and will be referred to hereinafter as “this code.”

B. **Sections 105.2 and R105.2.** Delete Sections 105.2 and R105.2 and insert in lieu thereof the following:

**105.2/R105.2 Work Exempt from a Permit.** A permit shall not be required for the following:

**Building:**

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area is not greater than two hundred (200) square feet.
2. Fences not over seven (7) feet high.
3. Oil derricks.
4. Retaining walls which are not over four (4) feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.
5. Water tanks supported directly on grade if the capacity does not exceed five thousand (5,000) gallons and the ratio of height to diameter or width does not exceed two to one (2:1).
6. Sidewalks and driveways not more than thirty (30) inches above grade and not over any basement or story below and which are not part of an accessible route.
7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
8. Temporary motion picture, television and theater stage sets and scenery.
9. Prefabricated swimming pools, which are less than twenty-four (24) inches deep, do not exceed five thousand (5,000) gallons and are installed entirely above ground.
10. Shade cloth structures constructed for nursery or agricultural purposes and not including service systems.
11. Swings and other playground equipment accessory to detached one- and two-family dwellings.
12. Window awnings supported by an exterior wall which do not project more than 54 inches from the exterior wall and do not require additional support.

13. Movable cases, counters and partitions not over five (5) feet nine (9) inches in height.
14. Reapplication of shingles and roof sheathing in structures regulated by the IRC provided less than fifty percent (50%) of the sheathing is replaced and other structural alterations are not required.
15. For structures regulated by the IRC; reapplication of siding, or replacing exterior doors or windows provided the replacement window or door is in compliance with Appendix J.
16. Membrane structures that are no larger than seven thousand two hundred (7,200) square feet, meet manufacturers specifications, and are located on properties zoned A, AR, or R and are used for private homeowner plant growing operations and wholesale of plant products.

**Electrical:**

1. Portable motors or other portable appliances energized by means of a cord or cable having an attachment plug end to be connected to an approved receptacle when that cord or cable is permitted by this code.
2. Repair or replacement of fixed motors, transformers or fixed approved appliances of the same type and rating in the same location.
3. Temporary decorative lighting.
4. Repair or replacement of current-carrying parts of any switch, contactor, control device or contact device of the same type and/or rating.
5. Replacement of non-emergency over-current device of the required ampacity and interrupt rating in the same location.
6. Repair or replacement of electrodes or transformers of the same size and capacity for signs or gas tube systems.
7. Temporary wiring for experimental purposes in suitable experimental laboratories.
8. The wiring for temporary theater, motion picture or television stage sets.

**Gas:**

1. Portable heating, cooking or clothes drying appliances.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
3. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

**Mechanical:**

1. Portable heating appliances.
2. Portable ventilation appliances.
3. Portable cooling units.
4. Steam, hot- or chilled-water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
6. Portable evaporative coolers.

7. Self-contained refrigeration systems containing ten (10) pounds (4.54 kg) or less of refrigerant or that are actuated by motors of one (1) horsepower (746 W) or less.

8. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

9. The replacement of fixed appliances provided however that the replacement appliance is in the same location and has a rating equal to or less than the appliance being replaced, and it is not necessary to remove, replace, alter, or install any additional ductwork or piping.

**Plumbing:**

1. The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.

2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

3. The replacement or removal and reinstallation of any fixture or appliance, provided, however, that the fixture or appliance is installed at the same location and it is not necessary to remove, replace, alter, or install any piping.

Exemption from the permit requirements of this Code shall not be deemed to grant authorization for any work to be done in a manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

C. **Sections 105.5 and R105.5.** Amend Sections 105.5 and R105.5 by adding the following sentence to the end of the section:

In no case shall the permit be effective unless the work covered by the permit has a documented inspection every one hundred and eighty (180) days minimum and is completed within twenty-four (24) months of the date on which the original permit was issued.

D. **Sections 105.8 and R105.10.** Add new Sections 105.8 to the IBC and R105.10 to the IRC as follows:

**105.8/R105.10 Permittee.**

1. An electrical, plumbing, or mechanical permit may be issued to any person holding a valid master license issued by the State of Iowa for the respective trade, or to any company who employs a duly licensed master in the respective trade on a full-time basis who supervises the work of the apprentice and or journeyman during the company's normal business hours.

2. An electrical, plumbing, or mechanical permit may be issued to the owner of an existing owner-occupied single-family dwelling, pursuant to a valid certificate of occupancy and used exclusively for residential purposes, to do any work regulated by this article in connection with said dwelling and accessory buildings.

E. **Sections 107.6 and R106.6:** Add new Sections 107.6 to the IBC and R106.6 to the IRC as follows:

**107.6/R106.6 Post Frame Buildings.** All pole frame buildings shall be designed and constructed by the following guidelines:

Exception. Pole buildings satisfying all of the following requirements are exempt from the engineering certification of plans required in this section: area of one thousand (1,000) square feet or less; eave height of twelve (12) feet or less; and pole spacing of eight (8) feet or less.

**107.6.1/R106.6.1 Plans.** Plans shall be drawn to a scale of not less than one-quarter (1/4) inch per foot and include: floor plan with dimensions, pole locations and spacing, footing sizes, door sizes and locations; section drawing showing footings, poles, sidewall girts, roof purlins, headers, siding, roofing, and details; and elevation views of all four sides of building.

**107.6.2/R106.6.2 Engineering.** Plans shall be certified by a licensed, professional engineer and shall bear the engineer's seal and signature. The engineer's certification block shall specify the pages or sheets covered by the seal.

**107.6.3/R106.6.3 Building Design Criteria.** The following shall appear on engineer certified plans: Building design in accordance with the 2021 International Building Code; twenty five (25) PSF ground snow load; one hundred and seven (107) miles per hour (MPH) wind design speed; Exposure C (generally open terrain with scattered obstructions); two thousand (2,000) PSF assumed soil bearing (unless a soils report shows otherwise). Exposure C will be assumed unless it can be demonstrated that the building site meets the definition of Exposure B (suburban and wooded areas with numerous closely spaced obstructions).

**107.6.4/R106.6.4 Trusses.** Submit truss design drawings certified by a licensed, professional engineer. Drawings shall indicate that the design and connectors are in accordance with the 2021 International Building Code and indicate the applicable design criteria from Section 107.6.3/R106.6.3 above.

F. **Sections 109 and R108.** Delete Sections 109 of the IBC and R108 of the IRC in their entirety and insert in lieu thereof the following:

**109/R108 Fees.**

**109.1/R108.1 Payment of Fees.** A permit shall not be valid until the fees prescribed by law have been paid. Nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

**109.2/R108.2 Schedule of Permit Fees.** The fee for any permit shall be as set forth in the building permit fee schedule as established by resolution of the Board of Supervisors. The determination of valuation under any of the provisions of the code shall be made by the Building Official. The value to be used in computing the building permit and building plan review fees shall be the total value of all construction work, for which the permit is issued, as well as all finish work, painting, roofing, site grading, paving, landscaping, elevators, and other permanent equipment.

**109.3/R108.3 Plan Review Fees.** When a plan or other data are required to be submitted by Section 107 of the IBC and the value of the proposed building or work exceeds fifteen thousand dollars (\$15,000), a plan review fee shall be paid before the permit may be issued. Should the project be abandoned and the permit not issued after the plan review has been started, the plan review fee shall still be due and payable. The plan review fee shall be as set forth by

resolution of Board of Supervisors. Plan review fees are separate fees from the permit fee specified in Sections 109.2 and R108.2 and are in addition to permit fees.

**109.4/R108.4 Work Commencing before Permit Issuance.** Any person who commences work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee equal to the amount of the permit if a permit was issued. This fee shall be collected whether or not a permit is issued. The payment of such fee shall not exempt any person from compliance with all other provisions of this code or from any penalty prescribed by law. Only the Building Official may reduce this fee when it is demonstrated that an emergency existed that required the work to be done without a permit.

**109.5/R108.5 Re-inspection Fees.** A re-inspection fee may be assessed for each inspection or re-inspection when such work or portion of such work for which the inspection is called for is not complete or when corrections called for are not made. Re-inspection fees may be assessed when the inspection card is not posted or otherwise available on the work site, the approved plans are not readily available to the inspector, access is not provided on the date for which the inspection is requested, or when there is a deviation from plans requiring approval of the Building Official. This section is not to be interpreted as requiring re-inspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for said inspection or re-inspection.

**109.6/R108.6 Refunds.** The Building Official may authorize refunding of any fee paid, minus an hourly charge for work done on the permit. Application for a refund must be submitted not later than 180 days after the date of fee payment. The Building Official may authorize a refund of any fee paid or collected erroneously.

G. **Sections 113.4 and R112.5.** Add a new Section 113.4 to the IBC and R112.5 to the IRC as follows:

**113.4/R112.5 Appeal Fee.** Those appealing a matter to the Board of Appeals shall pay an administrative fee for said appeal as set by the Board of Supervisors.

H. **Table R301.2(1).** Amend Table R301.2(1) of the IRC by inserting data as follows:

**TABLE R301.2(1)  
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA**

Ground Snow Load	Wind Design		Seismic Design Category	Subject to Damage From			Winter Design Temp	Ice-Barrier Underlayment Required	Flood Hazards		Air Freezing Index	Mean Annual Temp
	Speed (mph)	Topographic effects, Special wind region, or Wind-borne debris zone		Weathering	Frost line depth	Termite			NFIP	FIRM Maps		
25	107	No	A	Severe	42"	Moderate Heavy	-5°F	Yes	8/15/85	2/16/07	2000	50°F

**MANUAL J DESIGN CRITERIA**

Elevation	Latitude	Winter Heating	Summer Cooling	Altitude Correction Factor	Indoor Design Temperature	Design Temperature Cooling	Heating Temperature Difference
661°	41°	-6°	89°	N/A	72°	75°	78°
Cooling Temperature Difference	Wind Velocity Heating	Wind Velocity Cooling	Colndent Wet Bulb	Daily Range	Winter Humidity	Summer Humidity	
14°	25°	10°	76°	M	39 gr/lb diff.	53 gr/b diff.	



- I. **Section R302.5.1.** Amend Section R302.5.1 of the IRC by deleting the last sentence.
- J. **Section R302.13.** Delete Section R302.13 of the IRC in its entirety.
- K. **Section R312.2.** Delete Section R312.2 of the IRC in its entirety.
- L. **Section R313.** Delete Section R313 of the IRC in its entirety.
- M. **Section R314.4.** Amend Section R314.4 of the IRC by adding an exception as follows:

Exception: Interconnection of smoke alarms in existing areas shall not be required where alterations or repairs do not result in removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available that could provide access for interconnection without the removal of interior finishes.

- N. **Section R320.3.** Add a new Section R320.2 to the IRC as follows:

**R320.3 Accessibility for projects other than those mentioned in Section R320.1.**

**R320.3.1 Scope.** The provisions of this section are enacted to implement universal design features that provide accessibility, usability and visit-ability for all.

**R320.3.2 Definition.** Public funds shall mean funding or assistance from Johnson County or any agent thereof through any of the following means:

1. A building contract or similar contractual agreement involving a County-funded program or fund;
2. Any real estate received by the owner through a subsidy, lease, or donation by the County or its agents;
3. Preferential tax treatment, bond assistance, mortgage assistance, or similar financial advantages from the County or its agents;
4. Disbursement of federal or State construction funds including a Community Development Block Grant; or
5. A County contract to provide funding or a financial benefit for housing.

**R320.3.3 Applicability.** This section applies to new one- and two-family dwellings and is not required for new townhouses, split level homes, accessory apartments or existing structures for repairs, alterations, change of occupancy or additions unless the square footage of the addition is more than 25% of the existing structure, then, the addition must comply.

The minimum usability requirements are as follows:

1. **Step-less Entrance.** At least one building entrance shall be designed on an accessible route served by a ramp in accordance with Section R311.8 or a no-step entrance. The accessible route must extend from a vehicular drop-off, or parking to a building entrance. The entry door must have a minimum net clear opening of thirty-two (32) inches.

## Exceptions:

1. If public funds are used the step-less entrance shall be provided.
2. The Building Official may waive this requirement based upon the determination that strict compliance is financially or environmentally impractical.
2. **Interior Doors.** At least one bedroom and one bathroom (if either are provided) and all other passage doorway header widths, on the level served by the designed step-less entrance, must be framed to accommodate a minimum thirty eight (38) inches clear rough opening. The framing for the doorway opening may be reduced to accommodate any door size.

## Exceptions:

1. If public funds are used the minimum door clear opening shall be thirty two (32) inches when the door is open ninety degrees, measured between the face of the door and the opposite stop.
2. Doors serving closets twenty four (24) inches or less in depth need not be framed to thirty eight (38) inches clear opening width.
3. **Sanitation Facilities.** There shall be at least one bathroom containing a toilet and lavatory on the level of the dwelling to be accessed by the designed step-less entrance. The room shall have a minimum thirty (30) inches by forty eight (48) inches" clear floor space at the toilet and lavatory. The clear floor space can be shared by both fixtures. The plans shall show a shower, bathtub or combination tub/shower can be provided with the room or an adjoining room without removing part of the concrete floor to provide necessary plumbing to the future plumbing fixture(s).

## Exceptions:

1. If public funds are used a shower, bathtub or combination tub/shower shall be provided within the room.
2. Doors may swing into the clear floor space provided at any fixture if sufficient maneuvering space is provided within the room for a person using a wheelchair or other mobility aid to enter and close the door, use the fixtures, reopen the door and exit. Maneuvering space may include any knee space or toe space available below bathroom fixtures.
3. The Building Official may waive this requirement based on the determination that strict compliance is financially impractical.
4. **Wall Reinforcement.** A bathroom must be provided with wood blocking installed within wall framing to support grab bars as needed. The wood blocking, when measured to the center, will be located between thirty three (33) inches and thirty six (36) inches above the finished floor. The wood blocking must be located in all walls adjacent to and behind a toilet.

Exception: Backing is not required behind pre-manufactured showers and tubs.

5. **Decks.** All exterior decks and patios surfaces adjacent to the level served by the designed step-less entrance shall be built within four (4) inches of the dwelling's finish floor level.

6. **Switch and Outlet Requirements.** All wall switches, controlling light fixtures, fans, all temperature control devices and all receptacles shall be located in an area between fifteen (15) inches and forty eight (48) inches above the finished floor. The height will be determined by measuring from the finished floor to the center of the device. When the control or receptacle placement is prohibited by the height of the window or design feature, alternative locations may be approved by the Building Official.

7. **Electrical Panel Requirements.** Electrical panels on the level of the dwelling to be accessed by the designed step-less entrance shall be located so that the individual circuit breakers are located between fifteen (15) inches and fifty four (54) inches above the finished floor.

8. **Garages.** Must be wired for power operated overhead doors.

O. **Section R322.** Delete Section R322 of the IRC and insert in lieu thereof the following:

**R322 Flood-Resistant Construction.** See Floodplain Management ordinance within the Johnson County Unified Development Ordinance.

P. **Section R403.1.4.1.** Amend Section R403.1.4.1 of the IRC by deleting all exceptions and insert in lieu thereof the following:

A. Exceptions:

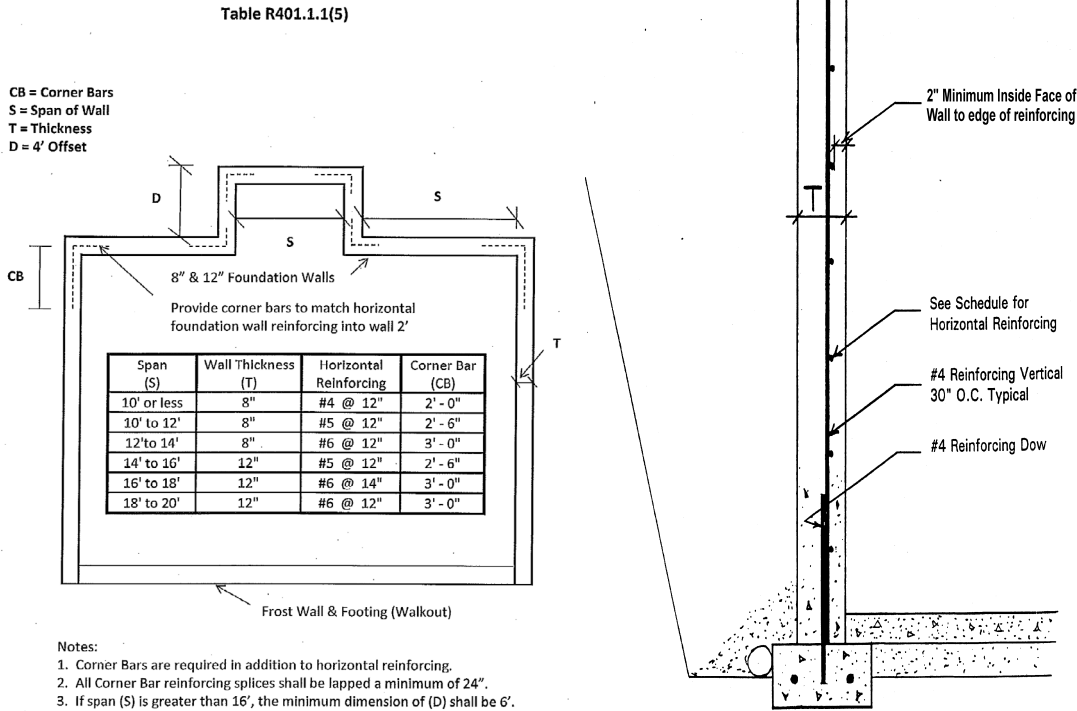
1. One-story detached accessory buildings of wood or steel frame not used for human occupancy and not exceeding one thousand (1,000) square feet in floor area may be constructed using slab on grade construction as follows. The slab shall be three and one half inches thick, poured monolithically with thickened perimeter footings extending twelve (12) inches below finish grade and be twelve (12) inches wide at the base. The top of the foundation shall not be less than six inches above finish grade. Reinforcement of the slab, including the thickened portion, shall be minimum 6x6 -10/10 welded wire mesh, #4 deformed reinforcing bars at twenty four (24) inches on center each way or fiber mesh reinforced concrete.

2. Freestanding accessory structures with an area of four hundred (400) square feet or less and an eave height of ten feet or less may be constructed with walls supported on a wood foundation plate or skids.

3. Decks not supported by a structure need not be provided with footings that extend below the frost line.

Q. **Section R404.1.1.** Amend Section R404.1.1 of the IRC by adding an exception after Number 2 as follows:

Exception: Foundation walls with unbalanced lateral forces created by finish grade, i.e. walkout basements which are exempt from the Iowa Architectural Act shall be designed by a licensed structural engineer or constructed in accordance with Table R404.1.1(5) and diagram as follows:



R. **Section R404.1.3.** Amend Section R404.1.3 of the IRC by adding a second paragraph as follows:

Wall thickness may be reduced to eight (8) inches if a minimum of three (3) one-half (1/2) inch diameter deformed ASTM A615 grade forty (40) steel bars are placed horizontally at the center of the wall thickness with one bar located within fourteen (14) inches of the top, one bar within fourteen (14) inches of the bottom and one bar located within fourteen (14) inches of the mid-height of the wall provided the wall height does not exceed eight (8) feet.

S. **Chapter 11 of the IBC.** Delete Chapter 11 of the IBC in its entirety and insert in lieu thereof the following:

**Chapter 11 Accessibility, Section 1101.** Buildings or portions of buildings shall be accessible to persons with disabilities as required by 661--302 of the Iowa Administrative Code.

T. **Chapter 11 of the IRC.** Delete Chapter 11 of the IRC in its entirety and insert in lieu thereof the following:

**Chapter 11 Energy Efficiency, Section N1101.** Energy efficiency for the design and construction of buildings regulated by this Code shall be as required by Chapter 661--303 of the Iowa Administrative Code.

U. **Chapter 13 of the IBC.** Delete Chapter 13 of the IBC in its entirety and insert in lieu thereof the following:

**Chapter 13 Energy Efficiency, Section 1301.** Energy efficiency for the design and construction of buildings regulated by this code shall be as required by Chapter 661--303 of the Iowa Administrative Code.

V. **Sections 1402.6 and 1402.7.** Delete Sections 1402.6 and 1402.7 of the IBC and insert in lieu thereof the following:

**1402.6 Flood-Resistant Construction.** See Floodplain Management Ordinance within the Johnson County Unified Development Ordinance.

W. **Section 1612.** Delete Section 1612 of the IBC and insert in lieu thereof the following:

**1612 Flood-Resistant Construction.** See Floodplain Management Ordinance within the Johnson County Unified Development Ordinance.

X. **Section G2415.3.** Amend Section G2415.3 of the IRC by deleting the last sentence.

Y. **Part VII Plumbing, Chapters 25 through 33 of the IRC.** Delete Part VII Plumbing, Chapters 25 through 33 of the IRC in its entirety.

Z. **Chapter 27 Electrical of the IBC.** Delete Chapter 27 Electrical of the IBC in its entirety.

AA. **Chapter 28 Mechanical Systems of the IBC.** Delete Chapter 28 Mechanical Systems of the IBC in its entirety.

BB. **Chapter 29 Plumbing Systems of the IBC.** Delete Chapter 29 Plumbing Systems of the IBC in its entirety.

CC. **Part VIII Electrical, Chapters 34 through 43 of the IRC.** Delete Part VIII Electrical, Chapters 34 through 43 of the IRC in its entirety.

DD. **Section AF104 of Appendix F (IRC).** Delete Section AF104 of the IRC in its entirety.

EE. **Section AJ102.4.4 of Appendix J (IRC).** Delete Section AJ102.4.4 of the IRC in its entirety.

FF. **Section K103.2 of Appendix K (IBC).** Delete Section K103.2 in the IBC and insert in lieu thereof the following:

**Section K103.2 Work Exempt from Permit.** See Section 105.2 in both the IBC and IRC.

GG. **Section K106.5 of Appendix K (IBC).** Add a new Section K106.5 to the IBC as follows:

**Section K106.5 Energy Connections.** An electrical system or equipment regulated by this code for which a permit is required shall not be connected to a source of energy or power until approved by the Building Official.

HH. **Section K106.6 of Appendix K (IBC).** Add a new Section K106.6 to the IBC as follows:

**Section K106.6 Temporary Energy Connections.** The Building Official may authorize the temporary connection of the electrical system or equipment

to the source of energy or power for the purpose of testing the equipment, or for use under a temporary certificate of occupancy.

*(Ch. 155 – Ord. 2022-01 – Mar. 22 Supp.)*

[The next page is 621]

## CHAPTER 160

# FLOODPLAIN MANAGEMENT

160.01 Definitions

160.02 Statutory Authority, Findings of Fact, and Purpose

160.03 General Provisions

160.04 Administration

160.05 Establishment of Floodplain (Overlay) District

160.06 Standards for Floodplain (Overlay) District

160.07 Appointment and Duties of Board of Adjustment

160.08 Nonconforming Uses

160.09 Penalties for Violation

160.10 Amendments

**160.01 DEFINITIONS.** Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

1. “Appurtenant structure” means a structure which is on the same parcel of the property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.
2. “Base flood” means the flood having one (1) percent chance of being equaled or exceeded in any given year. (Also commonly referred to as the “100-year flood.”)
3. “Base flood elevation” (BFE) means the elevation floodwaters would reach at a particular site during the occurrence of a base flood event.
4. “Basement” means any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see “lowest floor.”
5. “Development” means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials. Development does not include minor projects or routine maintenance of existing buildings and facilities, as defined in this section. It also does not include gardening, plowing, and similar practices that do not involve filling or grading.
6. “Enclosed area below lowest floor” means the floor of the lowest enclosed area in a building when all the following criteria are met:
  - A. The enclosed area is designed to flood to equalize hydrostatic pressure during flood events with walls or openings that satisfy the provisions of 160.06(2)(D) of this chapter; and
  - B. The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking, or storage; and
  - C. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the base flood elevation; and
  - D. The enclosed area is not a basement as defined in this section.

7. “Existing construction” means any structure for which the start of construction commenced before the effective date of the first floodplain management regulations adopted by the community.
8. “Existing factory-built home park or subdivision” means a factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management regulations adopted by the community.
9. “Expansion of existing factory-built home park or subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
10. “Factory-built home” means any structure, designed for residential use which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this chapter, factory-built homes include mobile homes, manufactured homes, and modular homes; and also includes recreational vehicles which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.
11. “Factory-built home park or subdivision” means a parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.
12. “Five hundred (500) year flood” means a flood, the magnitude of which has a two-tenths (0.2) percent chance of being equaled or exceeded in any given year or which, on average, will be equaled or exceeded at least once every five hundred (500) years.
13. “Flood” means a general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.
14. “Flood Insurance Rate Map” (FIRM) means the official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.
15. “Flood Insurance Study” (FIS) means a report published by FEMA for a community issued along with the community’s Flood Insurance Rate Map(s). The study contains such background data as the base flood discharge and water surface elevations that were used to prepare the FIRM.
16. “Floodplain” means any land area susceptible to being inundated by water as a result of a flood.
17. “Floodplain management” means an overall program of corrective and preventive measures for reducing flood damages and promoting the wise



use of floodplains, including, but not limited to, emergency preparedness plans, flood control works, floodproofing, and floodplain management regulations.

18. “Floodproofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.
19. “Floodway” means the channel of a river or stream and those portions of the floodplains adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one foot.
20. “Floodway fringe” means those portions of the Special Flood Hazard Area outside the floodway.
21. “Highest adjacent grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
22. “Historic structure” means any structure that is:
  - A. Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing of the National Register;
  - B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
  - C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
  - D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (i) by an approved state program as determined by the Secretary of the Interior; or (ii) directly by the Secretary of the Interior in states without approved programs.
23. “Lowest floor” means the floor of the lowest enclosed area in a building including a basement except when the criteria listed in the definition of enclosed area below lowest floor are met.
24. “Maximum damage potential development” means hospitals and like institutions; buildings or building complexes containing documents, data, or instruments of great public value; buildings or building complexes containing materials dangerous to the public or fuel storage facilities; power installations needed in emergency or other buildings or building complexes similar in nature or use.
25. “Minor projects” means small development activities (except for filling, grading and excavating) valued at less than \$500.00.

26. “New construction” (new buildings, factory-built home parks) means those structures or development for which the start of construction commenced on or after the effective date of the first floodplain management regulations adopted by the community.
27. “New factory-built home park or subdivision” means a factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the first floodplain management regulations adopted by the community.

28. “Recreational vehicle” means a vehicle which is:
- A. Built on a single chassis;
  - B. Four hundred (400) square feet or less when measured at the largest horizontal projection;
  - C. Designed to be self-propelled or permanently towable by a light duty truck; and
  - D. Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.
29. “Routine maintenance of existing buildings and facilities” means repairs necessary to keep a structure in a safe and habitable condition that do not trigger a building permit, provided they are not associated with a general improvement of the structure or repair of a damaged structure. Such repairs include:
- A. Normal maintenance of structures such as re-roofing, replacing roofing tiles and replacing siding;
  - B. Exterior and interior painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work;
  - C. Basement sealing;
  - D. Repairing or replacing damaged or broken window panes; or
  - E. Repairing plumbing systems, electrical systems, heating or air conditioning systems and repairing wells or septic systems.
30. “Special Flood Hazard Area” (SFHA) means the land within a community subject to the base flood. This land is identified on the community’s Flood Insurance Rate Map as Zone A, A1-30, AE, AH, AO, AR, and/or A99.
31. “Start of construction” includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement, was within 180 days of the permit date. The actual start means either the first placement or permanent construction of a structure on a site, such as pouring of a slab or footings, the installation of pile, the construction of columns, or any work beyond the stage of excavation; or the placement of a factory-built home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.
32. “Structure” means anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories,

sheds, cabins, factory-built homes, storage tanks, grain storage facilities, and/or other similar uses.

33. “Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Volunteer labor and donated materials shall be included in the estimated cost of repair. Substantial damage also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of such flood event, on the average, equals or exceeds 25-percent of the market value of the structure before the damage occurred. Volunteer labor and donated materials shall be included in the estimated cost of repair.

34. “Substantial improvement” means any improvement to a structure which satisfies either of the following criteria:

A. Any repair, reconstruction or improvement of a structure taking place during a 10-year period, the cumulative cost of which, equals or exceeds fifty (50) percent of the market value of the structure either (i) before the start of construction of the first improvement of the structure, or (ii) if the structure has been substantially damaged and is being restored, before the damage occurred.

The term does not, however, include any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

B. Any addition which increases the original floor area of a structure by 25-percent or more. All additions constructed after the effective date of the first floodplain management regulations adopted by the community shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25-percent.

35. “Variance” means a grant of relief by a community from the terms of the floodplain management regulations.

36. “Violation” means the failure of a structure or other development to be fully compliant with the community’s floodplain management regulations.

## **160.02 STATUTORY AUTHORITY, FINDINGS OF FACT, AND PURPOSE.**

1. The Legislature of the State of Iowa has, in Chapter 414 of the *Code of Iowa*, as amended, delegated the power to cities to enact zoning regulations to secure safety from flood and to promote health and the general welfare.

2. Findings of Fact.

A. The flood hazard areas of the City of Shueyville are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare of the community.

B. These flood losses, hazards, and related adverse effects are caused by: (i) the occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being inadequately elevated or

otherwise protected from flooding; and (ii) the cumulative effect of obstructions on the floodplain causing increases in flood heights and velocities.

C. This chapter relies upon engineering methodology for analyzing flood hazards which is consistent with the standards established by the Department of Natural Resources.

3. Statement of Purpose. It is the purpose of this chapter to protect and preserve the rights, privileges, and property of the City of Shueyville and its residents and to preserve and improve the peace, safety, health, welfare, and comfort and convenience of its residents by minimizing those flood losses described in Section 160.02(2)(A) with provisions designed to:

A. Reserve sufficient floodplain area for the conveyance of flood flows so that flood heights and velocities will not be increased substantially.

B. Restrict or prohibit uses which are dangerous to health, safety, or property in times of flood or which cause excessive increases in flood heights or velocities.

C. Require that uses vulnerable to floods, including public facilities which serve such uses, be protected against flood damage at the time of initial construction or substantial improvement.

D. Protect individuals from buying lands which may not be suited for intended purposes because of flood hazard.

E. Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

### **160.03 GENERAL PROVISIONS.**

1. Lands to Which Chapter Applies. The provisions of this chapter shall apply to all lands within the jurisdiction of the City of Shueyville which are located within the boundaries of the Floodplain (Overlay) District as established in Section 160.05.

2. Establishment of Official Floodplain Zoning Map. The Flood Insurance Rate Map (FIRM) for Johnson County and Incorporated Areas, City of Shueyville, Panels 19103C0031E, 19103C0032E, 19103C0033E, and 19103C0034E, dated February 16, 2007, which were prepared as part of the Flood Insurance Study for Johnson County is hereby adopted by reference and declared to be the Official Floodplain Zoning Map. The Johnson County Flood Insurance Study is hereby adopted by reference and is made a part of this chapter for the purpose of administering floodplain management regulations.

3. Rules for Interpretation of Floodplain (Overlay) District. The boundaries of the Floodplain (Overlay) District areas shall be determined by scaling distances on the official Flood Insurance Rate Map. When an interpretation is needed as to the exact location of a boundary, the City Engineer shall make the necessary interpretation. The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the City Engineer in the enforcement or administration of this chapter.

4. Compliance. No structure or land shall hereafter be used and no structure shall be located, extended, converted, or structurally altered without full compliance with the

terms of this chapter and other applicable regulations which apply to uses within the jurisdiction of this chapter.

5. Abrogation and Greater Restrictions. It is not intended by this chapter to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail. All other ordinances inconsistent with this chapter are hereby repealed to the extent of the inconsistency only.

6. Interpretation. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State statutes.

7. Warning and Disclaimer of Liability. The standards required by this chapter are considered reasonable for regulatory purposes. This chapter does not imply that areas outside the designated Floodplain (Overlay) District areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City, or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

8. Severability. If any section, clause, provision, or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.

#### **160.04 ADMINISTRATION.**

1. Appointment, Duties and Responsibilities of (Local Official).
  - A. The City Engineer is hereby appointed to implement and administer the provisions of this chapter and will herein be referred to as the Administrator.
  - B. Duties and responsibilities of the Administrator shall include, but not necessarily be limited to the following:
    - (1) Review all Floodplain Development Permit Applications to assure that the provisions of this chapter will be satisfied.
    - (2) Review Floodplain Development Applications to assure that all necessary permits have been obtained from federal, State, and local governmental agencies including approval when required from the Department of Natural Resources for floodplain construction.
    - (3) Record and maintain a record of: (i) the elevation (in relation to North American Vertical Datum 1988 of the lowest floor (including basement) of all new or substantially improved structures; or (ii) the elevation to which new or substantially improved structures have been floodproofed.
    - (4) Notify adjacent communities/counties and the Department of Natural Resources prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications to the Federal Emergency Management Agency.
    - (5) Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this chapter.

- (6) Submit to the Federal Insurance Administration an annual report concerning the community's participation, utilizing the annual report form supplied by the Federal Insurance Administration.
- (7) Notify the Federal Insurance Administration of any annexations or modifications to the community's boundaries.
- (8) Review subdivision proposals to ensure such proposals are consistent with the purpose of this chapter and advise the Board of Adjustment of potential conflict.
- (9) Maintain the accuracy of the community's Flood Insurance Rate Maps when:
  - a. Development placed within the Floodway (Overlay) District results in either of the following: (i) an increase in the base flood elevations; or (ii) alteration to the floodway boundary.
  - b. Development placed in Zones A, AE, AH, and A1-30 that does not include a designated floodway that will cause a rise of more than one foot in the base elevation; or
  - c. Development relocates or alters the channel.

Within six (6) months of the completion of the development, the applicant shall submit to FEMA all scientific and technical data necessary for a Letter of Map Revision.

- (10) Perform site inspections to ensure compliance with the standards of this chapter.
  - (11) Forward all requests for variances to the Board of Adjustment for consideration. Ensure all requests include the information ordinarily submitted with applications as well as any additional information deemed necessary to the Board of Adjustment.
2. Floodplain Development Permit.
- A. Permit Required. A Floodplain Development Permit issued by the Administrator shall be secured prior to any floodplain development (any manmade change to improved and unimproved real estate, including, but not limited to, buildings or other structures, mining, filling, grading, paving, excavation or drilling operations), including the placement of factory-built homes.
  - B. Application for Permit. Application shall be made on forms furnished by the Administrator and shall include the following:
    - (1) Description of the work to be covered by the permit for which application is to be made.
    - (2) Description of the land on which the proposed work is to be done (e.g., lot, block, track, street address or similar description) that will readily identify and locate the work to be done.
    - (3) Location and dimensions of all buildings and building additions.

- (4) Indication of the use or occupancy for which the proposed work is intended.
- (5) Elevation of the base flood.
- (6) Elevation (in relation to North American Vertical Datum 1988) of the lowest floor (including basement) of buildings or of the level to which a building is to be floodproofed.
- (7) For structures being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements.
- (8) Such other information as the Administrator deems reasonably necessary (e.g., drawings or a site plan) for the purpose of this chapter.

C. Action on Permit Application. The Administrator shall, within a reasonable time, make a determination as to whether the proposed floodplain development meets the applicable standards of this chapter and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefor. The Administrator shall not issue permits for variances except as directed by the Board of Adjustment.

A. D. Construction and Use to Be as Provided in Application and Plans. Floodplain Development Permits based on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this chapter. The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that the finished fill, building floor elevations, floodproofing, or other flood protection measures were accomplished in compliance with the provisions of this chapter, prior to the use or occupancy of any structure.

**160.05 ESTABLISHMENT OF FLOODPLAIN (OVERLAY) DISTRICT.** The floodplain areas within the jurisdiction of this ordinance are hereby divided into the following districts:

1. Floodplain (Overlay) District – those areas identified as Zone A on the Official Flood Insurance Rate Map

The boundaries shall be as shown on the Official Flood Insurance Rate Map. Within these districts, all uses not allowed as permitted uses are prohibited unless a variance to the terms of this ordinance is granted after due consideration by the Board of Adjustment.

**160.06 STANDARDS FOR FLOODPLAIN (OVERLAY) DISTRICT.**

1. Permitted Uses.
  - A. All development within the Floodplain District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet applicable performance standards of the Floodplain District.
  - B. Any development which involves placement of structures, factory-built homes, fill or other obstructions, storage of materials or equipment, excavation



or alteration of a watercourse shall be reviewed by the Department of Natural Resources to determine (i) whether the land involved is either wholly or partly within the floodway or floodway fringe and (ii) the base flood elevation. The applicant shall be responsible for providing the Department of Natural Resources with sufficient technical information to make the determination.

C. Review by the Iowa Department of Natural Resources is not required for the proposed construction of new or replacement bridges or culverts where:

- (1) The bridge or culvert is located on a stream that drains less than two (2) square miles, and
- (2) The bridge or culvert is not associated with a channel modification that constitutes a channel change as specified in 567-71.2(2), *Iowa Administrative Code*.

2. Performance Standards. All development must be consistent with the need to minimize flood damage and meet the following applicable performance standards. Where base flood elevations and floodway data have not been provided in the Flood Insurance Study, the Iowa Department of Natural Resources shall be contacted to compute such data. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination.

A. All development shall:

- (1) Be designed and adequately anchored to prevent flotation, collapse or lateral movement.
- (2) Use construction methods and practices that will minimize flood damage.
- (3) Use construction materials and utility equipment that are resistant to flood damage.

B. Residential Structures. All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one (1) foot above the base flood elevation. Construction shall be upon compacted fill which shall, at all points, be no lower than 1.0 ft. above the base flood elevation and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers or extended foundations) subject to favorable consideration by the Board of Adjustment, where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding. All new residential structures located in areas that would become isolated due to flooding of surrounding ground shall be provided with a means of access that will be passable by wheeled vehicles during the base flood. However, this criterion shall not apply where the Administrator determines there is sufficient flood warning time for the protection of life and property. When estimating flood warning time, consideration shall be given to the criteria listed in 567-75.2(3), *Iowa Administrative Code*.

C. Non-Residential Structures. All new or substantially improved non-residential structures shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the base flood elevation, or together with attendant utility and sanitary systems, be floodproofed to such a level. When

floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood; and that the structure, below the base flood elevation is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum 1988) to which any structures are floodproofed shall be maintained by the Administrator.

D. All New and Substantially Improved Structures.

(1) Fully enclosed areas below the lowest floor (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:

- a. A minimum of two (2) openings, with positioning on at least two (2) walls, having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- b. The bottom of all openings shall be no higher than one-foot above grade.
- c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

Such areas shall be used solely for parking of vehicles, building access and low damage potential storage.

(2) New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

(3) New and substantially improved structures shall be constructed with electric meter, electrical service panel box, hot water heater, heating, air conditioning, ventilation equipment (including ductwork), and other similar machinery and equipment elevated (or in the case on non-residential structures, optionally floodproofed to) a minimum of one (1) foot above the base flood elevation.

(4) New and substantially improved structures shall be constructed with plumbing, gas lines, water/gas meters and other similar service utilities either elevated (or in the case of non-residential structures, optionally floodproofed to) a minimum of one (1) foot above the base flood elevation or designed to be watertight and withstand inundation to such a level.

E. Factory-Built Homes.

(1) All new and substantially improved factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be elevated on a permanent foundation such that the

lowest floor of the structure is a minimum of one (1) foot above the base flood elevation.

(2) All new and substantially improved factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse, or lateral movement. Anchorage systems may include, but are not limited to, use of over-the-top or frame ties to ground anchors as required by the *State Building Code*.

F. Utility and Sanitary Systems.

(1) On-site wastewater disposal and water supply systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.

(2) All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters. Wastewater treatment facilities (other than on-site systems) shall be provided with a level of flood protection equal to or greater than one (1) foot above the base flood elevation.

(3) New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities (other than on-site systems) shall be provided with a level of protection equal to or greater than one (1) foot above the base flood elevation.

(4) Utilities such as gas or electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.

G. Storage of Materials and Equipment. Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one (1) foot above the base flood elevation. Other material and equipment must either be similarly elevated or (i) not be subject to major flood damage and be anchored to prevent movement due to flood waters or (ii) be readily removable from the area within the time available after flood warning.

H. Flood Control Structures. Flood control structural works such as levees, flood walls, etc. shall provide, at a minimum, protection from the base flood with a minimum of 3 ft. of design freeboard and shall provide for adequate interior drainage. In addition, the Department of Natural Resources shall approve structural flood control works.

I. Watercourse Alterations. Watercourse alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, the Department of Natural Resources must approve such alterations or relocations.

J. Subdivisions. Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals (including the installation

of public utilities) shall meet the applicable performance standards of this ordinance. Subdivision proposals intended for residential use shall provide all lots with a means of access which will be passable by wheeled vehicles during the base flood. Proposals for subdivisions greater than five (5) acres or fifty (50) lots (whichever is less) shall include base flood elevation data for those areas located within the Floodplain (Overlay) District.

K. Accessory Structures to Residential Uses.

(1) Detached garages, sheds, and similar structures that are incidental to a residential use are exempt from the base flood elevation requirements where the following criteria are satisfied.

a. The structure shall be designed to have low flood damage potential. Its size shall not exceed 600 sq. ft. in size. Those portions of the structure located less than 1 foot above the base flood elevation must be constructed of flood-resistant materials.

b. The structure shall be used solely for low flood damage potential purposes such as vehicle parking and limited storage. The structure shall not be used for human habitation.

c. The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.

d. The structure shall be firmly anchored to prevent flotation, collapse, and lateral movement which may result in damage to other structures.

e. The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one foot above the base flood elevation.

f. The structure's walls shall include openings that satisfy the provisions of Section 160.06(2)(D)(1) of this ordinance.

(2) Exemption from the base flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

L. Recreational Vehicles.

(1) Recreational vehicles are exempt from the requirements of Section 160.06(2)(E) of this ordinance regarding anchoring and elevation of factory-built homes when the following criteria are satisfied.

a. The recreational vehicle shall be located on the site for less than 180 consecutive days, and,

b. The recreational vehicle must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system and is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

(2) Recreational vehicles that are located on the site for more than 180 consecutive days or are not ready for highway use must satisfy requirements of Section 160.06(2)(E) of this ordinance regarding anchoring and elevation of factory-built homes.

M. Pipeline Crossings. Pipeline river and stream crossings shall be buried in the streambed and banks, or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering.

N. Maximum Damage Potential Development. All new or substantially improved maximum damage potential development shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the elevation of the 500-year flood, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 0.2% annual chance flood; and that the structure, below the 0.2% annual chance flood elevation is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum 1988) to which any structures are floodproofed shall be maintained by the Administrator. Where 0.2% chance flood elevation data has not been provided in the Flood Insurance Study, the Iowa Department of Natural Resources shall be contacted to compute such data. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determinations.

#### **160.07 APPOINTMENT AND DUTIES OF BOARD OF ADJUSTMENT.**

1. Appointment and Duties of Board of Adjustment. A Board of Adjustment is hereby established which shall hear and decide (i) appeals and (ii) requests for variances to the provisions of this ordinance, and shall take any other action which is required of the Board.

2. Appeals. Where it is alleged that there is any error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this ordinance, the aggrieved party may appeal such action. The notice of appeal shall be filed with the Board of Adjustment and with the official from whom the appeal is taken and shall set forth the specific reason for the appeal. The official from whom the appeal is taken shall transmit to the Board of Adjustment all the documents constituting the record upon which the action appealed from was taken.

3. Variance. The Board of Adjustment may authorize upon request in specific cases such variances from the terms of this ordinance that will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance will result in unnecessary hardship. Variances granted must meet the following applicable standards.

A. Variances shall only be granted upon: (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause

fraud on or victimization of the public or conflict with existing local codes or ordinances.

B. Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

C. In cases where the variance involves a lower level of flood protection for structures than what is ordinarily required by this ordinance, the applicant shall be notified in writing over the signature of the Administrator that: (i) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction increases risks to life and property.

D. All variances granted shall have the concurrence or approval of the Department of Natural Resources.

4. Hearings and Decisions of the Board of Adjustment.

A. Hearings. Upon the filing with the Board of Adjustment of an appeal or a request for a variance, the Board shall hold a public hearing. The Board shall fix a reasonable time for the hearing and give public notice thereof, as well as due notice to parties in interest. At the hearing, any party may appear in person or by agent or attorney and present written or oral evidence. The Board may require the appellant or applicant to provide such information as is reasonably deemed necessary and may request the technical assistance and/or evaluation of a professional engineer or other expert person or agency, including the Department of Natural Resources.

B. Decisions. The Board shall arrive at a decision on an appeal or variance within a reasonable time. In passing upon an appeal, the Board may, so long as such action is in conformity with the provisions of this ordinance, reverse or affirm, wholly or in part, or modify the order, requirement, decision, or determination appealed from, and it shall make its decision, in writing, setting forth the findings of fact and the reasons for its decision. In granting a variance, the Board shall consider such factors as contained in this section and all other relevant sections of this ordinance and may prescribe such conditions as contained in Section 160.07(4)(B)(2).

(1) Factors Upon Which the Decision of the Board Shall Be Based. In passing upon applications for variances, the Board shall consider all relevant factors specified in other sections of this ordinance and:

- a. The danger to life and property due to increased flood heights or velocities caused by encroachments.
- b. The danger that materials may be swept on to other land or downstream to the injury of others.
- c. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
- d. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

- e. The importance of the services provided by the proposed facility to the City.
  - f. The requirements of the facility for a floodplain location.
  - g. The availability of alternative locations not subject to flooding for the proposed use.
  - h. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
  - i. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
  - j. The safety of access to the property in times of flood for ordinary and emergency vehicles.
  - k. The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.
  - l. The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities (sewer, gas, electrical and water systems), facilities, streets and bridges.
  - m. Such other factors which are relevant to the purpose of this ordinance.
- (2) Conditions Attached to Variances. Upon consideration of the factors listed above, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purpose of this ordinance. Such conditions may include, but not necessarily be limited to:
- a. Modification of waste disposal and water supply facilities.
  - b. Limitation of periods of use and operation.
  - c. Imposition of operational controls, sureties, and deed restrictions.
  - d. Requirements for construction of channel modifications, dikes, levees, and other protective measures, provided such are approved by the Department of Natural Resources and are deemed the only practical alternative to achieving the purpose of this ordinance.
  - e. Floodproofing measures shall be designed consistent with the flood protection elevation for the particular area, flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The Board of Adjustment shall require that the applicant submit a plan or document certified by a registered professional engineer that the floodproofing measures are

consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

5. Appeals to the Court. Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty days after the filing of the decision in the office of the Board.

#### **160.08 NONCONFORMING USES.**

1. A structure or the use of a structure or premises which was lawful before the passage or amendment of the ordinance codified in this chapter, but which is not in conformity with the provisions of this chapter, may be continued subject to the following conditions:

- A. If such use is discontinued for six (6) consecutive months, any future use of the building premises shall conform to this chapter.

- B. Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.

- C. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty (50) percent of the market value of the structure before the damage occurred, unless it is reconstructed in conformity with the provisions of this chapter. This limitation does not include the cost of any alteration to comply with existing State or local health, sanitary, building or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, provided that the alteration shall not preclude its continued designation.

2. Except as provided in Chapter 160.08(1)(B), any use which has been permitted as a variance shall be considered a conforming use.

**160.09 PENALTIES FOR VIOLATION.** Violations of the provisions of this chapter or failure to comply with any of the requirements (including violations of conditions and safeguards established in connection with grants of variances) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than thirty (30) days. Nothing herein contained shall prevent the City of Shueyville from taking such other lawful action as is necessary to prevent or remedy violation.

**160.10 AMENDMENTS.** The regulations and standards set forth in this chapter may from time to time be amended, supplemented, changed, or repealed. No amendment, supplement, change, or modification shall be undertaken without prior approval of the Department of Natural Resources.

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## CHAPTER 165

# ZONING REGULATIONS

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**165.01 SHORT TITLE.** This chapter shall be known and may be cited as “The City of Shueyville, Iowa, Zoning Ordinance.”

**165.02 PURPOSE.** The purpose of this chapter is to provide adequate light and air, to prevent the over-crowding of land, to avoid undue concentration of population, to regulate the use of land, and to promote the health, morale, safety, and general welfare in the City.

**165.03 DEFINITIONS.** For the purpose of this chapter certain terms or words used herein shall be interpreted and defined as follows, unless the context requires otherwise. The word “person” includes an individual, firm, partnership, domestic or foreign corporation, company, association or joint stock association, trust, or other legal entity, and includes a trustee, receiver, assignee, or similar representative thereof. The word “lot” includes the words “plat and parcel.” The words “used or occupied” as applied to any land or building shall be construed to include the words “intended, arranged, or designed to be used or occupied.” “Structure” means a combination of materials other than a building to form a construction that is safe and stable and includes among other things, stadiums, platforms, radio towers, sheds, storage bins, fences, signs. A “dwelling” is a building with a permanent foundation or crawl space used as living quarters for one or more families, not including auto courts, rooming houses, or tourist homes. The following definitions are for the purpose of administering and enforcing the Zoning Ordinance:

1. “Abutting” means having property or district lines in common.
2. “Access” means a way of approaching or entering a property from a public street.
3. “Accessory building, structure, or use” means a use or structure subordinate to the principal use of a building or land on the same lot or parcel of ground and serving a purpose customarily incidental to the use of the principal building or use of land. Example: garage or storage shed.
4. “Administrative official” means the local official responsible for the enforcement of this chapter. Decisions of the official may be appealed to the Board of Adjustment.
5. “Adult entertainment establishment” means any establishment having as all or a portion of its business the offering of entertainment, stocks in trade of materials, scenes, or other presentations characterized by the emphasis on the depiction or

description of sexual activities or the showing of human genitals and / or female breasts. Establishments may include adult book stores, juice bars, topless bars, strip clubs, etc. An adult entertainment establishment as defined herein is not limited to an establishment with a liquor license.

6. "Agriculture" means the use of land for the purpose of raising and harvesting crops; or for the raising, breeding, or management of livestock, poultry, fish, or honeybees; or for dairying, truck gardening, forestry, nurseries, or orchards; for the noncommercial on-farm storage or processing of agricultural products; or for any similar agricultural, horticultural, silvacultural, or aquacultural use. For the purpose of this chapter, farms do not include operations for the disposal of garbage, sewage, rubbish, offal, or rendering plants or for the slaughtering of animals, except such animals as have been raised on the premises or have been maintained on the premises for the use and consumption of persons residing on the premises.

7. "Alley" means any dedicated public way affording a secondary means of vehicular access to abutting property, and not intended for general traffic circulation with a width of 20 feet or less.

8. "Alteration, structural" means any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

9. "Apartment" means a room or suite of rooms used as the dwelling of a family, including bath and culinary accommodations, located in a building in which there is a multiple of these units.

10. "Basement" means that portion of a building which is partly below grade but having more than one-half its height above the average grade of the adjoining ground. For the purpose of this chapter a basement shall not be considered a story unless designed or used for habitable space or business purposes.

11. "Bed and breakfast" means any single-family or multi-family dwelling unit used for the purpose of overnight or temporary lodging wherein meals may also be provided and in which the operator lives.

12. "Board" means the Board of Adjustment as described in Chapter 414.7 of the *Code of Iowa* and this chapter.

13. "Boarding house" means a building other than a hotel or motel where, for compensation and by prearrangement for definite periods, meals or lodging are provided for four or more persons.

14. "Building" means any structure designed or built for the support, enclosure, shelter, or protection of persons, animals, or property of any kind.

15. "Building envelope" means the area of lot which remains after the minimum yard setbacks, height requirements, and open space requirements of this chapter have been complied with.

16. "Building, height of" means the vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height level between eaves and ridge for gable, hip, and gambrel roofs.

17. "Building line" means a line formed by the face of the building, and for the purposes of this chapter, a minimum building line is the same as a front setback line.

18. "Building, main or principal" means a building in which is conducted the principal use of the lot on which it is situated.

19. “Cellar” means that portion of a building, partially or wholly underground, having half or more than half its clear height below the grade plane. A cellar may be habitable provided proper escape exits and egress windows exist. A cellar shall not be counted as a story.
20. “Communication tower” means a metal structure that is used primarily as a communication antenna or as a communication antenna support structure; a structure for the commercial transmittal or broadcast of radio, television, radar, or microwaves.
21. “Conditional use” means the use allowed in a zoning district after approval has been granted by the Zoning Board of Adjustment according to the provisions set forth in this chapter. A special exception is the same as a conditional use for the purposes of this chapter.
22. “Construction” means that the permanent placement of construction materials has started and is proceeding without undue delay. Preparation of plans, securing financial arrangements, issuance of building permits, letting of contracts, or stockpiling of materials on the site shall not constitute construction.
23. “Child day care facility” means a facility in which six or more children are received for part or all of a day for care and/or instruction and approved and licensed by the State of Iowa. The term “child day care facility” includes but is not limited to the following: nursery schools, child care centers, day nurseries, kindergartens, preschools, and play groups.
24. “Deck” means a covered or uncovered platform area projecting from the wall of a building, accessible at or from above grade, and attached to the ground.
25. “District” means a section of the City within which the regulations governing the use of buildings and property are uniform.
26. “Dwelling unit” means any building or portion thereof which is designed for and used exclusively for residential purposes.
27. “Dwelling, single-family” means a building designed with accommodations for exclusive occupancy by one family.
28. “Dwelling, two-family” means a building designed with accommodations in order to be occupied exclusively by two families living independently of each other.
29. “Family” means one or more persons, related or non-related, occupying a dwelling unit as a single housekeeping organization.
30. “Family group care home” means a community-based residential home which is licensed as a residential care facility under Chapter 135C of the *Code of Iowa* or as a child foster care facility under Chapter 237 of the *Code of Iowa* to provide room and board, personal care, rehabilitation services, and supervision in a family environment exclusively for not more than eight developmentally disabled persons and any necessary support personnel. “Family home” does not mean an individual foster care home licensed under Chapter 237 of the *Code of Iowa*.
31. “Farm” means an area of not less than 10 acres which is used for the growing of the usual farm products such as vegetables, fruits, and grain, and their storage on the area, as well as for the raising thereon of the usual farm poultry and farm animals.
32. “Fence” means a freestanding structure providing privacy, preventing escape or intrusion, or to redirect a person’s direction of travel. A fence may be constructed of posts, wire, boards, stone, or any standard building materials.

33. “Frontage” means all the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.
34. “Garage, private” means a building, constructed according to the City’s setback regulations, that is subordinate or used for the storage of motor-driven vehicles owned and used by the occupants of the building to which it is accessory and in which no occupation or business for profit is carried on.
35. “Garage, storage” means a building or portion thereof designed or used exclusively for term storage by pre-arrangement of motor driven vehicles, as distinguished from daily storage furnished transients and personal belongings, and at which motor fuels and oils are not sold, and motor driven vehicles are not equipped, repaired, hired, or sold.
36. “Home occupation” means any occupation or activity carried on within a dwelling or accessory building by a member of the family residing on the premises, which occupation or activity is incidental and secondary to the residential occupancy and does not change the residential character thereof.
37. “Junk/salvage yard” means any enclosed or fenced-in lot or portion thereof where waste, discarded, or salvaged materials are bought, sold, exchanged, baled, or packed, disassembled, or handled, including the dismantling or wrecking of automobiles or other machinery, house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including areas where such uses are conducted entirely within a completely enclosed building.
38. “Kennel” means an establishment where small animals are bred, raised, trained, groomed, and boarded for compensation, sale, or other commercial purposes.
39. “Landscape buffer” means any landscape designed with an earth berm and predominant plantings of evergreen type trees, shrubs, and plants so as to ensure a year-round solid and impenetrable screen. The height and density of the plantings shall be adequate to ensure effectiveness.
40. “Lot” means a parcel of land occupied or intended for occupancy by one main building together with its accessory buildings officially approved and having its principal frontage upon a dedicated street. The boundaries of the lot shall be determined by its lot lines.
41. “Lot, corner” means a lot abutting upon two or more streets at their intersection.
42. “Lot, depth of” means the average horizontal distance between the front and rear lot lines.
43. “Lot, double frontage” means a lot having a frontage on two non-intersecting streets, as distinguished from a corner lot.
44. “Lot, interior” means a lot other than a corner lot.
45. “Lot lines” means the lines bounding a lot as defined herein:
- A. Front Lot Line. In the case of an interior lot, the front lot line is that line separating said lot from the street. In the case of a corner lot, or double frontage lot, “front lot line” means that line separating said lot from that street which is designated as the front street in the plat.

- B. Rear Lot Line. The rear lot line is that lot line opposite and most distant from the front lot line. In the case of a lot pointed at the rear or triangular shaped, the rear lot line shall be an imaginary line parallel to the front lot line not less than 10 feet long farthest from the lot line and wholly within the lot.
- C. Side Lot Line. A side lot line is any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.
46. “Lot of record” means a lot which is part of a subdivision, the plat of which has been recorded in the office of the County Recorder.
47. “Lot width” means the width of a lot measured at the building line and at right angles to its depth where the minimum building line or setback intersects the side lot lines.
48. “Lot, reversed corner” means a corner lot, the rear of which abuts the side of another lot.
49. “Main building” means a building in which is conducted the principal use of the lot upon which it situated.
50. “Main use” means the principal use to which the premises are devoted and the principal purpose for which the premises exists.
51. “Manufactured home” means a factory-built dwelling, which is manufactured or constructed under the authority or 42 U.S.C. Sec. 5403, Federal Manufactured Home Construction and Safety Standards, and is to be used as a place for human habitation, which is not constructed with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. A mobile home constructed to the *Federal Manufactured Home Construction and Safety Standards* is not a manufactured home unless it has been converted to real property and is taxed as a site built dwelling as is provided in *Code of Iowa*, Section 435.26. For the purpose of any of these regulations, manufactured homes shall be considered the same as a single-family detached dwelling.
52. “Mobile home” means a vehicle without motive power used, or so originally constructed as to permit being used, as a conveyance upon the public streets or highways and duly licensed as such, and constructed in such a manner as will permit occupancy thereof for human habitation, capable of dwellings, or sleeping quarters and which is being moved, towed, or transported by another vehicle. This definition shall also include and apply to such vehicles or structures that are located on a permanent or temporary foundation.
53. “Mobile home park” means any site, lot, field, or tract of land upon which two or more occupied mobile homes are harbored whether free of charge or for revenue purposes and intended for such use and shall include any building, structure, tent, vehicle, or enclosure intended for use as part of the equipment of such mobile home park.
54. “Mobile home converted to real estate” means a mobile home which has been attached to a permanent foundation on real estate owned by the mobile home owner, rendering it totally immobile, and which has been inspected by the assessor, the mobile

home vehicle title, registration, and license plates collected from the owner, and the property entered upon the tax rolls of Johnson County.

55. “Nonconforming building” means a building or portion thereof which lawfully does not conform to the provisions of this chapter relative to height, bulk, area, or yard size requirements for the district in which it is located.

56. “Nonconforming use” means a use which occupied a building or land but lawfully does not conform to the use regulations of the district in which it is located.

57. “Open space” means the land area of a site not covered by buildings, rights-of-way, parking structures, or accessory buildings, except recreational structures, and which is available to all occupants of units for whose use the space is intended.

58. “Parking space” means a surfaced area, enclosed in the main building or in an accessory building, or unenclosed, having an area of not less than 180 square feet permanently reserved for the temporary storage of vehicles and connected with a street or alley by a surfaced driveway which affords satisfactory ingress and egress for vehicles.

59. “Plan” means the Land Use Plan of the City.

60. “Principal use” means the primary use of land or structures as distinguished from secondary or accessory use. For example, a house is a principal use in a residential area; a garage or pool is an accessory use.

61. “Private,” in reference to a building, structure, utility, facility, or use, means owned by someone other than a unit of government, or an agency of government, unless the context clearly indicates that “private” is being used in a broader sense of something not open or available to the general populace.

62. “Public,” in reference to a building, structure, utility, facility, or use, means owned and/or operated by a unit of government or an agency thereof, unless the context clearly indicates that “public” is being used in the broader sense of something available to the general populace.

63. “Setback” means the distance required to obtain the front, side or rear yard open space provisions of this chapter.

64. “Sign” means any advertising device or surface out-of-doors, on or off premises, on which letters, illustrations, designs, figures or symbols are printed or attached and which conveys information or identification. Signs include both display area and attached support devices.

A. “Sign, on-premises” means an advertising device concerning the sale or lease of the property upon which they are located and advertising devices concerning activities conducted or products sold on the property upon which they are located.

B. “Sign, off-premises” means an advertising device including the supporting structure which directs the attention of the general public to a business, service, or activity not usually conducted or a product not usually sold upon the premises where such a sign is located. Such a sign shall not include: on-premises signs, directional or other official sign, or signs which have a significant portion of their face devoted to giving public service information (date, time, temperature, weather, information, etc.)



- C. “Temporary signs” means legal temporary signs designed and intended to be displayed for a short period of time. Temporary signs shall include: political, real estate, construction, and garage sale signs.
65. “Story” means that portion of a building included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, then the space between the floor and the ceiling next above it.
66. “Story, half” means a partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of such story, except that any partial story used for residence purposes, other than for janitor or caretaker or his/her family, or by a family occupying the floor immediately below it, shall be deemed a full story.
67. “Street” means an approved public or private thoroughfare which provides the principal means of vehicular access to abutting property and/or for vehicular passage.
68. “Structure” means anything constructed or erected, the use of which requires more or less permanent location on the ground, including, but without limiting the generality of the foregoing, advertising signs, billboards, backstops for tennis courts, gazebos, fences, towers, ground-based satellite dishes, buildings and solar collectors.
69. “Variance” means a modification of the literal provisions of this chapter which would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. The authority to grant variances is vested in the Board of Adjustment pursuant to Chapter 414 of the *Code of Iowa*.
70. “Yard” means an area between a building and the adjoining lot lines unoccupied and unobstructed by any portion of a structure. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard, or the depth of the rear yard, the minimum horizontal distance between the lot lines and the main building line shall be used.
71. “Yard, front” means a yard extending across the front of a lot and being the minimum horizontal distance between the street or place line and the main building or any projections thereof other than the projections of the usual uncovered steps. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension, except where owner shall elect to front the building on a street parallel to the lot line having the greater dimension.
72. “Yard, rear” means a yard extending across the rear of a lot and being the minimum horizontal distance between the rear lot line and the rear of the main building line or any projections thereof other than the projections of uncovered steps. On all lots the rear yard shall be in the rear of the front yard.
73. “Yard, side” means a yard between the main building line and the side line of the lot, and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side of the main building line other than the projections of uncovered steps.

**165.04 APPLICABILITY OF REGULATIONS.** Except as otherwise specifically provided by this chapter:

1. No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved, or altered unless in conformity with the regulations herein specified for the district in which it is located.

2. No building shall hereafter be erected or altered to exceed the height, to accommodate or house a greater number of families, to occupy a greater percentage of lot area, or to have narrower or smaller rear yards, side yards, front yards, inner or outer courts, than are specified herein for the district for which such building is located, including accessory buildings and structures.
3. No part of a yard or other open space required about any building for the purpose of complying with the provisions of this chapter shall be included as a part of a yard or other open space similarly required for another building.
4. No building or buildings shall be erected, moved, altered, used, or occupied in a district for purposes or uses other than are allowed herein for that district.
5. All residential dwellings constructed or placed on a lot or parcel of land in the City shall be built on, or placed on, and appropriately secured to, a permanent foundation.
6. No more than one principal use shall be allowed upon any lot.

**165.05 CLASS R-1 DISTRICT – SINGLE-FAMILY RESIDENTIAL.**

1. The areas designated and shown on the zoning map of the City, a certified copy of which is on file in the office of the Clerk, shall be zoned Class R-1.
2. The following uses shall be allowed in any Class R-1 District:
  - A. Single-family dwelling units.
  - B. Churches, places of worship, and parochial schools.
  - C. Public schools, public libraries, parks and playgrounds.
  - D. Small home occupations provided there shall be no signs or other evidence of such use.
  - E. Other accessory uses in buildings provided such uses are incidental to the principal use and do not include any activity conducted as a business.
  - F. Other uses, which in the opinion of the Board of Adjustment, are of the same general character as those listed above as permitted uses, and which will not be detrimental to the district in which they are located.
3. The following regulations shall apply to any structure, building, or dwelling constructed or altered in any Class R-1 District:

Use	Minimum Lot Area	Minimum Lot Width And Depth	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard	Maximum Height
Single-family dwelling	1 acre	100 feet (w) 100 feet (d)	30 feet	20 feet	30 feet	2½ stories or 37.5 feet
Other uses	2 acres	100 feet (w) 100 feet (d)	30 feet	30 feet	30 feet	2½ stories or 37.5 feet
Accessory uses* (Garages)	N/A	N/A	N/A	20 feet	30 feet	2½ stories or 37.5 feet
Accessory uses* (Storage Sheds)	N/A	N/A	N/A	5 feet	5 feet	18 feet

A. \* No accessory buildings shall be closer than 10 feet from the Main Building and shall not be greater than 30 percent of the rear yard.

A. Percentage of Lot Covered by Buildings, Dwellings and Other Structures. No dwelling or other structure including accessory buildings and parking areas, shall cover more than 40 percent of the area of the lot. If more than one lot is used the percentage shall be computed on the combined size of the lots.

- B. Size of Structure. No house shall be built having less than 1,500 square feet of floor area living space in a multi-story dwelling, nor less than 1,200 square feet of living space in a one-story dwelling.
- C. Garages Required. Minimum one stall.

**165.06 CLASS R-2 DISTRICT – OLD TOWN SINGLE-FAMILY RESIDENTIAL.**

1. The areas shown on the zoning map of the City, a certified copy of which is on file in the office of the Clerk, designated R-2, shall be zoned Class R-2.
2. The same uses permitted in a Class R-1 District will be permitted in an R-2 District.
3. The following regulations shall apply to any structure, building, or dwelling constructed or altered in a Class R-2 District:

Use	Minimum Lot Area	Minimum Lot Width And Depth	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard	Maximum Height
Single-family dwelling	6,000 square feet	50 feet (w) 100 feet (d)	30 feet	10 feet	30 feet	2½ stories or 37.5 feet
Other uses	2 acres	100 feet (w) 100 feet (d)	30 feet	30 feet	30 feet	2½ stories or 37.5 feet
Accessory uses* (Garages)	N/A	N/A	N/A	10 feet	30 feet	2½ stories or 37.5 feet
Accessory uses* (Storage Sheds)	N/A	N/A	N/A	5 feet	5 feet	18 feet

- A. \* No accessory buildings shall be closer than 10 feet from the Main Building and shall not be greater than 30 percent of the rear yard.
- A. Percentage of Lot Covered by Buildings, Dwellings, and Other Structures. No dwelling or other structure, including accessory buildings and parking areas, shall cover more than 50 percent of the area of the lot. If more than one lot is used the percentage shall be computed on the combined size of the lots.
- B. Yards, Courts and Open Spaces. Each lot shall have a front and rear yard in conformity with neighboring houses or as stated in the above table.
- C. Size of Structure. No house shall be built having less than 1,200 square feet of floor area living space in a multi-story dwelling, or less than 900 square feet of living space in a one-story dwelling.
- D. Garages Required. Minimum one stall.

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**165.07 CLASS R-3 DISTRICT – TWO-FAMILY RESIDENTIAL.**

1. The districts shown on the City zoning map and designated Class R-3 shall be zoned Class R-3.
2. The following uses shall be allowed in any Class R-3 District:
  - A. All uses permitted in any Class R-1 District.
  - B. Two-family dwellings (duplexes.)
3. The following regulations shall apply to any structure, building, or dwelling constructed or altered in a class R-3 District:

Use	Minimum Lot Area	Minimum Lot Width And Depth	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard	Maximum Height
Single-family dwelling	1 acre	100 feet (w) 100 feet (d)	30 feet	20 feet	30 feet	2½ stories or 37.5 feet
Two-family dwelling	2 acres	100 feet (w) 100 feet (d)	30 feet	30 feet	30 feet	2½ stories or 37.5 feet
Accessory uses	N/A	N/A	N/A	20 feet	30 feet	2½ stories or 37.5 feet
Other uses	See Class R-1					

4. Open Space Requirements. No dwelling or other structure including accessory buildings and parking areas, shall cover more than 40 percent of the area of the lot. If more than one lot is used the percentage shall be computed on the combined size of the lots.
5. Parking Space. One space per number of bedrooms, but not less than two spaces per unit.
6. Garages Required. Minimum one stall per dwelling unit.
7. Special Requirements. When ownership of each single-family unit of a two-family dwelling unit is to be separate or divided, the following requirements shall be met:
  - A. A two-family dwelling unit shall consist of two laterally attached dwelling units with each unit having a separate access and separate utilities services including gas, water, sewer, and electricity.
  - B. The division of the lot or parcel into two parcels shall be in such a manner as to result in one single-family dwelling unit being located on either side of a common boundary line with the common wall between the two laterally joined single-family dwelling units being on said common boundary line.

8. Site Plan Required. All two-family proposals shall be required to submit a site plan for the Planning and Zoning Commission's review and City Council's approval. The site plan shall include the following:
- A. Legal property owners name and description of property including requested land use and zoning.
  - B. Property boundary lines, dimensions and total area.
  - C. Contour lines at intervals of not more than one foot.
  - D. The proposed location, size, shape, color, and material type of all buildings or structures. Building design should be visually harmonious and compatible with the neighborhood character.
  - E. Existing buildings, rights-of-way, streets, utilities (overhead or underground), easements, drainage courses, vegetation and large trees, etc.
  - F. Location and type of all plants, grass, trees, or ground cover to be used in the landscape.
  - G. Walls, fences, or other artificial screens to be used as buffers shall be shown in elevation and color prospective with proposed height and structural material to be used indicated.
  - H. All required yard setbacks.



**165.08 CLASS RPUD DISTRICT – RESIDENTIAL PLANNED UNIT DEVELOPMENT.**

1. Intent. The RPUD District is intended and designed to provide a means for the development of large tracts of land on a unit basis, allowing greater flexibility and building locations than the conventional single lot method provided in other sections of this chapter.
2. Procedure. The owner or owners of any tract or tracts of adjoining land comprising an area not less than five acres, may submit to the Planning and Zoning Commission for review and City Council for approval a request to change to the RPUD zoning district classification. The request shall be accompanied by a site plan for the use and development of the entire tract of land. The Planning and Zoning Commission may recommend approval of the site plan as submitted or, before approval, may require that the applicant modify, alter, adjust, or amend the plan as the Commission deems necessary to the end that it preserves the intent and purpose of this chapter to promote the public health, safety, morals and the general welfare, or disapprove of the plan if it does not substantially conform with the requirements of this chapter or the Comprehensive Plan. The site plan as approved by the Commission shall then be sent to the City Council, whereupon the City Council may approve or disapprove said plan as reported or may require such changes thereto as it deems necessary to effectuate the intent and purposes of this chapter.
3. RPUD Site Plan Required. The site plan shall include in detail the location of all proposed:
  - A. Buildings and uses, the height and exterior design of typical dwellings and the number of dwelling units in each. Building design should be visually harmonious and compatible with the neighborhood character.
  - B. Parking areas.
  - C. Access drives.
  - D. Streets abutting or within the proposed development.
  - E. Sidewalks or trails.
  - F. All proposed walls or fences.
  - G. Location and type of all plants, grass, trees, or ground cover to be used in the landscape.
  - H. Common land, recreation areas, and parks.
  - I. Existing and proposed utilities and public easements.
  - J. Property boundary lines, dimensions and total area.
  - K. Contour lines at intervals of not more than one foot.
4. Special Requirements. The site plan shall be accompanied by the following documents:
  - A. If the proposed development includes common land which will not be dedicated to the City, and the proposed development will not be held in single ownership, proposed by-laws of a homeowner's association fully defining the functions, responsibilities, and operating procedures of the association shall be included.

- B. Covenant to run with the land, that the owner of the land or successors in interest will maintain all interior streets, parking areas, sidewalks or trails, common land, parks, and plantings which have not been dedicated to the City in compliance with the City ordinances.
- C. Any additional agreements required by the Council at the time of preliminary plat approval.
5. Permitted Uses and Structures. Permitted land uses, lot area, yard, and height requirements shall be as set out below, which shall prevail over conflicting requirements of this chapter.
- A. Buildings shall be used only for two-family (duplex) residential purposes; occupant garages, occupant storage and similar accessory uses; noncommercial recreational facilities; and community activities including churches and schools.
- B. The minimum lot and yard requirements of the zoning district in which the development is located shall not apply, except that individual buildings shall be no closer than 30 feet to the boundaries of the development. Individual buildings shall not be placed any closer than 30 feet to each other, at their closest point of contact. The Council may require open space or screenings be located along all or a portion of the development boundaries.
- C. The density of the RPUD shall be the equivalent of two units per every 1.333 acres.
- D. Any land gained within the development because of the reduction in lot sizes, below minimum zoning ordinance requirements, shall be placed in common land to be dedicated to the City or retained in private ownership to be managed by a homeowner's association. "Common land" as used in this section refers to land retained in private ownership for the use of the residents of the development, or to land dedicated to the general public.
- E. No dwelling unit shall be built having less than 1,500 square feet of floor area living space in a multi-story dwelling, nor less than 1,200 square feet of living space in a one-story dwelling; this equates to a structure of 3,000 square feet of floor area living space in a multi-story structure, and 2,400 square feet of living space in a one-story structure.

**165.09 CLASS C-1 DISTRICT – COMMERCIAL.**

1. The districts shown on the City zoning map and designated Class C-1 shall be zoned Class C-1.
2. The following uses shall be allowed in any Class C-1 District:
  - A. Stores and shops for conducting any lawful retail business.
  - B. Personal service shops.
  - C. Banks, theaters, offices, restaurants and taverns.
  - D. Garages and filling stations upon the approval of the Board of Adjustment and subject to such conditions and safeguards as deemed appropriate by such board.
  - E. Wholesale businesses.
  - F. Post offices, plumbing shops, police and fire departments, stations, and telephone offices.
  - G. Residential uses above properties zoned C-1 and C-2.
  - H. Those which in the opinion of the Planning and Zoning Commission are of the same general character as those listed above as permitted uses, and which will not be detrimental to the district in which they are located.
3. Adult entertainment establishments may be allowed in any Class C-1 District providing they meet the following regulation: Any adult entertainment establishment must be located 2,640 feet (1/2 mile) from any residential dwelling, church, park, or daycare within the City.
4. The following regulations shall apply to any structure or building constructed or altered in any Class C-1 District:

Use	Minimum Lot Area	Minimum Lot Width And Depth	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard	Maximum Height
Commercial use	25,000 square feet	100 feet (w) 100 feet (d)	30 feet	25 feet	30 feet	2½ stories or 37.5 feet

- A. Percentage of Lot Covered by Buildings, Dwellings and Other Structures. No dwelling or other structure including accessory buildings and parking areas, shall cover more than 70 percent of the area of the lot.
- B. Minimum Parking Requirements. Off-street parking for each use permitted in this chapter shall not be less than what is found in the following table. Any fractional parking space shall be computed as a whole space. The Planning and Zoning Commission may recommend approval by City Council less off-street parking when a proponent of a use demonstrates that, because of special circumstances involved with a particular use, it is obvious that the off-street parking required by this code exceeds any reasonable need.

Use in C-1 District*	Number of Off-Street Parking Spaces Required
Convenience store	1 per 300 gross square feet plus 1 per employee
Professional office	1 per 200 gross square feet
Retail Business	1 per 200 gross square feet
Restaurant, tavern, night club, bar	1 per 100 gross square feet
Dance hall	1 per 100 gross square feet
Warehouse	1 per 2,000 gross square feet plus 1 per employee
Place of worship	1 per every 10 seats provided
Schools	1 per 3.5 seats in assembly rooms plus 1 per faculty member
<p>* Other uses which, in the opinion of the Planning and Zoning Commission and City Council, are of the same general character as those listed herein and which will not be detrimental to the district they are located in shall be required to utilize the equivalent number of off-street parking spaces as that of the similar use listed herein.</p> <p>Note: Gross square feet is measured for the portion of the site utilized for the use, storage yards and outbuildings, if applicable.</p>	

- (1) Location. The parking spaces required by this chapter shall be provided on the same lot as the use.
- (2) Size. Each parking space shall be at least nine feet by 19 feet.
- (3) Surface Material. All off-street parking areas shall be paved with asphalt or Portland cement concrete pavement as approved by the City Engineer, and shall be so graded and drained to dispose of all surface water accumulation within the area.
- (4) Screening. If a commercial parking space abuts a residential district, the adjoining lot line shall be buffered as defined herein and approved by the Planning and Zoning Commission and City Council. Buffering shall consist of landscaping and berming as defined herein. In addition, adequate screening of loading docks, outside storage areas, garbage dumpsters, HVAC units, etc. shall be required.

C. Minimum Off-Street Loading. Any building or part thereof erected, having a gross floor area of 10,000 square feet or more, which is to be occupied by manufacturing, storage, warehouse, retail or wholesale store, or other similar use which require the receipt or distribution by vehicles of merchandise or material, there shall be provided and maintained on the same lot with such building at least one off-street loading space and for multiple tenant commercial/retail centers, one additional such loading space for each 20,000 square feet of gross floor area in excess of 10,000 square feet, provided that the total number of loading spaces is not required to be more than the total number of tenants. Each loading space shall meet the following standards:

- (1) Each loading space shall not be less than 10 feet in width and 20 feet in length for those spaces not requiring loading dock access, and 50 feet in length for loading dock access for trucks.
- (2) Such loading area shall meet all required setbacks.

- (3) Loading areas shall be buffered from the general public view, as approved by the Planning and Zoning Commission and City Council.
  - (4) All loading areas shall be paved with asphalt or Portland cement concrete pavement as approved by the City Engineer.
- D. Site Plan Required. See Chapter 173: Site Plan Regulations.  
*(Paragraph D – Ord. 2024-12 – Nov. 24 Supp.)*

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**165.10 CLASS C-2 DISTRICT – OLD TOWN COMMERCIAL.**

1. The districts shown on the City zoning map and designated Class C-2 shall be zoned Class C-2.
2. The same uses permitted in a Class C-1 District will be permitted in a C-2 District.
3. The following regulations shall apply to any structure or building constructed or altered in any Class C-2 District:

Use	Minimum Lot Area	Minimum Lot Width And Depth	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard	Maximum Height
Commercial use	7,500 to 24,999 square feet	75 feet (w) 100 feet (d)	20 feet	10 feet*	25 feet	2½ stories or 37.5 feet
*If abutting an R District, the side setback shall be 20 feet.						

4. Percentage of Lot Covered by Buildings, Dwellings and Other Structures. No dwelling or other structure including accessory buildings and parking areas, shall cover more than 70 percent of the area of the lot.
5. Minimum Parking and Off-Street Loading Requirements. Off-street parking for each use permitted in the Zoning Ordinance shall not be less than what is found in the following table. Any fractional parking space shall be computed as a whole space. The Planning and Zoning Commission may recommend approval by the City Council less off-street parking when a proponent of a use demonstrates that, because of special circumstances involved with a particular use, it is obvious that the off-street parking required by this code exceeds any reasonable need.

Use in C-2 District*	Number of Off-Street Parking Spaces Required
Convenience store	1 per 300 gross square feet plus 1 per employee
Professional office	1 per 200 gross square feet
Retail business	1 per 200 gross square feet
Restaurant, tavern, night club, bar	1 per 100 gross square feet
Place of worship	1 per every 10 seats provided
* Other uses which, in the opinion of the Planning and Zoning Commission and City Council, are of the same general character as those listed herein and which will not be detrimental to the district they are located in shall be required to utilize the equivalent number of off-street parking spaces as that of the similar use listed herein.	
Note: Gross square feet is measured for the portion of the site utilized for the use, storage yards and outbuildings, if applicable.	

- A. Location. Every attempt shall be made to provide parking on the same lot as the use. However, due to the limited size of lots in this zoning district, in the event parking spaces cannot be reasonably provided on the same lot as the use, a parking agreement shall be made with an adjacent lot owner. All

agreements shall consider pedestrian safety. All parking agreements shall be approved by the City Council.

B. Size. Each parking space shall be at least nine feet by 19 feet.

C. Surface Material. All off-street parking areas shall be paved with asphalt or Portland cement concrete pavement as approved by the City Engineer, and shall be so graded and drained to dispose of all surface water accumulation within the area.

D. Screening. If a commercial parking space abuts a residential district, the adjoining lot line shall be buffered as defined herein and approved by the Planning and Zoning Commission and City Council. Buffering shall consist of landscaping and berming as defined herein. In addition, adequate screening of loading docks, outside storage areas, garbage dumpsters, HVAC units, etc. shall be required.

E. Off-Street Loading. Any off-street loading required in a Class C-2 District shall be approved by the City Council.

6. Site Plan Required. See Chapter 173: Site Plan Regulations.  
*(Subsection 6 – Ord. 2024-12 – Nov. 24 Supp.)*



**165.11 CLASS I DISTRICT – INDUSTRIAL.**

1. The districts shown on the City zoning map and designated Class I shall be zoned Class I.
2. The following uses should be allowed in any Class I District: Subject to Subsection 3 of this section, all lawful uses not permitted in any other class or district shall be permitted in any district zoned Class I.
3. Prohibited Uses. All uses of land, buildings and structures or industrial processes that may be noxious or injurious by reason of production or emission of dust, smoke, refuse matter, odor, gas, fumes, noise, vibrations, or similar substances or conditions and uses that have been declared a nuisance in any court of record are prohibited in any district zoned Class I.
4. Regulations. Lot size, setbacks, and other requirements shall be set by the Board of Adjustment.
5. Percentage of Lot Covered by Buildings, Dwellings and Other Structures. No structure, including accessory buildings and parking areas, shall cover more than 70 percent of the area of the lot.
6. Site Plan Required. See Chapter 173: Site Plan Regulations.  
*(Subsection 6 – Ord. 2024-12 – Nov. 24 Supp.)*
7. Parking. One space per 500 gross square feet of building space.
  - A. Screening. If an industrial parking space abuts a residential district, the adjoining lot line shall be buffered as defined herein and approved by the Planning and Zoning Commission and City Council. Buffering shall consist of landscaping and berming as defined herein. In addition, adequate screening of loading docks, outside storage areas, garbage dumpsters, HVAC units, etc. shall be required.
  - B. Location. The parking spaces required by this code shall be provided on the same lot as the use.
  - C. Size. Each parking space shall be at least nine feet by 19 feet.
  - D. Surface Material. All off-street parking areas shall be paved with asphalt or Portland cement concrete pavement as approved by the City Engineer, and shall be so graded and drained to dispose of all surface water accumulation within the area.

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**165.12 CLASS A DISTRICT – AGRICULTURAL.**

1. Agricultural District zoning is intended to maintain and enhance agricultural operations and preserve agricultural lands utilized for crop production or the raising of livestock. The preservation of agricultural land is intended to prevent urban sprawl, control the public costs of providing urban services, and reduce urban/rural conflicts which arise as a result of premature development of rural areas. The district is further intended to preserve open space and natural resource areas.
2. The following uses shall be allowed in any Class A District:
  - A. Agriculture, horticulture, dairy farming, poultry farming, livestock farming, general farming, and other agricultural activities.
  - B. Those structures essential to farming operations not otherwise restricted within this chapter.
  - C. Single-family dwellings.
  - D. Parks, playgrounds, and recreation areas
  - E. Home occupations.
3. Conditional Uses. The following special exceptions may be permitted in the Class A District subject to the approval of the Board of Adjustment and any specific conditions and requirements intended to make them compatible with and acceptable to adjacent use.
  - A. Public utilities.
  - B. Recreational development for seasonal or temporary use.
  - C. Roadside stand for sale of produce raised on the premises.
  - D. Dog kennels and dog runs, and stables.
  - E. Greenhouses and plant nurseries operated for commercial purposes.
  - F. Churches, including cemeteries, crematories or mausoleums.
  - G. Bed and breakfast houses.
  - H. Publicly owned and operated buildings and facilities.
4. The following regulations shall apply to any dwelling constructed or altered in any Class A District:
  - A. Density of Population. Lot area should be not less than one acre and lot width shall be not less than 100 feet.
  - B. Percentage of Lot Covered by Buildings, Dwellings and Other Structures. No dwelling or other structure, including accessory buildings, shall cover more than 40 percent of the area of the lot.
5. Yards, Courts and Open Spaces. Every dwelling in any Class A district shall be required to have a front and rear yard with a minimum of 30 feet before any structure may be erected, and a side yard on each side with a minimum of 20 feet before any structure may be erected.
6. Size of Structure. No house shall be built having less than 1,500 square feet of floor area living space in a multi-story dwelling, or less than 1,200 square feet of living space in a one-story dwelling.

7. The following regulations shall apply to any structure or building other than dwelling unit constructed or altered in any Class A District:
  - A. Lot Area. Lot area should be not less than five acres and lot width shall be not less than 200 feet. No more than one principal use shall be placed upon any lot of the above size.
  - B. Percentage of Lot Covered by Buildings, Dwellings and Other Structures. No dwelling or other structure, including accessory buildings, shall cover more than 40 percent of the area of the lot.
  - C. Yards, Courts and Open Spaces. Every dwelling in any Class A District shall be required to have a front and rear yard with a minimum of 50 feet before any structure may be erected, and a side yard on each side with a minimum of 30 feet before any structure may be erected.

**165.13 CLASS P DISTRICT – PUBLIC USE.**

1. It is intended that the Public Use District provide reference on the zoning map to public uses of land. Thus land owned by the City of Shueyville, United States Federal Government, the State of Iowa, Johnson County, the School District, and area churches will be designated Public Use. This district is also intended to provide for park and recreation areas, water conservation districts, erosion control, protection of wildlife habitat, protection of natural drainage ways and steep slopes, wetlands, and to generally provide for ecologically sound land use of environmentally sensitive areas.
2. The following uses shall be allowed in any Class P District:
  - A. Use of land, buildings or structures of the aforementioned governmental entities or political subdivisions thereof.
  - B. Agriculture and undeveloped and unused land in natural condition..
  - C. Public parks and other recreational open space.
  - D. Churches, places of worship and cemeteries.
  - E. Flood control structures.
3. The following regulations shall apply to any structure or building constructed or altered in any Class P District:

Use	Minimum Lot Area	Minimum Lot Width And Depth	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard	Maximum Height
Public use	25,000 square feet	100 feet (w) 100 feet (d)	30 feet	25 feet	30 feet	2½ stories or 37.5 feet

- A. Percentage of Lot Covered by Buildings, Dwellings and Other Structures. No structure, including accessory buildings and parking areas, shall cover more than 70 percent of the area of the lot.

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**165.14 SIGN REGULATIONS.** The following regulations shall apply to all zoning districts:

1. No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle. No sign may obstruct the view of any roadway so as to render dangerous the use of the roadway.
2. No advertisement or advertising structure shall be posted, erected, or maintained which simulates any official, directional, or warning sign erected or maintained by the State, County, Municipal, or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs. No sign may obscure or physically interfere with an official traffic control sign, signal or device.
3. Signs shall not encroach or extend over public right-of-way.
4. No advertisement shall be posted or maintained on fences, trees, or other perennial plants.
5. No advertisements shall be allowed on, or attached to, a vehicle or trailer parked on public or private property. The prohibition of this section does not prohibit the identification of a firm or its principal product operating during the normal course of business or being taken home. In addition, the prohibition of this section does not prohibit the sales or rental of vehicles or trailers parked on public or private property with advertising of the sale on or attached to said vehicles or trailers.
6. All signs shall be non-flashing and non-strobing, and they shall not contain rotating, oscillating, or revolving beams or other similar types of light transmission. Scrolling text is allowable.
7. All signs shall be kept in good repair. Repairs shall be made within 30 days of damage to said sign.
8. Signs bearing only property numbers, postal box numbers, names of occupants of premises, private parking, or other identification of premises are permitted within all districts and shall not exceed two square feet in area. E911 signs and numbers are specifically excluded from this section.
9. The surface area of all signs regulated within this section shall not include any supporting structures or bracing that are not intended to be part of the sign. For example, any pole or brace that supports the sign but does not contain lettering, logos, or information shall be excluded from the square foot requirements.
10. An on-premises sign is any sign advertising or identifying a product, service, business, or activity sold, located, or conducted on the premises where the sign is located.
11. An off-premises sign is any sign advertising a product, service, business, or activity sold, located, or conducted elsewhere than on the premises on which the sign is located.
12. An attached sign is any sign advertising a product, service, business, or activity sold, located, or conducted that is attached to the building on which the sign is advertising.
13. A detached sign is any sign advertising or identifying a product, service, business, or activity sold, located, or conducted on the premises where the sign is located but not attached to any building.

14. The following regulations shall apply to all A, R-1, R-2, R-3, and PUD zoning districts:

A. Signs Not Permitted. Off-premises and detached signs are not permitted, except for temporary signs such as political, real estate, garage sale, and certain construction signs, as specified in this paragraph. Political signs shall conform to State law. Real estate signs shall be removed upon the closing of the sale of the property. Construction signs relating to the vendor and services provided for the construction or remodeling of a dwelling unit on the premises shall be permitted during the time of construction and shall be removed upon project completion. All allowed temporary signs shall be located within the front yard. The total square feet of surface area of all temporary signs on any one property shall not exceed 32 square feet.

B. Front Yard Setbacks. All signs shall be set back from the property line as follows:

(1) All R Districts: no requirement.

(2) All A Districts: 20 feet

C. Height Requirements. All signs shall be no higher than the following:

(1) All R Districts: 5 feet

(2) All A Districts: 25 feet

D. Parade Home Signs. Parade home signs are specifically excluded from this section.

15. The following regulations shall apply to all C and I zoning districts:

A. Permitted Signs. Off-premises, on-premises, attached and detached signs are permitted as follows.

(1) On-premises and detached signs shall not exceed 100 square feet in area. Attached signs shall not exceed 75 square feet and shall be attached to the structure being advertised. On-premises and detached signs shall not be within 30 feet of any residential district or use.

(2) Off-premises signs are allowed in all C and I zoning districts and shall not exceed 100 square feet in area. Off-premises signs shall not be within 500 feet of any residential district or use. Off-premises signs shall meet all applicable IDOT highway sign requirements.

B. Front Yard Setbacks. All signs shall be set back from the property line as follows:

(1) All C and I Districts: 10 feet

C. Height Requirements. All signs shall be no higher than the following:

(1) All C and I Districts: 25 feet

16. The following regulations shall apply to all P zoning districts:

A. Permitted Signs. On-premises, attached and detached signs are permitted as follows.



- (1) On-premises and detached signs shall not exceed 100 square feet in area. Attached signs shall not exceed 75 square feet and shall be attached to the structure being advertised. On-premises and detached signs shall not be within 25 feet of any residential district or use.
- (2) No off-premises signs are allowed in P zoning districts.
- B. Front Yard Setbacks. All signs shall be setback from the property line as follows:
- (1) All P Districts: 10 feet
- C. Height Requirements. All signs shall be no higher than the following:
- (1) All P Districts: 25 feet
17. Application for Permit. All permanent signs shall require a permit. Each application for a sign permit shall be submitted prior to the installation of the sign and shall be approved or denied by the City Clerk. There will be no fee for a sign permit.  
*(Subsection 17 – Ord. 2024-12 – Nov. 24 Supp.)*
18. Grandfather Clause (Nonconforming Signs.) Any sign in existence within the City prior to the effective date of the zoning ordinance, but that does not conform to the provisions of hereof, shall be considered to be nonconforming. Any nonconforming sign shall be permitted to continue in its nonconforming state only provided as follows:
- A. No nonconforming signs shall be relocated or replaced with a new or different sign unless the same complies with the provisions of this chapter.
- B. Any nonconforming sign associated with a business shall be removed upon the termination on that business, which shall be deemed to have occurred upon the closing of the business for at least 90 days. Seasonal businesses are exempt from this provision.
- C. A nonconforming sign shall be maintained or repaired only in accordance with the following provisions:
- (1) The size and structural shape of the sign shall not be changed or altered.
- (2) The existing text or graphics of the sign may be repainted; however, the total display area shall not be enlarged. The sign may be updated to allow for new technology such as scrolling text or graphics, lighted text or graphics or other new technology that meets all regulations within this section. However, if the sign is updated to allow for new technology, the sign shall then conform to all regulations of this chapter, including surface size and setbacks.
- (3) In the case where damage or decay occurs to the sign to the extent of 50 percent or more of either the structure or the replacement value of the sign, the sign shall be either removed or brought into compliance with this chapter within 30 days of written notice from the City regarding such damage or decay. Where damage or decay to the sign is less than 50 percent of the structure or its replacement value, the sign may be repaired in keeping with its appearance upon the effective date of the Zoning Ordinance within 60 days of written notice from the City regarding such damage or decay. Otherwise, the sign shall be

removed and brought into compliance with this chapter. The City will consider a nonconforming sign to be damaged or decayed, for purposes of this provision, where: (i) the use of the sign continues despite a lack of reasonable and adequate maintenance resulting in the deterioration of the sign and a blighting influence on nearby properties; (ii) the sign is structurally defective; or (iii) the sign presents a hazard to public safety.

**165.15 ADMINISTRATION AND ENFORCEMENT.** This chapter shall be enforced by the City Clerk. No building permit or certificate of occupancy shall be issued by the City Clerk except where the provisions herein have been complied with.

1. The City Clerk shall be appointed as the City Clerk by the Council for the term of one year and shall have the following powers and duties:

A. The City Clerk or the Council shall issue building permits, when it has been shown to their satisfaction that such proposed building or extension will be in conformity with this chapter, and upon the payment of building permit, said fee shall be deposited in the General Fund of the City. Amount of said permit shall be set by City Council resolution and can be amended from time to time.

B. The City Clerk shall inspect buildings being erected or extended at any time and when the same have been completed and shall issue a certificate of occupancy if the provisions of this chapter have been complied with.

C. The City Clerk, if other than the Clerk, shall receive compensation set by the Council, to be paid from the fees collected for the issuance of building permits.

2. Site Plan Procedure.

A. All two-family, PUD, commercial, and industrial proposals shall be required to submit a site plan for the Planning and Zoning Commission's review and City Council's approval. The applicant shall submit 14 copies of the site plan to the City Clerk. They shall be distributed as follows: one to the City Clerk; one to the Mayor; one to the City Engineer; one to the City Planner, five to the Planning and Zoning Commission; and five to the City Council.

B. The City Clerk, City Engineer, and City Planner shall review the Site Plan for conformance of the design to the standards required herein. If necessary, the applicant shall make revisions and resubmit the revised Site Plan to the City Clerk.

C. The Planning and Zoning Commission shall act upon the Site Plan. The City Engineer and Planner shall submit their recommendations to the Commission. Action of the Commission shall be a recommendation of approval, approval subject to conditions, or denial and it shall be forwarded to the City Council.

D. At the next regularly scheduled City Council meeting following Commission action, the Council shall act on the Site Plan and Commission's recommendation. Action of the Council shall be approval, approval subject to conditions, or denial.

E. Once approved, the applicant may then proceed with approval of building permit and accompanying material. In case of denial, a Site Plan may be revised by the applicant in accordance with Council action and 14 copies resubmitted to the Commission as before.

F. A Site Plan shall become effective upon certification of approval by the City Council. The approval shall remain valid for one year after the date of approval with the possibility of a one-year extension as approved by the City Council, after which time the Site Plan shall be deemed null and void if the development has not been established or construction commenced.

*(Section 165.15 – Ord. 2024-12 – Nov. 24 Supp.)*

#### **165.16 BOARD OF ADJUSTMENT.**

1. Board of Adjustment Created. A Board of Adjustment is hereby created. The Board shall consist of three members, each to be appointed by the Council for staggered terms of three years. Vacancies shall be filled by the Council for the unexpired term of any member whose term becomes vacant. The Board shall elect a Chairperson from its membership and appoint a Secretary. Matters of procedure, powers, and judicial review relating to the Board are regulated by statute.

2. Review by Board of Adjustment. All prohibitions as above provided are subject to review by the Board of Adjustment and an otherwise prohibited use may be permitted if approved by said Board, subject to securing a permit therefor and to such conditions, restrictions, and safeguards as may be deemed necessary for the purpose of protecting the health, safety, morals, and general welfare of the community.

3. Compensation. All members of the Board shall be paid \$35.00 per meeting, payable quarterly.

*(Section 165.16 – Ord. 2023-10 – Nov. 24 Supp.)*

#### **165.17 NONCONFORMING USES.**

1. The lawful use of any building or land existing at the time of the enactment of this chapter may be continued although such use does not conform with the provisions of this chapter.

2. Whenever a nonconforming use has been discontinued for a period of one year, such use shall not thereafter be re-established, and any future use shall be in conformity with the provisions of this chapter.

#### **165.18 FEES.**

1. The applicant shall be responsible for just and reasonable costs incurred by the City for review of all matters pertaining to this ordinance deemed necessary by the City to ensure proper conformance.

2. Therefore, the City Council shall establish a schedule of fees, charges and expenses for all matters pertaining to this chapter. The schedule of fees shall be posted and may be amended from time to time by City Council resolution.

3. No action shall be taken on any application or appeal until all applicable fees, charges, or expenses have been paid by the applicant in full.

**165.19 SOLAR ENERGY SYSTEMS.**

1. Intent. The intent of the regulations of this section is to balance the need for clean, renewable energy resources with the need to protect the public health, safety and welfare. The regulations of this section are found to be necessary to ensure that solar energy conversion systems are appropriately designed, sited and installed.

2. Definitions. For use in this section, the definitions as set forth in the Shueyville Code and the *2015 International Solar Energy Provisions*, both as may be amended from time to time shall be controlling:

A. “Solar energy system (SES)” means an aggregation of parts including the base, supporting structure, photovoltaic or solar thermal panels, inverters and accessory equipment such as utility interconnect and battery banks, in such configuration as necessary to convert radiant energy from the sun into mechanical or electrical energy.

B. “Large solar energy system (LSESV)” means a solar energy system that has a nameplate rated capacity of over fifteen kilowatts in electrical energy or fifty KBTU of thermal energy for non-single-family residential uses and districts and which is incidental and subordinate to a principal use on the same parcel. A system is considered an LSES only if it supplies electrical power to thermal energy solely for use by the owner on the site, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed by the owner for on-site use may be used by the utility company in accordance with Section 199, Chapter 15.11(5) of the *Iowa Administrative Code*, as amended from time to time.

C. “Small solar energy system (SSES)” means a solar energy system that has a nameplate rated capacity of up to fifteen kilowatts in electrical energy or fifty KBTU of thermal energy for residential uses and districts and that is incidental and subordinate to a principal use on the same parcel. A system is considered an SSES only if it supplies electrical power or thermal energy solely for use by the owner on the site, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed by the owner for on-site use may be used by the utility company in accordance with Section 199, Chapter 15.11(5) of the *Iowa Administrative Code*, as amended from time to time.

D. “Solar energy system, building mounted” means a SES that is securely fastened to any portion of a building roof, whether attached directly to a principal or accessory building.

E. “Solar energy system, ground mounted” means a SES that is not located on a building and is installed on the ground.

F. “Total system height for building mounted system” means the height above roof surface measured perpendicular to the roof specific to the installation on a sloped roof or the height above the roof surface specific to the installation on a flat roof.

G. “Total system height for ground mounted system” means the height above grade from the highest point, including the supporting structure, related

equipment, and the collector panels. Adjustable angle systems shall be measured from the highest point when the system is at its maximum vertical extension.

H. “Off grid” means an electrical system that is not connected to a utility distribution grid.

I. “Solar access” means a property owner’s right to have sunlight shine on his land.

J. “Solar energy” means radiant energy received from the sun at wavelengths suitable for heat transfer, photosynthetic use, or photovoltaic use.

K. “Solar energy system, building integrated” means a solar photovoltaic system that is constructed as an integral part of a principal or accessory building and where the collector component maintains a uniform profile or surface with the building’s vertical walls, window openings, and roofing. Such a system is used in lieu of an architectural or structural component of the building. A building integrated system may occur within vertical facades, replacing glazing or other façade material; into semitransparent skylight systems; into roofing systems, replacing traditional roofing materials; or other building or structure envelope systems. To be considered a building integrated solar energy system, the appearance of the collector components must be consistent with the surrounding materials.

L. “Utility scale solar energy system” means a solar energy system that supplies electrical power or thermal energy solely for use by off-site consumers.

M. “Kilowatt” (kW) is equal to 1,000 watts.

N. “Watt” (W) is the International System of Unit’s standard unit of power, the equivalent of one joule per second.

3. Permitted SES. The following solar energy systems (SES) are permitted in all zoning districts within the City of Shueyville, subject to the stated limitations:

A. A building integrated system.

B. A building mounted system attached to the roof of an accessory or primary structure.

C. A ground mounted system as an accessory use or structure to a primary structure.

D. Large solar energy systems (LSES) are not allowed in residential zones.

E. Utility scale solar energy systems are not allowed.

4. Building Permit Required. It shall be unlawful to construct, erect, install, alter or locate any solar energy system (SES) within the City of Shueyville, unless approved with a building permit. The application for building permit shall include:

A. A site plan showing the location of the system on the site, the area of the base of the system and the total height of the system;

B. Standard drawings, specifications of system components, and dimensional representations of the system and all its parts, including the supporting frame and footings;

- C. A line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the *National Electrical Code*; and
- D. For systems to be mounted on existing buildings, an engineering analysis showing sufficient structural capacity of the receiving structure to support the SES per the applicable code regulations, certified by an Iowa licensed professional engineer.
5. Compliance with All Governmental Regulations. The owner/operator of the SES shall obtain any other permits required by other federal, State and local agencies/departments prior to erecting the system.
6. Installation and Inspection. Installation shall be subject to inspection by a Johnson County Building Inspector. Installation must be done according to manufacturer's recommendations. All work must be completed according to the applicable building, fire and electric codes. All electrical components must meet code recognized test standards.
7. Color. The color of the support base of the SES shall be a neutral color. All surfaces shall be non-reflective to minimize glare that could affect adjacent or nearby properties. Measures to minimize nuisance glare may be required including modifying the surface material, placement or orientation of the system, and if necessary, adding screening to block glare.
8. Lighting. No lighting other than required safety lights or indicators shall be installed on the SES.
9. Signage. No advertising or signage other than the manufacturer's identification logo shall be permitted on the SES.
10. Maintenance. The SES shall be well maintained in an operational condition that poses no potential safety hazard. Should the SES fall into disrepair and be in such dilapidated condition that it poses a safety hazard or would be considered generally offensive to the senses of the general public, the SES may be deemed a public nuisance and will be subject to abatement as such.
11. Displacement of Parking Prohibited. The location of the SES shall not result in the net loss of minimum required parking.
12. Utility Notification. No SES that generates electricity shall be installed until evidence has been given that the utility company has been informed of and is in agreement with the customer's intent to install an interconnected customer owned generator. Off grid systems shall be exempt from this requirement.
13. Interconnection. The SES, if interconnected to a utility system, shall meet the requirements for interconnection and operation as set forth by the utility and the Iowa Utilities Board.
14. Restriction On Use of Energy Generated. An SES shall be used exclusively to supply electrical power or thermal energy for on-site consumption, except that excess electrical power generated by the SES and not presently needed for onsite use may be used by the utility company in accordance with Section 199, Chapter 15.11(5) of the *Iowa Administrative Code*.

15. Shutoff. A clearly marked and easily accessible shutoff for any SES that generates electricity will be required as determined by the Johnson County Building Inspector.

16. Electromagnetic Interference. All SESs shall be designed and constructed so as not to cause radio and television interference. If it is determined that the SES is causing electromagnetic interference, the operator shall take the necessary corrective action to eliminate this interference including relocation or removal of the facilities, subject to the approval of the appropriate City authority. A permit granting an SES may be revoked if electromagnetic interference from the SES becomes evident.

17. Solar Access Easements. The enactment of this section does not constitute the granting of an easement by the City. The owner/operator may need to acquire covenants, easements, or similar documentation to assure sufficient solar exposure to operate the SES unless adequate accessibility to the sun is provided by the site. Such covenants, easements, or similar documentation is the sole responsibility of the owner/operator. Should the owner/operator pursue a solar access easement, the extent of the solar access should be defined and the easement document executed in compliance with the regulations contained in Iowa Code Chapter 564A (access to solar energy).

18. Removal. If the SES remains nonfunctional or inoperative for a continuous period of one year, the system shall be deemed to be abandoned. The owner/operator shall remove the abandoned system at their expense. Removal of the system includes the entire structure, collector panels and related equipment from the property excluding foundation. Should the owner/operator fail to remove the system, the SES will be considered a public nuisance and will be subject to abatement as such.

19. Nonconforming Systems. An SES that has been installed on or before the effective date of this section and is in active use and does not comply with any or all of the provisions of this section shall be considered a legal nonconforming structure under the provisions of the Zoning Ordinance.

20. Unsafe Condition. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any SES or associated building or structure, or any part thereof, declared to be unsafe by the appropriate authority.

21. Bulk Regulations.

A. Location.

(1) No more than one SES may be placed on any zoned lot unless otherwise specifically approved by the City Council.

(2) No SES shall be constructed within twenty feet laterally from an overhead electrical power line, excluding secondary electrical service lines or service drops.

(3) Ground Mounted SES.

a. No part of an SES shall be located within or over drainage, utility or other established easements, or on or over property lines.

b. The SES shall be located in accordance with the regulations for accessory use on structures in Zoning Code or not less than one foot from the property line for every one-foot

of the system height measured at its maximum height, whichever is most restrictive.

- c. An SES shall not be located in the front yard setback.
- d. An SES shall not be located in any required buffer or setback as set forth in Zoning Code.
- e. An SES located on a zero-lot line lot shall comply with requirements set forth in Zoning Code and shall not be located in the required 10 ft. side yard.
- f. No portion of an SES shall be located closer than 6 feet to the principal building or to any other building or structure on the lot or location. In addition, an SES shall not occupy more than 30% of the rear yard.
- g. The setback from underground electric distribution lines shall be at least five feet.
- h. No SES shall be located which may obstruct vision between a height of thirty inches and ten feet on any corner lot within a vision triangle of twenty-five feet formed by intersecting street right of way lines.

(4) Building Mounted SES.

- a. The SES shall be set back not less than one foot from the exterior perimeter of the roof for every one foot the system extends above the parapet wall or roof surface.
- b. Should the SES be mounted on an existing structure that does not conform to current setback requirements, the SES shall be installed to meet the current setback requirements applicable to the structure.
- c. The SES shall be designed to minimize its visual presence to surrounding properties and public thoroughfares. Panel arrangement shall take into account the proportion of the roof surface, and panels shall be placed in a consistent manner without gaps unless necessary to accommodate vents, skylights or equipment.
- d. Access pathways for the SES shall be provided in accordance to all applicable building, fire and safety codes.
- e. The SES shall be located in such a manner that fall protection railings are not required or are not visible from the public thoroughfare.

(5) Building Integrated SES.

- a. No setback required.
- b. Access pathways for the SES shall be provided in accordance to all applicable building, fire and safety codes.



- B. Height.
- (1) Ground Mounted SES. The maximum height of the SES shall not exceed eighteen feet in height as measured from existing grade.
  - (2) Building Mounted SES.
    - a. The collector panel surface and mounting system shall not extend higher than eighteen inches above the roof surface of a sloped roof.
    - b. The collector panel surface and mounting system shall not extend higher than seven feet above the roof surface of a flat roof.
  - (3) Building Integrated SES. The collector panel shall maintain a uniform profile or surface with the building's vertical walls, window openings, and roofing.
- C. Size.
- (1) Size of the SES is calculated by measuring the total surface area of the collector panels for the system.
  - (2) Building Mounted SES. System size will be determined by the available roof area subject to the installation, minus the required setbacks or access pathways.
  - (3) Building Integrated SES. System size will be determined by the available building surface area subject to the installation, minus the required access pathways.

*(Section 165.19 – Ord. 2023-03 – Sep. 23 Supp.)*

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<b>EDITOR’S NOTE</b>			
<p>Ordinance No. 90 entitled “Shueyville Zoning Map,” adopted July 22, 2010, and amendments thereto have not been included as a part of this Code of Ordinances, but have been specifically saved from repeal and are in full force and effect. The following ordinances have been adopted amending Ordinance No. 90.</p>			
<b>ORDINANCE</b>	<b>ADOPTED</b>	<b>ORDINANCE</b>	<b>ADOPTED</b>
2020-02	4-14-20		
2022-05	11-8-22		
2024-09	11-12-24		

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## CHAPTER 170

# SUBDIVISION REGULATIONS

170.01 Procedure for Subdividing Land  
170.02 Preliminary Plats  
170.03 Final Plats  
170.04 Auditor's Plats  
170.05 Preliminary Plat Data  
170.06 Final Plat Data

170.07 Attachments to the Final Plat  
170.08 Minimum Standards of Design and Development  
170.09 Improvements  
170.10 Fire Protection Requirements  
170.11 Variations and Exceptions  
170.12 Enforcement

**170.01 PROCEDURE FOR SUBDIVIDING LAND.** Every owner of any tract of land situated within the City, or insofar as the same is applicable, within two miles of the corporate limits thereof, pursuant to Section 354.9 of the *Code of Iowa*, who may subdivide the same into two or more parts for the purpose of laying out a subdivision of the City or any addition thereto, or subdivide the same into suburban lots or into streets, alleys, parts, or tracts intended for public use or for the use of purchasers or owners of lots fronting or adjacent thereto shall follow the procedure outlined in this chapter.

**170.02 PRELIMINARY PLATS.** Each owner of land planning to subdivide shall confer with the Planning and Zoning Commission before preparing the preliminary plat in order to become familiar with the City plan and with any municipal regulations, ordinances, or other conditions affecting the territory in which the proposed subdivision lies. The owner shall submit seven copies of the preliminary plat that shall be filed with the Commission. The Commission shall as soon as practicable consider said reports and approve, recommend modifications, or disapprove the plat. In case of recommended modifications or disapproval it shall give its reasons therefor. The Commission shall after such consideration forthwith submit a copy of the preliminary plat together with the recommendations thereof to the Council. The Council shall then approve or disapprove the preliminary plat as recommended. One copy of the resolution shall be delivered or mailed to the owner. When a preliminary plat has been approved by the Council, the owner shall thereupon prepare a plan of the improvement and the arrangement for the improvements, and submit their recommendations to the Council. Within 180 days after the preliminary plat and the plan of improvement have been approved by the Council, the owner shall then proceed with the preparation of the final plat of the land or a part thereof and file the same with the Commission.

**170.03 FINAL PLATS.** The final plat shall comply with and conform to the preliminary plat as approved or modified by the Council. Five copies of the final plat shall be submitted to the Commission together with a certificate from a qualified engineer stating that the final plat is substantially in accord with the preliminary plat as approved by the Council. When the final plat has been approved by the Council, the City Clerk shall duly certify or stamp such approval on the five copies of the final plat. One of these copies shall be returned to the owner.

**170.04 AUDITOR'S PLATS.** No auditor's plats shall be approved by the Commission, except when made in accordance with the laws of Iowa.

**170.05 PRELIMINARY PLAT DATA.** The preliminary plat shall be plainly marked “preliminary plat” and shall include the following information:

1. The legal description of the property with the boundaries of the proposed subdivision indicated by a heavy line.
2. Name of proposed subdivision (shall not duplicate or resemble existing subdivision names), north point, scale, date and name of surveyor or engineer and the name and address of the owner.
3. Existing structures, surface features, utilities and other rights-of-way.
4. Location, names, and widths of all existing and proposed streets and alleys and how they connect with existing streets and alleys.
5. Location and character of existing and proposed easements.
6. Location and names of all adjoining properties with the names of owners.
7. Proposed lot lines with approximate dimensions.
8. Areas dedicated for public use, such as parks and schools.
9. Contour lines at intervals of not more than two feet.
10. Building setback lines.
11. Location of all subsurface features such as sewers, water mains, culverts, and drain pipes with pipe sizes, grades, and locations indicated.
12. Provisions for storm water drainage, sewage disposal and source of water supply.
13. Vicinity sketch at a legible scale showing the relationship of the plat to its general surroundings.
14. Location of sidewalks/trails and how they connect with existing sidewalks/trails.
15. Soil percolation tests. Any plat that is not served by public utilities shall include percolation tests of which a copy of the results be provided to the City and permit issued by the Johnson County Health Department.
16. Table of the following:
  - A. Total acreage of the proposed subdivision.
  - B. Total number of lots.
  - C. Minimum, average and maximum lot areas.
  - D. Acreage of public lands to be dedicated or reserved other than streets.

**170.06 FINAL PLAT DATA.** The final plat shall be made from an accurate survey and drawn to 100 feet to the inch or larger scale by a licensed engineer surveyor. The scale shall be clearly stated and graphically illustrated by a bar scale drawn on every sheet showing any portion of the lands subdivided. Sheet size shall be no greater than 24 inches by 36 inches or smaller than eight and one-half inches by 11 inches. If more than one sheet is used, each sheet shall clearly show the number of the sheet, the total number of sheets included in the plat, and match lines indicating where other sheets adjoin. An index sheet shall be provided to show the

relationship between the sheets. The final plat shall be clearly marked "Final Plat" and shall include the following information:

1. Name of subdivision, north arrow, date on each sheet and name and address of the owner and subdivider.
2. The final plat shall comply with all requirements of Chapters 354 and 355 of the *Code of Iowa*.
3. The minimum unadjusted acceptable error of closure for all subdivision boundaries shall be 1:10,000 and shall be 1:5,000 for any individual lot.
4. The boundaries of the property, the lines of all proposed streets and alleys with their width, and any other areas intended to be dedicated to public use.
5. All adjoining properties shall be identified, and where such adjoining properties are a part of a recorded subdivision, the name of that subdivision shall be shown.
6. All lot lines and easements, with figures showing their dimensions.
7. The accurate outline of all property which is offered for dedication for public use with the purpose indicated thereon, and of all property that may be reserved for the common use of the property owners in the subdivision.
8. A strip of land shall not be reserved by the subdivider unless the land is of sufficient size and shape to be of some practical use or service as determined by the Council.
9. The lines of streets and alleys with their width and names.
10. Block and lot numbers.
11. The plat shall be signed and acknowledged by the subdivision land owner and spouse, if any.
12. Complete and correct legal description of the subdivision with certification and name of engineer or surveyor staking the lots bearing the surveyor's Iowa registration number or seal, and a sealed certification of the accuracy of the plat by the registered land surveyor who drew the plat.
13. If a portion of the subdivision is to have access on a State or County jurisdiction road, a written and signed statement permitting the access by the duly authorized officials of the appropriate jurisdiction is required.
14. Specification and engineering construction drawings shall be provided that include cross-sections and details of all public improvements. Elevations shall refer to mean sea level as exhibited in standard U.S. Geological Survey maps.
15. The final plat shall be accompanied with an instrument executed in the form provided by the laws of Iowa, dedicated to the City, title to all property intended for public use.
16. Approval of the final plat by the Council shall be ineffective if the plat and its proceedings are not recorded by the owner in the office of the County Recorder, Assessor and Auditor within one year after date of approval, unless within that time an extension is granted by the Council.

**170.07 ATTACHMENTS TO THE FINAL PLAT.** The following shall be attached to accompany any final plat:

1. A statement by the proprietors and their spouses, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgments of deeds. The statement by the proprietors may also include a dedication to the public of all lands within the plat that are designated for streets, alleys, parks, open areas, school property, or other public use, if the dedication is approved by the Council.

*(Code of Iowa, Sec. 354.11[1a])*

2. A statement from the mortgage holders or lienholders, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgment of deeds. An affidavit and bond as provided for in Section 354.12 of the *Code of Iowa* may be recorded in lieu of the consent of the mortgage or lienholder. When a mortgage or lienholder consents to the subdivision, a release of mortgage or lien shall be recorded for any areas conveyed to the City or dedicated to the public.

*(Code of Iowa, Sec. 354.11[1b])*

3. An opinion by an attorney-at-law who has examined the abstract of title of the land being platted. The opinion shall state the names of the proprietors and holders of mortgages, liens or other encumbrances on the land being platted and shall note the encumbrances, along with any bonds securing the encumbrances. Utility easements shall not be construed to be encumbrances for the purpose of this section.

*(Code of Iowa, Sec. 354.11[1c])*

4. A certificate of the County Treasurer that the land is free from certified taxes and certified special assessments or that the land is free from certified taxes and that the certified special assessments are secured by bond in compliance with Section 354.12 of the *Code of Iowa*.

*(Code of Iowa, Sec. 354.11[1f])*

5. A resolution and certificate for approval by the Council and for signatures of the Mayor and Clerk.

6. A statement by the Auditor approving the name or title on the subdivision plat.

*(Code of Iowa, Sec. 354.11[1e])*

7. A statement of restrictions of all types that run with the land and become covenants in the deed of lots.

8. A certificate by the City's engineer that all required improvements have been satisfactorily completed in accordance with the construction plans as approved and in compliance with the approved preliminary plat. Prior to such certification, as-built plans for all improvements shall have been provided to the City Engineer. One set of as-built plans shall be submitted on Mylar. The as-built plans shall also be submitted electronically in AutoCAD 2000 format for use in creating a City utility map. The electronic plans shall contain all utilities, easements, lot lines, and road surfaces. In lieu thereof, the City Clerk may certify that a performance bond guaranteeing completion has been approved by the City Attorney and filed with the Clerk, or that the Council has agreed that the City will provide the necessary improvements and installations and assess the costs against the subdivider of future property owners in the subdivision.



9. If private streets or other private improvements have been approved, an agreement in the form of a covenant running with the land, in a form approved by the City Attorney, providing for the construction or reconstruction of any improvements to meet City standards, and the assessment of all costs to the property owners shall be required.

**170.08 MINIMUM STANDARDS OF DESIGN AND DEVELOPMENT.** No final subdivision plat shall be approved by either the Planning and Zoning Commission or by the Council unless it conforms to the following minimum standards and requirements.

1. Acre Subdivisions. Whenever the area is divided into lots larger than ordinarily used in the area for building purposes, and there is reason to believe that such lots will eventually be re-subdivided into smaller building lots, consideration shall be given to the street and lot arrangement of the original subdivision so that additional minor streets can be opened which will permit a logical arrangement of smaller lots. Easement or deeds providing for the present or future opening and extension of such streets may, at the discretion of the Council, be made a condition of the approval of the plat.

2. Relation to Adjoining Street System. The arrangement of streets in new subdivisions shall make provision for the continuation of the principal existing streets in adjoining additions, or their proper projection where adjoining property is not subdivided, insofar as they may be necessary for public requirements. The width of such streets in new subdivisions shall not be less than the minimum street widths established herein. The street and alley arrangement shall also be such as to cause no hardship to owners of adjoining property when they plat their own land and need to provide for convenient access to it. Whenever there exists a dedicated or platted half-street or alley adjacent to the tract to be subdivided, the owner shall dedicate or convey to the City a sufficient area to provide a minimum width street or alley as prescribed in this section.

3. Street and Alley Widths; Profiles.

A. The width of major streets shall conform to the widths designated on the major street plan.

B. The minimum right-of-way width for minor streets shall be 50 feet except that in cases where the topography or special conditions make a street of more or less width more suitable, the Council may, upon recommendation of the Commission, vary this requirement.

C. Cul-de-sac paved area should contain 85 feet hard surface at the bulb. Dead-end streets of less than 300 feet in length shall have a minimum width of 50 feet with 25 feet hard surfaced, unless, because of unusual conditions, the Commission may require a street of a lesser or greater width. A dead-end street shall terminate in a circular right-of-way with a minimum diameter of 100 feet with 70 feet hard surfaced, unless the Commission approves an equally safe and convenient space. No dead-end street shall be longer than 600 feet.

D. Dead end streets in excess of 300 feet in length shall contain a paved intermediate emergency vehicle turnaround near the midpoint of the street. The maximum spacing between the paved turn around areas is 300 feet. The design and location of the paved turnaround areas must be approved by the Fire Chief. Minimum design requirements include 28 feet minimum road width at the

turnaround and a 55-foot minimum radius paved area along one side of the road. The radius is to be measured from the center of the road.

E. The minimum width of an alley in a residential block, when required because of unusual conditions, shall be 20 feet. Alleys are not recommended in residential districts except under unusual circumstances. Alleys, if needed, are required in the rear of all commercial and industrial districts and shall be at least 25 feet wide. A cut-off shall be made at all acute and right angle alley intersections within the block by a curve of not less than a 15-foot radius.

F. Where alleys are not provided, easements to the City of not less than a total of eight feet in width shall be provided on each side of all rear lot lines and side lines where necessary for poles, wires, conduits, storm and sanitary sewers, gas, water and heat mains. Easements of greater width may be required along lines or across lots where necessary for the extension of main sewers and other utilities. Construction on and use of the land subject to said easements may be made only upon approval of the Council.

G. Profiles shall be made and submitted to the City of all streets and alleys and shall show street grades, location, size, and grade of all conduits, sewers, and pipe lines to be placed under the streets and alleys. Profiles of east and west streets shall be drawn so that the west end of the profile shall be at the left side of the drawing and profiles of north and south street shall be drawn so that the south end of the profile shall be at the left side of the drawing.

H. For main, secondary, and minor thoroughfares, the minimum radius of curvature shall be subject to the approval of the City Engineer. The maximum grade so far as practicable shall not exceed six percent for main and secondary thoroughfares. An exception from these requirements may be permitted by the Council to meet existing conditions of topography.

4. Street Names.

A. A street that is obviously in alignment with an existing street shall bear the name of the existing street; otherwise names shall not duplicate or be similar to existing street names.

B. Where it is desired to subdivide a parcel of land which because of its size and location does not permit a normal street arrangement, there may be established a "Place." Such place may be in the form of a court, a non-connecting street, or other arrangement, provided that proper and easy access shall be provided for all of the lots from a dedicated street or court, and the size of the layout shall be such as to assure a building arrangement corresponding to the standard requirements for normal additions conforming to the area.

5. Lots.

A. The side lines of a lot shall be at right angles to straight street lines or radial to curved street lines, unless a variation to this rule will give a better street and lot plan. Lots with double frontage are not permitted except when approved by the Council.

B. The minimum dimensions for any lot shall conform with the standards set forth in the Zoning Ordinance.

C. Lots shall be of a width that will permit the maintenance of all building lines and yard requirements as may be provided by the Zoning Ordinance.

- D. All major street intersections and other points likely to be dangerous shall have a radius of not less than 15 feet at the street corner. All acute angles at street intersections shall be rounded by a radius of not less than 15 feet.
6. Blocks. No block shall be longer than 1,320 feet between street lines.
7. Common Areas for Public Use. In subdividing property consideration shall be given to suitable sites for schools, parks, playgrounds, and other common areas for public use so as to conform to the adopted master plan of the City. Any provision for schools, parks, or playgrounds shall be indicated on the preliminary plat in order that it may be determined when and in what manner such areas will be dedicated to or acquired by the appropriate agency.
8. Character of Development. The Commission shall have the right to counsel with the owner regarding the type and character of development that will be permitted in the subdivision, and may urge that certain minimum regulations regarding this matter be incorporated in the restrictive covenant. Such provision is intended to protect the character and value of the surrounding development and shall also tend to secure the most appropriate character of development in the property which is subdivided.

#### **170.09 IMPROVEMENTS.**

1. Required. Before the final plat of any subdivision is approved and recorded, the owner shall make and install the minimum improvements described in this section. If, at the time of the presentation of the final plat it is not practical or advisable to have the required improvements completed before the plat is accepted and approved, the owner shall enter into a contract with the City to make such improvements at such time as may be therein stated. The performance of the contract shall be secured by the filing of a bond approved by the Council in an amount equal to the cost of the improvements as estimated by the City Engineer. All improvements including the designs for water, sewer, streets, street utilities and grading, drainage, sidewalks and trails, and open space requirements shall be approved by the City Engineer.
2. Water. If an existing public water supply system is available within one mile, then the developer shall provide the subdivision with water from that public water supply system. If the proposed subdivision is greater than one mile from an existing system, or the governing body of the system denies access, the developer shall construct such a system. For subdivisions of eight or more platted lots, a central (public) water system must be planned for the subdivision. The well must be permitted by the Iowa Department of Natural Resources, and must conform to all applicable rules and regulations of the IDNR. For a subdivision of less than eight lots, a central private water system must be provided. Such a system shall conform to all applicable State and County rules on water systems. No subdivision shall be approved until and unless the proposed system for providing water has been approved by the City Engineer. Minimum size for watermains serving subdivisions is six inches.
3. Sanitary Sewers. Adequate provisions for the disposal of sanitary sewage from the platted area shall be provided with due regard being given to present or reasonably foreseeable needs. If an existing public sanitary sewer system is available within one mile, the developer shall connect to the existing system. If the proposed subdivision is greater than one mile from an existing system, or the governing body of the system denies access, the developer shall construct such a system. A subdivision producing more than 1,500 gallons of wastewater per day shall have a central sewage treatment system that meets all applicable State, County, and local approval requirements.

Subdivisions producing less than 1,500 gallons of wastewater per day shall have a central sewage treatment system that meets all local requirements. Minimum size for sewers serving subdivisions is eight inches.

4. Streets. The owner shall grade all the streets to the required full width of the right-of-way including half streets, alleys, and other thoroughfares for public use, established in the subdivision. The owner shall surface all streets and alleys pursuant to a timetable approved by the Council with one of the following types of surfacing (based on future traffic demands):

A. A minimum of six inches of crushed rock mixed with asphalt with double-seal coat in accordance with specifications of the City Engineer, and subject to the Engineer's approval. Seal coat will only be allowed for subdivisions that contain 10 or fewer homes and where the road will not be subject to increased traffic by continuing the road in the future.

B. Such other surface including reinforced concrete pavement with integral curb and gutter or asphaltic concrete pavement with reinforced curb and gutter which shall meet with the approval of the City Engineer. For all subdivisions containing more than 10 homes, or in subdivisions where the road has the potential to be extended to serve more than 10 homes, PCC or HMA surfacing will be required that is designed to handle the future traffic.

5. Street Utilities and Grading. Before the construction of the street surface, the required utilities such as water, sewer, gas and other utilities shall be installed along with connections laid to a point in the street not more than eight feet from the property line. All trenching backfill shall be compacted in accordance with City specifications and the sub-grade made acceptable for street surfacing. The width of the street surfacing shall conform to the traffic requirements of the street and shall in no event be less than 25 feet in width. All street grading and street improvements shall conform to the appropriate standard plans and specifications of the City.

6. Drainage. Adequate provisions shall be made for drainage of surface water subject to the approval of the City Engineer. The developer shall submit a drainage control plan. No preliminary plat shall be approved unless a drainage control plan has been submitted.

7. Utilities. The Commission and the Council may require that such improvements as electric lines, gas mains, and similar facilities in any subdivision shall be arranged for where necessary before the plat is approved.

8. Sidewalks. Sidewalks are preferred in new subdivisions. If included in the proposed development, they shall be constructed on one side of the street in the subdivision, including replats, and shall be no less than four feet in width and no less than four inches in thickness and shall be constructed in accordance with plans and specifications approved by the City Engineer, except, the owner may be granted permission by the Council to omit a sidewalk or sidewalks in a subdivision or any part thereof if in the discretion of the Council the same are found to be unnecessary. If sidewalks are found to be unnecessary, pathways and/or trails connecting other subdivisions shall be included in the proposed development. Pathways and/or trails shall be hard surfaced (asphalt or concrete) and no less than six feet in width and no less than four inches in thickness and shall be constructed in accordance with plans and specifications approved by the City Engineer. When proposing pathways and/or trails

in new subdivisions, the plat shall make provisions for the continuation and extension of the proposed pathways and/or trail.

9. Open Space Requirement. For all subdivisions of five lots or more, one-tenth acre will be provided as common open space per each lot proposed. As a condition of approving all subdivisions, the subdivider shall submit with the final plat a subdivider's agreement regarding the liability for and maintenance of the open space, common ground, or recreation area. The land area required for storm water detention, streets, utilities, and wastewater treatment shall not be included in the land area required to meet the open space requirement. Pathways, however, count towards the one-tenth requirement.

10. Clustering Residential Lot Option. The cluster approach maintains the rural character of the area without sacrificing allowable densities by preserving significant natural features of the landscape as permanent, common open space.

A. The compromise with smaller lots would be that each lot opens up to the common open space. The open space shall be maintained by the neighborhood association unless the City agrees to having the open space dedicated to the City for maintenance. In addition, the open space may be used for on-site storm water management as well as various recreational opportunities.

B. When clustering, lot size may vary anywhere from one-half acre to full acre lots, depending on the appropriateness of the land in the development.

11. Existing Natural Features to Remain. Existing features on the respective tract of land that would add value to the development or the City as a whole, such as trees, watercourses, knolls, valleys, and similar irreplaceable assets, shall be preserved in the design of the subdivision's open space.

#### **170.10 FIRE PROTECTION REQUIREMENTS.**

1. Water Reservoir Requirements. Developers shall provide emergency water reservoirs or require builder installation of sprinkler systems that meet current building and NFPA codes for fire protection purposes within subdivisions as follows:

A. Subdivisions from 5 to 50 lots: one 30,000-gallon reservoir or installation of fire protection sprinkler systems that meet current building and NFPA codes.

B. Subdivisions from 16 to 50 lots: one 30,000-gallon reservoir.

C. Subdivision of 51 or more lots: two 30,000-gallon reservoirs.

2. Water Reservoir Location. The tank location shall be determined by the City after receiving a recommendation from the Fire Chief and City Engineer.

A. If one tank is required, the tank shall be located within 1,000 feet of all lots in the subdivision.

B. If two tanks are required, the tanks shall be equally accessible throughout the subdivision with no more than 1,000 feet of unobstructed roadway to a protected structure. This may require more than two tanks.

C. All commercial properties shall install or be within 1,000 feet of a 30,000 gallon underground cistern or protection tank.

3. Specifications.
  - A. Pea gravel bedding will be utilized for backfilling and for base.
  - B. Tanks must be made of fiberglass or alternate material as approved by the City Engineer and installed to manufacturer's specifications.
  - C. The drafting/suction pipe height above the finished roadway surface shall be 24 inches to the centerline of the elbow fitting of the six-inch pipe. A two-inch inspection pipe shall be installed on the vent pipe.
  - D. The drafting pipe shall extend to within 6 inches of the bottom of the tank with a fitted strainer to protect against debris one-half inch or more in size. The length of the draft pipe should be kept to a minimum after meeting the requirements of Paragraph C. The drafting pipe shall be six inches in diameter and shall terminate horizontally with an elbow to accept the six-inch national standard female hydrant fitting with cap and chain.
  - E. A screened, eight-inch cistern site vent pipe with the opening facing downward will be included in all tanks. The vent pipe shall be a minimum of 36 inches above the finished roadway surface. The vent pipe shall have a two-inch capped inspection pipe located at the top.
  - F. A four-inch fill pipe with elbow will be provided by the installer which terminates 24 inches above the finished roadway surface, measured at the pipe with five-inch Storz Connection and cap with two and one-half-inch national standard thread adaptor in the cap connected with a chain.
  - G. The maximum distance from the road edge to the drafting pipe shall not exceed eight feet. This will allow a fire pumper, positioned on the finished road surface using one section of standard hard suction hose, to easily reach the draft pipe.
  - H. All aboveground piping shall be primed and then painted red for suction with a six (6) inch adapter, white for vent, and yellow for fill by the installer before the tank is approved for service and filled.
  - I. A 24-inch man-way with internal ladder which is terminated at the landscaped surface shall be included in all tanks.
  - J. The contractor installing the tank shall also install a "no parking" sign at a location specified by the Fire Department. The sign and installation shall be at the expense of the subdivider.
  - K. The installation shall be made with consideration of the winter temperatures. Steps will be taken to ensure the piping and water in the tank will not freeze during extended periods of below zero weather.
  - L. An automatic fill system for replacing the water in the protection tank shall be installed.
  - M. Maintenance of fire protection tanks or cisterns shall be done at the sole expense of the property owner(s) and/or owners' association.
  - N. Installation of a vent and sight assembly for each tank that allows for drive by checks of tank levels approved by the Jefferson Monroe Fire Department.

4. Administration.
  - A. Inspections.
    - (1) The developer or the installer of the water tank shall notify the Fire Department protecting the fire district in which the subdivision is located of the completion of the installation for purposes of inspection. Forty-eight hour notification shall be provided, and a \$25.00 fee shall be submitted to the Fire Department to cover the cost of inspection. All new or upgraded installations shall require inspection. Once approved, tanks shall be filled by the Fire Department. Water tank inspection forms may be obtained from the City Clerk or Fire Department protecting the district.
    - (2) Fire Protection Sprinkler Systems. A copy of the initial inspection to admit occupancy, along with a copy of all periodic, ongoing inspections to remain in compliance with current building and NFPA codes shall be provided to the City.
  - B. The subdivider or contractor installing the tank shall post with the City a \$5,000.00 bond to be held by the City until the tank has received final Fire Department approval.
  - C. Any municipal or private Fire Department may utilize the water tank for fire protection purposes. All tanks shall be refilled by the department making use of the water. Refilling shall be accomplished as soon as possible.
  - D. The Fire Department having fire protection responsibility for the district in which the subdivision is located shall inspect the water tanks in the spring of each year and shall ensure the water tanks are refilled shortly after each use.
  - E. The lot containing the tank shall have an easement with the City and the Jefferson Monroe Fire Department upon the completion of the development.

*(Section 170.10 – Ord. 2024-10 – Nov. 24 Supp.)*

**170.11 VARIATIONS AND EXCEPTIONS.** Whenever the tract proposed to be subdivided is of such unusual size and shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained in these regulations would result in substantial hardships or injustice, the Council upon recommendation of the Commission may vary or modify such requirements so that the subdivider is allowed to develop his property in a reasonable manner, but so, at the same time, the public welfare and interests of the City and surrounding area are protected and the general intent and spirit of these regulations are preserved.

**170.12 ENFORCEMENT.**

1. No plat of any subdivision shall be recorded in the County Recorder's office or have any validity until it has been approved in the manner prescribed herein.
2. The Building Official shall not issue any building or repair permits for any structure on any tract of land required to be platted under the provision hereof and of Chapter 409 of the *Code of Iowa*, until this chapter has been complied with.

3. The Council shall not permit any public improvements over which it has any control to be made or any money expended for improvements in any area that has been subdivided or upon any street that has been dedicated after July 1, 1976, unless such subdivision or street has been approved in accordance with the provisions of this chapter.
4. All plats of property situated outside of the corporate limits which require action by the Commission and Council shall comply with the foregoing regulations as far as applicable.

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## CHAPTER 173

# SITE PLAN REGULATIONS

173.01 Title	173.07 Procedure
173.02 Purpose and Application	173.08 Fees
173.03 Design Standards	173.09 Validity of Approval
173.04 Required Information	173.10 Site Plan Amendment
173.05 Open Space, Landscaping, Parking, and Architectural Requirements	173.11 Applicability to Existing Development
173.06 Zoning Permits	173.12 Enforcement
	173.13 Changes and Amendments

**173.01 TITLE.** This chapter shall be known, cited, and referred to as “Site Plan Regulations of the City of Shueyville, Iowa.”

**173.02 PURPOSE AND APPLICATION.** It is the intent and purpose of this chapter to establish a procedure which will enable the City to review certain proposed improvements to property within specified zoning districts of the City to ensure compliance with all applicable zoning, subdivision and building regulations. Site plans shall only be required whenever any person proposes to place any structure for which a building permit is required under any other section of this Code, on any tract or parcel of land within any district of the Shueyville Zoning Ordinance, and for any use, except one- and two-family dwellings.

**173.03 DESIGN STANDARDS.** The standards of design provided herein are necessary to insure the orderly and harmonious development of property in such a manner as will safeguard the public’s health, safety, and general welfare.

1. The design of the proposed improvements shall make adequate provisions for surface and subsurface drainage, nor increase the danger of erosion, flooding, landslide, or other endangerment of adjoining or surrounding property.
2. The proposed improvements shall be designed and located within the property in such manner as not to unduly diminish or impair the use and enjoyment of adjoining property, and to this end shall minimize the adverse effects on such adjoining property from automobile headlights, illumination of required perimeter yards, refuse containers, and impairment of light and air. For the purpose of this section, the term “use and enjoyment of adjoining property” shall mean the use and enjoyment presently being made of such adjoining property, unless such property is vacant. If vacant, the term “use and enjoyment of adjoining property” shall mean those uses permitted under the zoning districts in which such adjoining property is located.
3. The proposed development shall have such entrances and exits upon adjacent streets and such internal traffic circulation pattern as will not unduly increase congestion on adjacent or surrounding public streets.
4. To such end as may be necessary and proper to accomplish the standards in Subsections 1, 2, and 3 above, the proposed development shall provide fences, walls, screening, landscaping, erosion control or other improvements.
5. The proposed development shall conform to all applicable provisions of the *Code of Iowa*, as amended, and all applicable provisions of the Code of Ordinances of the City of Shueyville, as amended.

**173.04 REQUIRED INFORMATION.** All site plans required under Section 173.02, unless waived by the City Council, shall include as a minimum the following information:

1. Date of preparation, north point and scale.
2. Legal description and address of the property to be developed.
3. Name and address of the record property owner, the applicant, and the person or firm preparing the site plan.
4. The existing and proposed zoning.
5. The existing topography with a maximum of two (2) foot contour intervals. Where existing ground is on a slope of less than two percent (2%), either one (1) foot contours or spot elevations where necessary but not more than fifty (50) feet apart in both directions, shall be indicated on site plan.
6. Existing and proposed utility lines and easements in accordance with City of Shueyville Standard Specifications and Subdivision Regulations.
7. Total number and type of dwelling units proposed; proposed uses for all buildings; total floor area of each building; estimated number of employees for each proposed use where applicable; and any other information which may be necessary to determine the number of off-street parking spaces and loading spaces required by the zoning ordinance.
8. Location, shape, and all exterior elevation views of all proposed buildings, for the purpose of understanding the structures and building materials to be used, the location of windows, doors, overhangs, projection height, etc. and the grade relationship to floor elevation, and the number of stories of each existing building to be retained and of each proposed building.
9. All required yard setbacks.
10. Location, grade and dimensions of all existing and proposed paved surfaces and all abutting streets.
11. Complete traffic circulation and parking plan, showing the location and dimensions of all existing and proposed parking stalls, loading areas, entrance and exit drives, sidewalks, dividers, planters, and other similar permanent improvements.
12. Location and type of existing or proposed signs and of any existing or proposed lighting on the property which illuminates any part of any required yard.
13. Location of existing trees six (6) inches or larger in diameter, landslide areas, springs and streams and other bodies of water, and any area subject to flooding by a one hundred (100) year storm on site and downstream off site.
14. Location, amount and type of any proposed landscaping. Location of proposed plantings, fences, walls, or other screening as required by the zoning regulations and the design standards set forth in Section 173.03.
15. A vicinity map at a scale of 1" = 500' or larger, showing the general location of the property, and the adjoining land uses and zoning.
16. Soil tests and similar information if deemed necessary by the City Engineer, to determine the feasibility of the proposed development in relation to the design standards set forth in Section 173.03.

17. Where possible ownership or boundary problems exist, as determined by the City Clerk, a property survey by a licensed land surveyor may be required.

**173.05 OPEN SPACE, LANDSCAPING, PARKING, AND ARCHITECTURAL REQUIREMENTS.** The requirements set forth in this section for open spaces, landscaping, parking and architectural standards shall apply to any development or redevelopment except one- and two-family dwellings.

1. Open Space Required. On each lot, except for one- and two-family dwellings, there shall be provided open space in accordance with the following schedule:

Zoning District	Percent of Open Space
A*	60
R-1**	60
R-2**	50
R-3**	60
RPUD**	60
C-1	30
C-2	30
I	30
P	30

\*Non-agricultural uses.

\*\*Uses other than single-family dwellings and two-family dwellings.

A. Said open space shall be unencumbered with any structure, or off-street parking or roadways and drives, and shall be landscaped and maintained with grass, trees and shrubbery. When the entire lot is not developed, the open space requirement shall be based in proportion to the area of the improved portion of the lot.

B. Each principal structure of an apartment or office complex on same site shall be separated from any other principal structure in the complex by an open space of not less than sixteen (16) feet.

2. Landscaping Required. Any development, except one and two family dwellings, shall provide the following minimum number and size of landscape plantings based on the minimum required open space for the development. The following is the minimum requirement of trees and shrubs, by number and size, and type of ground cover. Street trees planted in public street right-of-way subject to approval by the City shall not be counted toward fulfillment of the minimum site requirements set forth below. Plant species to be used for landscaping shall be acceptable to the City that are not considered a nuisance or undesirable species, such as trees with thorns, cottonwood or cotton bearing poplars, elm trees prone to Dutch Elm Disease, box elder, and silver maple. Existing trees and shrubs to be retained on site may be counted toward fulfillment of the landscaping requirements.

A. Minimum requirements at the time of planting – two (2) trees minimum or one (1) tree of the following size per 1,500 square feet of open space, whichever is greater:

40 percent 1½” – 2” caliper diameter

Balance 1” – 1½” caliper diameter

(Evergreen trees shall not be less than six (6) feet in height.)

- B. Minimum requirements at the time of planting – 6 shrubs, or 1 shrub per 1,000 square feet of open space, whichever is greater.
- C. To reduce erosion all disturbed open space areas shall have ground cover of grass or native vegetation which is installed as sod, or seeded, fertilized and mulched.
3. Buffer Required. The following conditions shall require a buffer which shall be a landscaped area, wall, or other structure intended to separate and obstruct the view between two adjacent zoning districts, land uses or properties:
- A. Any Commercial “C” and Industrial “I” District that abuts any Residential “R” District shall require a buffer as described in this section. The buffer shall be provided by the Commercial or Industrial uses when adjoining an “R” District.
- B. All Industrial Districts that abut any “R” and “C” District shall provide a buffer as required by this section.
- C. Any storage area, garbage storage, junk storage or loading docks, and loading areas, in any district shall be screened from public street view by a buffer.
4. Buffers. Buffers required under the provisions of this section or elsewhere in the zoning ordinance shall be accomplished by any one or approved combination of the following methods:
- A. Buffer Wall. A buffer wall shall not be less than six (6) feet in height; constructed of a permanent low maintenance material such as concrete block, cinder block, brick, concrete, precast concrete or tile block; the permanent low-maintenance wall shall be designed by an architect or engineer for both structural adequacy and aesthetic quality; weather resistant wood may be used as a substitute material if designed with adequate structural integrity and permanency and approved by the Planning and Zoning Commission and City Council.
- B. Landscape Buffer. A landscape buffer shall not be less than twenty-five (25) feet in width, designed and landscaped with earth berm and predominant plantings of evergreen type trees, shrubs and plants so as to assure year around effectiveness; height of berm and density and height of plantings shall be adequate to serve as a solid and impenetrable screen. A chain link fence may exist for security purposes, but is not considered a part of the landscape screening to satisfy the intent of this requirement.
5. Burden of Provision of Buffer. The burden of provision and selection of the buffer shall be as follows:
- A. Where two different zoning districts, requiring a buffer between them, are developed, the above requirement is not retroactive and a buffer is not required. If a buffer is desired, it shall be provided by mutual agreement between adjacent property owners. However, in the event of any or all of the improved property is abandoned, destroyed, or demolished, for the purpose of renewal or redevelopment, that portion of such property being renewed or redeveloped, shall be considered vacant and subject to the requirements herein.

B. Where one of two different zoning districts requiring a buffer between them is partly developed, the developer of the vacant land shall assume the burden, unless otherwise specified herein.

C. Where both zoning districts, requiring a buffer between them, are vacant or undeveloped, the burden shall be assumed by the developer of the land that is improved or developed, except for agricultural uses and unless otherwise specified herein.

6. Waiver of Buffer Requirements. Where the line between two districts, requiring a buffer, follows a street, right-of-way, railroad, stream, or other similar barrier, the requirement for a buffer may be waived by the City Council provided such waiver does not permit the exposure of undesirable characteristics of land use to public view.

7. Surfacing Requirements. All off-street parking and loading areas and access roadways shall have a durable and dustless surface paved with asphaltic or Portland cement concrete pavement in accordance with the requirements as herein set forth. Off-street parking of automobiles, vans, campers, trucks, trailers, tractors, recreational vehicles, boats, construction equipment, and any other mobile vehicles equipped for street and highway travel shall be on an asphaltic or Portland cement concrete paved off-street parking area as required herein and not parked or stored within the landscaped open space area of the front yard between the building and public street right-of-way, except, however, the storage of a recreational vehicle, a camper, and boat within the side or rear yard upon an unpaved area shall be permitted.

All off-street parking areas and associated driveways, access roadways and frontage roads, except driveways for single family residences, shall be constructed with permanent, integrally attached 6" high curbing or curbing of alternate height acceptable to the City (prefabricated portable curb stops shall not be considered an acceptable alternate), and shall be so graded and drained as to dispose of all surface water accumulation within the area; and shall be so arranged and marked as to provide for orderly and safe loading or unloading and parking and storage of self-propelled vehicles. The curbing requirements may be waived if it is determined that surface drainage can be adequately handled by other means. The minimum thickness of pavement of the parking area shall be as follows:

A. Portland cement concrete shall have a minimum thickness of five (5) inches.

B. Asphaltic cement concrete shall have a minimum thickness of six (6) inches.

C. Material utilized in the subgrade shall be well drained and not susceptible to frost boils. The part of the parking utilized for driveways and access roadways shall be specifically designed to accommodate the type and load bearing capacity of traffic anticipated.

Driveways for attached townhouse style residences on private property shall be Portland cement concrete or asphaltic concrete with minimum thickness of five (5) inches and six (6) inches, respectively, with a sufficiently compacted and well-drained subgrade base and not greater than eighteen (18) feet in width.

8. Landscaping, Screening and Open Space Requirements. It is desired that all parking areas be aesthetically improved to reduce obtrusive characteristics that are

inherent to their use. Therefore, wherever practical and except for single and two family detached and townhouse style residential parking in driveways, parking areas shall be effectively screened from general public view and contain shade trees within parking islands where multiple aisles of parking exist. Not less than five (5) percent of the interior parking area shall be landscaped within parking islands.

9. Off-Street Parking Access to Public Streets and Internal Traffic Circulation. Off-street parking or loading facilities shall be designed so as to permit entrance and exit by forward movement of the vehicle for all uses, except single-family detached or row dwellings which shall permit backward movement from a driveway. The backing or backward movement of vehicles from a driveway, off-street parking or loading area onto an arterial street or highway shall be prohibited for all uses. Driveway approach returns shall not extend beyond the side lot line as extended, unless such driveway is of joint usage by the adjoining lots, and driveway approaches at roadway not greater than established in the Shueyville Municipal Design Standards.

The number of ingress/egress access points to public streets from offstreet parking areas approved by the City and located to limit vehicular conflicts, provide acceptable location of driveway accesses to public streets, preserve proper traffic safety and, as possible, not impair movement of vehicular traffic on public streets. The permitted number of ingress/egress driveway approaches to public streets for an offstreet parking lot shall be dependent upon the projected future average daily traffic (ADT) for the public street and, as possible, public street accesses shall be located in alignment with driveway approaches gaining access to the same public street from property on approaches gaining access to the same public street from property on the opposite side of the street. The design of off-street parking and loading facilities shall provide traffic circulation for the internal forward movement of traffic within the parking lot, so designed, as not to impair vehicular movement on public streets, or backing of vehicles from an off-street parking or loading area to a public street.

10. Handicap Accessible Parking Requirements. Provision of handicapped parking spaces within off-street parking areas shall be in accordance with applicable federal, State and local regulations, properly identified with signage and provided with accessible ramps and walks in accordance with federal and State regulations, and comply with the following parking space minimum requirements:

TOTAL PARKING IN LOT	REQUIRED MINIMUM NUMBER OF HANDICAPPED SPACES
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	†
1001 and over	‡
†Two percent (2%) of total	
‡Twenty (20) spaces plus one for each 100 over 1000	

Access space or aisle adjustment to handicap accessible parking space shall be a minimum five (5) feet wide. One in every eight handicap accessible spaces, but not less than one shall be served by an access space or aisle eight (8) feet wide minimum and shall be designate “van accessible.”

11. Traffic Analysis Requirements. Any project which contains 100 dwelling units or 1,000 average day trips as listed for uses in the Trip Generation Handbook; Institute of Transportation Engineers, current edition, shall submit a traffic analysis which provides necessary information to determine the affect that the project will have upon the surrounding traffic. At a minimum the traffic analysis shall contain project trip generation directional distribution of project trips, traffic assignment, and capacity analysis, including identification of congestion and turning-movement conflicts.

12. Waiver of Requirements. The City Council reserves the right to waive or modify to a lesser requirement any provision or requirement of off-street parking and loading areas contained in this chapter, provided a report on such change is received from the Planning and Zoning Commission and City Administrator, provided adequate area exists for texture expansion, and further provided said waiver or modification does not adversely affect the intent of these regulations to adequately safeguard the general public and surrounding property. Exceptions will only be considered for those uses where special circumstances warrant a change and whereby the modification or waiver is determined to be in the best interest of the general public.

13. Architectural Standards. As part of the submittal of a site plan for development within any of the zoning districts and for any of the uses except one and two family dwellings, architectural plans for buildings shall be submitted for review and approval by the City Council after recommendation from the Planning and Zoning Commission. Documentation to be submitted shall include building elevations showing the building’s design and a description of structural and exterior materials to be used. The following standards shall be considered by the City to review architectural plans:

A. Multiple-Family Dwellings in All Districts. The architecture of multiple-family buildings shall be designed in a manner compatible with adjoining residential uses in the neighborhood. Architectural design for multiple-family buildings shall include exterior building materials, exterior details and texture, treatment of windows and doors, and a variety in the wall and roof design to lessen the plainness of appearance that can be characteristic of large residential buildings. Multiple-family buildings with single plane walls and boxy in appearance shall not be considered acceptable unless the use of exterior materials such as brick provides the elements necessary to enhance the building’s physical appearance and eliminate its plainness of appearance. Adequate treatment or screening of negative aspects of buildings (loading docks, loading areas, outside storage areas, garbage dumpsters and HVAC mechanical units) from any public street and adjoining properties shall be required. Buildings shall be designed or oriented not to expose loading docks, or loading areas to the public.

B. Non-Residential Uses in the “R” Districts. Any building used for a permitted non-residential use in “R” Districts shall be designed and constructed with architecture and use of materials compatible with the residential uses within the neighborhood. Buildings located on a residential street in an “R” District shall be residential in character, and exterior materials shall be wood,

brick, and/or brick veneer. The architectural design shall be approved by the City.

C. All Uses Within the Commercial Districts. Architectural design and use of materials for the construction of any building shall be approved by the City. Buildings within the Commercial Districts shall have as a primary element of the building exterior fascia glass, brick, concrete panels, textured concrete block, architectural steel or stone panels, or cement fiber composite siding, with all sides of any building built consistent in design and use of materials. No wood, masonite, visible asphaltic exterior wall or roof material, aluminum or steel siding, nonarchitectural sheet metal non-textured concrete block, stucco, E.I.F.S. (Exterior Insulation and Finish System) or other similar materials shall constitute a portion of any building except as a trim material, unless the City Council after receiving a recommendation from the Planning and Zoning Commission, shall determine said material when used as a primary element, does not distract from the physical appearance of the building.

Adequate treatment or screening of negative aspects of buildings (loading docks, loading areas, outside storage areas, garbage dumpsters and HVAC mechanical units) from any public street and adjoining properties shall be required. Building shall not be designed or oriented to expose loading docks, nonresidential use overhead doors or loading areas to the public.

D. All Uses Within Industrial Districts. Architectural design and use of materials for construction of any building in the Industrial Districts shall be reviewed as part of the site plan proposal and shall be approved by the City. While it is not the purpose of this section to dictate, specify, or restrict the use of building materials and structural elements, the use of appropriate exterior materials to enhance the appearance of a building is encouraged by the City. The exclusive use of sheet metal as an exterior building material shall not be considered acceptable for buildings facing public streets. The exterior material of the building's front elevation shall be comprised of brick, concrete panels, textured concrete block, architectural steel or stone panels, or cement fiber composite siding, or other similar material. Loading areas, loading docks, storage areas, and garbage dumpsters shall be located, screened or oriented to minimize their exposure to view from public streets.

**173.06 ZONING PERMITS.** No Zoning Compliance Permit or building permit shall be issued for the construction of any structure that is subject to the provisions of this chapter, until a site plan has been submitted for review covering the land upon which said structure is to be erected, and further, approved by City Council for such development in accordance with this chapter.

**173.07 PROCEDURE.**

1. Pre-Application Conference. Whenever any person proposes to place any structure for which a building permit is required under any other section of this Code, on any tract or parcel of land within any district of the Shueyville Zoning Ordinance, and any use, except one and two family dwellings, the person shall submit to the City Administrator a request for a pre-application conference.

The conference shall include the applicant or his/her representative and the City Clerk. The purpose of the conference shall be to acquaint the City staff with the proposed



construction and to acquaint the applicant or his/her representative with the procedures and with any special problems that might relate to such construction.

The applicant shall furnish a legal description of the subject real estate at the time of requesting a pre-application conference, and the conference shall be held within seven (7) days of such request.

2. Continuous Site Plan Review. After completion of the pre-application conference as required by Subsection 1 of this section, and in the event the applicant wishes to proceed with the construction as discussed at said conference, he/she shall cause to be prepared a site plan of such proposed construction, and shall submit five (5) copies of the same to the City Clerk and one (1) copy to the City Engineer. The site plan shall be accompanied by a cover letter requesting review and approval of said plan. The site plan shall contain all information required by Section 173.05 and 173.06 of this chapter unless otherwise waived by the City Clerk. The City Clerk shall retain one (1) copy for his/her review and comment. The remaining copies shall be retained by the City Clerk for review and distribution. The City Clerk and City Engineer shall review the plan for conformance of the design to the standards and required data set forth in Sections 173.04 and 173.05 of this chapter.

3. Action.

A. The City Clerk shall promptly notify the applicant in writing of any revisions or additional information needed as required by Sections 173.04 and 173.05. If necessary, the applicant shall make revisions and resubmit the revised plan(s) to the City Clerk for compliance. If the site plan complies with requirements set forth in this chapter, the applicant shall submit ten (10) copies of the plan to the Planning and Zoning Commission for approval, disapproval or approval subject to conditions.

B. The Commission shall in its regularly scheduled meeting, act upon the site plan and accompanying material. The City Engineer, City staff and other departments shall submit to the Commission their recommendation. Applicant or a representative shall be present at the meeting. Action of the Commission shall be approval subject to conditions, or denial.

C. Approval by Commission. In the case of approval by the Commission, the approval shall be documented on seven (7) copies of the site plan. One (1) copy shall be returned to the applicant, one (1) copy retained by the Commission and five (5) copies shall be forwarded to the City Council.

D. Conditional Approval by Commission. In the case of approval subject to conditions by the Commission, the approval shall be documented on seven (7) copies of the site plan and the conditions determined attached thereto. One (1) copy shall be returned to the builder, one (1) copy shall be retained by the Commission, and five (5) copies shall be forwarded to the City Council. The applicant shall provide revised copies of the site plan in accordance with the Commission action and submit ten (10) copies to the City Clerk prior to Council action. The City Clerk shall forward one (1) copy to the City Engineer, five (5) copies to the City Council and one (1) copy for the Commission files.

E. Disapproval by Commission. In the case of disapproval by the Commission, the disapproval shall be documented on three (3) copies of the site plan. One (1) copy shall be returned to the applicant, one (1) copy shall be retained by the Commission, and one copy shall be retained by the City Clerk.

F. Council Action. At the next regularly scheduled Council meeting following Commission action, the Council shall act on the site plan and accompanying material. Applicant or a representative shall be present at the meeting. Action of the Council shall be approval or denial.

G. Approval by Council. In the case of approval by the Council, the approval shall be documented on three (3) copies of the site plan. One (1) copy shall be returned to the applicant, one (1) copy shall be forwarded to the Commission, and one (1) copy shall be retained by the City Clerk. Applicant may then proceed with approval of building permit and accompanying material.

H. Denial by Council. In the case of denial by the Council, the denial shall be documented on three (3) copies of the site plan. One (1) copy shall be returned to the applicant, one (1) to the Commission, and one (1) copy shall be retained by the City Clerk.

I. Resubmittal of Site Plan Denied by Council. A site plan that has been approved by the Commission and denied by the Council may be revised by the applicant in accordance with the Council action and ten (10) copies resubmitted to the Commission for approval as before.

J. Resubmittal of Site Plan Denied by Council and Commission. A site plan that has been denied by both the Commission and the Council may be resubmitted to the City by the applicant for Commission and Council approval with respect to the original terms of these procedures, which includes ten (10) copies of the preliminary plat and filing fees. Resubmittal under these terms shall be considered a new site plan subject to fees and procedures outlined in Section 173.07.

**173.08 FEES.** The City Council shall establish a schedule of fees, charges, and expenses and a collection procedure for site plan approval and other matters pertaining to this chapter. The schedule of fees shall be posted in the office of the City Clerk, and may be altered or amended only by the City Council. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

1. Applicant shall be responsible for just and reasonable costs incurred by the City for review of preliminary and final site plans deemed necessary by the City to insure proper conformance with City ordinances and site plan regulations.

**173.09 VALIDITY OF APPROVAL.**

1. A site plan shall become effective upon certification of approval by the City Council.
2. The City Council approval of any site plan required by this chapter shall remain valid for one (1) year allowing one (1) year extension with approval of City Council upon recommendation of the Commission after the date of approval, after which time the site plan shall be deemed null and void if the development has not been established or actual construction commenced. For the purpose of this chapter “actual construction” shall mean that the permanent placement of construction materials has started and is proceeding without undue delay. Preparation of plans, securing financial arrangements, issuance of building permits, letting of contracts, grading of property, or stockpiling of materials on the site shall not constitute actual construction.

**173.10 SITE PLAN AMENDMENT.** Any site plan may be amended in accordance with the standards and procedures established herein, including payment of fees, provided that the City Clerk may waive such procedures for those minor changes hereinafter listed. Such minor changes shall not be made unless the prior written approval for such changes is obtained from the City Clerk. No fees shall be required for such minor changes.

1. Moving building walls within the confines of the smallest rectangle that would have enclosed each original approved building(s). Relocation of building entrances or exits, shortening of building canopies.
2. Changing to a more restrictive commercial or industrial use, provided the number of off-street parking spaces meets the requirement of the Shueyville Zoning Ordinance. This does not apply to residential uses.
3. Changing angle of parking or aisle provided there is no reduction in the amount of off-street parking as originally approved.
4. Substituting plant species provided a landscape architect, engineer or architect certifies the substituted species is similar in nature and screening effect.
5. Changing type and design of lighting fixtures provided an engineer or architect certifies there will be no change in the intensity of light at property boundary.
6. Increasing peripheral yards.

**173.11 APPLICABILITY TO EXISTING DEVELOPMENT.** The requirements of this chapter shall not apply to the placement of any structure for which building permits have been issued as of the date of the adoption of this ordinance codified by this chapter (DATE), provided that if such building permit shall expire, then a new building permit shall not be issued until the requirements of this chapter have been met. Provided further, that if an existing structure is to be reconstructed, enlarged, expanded, or otherwise increased:

1. In the case of building uses, in an amount 50% or greater of its existing ground coverage and/or total floor space; or
2. In the case of non-building uses or non-building portion of uses, in the amount 50% or greater of the existing developed non-building site area, then the provisions of this chapter shall apply.

**173.12 ENFORCEMENT.** No zoning ordinance certification, occupancy permit or building permit shall be issued by the City or have any validity until the site plan has been approved in the manner prescribed herein.

**173.13 CHANGES AND AMENDMENTS.** Any provision of this chapter may be changed and amended from time to time by the Council; provided, however, such changes and amendments shall not become effective until after study and report by the Commission and until after a public hearing has been held, public notice of which shall be given in a newspaper of general circulation at least fifteen (15) days prior to the hearing.

*(Chapter 173 – Ord. 2024-11 – Nov. 24 Supp.)*

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## CHAPTER 175

# AIRPORT ZONING REGULATIONS

175.01 Purpose	175.09 Board of Adjustment
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**175.01 PURPOSE.** These regulations are adopted by the City Council of the City of Cedar Rapids, Iowa, and the City Council of the City of Shueyville, Iowa, for the purpose of exercising to the fullest extent possible the power granted by Chapter 329 of the *Code of Iowa* pertaining to the restriction of airport hazards in the vicinity of airports and creating airport hazard zones.

**175.02 DEFINITIONS.** For the purpose of these regulations, certain terms and words are hereby defined.

1. “Airport” means the Eastern Iowa Airport as now exists or as may hereafter be added to or changed, located in Cedar Rapids, Iowa, and Linn County, Iowa, and owned by the City of Cedar Rapids, and under the management and control of The Eastern Iowa Airport Commission by the provisions of Chapter 330 of the *Code of Iowa*. The airport includes the area of land designed and set aside for the landing and taking off of aircraft, and utilized or to be utilized in the interest of the public for such purposes. The word “Airport” as used in these regulations also means and includes The Eastern Iowa Airport as shown in the Cedar Rapids Municipal Airport Master Plan adopted by the Cedar Rapids Airport Commission on November 25, 1996, which is now on file in the office of the Airport Director in the Administration Building at said Airport.
2. “Airport elevation” means the established elevation of the highest point on the usable landing area which is 863.9 feet above mean sea level.
3. “Airport hazard” means any structure or tree which obstructs the air space required for the flight of aircraft in landing or taking off at the airport as herein defined, or is otherwise hazardous to such landing or taking off of aircraft. It shall also include any use of land within any zone established by these regulations in such a manner as to create electrical interference with radio communication between the Airport and aircraft, or unreasonably interfere with electronic navigation aids, or make it difficult for pilots to distinguish between airport lights and others; or result in glare in the eyes of pilots using the airport, or impair visibility in the vicinity of the Airport while engaged in landing or taking off at the Airport; or any other use within any zone established by these regulations which is otherwise hazardous to such landing or taking off of aircraft at the Airport.
4. “Airport hazard area” means an area of land or water within the territorial limits of the Eastern Iowa Airport Zoning Map, which is made a part of these regulations, upon which an airport hazard might be established if not prevented, as provided by these regulations.

5. "Approach surface" means a surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section 175.05 of this chapter. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.
6. "Approach, transitional, horizontal, and conical zones" are the zones set forth in Section 175.03 of this chapter.
7. "Board of Adjustment" means a Board consisting of five members appointed as provided in Section 175.09.
8. "Conical surface" means a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
9. "Hazard to air navigation" means an obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.
10. "Height" means, for the purpose of determining the height limits in all zones set forth in this chapter and shown on the zoning map, mean sea level elevation unless otherwise specified.
11. "Horizontal surface" means a horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.
12. "Instrument runway" means a runway equipped or to be equipped with precision or non-precision electronic navigation aid or landing air, or other air navigation facilities, suitable to permit the landing of aircraft by an instrument approach under restricted visibility conditions.
13. "Landing area" means the general area of the Airport used for the landing, take-off, or taxiing of aircraft, as indicated upon the Airport Zoning Map.
14. "Larger than utility runway" means a runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.
15. "Municipalities" means the City of Cedar Rapids, Iowa, and any city, town, or county within the territorial limits of The Eastern Iowa Airport Zoning Map hereinafter described, within which an airport hazard area might be established.
16. "Nonconforming use" means any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this chapter or an amendment thereto.
17. "Non-instrument runway" means a runway other than an instrument runway.
18. "Non-precision instrument runway" means a runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.
19. "Obstruction" means any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section 175.05 of this chapter.

20. "Person" means an individual firm, co-partnership, corporation, company, association, joint stock association, or body politic, and includes a trustee, receiver, assignee, or other similar representative thereof.
21. "Precision instrument runway" means a runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR.) It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.
22. "Primary surface" means a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in Section 175.03 of this chapter. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
23. "Runway" means a defined area on an airport prepared for landing and takeoff of aircraft along its length.
24. "Structure" means an object, including a mobile object, constructed, or installed by man, including, but without limitation, buildings, towers, smokestacks, and overhead transmission lines, and the poles or other structures supporting the same.
25. "Transitional surfaces" means surfaces that extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.
26. "Tree" means any object of natural growth.
27. "Utility runway" means a runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.
28. "Visual runway" means a runway intended solely for the operation of aircraft using visual approach procedures.

**175.03 AIRPORT ZONES.** In order to carry out the provisions of this chapter, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to The Eastern Iowa Airport. Such zones are shown on the Airport Zoning Map dated December 30, 1997, and prepared by the Howard R. Green Company. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

1. Runway Larger than Utility Visual Approach Zone. The inner edge of this approach-zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 1,500 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

2. Runway Larger than Utility with a Visibility Minimum Greater than Three-Fourths Mile Non-Precision Instrument Approach Zone. The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
3. Runway Larger than Utility with a Visibility Minimum as Low as Three-Fourths Mile Non-Precision Instrument Approach Zone. The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 4,000 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
4. Precision Instrument Runway Approach Zone. The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
5. Transitional Zones. The transitional zones are the areas beneath the transitional surfaces.
6. Horizontal Zone. The horizontal zone is established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
7. Conical Zone. The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet.

**175.04 AIRPORT ZONING MAP.** There is hereby adopted and enacted an airport zoning district map dated December 30, 1997, signed by the Mayor, and attested by the Clerk, which map is on file in the office of the City Clerk, and is hereby incorporated into and made a part of these regulations and that the boundaries of the various zoning districts are herewith enacted and established as shown on said map subject to the provisions hereafter set out relating to subsequent boundary changes and amendments. Said map is designed and intended as a method and means of setting forth the boundaries of the various airport zoning districts as the same are now shown on said map. All modifications, references, markings and other information shown thereon are hereby enacted and established as a part of the official district map for The Eastern Iowa Airport and are made a part of these regulations. As relates to this chapter, said district map shall not be set out in the Municipal Code and shall remain on file in the office of the City Clerk after adoption and publication and shall constitute a part of this Code of Ordinances the same as if set out herein.

**175.05 AIRPORT ZONE HEIGHT LIMITATIONS.** Except as otherwise provided in this chapter, no structure or tree shall be erected, altered, allowed to grow, or maintained in any zone created by this chapter to a height in excess of the height limit herein established for such zone. Such height limitations are hereby established for each of the zones in question as follows:

1. Runway Larger than Utility Visual Approach Zone. Slopes 20 feet outward for each foot upward beginning at the end of and at the same elevation as the primary



surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

2. Runway Larger than Utility with a Visibility Minimum Greater than Three-Fourths Mile Non-Precision Instrument Approach Zone. Slopes 34 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.

3. Runway Larger than Utility with a Visibility Minimum as Low as Three-Fourths Mile Non-Precision Instrument Approach Zone. Slopes 34 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.

4. Precision Instrument Runway Approach Zone. Slopes 50 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline; thence slopes upward 40 feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.

5. Transitional Zones. Slopes seven feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation which is 863 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90 degree angles to the extended runway centerline.

6. Horizontal Zone. Established at 150 feet above the airport elevation or at a height of 1,013.9 feet above mean sea level.

7. Conical Zone. Slopes 20 feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

8. Excepted Height Limitations. Nothing in this chapter shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to 35 feet above the surface of the land.

**175.06 USE RESTRICTIONS.** Notwithstanding any other provisions of this chapter, no use may be made of land or water within any zone established by this chapter in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

**175.07 NONCONFORMING USES.**

1. Regulations Not Retroactive. The regulations prescribed herein shall not be construed to require the removal, lowering, or other changes or alterations of any structure or tree not conforming to the regulation as of the effective date of these regulations, or otherwise interfere with the continuance of any nonconforming use. However, no pre-existing nonconforming structure, tree, or use shall be replaced, rebuilt, altered, allowed to grow higher, or be replanted so as to constitute a greater airport hazard than it was when these regulations were adopted. Nothing herein contained shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of these regulations and resolution is completed within one year thereafter.
2. Marking and Lighting. Notwithstanding the preceding provision of this section, the owner of any nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and light as shall be necessary to indicate to the operator of aircraft in the vicinity of the airport the presence of such airport hazards. Such markers and lights shall be installed, operated and maintained at the expense of The Eastern Iowa Airport Commission.

**175.08 AIRPORT ZONING COMMISSION.** An Airport Zoning Commission shall be provided as follows: the Zoning Commission shall consist of five members, two of whom shall be appointed by the City Council, two of whom shall be selected by the City Council of Cedar Rapids, and one additional member to act as Chairperson who shall be selected by a majority vote of the members appointed by the City and the City of Cedar Rapids. The terms of such members shall be as provided by Section 329.9 of the *Code of Iowa*. Such Airport Zoning Commission shall follow the procedures as provided in Sections 414.4 and 414.6 of the *Code of Iowa*, as required by Section 329.9 of the *Code of Iowa*.

**175.09 BOARD OF ADJUSTMENT.** A Board of Adjustment is hereby appointed as follows: the Board shall consist of five members, two of whom shall be appointed by the City Council and two of whom shall be appointed by the City Council of the City of Cedar Rapids, and one additional member to act as Chairperson, who shall be selected by a majority vote of the members appointed by the City and the City of Cedar Rapids. The terms of such members shall be as provided in Section 329.12 of the *Code of Iowa*. Each such Board shall have the powers and duties, and shall follow the procedures, provided by Sections 414.9 to 414.19 of the *Code of Iowa*.

**175.10 VARIANCES.** Any person desiring to erect or increase the height of any structure, or to permit the growth of any tree, or otherwise use his property in a manner which would constitute a violation of these regulations, may apply to the Board of Adjustment having jurisdiction of the area where such violation would occur for a variance from these regulations. Such variances shall be allowed where a literal application or enforcement of these regulations would result in practical difficulty or unnecessary hardship, and the relief granted would not be contrary to the public interest, but would do substantial justice and be in accordance with the spirit of these regulations and of Chapter 329 of the *Code of Iowa*; provided, however, any such variance may be allowed subject to any reasonable conditions that the Board of Adjustment may deem necessary to effectuate the purposes of Chapter 329 of the *Code of Iowa*, including but not limited to the following:

1. The reservation of the right of the City of Cedar Rapids, and The Eastern Iowa Airport Commission, at its own expense, to install, operate, and maintain thereon such

markers and lights as may be necessary to indicate to operators of aircraft the presence of the airport hazard.

2. To require the person requesting the variance at his own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to operators of aircraft the presence of the airport hazard.

Any appeal from the decision of the Board of Adjustment shall be in accordance with the provisions of Section 414.15 et seq. of the *Code of Iowa*.

**175.11 FINDING CONCERNING PUBLIC INTEREST.** The City Council of Cedar Rapids and City Council of Shueyville specifically find that an airport hazard, as herein defined, within its territorial limits would endanger the lives and property of users of The Eastern Iowa Airport and all occupants of land, and other persons in the vicinity, and would also tend to destroy or impair the utility of the airport and the public investment therein; accordingly each municipality does hereby declare:

1. The creation or establishment of an airport hazard, as herein defined, within its territorial limits is a public nuisance and an injury to the community served by The Eastern Iowa Airport.
2. It is necessary in the interest of the public health, safety, and general welfare that the creation or establishment of airport hazards, as herein defined, be prevented.
3. This should be accomplished to the extent legally possible by proper exercise of the police power.
4. Each municipality expressly declares that it shall not become liable for the expenditure of its public funds unless such expenditure shall be approved in advance by its governing body.

**175.12 ADMINISTRATION AND ENFORCEMENT.** The administration and enforcement of these zoning regulations shall be performed by The Eastern Iowa Airport Commission acting through the Airport Director, or through such other persons or representatives as The Eastern Iowa Airport Commission may from time to time by resolution direct, but as provided by Section 329.13 of the *Code of Iowa* such duties of enforcement and administration may not be delegated to any person who is a member of any Board of Adjustment.

**175.13 EQUITABLE REMEDIES.** The City of Cedar Rapids and The Eastern Iowa Airport Commission may maintain actions in equity to restrain and abate as nuisances the creation or establishment of airport hazards pertaining to The Eastern Iowa Airport in violation of these regulations for any area, whether within or without the territorial limits of the City of Cedar Rapids, as authorized by Section 329.5 of the *Code of Iowa*.

**175.14 CONFLICTING REGULATIONS.** In the event of any conflict between these Airport Zoning Regulations and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or requirements shall govern and prevail.

**175.15 PROHIBITED ACTS.** It is unlawful for any person to do any of the acts hereinafter stated unless a variance from the provisions of these regulations shall have been previously allowed by the Board of Adjustment.

1. No person shall erect or increase the height of any structure, or permit the growth of any tree, to a height in excess of that provided by Section 39C.06 of these regulations for the zone or area where such act occurs.
2. No person shall hereafter place or cause to be placed, above ground, transmission lines or poles or other structures supporting the same within 200 feet of the outer boundary of the airport as said boundary is shown on the Airport Zoning Map.
3. No person shall otherwise use his property within a zone established by these regulations in such a manner as to create an airport hazard as defined herein.

The doing of any of the foregoing acts shall constitute a misdemeanor and the perpetrator thereof, upon conviction, shall be punished as hereafter provided.

**175.16 PENALTIES.** Each violation of these regulations shall constitute a misdemeanor and the perpetrator thereof, upon conviction, shall be punished by a fine of not more than \$100.00. Each day a violation occurs or continues to exist shall constitute a separate offense.

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# APPENDIX TO CODE OF ORDINANCES

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## USE AND MAINTENANCE OF THE CODE OF ORDINANCES

The following information is provided to assist in the use and proper maintenance of this Code of Ordinances.

### DISTRIBUTION OF COPIES

1. **OFFICIAL COPY.** The “OFFICIAL COPY” of the Code of Ordinances must be kept by the City Clerk and should be identified as the “OFFICIAL COPY.”

2. **DISTRIBUTION.** Other copies of the Code of Ordinances should be made available to all persons having a relatively frequent and continuing need to have access to ordinances which are in effect in the City as well as reference centers such as the City Library, County Law Library, and perhaps the schools.

3. **SALE.** The sale or distribution of copies in a general fashion is not recommended as experience indicates that indiscriminate distribution tends to result in outdated codes being used or misused.

4. **RECORD OF DISTRIBUTION.** The City Clerk should be responsible for maintaining an accurate and current record of persons having a copy of the Code of Ordinances. Each official, elected or appointed, should return to the City, upon leaving office, all documents, records and other materials pertaining to the office, including this Code of Ordinances.

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

### NUMBERING OF ORDINANCES AMENDING THE CODE OF ORDINANCES

It is recommended that a simple numerical sequence be used in assigning ordinance numbers to ordinances as they are passed. For example, if the ordinance adopting the Code of Ordinances is No. 163, we would suggest that the first ordinance passed changing, adding to, or deleting from the Code be assigned the number 164, the next ordinance be assigned the number 165, and so on. We advise against using the Code of Ordinances numbering system for the numbering of ordinances.

**RETENTION OF AMENDING ORDINANCES**

Please note that two books should be maintained: (1) the Code of Ordinances; and (2) an ordinance book. We will assist in the maintenance of the Code of Ordinances book, per the Supplement Agreement, by revising and returning appropriate pages for the Code of Ordinances book as required to accommodate ordinances amending the Code. The City Clerk is responsible for maintaining the ordinance book and must be sure that an original copy of each ordinance adopted, bearing the signatures of the Mayor and Clerk, is inserted in the ordinance book and preserved in a safe place.

**SUPPLEMENT RECORD**

A record of all supplements prepared for the Code of Ordinances is provided in the front of the Code. This record will indicate the number and date of the ordinances adopting the original Code and of each subsequently adopted ordinance which has been incorporated in the Code. For each supplemented ordinance, the Supplement Record will list the ordinance number, date, topic, and chapter or section number of the Code affected by the amending ordinance. A periodic review of the Supplement Record and ordinances passed will assure that all ordinances amending the Code have been incorporated therein.

**DISTRIBUTION OF SUPPLEMENTS**

Supplements containing revised pages for insertion in each Code will be sent to the Clerk. It is the responsibility of the Clerk to see that each person having a Code of Ordinances receives each supplement so that each Code may be properly updated to reflect action of the Council in amending the Code.

**AMENDING THE CODE OF ORDINANCES**

The Code of Ordinances contains most of the laws of the City as of the date of its adoption and is continually subject to amendment to reflect changing policies of the Council, mandates of the State, or decisions of the Courts. Amendments to the Code of Ordinances can only be accomplished by the adoption of an ordinance.

*(Code of Iowa, Sec. 380.2)*

The following forms of ordinances are recommended for making amendments to the Code of Ordinances:

**ADDITION OF NEW PROVISIONS**

New material may require the addition of a new SUBSECTION, SECTION or CHAPTER, as shown in the following sample ordinance:

ORDINANCE NO. \_\_\_\_

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SHUEYVILLE, IOWA, BY ADDING A NEW SECTION LIMITING PARKING TO 30 MINUTES ON A PORTION OF \_\_\_\_\_ STREET

BE IT ENACTED by the City Council of the City of Shueyville, Iowa:

SECTION 1. NEW SECTION. The Code of Ordinances of the City of Shueyville, Iowa, is amended by adding a new Section 69.16, entitled PARKING LIMITED TO 30 MINUTES, which is hereby adopted to read as follows:

69.16 PARKING LIMITED TO 30 MINUTES. It is unlawful to park any vehicle for a continuous period of more than 30 minutes between the hours of 8:00 a.m. and 8:00 p.m. on each day upon the following designated streets:

- 1. \_\_\_\_\_ Street, on the \_\_\_\_ side, from \_\_\_\_\_ Street to \_\_\_\_\_ Street.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed by the Council the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, and approved this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Third Reading: \_\_\_\_\_

I certify that the foregoing was published as Ordinance No. \_\_\_\_ on the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
City Clerk

DELETION OF EXISTING PROVISIONS

Provisions may be removed from the Code of Ordinances by deleting SUBSECTIONS, SECTIONS or CHAPTERS, as shown in the following sample ordinance:

ORDINANCE NO. \_\_\_\_

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SHUEYVILLE, IOWA, BY REPEALING SECTION 65.02, SUBSECTION 5, PERTAINING TO THE SPECIAL STOP REQUIRED ON \_\_\_\_\_ STREET.

BE IT ENACTED by the City Council of the City of Shueyville, Iowa:

SECTION 1. SUBSECTION REPEALED. The Code of Ordinances of the City of Shueyville, Iowa, is hereby amended by repealing Section 65.02, Subsection 5, which required vehicles traveling south on \_\_\_\_\_ Street to stop at \_\_\_\_\_ Street.

SECTION 2. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed by the Council the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, and approved this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Third Reading: \_\_\_\_\_

I certify that the foregoing was published as Ordinance No. \_\_\_\_ on the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
City Clerk

MODIFICATION OR CHANGE OF EXISTING PROVISION

Existing provisions may be added to, partially deleted, or changed, as shown in the following sample:

ORDINANCE NO. \_\_\_\_

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SHUEYVILLE, IOWA, BY AMENDING PROVISIONS PERTAINING TO SEWER SERVICE CHARGES

BE IT ENACTED by the City Council of the City of Shueyville, Iowa:

SECTION 1. SECTION MODIFIED. Section 99.01 of the Code of Ordinances of the City of Shueyville, Iowa, is repealed and the following adopted in lieu thereof:

99.01 SEWER SERVICE CHARGES REQUIRED. Every customer shall pay to the City sewer service charges in the amount of \_\_\_\_\_ percent of the bill for water and water service attributable to the customer for the property served, but in no event less than \$\_\_\_\_\_ dollars per \_\_\_\_\_.

SECTION 2. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed by the Council the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and approved this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Third Reading: \_\_\_\_\_

I certify that the foregoing was published as Ordinance No. \_\_\_\_\_ on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
City Clerk

**ORDINANCES NOT CONTAINED IN THE  
CODE OF ORDINANCES**

There are certain types of ordinances which the City will be adopting which do not have to be incorporated in the Code of Ordinances. These include ordinances: (1) establishing grades of streets or sidewalks; (2) vacating streets or alleys; (3) authorizing the issuance of bonds; and (4) amending the zoning map.

*(Code of Iowa, Sec. 380.8)*

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE VACATING (INSERT LOCATION OR LEGAL DESCRIPTION OF STREET OR ALLEY BEING VACATED) TO SHUEYVILLE, IOWA**

Be It Enacted by the City Council of the City of Shueyville, Iowa:

**SECTION 1.** The (location or legal description of street or alley) to Shueyville, Iowa, is hereby vacated and closed from public use.

**SECTION 2.** The Council may by resolution convey the alley described above to abutting property owners in a manner directed by the City Council.

**SECTION 3.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 4.** If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

**SECTION 5.** This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed by the Council the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_, and approved this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Third Reading: \_\_\_\_\_

I certify that the foregoing was published as Ordinance No. \_\_\_\_ on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
City Clerk

These ordinances should be numbered in the same numerical sequence as any other amending ordinance and placed in their proper sequence in the ordinance book.



**SUGGESTED FORMS**

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**FIRST NOTICE – DANGEROUS BUILDING**

TO: (Name and address of owner, agent, or occupant of the property on which nuisance is located or the person causing or maintaining the nuisance).

You are hereby notified to abate the nuisance existing at (name location of nuisance) within \_\_\_ days from service of this notice or file written request for a Council hearing with the undersigned officer within said time limit.

The nuisance consists of (describe the nuisance and cite the law or ordinance) and shall be abated by (state action necessary to abate the particular nuisance).

In the event you fail to abate or cause to be abated the above nuisance, as directed, or file written request for hearing within the time prescribed herein, the City will take such steps as are necessary to abate or cause to be abated the nuisance and the cost will be assessed against you as provided by law.

Date of Notice: \_\_\_\_\_

City of Shueyville, Iowa

By: \_\_\_\_\_  
(enforcement officer)

**NOTICE OF HEARING ON DANGEROUS BUILDING**

TO: (Name and address of the owner, agent, or occupant of the property on which nuisance is located or the person causing or maintaining the nuisance).

You are hereby notified that the City Council of Shueyville, Iowa, will meet on the \_\_\_ day of \_\_\_\_\_, 20\_\_\_, at \_\_\_\_\_ p.m., in the Council Chambers of the City Hall, at (address of City Hall) for the purpose of considering whether or not the alleged nuisance consisting of (describe the nuisance) on your property, locally known as \_\_\_\_\_, constitutes a nuisance pursuant to Chapter \_\_\_\_\_ of the Code of Ordinances of Shueyville, Iowa, and should be abated by (state action necessary to abate the particular nuisance).

You are further notified that at such time and place you may appear and show cause why the said alleged nuisance should not be abated.

You are further notified to govern yourselves accordingly.

Date of Notice: \_\_\_\_\_

City of Shueyville, Iowa

By: \_\_\_\_\_  
(enforcement officer)

**RESOLUTION AND ORDER  
REGARDING DANGEROUS BUILDING**

**BE IT RESOLVED**, by the City Council of the City of Shueyville, Iowa:

**WHEREAS**, notice has heretofore been served on the \_\_\_ day of \_\_\_\_\_, 20\_\_\_, on (property owner’s name), through (agent’s name or “none”), agent, to abate the nuisance existing at (legal description and address) within \_\_\_ days from service of said notice upon the said (name of owner or agent). and

(EITHER)

**WHEREAS**, a hearing was requested by the said (name of property owner or agent) and the same was held at this meeting and evidence produced and considered by the City Council.

(OR, ALTERNATE TO PRECEDING PARAGRAPH)

**WHEREAS**, the said owner (agent) named above has failed to abate or cause to be abated the above nuisance as directed within the time set, and after evidence was duly produced and considered at this meeting, and said owner has failed to file a written request for hearing, as provided, after being properly served by a notice to abate.

**NOW THEREFORE, BE IT RESOLVED** that the owner of said property, or said owner’s agent (name of owner or agent) is hereby directed and ordered to abate the nuisance consisting of (describe the nuisance) by (state action necessary to abate) within \_\_\_ days after the service of this Order upon said owner or agent. and

**BE IT FURTHER RESOLVED** that the enforcement officer be and is hereby directed to serve a copy of this Order upon the said property owner or agent named above. and

**BE IT FURTHER RESOLVED** that in the event the owner, or agent (name the owner or agent) fails to abate the said nuisance within the time prescribed above, then and in that event the City will abate the said nuisance and the cost will be assessed against the property and/or owner (owner’s name) at (address), as the law shall provide.

Moved by \_\_\_\_\_ to adopt.

Adopted this \_\_\_ day of \_\_\_\_\_, 20\_\_\_.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

**Note:** It is suggested by the blank space in the resolution that additional time be allowed the owner to abate the nuisance after the passage of the resolution before any action is taken on the part of the City to abate the same. In some instances, for the sake of public safety, the time element could be stricken from the resolution and immediate action be taken to abate the nuisance after the order is given.

**NOTICE TO ABATE NUISANCE**

TO: (Name and address of owner, agent, or occupant of the property on which the nuisance is located or the person causing or maintaining the nuisance).

You are hereby notified to abate the nuisance existing at (name location of nuisance) or file written request for a hearing with the undersigned officer within (hours or days) from service of this notice.

The nuisance consists of: (describe the nuisance) and shall be abated by: (state action necessary to abate the particular nuisance).

In the event you fail to abate or cause to be abated the above nuisance as directed, the City will take such steps as are necessary to abate or cause to be abated the nuisance and the costs will be assessed against you as provided by law.

Date of Notice: \_\_\_\_\_

City of Shueyville, Iowa

By: \_\_\_\_\_  
(designate officer initiating notice)

NOTICE

REQUIRED SEWER CONNECTION

TO: \_\_\_\_\_  
(Name)  
\_\_\_\_\_  
(Street Address)  
\_\_\_\_\_, Iowa

You are hereby notified that connection to the public sanitary sewer system is required at the following described property within \_\_\_\_\_ (\_\_\_\_) days from service of this notice or that you must file written request for a hearing before the Council with the undersigned office within said time limit.

Description of Property

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The nearest public sewer line within \_\_\_\_\_ (\_\_\_\_) feet of the above described property is located

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

In the event you fail to make connection as directed, or file written request for hearing within the time prescribed herein, the connection shall be made by the City and the costs thereof assessed against you as by law provided.

Date of Notice: \_\_\_\_\_

City of Shueyville, Iowa

By: \_\_\_\_\_, \_\_\_\_\_  
(Name) (Title)

NOTICE OF HEARING

REQUIRED SEWER CONNECTION

TO: \_\_\_\_\_  
(Name)  
\_\_\_\_\_  
(Street Address)  
\_\_\_\_\_, Iowa

You are hereby notified that the City Council of Shueyville, Iowa, will meet on the \_\_\_ day of \_\_\_\_\_, 20 \_\_, at \_\_\_\_\_ m. in the Council Chambers of the City Hall for the purpose of considering whether or not connection to the public sanitary sewer system shall be required at the following described property:

Description of Property

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

You are further notified that at such time and place you may appear and show cause why said connection should not be required.

You are further notified to govern yourselves accordingly.

Date of Notice: \_\_\_\_\_

City of Shueyville, Iowa

By: \_\_\_\_\_, \_\_\_\_\_  
(Name) (Title)

RESOLUTION AND ORDER

REQUIRED SEWER CONNECTION

BE IT RESOLVED, by the City Council of the City of Shueyville, Iowa:

WHEREAS, notice has heretofore been served on the \_\_\_ day of \_\_\_\_\_, 20\_\_\_, on

\_\_\_\_\_,  
(Name of Property Owner)

through \_\_\_\_\_, Agent,  
(Agent’s Name or “None”)

to make connection of the property described as

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

to the public sanitary sewer located \_\_\_\_\_  
within \_\_\_\_\_ (\_\_\_\_\_) days from service of notice upon said owner or agent. and

(EITHER)

WHEREAS, a hearing was requested by the said owner or agent and the same was held at this meeting and evidence produced and considered by the City Council.

(OR AS ALTERNATE TO THE PRECEDING PARAGRAPH)

WHEREAS, the said owner or agent named above has failed to make such required connection within the time set, and after evidence was duly produced and considered at this meeting, and said owner or agent has failed to file a written request for hearing after being properly served by a notice to make such connection or request a hearing thereon.

NOW, THEREFORE, BE IT RESOLVED that the owner of said property, or said owner’s agent, \_\_\_\_\_

(Name of Owner or Agent)

is hereby directed and ordered to make such required connection within \_\_\_\_\_ days after the service of this ORDER upon said owner or agent. and

BE IT FURTHER RESOLVED that the City Clerk be and the same is hereby directed to serve a copy of this ORDER upon said property owner or agent named above. and

**BE IT FURTHER RESOLVED**, that in the event the owner, or agent,

\_\_\_\_\_,  
(Name of Owner or Agent)

fails to make such connection within the time prescribed above, then and in that event the City will make such connection and the cost thereof will be assessed against the property and/or owner

\_\_\_\_\_  
(Owner's Name)

\_\_\_\_\_, as provided by law.

(Address)

Moved by \_\_\_\_\_ to adopt.

Seconded by \_\_\_\_\_.

AYES: \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_,

\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_.

NAYS: \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_,

\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_.

Resolution approved this \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk



