CHAPTER 1

CODE OF ORDINANCES

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1.01 TITLE. This code of ordinances shall be known and may be cited as the Code of Ordinances of the City of Humboldt, Iowa, 2006.

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 Humboldt, Iowa.

3. “Clerk” means the city clerk of Humboldt, 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).

6. “Council” means the city council of Humboldt, Iowa.

7. “County” means Humboldt County, Iowa.

8. “May” confers a power.

9. “Measure” means an ordinance, amendment, resolution or motion.

10. “Must” states a requirement.

11. “Occumant” 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“Ordinances” means the ordinances of the City of Humboldt, Iowa, as embodied in this Code of Ordinances, ordinances not repealed by the ordinance adopting this Code of Ordinances, and those enacted hereafter.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 preserve and improve the peace, safety, health, welfare, comfort and convenience of its residents and each and every provision of this Code of Ordinances shall be deemed to be in the exercise of the foregoing powers and the performance of the foregoing functions.

(Code of Iowa, Sec. 364.1)

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

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

(Code of Iowa, Sec. 364.14)

1.06 RULES OF CONSTRUCTION. In the construction of 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 which amend, repeal or in any manner affect this Code of Ordinances shall include proper reference to chapter, section, subsection or paragraph to maintain an orderly codification of ordinances of the City.

(Code of Iowa, Sec. 380.2)

1.09 CATCHLINES AND NOTES. The catchlines of the several sections of the 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 the Code of Ordinances, do not constitute any part of the law, and are intended merely to indicate, explain, supplement or clarify the contents of a section.

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

(Code of Iowa, Sec. 718.5)

1.11 SEVERABILITY. If any section, provision or part of the Code of Ordinances is adjudged invalid or unconstitutional, such adjudication will not affect the validity of the Code of Ordinances as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.
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 the Code of Ordinances for any particular provision, section or chapter, any person failing to perform a duty, or obtain a license required by, or violating any provision of the Code of Ordinances, or any rule or regulation adopted herein by reference shall, upon conviction, be subject to a fine of not more than five hundred dollars ($500.00) or imprisonment not to exceed thirty (30) days.

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

### CHARTER

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

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

### 2.04  NUMBER AND TERM OF COUNCIL.  The Council consists of two Council Members elected at large and one Council Member from each of three wards as established by this Code of Ordinances, elected 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 two 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)*
CHAPTER 3
BOUNDARIES

3.01 CORPORATE LIMITS. The corporate limits of the City are described as follows:

All of Section 1; the East ½ of Section 2; the East ½ of Section 11; all of Section 12; the NE¼ of the NE¼ of Section 13; all of Government Lot 5 except Wood Lots 15 and 16; all that portion of the NW¼ of Section 2 lying north of the west fork of the Des Moines River; all being situated in Township 91 North, Range 29 West of the 5th P.M.; the East ½ of the SW¼ of Section 35 except the north 40.00 feet of the west 623.90 feet thereof, the East ½ of Section 35; a tract of land located in the SE¼ of the NW¼ of Section 35 beginning at the center of Section 35-92-29; thence north 90º00'00" west 684.50 feet along the south line of the said NW¼ to the point of beginning; thence north 00º06'35" east 1329.30 feet; thence south 89º45'00" east 679.00 feet to the east line of the SE¼ of the NW¼ of Section 35; a tract of land located in the NW¼ of the SE¼ of Section 35 and the NE¼ of the SE¼ of Section 34 beginning at a point 40.00 feet south of the northeast corner of the NW¼ of the SW¼ of Section 35 on the south right-of-way line of 16th Avenue North; thence north 90º00'00" west 298.00 feet; thence north 00º00'00" east 355.00 feet on the said right-of-way; thence north 90º00'00" west 368.00 feet along said right-of-way to the west line of Section 35; thence continuing south 89º58'46" west 28.00 feet; thence south 00º21'00" east 1152.65 feet; thence north 89º58'20" east 1347.00 feet to the east line of the NW¼ of the SW¼ of Section 35; the West ½ of the NE¼ and the West ½ of the SW¼ of Section 36; the East ½ of the SW¼ and all of the SE¼ of Section 36 except the north 40.00 feet thereof, all being situated in Township 92 North, Range 29 West of the 5th P.M., all being situated in Humboldt County, Iowa.

3.02 DIVISION INTO WARDS/VOTING PRECINCTS. The City of Humboldt shall be divided into three (3) wards/three (3) voting precincts described as follows:

(Code of Iowa, Sec. 372.4 & 372.13[7])
1. Ward 1/Precinct 1. That portion of the incorporated City beginning at the Southwestern most corner of the corporate limits, thence North to the bank of the Des Moines River, thence Westerly along said bank to the West corporate limits of the City, thence back Easterly and Southerly along the North bank of the river to the west line of Hwy. 169, thence North to the South boundary of 4th Avenue North, thence East to the East boundary of Taft Street, thence South to the North boundary of 4th Avenue South, thence West to the West boundary of 8th Street South, thence South to the North boundary of 5th Avenue South, thence West to the Eastern bank of the Des Moines River, thence South along the river to the Southern corporate boundary, thence West along such boundary to the Southwestern most corner of the corporate limits, being the point of origin.

2. Ward 2/Precinct 2. That portion of the incorporated City beginning at the Southeastern most corner of the corporate boundary, thence following said boundary West to the East boundary of the Des Moines River, thence North along the river to the North boundary of 5th Avenue South, thence East to the West boundary of South 8th Street, thence North to the North boundary of 4th Avenue South, thence East to the East boundary of Taft Street, thence North to the South boundary of 4th Avenue North, thence East to the East boundary of 5th Street North, thence North to the North boundary of 5th Avenue North, thence East to the East boundary of 2nd Street North, thence North to the North boundary of 6th Avenue North, thence East to the Eastern corporate boundary, thence South along said boundary to the Southeastern corner of the corporate boundaries, being the point of origin.

3. Ward 3/Precinct 3. The third ward comprises all of the land within the City outside of Wards 1 and 2, being that portion of the incorporated City beginning at the most Northwestern corner of the corporate boundary, thence South to the Des Moines River, thence East along the river to the West boundary of Hwy. 169, thence North to the South boundary of 4th Avenue North, thence East to the East boundary of 5th Street North, thence North to the North boundary of 5th Avenue North, thence East to the East boundary of 2nd Street North, thence North to the North boundary of 6th Avenue North, thence East to the East boundary of 1st Street South (Montana Avenue), thence North along such boundary to the Northeastern corner of the corporate boundary, thence West following the North corporate limits to the point of origin.

(Ord. 2011-13 – July 12 Supp.)
CHAPTER 4

MUNICIPAL INFRACTIONS

4.01 Municipal Infraction

4.02 Environmental Violation

4.03 Penalties

4.04 Civil Citations

4.05 Alternative Relief

4.06 Criminal Penalties

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

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

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

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

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

2. The discharge of airborne residue from grain, created by the handling, drying or storing of grain, by a person not engaged in the industrial production or manufacturing of grain products.

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.

4.03 PENALTIES. A municipal infraction is punishable by the following civil penalties:
(Code of Iowa, Sec. 364.22 [1])
1. Standard Civil Penalties.

   A. First Offense – Not to exceed $750.00

   B. Each Repeat Offense – Not to exceed $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.

   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 twenty-four (24) hours from the time that the violation begins.

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

4.04 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. 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 one copy 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.


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

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

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

(Code of Iowa, Sec. 364.22[11])
CHAPTER 5

OPERATING PROCEDURES

5.01 Oaths
5.07 Conflict of Interest
5.02 Bonds
5.08 Resignations
5.03 Duties: General
5.09 Removal of Appointed Officers and Employees
5.04 Books and Records
5.10 Vacancies
5.05 Transfer to Successor
5.11 Gifts
5.06 Meetings

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

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

   (Code of Iowa, Sec. 63.1)

2. Prescribed Oath. The prescribed oath is: “I, (name), do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Iowa, and that I will faithfully and impartially, to the best of my ability, discharge all duties of the office of (name of office) in Humboldt 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
5.02 BONDS. Surety bonds are provided in accordance with the following:

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

   (Code of Iowa, Sec. 64.13)

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

   (Code of Iowa, Sec. 64.19)

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

   (Code of Iowa, Sec. 64.23[6])

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

   (Code of Iowa, Sec. 64.24[3])

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

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

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

   (Code of Iowa, Sec. 22.2 & 22.3A)
5.05 TRANSFER TO SUCCESSOR. Each officer shall transfer to 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. Notice of Meetings. Reasonable notice, as defined by State law, of the time, date and place of each meeting, and its tentative agenda shall be given.

(Code of Iowa, Sec. 21.4)

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

(Code of Iowa, Sec. 21.3)

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

(Code of Iowa, Sec. 21.3)

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

(Code of Iowa, Sec. 21.5)

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

(Code of Iowa, Sec. 21.7)
6. Electronic Meetings. A meeting may be conducted by electronic means only in circumstances where such a meeting in person is impossible or impractical and then only in compliance with the provisions of Chapter 21 of the Code of Iowa.

(Code of Iowa, Sec. 21.8)

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

(Code of Iowa, Sec. 362.5)

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

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

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

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

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

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

4. Stock Interests. Contracts in which a City officer or employee has an interest solely by reason of employment, or a stock interest of the kind described in subsection 8 of this section, or both, if the 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[5])

5. Newspaper. The designation of an official newspaper.
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[6])

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 362.5[11])

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[12])
5.08 RESIGNATIONS. An elected officer who wishes to resign may do so by submitting a resignation in writing to the Clerk so that it shall be properly recorded and considered. A person who resigns from an elective office is not eligible for appointment to the same office during the time for which the person was elected, if during that time the compensation of the office has been increased.

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

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

1. Appointment. By appointment following public notice by the remaining members of the Council within forty (40) days after the vacancy occurs, except that if the remaining members do not constitute a quorum of the full membership, or if a petition is filed requesting an election, the Council shall call a special election as provided by law.

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

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)
CHAPTER 6

CITY ELECTIONS

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 twenty-five (25) 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])
# CHAPTER 7

## FISCAL MANAGEMENT

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### 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.

(IAC, 545-2.5 [384,388], Sec. 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.

(IAC, 545-2.5[384,388] Sec. 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.

(IAC, 545-2.5[384,388] Sec. 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 and Road Use Tax Funds, 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 retained earnings calculated in accordance with generally accepted accounting principles in excess of:

A. The amount of the expense of disbursements for operating and maintaining the utility or enterprise for the preceding three (3) months, and

B. The amount necessary to make all required transfers to restricted accounts for the succeeding three (3) months.

\[(IAC, 545-2.5[384,388], Sec. 2.5[5])\]

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 no later than February 15 of each year.

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

5. Notice of Hearing. Upon adopting a proposed budget the Council shall set a date for public hearing thereon to be held before March 15 and cause notice of such hearing and a summary of the proposed budget to be published not less than ten (10) nor more than twenty (20) days before the date established for the hearing. Proof of such publication must be filed with the County Auditor.

\[(Code of Iowa, Sec. 384.16[3])\]
6. Copies of Budget on File. Not less than twenty (20) days before the date that the budget must be certified to the County Auditor and not less than ten (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 Clerk and at the City library.

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

7. 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. 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])

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.

(IAC, 545-2.2 [384, 388])

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.

(IAC, 545-2.3 [384, 388])

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

(IAC, 545-2.4 [384, 388])
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.

(IAC, 545-2.4 [384, 388])

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. Checks shall be prenumbered and signed by the Clerk and Mayor 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.

(Ord. 2008-04 – Mar. 09 Supp.)
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. A copy of the annual report must be filed with the Auditor of State not later than December 1 of each year.

   
   *(Code of Iowa, Sec. 384.22)*

7.09 **RETURNED CHECK FEE.** The Clerk shall collect a fee for each check or Automated Clearing House item that is returned to the City for non-sufficient funds, stop payment, or for any other cause not paid. Said fee shall be set by resolution of the City Council and shall not exceed the limit established by State law.

   
   *(Ord. 2011-06 – July 12 Supp.)*

[The next page is 45]
CHAPTER 8

INDUSTRIAL PROPERTY TAX EXEMPTIONS

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

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

1. “Actual value added” means the actual value added as of the first year for which the exemption is received.

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

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

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

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

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

(Code of Iowa, Sec. 427B.3)

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

(Code of Iowa, Sec. 427B.3)

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

8.05 LIMITATIONS. The granting of the exemption under this chapter for new construction constituting complete replacement of an existing building or structure shall not result in the assessed value of the industrial real estate being reduced below the assessed value of the industrial real estate before the start of the new construction added.
8.06 APPLICATIONS. An application shall be filed for each project resulting in actual value added for which an exemption is claimed.

(Code of Iowa, Sec. 427B.4)

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

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

8.07 APPROVAL. A person may submit a proposal to the City Council to receive prior approval for eligibility for a tax exemption on new construction. If the City Council resolves to consider such proposal, it shall publish notice and hold a public hearing thereon. Thereafter, at least thirty (30) days after such hearing the City Council, by ordinance, may give its prior approval of a tax exemption for new construction if the new construction is in conformance with City zoning. Such prior approval shall not entitle the owner to exemption from taxation until the new construction has been completed and found to be qualified real estate.

(Code of Iowa, Sec. 427B.4)

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

(Code of Iowa, Sec. 427B.5)

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

(Code of Iowa, Sec. 427B.6)
# EDITOR'S NOTE

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.

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<thead>
<tr>
<th>ORDINANCE NO.</th>
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<tbody>
<tr>
<td>514</td>
<td>1987</td>
<td>Northside Industrial Park Urban Renewal Area</td>
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<tr>
<td>97-09</td>
<td>1997</td>
<td>Amendment No. 1 Area to the Northside Industrial Park Urban Renewal Area</td>
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<tr>
<td>00-05</td>
<td>August 7, 2000</td>
<td>South Residential Urban Renewal Area</td>
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<tr>
<td>2000-07</td>
<td>August 21, 2000</td>
<td>Amendment No. 2 Area to the Northside Industrial Park Urban Renewal Area</td>
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<td>2003-09</td>
<td>October 20, 2003</td>
<td>Amendment No. 3 Area to the Northside Industrial Park Urban Renewal Area</td>
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<td>2004-08</td>
<td>November 15, 2004</td>
<td>Southwest Urban Renewal Area</td>
</tr>
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<td>2005-13</td>
<td>August 22, 2005</td>
<td>Central Business District Urban Renewal Area</td>
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<tr>
<td>2005-14</td>
<td>August 22, 2005</td>
<td>Amendment No. 4 Area to the Northside Industrial Park Urban Renewal Area</td>
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<tr>
<td>2010-06</td>
<td>August 2, 2010</td>
<td>Amendment No. 1 Area to the Southwest Urban Renewal Area</td>
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<tr>
<td>2013-14</td>
<td>October 7, 2013</td>
<td>Amendment No. 7 Area to the Northside Industrial Park Urban Renewal Area</td>
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</table>
CHAPTER 10

URBAN REVITALIZATION

EDITOR’S NOTE

The following ordinances not codified herein, and specifically saved from repeal, have been adopted designating Urban Revitalization Areas in the City and remain in full force and effect.

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<th>ORDINANCE NO.</th>
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<td>2003-01</td>
<td>January 6, 2003</td>
<td>Residential Revitalization Area</td>
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<tr>
<td>2012-03</td>
<td>September 17, 2012</td>
<td>Eagle Ridge Addition</td>
</tr>
<tr>
<td>2013-08</td>
<td>June 17, 2013</td>
<td>Residential Revitalization Area</td>
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</table>
CHAPTER 11
TAX EXEMPTION FOR SPECULATIVE BUILDINGS

11.01 Purpose

11.01 PURPOSE. The purpose of this chapter is to provide tax exemption for speculative buildings owned by the Humboldt County Development Association, a community development organization, to promote, stimulate, develop, and advance the business prosperity and economic welfare of the community, area, region, and the residents of the community.

11.02 Tax Exemption

11.02 TAX EXEMPTION.

1. This exemption is allowed under Code of Iowa 427.1(27).

2. The exemption shall be allowed only for newly constructed or completely renovated/reconstructed buildings owned by the Humboldt County Development Corporation.

3. No portion of the building or facility that is leased or sold shall be eligible for the tax exemption.

4. This chapter shall be in effect until repealed or amended by the Humboldt City Council, or until the building is leased or sold.

(Ch. 11 - Ord. 2013-11 – Oct. 13 Supp.)
CHAPTER 15

MAYOR

15.01  TERM OF OFFICE. The Mayor is elected for a term of two 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, except for supervisory duties delegated to the City Administrator, 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 fourteen days after passage. The Mayor shall explain the reasons for the veto in a written message to the Council at the time of the veto.

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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 the Code of Ordinances and the laws of the State.

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

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

15.03 APPOINTMENTS. The Mayor shall appoint the following officials:

(Code of Iowa, Sec. 372.4)

1. Mayor Pro Tem
2. Police Chief
3. Library Board of Trustees
4. Utility Board of Trustees
5. Public Safety Commission Members (2)
6. Historic Preservation Commission

7. Zoning Board of Adjustment

8. Zoning Administrator

15.04 COMPENSATION. The salary of the Mayor is five thousand dollars ($5,000.00) per year.

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

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. 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 fifteen (15) days or more, the Mayor Pro Tem may be paid for that period the compensation as determined by the Council, based upon the Mayor Pro Tem’s performance of the Mayor’s duties and upon the compensation of the Mayor.

(Code of Iowa, Sec. 372.13[8])
CHAPTER 17

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 two Council Members elected at large and one Council Member from each of three wards as established by the Code of Ordinances, elected for overlapping terms of four years.

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

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

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

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

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

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

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

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

   (Code of Iowa, Sec. 364.2[1])
5. Contracts. The Council shall make or authorize the making of all contracts. No contract shall bind or be obligatory upon the City unless adopted by resolution of the Council.

(Code of Iowa, Sec. 38.10)

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

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

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

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

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

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

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

(Code of Iowa, Sec. 380.4)

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

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

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

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.

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

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

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


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. Deputy City Clerk

3. City Attorney
4. City Administrator

5. Planning and Zoning Commission

6. Airport Commission

7. Airport Zoning Commission Members (2)

17.06 COMPENSATION. The salary of each Council member is one hundred dollars ($100.00) per month. In addition to this salary, each Council member is paid fifty dollars ($50.00) per Council meeting attended over 24 in a calendar year.

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

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CHAPTER 18

CITY CLERK

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

18.01 APPOINTMENT AND COMPENSATION. At its first meeting in January each year between election years when no new Council members take office, the Council shall appoint by majority vote a City Clerk and a Deputy City Clerk to serve for a term of two (2) years. The Deputy City Clerk shall be nominated for appointment by the Clerk. The Clerk and Deputy 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. The Clerk shall attend all regular and special Council meetings and within fifteen (15) days following a regular or special meeting shall cause the minutes of the proceedings thereof to be published. Such publication shall include a list of all claims allowed and a summary of all receipts and shall show the gross amount of the claims.

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

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

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

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CHAPTER 18  
CITY CLERK  

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

1. Time. If notice of an election, hearing, or other official action is required by this Code of Ordinances or law, the notice must be published at least once, not less than four (4) nor more than twenty (20) days before the date of the election, hearing or other action, unless otherwise provided by law.

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

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

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

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

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

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

   (Code of Iowa, Sec. 380.11)

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

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

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

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 372.13[4])
18.11 NOTIFY APPOINTEES. The Clerk shall inform all persons appointed by the Mayor or Council to offices in the City government of their 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 following duties relating to elections and nominations:

1. Certify to the County Commissioner of Elections the type of nomination process to be used by the City no later than ninety (90) days before the date of the regular City election.

(Code of Iowa, Sec. 376.6)

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

(Code of Iowa, Sec. 376.4)

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

(Code of Iowa, Sec. 376.4)

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

(Code of Iowa, Sec. 376.4)

5. Deliver all nomination petitions, together with the text of any public measure being submitted by the Council to the electorate, to the County Commissioner of Elections not later than 5:00 p.m. on the day following the last day on which nomination petitions can be filed.

(Code of Iowa, Sec. 376.4)

18.13 CITY SEAL. The City seal is in the custody of the Clerk and shall be attached by the Clerk to all transcripts, orders and certificates which it may be necessary or proper to authenticate. The City seal is circular in form, in the center of which are the words
“CORPORATE SEAL” and “IOWA” and around the margin of which are the words “CITY OF HUMBOLDT, INCORPORATED 1869.”
CHAPTER 19

CITY 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.
CHAPTER 20

CITY ATTORNEY

20.01 Appointment and Compensation

At its first meeting in January each year between election years when no new Council members take office, the Council shall appoint by majority vote a City Attorney to serve for a term of two (2) years. 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 which the Council may desire and direct to be prepared and report to the Council upon all such ordinances before their final passage by the Council and publication.

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

20.05 Review and Comment
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 Mayor, City Administrator, Clerk and Police Chief.

(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 which may be required for the use of the City.

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

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

(Code of Iowa, Sec. 670.8)
CHAPTER 21

CITY ADMINISTRATOR

21.01 Purpose

The purpose of this chapter is to provide for a City Administrator for the City, to be appointed by the Council pursuant to the provisions of Section 372.4 of the Code of Iowa. The duties, responsibilities and powers of the City Administrator in relation to City employees, City Council and the Mayor are as hereinafter enumerated and set forth.

21.02 Appointment; Term

The City Administrator is appointed by a majority vote of the Council and shall hold office at the pleasure of the Council, and shall be subject to removal by majority vote of the Council. The City Administrator shall be a person competent by education or experience to perform the duties imposed upon such a person by this chapter, who shall possess a college degree in Public Administration or a related field and/or a minimum of two years’ experience as a City Administrator for others. The Council shall set such terms, conditions and requisites of employment from time to time as it may deem appropriate. The selection process shall be made by a committee comprised of the Mayor and two Council members, who shall propose amendments or changes to employment requirements and shall then screen applicants for the position. The committee shall then submit to the entire Council for a selection its top three applicants and the recommendations accompanying each of the three.

21.03 Duties and Responsibilities

The City Administrator shall carry the reasonable and customary duties attendant to the office of City Administrator, as defined herein. As City Administrator, such duties shall be as follows:

1. Supervise enforcement and execution of City laws.

2. Attend all meetings of the Council unless excused by the Council.

3. Recommend to the Council such measures as may be necessary or expedient for the good government and welfare of the City.
4. Have the general supervision and direction of the administration of City government.

5. Be directly responsible to the Council for the administration of municipal affairs as directed by the Council. All City departmental administration requiring the attention of the Council shall be brought before the Council by the City Administrator. Council involvement in administration initiated by the Council must be coordinated through the City Administrator.

6. Supervise and direct the official conduct of all officers, departments, and employees of the City, specifically including, but not limited to police, fire, street, parks, sanitation, recreation, airport, water, and administrative departments. To effectuate this responsibility, the City Administrator shall have the power and authority to employ such assistants and other employees of the City for which the Council has approved the position generally and to discharge all employees of the departments, unless a City board or commission or the Council itself is otherwise specifically authorized or directed to employ, appoint and/or discharge certain employees under other provisions of the Code of Ordinances. However, a departmental head, subject to the approval of the City Administrator, shall have the authority to suspend or otherwise discipline (but not discharge) subordinates subject to their control. Notwithstanding any other provisions of this chapter, the Mayor shall retain the power to appoint the Police Chief, and the Council shall retain the power to appoint the City Clerk and City Attorney.

7. Supervise the performance of all contracts for work to be done for the City; supervise all purchases of material and supplies and see that such material and supplies are received, and are of the quality and character called for by the contract.

8. Represent the City as directed by the Council in all negotiations with employees, contractors, architects, engineers, and other independent contractors in matters in which the City might have an interest.

9. Prepare and submit to the Council annually the required budget and administer it after receiving Council approval.

10. Supervise the construction, improvement, repair, maintenance and management of all City property, capital improvements and undertakings of the City, including the making and preservation of all surveys, maps, plans, drawings, specifications and estimates for capital improvements.
11. Cooperate with and advise any administrative agency, City board or commission, and act as the Council’s liaison with such entities.

12. Investigate the affairs and conduct of any department, agency, officer or employee under the supervision of the Administrator as deemed appropriate.

13. Keep the Council fully advised of the financial and other conditions of the City and of its future needs.

14. Conduct the business affairs of the City and cause accurate records to be kept by modern and efficient accounting methods.

15. Make to the Council periodic reports of the general condition of the City in writing at such intervals as the Council directs.

16. Perform such other duties as the Council may direct.

17. Coordinate with the City Attorney in the preparation of ordinances and consult with the City Attorney on legal matters. The City Attorney shall not be considered a department head for the purpose of this chapter.

18. Order in writing the removal, at public expense, of any nuisance for which no person can be found responsible and liable. Any such order to remove a nuisance shall be carried out by the Police Department under the direction of the Police Chief.

19. Facilitate economic development.

20. Coordinate interdepartmental affairs of various boards and commissions of the City and assist them in meeting their duties under this Code of Ordinances.

21. Handle the bid letting process on behalf of the City. In all cases where bids or proposals are required to be taken in connection with any public improvement, the City Administrator (or in the absence of the City Administrator, the City Clerk) is designated for the duty of conducting and presiding over such public meeting or hearing as may be required by the Council in connection with receiving and opening such bids and announcing the results, and upon announcing the results, the City Administrator (or in the absence of the City Administrator, the City Clerk) shall thereupon report the results of such bid letting, together with his or her recommendations thereon, to the Council at its next meeting.

(Subsections 6, 10 & 11 - Ord. 2008-05 – Mar. 09 Supp.)

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21.04 RELATIONSHIP TO COUNCIL. The City Administrator shall not take part in any
election for Council Member, other than by casting his or her vote, and shall not appoint a
Council Member to a City office or employment, nor shall a Council Member accept such
appointment.

21.05 COMPENSATION. The City Administrator shall receive such annual salary and
benefits as the Council shall from time to time determine by resolution, and the payment
shall be made from the Treasury of the City in the manner provided for paying other officers
and employees. The Council shall also provide the City Administrator with an office budget,
inclusive of secretarial, office and supply necessities in maintaining an office within the
municipal building. The City Administrator shall keep regular office hours as part of his or her
employment in a manner prescribed by the Council. The Council shall also provide
customary expense account items as part and parcel of the said employment package.

21.06 ADDITIONAL DUTIES. The City Administrator shall perform such additional duties
and employment responsibilities as may be from time to time assigned to him or her by the
Council.
CHAPTER 22

LIBRARY BOARD OF TRUSTEES

22.01 Public Library

22.02 Library Trustees

22.03 Qualifications of Trustees

22.04 Organization of the Board

22.05 Powers and Duties

22.06 Contracting with Other Libraries

22.07 Nonresident Use

22.08 Expenditures

22.09 Annual Report

22.10 Injury to Books or Property

22.11 Theft

22.12 Notice Posted

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

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

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

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

1. Term of Office. All appointments to the Board shall be for four years, except to fill vacancies. Each term shall commence on July 1. Appointments shall be made every two years in order to stagger the terms.

2. Vacancies. The position of any Trustee shall be vacated if such member moves permanently from the City and shall be deemed vacated if such member is absent from six (6) consecutive regular meetings of the Board, except in the case of sickness or temporary absence from the City. Vacancies in the Board shall be filled in the same manner as an original appointment except that the new Trustee shall fill out the unexpired term for which the appointment is made.

3. Compensation. Trustees shall receive no compensation for their services.
22.05 POWERS AND DUTIES. The Board shall have and exercise the following powers and duties:

1. **Officers.** To meet and elect from its members a President, a Secretary, and such other officers as it deems necessary. The City Treasurer shall serve as Board Treasurer, but shall not be a member of the Board.

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

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

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

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

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

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

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

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

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

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

(Code of Iowa, Ch. 661)

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

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

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

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

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

2. Termination. Such a contract may be terminated at any time by mutual
consent of the contracting parties. It also may be terminated by a majority vote of
the electors represented by either of the contracting parties. Such a termination
proposition shall be submitted to the electors by the governing body of a contracting
party on a written petition of not less than five percent (5%) in number of the
electors who voted for governor in the territory of the contracting party at the last
CHAPTER 22
LIBRARY BOARD OF TRUSTEES

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

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

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

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

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

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

(Code of Iowa, Sec. 384.20 & 392.5)

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

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

(Code of Iowa, Sec. 716.1)
22.11 THEFT. No person shall take possession or control of property of the Library with the intent to deprive the Library thereof.

(Code of Iowa, Sec. 714.1)

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

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

(Code of Iowa, Sec. 714.5)

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

(Code of Iowa, Sec. 808.12)
CHAPTER 23

PLANNING AND ZONING COMMISSION

23.01 Planning and Zoning Commission 23.04 Compensation

23.02 Term of Office 23.05 Powers and Duties

23.03 Vacancies 23.06 Meeting Fee

23.01  PLANNING AND ZONING COMMISSION. The City Planning and Zoning Commission, hereinafter referred to as the Commission, consists of nine 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 & 392.1)

23.02  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)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

1. Selection of Officers. The Commission shall choose annually at its first regular meeting one of its members to act as Chairperson and another as Vice
Chairperson, who shall perform all the duties of the Chairperson during the 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 of Improvements. No statuary, memorial or work of art in a public place, and no public building, bridge, viaduct, street fixtures, public structure or appurtenances, shall be located or erected, or site therefor obtained, nor shall any permit be issued by any department of the City for the erection or location thereof until and unless the design and proposed location of any such improvement shall have been submitted to the Commission and its recommendations thereon obtained, except such requirements and recommendations shall not act as a stay upon action for any such improvement when the Commission after thirty (30) days’ written notice requesting such recommendations, shall have failed to file same.

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

6. Review and Comment of Street and Park Improvements. No plan for any street, park, parkway, boulevard, traffic-way, river front, or other public improvement affecting the City plan shall be finally approved by the City or the character or location thereof determined, unless such proposal shall first have been

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submitted to the Commission and the Commission shall have had thirty (30) days
within which to file its recommendations thereon.

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

23.06 MEETING FEE. Requests to the Planning and Zoning Commission shall not be
considered by the Commission until a fee of one hundred fifty dollars ($150.00) is paid to the
Clerk. Such fee shall be paid at the time the request to the City is made for the Planning and
Zoning Commission to meet.
CHAPTER 24

PARK COMMISSION

24.01 Park Board. There shall be a board of Park Commissioners for the City consisting of five (5) citizens of legal age.

(Ord. 2011-14 – July 12 Supp.)

24.02 Election; Term. Two (2) or three (3) commissioners shall be elected at each regular City election for a term of four (4) years.

(Ord. 2011-14 – July 12 Supp.)

24.03 Organization. Within ten (10) days following the regular City election, the Commission shall elect one of its members as Chairperson and one as Secretary.

24.04 Treasurer. The City Treasurer is the Treasurer of the Park Commission and pays out all moneys under the control of the Park Commission on orders signed by the Chairperson and Secretary, but receives no compensation for such services.

24.05 Compensation. Each commissioner shall receive compensation of twenty-five dollars ($25.00) for each Commission meeting attended.

24.06 Budget Certified. Each year the Park Commission shall submit to the Council a proposed budget and tax levy for general park purposes for the ensuing fiscal year. The
Council shall include such tax levy, or so much thereof as it may deem necessary, in the levy for the General Fund of the City as certified to the County Auditor.

24.07 RECORDS AND REPORTS. The Park Commission shall keep a record of all its transactions and proceedings and submit a detailed annual report to the Council no later than August 1 of each year of the amounts of money expended and the purposes for which used.

24.08 JURISDICTION AND AUTHORITY. The Park Commission has exclusive control of all parks and pleasure grounds acquired by it or of any other ground owned by the City and set apart for like purposes within or outside the City. All ordinances of the City shall be in full force and effect in and over the territory occupied by such parks.

24.09 POLES AND WIRES. The Park Commission may regulate or forbid the erection of poles or the stretching of wire for electric light, street, railway, or other purposes in such parks or in or along streets or highways or over public places laid out or controlled by it.

24.10 ACQUISITION OF LAND. The Park Commission may acquire real estate within or outside the City for park purposes by donation, lease, purchase, or condemnation, take the title to real estate in the name of the Park Commission in trust for the public and hold it exempt from taxation.

24.11 SALE OR LEASE OF PROPERTY. Subject to the approval of the Council, the Park Commission may sell, exchange, or lease any real estate acquired by it which in its discretion is unfit, not desirable, unnecessary, or not required for park purposes.

24.12 LIMITED LEASES. The Park Commission may lease under reasonable rates and requirements a particular park or portion thereof, as follows:

1. Organizations. For a period not in excess of ten (10) days to charitable, fraternal and patriotic organizations for the conduct of celebrations, anniversaries and entertainment.

2. Professional Games. For such time, not to exceed six (6) consecutive months, for the purpose of permitting the playing of professional baseball or other professional games.
24.13 RULES AND REGULATIONS. The Park Commission shall have the power to make rules and regulations for the use of park or other facilities under its control. Such rules shall be posted on the facility or otherwise publicized in a manner to provide adequate notice to the public.

24.14 PENALTIES. Any person who violates a Park Commission rule or regulation which has been approved by the Council and adopted by ordinance may be subjected to the penalties provided for in the ordinance adopting the rule or regulation.

24.15 SWIMMING POOL. The Park Commission shall have exclusive control of the City swimming pool and the area surrounding it, which is incidental to or a part of the pool.

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CHAPTER 25

UTILITY BOARD OF TRUSTEES

(Repealed by Ord. 2008-06 – Mar. 09 Supp.)
CHAPTER 26
AIRPORT ZONING COMMISSION

26.01 AIRPORT ZONING COMMISSION. There shall be an Airport Zoning Commission consisting of five members, two of whom shall be selected by the Board of Supervisors of the County, two of whom shall be selected by the Council, and one additional member to act as Chairperson shall be selected by a majority vote of the members selected by the County and City as herein provided.

(Code of Iowa, Sec. 329.9)

26.02 TERMS OF OFFICE. The terms of the members of the Commission shall be six years. Appointments shall be made every two years of one-third the total number or as near as possible, to provide for staggered terms.

(Code of Iowa, Sec. 329.9)

26.03 REMOVAL; VACANCIES. Members of the Commission may be removed for cause by the appointing authority upon written charges after public hearing. Vacancies shall be filled for the unexpired term of any member whose office becomes vacant in the same manner in which said member was selected.

(Code of Iowa, Sec. 329.9)

26.04 POWERS AND DUTIES. The Commission shall have all the powers, duties and authority vested in it by the laws of the State, now in effect or which may be hereafter enacted, and by resolution and ordinances of the County and City.
CHAPTER 27
AIRPORT COMMISSION

27.01 AIRPORT COMMISSION. There shall be an Airport Commission consisting of five resident voters of the City.

(Code of Iowa, Sec. 330.20)

27.02 APPOINTMENT AND TERM. Commissioners shall be appointed by the Council for staggered terms of six years.

(Code of Iowa, Sec. 330.20)

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

(Code of Iowa, Sec. 330.20)

27.04 COMPENSATION. Members of the Commission shall serve without compensation.

(Code of Iowa, Sec. 330.20)

27.05 BOND. Each Commissioner shall execute and furnish a bond in the amount of one thousand dollars ($1,000.00) which bond shall be filed with the City Clerk.

(Code of Iowa, Sec. 330.20)

27.06 OFFICERS. The Commission shall elect from its own members a Chairperson and Secretary who shall serve for such term as the Commission shall determine.

(Code of Iowa, Sec. 330.20)
27.07 POWERS AND DUTIES. The Commission shall have and exercise the following powers and duties.

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

   (Code of Iowa, Sec. 330.21)

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

   (Code of Iowa, Sec. 330.21)

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

   (Code of Iowa, Sec. 330.21)

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

   (Code of Iowa, Sec. 330.22)
CHAPTER 28

HISTORIC PRESERVATION COMMISSION

28.01 Purpose and Intent

The purposes of this chapter are to:

1. Promote the educational, cultural, economic and general welfare of the public through the recognition, enhancement and perpetuation of sites and districts of historical and cultural significance;

2. Safeguard the City’s historic, aesthetic and cultural heritage by preserving sites and districts of historic and cultural significance;

3. Stabilize and improve property values;

4. Foster pride in the legacy of beauty and achievements of the past;

5. Protect and enhance the City’s attractions to tourists and visitors and the support and stimulus to business thereby provided;

6. Strengthen the economy of the City;

7. Promote the use of sites and districts of historic and cultural significance as places for the education, pleasure, and welfare of the people of the City.

28.02 Definitions.

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

1. “Commission” means the Humboldt Historic Preservation Commission, as established by this chapter.

2. “Historic district” means an area which contains a significant portion of buildings, structures or other improvements which, considered as a whole, possess integrity of location, design, setting, materials, workmanship, feeling and association, and which area as a whole:
A. Embodies the distinctive characteristics of a type, period or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction; or

B. Is associated with events that have made significant contributions to the broad patterns of our local, state or national history; or

C. Possesses a coherent and distinctive visual character or integrity based upon similarity of scale, design, color, setting, workmanship, materials or combinations thereof which is deemed to add significantly to the value and attractiveness of properties within such area; or

D. Is associated with the lives of persons significant in our past; or

E. Has yielded, or may be likely to yield, information important in prehistory or history.

3. “Historic site” means a structure or building which:

   A. Is associated with events that have made a significant contribution to the broad patterns of our history; or

   B. Is associated with the lives of persons significant in our past; or

   C. Embodies the distinctive characteristics of a type, period or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction; or

   D. Has yielded, or may be likely to yield, information important in prehistory or history.

28.03 STRUCTURE OF COMMISSION. The organization of the Commission is as follows:

1. The Commission consists of five (5) members who are residents of the City.

2. Members of the Commission shall be appointed by the Mayor with the advice and consent of the Council. Members shall demonstrate a positive interest in historic preservation, possessing interest or expertise in architecture, architectural...
history, historic preservation, city planning, building rehabilitation, conservation in general or real estate.

3. The Commission members are appointed for staggered terms of three (3) years, from January 1 following the year of such appointment or until successors are appointed. Members may serve for more than one term. Each member shall serve until the appointment of a successor.

4. Vacancies occurring in the Commission, other than expiration of term of office, shall be only for the unexpired portion of the term of the member replaced.

5. Members shall serve without compensation.

6. A simple majority of the Commission shall constitute a quorum for the transaction of business.

7. The Commission shall elect a Chairperson who shall preside over all Commission meetings and elect a Secretary who shall be responsible for maintaining written records of the Commission’s proceedings.

8. The Commission shall meet at least three (3) times a year.

28.04 POWERS OF THE COMMISSION.

1. The Commission may conduct studies for the identification and designation of historic districts and sites meeting the definitions established by this chapter. (The necessary inventory forms and procedures for their completion are available from the State Bureau of Historic Preservation.) The Commission may proceed at its own initiative or upon a petition from any person, group or association. The Commission shall maintain records of all studies and inventories for public use.

2. The Commission may make a recommendation to the State Bureau of Historic Preservation for the listing of an historic district or site in the National Register of Historic Places and may conduct a public hearing thereon.

3. The Commission may investigate and recommend to the Council the adoption of ordinances designating historic sites and historic districts if they qualify as defined herein.
4. In addition to those duties and powers specified above, the Commission may, with Council approval,

A. Accept unconditional gifts and donations of real and personal property, including money, for the purpose of historic preservation;

B. Acquire, by purchase, bequest or donation, fee and lesser interests in historic properties, including properties adjacent to or associated with historic properties;

C. Preserve, restore, maintain and operate historic properties under the ownership or control of the Commission;

D. Lease, sell and otherwise transfer or dispose of historic properties subject to rights of public access and other covenants and in a manner that will preserve the property;

E. Contract with State or Federal government or other organizations;

F. Cooperate with Federal, State and local governments in the pursuance of the objectives of historic preservation;

G. Provide information for the purpose of historic preservation to the Council; and

H. Promote and conduct an educational and interpretive program on historic properties within its jurisdiction.

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CHAPTER 30

POLICE DEPARTMENT

30.01 Department Established

30.02 Organization

30.03 Peace Officer Qualifications

30.04 Required Training

30.05 Compensation

30.06 Police Chief Appointed

30.07 Police Chief: Duties

30.08 Departmental Rules

30.09 Summoning Aid

30.10 Taking Weapons

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

30.02 ORGANIZATION. The department consists of the Police Chief and such other law enforcement officers and personnel, whether full or part time, as may be authorized by the Council.

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

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

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

(Code of Iowa, Sec. 80B.11 [2])

(IAC, 501-3 and 501-8)

30.05 COMPENSATION. Members of the department are designated by rank and receive such compensation as shall be determined by resolution of the Council.
30.06 POLICE CHIEF APPOINTED. The Mayor shall appoint and dismiss the Police Chief subject to the consent of a majority of the Council.

(Code of Iowa, Sec. 372.4)

30.07 POLICE CHIEF: DUTIES. The Police Chief has the following powers and duties subject to the approval of the Council.

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

1. General. Perform all duties required of the Police Chief by law or ordinance.

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

3. Writs. Execute and return all writs and other processes directed to the Police Chief.

4. Accident Reports. Report all motor vehicle accidents investigated to the State Department of Transportation.

(Code of Iowa, Sec. 321.266)

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

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

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

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

9. Reports. Compile and submit to the Mayor and Council an annual report as well as such other reports as may be requested by the Mayor or Council.
10. Command. Be in command of all officers appointed for police work and be responsible for the care, maintenance and use of all vehicles, equipment and materials of the department.

30.08 DEPARTMENTAL RULES. The Police Chief shall establish such rules, not in conflict with the Code of Ordinances, and subject to the approval of the Council, as may be necessary for the operation of the department.

30.09 SUMMONING AID. Any peace officer making a legal arrest may orally summon as many persons as the officer reasonably finds necessary to aid the officer in making the arrest.

(Code of Iowa, Sec. 804.17)

30.10 TAKING WEAPONS. Any person who makes an arrest may take from the person arrested all items which are capable of causing bodily harm which the arrested person may have within such person’s control to be disposed of according to law.

(Code of Iowa, Sec. 804.18)
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CHAPTER 35

FIRE DEPARTMENT

35.01 Establishment and Purpose

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

(Code of Iowa, Sec. 364.16)

35.02 Organization

The department consists of the Fire Chief and such other officers and personnel as may be authorized by the Council.

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

35.03 Approved by Council

No person having otherwise qualified shall be appointed to the department until such appointment is submitted to and approved by a majority of the Council members.

35.04 Training

All members of the department shall meet the minimum training standards established by the State Fire Marshal and attend and actively participate in regular or special training drills or programs as directed by the Chief.

(Code of Iowa, Sec. 100B.2 [4])
35.05 **COMPENSATION.** Members of the department shall be designated by rank and receive such compensation as shall be determined by resolution of the Council.

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

35.06 **ELECTION OF OFFICERS.** The department shall annually elect a Fire Chief and such other officers as its constitution and bylaws may provide, but the election of the Fire Chief shall be subject to the approval of the Council. In case of absence of the Fire Chief, the officer next in rank shall be in charge and have and exercise all the powers of Fire Chief.

35.07 **FIRE CHIEF: DUTIES.** The Fire Chief shall perform all duties required of the Fire Chief by law or ordinance, including but not limited to the following:

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

1. **Enforce Laws.** Enforce ordinances and laws regulating fire prevention and the investigation of the cause, origin and circumstances of fires.

2. **Technical Assistance.** Upon request, give advice concerning private fire alarm systems, fire extinguishing equipment, fire escapes and exits and development of fire emergency plans.

3. **Authority at Fires.** When in charge of a fire scene, direct an operation as necessary to extinguish or control a fire, perform a rescue operation, investigate the existence of a suspected or reported fire, gas leak, or other hazardous condition, or take any other action deemed necessary in the reasonable performance of the department’s duties.

*(Code of Iowa, Sec. 102.2)*

4. **Control of Scenes.** Prohibit an individual, vehicle or vessel from approaching a fire scene and remove from the scene any object, vehicle, vessel or individual that may impede or interfere with the operation of the fire department.

*(Code of Iowa, Sec. 102.2)*

5. **Authority to Barricade.** When in charge of a fire scene, place or erect ropes, guards, barricades or other obstructions across a street, alley, right-of-way, or private property near the location of the fire or emergency so as to prevent accidents or interference with the operation of the fire department, to
control the scene until any required investigation is complete, or to preserve evidence related to the fire or other emergency.

(Code of Iowa, Sec. 102.3)

6. Command. Be charged with the duty of maintaining the efficiency, discipline and control of the fire department. The members of the fire department shall, at all times, be subject to the direction of the Fire Chief.

7. Property. Exercise and have full control over the disposition of all fire apparatus, tools, equipment and other property used by or belonging to the fire department.

8. Notification. Whenever death, serious bodily injury, or property damage in excess of $200,000 has occurred as a result of a fire, or if arson is suspected, notify the State Fire Marshal’s Division immediately. For all other fires causing an estimated damage of $50.00 or more or emergency responses by the Fire Department, file a report with the Fire Marshal’s Division within ten (10) days following the end of the month. The report shall indicate all fire incidents occurring and state the name of the owners and occupants of the property at the time of the fire, the value of the property, the estimated total loss to the property, origin of the fire as determined by investigation, and other facts, statistics, and circumstances concerning the fire incidents.

(Code of Iowa, Sec. 100.2 & 100.3)

9. Right of Entry. Have the right, during reasonable hours, to enter any building or premises within the Fire Chief’s jurisdiction for the purpose of making such investigation or inspection which under law or ordinance may be necessary to be made and is reasonably necessary to protect the public health, safety and welfare.

(Code of Iowa, Sec. 100.12)

10. Recommendation. Make such recommendations to owners, occupants, caretakers or managers of buildings necessary to eliminate fire hazards.

(Code of Iowa, Sec. 100.13)
11. Assist State Fire Marshal. At the request of the State Fire Marshal, and as provided by law, aid said marshal in the performance of duties by investigating, preventing and reporting data pertaining to fires.

(Code of Iowa, Sec. 100.4)

12. Records. Cause to be kept records of the fire department personnel, fire fighting equipment, depreciation of all equipment and apparatus, the number of responses to alarms, their cause and location, and an analysis of losses by value, type and location of buildings.

13. Reports. Compile and submit to the Mayor and Council an annual report of the status and activities of the department as well as such other reports as may be requested by the Mayor or Council.

35.08 OBEDIENCE TO FIRE CHIEF. No person shall willfully fail or refuse to comply with any lawful order or direction of the Fire Chief.

35.09 CONSTITUTION. The department shall adopt a constitution and bylaws as they deem calculated to accomplish the object contemplated, and such constitution and bylaws and any change or amendment to such constitution and bylaws before being effective, must be approved by the Council.

35.10 ACCIDENTAL INJURY INSURANCE. The Council shall contract to insure the City against liability for worker’s compensation and against statutory liability for the costs of hospitalization, nursing, and medical attention for volunteer fire fighters injured in the performance of their duties as fire fighters whether within or outside the corporate limits of the City. All volunteer fire fighters shall be covered by the contract.

(Code of Iowa, Sec. 85.2, 85.61 and Sec. 410.18)

35.11 LIABILITY INSURANCE. The Council shall contract to insure against liability of the City or members of the department for injuries, death or property damage arising out of and resulting from the performance of departmental duties within or outside the corporate limits of the City.

(Code of Iowa, Sec. 670.2 & 517A.1)
35.12 CALLS OUTSIDE FIRE DISTRICT. The department shall answer calls to fires and other emergencies outside the Fire District if the Fire Chief determines that such emergency exists and that such action will not endanger persons and property within the Fire District.

(Code of Iowa, Sec. 364.4 [2 & 3])

35.13 MUTUAL AID. Subject to approval by resolution of the Council, the department may enter into mutual aid agreements with other legally constituted fire departments. Copies of any such agreements shall be filed with the Clerk.

(Code of Iowa, Sec. 364.4 [2 & 3])

35.14 AUTHORITY TO CITE VIOLATIONS. Fire officials acting under the authority of Chapter 100 of the Code of Iowa may issue citations in accordance to Chapter 805 of the Code of Iowa, for violations of state and/or local fire safety regulations.

(Code of Iowa, Sec. 100.41)

35.15 EMERGENCY AMBULANCE SERVICE. The department is authorized to provide emergency ambulance or rescue services, and the accidental injury and liability insurance provided for herein shall include such operation.
CHAPTER 36

HAZARDOUS SUBSTANCE SPILLS

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

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

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

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

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

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

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

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

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

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

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

36.04 LIABILITY FOR CLEANUP COSTS. The responsible person shall be strictly liable for all of the following:
1. The reasonable cleanup costs incurred by the City as a result of the failure of the responsible person to clean up a hazardous substance involved in a hazardous condition.

2. The reasonable costs incurred by the City to evacuate people from the area threatened by a hazardous condition caused by the person.

3. The reasonable damages to the City for the injury to, destruction of, or loss of City property, including parks and roads, resulting from a hazardous condition caused by that person, including the costs of assessing the injury, destruction or loss.

36.05 NOTIFICATIONS.

1. A person manufacturing, storing, handling, transporting, or disposing of a hazardous substance shall notify the State Department of Natural Resources and the Police Department of the occurrence of a hazardous condition as soon as possible but not later than six (6) hours after the onset of the hazardous condition or discovery of the hazardous condition. The Police Department shall immediately notify the Department of Natural Resources.

2. Any other person who discovers a hazardous condition shall notify the Police Department, which shall then notify the Department of Natural Resources.

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

1. Evacuate persons from their homes to areas away from the site of a hazardous condition, and

2. Establish perimeters or other boundaries at or near the site of a hazardous condition and limit access to cleanup personnel.

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

36.07 LIABILITY. The City shall not be liable to any person for claims of damages, injuries, or losses resulting from any hazardous condition, unless the City is the responsible person as defined in Section 36.02[4].
CHAPTER 37

PUBLIC SAFETY COMMISSION

37.01 PURPOSE. The City hereby agrees to participate in the creation, maintenance, funding and management of the Humboldt County Public Safety Commission and further by this section transfers control of the police, fire and ambulance dispatching system to the authority and control of said Commission. The City further transfers by this section control and authority over the maintenance of a physical facility to house City law enforcement agencies and to participate in funding of the cost of these services as the Public Safety Commission and Council may establish from time to time.

37.02 MEMBERSHIP. The City shall be represented upon the board of said Commission by two (2) elected officials, at least one of whom shall be a Council member, appointed by the Mayor, subject to approval of the Council. The term of office for these members shall be established by the bylaws of the Commission. Should, for any reason, a City representative to said board leave the board prior to the expiration of said representative’s term, a replacement shall be appointed.
CHAPTER 40

PUBLIC PEACE

40.01 Assault
40.04 Unlawful Assembly
40.02 Harassment
40.05 Failure to Disperse
40.03 Disorderly Conduct
40.06 Vehicle Noise Limits

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

1. Pain or Injury. Any act which is intended to cause pain or injury to, or which is intended to result in physical contact which will be insulting or offensive to another, coupled with the apparent ability to execute the act.
   (Code of Iowa, Sec. 708.1 [1])

2. Threat of Pain or Injury. Any act which is intended to place another in fear of immediate physical contact which will be painful, injurious, insulting, or offensive, coupled with the apparent ability to execute the act.
   (Code of Iowa, Sec. 708.1 [2])

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

(Code of Iowa, Sec. 708.1)
40.02 HARASSMENT. No person shall commit harassment.

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

   A. Communicates with another by telephone, telegraph, 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 which is reasonably related to that sport.

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

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

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

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

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

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

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

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

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

6. Disrespect of Flag. Knowingly and publicly 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 a public offense.

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

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 five hundred feet of the building or other location where a funeral or memorial service is being conducted, or within five hundred feet of a funeral procession or burial:

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

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

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

This subsection applies to conduct within sixty minutes preceding, during, and within sixty 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)

40.06 VEHICLE NOISE LIMITS. No person shall operate, in a public place or on any public street, highway, alley or any parking lot, a motor vehicle in which a stereo, tape player, compact disc player, radio or any other sound amplification device can be heard a distance of seventy-five (75) feet or more from the vehicle. The provisions of this section may be enforced following personal observation or hearing of any police officer or upon receipt of a complaint. The Police Chief or the Council may grant a temporary variance to this section to
facilitate special events. The Police Chief is specifically authorized to revoke a variance if the applicant fails to meet any of the limitations placed upon the variance and/or if other circumstances occur subsequent to the granting of the variance requiring revocation.
CHAPTER 41

PUBLIC HEALTH AND SAFETY

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

(Code of Iowa, Sec. 727.1)

41.02 False Reports to or Communications with Public Safety Entities. No person shall do any of the following:

(Code of Iowa, Sec. 718.6)

1. Report or cause to be reported false information to a fire department, a law enforcement authority or other public safety entity, knowing that the information is false, or report the alleged occurrence of a criminal act knowing the act did not occur.

2. Telephone an emergency 911 communications center, knowing that he or she is not reporting an emergency or otherwise needing emergency information or assistance.

3. Knowingly provide false information to a law enforcement officer who enters the information on a citation.
41.03 REFUSING TO ASSIST OFFICER. Any person who is requested or ordered by any
magistrate or peace officer to render the magistrate or officer assistance in making or
attempting to make an arrest, or to prevent the commission of any criminal act, shall render
assistance as required. No person shall unreasonably and without lawful cause, refuse or
neglect to render assistance when so requested.

(Code of Iowa, Sec. 719.2)

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

(Code of Iowa, Sec. 718.4)

41.05 INTERFERENCE WITH OFFICIAL ACTS. No person shall knowingly resist or obstruct
anyone known by the person to be a peace officer, emergency medical care provider or fire
fighter, whether paid or volunteer, in the performance of any act which is within the scope of
the lawful duty or authority of that officer, emergency medical care provider or fire fighter,
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)

41.06 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)

41.07 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])
41.08 BARBED WIRE AND ELECTRIC FENCES. It is unlawful for a person to use barbed wire or electric fences to enclose land within the City limits without the written consent of the Council unless such land consists of ten (10) acres or more and is used as agricultural land.

41.09 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.

41.10 THROWING AND SHOOTING. It is unlawful for a person to throw stones, bricks or missiles of any kind or to shoot arrows, rubber guns, slingshots, air rifles, 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])

41.11 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.

41.12 FIREWORKS. The sale, use or exploding of fireworks within the City are subject to the following:

1. Definition. The term “fireworks” includes any explosive composition, or combination of explosive substances, or articles prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, and specifically includes blank cartridges, firecrackers, torpedoes, skyrockets, roman candles, or other fireworks of like construction and any fireworks containing any explosive or flammable compound, or other device containing any explosive substance.

(Code of Iowa, Sec. 727.2)

2. Regulations. It is unlawful for any person to offer for sale, expose for sale, sell at retail, or use or explode any fireworks; provided the City may, upon
application in writing, grant a permit for the display of fireworks by a City agency, fair associations, amusement parks and other organizations or groups of individuals approved by City authorities when such fireworks display will be handled by a competent operator. No permit shall be granted hereunder unless the operator or sponsoring organization has filed with the City evidence of insurance in the following amounts:

A. Personal Injury: $250,000 per person.
B. Property Damage: $50,000
C. Total Exposure: $1,000,000

(Code of Iowa, Sec. 727.2)

3. Exceptions. This section does not prohibit the sale by a resident, dealer, manufacturer or jobber of such fireworks as are not prohibited; or the sale of any kind of fireworks if they are to be shipped out of State; or the sale or use of blank cartridges for a show or theatre, or for signal purposes in athletic sports or by railroads or trucks for signal purposes, or by a recognized military organization. This section does not apply to any substance or composition prepared and sold for medicinal or fumigation purposes.

(Code of Iowa, Sec. 727.2)

41.13 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.
CHAPTER 42
PUBLIC AND PRIVATE PROPERTY

42.01 TRESPASSING. It is unlawful for a person to knowingly trespass upon the property of another. As used in this section, the term “property” includes any land, dwelling, building, conveyance, vehicle or other temporary or permanent structure whether publicly or privately owned. The term “trespass” means one or more of the following acts:

(Code of Iowa Sec. 716.7 and 716.8)

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

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

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

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

3. Interfering with Lawful Use of Property. Entering upon or in property for the purpose or with the effect of unduly interfering with the lawful use of the property by others.

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

4. Using Property Without Permission. Being upon or in property and wrongfully using, removing therefrom, altering, damaging, harassing, or placing thereon or therein anything animate or inanimate, without the implied or actual permission of the owner, lessee, or person in lawful possession.
None of the above shall be construed to prohibit entering upon the property of another for the sole purpose of retrieving personal property which has accidentally or inadvertently been thrown, fallen, strayed, or blown onto the property of another, provided that the person retrieving the property takes the most direct and accessible route to and from the property to be retrieved, quits the property as quickly as is possible, and does not unduly interfere with the lawful use of the property.

(Code of Iowa, Sec. 716.7[3])

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

(Code of Iowa, Sec. 716.1)

42.03 DEFACEING 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)
[The next page is 225]
CHAPTER 45

ALCOHOL CONSUMPTION AND INTOXICATION

45.01  Persons Under Legal Age

45.02  Public Consumption or Intoxication

45.01  PERSONS UNDER LEGAL AGE. As used in this section, “legal age” means twenty-one (21) years of age or more.

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

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

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

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

45.02  PUBLIC CONSUMPTION OR INTOXICATION.

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

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

   B. “Chemical test” means a test of a person’s blood, breath, or urine to determine the percentage of alcohol present by a qualified person using devices and methods approved by the Commissioner of Public Safety.
C. "Peace Officer" means the same as defined in Section 801.4 of the Code of Iowa.

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

2. A person shall not use or consume alcoholic liquor, wine or beer upon the public streets or highways. A person shall not use or consume any alcoholic beverages (as defined in Iowa Code Section 123.3(4)) in any public place, except premises covered by an appropriate alcoholic beverage license. A person shall not possess or consume alcoholic liquors, wine or beer on public school property or while attending any public or private school-related function. A person shall not be intoxicated or simulate intoxication in a public place. A person violating this subsection is guilty of a simple misdemeanor.

(Ord. 2009-07 – Mar. 10 Supp.)

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

(Code of Iowa, Sec. 123.46)

45.03 OPEN CONTAINERS IN MOTOR VEHICLES. (See Section 62.07 of this Code of Ordinances.)
CHAPTER 46

MINORS

46.01 Cigarettes and Tobacco

46.01  CIGARETTES AND TOBACCO. It is unlawful for any person under eighteen (18) years of age to smoke, use, possess, purchase or attempt to purchase any tobacco, tobacco products or cigarettes. Possession of cigarettes or tobacco products by a person under eighteen years of age shall not constitute a violation of this section if said person possesses the cigarettes or tobacco products 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 and lawfully offers for sale or sells cigarettes or tobacco products.

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

46.02 Contributing to Delinquency

46.02 contributing to delinquency. It is unlawful for any person to encourage any child under eighteen (18) years of age to commit any act of delinquency.

(Code of Iowa, Sec. 709A.1)
CHAPTER 47

PARK REGULATIONS

47.01 Purpose. The purpose of this chapter is to facilitate the enjoyment of park facilities by the general public by establishing rules and regulations governing the use of park facilities.

(Code of Iowa, Sec. 364.12)

47.02 Use of Drives Required. No person shall drive any car, cycle or other vehicle, or ride or lead any horse, in any portion of a park except upon the established drives or roadways therein or such other places as may be officially designated by the City.

47.03 Fires. No fires shall be built, except in a place provided therefor, and such fire shall be extinguished before leaving the area unless it is to be immediately used by some other party.

47.04 Littering. No person shall place, deposit, or throw any waste, refuse, litter or foreign substance in any area or receptacle except those provided for that purpose.

47.05 Parks Closed. No person, except those camping in designated areas, shall enter or remain within any park between the hours of 11:00 p.m. and 6:00 a.m.

47.06 Camping. No person shall camp in any portion of a park except in portions prescribed or designated by the Council, and the City may refuse camping privileges or rescind any and all camping privileges for cause.
CHAPTER 50

NUISANCE ABATEMENT PROCEDURE

50.01 Definition of Nuisance

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

(Code of Iowa, Sec. 657.1)

50.02 Nuisances Enumerated

The following subsections include, but do not limit, the conditions which are deemed to be nuisances in the City:

(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, which, by occasioning noxious exhalations, unreasonably offensive smells, or other annoyances, becomes injurious and dangerous to the health, comfort or property of individuals or the public.

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, which so obstruct and impair the view of any portion or part of a public street, avenue, highway, boulevard or alley or of a railroad or street railway track as to render dangerous the use thereof. (See also Section 62.08)

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 one thousand (1,000) feet of the limits of any municipal or regularly established airport or landing place, which may endanger or obstruct aerial navigation including take-off and landing, unless such object or structure constitutes a proper use or enjoyment of the land on which the same is located.

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 which are deemed to be nuisances:

1. Nuisance Vehicles (See Chapter 51)
2. Dangerous Buildings (See Chapter 145)
3. Storage and Disposal of Solid Waste (See Chapter 105)
4. Trees (See Chapter 151)

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

(Code of Iowa, Sec. 657.3)

50.05 NUISANCE ABATEMENT. Whenever the Mayor or other authorized municipal officer finds that a nuisance exists, such officer shall cause to be served upon the property owner a written notice to abate the nuisance within a reasonable time after notice.

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

50.06 NOTICE TO ABATE: CONTENTS. The notice to abate shall contain:

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

1. Description of Nuisance. A description of what constitutes the nuisance.
2. Location of Nuisance. The location of the nuisance.

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.
3. Acts Necessary to Abate. A statement of the act or acts necessary to abate the nuisance.

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

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

**50.07 METHOD OF SERVICE.** The notice may be in the form of an ordinance or sent by certified mail to the property owner.

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

**50.08 REQUEST FOR HEARING.** Any person ordered to abate a nuisance may have a hearing with the Council as to whether a nuisance exists. A request for a hearing must be made in writing and delivered to the Clerk within the time stated in the notice, or it will be conclusively presumed that a nuisance exists and it must be abated as ordered. The hearing will be before the Council at a time and place fixed by the Council. The findings of the Council shall be conclusive and, if a nuisance is found to exist, it shall be ordered abated within a reasonable time under the circumstances.

**50.09 ABATEMENT IN EMERGENCY.** If it is determined that an emergency exists by reason of the continuing maintenance of the nuisance or condition, the City may perform any action which may be required under this chapter without prior notice. The City shall assess the costs as provided in Section 50.11 after notice to the property owner under the applicable provisions of Sections 50.05, 50.06 and 50.07 and hearing as provided in Section 50.08.

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

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

*(Code of Iowa, Sec. 364.12[3h]*)
50.11 **COLLECTION OF COSTS.** The Clerk shall send a statement of the total expense incurred by certified mail to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within one month, the Clerk shall certify the costs to the County Treasurer and such costs shall then be collected with, and in the same manner, as general property taxes.

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

50.12 **INSTALLMENT PAYMENT OF COST OF ABATEMENT.** If the amount expended to abate the nuisance or condition exceeds one hundred dollars ($100.00), the City may permit the assessment to be paid in up to ten (10) annual installments, to be paid in the same manner and with the same interest rates provided for assessments against benefited property under State law.

*(Code of Iowa, Sec. 364.13)*

50.13 **FAILURE TO ABATE.** Any person causing or maintaining a nuisance who shall fail or refuse to abate or remove the same within the reasonable time required and specified in the notice to abate is in violation of this Code of Ordinances.
CHAPTER 51

NUISANCE VEHICLES

51.01 Definitions

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

1. “Nuisance vehicle” means any licensed or unlicensed vehicle stored within the corporate limits of the City exhibiting any one of the following characteristics:

   A. Broken Glass. Any vehicle with a broken or cracked windshield, window, headlight or tail light, or any other cracked or broken glass.

   B. Broken or Loose Part. Any vehicle with a broken or loose fender, door, bumper, hood, hood ornament, door handle, window handle, running board, steering wheel, truck top, trunk handle, radio aerial, tail pipe or decorative piece.

   C. Habitat for Nuisance Animals or Insects. Any vehicle which has become the habitat for rats, mice, or snakes, or any other vermin or insects.

   D. Flammable Fuel. Any unlicensed vehicle which contains gasoline or any other flammable fuel.

   E. Inoperable. Any vehicle lacking an engine, wheel(s), or any other part which renders it inoperable or not fit for legal street use.

   F. Unattended. Any vehicle left unattended up on blocks, jacks, or elevated in any other way which constitutes a threat to the public health or safety.
G. Storage. Any vehicle used as storage for items such as rags, rope, batteries, paper, trash bags, machinery, mechanical parts, scrap household goods, dead plant material or any similar material.

2. “Property” means either private or public real property within the City.

3. “Unlicensed” means any vehicle which is not displaying a valid current license plate as required by the laws of the State.

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

51.02 NUISANCE VEHICLES PROHIBITED. Except as otherwise provided in this Code of Ordinances, it is hereby declared that the existence within the corporate limits of a nuisance vehicle (upon either public or private property) is unreasonably offensive to the senses and a threat to the health and safety of the citizens and constitutes a nuisance. If any nuisance vehicle is stored upon private or public property in violation hereof, the owner of said vehicle shall be liable for a municipal infraction.

51.03 NOTICE TO ABATE. Whenever a nuisance vehicle is placed or stored within the City in violation of the foregoing, the Police Chief or other designated member of the Police Department shall notify by certified mail: (a) the owner of the property upon which said vehicle is located; (b) the last known registered owner of the vehicle (if different than the owner of the property); and (c) any lienholders against the vehicle at the last known address that:

1. The vehicle constitutes a nuisance under the provision of this chapter.

2. Within thirty (30) days from the date of the Notice, the owner must remove or repair the said vehicle in accordance with the terms of this chapter.

51.04 DUTY OF OWNER TO REMOVE OR REPAIR. The owner of a nuisance vehicle shall within thirty (30) days after said Notice is given, remove the nuisance vehicle to one of the areas designated in Section 51.06 of this chapter, or repair the defects which cause said vehicle to be in violation of the provisions of this chapter, including licensing of the vehicle.
51.05 ABATEMENT. If such owner of a nuisance vehicle fails to remove or repair the vehicle in accordance with the terms of this chapter, the City may either: (i) abate such nuisance by causing the vehicle to be removed and impounded and sold or disposed of as specified in Section 321.89-90 of the Code of Iowa (with the costs thereof charged to the owner of the vehicle); or (ii) pursue legal action against the owner for a municipal infraction.

51.06 EXCEPTIONS. This chapter does not apply to the following:

1. A nuisance vehicle kept in an enclosed building.

2. A nuisance vehicle on the premises of a junk yard or automobile sales or repair shop which is lawfully operated in a zoned district under the provisions of the Zoning Ordinance; provided, said vehicle is fenced as required by Section 51.07 of this chapter.

51.07 FENCING REQUIREMENTS. As required under this chapter, the property owner shall erect a suitable and substantial fence of not less than six (6) feet high surrounding the enclosed area properly screened from public view. Such fence shall be kept in a state of good repair and no signs or other advertising matter shall be placed thereon. Nuisance vehicles and machinery stored behind such fence shall not exceed the height of the fence. In addition, such fences shall be constructed in accordance with all applicable requirements of the Zoning Ordinance of the City. This section shall not apply to junk yards, salvage yards, and automobile repair shops that repair or remove the nuisance vehicle or machinery within thirty (30) days of accepting same.

51.08 INTERFERENCE WITH ENFORCEMENT. Any person who interferes in any way with the enforcement provision of this chapter shall be deemed guilty of a simple misdemeanor.
CHAPTER 55

ANIMAL PROTECTION AND CONTROL

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

1. “Animal” means all living creatures not human.

2. “At large” means off the premises of the owner, or upon the public streets, alleys, sidewalks, public grounds, school grounds or parks within the City. An animal shall not be deemed to be at large if:

   A. The animal is on the premises of the owner, or the premises of a person given charge of the animal by the owner, and is restrained on those premises by an adequate protective fence or leash, cord, chain or other similar restraint of sufficient strength to restrain the animal and that does not allow the animal to go beyond the owner's real property line or onto the sidewalk; or

   B. On public property but restrained by a leash held by a person capable of restraining the animal.

3. “Dangerous animal” means (a) any animal of a wild nature or disposition, and which is capable of killing, inflicting serious injury upon, or causing disease among human beings or domestic animals and having known tendencies as a species to do so; (b) any animals declared to be dangerous by the City Council; (c) any animal that attacks a pet or human without provocation; (d) the following shall be deemed to be a dangerous animal per se:
A. Lions, tigers, jaguars, leopards, cougars, lynx and bobcats;

B. Wolves, coyotes and foxes;

C. Badgers, wolverines, weasels, skunk and mink;

D. Raccoons; opossums;

E. Bears;

F. Monkey and chimpanzees;

G. Bats;

H. Alligators and crocodiles;

I. Scorpions;

J. Snakes that are venomous or constrictors;

K. Gila monsters;

L. Bees.

4. “Leash” means a cord, chain, or similar restraint not more than six feet in length and of sufficient strength to restrain the animal, that is at all times under the control of a person competent to restrain and control the animal.

5. “Livestock” means an animal belonging to the bovine (cow), caprine (goat), equine (horse), ovine (sheep), or porcine (swine) species, ostriches, rheas, emus; farm deer as defined in Iowa Code 170.1; or any poultry.

6. “Owner” means any person in the City who owns, keeps, shelters or harbors an animal.

7. “Potentially dangerous dog” means (a) any dog that belongs to any of the following breeds: American pit bull terrier, American Staffordshire terrier, or pit bull terrier; mastiff; rotweiler; or any dog of mixed breed which contains a strain of such
breeds; or (b) any dog that exhibits signs of aggression towards humans or pets without provocation.

8. “Properly confined” means secure confinement indoors, or secure confinement outside in a locked pen, fenced yard, or structure measuring at least 6 feet in width, 12 feet in length, and 6 feet in height, capped if there is a dog house inside or if the dog can climb the fence, with secure sides and a concrete or wood floor, which provides proper protection from the elements for the dog, prevents the entry of young children, and is designed to prevent the animal from escaping. No such structure shall be located closer than twenty (20) feet to a neighboring residential dwelling, or in a residential front yard. Any confinement structure housing potentially dangerous dogs as of the effective date of the ordinance codified in this chapter shall be brought into compliance with the above standards within sixty (60) days from said effective date; provided any existing structures that otherwise satisfy the above requirements but are closer than twenty (20) feet to a neighboring residential dwelling shall be permitted, but thereafter shall not be modified or rebuilt unless in full compliance with the twenty (20) foot setback requirement.

55.02 ANIMAL NEGLECT. No person who confines or harbors any animal shall fail to supply the animal with adequate food and water, or fail to provide adequate shelter, or torture, torment, deprive of necessary sustenance, mutilate, overdrive, overload, beat, or kill any such animal by any means which causes unjustified pain, distress or suffering, whether intentionally or negligently.

55.03 ABANDONMENT. No owner shall abandon any animal within the City limits.

55.04 EXHIBITIONS AND FIGHTS. No person shall arrange, promote, or stage an exhibition at which any animal is tormented, or any fight between animals or between a person and an animal, or keep a place where such exhibitions and fights are staged for the entertainment of spectators.

55.05 INJURIES TO ANIMALS. No person, other than a licensed veterinarian or peace officer acting within the scope of their authority, shall kill, maim, or disfigure any animal or administer poison to any animal, or expose any poisonous substance with the intent that the same should be taken by any animal.
55.06 **RUNNING AT LARGE.** It is unlawful for an owner to allow any dog, cat, or other pet to run at large within the City.

55.07 **PROHIBITED ANIMALS.** It is unlawful for a person to keep within the City any livestock, or any dangerous animal; provided, this section shall not apply to the following:

1. The keeping of a dangerous animal for exhibition to the public by a bona fide traveling circus, carnival, exhibit or show;

2. The keeping of a dangerous animal in a licensed veterinary clinic for treatment;

3. Any dangerous animal under the jurisdiction of, and in the possession of, the Iowa Department of Natural Resources.

55.08 **SPECIAL PROVISIONS FOR POTENTIALLY DANGEROUS DOGS.** Except when under the control of an adult twenty-one (21) years or older and on a leash no longer than four feet in length, all potentially dangerous dogs shall be properly confined. Any potentially dangerous dog shall also be muzzled at all times when on public property.

55.09 **ANIMALS DISTURBING THE PEACE.** It is unlawful for the owner of any animal, whether kenned or not, to permit such animal to disturb the peace of any person by frequent, regular or habitual barking, howling or yelping or other noises. If the owner of the animal is not available for contact, the Humboldt Police Department may post notice on the residence and may impound the animal, if there have been more than two complaints, verified by the Police Department, within the previous thirty (30) days in regards to said animal. An owner that has been cited for an animal disturbing the peace more than two (2) times in any given thirty (30) day period may be subject to having their animal impounded by the Humboldt Police Department.

55.10 **REQUIREMENTS IN CASE OF ANIMAL BITE.** It is the duty of the owner of any dog, cat or other animal which has bitten or attacked a person, or any person having knowledge of such bite or attack, to report this act to local health officials and to local law enforcement officials. 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. When the Police Department receives information that any person has been bitten by an animal or that a dog or animal is suspected of having rabies, it shall order the owner to confine such animal in the manner it directs. If the owner fails to confine such animal in the manner directed, the animal shall be apprehended and impounded without a court order, and after two weeks the
board may humanely destroy the animal. If such animal is returned to its owner, the owner shall pay the cost of impoundment.

55.11 SEIZURE, IMPOUNDMENT AND DISPOSITION.

1. Any animal found in violation of any of the foregoing provisions may be seized and impounded; or at the discretion of the peace officer, the owner of such animal may be served a citation to appear before a proper court to answer charges made hereunder; provided, this section shall not restrict the right of any peace officer to destroy any animal that is chasing, maiming, or killing any other animal, or threatening, attempting to attack or attacking any human, and in such cases, the City shall be under no duty to attempt the capture of any animal found in violation of this chapter or to notify the owner thereof prior to its destruction.

2. All animals apprehended hereunder shall be delivered promptly to a licensed animal shelter or veterinarian. If the identity of the owner is ascertainable, the owner shall be notified within forty-eight (48) hours after delivery.

3. In the case of impounded dangerous animals, the owner thereof shall be notified to make provisions to remove such animal from the City within three (3) days. If removal is not completed, the City may make provisions for the removal of the dangerous animal from the City, or may destroy the animal. All costs associated with the impoundment, removal, or euthanasia of a dangerous animal shall be assessed against the owner, in addition to any penalty which may be levied under this chapter.

4. In the case of the impoundment of any animal, other than a dangerous animal, the animal may be recovered by the owner upon payment of the impounding costs, and a penalty of $50.00 for the first offense by the owner, and the sum of $100.00 for each subsequent offense; provided, in the alternative, the City may elect to pursue municipal infraction penalties against an owner. If the owner fails to redeem an impounded animal within seven (7) days from the date that notice is mailed or if the owner cannot be determined, then within seven (7) days from the date of capture, or if an animal is impounded three (3) separate times during any twelve (12) month period, the animal may be disposed of in any manner or destroyed, in the discretion of the City.

5. No animal may be recovered from an impoundment until the owner establishes that all rabies vaccinations (and any other required vaccinations) are current.
6. All costs of impounding shall be assessed against the owner of the impounded animal, in addition to any penalty which may be levied.

55.12 PROHIBITION ON TRAPPING. It is unlawful for any person to set and maintain animal traps upon public property within the City limits at any time, unless said traps are set and maintained by conservation or City officials for purposes of controlling animals determined to be public hazards or nuisances. For the purposes of this section, a trap is defined as any device designed to catch and hold by the leg or other part of the animal, commonly known as a "jawed" or "spring trap" and excluding box or live traps.

55.13 ANIMAL WASTE. No owner of any dog, cat or other animal, or person having control or responsibility therefore, shall:

1. Allow or permit such animal to leave waste on private property without the consent of the owner of such property.

2. Allow or permit such animal to leave waste on public property, including public right-of-way between the curb lines of public streets and alleys.
CHAPTER 60

ADMINISTRATION OF TRAFFIC CODE

60.01 Title. Chapters 60 through 70 of this Code of Ordinances may be known and cited as the “Humboldt Traffic Code.”

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

(Code of Iowa, Sec. 321.1)

1. “Business District” means all that territory included in the C-1 Central Business District, as defined in the Zoning Code, except the C-1 Zoning in West River Acres Addition to the City.

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

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

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

5. “School district” means the territory contiguous to and including a highway for a distance of two hundred (200) feet in either direction from a school house.
6. “Stand” or “standing” means the halting of a vehicle, whether occupied or not, otherwise than for the purpose of and while actually engaged in receiving or discharging passengers.

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

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

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

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

11. “Vehicle” means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, street, or alley.

60.03 ADMINISTRATION AND ENFORCEMENT. Provisions of this Traffic Code and State law relating to motor vehicles and law of the road are enforced by the Police Chief.

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

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

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

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

(Code of Iowa, Sec. 321.273)
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)
CHAPTER 61

TRAFFIC CONTROL DEVICES

61.01 INSTALLATION. The Police Chief shall cause to be placed and maintained traffic control devices when and as required under this Traffic Code or under State law or emergency or temporary traffic control devices for the duration of an emergency or temporary condition as traffic conditions may require to regulate, guide or warn traffic. The Police Chief shall keep a record of all such traffic control devices.

(Code of Iowa, Sec. 321.255)

61.02 CROSSWALKS. The Police Chief is hereby authorized, subject to approval of the Council by resolution, 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.


61.03 TRAFFIC LANES. The Police Chief is hereby authorized to mark lanes for traffic on street pavements at such places as traffic conditions require, consistent with the traffic code of the City. Where such traffic lanes have been marked, it shall be unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of any such lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement.


61.04 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)
61.05 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)
# CHAPTER 62

## GENERAL TRAFFIC REGULATIONS

- **62.01 Violation of Regulations**
- **62.07 Open Containers in Motor Vehicles**
- **62.02 Play Streets Designated**
- **62.08 Obstructing View at Intersections**
- **62.03 Vehicles on Sidewalks**
- **62.09 Reckless Driving**
- **62.04 Clinging to Vehicle**
- **62.10 Careless Driving**
- **62.05 Quiet Zones**
- **62.11 Engine Brakes and Compression Brakes**
- **62.06 Tampering with Vehicle**
- **62.12 Excessive Noise from Vehicles**

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

1. Section 321.17 – Misdemeanor to violate registration provisions.
2. Section 321.32 – Registration card, carried and exhibited.
5. Section 321.79 – Intent to injure.
6. Section 321.91 – Penalty for abandonment.
7. Section 321.98 – Operation without registration.

12. Section 321.180B – Graduated driver’s licenses for persons aged fourteen through seventeen.


14. Section 321.194 – Special minor’s licenses.

15. Section 321.216 – Unlawful use of license and nonoperator’s identification card.

16. Section 321.216B – Use of driver’s license or nonoperator’s identification card by underage person to obtain alcohol.

17. Section 321.216C – Use of driver’s license or nonoperator’s identification card by underage person to obtain cigarettes or tobacco products.

18. Section 321.219 – Permitting unauthorized minor to drive.


21. Section 321.222 – Renting motor vehicle to another.

22. Section 321.223 – License inspected.


25. Section 321.234A – All-terrain vehicles.


27. Section 321.247 – Golf cart operation on City streets.

29.  Section 321.259 – Unauthorized signs, signals or markings.

30.  Section 321.260 – Interference with devices, signs or signals; unlawful possession.

31.  Section 321.262 – Damage to vehicle.

32.  Section 321.263 – Information and aid.

33.  Section 321.264 – Striking unattended vehicle.

34.  Section 321.265 – Striking fixtures upon a highway.

35.  Section 321.275 – Operation of motorcycles and motorized bicycles.

36.  Section 321.278 – Drag racing prohibited.

37.  Section 321.288 – Control of vehicle; reduced speed.

38.  Section 321.295 – Limitation on bridge or elevated structures.

39.  Section 321.297 – Driving on right-hand side of roadways; exceptions.

40.  Section 321.298 – Meeting and turning to right.

41.  Section 321.299 – Overtaking a vehicle.

42.  Section 321.302 – Overtaking and otherwise.

43.  Section 321.303 – Limitations on overtaking on the left.

44.  Section 321.304 – Prohibited passing.

45.  Section 321.306 – Roadways laned for traffic.

46.  Section 321.307 – Following too closely.

47.  Section 321.308 – Motor trucks and towed vehicles; distance requirements.

48.  Section 321.309 – Towing; convoys; drawbars.
49. Section 321.310 – Towing four-wheel trailers.

50. Section 321.312 – Turning on curve or crest of grade.

51. Section 321.313 – Starting parked vehicle.

52. Section 321.314 – When signal required.

53. Section 321.315 – Signal continuous.

54. Section 321.316 – Stopping.

55. Section 321.317 – Signals by hand and arm or signal device.

56. Section 321.319 – Entering intersections from different highways.

57. Section 321.320 – Left turns; yielding.

58. Section 321.321 – Entering through highways.

59. Section 321.322 – Vehicles entering stop or yield intersection.

60. Section 321.323 – Moving vehicle backward on highway.

61. Section 321.323A – Approaching certain stationary vehicles.


63. Section 321.324A – Funeral processions.

64. Section 321.329 – Duty of driver – pedestrians crossing or working on highways.

65. Section 321.330 – Use of crosswalks.

66. Section 321.332 – White canes restricted to blind persons.


68. Section 321.340 – Driving through safety zone.
69. Section 321.341 – Obedience to signal of train.

70. Section 321.342 – Stop at certain railroad crossings; posting warning.

71. Section 321.343 – Certain vehicles must stop.

72. Section 321.344 – Heavy equipment at crossing.

73. Section 321.344B – Immediate safety threat; penalty.

74. Section 321.354 – Stopping on traveled way.

75. Section 321.359 – Moving other vehicle.

76. Section 321.362 – Unattended motor vehicle.

77. Section 321.363 – Obstruction to driver’s view.

78. Section 321.364 – Preventing contamination of food by hazardous material.

79. Section 321.365 – Coasting prohibited.

80. Section 321.367 – Following fire apparatus.

81. Section 321.368 – Crossing fire hose.

82. Section 321.369 – Putting debris on highway.

83. Section 321.370 – Removing injurious material.

84. Section 321.371 – Clearing up wrecks.

85. Section 321.372 – School buses.

86. Section 321.381 – Movement of unsafe or improperly equipped vehicles.


88. Section 321.382 – Upgrade pulls; minimum speed.
89. Section 321.383 – Exceptions; slow vehicles identified.

90. Section 321.384 – When lighted lamps required.

91. Section 321.385 – Head lamps on motor vehicles.

92. Section 321.386 – Head lamps on motorcycles and motorized bicycles.

93. Section 321.387 – Rear lamps.

94. Section 321.388 – Illuminating plates.

95. Section 321.389 – Reflector requirement.

96. Section 321.390 – Reflector requirements.

97. Section 321.392 – Clearance and identification lights.

98. Section 321.393 – Color and mounting.

99. Section 321.394 – Lamp or flag on projecting load.

100. Section 321.395 – Lamps on parked vehicles.

101. Section 321.398 – Lamps on other vehicles and equipment.

102. Section 321.402 – Spot lamps.

103. Section 321.403 – Auxiliary driving lamps.

104. Section 321.404 – Signal lamps and signal devices.


106. Section 321.405 – Self-illumination.

107. Section 321.406 – Cowl lamps.

108. Section 321.408 – Back-up lamps.
109. Section 321.409 – Mandatory lighting equipment.

110. Section 321.415 – Required usage of lighting devices.


112. Section 321.418 – Alternate road-lighting equipment.

113. Section 321.419 – Number of driving lamps required or permitted.

114. Section 321.420 – Number of lamps lighted.

115. Section 321.421 – Special restrictions on lamps.


117. Section 321.423 – Flashing lights.

118. Section 321.430 – Brake, hitch and control requirements.

119. Section 321.431 – Performance ability.

120. Section 321.432 – Horns and warning devices.

121. Section 321.433 – Sirens, whistles and bells prohibited.

122. Section 321.434 – Bicycle sirens or whistles.

123. Section 321.436 – Mufflers, prevention of noise.

124. Section 321.437 – Mirrors.

125. Section 321.438 – Windshields and windows.


127. Section 321.440 – Restrictions as to tire equipment.

128. Section 321.441 – Metal tires prohibited.
129. Section 321.442 – Projections on wheels.

130. Section 321.444 – Safety glass.

131. Section 321.445 – Safety belts and safety harnesses; use required.

132. Section 321.446 – Child restraint devices.

133. Section 321.449 – Motor carrier safety regulations.

134. Section 321.450 – Hazardous materials transportation.


136. Section 321.455 – Projecting loads on passenger vehicles.

137. Section 321.456 – Height of vehicles; permits.

138. Section 321.457 – Maximum length.

139. Section 321.458 – Loading beyond front.

140. Section 321.460 – Spilling loads on highways.

141. Section 321.461 – Trailers and towed vehicles.

142. Section 321.462 – Drawbars and safety chains.

143. Section 321.463 – Maximum gross weight.


145. Section 321.466 – Increased loading capacity; reregistration.

62.02 PLAY STREETS DESIGNATED. The Police Chief shall have authority to declare any street or part thereof a play street and cause to be placed appropriate signs or devices in the roadway indicating and helping to protect the same. Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon 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 TAMPERING WITH VEHICLE. It is unlawful for any person, either individually or in association with one or more other persons, to willfully injure or tamper with any vehicle or break or remove any part or parts of or from a vehicle without the consent of the owner.

62.07 OPEN CONTAINERS IN MOTOR VEHICLES.

1. Drivers. A driver of a motor vehicle upon a public street or highway shall not possess in the passenger area of the motor vehicle an open or unsealed bottle, can, jar, or other receptacle containing an alcoholic beverage.

(Code of Iowa, Sec. 321.284)

2. Passengers. A passenger in a motor vehicle upon a public street or highway shall not possess in the passenger area of the motor vehicle an open or unsealed bottle, can, jar or other receptacle containing an alcoholic beverage.

(Code of Iowa, Sec. 321.284A)

As used in this section “passenger area” means the area of a motor vehicle designed to seat the driver and passengers while the motor vehicle is in operation and any area that is readily accessible to the driver or a passenger while in their seating positions, including the glove compartment. An open or unsealed receptacle containing an alcoholic beverage may be
transported in the trunk of the motor vehicle. An unsealed receptacle containing an alcoholic beverage may be transported behind the last upright seat of the motor vehicle if the motor vehicle does not have a trunk.

62.08 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.

62.09 RECKLESS DRIVING. No person shall drive any vehicle in such manner as to indicate a willful or a wanton disregard for the safety of persons or property.

(Code of Iowa, Sec. 321.277)

62.10 CARELESS DRIVING. No person shall intentionally operate a motor vehicle on a street or highway in any one of the following ways:

(Code of Iowa, Sec. 321.277A)

1. Creating or causing unnecessary tire squealing, skidding or sliding upon acceleration or stopping.

2. Simulating a temporary race.

3. Causing any wheel or wheels to unnecessarily lose contact with the ground.

4. Causing the vehicle to unnecessarily turn abruptly or sway.

62.11 ENGINE BRAKES AND COMPRESSION BRAKES. Except in the case of an emergency, it is unlawful for the driver of any vehicle to use or operate or cause to be used or operated within the City any engine brake, compression brake or mechanical exhaust device designed to aid in the braking or deceleration of any vehicle. The civil penalty for a violation of this Section 62.11 shall be:

<table>
<thead>
<tr>
<th>Offense</th>
<th>Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Offense</td>
<td>$ 50.00</td>
</tr>
<tr>
<td>Second Offense</td>
<td>$100.00</td>
</tr>
<tr>
<td>Third Offense</td>
<td>$150.00</td>
</tr>
</tbody>
</table>

CODE OF ORDINANCES, HUMBOLDT, IOWA

- 318 -
More than three offenses $750.00 per violation

(Ord. 2009-04–Mar. 10 Supp.)

62.12 EXCESSIVE NOISE FROM VEHICLES. The purpose of this section is to regulate the operation of motor vehicles in order to prevent excessive noise or excessive fumes occasioned by the operation of motor vehicles within the City and to require motor vehicles operated in the City to have proper equipment, designed to prevent excessive noise created by the operation of said motor vehicles and to declare the creating of excessive noise by the operation of motor vehicles to be a nuisance; and to prohibit the operation of said vehicles to the disturbance of the public peace.

1. Definitions. For the purpose of this section, the following definitions apply:

A. “Baffles” or “baffle tubes” are those internal parts of a muffler of a nonporous rigid material which impede the flow of exhaust from the point of entry of a muffler to the rearmost point of said muffler.

B. “Cut-outs” or “dumps” or “lake pipes” are cylindrical tubes or enclosed conveyances designed to eliminate any portion of an exhaust system which is deemed to include an exhaust pipe, muffler and tail pipe but not limited thereto, said devices being either fully, partially or intermittently operational.

C. “Engine block” means that single part of an internal combustion engine to which an exhaust manifold, as that term is normally used, would be attached.

D. “Excessive noise” means a sound which is loud, raucous, irritating, annoying and unreasonable and which exceeds the usual, normal, appropriate and regular sounds.

E. “Extension” means any flared, bell shaped or bellows shaped device which is attached, affixed or welded to the rear most point of a tail pipe.

F. “Exhaust” means those gases, fumes, chemical or physical parts which are the result of an operation of the ignition stroke of an internal combustion engine.
G. “Exhaust pipe” means that part of the means of enclosed conveyance designed to carry from the lower extremity of an exhaust manifold to the entry point of a muffler.

H. “Exhaust system” means all parts of a motor vehicle through which the exhaust passes after leaving the engine block.

I. “Glasspacks” or “glaspacks” or “fiberglass packed mufflers” are those mufflers whose muffling or baffling function is comprised in whole or in part of fiberglass, spun glass, steel wool or any non-rigid, porous, readily malleable material.

J. “Headers” are the result of an alteration of an exhaust manifold of an internal combustion engine of eight cylinders or less that cause two or more means of exit of exhaust.

K. “Motor vehicle” means every vehicle which is propelled by an internal combustion engine riding on one or more round wheels, designed to be capable of operating on any street, alley, right-of-way or public access within the City.

L. “Muffler” means a device consisting of a series of baffle plates or chambers or perforated tube or tubes with spun glass, spun steel, steel wool or other type of sandwich packing or other mechanical design or construction for the purpose of receiving exhaust and or exhaust gases and effectively reducing exhaust noise from the motor of a motor vehicle.

M. “Smoke” means any emission of fumes or exhaust which can be readily observed by an individual of normal eyesight or corrected normal eyesight during the hours of daylight.

N. “Snuff-er nots” or “snuff-nuts” are devices consisting of circular, oblong, rectangular, square flat metal parts which are affixed at any point in the exhaust system for the purpose of impeding exhaust or decreasing noise, being affixed at one or more points in a round pipe or cylindrical pipe which allow them to swivel or be swiveled or be set in fixed position.

O. “Straight pipes” are exhaust systems which include any one or more of the following: exhaust pipes, muffler, baffler or baffle tube or tail pipe.
P. “Tail pipe” means a pipe or tubing or any cylindrical enclosed device to convey exhaust from the rearmost point of a muffler a point behind the rearmost wheel and to the outer edge of the motor vehicle.

2. Nuisance. It is hereby declared that the operation of a motor vehicle within the corporate limits of the City, which creates excessive noise or creates fumes by reason of not having an exhaust system or muffler as specified in this section or having devices specifically prohibited by this section to be a nuisance. It is further declared that the operation of a motor vehicle in a manner that causes the tires of said motor vehicle to emit excessive noise is a nuisance. It is further declared that the sounding of a horn, whistle or bell upon a motor vehicle between the hours of sunset and sunrise other than as required by the statutes of the State is a nuisance.

3. Exhaust System and Muffler. No person shall operate a motor vehicle and no owner of a motor vehicle shall permit or allow the operation of a motor vehicle on a street, roadway, alley or highway within the City unless such motor vehicle meets the following standards:

A. Any motor vehicle operated in the City shall be equipped with an exhaust system in good working order and in constant operation to prevent excessive noise or annoying or prohibited fumes or smoke. Any exhaust system shall be deemed defective and prohibited by this section if any changes, modifications, alterations, deletions, adjustments or deterioration have been made or permitted which would, as a result of said changes, modifications, alterations, deletions, adjustment or deterioration, cause such exhaust system to generate a higher or louder sound level which is excessive noise, than was generated by said system prior to said changes, modifications, alterations, deletions, adjustment or deterioration.

B. No motor vehicle shall be operated in the City which is equipped with an exhaust system which has a cut-out, lake pipes or dump, snuff-er nots (snuff-nuts), straight pipes or extensions.

C. No motor vehicle shall be operated in the City which is equipped with headers which create excessive noise.

D. No person shall operate a motor vehicle in the City unless said motor vehicle has in its exhaust system a muffler.
E. No motor vehicle shall be operated in the City equipped with a muffler from which the baffler plates, baffle tubes, screens, packing, lining or other original internal or external parts have been removed and have not been replaced.

F. No motor vehicle shall be operated in the City equipped with an exhaust system which, upon acceleration or deceleration of the speed of said motor vehicle, with or without the drive chain engaged, emits or produces a popping or crackling sound or creates excessive smoke.

G. No motor vehicle shall be operated in the City unless said vehicle is equipped with a tail pipe as defined in this section. This subsection does not apply to semi-motor trucks and tandem trucks.

H. No motor vehicle shall be operated in the City equipped with an exhaust system which consists in whole or in part of any moveable, non-rigid fibrous or metal outer coverings.

I. No motor vehicle shall be operated in the City equipped with an exhaust system which has installed in said system any device designed to ignite exhaust gases as to produce flame within or without the exhaust system.

J. No motor vehicle shall be operated in the City by any person in any manner or by any method whereby the operation of said motor vehicle will create or cause the motor vehicle or any of its component parts to create excessive noise.

K. No motor vehicle shall be operated in a manner or method as to emit excessive sounds, the same to include the use of the horn, whistle or bell thereon between the hours of sunset and sunrise, except as required by the statutes of the State, to the disturbance of the public peace and quiet, and the unnecessary and unrequired use of the horn or other audible signaling device between said hours and constituting disturbance of the peace.

4. Repair. Any exhaust system or muffler which does not meet the requirements enumerated in this section shall be repaired or replaced to restore said exhaust system or muffler to meet the requirements of this section within five (5) days of the date of discovery of said defect. Failure to replace or restore said
exhaust system or muffler to meet the requirements of this section within the said five-day period shall constitute a separate violation of this section.

5. Tires. No person shall operate a motor vehicle and no owner of a motor vehicle shall permit or allow the operation of a motor vehicle in such a manner or by such a method as to cause the tires on said motor vehicle to make any loud, raucous, squealing, screeching noise or other sounds caused by excessive acceleration from a stopped position or while a vehicle is in motion, or by deceleration while the vehicle is in motion. This subsection does not apply to any noise or sounds caused by the tires of motor vehicles when the vehicle is engaged in an emergency situation where it is necessary to accelerate or stop the vehicle immediately or suddenly in order to avoid contact with another vehicle or with a pedestrian, as long as the emergency situation is not that of the owner’s making.

6. Exemptions. This section does not apply to authorized police, fire and emergency vehicles and special mobile equipment, licensed and authorized by the State as such special mobile equipment.

7. Repeated Offenses. Each offense or violation of this section shall be deemed a separate and distinct offense.

8. Maximum Allowable Noise Sound Pressure Levels For Motor Vehicles. The sound emissions by a motor vehicle operated within the City shall be measured in accordance herewith and shall not exceed the levels hereinafter specified:

<table>
<thead>
<tr>
<th>Type of Vehicle</th>
<th>Maximum Allowable Sound Pressure Level</th>
<th>Minimum Measurement Distance From Motor Vehicle</th>
</tr>
</thead>
<tbody>
<tr>
<td>Motor vehicles weighing 10,000 pounds or less Manufacturer’s Gross Vehicle Weight</td>
<td>80 dB(A)</td>
<td>25 feet</td>
</tr>
<tr>
<td>Motor vehicles weighing more than 10,000 pounds Manufacturer’s</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>88 dB(A)</td>
<td>26 feet</td>
</tr>
</tbody>
</table>

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This subsection section applies to the total noise from a motor vehicle and shall not be construed as limiting or precluding the enforcement of any other provisions of this chapter relating to motor vehicle mufflers for noise control or violations of this section.


A. No person shall modify the exhaust system of a motor vehicle or any other noise abatement device of a motor vehicle operated upon the streets and highways of the City in a manner that the noise emitted by the motor vehicle is above that emitted by the vehicle as originally manufactured. Muffler cutouts, bypasses, or other devices which increase sound emitted shall be considered a violation of this section.

B. No person shall operate a motor vehicle upon the streets and highways with an exhaust system or noise abatement device so modified.

10. Exemptions. The following are exempt from the provisions of this section:

A. Noise caused in the performance of emergency work for the immediate safety, health or welfare of the community or individuals of the community or to restore property to a safe condition following a public calamity;

B. Construction equipment, street maintenance equipment, and public health and safety equipment.

11. Noise Sound Pressure Level Measurement. For the purpose of determining noise sound pressure levels as set forth in subsection 8 of this section, the following test procedures and measurements are applicable:

A. The instrumentation for determining noise sound pressure levels shall be with a sound level meter of standard design as defined in this section. The sound pressure level measurement shall be made with the “A” weighing network.
B. Sound pressure levels shall be measured at a linear distance of at least twenty-five (25) feet from the near side of the nearest traffic lane being monitored and at an elevation of at least four feet above the immediate surrounding surface.

C. Noise from a motor vehicle which is located other than within the public right-of-way shall be measured at a distance of at least twenty-five feet from said motor vehicle and at a height of at least four feet above the immediate surrounding surface.

D. Whenever a peace officer arrests an operator of a motor vehicle in violation of subsection 8, said officer may order the operator thereof to transport said vehicle to an appropriate testing location for evaluation.

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CHAPTER 63

SPEED REGULATIONS

63.01  General  63.04  Special Speed Zones

63.02  State Code Speed Limits  63.05  Minimum Speed

63.03  Parks, Cemeteries and Parking Lots

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

(Code of Iowa, Sec. 321.285)

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

1. Business District – twenty (20) miles per hour.

2. Residence or School District – twenty-five (25) miles per hour.

3. Suburban District – forty-five (45) miles per hour.

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

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

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

(Code of Iowa, Sec. 321.290)

1. Special 25 MPH Speed Zones. A speed in excess of twenty-five (25) miles per hour is unlawful on any of the following designated streets or parts thereof.

   A. Sixteenth Avenue North, from North Thirteenth Street to Eleventh Street North;

   B. Eleventh Street North from Sixteenth Avenue North to Twelfth Avenue North;

   C. Twelfth Avenue North from Thirteenth Street North to Eleventh Street North;

   D. Frontage road paralleling Thirteenth Street North from Twelfth Avenue North to Sixteenth Avenue North.

2. Special 35 MPH Speed Zones. A speed in excess of thirty-five (35) miles per hour is unlawful on any of the following designated streets or parts thereof.

   A. Iowa Highway No. 3 from Station 587+70 to Station 572+87;

   B. Sixteenth Avenue North from U.S. Highway 169 to west corporate limit.

3. Special 40 MPH Speed Zones. A speed in excess of forty (40) miles per hour is unlawful on any of the following designated streets or parts thereof.

   A. U. S. Highway No. 169 from Station 266+95 to Station 328+72.

4. Special 55 MPH Speed Zones. A speed in excess of fifty-five (55) miles per hour is unlawful on any of the following designated streets or parts thereof.

   A. U.S. Highway No. 169 from south corporate limit to Station 266+95;

   B. U.S. Highway No. 169 from Station 328+72 to Station 343+19.4;
C. Iowa Highway No. 3 from east corporate limit to Station 587+70;

D. Iowa Highway No. 3 from west corporate limit to Station 572+87.
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)
CHAPTER 64

TURNING REGULATIONS

64.01  Turning at Intersections. The driver of a vehicle intending to turn at an intersection shall do so as follows:

(Code of Iowa, Sec. 321.311)

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 the 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 Police Chief 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.

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, at the following designated intersections and at intersections where there are automatic traffic signals.

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

1. Intersection of Eleventh Avenue South and Taft Street South.

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(Ord. 2011-05 – July 12 Supp.)
64.03 **RIGHT TURN LANES.** No person shall proceed other than to make a right-hand turn in the right turn lanes designated at the following intersections.

*(Code of Iowa, Sec. 321.257 [2])*

1. Sumner Avenue Southwest at intersection with U.S. Highway 169.

2. Wildcat Road at intersection with U.S. Highway 169.

3. Third Avenue North at intersection with U.S. Highway 169.

4. 15th Street North at intersection with U.S. Highway 3.

64.04 **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.
CHAPTER 65
STOP OR YIELD REQUIRED

65.01 Through Streets – Stop
65.02 Stop Required
65.03 Four-Way Stop Intersections
65.04 Yield Required
65.05 School Stops
65.05A School No Traffic Zone
65.06 Stop Before Crossing Sidewalk
65.07 Stop When Traffic Is Obstructed
65.08 Yield to Pedestrians in Crosswalks
65.09 Official Traffic Controls

65.01 THROUGH STREETS – STOP. Every driver of a vehicle shall stop, unless a yield is permitted by this chapter, before entering an intersection with the following designated through streets.

(Code of Iowa, Sec. 321.345)

1. U.S. Highway No. 169, from south corporate limit to Iowa Highway No. 3;
2. U.S. Highway No. 169, from Iowa Highway No. 3 to north corporate limit;
3. Iowa Highway No. 3, from east corporate limit to Sixth Street;
4. Iowa Highway No. 3, from Eighth Street to U.S. Highway No. 169;
5. Sumner Avenue Southwest, from U.S. Highway No. 169 to Eighth Street;
6. Sumner Avenue, from Fifth Street to east corporate limit;
7. First Avenue South, from “A” Street to Fifth Street;
8. First Avenue South, from Fifth Street through Third Street;
9. Fifth Street, from Eleventh Avenue South to Sumner Avenue;
10. Fifth Street, from Sumner Avenue to Iowa Highway No. 3;
11. Third Avenue North, from U.S. Highway No. 169 to Ninth Street;

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12. Ninth Street, from Sumner Avenue to Third Avenue North;

13. Sixth Avenue North, from U.S. Highway No. 169 to Fifth Street;

14. Sixth Avenue North, from Fifth Street to east corporate limit;

15. Seventh (Taft) Street South, from Ninth Avenue South to First Avenue South;

16. Seventh (Taft) Street North, from First Avenue North to Sixth Avenue North;

17. Seventh (Taft) Street North, from Sixth Avenue North to Eighth Avenue North.

65.02 STOP REQUIRED. Every driver of a vehicle shall stop in accordance with the following:

(Code of Iowa, Sec. 321.345)

1. Twelfth Street. Vehicles traveling on Twelfth Street shall stop at Sixth Avenue North.

2. Eighth Street. Vehicles traveling on Eighth Street shall stop at First Avenue North.

3. Third Avenue North. Vehicles traveling west on Third Avenue North shall stop at Ninth Street.

4. Second Avenue South. Vehicles traveling west on Second Avenue South shall stop at Seventh Street.

5. North Tenth Street. Vehicles traveling south on North Tenth Street shall stop at Eleventh Avenue North.

6. Nineteenth Street North. Vehicles traveling on Nineteenth Street North shall stop at Highway No. 3.

7. Eighth Avenue North. Vehicles traveling east on Eighth Avenue North shall stop at Fifteenth Street.
8. Fifth Avenue North. Vehicles traveling east on Fifth Avenue North shall stop at Twelfth Street North.

9. Seventh Avenue North. Vehicles traveling east on Seventh Avenue North shall stop at Fifth Street North.

10. Fourth Avenue North. Vehicles traveling east on Fourth Avenue North shall stop at Twelfth Street North.

11. Eighth Street North. Vehicles traveling north on Eighth Street North shall stop at Third Avenue North.

12. Second Avenue North. Vehicles traveling west on Second Avenue North shall stop at Taft Street North.

13. Twenty-second Street North. Vehicles traveling north on Twenty-second Street North shall stop at Sixteenth Avenue North.

14. Twenty-first Street North. Vehicles traveling north on Twenty-first Street North shall stop at Sixteenth Avenue North.

15. Thirteenth Avenue North. Vehicles traveling east on Thirteenth Avenue North shall stop at Nineteenth Street North.

16. Second Avenue North. Vehicles traveling west on Second Avenue North shall stop at Eighth Street North.

17. Tenth Street North. Vehicles traveling on Tenth Street North shall stop at Eleventh Avenue North.

18. Nineteenth Street North. Vehicles traveling south on Nineteenth Street North shall stop at Iowa Highway 3.

19. First Avenue North. Vehicles traveling on First Avenue North shall stop at Second Street North.

20. Twelfth Avenue North. Vehicles traveling east on Twelfth Avenue North shall stop at Nineteenth Street North.
21. Elizabeth Circle. Vehicles traveling south on Elizabeth Circle shall stop at Wildcat Road.

22. Forest Boulevard. Vehicles traveling south on Forest Boulevard shall stop at Wildcat Road.

23. First Avenue North. Vehicles traveling on First Avenue North shall stop at Third Street North.

24. Third Avenue South. Vehicles traveling west on Third Avenue South shall stop at Second Street South.

(Ord. 2011-18 – July 12 Supp.)

65.03 FOUR-WAY STOP INTERSECTIONS. Every driver of a vehicle shall stop before entering the following designated four-way stop intersections:

(Code of Iowa, Sec. 321.345)

1. Intersection of Iowa Highway No. 3 and U.S. Highway No. 169.

2. Intersection of First Avenue North and Seventh Street.

3. Intersection of First Avenue North and Sixth Street.

4. Intersection of First Avenue North and Fourth Street North.

5. Intersection of First Avenue South and Fourth Street.

6. Intersection of First Avenue South and Third Street.

7. Intersection of Sumner Avenue and Third Street and Sumner Avenue and Fourth Street, between May 15th and September 15th during such hours as the Humboldt Family Aquatic Center is in operation and during which times there shall be placed within the intersection a stop sign requiring vehicular stops from all four directions entering said intersections.

8. (Repealed by Ord. 2011-18 – July 12 Supp.)
65.04 YIELD REQUIRED. Every driver of a vehicle shall yield in accordance with the following:

(Code of Iowa, Sec. 321.345)

1. Thirteenth Street S.W. Frontage Road. Vehicles traveling south on Thirteenth Street S.W. Frontage Road shall yield at Ninth Avenue Southwest.

2. Thirteenth Street S.W. Frontage Road. Vehicles traveling south on Thirteenth Street S.W. Frontage Road shall yield at Tenth Avenue Southwest.

3. Sumner Avenue Southwest. Vehicles traveling east on Sumner Avenue Southwest shall yield at Thirteenth Street S.W. Frontage Road.

4. Fifth Avenue South. Vehicles traveling east on Fifth Avenue South shall yield at Eighth Street.

5. Third Avenue North. Vehicles traveling east on Third Avenue North shall yield at Ninth Street.

6. Thirteenth Street N. Frontage Road. Vehicles traveling north on Thirteenth Street N. Frontage Road shall yield at Sixteenth Avenue North.

7. Thirteenth Street North. Vehicles traveling south on Thirteenth Street North shall yield at Twelfth Avenue North.

8. First Avenue South. Vehicles traveling east on First Avenue South shall yield at Second Street.

9. Third Avenue South. Vehicles traveling west on Third Avenue South shall yield at Seventh Street South.

10. Fourth Avenue North. Vehicles traveling on Fourth Avenue North shall yield at Ninth Street North.

11. Fifth Avenue North. Vehicles traveling on Fifth Avenue North shall yield at Ninth Street North.

12. Seventh Avenue North. Vehicles traveling on Seventh Avenue North shall yield at Ninth Street North.
13. Fourth Avenue North. Vehicles traveling west on Fourth Avenue North shall yield at Twelfth Street North.

14. Eighth Avenue North. Vehicles traveling on Eighth Avenue North shall yield at Ninth Street North.

15. Sixth Avenue Southwest. Vehicles traveling west on Sixth Avenue Southwest shall yield at Thirteenth Street S.W. Frontage Road.

16. Thirteenth Street Southwest. Vehicles traveling north on Thirteenth Street Southwest shall yield at Ninth Avenue Southwest.

17. Lewis Street. Vehicles traveling south on Lewis Street shall yield at Sumner Avenue.

18. Rainbow Drive. Vehicles traveling west on Rainbow Drive shall yield at Fifteenth Street.

19. Thirteenth Street N. Frontage Road N. Vehicles traveling south on Thirteenth Street N. Frontage Road N. shall yield at Twelfth Avenue North.

20. Fifteenth Street North. Vehicles traveling north on Fifteenth Street North shall yield at Sixteenth Avenue North.

21. Third Avenue North. Vehicles traveling east on Third Avenue North shall yield at Ninth Street North.

22. Fifth Avenue North. Vehicles traveling west on Fifth Avenue North shall yield at Twelfth Street North.

23. Seventh Avenue North. Vehicles traveling on Seventh Avenue North shall yield at Twelfth Street North.

24. Eighth Avenue North. Vehicles traveling on Eighth Avenue North shall yield at Twelfth Street North.

25. Eighth Avenue North. Vehicles traveling east on Eighth Avenue North shall yield at Jerry Hatcher Road.
26. Nineteenth Avenue North. Vehicles traveling north on Nineteenth Avenue North shall yield at Sixteenth Avenue North.

27. (Repealed by Ord. 2007-06 – Dec. 07 Supp.)

28. Third Avenue South. Vehicles traveling east on Third Avenue South shall yield at Second Street South.

29. Fourth Avenue South. Vehicles traveling on Fourth Avenue South shall yield at Taft Street South.

30. Eighth Avenue North. Vehicles traveling west on Eighth Avenue North shall yield at Eighteenth Street North.

31. “A” Street. Vehicles traveling south on “A” Street shall yield at First Avenue South.

32. Seventh Avenue North. Vehicles traveling on Seventh Avenue North shall yield at West River Drive. (Ord. 2007-03 – Dec. 07 Supp.)
65.05 **SCHOOL STOPS.** At the following school crossing zones every driver of a vehicle approaching said zone shall bring the vehicle to a full stop at a point ten (10) feet from the approach side of the crosswalk marked by an authorized school stop sign and thereafter proceed in a careful and prudent manner until the vehicle shall have passed through such school crossing zone.

*(Code of Iowa, Sec. 321.249)*

1. U.S. Highway No. 169 at Fourth Avenue South;
2. Intersection of Third Avenue North and Fifth Street;
3. Intersection of Third Avenue North and Seventh Street;
4. Intersection of Third Avenue North and Eighth Street;
5. Intersection of Second Avenue North and Seventh Street;
6. Intersection of Second Avenue North and Sixth Street;
7. Intersection of Third Avenue North and Fourth Street;
8. Intersection of Third Avenue North and Third Street;
9. Intersection of Fourth Avenue North and Third Street North.

65.05A **SCHOOL NO TRAFFIC ZONE.** The following streets shall be closed to through traffic from 3:15 p.m. until 3:30 p.m. (or such other half hour period following an early dismissal) on those days when school is in session:

1. Taft Street between 2nd Avenue North and 3rd Avenue North.

*(Ord. 2008–03 – Mar. 09 Supp.)*

65.06 **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)*
65.07 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.

65.08 YIELD TO PEDESTRIANS IN CROSSWALKS.  Where traffic control signals are not in place or in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping, if need be, to yield to a pedestrian.
crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection.

(Code of Iowa, Sec. 321.327)

65.09 OFFICIAL TRAFFIC CONTROLS. Every driver shall observe and comply with the directions provided by official traffic control signals at the following intersections:

(Code of Iowa, Sec. 321.256)

1. Intersection of Sumner Avenue and Fifth Street;
2. Intersection of Sumner Avenue and Sixth Street;
3. Intersection of Sumner Avenue and Seventh Street;
4. Intersection of Sumner Avenue and Eighth Street;
5. Intersection of Taft Street and Iowa Highway No. 3.
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CHAPTER 66
LOAD AND WEIGHT RESTRICTIONS

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.

(Code of Iowa, Sec. 321.471 & 472)

66.02 PERMITS FOR EXCESS SIZE AND WEIGHT. The Police Chief 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 following streets or parts of streets:

(Code of Iowa, Sec. 321.473 & 475)

1. First Street North from a point 372 feet south of the center line of Iowa Highway 3 to the center line of Sixth Avenue North.

2. Sixth Avenue North from a point 47 feet east of Second Street North east to the corporate limit.

(Ord. 2012-01 – July 12 Supp.)

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

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the bridge, the Police Chief may cause to be posted and maintained signs 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. Truck route regulations are established as follows:

1. Truck Routes Designated. Every motor vehicle weighing five (5) tons or more, when loaded or empty, having no fixed terminal within the City or making no scheduled or definite stops within the City for the purpose of loading or unloading shall travel over or upon the following streets within the City and none other:

(Code of Iowa, Sec. 321.473)

A. U.S. Highway No. 169 from south corporate line to north corporate line;

B. Iowa Highway No. 3 from west corporate line to east corporate line;

C. Third Avenue North from Thirteenth Street to Ninth Street;

D. Ninth Street from Sumner Avenue to Third Avenue North;

E. Sumner Avenue from U.S. Highway 169 to east corporate line;

F. Second Street from Sumner Avenue to Third Avenue South;

G. Third Avenue South from Second Street to east corporate line;

H. Sixteenth Avenue North from west corporate line to east corporate line;

I. Nineteenth Street North from Iowa Highway No. 3 to Sixteenth Avenue North;

J. Twelfth Avenue North from Tenth Street North to U.S. Highway 169;
K. Eleventh Street North from Twelfth Avenue North to Sixteenth Avenue North;

L. Thirteenth Street North from Twelfth Avenue North to Sixteenth Avenue North;

2. Deliveries Off Truck Route. Any motor vehicle weighing five (5) tons or more, when loaded or empty, having a fixed terminal, making a scheduled or definite stop within the City for the purpose of loading or unloading shall proceed over or upon the designated routes set out in this section to the nearest point of its scheduled or definite stop and shall proceed thereto, load or unload and return, by the most direct route to its point of departure from 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)
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CHAPTER 67

PEDESTRIANS

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)

67.04 Use Sidewalks

Where sidewalks are provided it is unlawful for any pedestrian to walk along and upon an adjacent street.
CHAPTER 68

ONE-WAY TRAFFIC

68.01 ONE-WAY TRAFFIC REQUIRED. Upon the following streets and alleys vehicular traffic, other than permitted cross traffic, shall move only in the indicated direction when appropriate signs are in place.

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

1. Second Avenue North shall be westbound only from Sixth Street to Eighth Street;

2. “A” Street shall be southbound only from Sumner Avenue to First Avenue South;

3. The alley in center of Block 24, Original Town, shall be eastbound and southbound only from South Fifth Street to First Avenue South.
CHAPTER 69

PARKING REGULATIONS

69.01 Park Adjacent to Curb. No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the right-hand wheels of the vehicle within eighteen (18) inches of the curb or edge of the roadway except as hereinafter provided in the case of angle parking and vehicles parked on the left-hand side of one-way streets and further excepting delivery vehicles unloading to premises located within the Central Business District, provided that any such delivery vehicle shall not so stop, stand or park in one location for more than thirty (30) minutes.

(Code of Iowa, Sec. 321.361)

69.02 Park Adjacent to Curb – One-way Street. No person shall stand or park a vehicle on the left-hand side of a one-way street other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the left-hand wheels of the vehicle within eighteen (18) inches of the curb or edge of the roadway except as hereinafter provided in the case of angle parking.

(Code of Iowa, Sec. 321.361)

69.03 Angle Parking. Angle or diagonal parking is permitted only in the following locations:

(Code of Iowa, Sec. 321.361)

1. First Avenue North on the south side from Fifth Street to Eighth Street;
2. First Avenue South on the north side from 150 feet east of Fifth Street to Fifth Street;

3. Sumner Avenue on both sides from Ninth Street to Fourth Street;

4. Eighth Street on the east side from First Avenue South to Sumner Avenue;

5. Eighth Street on the east side from Sumner Avenue to First Avenue North;

6. Seventh Street on both sides from First Avenue South to First Avenue North;

7. Sixth Street on both sides from First Avenue South to First Avenue North;

8. Fifth Street on both sides from First Avenue South to First Avenue North;

9. Fifth Street on the east side from First Avenue South to a point 100 feet north of Sumner Avenue;

10. Fourth Street on the west side from Sumner Avenue to a point 100 feet south;

11. Third Street on the west side from 150 feet south of Sumner Avenue to 150 feet north of Sumner Avenue;

12. Second Avenue North on the south side from Fourth Street to Third Street;

13. Fourth Street North on the east side from First Avenue North to Second Avenue North.

14. Second Avenue North on the north side from 6th Street North to a point 140 feet east of Taft Street North.

15. Second Avenue North on the south side from a point 205 feet west of 6th Street North to Taft Street North.

(Ord. 2009-06–Mar. 10 Supp.)

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

(Code of Iowa, Sec. 321.361)

69.05 PARKING FOR CERTAIN PURPOSES ILLEGAL. No person shall park a vehicle upon public property for more than seventy-two (72) hours, unless otherwise limited under the provisions 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 this Code of Ordinances.

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

1. Crosswalk. On a crosswalk.

(Code of Iowa, Sec. 321.358 [5])

2. Center Parkway. On the center parkway or dividing area of any divided street.

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

3. Mailboxes. Within twenty (20) feet on either side of a mailbox which is so placed and so equipped as to permit the depositing of mail from vehicles on the roadway.

(Code of Iowa, Sec. 321.236 [1])
4. Sidewalks. On 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 ten (10) feet of an intersection of any street or alley.

   (Code of Iowa, Sec. 321.358 [3])

7. Fire Hydrant. Within five (5) feet of a fire hydrant.

   (Code of Iowa, Sec. 321.358 [4])

8. Stop Sign or Signal. Within ten (10) feet upon the approach to any flashing beacon, stop or yield sign, or traffic control signal located at the side of a roadway.

   (Code of Iowa, Sec. 321.358 [6])

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

   (Code of Iowa, Sec. 321.358 [8])

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

    (Code of Iowa, Sec. 321.358 [9])

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

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

12. Double Parking. On the roadway side of any vehicle stopped or parked at the edge or curb of a street, except for delivery vehicles unloading to premises located within the Central Business District, provided that any such delivery vehicle shall not so stop, stand or park in one location for more than thirty (30) minutes and further provided that any such delivery vehicle shall immediately move when
requested by a person whose vehicle is being blocked from access to the street by the delivery vehicle. (Ord. 2007-05 – Dec. 07 Supp.)

(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 fifty (50) feet is hereby reserved at the side of the street in front of any theatre, auditorium, hotel having more than twenty-five (25) sleeping rooms, hospital, nursing home, taxicab stand, bus depot, church, or other building where large assemblages of people are being held, within which space, when clearly marked as such, no motor vehicle shall be left standing, parked or stopped except in taking on or discharging passengers or freight, and then only for such length of time as is necessary for such purpose. The 50-foot no-parking space in front of the theater located at 515 Sumner Avenue shall allow parking between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

(Code of Iowa, Sec. 321.360)

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

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

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

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

17. Schools. On school premises where signs have been erected giving notice thereof and stating such prohibition or restriction.
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.

69.07 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.
69.08 NO PARKING ZONES. No one shall stop, stand or park a vehicle in any of the following specifically designated no parking zones except when necessary to avoid conflict with other traffic or in compliance with the direction of a peace officer or traffic control signal.

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

1. Frontage Road east of Thirteenth Street North on both sides, from Twelfth Avenue North to Sixteenth Avenue North;

2. North Eighth Street on the east side, from Second Avenue North to Third Avenue North;

3. Iowa Highway No. 3 on both sides, from Fifth Street North east one-fourth mile (1,320 feet);

4. Iowa Highway No. 3 on the north side, from U.S. Highway 169 west to North Fifteenth Street;

5. Fifteenth Street North on both sides, from Twelfth Avenue North to Sixteenth Avenue North.

6. 14th Avenue SW on the south side, from U.S. Highway 169 east 508 feet.

*(Ord. 2010-07– Apr. 11 Supp.)*

69.09 TRUCK PARKING PROHIBITED. Trucks with an overall length of forty (40) feet or more are prohibited from utilizing street parking for periods longer than sixty (60) minutes, except repair vehicles, emergency vehicles and moving vans. This prohibition shall extend to all areas of the City classified residential for zoning purposes.

69.10 PARKING RESTRICTED TO COMPACT CARS. Parking is restricted, subject to any other regulations, to those automobiles commonly designated as “compact cars” in the following designated areas:

1. North Fifth Street in the two northernmost spaces on the west side between Sumner Avenue and First Avenue North;

2. North Fifth Street in the one northernmost space on the east side between Sumner Avenue and First Avenue North.
69.11 **WINTER PARKING RESTRICTIONS.** No person shall park any vehicle on any street between the hours of 3:00 a.m. and 7:00 a.m. of any day during the months of December, January, February, and March.

*(Ord. 2010-05– Apr. 11 Supp.)*

69.12 **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.

69.13 **OFF-STREET PARKING IN RESIDENTIAL DISTRICTS.**

1. No motorized vehicle, boat, motor home, travel trailer, other trailer, camper, recreational vehicle or semi-tractor of any kind shall be parked in a required front yard or side yard of any lot, except on a hard surface with direct connection to a public street. For purposes of this section, “hard surface” means paved concrete, asphalt, brick or crushed rock free of vegetation, but expressly excluding unpaved vegetation or soil.

 *(Ord. 2011-07 – July 12 Supp.)*

2. No agricultural machinery, semi trailer, commercial trailer or other vehicle exceeding forty (40) feet in length shall be parked or stored in any residential district, except emergency vehicles or moving vans.

3. Automotive vehicles or trailers of any kind that are inoperable or that do not have current license plates shall not be parked or stored anywhere on a lot other than in a completely enclosed building.

4. Temporary parking on non-hard surfaced areas in required front yards may be allowed for special events as designated by the Council or as granted by the Police Chief.

5. Notwithstanding any other provision above, no vehicle of any kind shall be parked on public or private property within three (3) feet of the curb line, blocking any portion of the sidewalk or otherwise so as to create a safety hazard for pedestrian or vehicular traffic. The City shall not be held liable for any damages to vehicles parked in the parking or terrace due to the delivery of any municipal services provided by the City or agents of the City including but not limited to snow removal activities of the Street Department. The following on-street parking areas located within residentially zoned districts are hereby permitted to continue:
A. 406 and 408 First Avenue North.

B. That portion of Second Avenue North adjacent to the United Congregational Church.

C. That portion of Second Avenue North and Fourth Street North adjacent to the United Methodist Church.

D. 401 Taft Street South.

E. 708 Third Avenue South (commercial only).

F. That portion of Eighth Street North adjacent to the Abundant Life Church.

G. That portion of Ninth Street North adjacent to Bicknell Park.

H. That portion of the terrace adjacent to Blocks Six and Seven of First College Addition (former football field).

69.14 PARKING PROHIBITED DURING CERTAIN HOURS. No one shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the direction of a peace officer, in violation of the following:

1. Parking is prohibited between the hours of 3:00 a.m. and 7:00 a.m. of any day on Sumner Avenue between the Sumner Avenue Bridge and 3rd Street.

2. Parking is prohibited between the hours of 3:00 a.m. and 7:00 a.m. of any day on Taft Street between 1st Avenue North and 1st Avenue South.

3. Parking is prohibited between the hours of 3:00 a.m. and 7:00 a.m. of any day on 6th Street between 1st Avenue North and 1st Avenue South.

4. Parking is prohibited between the hours of 3:00 a.m. and 7:00 a.m. of any day on 5th Street between 1st Avenue North and 1st Avenue South.

5. Parking is prohibited between the hours of 5:00 a.m. and 7:00 a.m. and 5:00 p.m. and 7:00 p.m. on Monday through Saturday in the first two parking spaces adjacent to 6th Street North in the public parking on the south side of the Humboldt Public Library.
CHAPTER 70

TRAFFIC CODE ENFORCEMENT PROCEDURES

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 which 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: ALTERNATE.  Admitted violations of parking restrictions imposed by this Code of Ordinances may be charged upon a simple notice of a fine payable at the office of the City Clerk.  The simple notice of a fine shall be in the amount of twenty dollars ($20.00) for all violations except improper use of a persons with disabilities parking permit.  If such fine is not paid within thirty (30) days, it shall be increased by five dollars ($5.00).  The simple notice of a fine for improper use of a persons with disabilities parking permit is one hundred dollars ($100.00).  Failure to pay the simple notice of a fine shall be grounds for the filing of a complaint in District Court.

(Code of Iowa, Sec. 321.236 [1a] & 321L.4[2])
70.04 PARKING VIOLATIONS: VEHICLE UNATTENDED. When a vehicle is parked in violation of any provision of the Traffic Code, and the driver is not present, the notice of fine or citation as herein provided shall be attached to the vehicle in a conspicuous place.

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

1. Described Vehicle. The particular vehicle described in the information was parked in violation of the Traffic Code, and

2. Registered Owner. The defendant named in the information was the registered owner at the time in question.

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

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

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

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

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

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

4. Parked Over 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])

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

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

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CHAPTER 75

ALL-TERRAIN VEHICLES AND SNOWMOBILES

75.01 Purpose

75.06 Thaw Ban

75.02 Definitions

75.07 Operation of All-Terrain Vehicles

75.03 General Regulations

75.07A Permitted Use of ATVs for Snow Removal Purposes

75.04 Operation of Snowmobiles

75.08 Negligence

75.05 Hours of Operation Limited

75.09 Accident Reports

75.01 PURPOSE. The purpose of this chapter is to regulate the operation of all-terrain vehicles and snowmobiles within the City.

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

1. “All-terrain vehicle” or “ATV” means a motorized flotation-tire vehicle with not less than three (3) low pressure tires, but not more than six (6) low pressure tires, or a two-wheeled, off-road motorcycle, that is limited in engine displacement to less than eight hundred (800) cubic centimeters and in total dry weight to less than eight hundred fifty (850) pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control. Two-wheeled, off-road motorcycles shall be considered all-terrain vehicles only for the purpose of titling and registration. An operator of a two-wheeled, off-road motorcycle is exempt from the safety instruction and certification program requirements of Section 321I.24 and 321I.25 of the Code of Iowa.

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

2. “Snowmobile” means a motorized vehicle weighing less than one thousand (1,000) pounds which uses sled-type runners or skis, endless belt-type tread with a width of forty-eight (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 which has been altered or equipped with runners, skis, belt-type tracks or treads.

(Code of Iowa, Sec. 321G.1[18])
75.03 GENERAL REGULATIONS. No person shall operate an ATV within the City in violation of Chapter 321I of the Code of Iowa or 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, numbering, equipment and manner of operation.

(Code of Iowa, Ch. 321G & 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. Streets. Snowmobiles may be operated upon streets which have not been plowed during the snow season and on the public streets and alleys for using the most direct roadway for the ingress to and egress from the City, but not snowmobiles shall be driven on streets or alleys solely for entertainment or pleasure, provided that they may not be at any time, operated on the following streets:

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

A. Fifth Street North from Sumner Avenue to Iowa Highway No. 3;
B. Fifth Street South from Sumner Avenue to end of street;
C. First Avenue South from Second Street to Sumner Avenue SW;
D. Sixth Avenue North from Second Street to U.S. Highway No. 169;
E. Ninth Street North from Sumner Avenue to Iowa Highway No. 3;
F. Third Avenue North from Ninth Street North to U.S. Highway No. 169;
G. Sumner Avenue;
H. U.S. Highway No. 169;
I. Iowa Highway No. 3.

2. Exceptions. Snowmobiles may be operated on prohibited streets only under the following circumstances:
A. Emergencies. Snowmobiles may be operated on any street in an emergency during the period of time when and at locations where snow upon the roadway renders travel by conventional motor vehicles impractical.

(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 ninety degrees (90°) to the direction of the street and at a place where no obstruction prevents a quick and safe crossing;

2. The snowmobile is brought to a complete stop before crossing the street;

3. The driver yields the right-of-way to all oncoming traffic which constitutes an immediate hazard; and

4. In crossing a divided street, the crossing is made only at an intersection of such street with another street.

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

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

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

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

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

5. Parks and Other City Land. Snowmobiles shall not be operated in any park, playground or upon any other City-owned property without the express permission of the City. A snowmobile shall not be operated on any City land without a snow cover of at least one-tenth of one inch.
6. Sidewalk or Parking. Snowmobiles shall not be operated upon the public sidewalk or that portion of the street located between the curb line and the sidewalk or property line commonly referred to as the “parking” except for purposes of crossing the same to a public street upon which operation is authorized by this chapter.

75.05 HOURS OF OPERATION LIMITED. No snowmobile shall be operated in the City between the hours of 12:00 midnight and 7:00 a.m. except for emergency situations or for loading and unloading from a transport trailer.

75.06 THAW BAN. Snowmobiles shall not be operated during a publicized thaw ban in areas posted to prohibit such operation or at any time upon the streets of the City during the period from April 1 to September 30 of each year.

75.07 OPERATION OF ALL-TERRAIN VEHICLES. The operators of ATVs shall comply with the following restrictions as to where ATVs may be operated within the City:

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

   (Code of Iowa, Sec. 321I.10[1 & 3])

2. Trails. ATVs shall not be operated on snowmobile trails except where designated.

   (Code of Iowa, Sec. 321I.10[4])

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

   (Code of Iowa, Sec. 321I.14[h])

4. Parks and Other City Land. ATVs shall not be operated in any park, playground or upon any other City-owned property without the express permission of the City.
5. **Sidewalk or Parking.** ATVs 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.”

**75.07A PERMITTED USE OF ATVS FOR SNOW REMOVAL PURPOSES.**

1. Beginning November 1st through and including April 30th of each year, a person 16 years or older (persons under the age of 18 must possess an ATV safety certificate, issued by the Iowa Department of Natural Resources) may operate an ATV equipped with a snow blade or blower for the sole purpose of snow removal or direct travel between snow removal sites, on the public streets, alleys, and sidewalks of the City of Humboldt, except for the following:

   A. Sumner Avenue
   
   B. U.S. Highway 169
   
   C. Iowa Highway 3

2. Provided that direct crossings of such prohibited streets may be made in conformity with the following requirements:

   A. The crossing is made at an angle of approximately ninety degrees (90°) to the direction of the street and at a place where no obstruction prevents a quick and safe crossing.
   
   B. In crossing a divided street, the crossing is made only at an intersection of such street with another street.
   
   C. The ATV is brought to a complete stop before crossing the street.
   
   D. The driver yields the right-of-way to all on-coming traffic.

3. All ATVs operated upon a public street, alley, or sidewalk pursuant to this section shall:

   A. Be registered and numbered with the Humboldt County Recorder as required by the Iowa Code and DNR regulations for the operation of ATVs on public land;
B. Be equipped with proper muffling devices, headlamps, tail lamps, and brakes;

C. Comply with the provisions of Iowa Code §321I.14; and

D. Comply with all applicable traffic laws.

(Ord. 2009-02 – Mar. 09 Supp.)

75.08 NEGLIGENCE. The owner and operator of an ATV or snowmobile are liable for any injury or damage occasioned by the negligent operation of the ATV or snowmobile. The owner of an ATV or snowmobile shall be liable for any such injury or damage only if the owner was the operator of the ATV or snowmobile at the time the injury or damage occurred or if the operator had the owner’s consent to operate the ATV or snowmobile at the time the injury or damage occurred.

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

75.09 ACCIDENT REPORTS. Whenever an ATV or snowmobile is involved in an accident resulting in injury or death to anyone or property damage amounting to one thousand dollars ($1000.00) 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 & 321I.11)
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 which by their nature can have no application. Whenever such person dismounts from a bicycle the person shall be subject to all regulations applicable to pedestrians.

(Code of Iowa, Sec. 321.234)

76.03  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 (2) 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.
76.05 **BICYCLE PATHS.** Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.

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

76.06 **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])

76.07 **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])

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

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

76.09 **RIDING ON SIDEWALKS.** The following shall apply to riding bicycles on sidewalks:

1. **Business District.** No person shall ride a bicycle upon any sidewalk within the Central Business District, defined as all areas within an area zoned C-1 Central Business District on the Official Zoning Map of the City.

   (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])

76.10 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.

76.11 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.

76.12 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])

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

1. Lamps Required. Every bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least three hundred (300) feet to the front and with a lamp on the rear exhibiting a red light visible from a distance of 300 feet to the rear except that a red reflector on the rear, of a type which shall be visible from all distances from fifty (50) feet to 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 which will enable the operator to make the braked wheel skid on dry, level, clean pavement.

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

76.14 SPECIAL PENALTY. Any person violating the provisions of this chapter may, in lieu of the scheduled fine for bicyclists or standard penalty provided for violations of the Code of Ordinances, allow the person’s bicycle to be impounded by the City for not less than five (5)
days for the first offense, ten (10) days for a second offense and thirty (30) days for a third offense.
CHAPTER 77

SKATEBOARDS AND SKATES

77.01 Scope of Regulations

77.02 Riding on Sidewalks

77.01 SCOPE OF REGULATIONS. These regulations shall apply whenever skateboards or in-line skates are operated upon any street or sidewalk, subject to those exceptions stated herein.

77.02 RIDING ON SIDEWALKS. No person shall ride a skateboard or in-line skates on a sidewalk except in accordance herewith:

1. Central Business District. No person shall ride a skateboard or in-line skates upon a sidewalk within the Central Business District.

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

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

77.03 IMPROPER RIDING. No person shall ride a skateboard or in-line skates in a reckless manner so as to endanger the safety of the operator or others.
CHAPTER 80

ABANDONED VEHICLES

80.01 Definitions

For use in this chapter the following terms are defined:

(Code of Iowa, Sec. 321.89[1])

1. “Abandoned vehicle” means any of the following:

   A. A vehicle that has been left unattended on public property for more than twenty-four (24) hours and lacks current registration plates or two (2) or more wheels or other parts which renders the vehicle totally inoperative.

   B. A vehicle that has remained illegally on public property for more than twenty-four (24) hours.

   C. A vehicle that has been unlawfully parked or placed on private property without the consent of the owner or person in control of the property for more than twenty-four (24) hours.

   D. A vehicle that has been legally impounded by order of a police authority and has not been reclaimed for a period of ten (10) days. However, a police authority may declare the vehicle abandoned within the ten-day period by commencing the notification process.

   E. Any vehicle parked on the highway determined by a police authority to create a hazard to other vehicle traffic.

   F. A vehicle that has been impounded pursuant to Section 321J.4B of the Code of Iowa by order of the court and whose owner has not paid the
impoundment fees after notification by the person or agency responsible for carrying out the impoundment order.

2. “Demolisher” means a person licensed under Chapter 321H of the 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. “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. 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 twenty (20) days, by certified mail, the last known registered owner of the vehicle, all lienholders of record, and any other known claimant to the vehicle or to personal property found in the vehicle, addressed to the parties’ last known addresses of record, that the abandoned vehicle has been taken into custody. Notice shall be deemed given when mailed. The notice shall describe the year, make, model and vehicle identification number 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 ten (10) days after the effective date of the notice upon payment of all towing, preservation, and storage charges resulting from placing the vehicle in custody and upon payment of the costs of 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. The notice shall state that any person claiming rightful possession of the vehicle or personal property who disputes the planned disposition of the vehicle or property by the police authority or private entity or of the assessment of fees and charges provided by this section may ask for an evidentiary hearing before the police authority to contest those matters. If the persons receiving the notice do not ask for a hearing or exercise their right to reclaim the vehicle or personal property within the ten-day reclaiming period, the owner, lienholders or claimants shall no longer have any right, title, claim, or interest in or to the vehicle or the personal property. A court in any case in law or equity shall not recognize any right, title, claim, or interest of the owner, lienholders or claimants after the expiration of the ten-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 (2) or more wheels or other structural part which renders the vehicle totally inoperable. The police authority shall give the applicant a certificate of authority. The applicant shall then apply to the County Treasurer for a junking certificate and shall surrender the certificate of authority in lieu of the certificate of title.

*(Code of Iowa, Sec. 321.90[2e]*)

**80.08 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 ninety (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]*)
CHAPTER 90

WATER SERVICE SYSTEM

90.01 Definitions

90.02 Superintendent’s Duties

90.03 Mandatory Connections

90.04 Abandoned Connections

90.05 Permit

90.06 Fee for Permit and Connection Charge

90.07 Compliance with Plumbing Code

90.08 Plumber Required

90.09 Excavations

90.10 Tapping Mains

90.11 Installation of Water Service Pipe

90.12 Responsibility for Water Service Pipe

90.13 Failure to Maintain

90.14 Curb Valve

90.15 Interior Valve

90.16 Inspection and Approval

90.17 Completion by the City

90.18 Shutting off Water Supply

90.19 Operation of Curb Valve

90.20 Fire Hydrants

90.21 Irrigation Meters

90.01 DEFINITIONS. The following terms are defined for use in the chapters in this Code of Ordinances pertaining to the Water Service System:

1. “Combined service account” means a customer service account for the provision of two or more utility services.

2. “Customer” means, in addition to any person receiving water service from the City, the owner of the property served, and as between such parties the duties, responsibilities, liabilities and obligations hereinafter imposed shall be joint and several.

3. “Superintendent” means the Superintendent of the City water system or any duly authorized assistant, agent or representative.

4. “Water main” means a water supply pipe provided for public or community use.

5. “Water service pipe” means the pipe from the water main to the building served.
6. “Water system” or “water works” means all public facilities for securing, collecting, storing, pumping, treating, and distributing water.

7. “Water Service Standards” means the City of Humboldt Water Service Line Standards and Requirements.

*(Ord. 2011-10 – July 12 Supp.)*

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

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

**90.03 MANDATORY CONNECTIONS.** The owners of any houses, buildings or structures used for human occupancy, employment or use, situated within the City and abutting on any street, alley or right-of-way in which there is located a public water main are hereby required to connect such facilities to the City’s public water system in accordance with the provisions of these Water Service chapters within ninety (90) days after the date of official notice to do so, provided that said public water main is located within one hundred (100) feet of the property line of such owner.

**90.04 ABANDONED CONNECTIONS.** When an existing water service is abandoned or a service is renewed with a new tap in the main, all abandoned connections with the mains shall be turned off at the corporation stop and made absolutely watertight. *(See Building Demolition Chapter 148)*

*(Ord. 2011-10 – July 12 Supp.)*

**90.05 PERMIT.** Before any person makes a connection with the public water system, a written permit must be obtained from the City. The application for the permit shall include a legal description of the property, the name of the property owner, the name and address of the person who will do the work, and the general uses of the water. If the proposed work meets all the requirements of this chapter and if all fees required under this chapter have been paid, the permit shall be issued. Work under any permit must be completed within...
sixty (60) days after the permit is issued, except that when such time period is inequitable or unfair due to conditions beyond the control of the person making the application, an extension of time within which to complete the work may be granted. The permit may be revoked at any time for any violation of these chapters.

90.06 FEE FOR PERMIT AND CONNECTION CHARGE. Before any permit is issued the person who makes the application shall pay five dollars ($5.00) for residential customers and fifteen dollars ($15.00) for commercial customers to the Clerk to cover the cost of issuing the permit and supervising, regulating, and inspecting the work. In addition there shall be a connection charge in the amount of two hundred dollars ($200.00) for a ¾” connection and twenty-five dollars ($25.00) additional for each ¼” beyond ¾”, paid before issuance of a permit to reimburse the City for costs borne by the City in making water service available to the property served.

(Code of Iowa, Sec. 384.84)

90.07 COMPLIANCE WITH PLUMBING CODE. The installation of any water service pipe and any connection with the water system shall comply with all pertinent Water Service Standards and applicable provisions, whether regulatory, procedural or enforcement provisions, of the State Plumbing Code.

(Ord. 2011-10 – July 12 Supp.)

90.08 PLUMBER REQUIRED. All installations of water service pipes and connections to the water system shall be made by a plumber approved by the City. The Water Superintendent shall have the power to suspend the approval of any plumber for violation of any of the provisions of this chapter. A suspension, unless revoked, shall continue until the next regular meeting of the City Council. The Water Superintendent shall notify the plumber immediately by personal written notice of the suspension, the reasons for the suspension and the time and place of the Council meeting at which the plumber will be granted a hearing. At this Council meeting the Water Superintendent shall make a written report to the Council stating the reasons for the suspension, and the Council, after fair hearing, shall affirm or revoke the suspension or take any further action that is necessary and proper. The plumber shall provide a surety bond in the sum of one thousand dollars ($1,000.00) secured by a responsible surety bonding company authorized to operate within the State, conditioned to indemnify and save the City harmless against all losses or damages that may arise from or be occasioned by the making of connections to the water system or excavations therefor or by carelessness, negligence or lack of skill in making the same. Such bond shall remain in force and must be executed for a period of one year, except that on such expiration it shall remain in force as to all penalties, claims and demands that may have accrued there under prior to
such expiration. In lieu of a surety bond, a cash deposit of one thousand dollars ($1,000.00) may be filed with the City.

90.09 **EXCAVATIONS.** All trench work, excavation, and backfilling required in making a connection shall be performed in accordance with applicable excavation provisions as provided for installation of building sewers and/or the provisions of Chapter 135.

90.10 **TAPPING MAINS.** All taps into water mains shall be made by or under the direct supervision of the Superintendent and in accord with the Water Service Standards.

*(Code of Iowa, Sec. 372.13[4])  
(Ord. 2011-10 – July 12 Supp.)*

90.11 **INSTALLATION OF WATER SERVICE PIPE.** Water service pipes from the main to the meter setting shall be in accord with the Water Service Standards.

*(Ord. 2011-10 – July 12 Supp.)*

90.12 **RESPONSIBILITY FOR WATER SERVICE PIPE.** All costs and expenses incident to the installation, connection, and maintenance of the water service pipe from the water main to the building served shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation or maintenance of said water service pipe.

*(Code of Iowa, Sec. 364.12[3a & h])  
(Ord. 2011-10 – July 12 Supp.)*

90.13 **FAILURE TO MAINTAIN.** When any portion of the water service pipe which is the responsibility of the property owner becomes defective or creates a nuisance and the owner fails to correct such nuisance the City may do so and assess the costs thereof to the property. Any owner sent a certified letter due to a failure to maintain a water service shall be charged a $5 dollar administrative fee per certified letter.

*(Code of Iowa, Sec. 364.12[3a & h])  
(Ord. 2011-10 – July 12 Supp.)*

90.14 **CURB VALVE.** There shall be installed within the public right-of-way a water service shut-off valve in accord with the Water Service Standards.

*(Ord. 2011-10 – July 12 Supp.)*
90.15 **INTERIOR VALVE.** There shall be installed a shut-off valve on every service pipe in accord with Water Service Standards. The shut-off valve shall be inside the building as close to the entrance of the pipe within the building as possible and so located that the water can be shut off conveniently. Where one service pipe supplies more than one customer within the building, there shall be separate valves for each such customer so that service may be shut off for one without interfering with service to the others.

*(Ord. 2011-10 – July 12 Supp.)*

90.16 **INSPECTION AND APPROVAL.** All water service pipes and their connections to the water system must be inspected and approved in writing by the Superintendent or other duly authorized employee of the City before they are covered, and the Superintendent shall keep a record of such approvals. If the Superintendent refuses to approve the work, the plumber or property owner must proceed immediately to correct the work. Every person who uses or intends to use the municipal water system shall permit the Superintendent to enter the premises to inspect or make necessary alterations or repairs at all reasonable hours and on proof of authority.

90.17 **COMPLETION BY THE CITY.** Should any excavation be left open or only partly refilled for twenty-four (24) hours after the water service pipe is installed and connected with the water system, or should the work be improperly done, the City shall have the right to finish or correct the work, and the Council shall assess the costs to the property owner or the plumber. If the plumber is assessed, the plumber must pay the costs before receiving another permit. If the property owner is assessed, such assessment may be collected with and in the same manner as general property taxes.

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

90.18 **SHUTTING OFF WATER SUPPLY.** The Superintendent or other duly authorized employee of the City may shut off the supply of water to any customer because of any violation of the regulations contained in these Water Service System chapters that is not being contested in good faith. The supply shall not be turned on again until all violations have been corrected and the Superintendent has ordered the water to be turned on.

90.19 **OPERATION OF CURB VALVE.** It is unlawful for any person except the Superintendent, other duly authorized employee of the City, or a plumber to turn water on at the curb valve, and said plumber shall take no action contrary to the orders of the Superintendent and shall leave the water off or on, as directed by the Superintendent.
90.20 FIRE HYDRANTS. No person, unless specifically authorized by the City, shall open or attempt to draw water from any fire hydrant for any purpose whatsoever.

90.21 IRRIGATION METERS. Irrigation meters shall be installed by a plumber to measure water use for irrigation of yards, gardens and other uses for which water does not discharge into the public sewer system. The meter shall be permanently installed with a backflow prevention system with ASSE approved double check valves. The property owner shall bear all costs associated with the installation including meter cost, and all fees per city code. Irrigation systems shall not be installed within the City right-of-way. Repairs for damage caused to irrigation systems installed in the City right-of-way shall be the property owner’s expense. The minimum size for an irrigation meter shall be a ¾ inch meter on existing services and one inch on new services. The Superintendent and other duly authorized employee of the City shall be permitted to enter the premises of any customer at a reasonable time to read, remove, change, or inspect the meter. All irrigation meters shall be inspected by the Superintendent after installation.

(Ord. 2011-10 – July 12 Supp.)

(Ch. 90 - Ord. 2008-07 – Mar. 09 Supp.)
CHAPTER 91

WATER METERS

91.01 PURPOSE. The purpose of this chapter is to encourage the conservation of water and facilitate the equitable distribution of charges for water service among customers.

91.02 WATER USE METERED. All water furnished customers shall be measured through meters furnished by the City of Humboldt and installed by the City of Humboldt.

91.03 FIRE SPRINKLER SYSTEMS – EXCEPTION. Fire sprinkler systems may be connected to water mains by direct connection without meters under the direct supervision of the Superintendent. No open connection can be incorporated in the system, and there shall be no valves except a main control valve at the entrance to the building which must be sealed open.

91.04 LOCATION OF METERS. All meters shall be so located that they are easily accessible to meter readers and repairmen and protected from freezing.

91.05 METER SETTING. The property owner shall provide all necessary piping and fittings for proper setting of the meter including a valve on the discharge side of the meter. Meter pits may be used only upon approval of the Superintendent and shall be of a design and construction approved by the Superintendent. All meters shall be installed in accord with the Water Service Standards.

91.06 METER COSTS. The full cost of any meter larger than that required for a single-family residence shall be paid to the City by the property owner or customer prior to the installation.
of any such meter by the City, or, at the sole option of the City, the property owner or customer may be required to purchase and install such meter in accordance with requirements established by the City.

91.07 METER REPAIRS. Whenever a water meter owned by the City is found to be out of order the Superintendent shall have it repaired. If it is found that damage to the meter has occurred due to the carelessness or negligence of the customer or property owner, or the meter is not owned by the City, then the property owner shall be liable for the cost of repairs.

91.08 RIGHT OF ENTRY. The Superintendent or other duly authorized employee of the City shall be permitted to enter the premises of any customer at any reasonable time to read, remove, or change a meter.

91.09 METER INSTALLATION FEE. The property owner shall pay an installation fee for each new installation of a water meter. The purchase price of the meter will be determined by resolution of the City Council. Such meter is to remain the property of the City.

(Ord. 2010-02– Apr. 11 Supp.)

91.10 METER TESTING. (Repealed by Ord. 2011-11 – July 12 Supp.)

91.11 ACCURACY TEST. (Repealed by Ord. 2011-11 – July 12 Supp.)

(Ch. 91 - Ord. 2008-07 – Mar. 09 Supp.)
CHAPTER 92

WATER RATES

92.01 Service Charges

92.02 Rates for Service

92.03 Rates for Fire Protection

92.04 Billing for Water Service

92.05 Service Discontinued

92.06 Lien for Nonpayment

92.07 Lien Exemption

92.08 Lien Notice

92.09 Customer Deposits

92.01 SERVICE CHARGES. Each customer shall pay for water service provided by the City based upon use of water as determined by meters provided for in Chapter 91. Each location, building, premises or connection shall be considered a separate and distinct customer whether owned or controlled by the same person or not.

(Code of Iowa, Sec. 384.84)

92.02 RATES FOR SERVICE. Water service shall be furnished at the following monthly rates within the City:

(Code of Iowa, Sec. 384.84)

1. Customer Service Charge - $3.85

2. Usage Charge.

   A. First 5,000 gallons @ $7.94 per 1,000 gallons.

   B. Next 5,000 gallons @ $6.47 per 1,000 gallons.

   C. Next 10,000 gallons @ $6.01 per 1,000 gallons.

   D. Next 9,999,999 gallons @ $5.45 per 1,000 gallons.

3. Rates for Irrigation Meters. All water furnished to irrigation meters by the City will be metered and the following rate to each consumer, not including any applicable state tax or federal tax, shall be:

   A. Minimum Charge - $14.00
B. First 5,000 gallons @ $7.94 per 1,000 gallons.

C. Next 5,000 gallons @ $6.47 per 1,000 gallons.

D. Next 10,000 gallons @ $6.01 per 1,000 gallons.

E. Next 9,999,999 gallons @ $5.45 per 1,000 gallons.

(Ord. 2011-16–July 12 Supp.)

4. Annual Adjustment. Effective July 1, 2013, and on the 1st day of each July thereafter through July 1, 2017, the monthly usage charge rates set forth in subsection 2 above shall be adjusted using the following method: The basis for the change in rates effective July 1, 2013, shall be the change in the Consumer Price Index for All Urban Consumers (CPI-U) as reported by the U.S. Bureau of Labor Statistics between November 2011 and November 2012. For each subsequent year, the adjustment shall be equal to the charge in the CPI-U for the prior November to November period.

(Ord. 2013-01 – Oct. 13 Supp.)

92.03 RATES FOR FIRE PROTECTION. In addition to the rates in effect, there shall be a surcharge of “Fire Protection” for sprinkler systems for fire extinguishment and for the maintenance of private fire hydrants as follows:


<table>
<thead>
<tr>
<th>Connection Size</th>
<th>Rate Per Month</th>
</tr>
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<tbody>
<tr>
<td>4”</td>
<td>$10.28</td>
</tr>
<tr>
<td>6”</td>
<td>$20.52</td>
</tr>
<tr>
<td>8”</td>
<td>$51.32</td>
</tr>
<tr>
<td>10”</td>
<td>$92.40</td>
</tr>
</tbody>
</table>

2. Private Fire Hydrant - $77.00 per annum.

(Ord. 2011-16–July 12 Supp.)
Flushing of fire lines or sprinkler systems shall be done with the permission of the City Council and with a member of the Water Department present when the work is done. In consideration of annual charge for private fire hydrant, the City of Humboldt Water Department shall provide for inspection and flushing, but will not be responsible in case the hydrants fail to function properly. All such hydrants will be installed at the expense of the owners.

92.04 BILLING FOR WATER SERVICE. Water service shall be billed as part of a combined service account, payable in accordance with the following:

(Code of Iowa, Sec. 384.84)

1. Bills Issued. The Clerk shall prepare and issue bills for combined service accounts on or before the first day of each month.

2. Bills Payable. Bills for combined service accounts shall be due and payable at the office of the Clerk by the fifteenth (15th) day of the same month.

3. Late Payment Penalty. Bills not paid when due shall be considered delinquent. A one-time late payment penalty of five percent (5%) of the amount due shall be added to each delinquent bill.
CHAPTER 92  WATER RATES

92.05 SERVICE DISCONTINUED. Water service to delinquent customers shall be discontinued in accordance with the following:

(Code of Iowa, Sec. 384.84)

1. Notice. The City Clerk shall notify each delinquent customer that service will be discontinued if payment of the combined service account, including late payment charges, is not received by the date specified in the notice of delinquency. Such notice shall be sent by ordinary mail to the customer in whose name the delinquent charges were incurred and shall inform the customer of the nature of the delinquency and afford the customer the opportunity for a hearing prior to the discontinuance.

2. Notice to Landlords. If the customer is a tenant, and if the owner or landlord of the property has made a written request for notice, the notice of delinquency shall also be given to the owner or landlord.

3. Hearing. If a hearing is requested by noon of the day preceding the shut off, the City Clerk shall conduct an informal hearing and shall make a determination as to whether the disconnection is justified. The customer has the right to appeal the City Clerk’s decision to the Council, and if the Council finds that disconnection is justified, then such disconnection shall be made, unless payment has been received.

4. Fees. A fee of twenty five dollars ($25.00) shall be charged before service is restored to a delinquent customer. No fee shall be charged for the usual or customary trips in the regular changes in occupancies of property.

92.06 LIEN FOR NONPAYMENT. The owner of the premises served and any lessee or tenant thereof shall be jointly and severally liable for water service charges to the premises. Water service charges remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

(Code of Iowa, Sec. 384.84)
92.07 LIEN EXEMPTION. The lien for nonpayment shall not apply to a residential rental property where water service is separately metered and the charges for the water service are paid directly to the City by the tenant, IF the landlord gives written notice to the City that the property is residential rental property and that the tenant is liable for the rates or charges. The lien exemption does not apply to delinquent charges for repairs to a water service. The landlord’s notice shall contain the name of the tenant(s) responsible for charges, the address of the rental property and the date the occupancy begins. Upon receipt of such a notice, the City shall require a deposit equal to the usual cost of ninety (90) days of water service at the subject premises.

In the event the responsible tenant(s) identified in the landlord’s notice vacate the leased premises, the landlord shall be liable for all water charges that accrue after the date of said vacancy, to the extent not covered by the deposit.

A change in tenant shall require a new written notice to the City within thirty (30) business days from the first day of the new tenant’s occupancy. When a tenant moves from a rental property, the City shall refund the deposit less any unpaid charges.

A change in the ownership of the residential rental property shall require written notice of such change to be given to the City within ten (10) business days of the completion of the change of ownership.

(Ord. 2013-09 – Oct. 13 Supp.)

92.08 LIEN NOTICE. A lien for delinquent water service charges shall not be certified to the County Treasurer unless prior written notice of intent to certify a lien is given to the customer in whose name the delinquent charges were incurred. If the customer is a tenant and if the owner or landlord of the property has made a written request for notice, the notice shall also be given to the owner or landlord. The notice shall be sent to the appropriate persons by ordinary mail not less than thirty (30) days prior to certification of the lien to the County Treasurer.

(Code of Iowa, Sec. 384.84)

92.09 CUSTOMER DEPOSITS. There shall be required from customer not the owner of the premises served a fifty dollar ($50.00) deposit intended to guarantee the payment of bills for service. If the landlord gives written notice to the City that the property is residential rental property and that the tenant is liable for the rates or charges, the deposit shall be equal to the usual cost of ninety (90) days of water service at the subject premises.

(Code of Iowa, Sec. 384.84)
CHAPTER 95

SANITARY SEWER SYSTEM

95.01 Purpose 95.06 Service Outside the City
95.02 Definitions 95.07 Right of Entry
95.03 Superintendent 95.08 Use of Easements
95.04 Prohibited Acts 95.09 Special Penalties
95.05 Sewer Connection Required

95.01 PURPOSE. The purpose of the chapters of this Code of Ordinances pertaining to Sanitary Sewers is to establish rules and regulations governing the treatment and disposal of sanitary sewage within the City in order to protect the public health, safety and welfare.

95.02 DEFINITIONS. For use in these chapters, unless the context specifically indicates otherwise, the following terms are defined:

1. “B.O.D.” (denoting Biochemical Oxygen Demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees (20º) C, expressed in milligrams per liter or parts per million.

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

3. “Building sewer” means that part of the horizontal piping from the building wall to its connection with the main sewer or the primary treatment portion of an on-site wastewater treatment and disposal system conveying the drainage of one building site.

4. “Combined service account” means a customer service account for the provision of two or more utility services.

5. “Combined sewer” means a sewer receiving both surface run-off and sewage.
6. “Customer” means any person responsible for the production of domestic, commercial or industrial waste which is directly or indirectly discharged into the public sewer system.

7. “Garbage” means solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.

8. “Industrial wastes” means the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

9. “Inspector” means the person duly authorized by the Council to inspect and approve the installation of building sewers and their connections to the public sewer system; and to inspect such sewage as may be discharged therefrom.

10. “Natural outlet” means any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

11. “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 fifteen persons (1500 gpd) or less.

12. “pH” means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

13. “Public sewer” means a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

14. “Sanitary sewage” means sewage discharging from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories or institutions, and free from storm, surface water, and industrial waste.

15. “Sanitary sewer” means a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

16. “Sewage” means a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.
17. “Sewage treatment plant” means any arrangement of devices and structures used for treating sewage.

18. “Sewage works” or “sewage system” means all facilities for collecting, pumping, treating, and disposing of sewage.

19. “Sewer” means a pipe or conduit for carrying sewage.

20. “Sewer service charges” means any and all charges, rates or fees levied against and payable by customers, as consideration for the servicing of said customers by said sewer system.

21. “Slug” means any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average 24-hour concentration or flows during normal operation.

22. “Storm drain” or “storm sewer” means a sewer which carries storm and surface waters and drainage but excludes sewage and industrial wastes, other than unpolluted cooling water.

23. “Superintendent” means People Service, Inc., or any authorized deputy, agent, or representative.

24. “Suspended solids” means solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

25. “Watercourse” means a channel in which a flow of water occurs, either continuously or intermittently.

95.03 SUPERINTENDENT. The Superintendent shall exercise the following powers and duties:

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

1. Operation and Maintenance. Operate and maintain the City sewage system.

2. Inspection and Tests. Conduct necessary inspections and tests to assure compliance with the provisions of these Sanitary Sewer chapters.
3. Records. Maintain a complete and accurate record of all sewers, sewage connections and manholes constructed showing the location and grades thereof.

95.04 PROHIBITED ACTS. No person shall do, or allow, any of the following:

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

(Code of Iowa, Sec. 716.1)

2. Surface Run-off or Groundwater. Connect a roof downspout, sump pump, exterior foundation drain, areaway drain, or other source of surface run-off or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

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

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

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

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

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

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

95.05 SEWER CONNECTION REQUIRED. The owners of any houses, buildings, or properties used for human occupancy, employment, recreation or other purposes, situated within the City and abutting on any street, alley or right-of-way in which there is now located, or may in the future be located, a public sanitary or combined sewer, are hereby required to install, at such owner’s expense, suitable toilet facilities therein and a building sewer connecting such
facilities directly with the proper public sewer, and to maintain the same all in accordance
with the provisions of these Sanitary Sewer chapters, such compliance to be completed
within ninety (90) days after date of official notice from the City to do so provided that said
public sewer is located within three hundred (300) feet of the property line of such owner
and is of such design as to receive and convey by gravity such sewage as may be conveyed to
it. Billing for sanitary sewer service will begin the date of official notice to connect to the
public sewer. In the event the property in question has a local or State office approval for an
alternative waste disposal system, the provisions herein relating to mandatory connection to
available public sewer shall be waived until complaint of probable sewage pollution has been
filed with the City by local or State health officers, or upon petition of the landowners in the
immediate vicinity for sanitary sewer facilities. Sixty percent (60%) of the landowners
affected shall constitute sufficient demand to invoke mandatory connection as contemplated
in this section.

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

(IAC, 567-69.1[3])

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

(Code of Iowa, Sec. 364.4 [2 & 3])

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

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

95.09 SPECIAL PENALTIES. The following special penalty provisions shall apply to violations of these Sanitary Sewer chapters:

1. Notice of Violation. Any person found to be violating any provision of these chapters except subsections 1, 3 and 4 of Section 95.04, shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit (not to exceed 30 days) for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

2. Continuing Violations. Any person who shall continue any violation beyond the time limit provided for in subsection 1 hereof shall have committed a municipal infraction. Each day in which any such violation shall continue shall be deemed a separate offense.

3. Liability Imposed. Any person violating any of the provisions of these chapters shall become liable to the City for any expense, loss, or damage occasioned the City by reason of such violation.
CHAPTER 96

BUILDING SEWERS AND CONNECTIONS

96.01 Permit

No unauthorized person shall uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City. The application for the permit shall set forth the location and description of the property to be connected with the sewer system and the purpose for which the sewer is to be used, and shall be supplemented by any plans, specifications, or other information considered pertinent. The permit shall require the owner to complete construction and connection of the building sewer to the public sewer within thirty (30) days after the issuance of the permit, except that when a property owner makes sufficient showing that due to conditions beyond the owner’s control or peculiar hardship, such time period is inequitable or unfair, an extension of time within which to comply with the provisions herein may be granted. Any sewer connection permit may be revoked at any time for a violation of these chapters.

96.02 Permit Fee and Connection Charge

The person who makes the application shall pay a fee in the amount of $5.00 for residential customers and $15.00 for commercial and industrial customers to the Clerk to cover the cost of issuing the permit and supervising, regulating, and inspecting the work. In addition, there shall be a connection charge in the amount of $250.00 for residential customers and $500.00 for commercial and industrial customers paid to reimburse the City for costs borne by the City in making sewer service available to the property served.

96.03 Plumber Required

All installations of building sewers and connections to the public sewer shall be made by a plumber approved by the City. The Superintendent shall have the power to suspend the approval of any plumber for violation of any of the provisions of these Sanitary Sewer chapters; a suspension, unless revoked, shall continue until the next regular meeting of the Council. The Superintendent shall notify the plumber immediately by personal written notice of the suspension, the reasons for the suspension, and the time and place of the Council meeting at which the plumber will be granted a hearing. At this Council
meeting the Superintendent shall make a written report to the Council stating the reasons for the suspension, and the Council, after fair hearing, shall affirm or revoke the suspension or take any further action that is necessary and proper.

96.04 EXCAVATIONS. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the City. Pipe laying and backfill shall be performed in accordance with A.S.T.M. Specification C-12, except that no backfill shall be placed until the work has been inspected. The excavations shall be made in accordance with the provisions of Chapter 135 where applicable.

96.05 CONNECTION REQUIREMENTS. Any connection with a public sanitary sewer must be made under the direct supervision of the Superintendent in accordance with the Sanitary Sewer Service Line Standards and Requirements and the following:

(Ord. 2011-12– July 12 Supp.)

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

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

3. Installation. The installation and connection of the building sewer to the public sewer shall conform to the requirements of the State Plumbing Code, applicable rules and regulations of the City, or the procedures set forth in A.S.T.M. Specification C-12. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

4. Water Lines. When possible, building sewers should be laid at least ten (10) feet horizontally from a water service. The horizontal separation may be less, provided the water service line is located at one side and at least twelve (12) inches above the top of the building sewer.
5. Size. Building sewers shall be sized for the peak expected sewage flow from the building with a minimum building sewer size of four (4) inches for residential and six (6) inches for commercial and industrial.

6. Alignment and Grade. All building sewers shall be laid to a straight line to meet the following:

   A. Four inch lines - Minimum grade of one-fourth (1/4) inch per foot.
   B. Six inch lines - Minimum grade of one-eighth (1/8) inch per foot.
   C. Minimum velocity of 2.50 feet per second with the sewer half full.
   D. Any deviation in alignment or grade shall be made only with the written approval of the Superintendent and shall be made only with approved fittings.

7. Depth. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. The depth of cover above the sewer shall be sufficient to afford protection from frost.

8. Sewage Lifts. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer.

9. Pipe Specifications. Building sewer pipe shall be free from flaws, splits, or breaks. Materials shall be as specified in the State Plumbing Code except that the building sewer pipe, from the property line to the public sewer, shall comply with the current edition of one of the following:

   C. SDR 26 minimum.

10. Bearing Walls. No building sewer shall be laid parallel to, or within three (3) feet of any bearing wall, which might thereby be weakened.
11. Jointing. Fittings, type of joint, and jointing material shall be commensurate with the type of pipe used, with the use of non-shear couplings, subject to the approval of the Superintendent with no glued joints underground, and subject to the current edition of the following specific requirements:


C. SDR 26 minimum.

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

13. Preparation of Basement or Crawl Space. No connection for any residence, business or other structure with any sanitary sewer shall be made unless the basement floor is poured, or in the case of a building with a slab or crawl space, unless the ground floor is installed with the area adjacent to the foundation of such building cleared of debris and backfilled. The backfill shall be well compacted and graded so that the drainage is away from the foundation. Prior to the time the basement floor is poured, or the first floor is installed in buildings without basements, the sewer shall be plugged and the plug shall be sealed by the Superintendent. Any accumulation of water in any excavation or basement during construction and prior to connection to the sanitary sewer shall be removed by means other than draining into the sanitary sewer.

14. The slip lining of existing sewer service lines is permitted provided the following requirements are observed:

A. All slip-line installations shall be done in conformity with the Uniform Plumbing Code.

B. The lining must be directly connected to the existing building sewer at the building edge or building sewer stub.

C. The lining must be directly connected to the City sewer main.
D. The lining must run the continuous length of the service line.

(Ord. 2010-08– Apr. 11 Supp.)

96.06 INTERCEPTORS REQUIRED. Grease, oil, sludge and sand interceptors shall be provided by gas and service stations, convenience stores, car washes, garages, and other facilities when, in the opinion of the Superintendent, they are necessary for the proper handling of such wastes that contain grease in excessive amounts or any flammable waste, sand or other harmful ingredients. Such interceptors shall not be required for private living quarters or dwelling units. When required, such interceptors shall be installed in accordance with the following:

1. Design and Location. All interceptors shall be of a type and capacity as specified in the State Plumbing Code, to be approved by the Superintendent, and shall be located so as to be readily and easily accessible for cleaning and inspection.

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

3. Maintenance. All such interceptors shall be maintained by the owner at the owner’s expense and shall be kept in continuously efficient operations at all times.

96.07 SEWER TAP. Connection of the building sewer into the public sewer shall be made at the “Y” branch, if such branch is available at a suitable location. If no properly located “Y” branch is available, the property owner shall at the owner’s expense install a “Y” saddle with mortar in the public sewer at the location specified by the Superintendent. Romac or DFW saddle connectors must be used. At no time shall a building sewer be constructed so as to enter a manhole unless special written permission is received from the Superintendent and in accordance with the Superintendent’s direction if such connection is approved.

96.08 INSPECTION REQUIRED. All connections with the sanitary sewer system before being covered shall be inspected and approved, in writing, by the Superintendent. As soon as all pipe work from the public sewer to inside the building has been completed, and before any backfilling is done, the Superintendent shall be notified and the Superintendent shall inspect and test the work as to workmanship and material; no sewer pipe laid under ground shall be covered or trenches filled until after the sewer has been so inspected and approved. If the Superintendent refuses to approve the work, the plumber or owner must proceed immediately to correct the work.
96.09 PROPERLY OWNER’S RESPONSIBILITY. All costs and expenses incident to the installation, connection and maintenance of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

96.10 ABATEMENT OF VIOLATIONS. Construction or maintenance of building sewer lines whether located upon the private property of any owner or in the public right-of-way, which construction or maintenance is in violation of any of the requirements of this chapter, shall be corrected, at the owner’s expense, within thirty (30) days after date of official notice from the Council of such violation. If not made within such time the Council shall, in addition to the other penalties herein provided, have the right to finish and correct the work and assess the cost thereof to the property owner. Such assessment shall be collected with and in the same manner as general property taxes.

(Code of Iowa, Sec. 364.12[3])
CHAPTER 97

USE OF PUBLIC SEWERS

97.01 Storm Water

97.02 Sump Pumps

97.03 Surface Waters Exception

97.04 Prohibited Discharges

97.05 Restricted Discharges

97.06 Restricted Discharges – Powers

97.07 Special Facilities

97.08 Control Manholes

97.09 Testing of Wastes

97.10 Sanitary Sewer Infiltration and Sump Pump Inspector

97.01 STORM WATER. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof run-off, sub-surface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged on approval of the Superintendent, to a storm sewer, combined sewer, or natural outlet.

97.02 SUMP PUMPS.

1. This section prohibits the discharge of storm water or uncontaminated waters coming into the foundation areas of structures within the City by sump pumps into the sanitary sewer system. Sump drainage shall be into the existing storm sewer system or into established surface drainage facilities. The City reserves the right, on reasonable notice to property owners, to enter and inspect sump pump installations in order to ascertain correct installation and operation. Improper installation or operation of sump pump systems shall be considered a prohibited discharge.

2. It is unlawful for persons operating sump pumps within the City to discharge water either directly or indirectly onto City streets between November 1 an April 1. The purpose of this prohibition is to prevent the accumulation of water and ice during cold weather periods when the City storm sewer system is not capable of efficiently carrying away said water. Perceived violations of this prohibition shall be treated as simple misdemeanors and the City shall have further rights granted unto it by the Code of Iowa to proceed to abate violations in addition to any criminal penalties imposed.
97.03 SURFACE WATERS EXCEPTION. Special permits for discharging surface waters to a public sanitary sewer may be issued by the Council upon recommendation of the Superintendent where such discharge is deemed necessary or advisable for purposes of flushing, but any permit so issued shall be subject to revocation at any time when deemed to the best interests of the sewer system.

97.04 PROHIBITED DISCHARGES. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

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

2. Toxic or Poisonous Materials. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) milligrams per liter as CN in the wastes as discharged to the public sewer.

3. Corrosive Wastes. Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

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

5. Excessive B.O.D., Solids or Flow. Any waters or wastes having (a) a five-day biochemical oxygen demand greater than 300 parts per million by weight, or (b) containing more than 350 parts per million by weight of suspended solids, or (c) having an average daily flow greater than two percent of the average sewage flow of the City, shall be subject to the review of the Superintendent. Where necessary in the opinion of the Superintendent, the owner shall provide, at the owner’s expense, such preliminary treatment as may be necessary to (a) reduce the biochemical oxygen demand to 300 parts per million by weight, or (b) reduce the suspended solids to 350 parts per million by weight, or (c) control the quantities and rates of...
discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent and no construction of such facilities shall be commenced until said approvals are obtained in writing.

97.05 RESTRICTED DISCHARGES. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming an opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances restricted are:

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

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

3. Viscous Substances. Water or wastes containing substances which may solidify or become viscous at temperatures between 32º F and 150º F (0º to 65º C).

4. Garbage. Any garbage that has not been properly shredded, that is, to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (½) inch in any dimension.

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

6. Toxic or Objectionable Wastes. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.
7. Odor or Taste. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of state, federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

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


10. Unusual Wastes. Materials which exert or cause:

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

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

   C. Unusual B.O.D., chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

   D. Unusual volume of flow or concentration of wastes constituting “slugs” as defined herein.

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

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

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

97.06  RESTRICTED DISCHARGES – POWERS. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 97.04 and which in the judgment of the Superintendent may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

1. Rejection. Reject the wastes by requiring disconnection from the public sewage system;

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

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

4. Special Charges. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Chapter 99.

97.07  SPECIAL FACILITIES. If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent and subject to the requirements of all applicable codes, ordinances, and laws. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner’s expense.

97.08  CONTROL MANHOLES. When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at the owner’s expense, and shall be maintained by the owner so as to be safe and accessible at all times.
CHAPTER 97
USE OF PUBLIC SEWERS

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

97.10 SANITARY SEWER INFILTRATION AND SUMP PUMP INSPECTOR. To provide for the orderly inspection and enforcement of sanitary sewer and sump pump regulations, the Council shall be empowered either to employ directly as a City employee or to contract with an independent contractor for the orderly inspection and reporting of violations of the various provisions contained in the regulations relating to sanitary sewers in this Code of Ordinances. Said inspector shall have the power to enter upon the premises of residential, commercial and industrial properties in the City and to conduct orderly inspections for sump pump sanitary sewer infiltration and other violations as are contemplated and delineated in these Sanitary Sewer chapters. Violations will be reported to the City Administrator, who shall proceed with assessment and/or criminal charges as may be deemed appropriate. The specific contractual relationship with the sump pump and sanitary sewer infiltration inspector shall be delineated either in an employment contract or job description and duties of the City employee or by a written contractual agreement should the City elect to proceed with an independent contractor. The term of employment, compensation and specific duties shall be subject to Council determination within said employment agreements. Any inspection program conducted under the authority of this section shall be orderly and shall not discriminate against any person or property on any basis.
### CHAPTER 98

**ON-SITE WASTEWATER SYSTEMS**

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**98.01 WHEN PROHIBITED.** Except as otherwise provided in this chapter, it is unlawful to construct or maintain any on-site wastewater treatment and disposal system or other facility intended or used for the disposal of sewage.

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

**98.02 WHEN REQUIRED.** When a public sanitary sewer is not available under the provisions of Section 95.05, every building wherein persons reside, congregate or are employed shall be provided with an approved on-site wastewater treatment and disposal system complying with the provisions of this chapter.

*(IAC, 567-69.1[3]*)

**98.03 COMPLIANCE WITH REGULATIONS.** The type, capacity, location and layout of a private on-site wastewater treatment and disposal system shall comply with the specifications and requirements set forth by the Iowa Administrative Code 567, Chapter 69, and with such additional requirements as are prescribed by the regulations of the County Board of Health.

*(IAC, 567-69.1[3 & 4]*)

**98.04 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.

**98.05 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.

*CODE OF ORDINANCES, HUMBOLDT, IOWA*
98.06 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.

98.07 SYSTEMS ABANDONED. At such time as a public sewer becomes available to a property served by an on-site wastewater treatment and disposal system, as provided in Section 95.05, a direct connection shall be made to the public sewer in compliance with these Sanitary Sewer chapters and the on-site wastewater treatment and disposal system shall be abandoned and filled with suitable material.

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

98.08 DISPOSAL OF SEPTAGE. No person shall dispose of septage from an on-site treatment system at any location except an approved disposal site.

98.09 MINIMUM LOT AREA. No permit shall be issued for any on-site wastewater treatment and disposal system employing sub-surface soil absorption facilities where the area of the lot is less than 43,560 square feet.
CHAPTER 99

SEWER SERVICE CHARGES

99.01 Sewer Service Charges Required

99.02 Rental Rate

99.03 Special Rates

99.04 Private Water Systems

99.05 Billing for Sewer Service

99.06 Service Discontinued

99.07 Lien for Nonpayment

99.08 Lien Notice

99.09 Deposit

99.10 Special Agreements Permitted

99.01 SEWER SERVICE CHARGES REQUIRED. Every customer shall pay to the City sewer service fees as hereinafter provided.

(Code of Iowa, Sec. 384.84)

99.02 RENTAL RATE. Each customer shall pay a sewer service charge for the use of, and for the service supplied by, the municipal sanitary sewer system based upon the amount and rate of water consumed as follows:

1. Gallon Meter and Monthly Billing Rates:
   - Minimum Charge 1,300 Gallons or Less $12.33
   - Per 1,000 Gallons Over 1,300 Gallons $6.16/1,000 gallons

2. Cubic Foot Meter Rate:
   - Minimum Charge 173 Cubic Feet or Less $15.39
   - Per 1 Cubic Foot Over 173 Cubic Feet $0.04694/cubic foot

(Ord. 2009-01 – Mar. 09 Supp.)

3. Annual Adjustment. Effective July 1, 2013, and on the 1st day of each July thereafter through July 1, 2017, the monthly service charge rates set forth in subsections 1 and 2 above shall be adjusted using the following method: The basis for the change in rates effective July 1, 2013, shall be the change in the Consumer
Price Index for All Urban Consumers (CPI-U) as reported by the U.S. Bureau of Labor Statistics between November 2011 and November 2012. For each subsequent year, the adjustment shall be equal to the charge in the CPI-U for the prior November to November period.

(Ord. 2013-02 – Oct. 13 Supp.)

99.03 SPECIAL RATES. Where, in the judgment of the Superintendent and the Council, special conditions exist to the extent that the application of the sewer charges provided in Section 99.02 would be inequitable or unfair to either the City or the customer, a special rate shall be proposed by the Superintendent and submitted to the Council for approval. The following special rates are hereby established:

1. Chantland Company South Plant

   First 9,999,999 gallons $6.16/1000 gallons

2. New Co-op, Humboldt Distilled Water Company and American Concrete Products

   Minimum Charge $12.33/month

3. Humboldt High School Football Field.

   A. For the months of January, February, March, April, May, October, November and December:

      Minimum Charge 1,300 Gallons or Less $12.33/month

      Per 1,000 Gallons Over 1,300 Gallons $6.16/1,000 gallons

   B. For the months of June, July, August and September:

      Flat Rate $52.35/month.

   These rates will be reviewed by the City Council once the revenue bonds for the construction of the Waste Water Treatment Facility are retired.

(Ord. 2009-01 – Mar. 09 Supp.)
**99.04 PRIVATE WATER SYSTEMS.** Customers whose premises are served by a private water system shall pay sewer charges based upon the water used as determined by metering the water system and installing an outside reader. The sewer service charge shall be the same as set out in Section 99.02. There shall be a charge of $30.00 per month from the time that the connection is made to the City’s sanitary sewer system until the time that a meter is installed, pro rated to $1.00 per day if less than one month. Meters for all new services shall be paid for by the property owner and become part of the real estate. The City does not take any responsibility for ownership but will repair the meters as long as parts are available and will replace the meters when parts are no longer available. All meters must be of an approved pattern and must be placed under the direction and supervision of the Superintendent. All meters shall be so placed that they are easily accessible at all times by meter readers or inspectors. The Superintendent may order the relocation of any meter which may not be located in a proper, accessible place. If any meter is damaged by frost, heat or other cause and fails to work properly, the customer shall have it replaced at the customer’s own expense. If a meter becomes out of order and fails to register, the customer shall be charged according to the average consumption as shown by the meter when in order.

*(Code of Iowa, Sec. 384.84)*

**99.05 BILLING FOR SEWER SERVICE.** Sewer service charges shall be billed as part of a combined service account, payable in accordance with the following:

*(Code of Iowa, Sec. 384.84)*

1. **Bills Issued.** The Clerk shall prepare and issue bills for combined service accounts on or before the first day of each month.

2. **Bills Payable.** Bills for combined service accounts shall be due and payable at the office of the Clerk by the fifteenth (15th) day of each month.

3. **Late Payment Penalty.** Bills not paid when due shall be considered delinquent. A one-time late payment penalty of five percent (5%) of the amount due shall be added to each delinquent bill.

**99.06 SERVICE DISCONTINUED.** Water service to delinquent customers shall be discontinued in accordance with the following:

*(Code of Iowa, Sec. 384.84)*
1. Notice. The Clerk shall notify each delinquent customer that water service will be discontinued if payment of the combined service account, including late payment charges, is not received by the date specified in the notice of delinquency. Such notice shall be sent by ordinary mail and shall inform the customer of the nature of the delinquency and afford the customer the opportunity for a hearing prior to the discontinuance.

2. Notice to Landlords. If the customer is a tenant, and if the owner or landlord of the property has made a written request for notice, the notice of delinquency shall also be given to the owner or landlord.

3. Hearing. If a hearing is requested by noon of the day preceding the shut off, the City Administrator or Clerk shall conduct an informal hearing and shall make a determination as to whether the disconnection is justified. The customer has the right to appeal the decision of the City Administrator or Clerk to the City Council, and if it is found that disconnection is justified, then such disconnection shall be made, unless payment has been received.

(Ord. 2008-08 – Mar. 09 Supp.)

4. Fees. A fee of twenty-five dollars ($25.00) shall be charged before service is restored to a delinquent customer. No fee shall be charged for the usual or customary trips in the regular changes in occupancies of property. Delinquent accounts for which a certified letter is sent shall have an administrative fee of five dollars ($5.00) added to the account balance.

99.07 LIEN FOR NONPAYMENT. The owner of the premises served and any lessee or tenant thereof shall be jointly and severally liable for sewer service charges to the premises. Sewer service charges remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

The lien for nonpayment shall not apply to a residential rental property where charges for the sewer service are paid directly to the City by the tenant, IF the landlord gives written notice to the City that the property is residential rental property and that the tenant is liable for the rates or charges. The lien exemption does not apply to delinquent charges for repairs to a sewer service. The landlord’s notice shall contain the name of the tenant(s) responsible for charges, the address of the rental property and the date the occupancy begins. Upon receipt of such a notice, the City shall require a deposit equal to the usual cost of ninety (90) days of sewer service at the subject premises.
In the event the responsible tenant(s) identified in the landlord’s notice vacate the leased premises, the Landlord shall be liable for all sewer charges that accrue after the date of said vacancy, in excess of the deposit until the landlord notifies the City of said vacancy.

A change in tenant shall require a new written notice to the City within thirty (30) business days from the first day of the new tenant’s occupancy. When a tenant moves from a rental property, the City shall refund the deposit less any unpaid charges.

A change in the ownership of the residential rental property shall require written notice of such change to be given to the City within ten (10) business days of the completion of the change of ownership.

(Code of Iowa, Sec. 384.84)

(Ord. 2013-10 – Oct. 13 Supp.)

99.08 LIEN NOTICE. A lien for delinquent sewer service charges shall not be certified to the County Treasurer unless prior written notice of intent to certify a lien is given to the customer. If the customer is a tenant and if the owner or landlord of the property has made a written request for notice, the notice shall also be given to the owner or landlord. The notice shall be sent to the appropriate persons by ordinary mail not less than thirty (30) days prior to certification of the lien to the County Treasurer.

(Code of Iowa, Sec. 384.84)

99.09 DEPOSIT. There shall be required from every customer not the owner of the premises served a fifty dollar ($50.00) deposit intended to guarantee the payment of bills for sewer service. Deposits of customers having paid twelve consecutive monthly payments without penalty will be returned. An occurrence or recurrence of a bad payment record may be the occasion for the Clerk to require a new or larger deposit for the continuation of service. If the landlord gives written notice to the City that the property is residential rental property and that the tenant is liable for the rates or charges, the deposit shall be equal to the usual cost of ninety (90) days of sewer service at the subject premises.

(Code of Iowa, Sec. 384.84)

(Ord. 2013-10 – Oct. 13 Supp.)

99.10 SPECIAL AGREEMENTS PERMITTED. No statement in these chapters shall be construed as preventing a special agreement, arrangement or contract between the Council,
and any industrial concern whereby an industrial waste of unusual strength or character may be accepted subject to special conditions, rate and cost as established by the Council.
CHAPTER 105

SOLID WASTE CONTROL

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[2])

3. “Dwelling unit” means any room or group of rooms located within a structure and forming a single habitable unit with facilities which are used, or are intended to be used, for living, sleeping, cooking and eating.

4. “Garbage” means all solid and semisolid, putrescible animal and vegetable waste resulting from the handling, preparing, cooking, storing, serving and consuming of food or of material intended for use as food, and all offal, excluding useful industrial by-products, and includes all such substances from all public and private establishments and from all residences.

   (IAC, 567-100.2)
5. “Landscape waste” means any vegetable or plant waste except garbage. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery and yard trimmings.

(IAC, 567-20.2[455B])

6. “Litter” means any garbage, rubbish, trash, refuse, waste materials or debris.

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

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

8. “Refuse” means putrescible and non-putrescible waste, including but not limited to garbage, rubbish, ashes, incinerator residues, street cleanings, market and industrial solid waste and sewage treatment waste in dry or semisolid form.

(IAC, 567-100.2)

9. “Residential 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.

(IAC, 567-20.2[455B])

11. “Rubbish” means non-putrescible solid waste consisting of combustible and non-combustible waste, such as ashes, paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery or litter of any kind.

(IAC, 567-100.2)

12. “Sanitary disposal” means a method of treating solid waste so that it does not produce a hazard to the public health or safety or create a nuisance.

(IAC, 567-100.2)
13. “Sanitary disposal project” means all facilities and appurtenances including all real and personal property connected with such facilities, which are acquired, purchased, constructed, reconstructed, equipped, improved, extended, maintained, or operated to facilitate the final disposition of solid waste without creating a significant hazard to the public health or safety, and which are approved by the Director of the State Department of Natural Resources.

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

14. “Solid waste” means garbage, refuse, rubbish, and other similar discarded solid or semisolid materials, including but not limited to such materials resulting from industrial, commercial, agricultural, and domestic activities. Solid waste may include vehicles, as defined by subsection one of Section 321.1 of the Code of Iowa.

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

105.03 SANITARY DISPOSAL REQUIRED. It is the duty of each owner to provide for the sanitary disposal of all refuse accumulating on the owner’s premises before it becomes a nuisance. Any such accumulation remaining on any premises for a period of more than thirty (30) days shall be deemed a nuisance and the City may proceed to abate such nuisances in accordance with the provisions of Chapter 50 or by initiating proper action in district court.

(Code of Iowa, Ch. 657)

105.04 HEALTH AND FIRE HAZARD. It is unlawful for any person to permit to accumulate on any premises, improved or vacant, or on any public place, such quantities of solid waste that constitute a health, sanitation or fire hazard.

105.05 OPEN BURNING RESTRICTED. No person shall allow, cause or permit open burning of combustible materials where the products of combustion are emitted into the open air without passing through a chimney or stack, except that open burning is permitted in the following circumstances:

(IAC, 567-23.2[455B] and 567-100.2)

1. Disaster Rubbish. The open burning of rubbish, including landscape waste, for the duration of the community disaster period in cases where an officially declared emergency condition exists, provided that the burning of any structures or demolished structures is conducted in accordance with 40 CFR Section 61.145.

(IAC, 567-23.2[3a])
2. Trees and Tree Trimmings. The open burning of trees and tree trimmings at a City-operated burning site, provided such burning is conducted in compliance with the rules established by the State Department of Natural Resources.

\( (IAC, 567-23.2[3b]) \)

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

\( (IAC, 567-23.2[3c]) \)

4. Landscape Waste. The disposal by open burning of landscape waste originating on the premises subject to the following limitations:

A. The burning shall be limited to one Saturday in March or April, date to be determined by resolution of the City Council, the third Saturday of October and the first and third Saturdays of November between the hours of 8:00 a.m. and 6:00 p.m.

B. All fires shall be constantly attended until the fire is completely extinguished and a hose connected to a water supply (or other fire extinguishing apparatus) shall be readily available.

C. No burning is allowed on City property, including street right-of-way.

D. No garbage, paper, tires or processed lumber shall be burned or used to ignite any fire.

However, the open burning of landscape waste resulting from construction operations on the premises or the burning of native grasses and/or prairies shall be allowed on any weekday. Such burning shall be subject to the limitations of paragraphs B through D above and a landscape waste open burning construction permit must first be obtained from the Clerk. \( (Ord. 2012-02–July 12 Supp.) \)

\( (IAC, 567-23.2[3d]) \)

5. Recreational Fires. Open fires for cooking, heating, recreation and ceremonies, provided they comply with the limits for emission of visible air contaminants established by the State Department of Natural Resources and subject to the limitations set forth in subsection 4(B) through (D).
6. Training Fires. Fires set for the purpose of conducting bona fide training of public or industrial employees in fire fighting methods, provided that the training fires are conducted in compliance with rules established by the State Department of Natural Resources.

7. 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.

8. Agricultural Structures. The open burning of agricultural structures if in accordance with rules and limitations established by the State Department of Natural Resources.

9. 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.

10. 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.

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 or placed in containers and set out for collection. Yard waste set out for collection must be placed in specially purchased City of Humboldt compost bags within five feet of the curb. The weight of any individual bag shall not exceed
fifty (50) pounds. As used in this section, “yard waste” means any debris such as grass clippings, leaves, garden waste, brush and trees. Yard waste does not include tree stumps.

105.07 LITTERING PROHIBITED. No person shall discard any litter onto or in any water or land, except that nothing in this section shall be construed to affect the authorized collection and discarding of such litter in or on areas or receptacles provided for such purpose. When litter is discarded from a motor vehicle, the driver of the motor vehicle shall be responsible for the act in any case where doubt exists as to which occupant of the motor vehicle actually discarded the litter.

(Code of Iowa, Sec. 455B.363)

105.08 OPEN DUMPING PROHIBITED. No person shall dump or deposit or permit the dumping or depositing of any solid waste on the surface of the ground or into a body or stream of water at any place other than a sanitary disposal project approved by the Director of the State Department of Natural Resources, unless a special permit to dump or deposit solid waste on land owned or leased by such person has been obtained from the Director of the State Department of Natural Resources. However, this section does not prohibit the use of dirt, stone, brick or similar inorganic material for fill, landscaping, excavation, or grading at places other than a sanitary disposal project.

(Code of Iowa, Sec. 455B.307 and IAC, 567-100.2)

105.09 TOXIC AND HAZARDOUS WASTE. No person shall deposit in a solid waste container or otherwise offer for collection any toxic or hazardous waste. Such materials shall be transported and disposed of as prescribed by the Director 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 which requires special handling and which must be disposed of in such a manner as to conserve the environment and protect the public health and safety.

(IAC, 567-100.2)

(IAC, 567-102.13[2] and 400-27.14[2])

105.10 WASTE STORAGE CONTAINERS. Every person owning, managing, operating, leasing or renting any premises, dwelling unit or any place where solid waste accumulates shall provide and at all times maintain in good order and repair containers for solid waste in accordance with the following:

CODE OF ORDINANCES, HUMBOLDT, IOWA

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1. **Container Specifications.** Solid waste storage containers shall comply with the following specifications:

   A. **General Provisions.** All solid waste containers shall be leak-proof and waterproof, conforming to industry standards in manufacturing of such containers. All containers shall be securely fastened, and shall be fitted with a fly-tight lid which shall be kept in place except when depositing or removing the contents of the container. All owners or users shall be responsible to prevent their solid waste from being blown or scattered onto neighboring private or public property.

   B. **Special Provisions for Residential Premises.** All residential premises must place their solid waste for City collection in specially marked bags purchased from the City. All solid waste bags set out for collection must be securely fastened and the total weight of each bag and contents shall not exceed fifty (50) pounds.

2. **Location of Containers.**

   A. **Residential Premises.** Except when placed for collection no earlier than twenty-four (24) hours before the scheduled collection time, all solid waste containers larger than a 96 gallon capacity shall be stored on the premises in a garage or other solid enclosure made of dimensional lumber or masonry, materials to be approved by the Zoning Administrator (but not chain link fencing or plywood). Dimensional lumber, for the purposes of this section is defined as lumber that is finished/planed and cut to standardized width and depth specified in inches. Any enclosure must be completely enclosed on four sides. The height of the enclosure shall be six (6) inches above the height of the container therein, but in no event less than six (6) feet in height. All enclosures and containers shall be placed on a poured concrete or other hard-surfaced pad.

   (Ord. 2011-04–July 12 Supp.)

   B. **Non-residential Premises.** Solid waste containers on non-residential premises shall be stored upon the premises and away from a public street, unless the owner has been granted written permission from the City to use public property for such purposes. The site shall be well drained, and fully accessible to collection equipment, public health personnel and fire inspection personnel.
3. Placement of Containers for Collection. Residential containers for the storage of solid waste awaiting collection shall be placed within five (5) feet of the curb by the owner or occupant of the premises served. Nonresidential 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 which are not in compliance with the provisions of this section are prohibited and will not be collected by the City.

5. Temporary Bulk Solid Waste Containers. Temporary solid waste containers may be placed unenclosed for purposes of on-premises construction or remodeling activities for a period not to exceed forty-five (45) consecutive days in any one calendar year. All such temporary containers are subject to the frequency of collection provisions in Section 106.04.

(Ord. 2011–02–July 12 Supp.)

105.11 PROHIBITED PRACTICES. It is unlawful for any person to:

1. Unlawful Use of Containers. Deposit refuse in any solid waste containers not owned by such person without the written consent of the owner of such containers.

2. Interfere with Collectors. Interfere in any manner with solid waste collection equipment or with solid waste collectors in the lawful performance of their duties as such, whether such equipment or collectors be those of the City, or those of any other authorized waste collection service.

3. Incinerators. Burn rubbish or garbage except in incinerators designed for high temperature operation, in which solid, semisolid, liquid or gaseous combustible refuse is ignited and burned efficiently, and from which the solid residues contain little or no combustible material, as acceptable to the Environmental Protection Commission.

4. Scavenging. Take or collect any solid waste which has been placed out for collection on any premises, unless such person is an authorized solid waste collector.

105.12 RECYCLING PROGRAM. A mandatory program for the separation of recyclable materials by all residential premises and commercial establishments is hereby established.
All recyclable material shall be separated and prepared for collection in accordance with the rules and regulations as established by the Council and the following:

1. Residential Recycling. The City shall provide to each single-family dwelling and multiple-family dwelling unit that is served by the City’s solid waste service one recycling container which shall remain the property of the City. The recycling container shall be placed within five (5) feet of the curb on the same day as the regular solid waste collection.

2. Nonresidential Recycling. All nonresidential establishments shall separate recyclable material from all other solid waste accumulated on the premises and properly dispose of such.
CHAPTER 106

COLLECTION OF SOLID WASTE

106.01  COLLECTION SERVICE.

1. The City shall provide for the collection of all solid waste from residential premises within the City. The owners or operators of commercial, industrial or institutional premises may utilize the City collection service or provide for the collection of solid waste produced upon such premises.

2. All residential premises receiving municipal water service shall be charged for solid waste collection whether or not such service is utilized. A residential premises is exempt from the collection service requirement when water service is not available. Such availability will be determined by the presence or absence of a water meter and shall not be affected by temporary absences or vacancies. It is the customer’s responsibility to notify the Clerk of any change in service status.

106.02  COLLECTION VEHICLES. Vehicles or containers used for the collection and transportation of garbage and similar putrescible waste or solid waste containing such materials shall be leakproof, durable and of easily cleanable construction. They shall be cleaned to prevent nuisances, pollution or insect breeding and shall be maintained in good repair.

(IAC, 567-104.9[455B])

106.03  LOADING. Vehicles or containers used for the collection and transportation of any solid waste shall be loaded and moved in such a manner that the contents will not fall, leak, or spill therefrom, and shall be covered to prevent blowing or loss of material. Where spillage does occur, the material shall be picked up immediately by the collector or transporter and returned to the vehicle or container and the area properly cleaned.
106.04 FREQUENCY OF COLLECTION. All solid waste shall be collected from residential premises at least once each week and from commercial, industrial and institutional premises as frequently as may be necessary, but not less than once each week.

106.05 RIGHT OF ENTRY. Solid waste collectors are hereby authorized to enter upon private property for the purpose of collecting solid waste therefrom as required by this chapter; however, solid waste collectors shall not enter dwelling units or other residential buildings.

106.06 COLLECTION FEES. The collection and disposal of solid waste as provided by this chapter are declared to be beneficial to the property served or eligible to be served and there shall be levied and collected fees therefor in accordance with the following:

(Goreham vs. Des Moines, 1970, 179 NW 2nd, 449)

1. Collection Fees. The fees for solid waste collection and disposal service, used or available, are:

   A. For each residential premises and for each dwelling unit of a multiple-family dwelling – $6.00 per month.

   B. For commercial, industrial and institutional premises utilizing the City’s collection service, the fee shall be determined by the City based upon the premises’ waste volume.

2. Landfill Fee. Each residential premises, each dwelling unit of a multiple-family dwelling and each commercial, industrial and institutional premises, regardless of the type of service utilized, shall pay a landfill fee of $5.00 per month.

   (Ord. 2008-02 – Mar. 09 Supp.)

3. Payment of Bills. All fees are due and payable under the same terms and conditions provided for payment of a combined service account as contained in Section 99.05 of this Code of Ordinances. Solid waste collection service may be discontinued in accordance with the provisions contained in Section 99.06 if the combined service account becomes delinquent, and the provisions contained in Section 99.08 relating to lien notices shall also apply in the event of a delinquent account.
106.07 LIEN FOR NONPAYMENT. The owner of the premises served and any lessee or tenant thereof are jointly and severally liable for fees for solid waste collection and disposal. Fees remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

(Code of Iowa, Sec. 384.84)

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CHAPTER 110

NATURAL GAS FRANCHISE

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 non-exclusive 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 streets, avenues and alleys to serve customers within and without the City and to furnish and sell natural gas to the City and its inhabitants. For the term of the franchise the Company is granted the right of eminent domain, the exercise of which is subject to 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 herein; provided, however, there may be a re-evaluation prior to the end of the tenth year, with the opportunity for both parties to request amendments. If neither party requests such re-evaluation by means of a written notice to the other party during the last 60 days of year 10, then the franchise shall continue without change for the remaining 15 years.

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  EXCAVATION RIGHTS. The Company shall have the right to excavate in any public street for the purpose of laying, re-laying, repairing or extending gas pipes, mains, conduits, and other facilities, provided that the same shall be so placed as not to interfere with the

construction of any water pipes, drain or sewer (or the flow of water therefrom) which have been or may hereafter be located by authority of the City.

110.04 COSTS OF LOCATIONS AND RELOCATIONS. The Company shall, at its cost and expense, locate and relocate its installations in, on, over or under any public street or alley in the City in such 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 of, in or about any such street or alley or reasonably promoting the efficient operation of any such improvement. If the City has a reasonable alternative route for the street, alley or public improvements, which alternative route would not cause the relocation of the Company installations, the City may consider selecting said alternative route. If project funds from a source other than the City are available to pay for the relocation of utility facilities, the City shall use its best efforts to secure said funds and provide them to the Company to compensate the Company for the costs of relocation.

110.05 EXCAVATIONS. 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 the original condition as nearly as practicable.

110.06 CITY HELD HARMLESS. 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, caused or occasioned, or allegedly caused or occasioned, in whole or in part, by Company’s negligence in construction, reconstruction, excavation, operation or maintenance of the gas utilities authorized by the franchise, provided, however, that the Company shall not 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.

110.07 COMPLIANCE WITH IOWA UTILITIES BOARD REGULATIONS. 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 successor.

110.08 IOWA LAWS AND REGULATIONS. During the term of the franchise the Company shall furnish natural gas in the quantity and quality consistent with applicable Iowa laws and regulations.

110.09 ASSIGNMENT. The franchise shall apply to and bind the City and Company, their successors and assigns, provided that any transfer or assignment by the Company shall be
subject to the approval by the Council by resolution, which approval shall not be unreasonably withheld, except that no consent shall be required for any assignment or transfer by merger, consolidation or reorganization. The City shall have sixty days from receipt of notice of assignment or transfer to adopt the resolution. If the City fails to adopt a resolution affirming or rejecting the assignment or transfer during the 60-day period, the assignment or transfer shall be deemed approved. The Company shall provide notice to the city in the event of any proposed transfer or assignment.
CHAPTER 111

ELECTRIC FRANCHISE

111.01 Franchise Granted

There is hereby granted to MidAmerican Energy Company, an Iowa corporation, hereinafter called the “Company,” and its successors and assigns, the right and franchise to acquire, construct, erect, maintain and operate in the City of Humboldt, Iowa, hereinafter called the “City,” a system for the transmission and distribution of electric energy and communications signals along, under, over and upon the streets, avenues, alleys and public places to serve customers within and without the City, and to furnish and sell electric energy to the City and its inhabitants. For the term of this franchise the Company is granted the right of eminent domain, the exercise of which is subject to City Council approval upon application by the Company. This franchise shall be effective for a sixteen (16) year period from and after the effective date of the ordinance codified by this chapter† and shall expire on September 11, 2025.

111.02 Rights and Privileges

The rights and privileges hereby granted are subject to the restrictions and limitations of Chapter 364 of the Code of Iowa 2007 or as subsequently amended or changed.

111.03 Poles and Wires

The Company shall have the right to erect all necessary poles and to place thereon the necessary wires, fixtures and accessories as well as excavate and bury conductors for the distribution of electric energy and communications signals in and through the City, but all said conduits and poles shall be placed as not to interfere with the construction of any water pipes, drain or sewer, or the flow of water therefrom, which have been or may hereafter be located by authority of the City. The Company is authorized and empowered to prune or remove at Company expense any tree extending into any street,

† EDITOR’S NOTE: Ordinance No. 2009-05, adopting an electric franchise for the City, was passed and adopted on April 6, 2009.
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 of trees shall be done to current nationally accepted safety and utility industry standards.

111.04 CONSTRUCTION AND MAINTENANCE. The Company shall, at its cost and expense, locate and relocate its installations in, on, over or under any public street or alley in the City in such 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 of, in or about any such street or alley or reasonably promoting the efficient operation of any such improvement. 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 consider but is not required to select said alternative route, or construction method. If relocation of the Company facilities could be avoided by relocating other franchisee’s or facility user’s equipment and facilities or by using a different method to perform the street and/or curbing construction, and said other cost of construction or relocation is less than the Company’s, the City shall consider but is not required to select the route or method that is less expensive. The Company will notify the City 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.

111.05 EXCAVATIONS. In making excavations in any public streets, avenues, alleys and public places for the excavation of conduits or the erection of poles and wires or other appliances the Company shall not unreasonably obstruct the use of the streets. The Company shall replace the surface, restoring the original condition as nearly as practicable in compliance with the Humboldt City Code. The Company shall obtain a City permit prior to cutting or excavating any public street, avenue or alley. In the event of an emergency situation or electric outage the Company is authorized to make all necessary repairs. The Company shall file for the permit after the emergency has been abated or electric service restored.

111.06 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, caused or occasioned in whole or in part, by the Company’s negligence in construction, reconstruction, excavation, operation or maintenance of the electric 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 arising from the negligence of the City, its officers, employees or agents.
111.07 APPLICABLE REGULATIONS. The Company shall construct, operate and maintain its facilities in accordance with the applicable regulations of the Iowa Utilities Board or its successors.

111.08 QUANTITY AND QUALITY. During the term of this franchise, the Company shall furnish electric energy in the quantity and quality consistent with applicable Iowa laws and regulations.

111.09 FRANCHISE FEE. The City reserves the right to impose a franchise fee pursuant to the Iowa Code. The franchise fee shall only be imposed through the adoption of an ordinance authorizing said franchise fee. The City shall work with the Company to develop a methodology and timeline to implement the franchise fee. The City shall provide the Company with written notice no less than 90-days in advance of the effective date of any franchise fee enacted by the City.

(Ch. 111 - Ord. 2009-05 – Mar. 10 Supp.)
CHAPTER 112

TELEPHONE FRANCHISE

112.01 Franchise Granted

FRANCHISE GRANTED. Northwestern Bell Telephone Company, a corporation, its successors and assigns, are hereby granted the right to use and occupy the streets, alleys and other public places of the City for a term of twenty-five (25) years from and after the effective date of the ordinance codified by this chapter,† for the purpose of constructing, maintaining and operating a general telephone system within the City.

112.02 Rights

RIGHTS. The rights herein granted are subject to the exercise of the police power as the same now is or may hereafter be conferred upon the City.

† EDITOR’S NOTE: Ordinance No. 472 granting a telephone franchise to Northwestern Bell Telephone Company was passed and approved by the Council on September 20, 1982.
CHAPTER 113
CABLE TELEVISION FRANCHISE

113.01 Definitions. The following words and phrases, when used herein, shall, for the purposes of this chapter, have the meanings ascribed to them in this section:

1. “Basic cable service” means the tier of service regularly provided to all subscribers that includes the retransmission of local broadcast television signals.

2. “Cable service” means (i) the one-way transmission to subscribers of video programming service and (ii) subscriber interaction, if any, which is required for the selection of such video programming or any other lawful communication service.

3. “Cable system” means a facility, consisting of a set of closed transmission paths and associated signal generation, reception and control equipment or other communications equipment, that is designed to provide cable service and other service to subscribers.

4. “Franchise” means the initial authorization or renewal thereof issued by the City, whether such authorization is designated as a franchise, permit, license,
resolution, contract, certificate, or otherwise, which authorizes construction and operation of the cable system for the purpose of offering cable service or other service to subscribers.

5. “Grantee” means Televents Group Joint Venture or the lawful successor, transferee or assignee thereof.

6. “Gross revenues” means the monthly cable service revenues received by the Grantee from subscribers of the cable system; provided, however, such phrase does not include: (i) revenues received from national advertising carried on cable systems; or (ii) any taxes on cable service which are imposed directly or indirectly on any subscriber thereof by any governmental unit or agency, and which are collected by the Grantee on behalf of such governmental unit or agency.

7. “Public way” means the surface of, and the space above and below any public street, highway, freeway, bridge, land path, alley, court, boulevard, sidewalk, parkway, way, lane, drive, circle or other public right-of-way, including, but not limited to, public utility easements, dedicated utility strips or rights-of-way dedicated for compatible uses and any temporary or permanent fixtures or improvements located thereon now or hereafter held by the City which shall entitle the City and the Grantee to the use thereof for the purpose of installing, operating, repairing and maintaining the cable system.

8. “Service area” means the present municipal boundaries of the City and includes any additions thereto by annexation or other legal means.

9. “Subscriber” means a person or user of the cable system who lawfully receives cable services or other service therefrom with the Grantee’s express permission.

113.02 TERM. The franchise granted pursuant to this chapter shall be for an initial term of twelve (12) years from the passage and final adoption of the ordinance codified in this chapter.

113.03 CONDITIONS OF STREET OCCUPANCY. All transmission and distribution structures, poles, other lines and equipment installed or erected by the Grantee pursuant to the terms hereof shall be so located so as to cause a minimum of interference with the proper use of public ways, and with the rights and reasonable convenience of property owners who own property that adjoins any of such public ways.
113.04 **RESTORATION OF PUBLIC WAYS.** If during the course of Grantee’s construction, operation or maintenance of the cable system there occurs a disturbance of any public way by the Grantee, the Grantee shall, at its own expense, replace and restore such public way to a condition reasonably comparable to the condition of the public way existing immediately prior to such disturbance.

113.05 **COMPLIANCE WITH APPLICABLE LAWS.** During the term of the franchise, the Grantee shall comply with all federal laws, rules or regulations as may now or hereafter be applicable to the construction, operation, maintenance, repair, replacement, renewal, reconstruction and removal of a cable television system, the sale and supply of audio and video communication services, the use of public property and private property and the engagement in such further activities as may now or hereafter be consistent with generally accepted principles application to the operation of a cable system.

113.06 **INSTALLATION AND MAINTENANCE OF PROPERTY OF THE GRANTEE.** During the term of the franchise, the property of the Grantee shall be constructed, operated, maintained, repaired, replaced, renewed, reconstructed and removed in accordance with generally accepted engineering principles so as not to endanger or interfere with the lives of persons or to interfere with improvements or obstruct pedestrian or vehicular traffic or use of public property or private property.

113.07 **ALTERATION OF GRADE.** In the event that, during the term of the franchise, the City elects to alter or change the grade of any street, alley or public way, the Grantee, upon ninety days’ notice by the City, shall remove, relay and relocate its poles, wires, cable, underground conduits, manholes and other fixtures at its own expense.

113.08 **TEMPORARY REMOVAL OF CABLES.** The Grantee shall, on the request of any person holding a building moving permit issued by the City, temporarily raise or lower its cable to permit the moving of buildings. The expense of such temporary removal, raising or lowering of cables shall be paid by the person requesting the same, and the Grantee shall have the authority to require such payment in advance. The Grantee shall be given not less than ten business days’ advance notice to arrange for such temporary cable changes.

113.09 **TREE TRIMMING.** The Grantee shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks and public places of the City so as to prevent the branches of such trees from coming in contact with the cables of the Grantee. All trimming shall be done at the expense of the Grantee.
113.10 LINE EXTENSIONS. It is the obligation of the Grantee to serve all residents of the City except to the extent the density of homes, adverse terrain or other factors render providing service impracticable, technically unfeasible or economically non-compensatory. For purposes of determining compliance with the provisions of the section, and to provide for a reasonable and non-discriminatory policy governing extensions of cable service within the City, Grantee shall extend service to new subscribers, at the normal installation charge and monthly rate for customers of that classification where there is an average of ten (10) homes per 1,320 cable-bearing strand feet of trunk or distribution cable.

113.11 SERVICE TO PUBLIC BUILDINGS. The Grantee shall, upon request, provide without charge one outlet of basic service to those City offices, fire stations, police stations, and public school buildings that are passed by its cable system. The outlets of basic service shall not be used to distribute or sell services in or throughout such buildings, nor shall such outlets be located in areas open to the public. Users of such outlets shall hold the Grantee harmless from any and all liability or claims arising out of their use of such outlets, including but not limited to, those arising from copyright liability. The Grantee shall not be required to provide an outlet to such buildings where the drop line from the feeder cable to said buildings or premises exceeds one hundred fifty (150) cable feet, unless it is technically feasible and so long as it will not adversely affect the operation, financial condition or market development of the cable system to do so, or unless the appropriate governmental entity agrees to pay the incremental cost of such drop line in excess of 150 cable feet. If additional outlets of basic service are provided to such buildings, the building owner shall pay the usual installation fees associated therewith, including, but not limited to, labor and materials.

113.12 HOLD HARMLESS. During the term of the franchise, the Grantee assumes and agrees to pay the City for, the Grantee indemnifies the City against, and agrees to hold and save the City harmless from, any and all damage, injury, costs, expenses, liability, claims, settlements, judgments, decrees and awards of every kind and nature whatsoever, or on account of any actual or alleged loss, damage or injury to any person or property whatsoever, arising from or related to or connected with the operation, construction, and maintenance of the cable system; however, Grantee shall not be required to hold the City harmless from illegal, negligent or ultra vires acts of the City.

113.13 INSOLVENCY OF GRANTEE. In the event that the Grantee shall become insolvent, or be declared bankrupt, or the property of the Grantee shall come into the possession of any receiver, assignee or other officer acting under any order of court, and any such receiver, assignee, or other such officer shall not be discharged within sixty (60) days after taking possession of such property, the City may, at its option, terminate the franchise by giving written notice thereof to the Grantee.
113.14  SYSTEM DESIGN. The City shall grant reasonable extensions of time to complete construction in particular areas of the service area if, notwithstanding its due diligence, the Grantee has been unable to extend service to a specified area because the acts or omissions of a third party have caused a delay in construction beyond delays reasonably expected during the course of an upgrade, and Grantee proposes a reasonable alternative deadline for extension of service to that area. The City and Grantee agree to negotiate in good faith the connection of no more than ten (10) locations within the service area to the cable system, so that they will be capable of communicating to the headend, provided that such negotiations are completed prior to the design of the rebuild/upgrade.

113.15  GOVERNMENTAL AND EDUCATIONAL USE. The Grantee shall provide one (1) channel to be used for governmental or educational access. Whenever the channel as required by this section is in use for more than fifty percent (50%) of prime time (as defined in Section 76.5(n) of the FCC rules and regulations) and more than 50% outside of prime time over a three-month period, with at least 50% of the programming being original and not duplicated, and there is demand for use of additional channels for the same purpose, the Grantee shall have six (6) months to make an additional channel available for the same purpose, provided, however, that the cable system has been rebuilt/upgraded to a capacity of 54 channels and that said access channel does not interfere with existing use of the channel capacity on the cable system. In no event shall the Grantee be required to provide more than three (3) access channels. The City shall retain full operational control of the channel throughout the entire term of the franchise unless the City and the Grantee mutually agree to transfer control to another party or parties.

113.16  FRANCHISE FEES. Grantee shall pay to the City a franchise fee equal to three percent (3%) of gross revenues received by Grantee from the operation of the cable system on a semiannual basis. For the purpose of this Section, the 12-month period applicable under the franchise for the computation of the franchise fee shall be a calendar year, unless otherwise agreed to in writing by the City and the Grantee. The franchise fee payment shall be due and payable sixty (60) days after the close of the preceding semiannual period. Each payment shall be accompanied by a brief report from a representative of the Grantee showing the basis for the computation.

113.17  REGULATION OF RATES. The City may regulate the rates of the Grantee for basic cable service and associated equipment in accordance with the procedures set forth in the 1992 Cable Act and the FCC regulations, as amended from time to time, and shall be authorized to take all necessary and appropriate action in connection therewith. In connection with such regulations the City will ensure a reasonable opportunity for consideration of the view of interested parties. In the event that federal law repeals the
jurisdiction of the City to regulate rates for basic cable service and associated equipment, the City’s right to regulate Grantee’s rates shall cease and desist.

113.18 RENEWAL OF FRANCHISE. The City and the Grantee agree that any proceedings undertaken by the City that relate to the renewal of the Grantee’s franchise shall be governed by and comply with the provisions of the Cable Communications Policy Act of 1984, as amended.

113.19 INSURANCE REQUIREMENTS. Grantee shall maintain in full force and effect, at its own cost and expense, during the term of the franchise, Comprehensive General Liability Insurance in the amount of one million dollars ($1,000,000) combined single limit for bodily injury and property damage. Said insurance shall designate the City as an additional insured. Such insurance shall be non-cancelable except upon thirty (30) days’ prior written notice to the City.

113.20 NOTICE. Unless expressly otherwise agreed between the parties, every notice or response to be served upon the City or Grantee shall be in writing and shall be deemed to have been duly given to the required party five (5) business days after having been posted in a properly sealed and correctly addressed envelope by certified or registered mail, postage prepaid, at a post office or branch thereof regularly maintained by the U.S. Postal Service.

113.21 EQUAL PROTECTION. In the event the City enters into a franchise, permit, license, authorization or other agreement of any kind with any other person or entity other than the Grantee to enter into the City’s streets and public ways for the purpose of constructing or operating a cable system or providing cable service to any part of the City, the material provision thereof shall be reasonably comparable to those contained herein, in order that one operator not be granted an unfair competitive advantage over another and to provide all parties equal protection under the law.

113.22 PERFORMANCE EVALUATION HEARINGS; PERIODIC REVIEWS. On the third and seventh anniversaries of the effective date of the franchise, the City may require review of this franchise, subject to the following:

1. Any such review shall be open to the public and announced in the official City newspaper. The Grantee shall reasonably notify its local subscribers of review sessions by announcing same through either public notices or inserts in subscribers’ billing statements.
2. Topics to be discussed at any scheduled review session may include, but will not be limited to, franchise fees; free or discounted services; application of new technologies; system performance; services provided; programming offered; customer complaints; privacy; amendments to this chapter; judicial and FCC rulings; line extension policies; and existing or prospective rules or regulations of the Grantee or the City.

3. Members of the general public may add topics by requesting of the City such topics be added to the agenda of its meeting.

4. During a review or evaluation by the City, the Grantee shall fully cooperate with the City and shall provide such non-confidential information and documents as the City may need to reasonably perform the review.

5. As a result of the review, the City or Grantee may determine that a change in the terms of the franchise may be required, that the cable system or franchise requirements should be updated, changed, revised, or that additional services should be provided. If the change is consistent with the terms of this franchise and implementation of the change would not unreasonably add to the cost of providing cable services, Grantee and the City will, in good faith, negotiate the terms of the change and any required amendment to this chapter.

6. Should the City or the Grantee allege that the other is not negotiating in good faith, then the matter will be submitted to the Council for review. The Council will afford adequate notice of a hearing in order that both sides are given an opportunity to be heard. After hearing the facts, the Council will recommend appropriate measures in an effort to resolve the dispute and thereby resume discussions. The Council shall limit its decision to the issue or good faith.

7. Any determination by the Council shall be subject to a de novo review by a court of competent jurisdiction.

113.23 CUSTOMER SERVICE STANDARDS.

1. Definitions. For purposes of this section, the following definitions shall apply:

A. “Normal business hours” means those hours during which most similar businesses in the community are open to serve subscribers. In all cases, “normal business hours” includes some evening hours at least one
night per week and/or some weekend hours. The Grantee will notify its subscribers and the City of its normal business hours.

B. “Normal operating condition” means those service conditions which are within the control of the Grantee. Those conditions which are not within the control of the Grantee include, but are not limited to, natural disasters, civil disturbances, power outages, telephone network outages, and severe or unusual weather conditions. Those conditions which are ordinarily within the control of the Grantee include, but are not limited to, special promotions, pay-per-view events, rate increases, regular peak or seasonal demand periods, and maintenance or upgrade of the system.

C. “Service interruption” means the loss of picture or sound on one or more channels.

2. System Office Hours and Telephone Availability.

A. The Grantee will maintain a local, toll-free or collect call telephone access line which will be available to subscribers 24 hours a day, seven days a week.

(1) Trained representatives of the Grantee will be available to respond to subscriber telephone inquiries during normal business hours, as defined herein.

(2) After normal business hours an access line will be available to be answered by a service or an automated response system, including a phone answering system. Inquiries received after normal business hours must be responded to by a trained representative of the Grantee on the next business day.

B. Under normal operating conditions, as defined herein, telephone answer time by a customer representative, including wait time, will not exceed 30 seconds when the connection is made. If the call needs to be transferred, transfer time will not exceed 30 seconds. These standards will be met no less than 90 percent of the time under normal operating conditions, as measured by the Grantee on a quarterly basis.

C. The Grantee shall not be required to acquire equipment or perform surveys to measure compliance with the telephone answering standards set
forth above unless an historical record of complaints indicates a clear failure to comply with such standards.

D. Under normal operating conditions, the subscriber will receive a busy signal less than 3 percent of the time.

3. Installations, Outages, and Service Calls. Under normal operating conditions, each of the following four standards will be met no less than 95 percent of the time, as measured by the Grantee on a quarterly basis:

A. Standard installations will be performed within seven business days after an order has been placed, under normal operating conditions. “Standard” installations are those that are located up to 125 feet from the existing distribution system.

B. Excluding conditions beyond its control, the Grantee will begin working on service interruptions, as defined herein, promptly and in no event later than 24 hours after the interruption becomes known. The Grantee will begin actions to correct other service problems the next business day after notification of the service problem.

C. The Grantee will provide “appointment window” alternatives for installations, service calls, and other installation activities, which will be either a specific time or, at maximum, a four-hour time block during normal business hours.

D. The Grantee shall not cancel an appointment with a subscriber after the close of business on the business day prior to the scheduled appointment.

E. If a representative of the Grantee is running late for an appointment with a subscriber and will not be able to keep the appointment as scheduled, the subscriber will be contacted. The appointment will be rescheduled, as necessary, at a time which is convenient for the subscriber.


A. Bills will be clear, concise, and understandable. Bills will be fully itemized, with itemizations including, but not limited to, basic and premium service charges and equipment charges. Bills will also clearly delineate all
activity during the billing period, including optional charges, rebates, and credits.

B. In case of a billing dispute, the Grantee will respond to a written complaint from a subscriber within 30 days from receipt of the complaint.

C. Refund checks will be issued promptly, but no later than either (1) the subscriber’s next billing cycle following resolution of the request or 30 days, whichever is earlier, or (2) the return of the equipment supplied by the Grantee if service is terminated.

D. Credits for service will be issued no later than the subscriber’s next billing cycle following the determination that a credit is warranted.

113.24 CONDITIONS OF SALE. If a renewal or extension of the Grantee’s franchise is denied or the franchise is lawfully terminated, and the City either lawfully acquires ownership of the system or by its actions lawfully effects a transfer of ownership of the system to another party, any such acquisition or transfer shall be at the price determined pursuant to the provisions set forth in Section 627 of the Cable Act. The Grantee and the City agree that in the case of a final determination of a lawful revocation of the franchise at the Grantee’s request, which shall be made in its sole discretion, the Grantee shall be given a reasonable opportunity to effectuate a transfer of its system to a qualified third party. The City further agrees that during such a period of time, it shall authorize the Grantee to continue to operate pursuant to the terms of its prior franchise; however, in no event shall such authorization exceed a period of time greater than six months from the effective date of such revocation. If, at the end of that time, the Grantee is unsuccessful in procuring a qualified transferee or assignee of its system which is reasonably acceptable to the City, the Grantee and the City may avail themselves of any rights they may have pursuant to Federal or State law; it being further agreed that the Grantee’s continued operation of its system during the six-month period shall not be deemed to be a waiver of or an extinguishment of any rights of either the City or the Grantee.

113.25 TRANSFER OF FRANCHISE. The Grantee’s right, title, or interest in the franchise shall not be sold, transferred, assigned, or otherwise encumbered, other than to an entity controlling, controlled by, or under common control with the Grantee, without the prior consent of the City; such consent shall not be unreasonably withheld. No such consent shall be required, however, for a transfer in trust, by mortgage, by other hypothecation, or by assignment of any rights, title, or interest of the Grantee in the franchise or system in order to secure indebtedness. Within 30 days of receiving the request for transfer, the City shall, in accordance with FCC rules and regulations, notify the Grantee in writing of the information it
requires to determine the legal, financial and technical qualifications of the transferee. If the City has not taken action on the Grantee’s request for transfer within 120 days after receiving such request, consent by the City shall be deemed given.

113.26 ENFORCEMENT AND TERMINATION OF FRANCHISE.

1. Notice of Violation. In the event that the City believes that the Grantee has not complied with the terms of the franchise, it shall notify Grantee in writing of the exact nature of the alleged noncompliance.

2. Grantee’s Right to Cure or Respond. Grantee shall have thirty (30) days from receipt of the notice described in subsection 1 of this section: (a) to respond to the City contesting the assertion of noncompliance; or (b) to cure such default; or (c) in the event that, by the nature of default, such default cannot be cured within the 30-day period, initiate reasonable steps to remedy such default and notify the City of the steps being taken and the projected date that they will be completed.

3. Public Hearing. In the event that Grantee fails to respond to the notice described in subsection 1 pursuant to the procedures set forth in subsection 2, or in the event that the alleged default in not remedied within sixty (60) days after the Grantee is notified of the alleged default pursuant to subsection 2, the City shall schedule a public meeting to investigate the default. Such public meeting shall be held at the next regularly scheduled meeting of the Council which is scheduled at a time which is not less than five (5) business days therefrom. The City shall notify the Grantee of the time and place of such meeting and provide the grantee with an opportunity to be heard.

4. Enforcement. Subject to applicable Federal and State law, in the event the City, after such meeting, determines that Grantee is in default of any provision of the franchise, the City may:

   A. Foreclose on all or any part of any security provided under this franchise, if any, including without limitation, any bond or other surety; provided, however, the foreclosure shall only be in such a manner and in such amount as the City reasonably determines is necessary to remedy the default;

   B. Commence an action at law for monetary damages or seek other equitable relief;
C. In the case of a substantial default of a material provision of the franchise, declare the franchise agreement to be revoked;

D. Seek specific performance of any provisions, which reasonably lends itself to such remedy, as an alternative to damages;

E. In the case of a substantial default of a material provision of the franchise, and after giving the Grantee 90 days’ notice and opportunity to cure, assess a fine of $100.00 per day until the substantial default is cured.

Any final action by the City adverse to the Grantee’s interest and disputed by Grantee shall be reviewable by a court of competent jurisdiction pursuant to State and Federal law.

5. **Acts of God.** The Grantee shall not be held in default or non-compliance with the provisions of the franchise, or suffer any enforcement or penalty relating thereto, where such non-compliance or alleged default is caused by strike, act of God, power outage, or other event reasonably beyond its ability to control.
CHAPTER 115

CEMETERY

115.01 Definition. The term “cemetery” means the Union Cemetery, which is a municipal cemetery under the provisions of Chapter 523I of the Code of Iowa and which shall be operated under the provisions of Chapter 523I of the Code of Iowa and this chapter.

(Code of Iowa, Sec. 523I.501)

115.02 Trusteeship. Pursuant to Section 523I.502 of the Code of Iowa, the City Council hereby states its willingness and intention to act as the trustee for the perpetual maintenance of the cemetery property.

(Code of Iowa, Sec. 523I.502)

115.03 Cemetery Sexton Appointed. The Council shall appoint a Cemetery Sexton, who shall operate the cemetery in accordance with the rules and regulations therefor and under the direction of the Council.

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

115.04 Duties of Sexton. The duties of the Cemetery Sexton are as follows:

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

1. Supervise Openings. Supervise the opening of all graves and be present at every interment in the cemetery;

2. Maintenance. Be responsible for the maintenance of the cemetery buildings, grounds and equipment and make a monthly report of the cemetery operation to the Council.
115.05 RECORDS. It is the duty of the Clerk to make and keep complete records identifying the owners of all interment rights sold by the cemetery and historical information regarding any transfers of ownership. The records shall include all of the following:

(Code of Iowa, Sec. 523I.311)

1. Sales or Transfers of Interment Rights.
   
   A. The name and last known address of each owner or previous owner of interment rights.
   
   B. The date of each purchase or transfer of interment rights.
   
   C. A unique numeric or alphanumeric identifier that identifies the location of each interment space sold by the cemetery.

2. Interments.
   
   A. The date the remains are interred.
   
   B. The name, date of birth and date of death of the decedent interred, if those facts can be conveniently obtained.
   
   C. A unique numeric or alphanumeric identifier that identifies the location of each interment space where the remains are interred.

115.06 SALE OF INTERMENT RIGHTS. The sale or transfer of interment rights in the cemetery shall be evidenced by a certificate of interment rights or other instrument evidencing the conveyance of exclusive rights of interment upon payment in full of the purchase price. The agreement for interment rights shall disclose all information required by Chapter 523I of the Code of Iowa. The payment of all fees and charges shall be made at the office of the Clerk where receipts will be issued for all amounts paid. Said fees and charges shall be based upon the charges as established by the Council.

(Code of Iowa, Sec. 523I.310)

115.07 PERPETUAL CARE. The Council, by resolution, shall accept, receive and expend all moneys and property donated or left to them by bequest for perpetual care, and that portion of interment space sales or permanent charges made against interment spaces which has been set aside in a perpetual care fund. The assets of the perpetual care fund shall be
invested in accordance with State law. The Council, by resolution, shall provide for the payment of interest annually to the appropriate fund, or to the cemetery, or to the person in charge of the cemetery to be used in caring for or maintaining the individual property of the donor in the cemetery, or interment spaces which have been sold with provisions for perpetual care, all in accordance with the terms of the donation or bequest, or the terms of the sale or purchase of an interment space and Chapter 523I of the Code of Iowa.

(Code of Iowa, Sec. 523I.503, 523I.507 & 523I.508)

115.08 RULES AND REGULATIONS. Rules and regulations for the cemetery may be adopted, and may be amended from time to time, by resolution of the Council and may cover such things as the use, care, control, management, restrictions and protection of the cemetery as necessary for the proper conduct of the business of the cemetery. The rules shall specify the cemetery’s obligations in the event that interment spaces, memorials or memorializations are damaged or defaced by acts of vandalism.

(Code of Iowa, Sec. 523I.304)
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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

120.01 LICENSE OR PERMIT REQUIRED. No person shall manufacture for sale, import, sell, or offer or keep for sale, alcoholic liquor, wine, or beer without first securing a liquor control license, wine permit or beer permit in accordance with the provisions of Chapter 123 of the Code of Iowa.

(Code of Iowa, Sec. 123.22, 123.122 & 123.171)

120.02 GENERAL PROHIBITION. It is unlawful to manufacture for sale, sell, offer or keep for sale, possess or transport alcoholic liquor, wine or beer except upon the terms, conditions, limitations and restrictions enumerated in Chapter 123 of the Code of Iowa, and a license or permit may be suspended or revoked or a civil penalty may be imposed for a violation thereof.

(Code of Iowa, Sec. 123.2, 123.39 & 123.50)

120.03 INVESTIGATION. Upon receipt of an application for a liquor license, wine or beer permit, the Clerk may forward it to the Police Chief, who shall then conduct an investigation and submit a written report as to the truth of the facts averred in the application. The Fire Chief may also inspect the premises to determine if they conform to the requirements of the City. The Council shall not approve an application for a license or permit for any premises which does not conform to the applicable law and ordinances, resolutions and regulations of the City.

(Code of Iowa, Sec. 123.30)

120.04 ACTION BY COUNCIL. The Council shall either approve or disapprove the issuance of the liquor control license or retail wine or beer permit and shall endorse its approval or disapproval on the application, and thereafter the application, necessary fee and bond, if required, shall be forwarded to the Alcoholic Beverages Division of the State Department of Commerce for such further action as is provided by law.
120.05 PROHIBITED SALES AND ACTS. A person or club holding a liquor license or retail wine or beer permit and the person’s or club’s agents or employees shall not do any of the following:

1. Sell, dispense or give to any intoxicated person, or one simulating intoxication, any alcoholic liquor, wine or beer.

   (Code of Iowa, Sec. 123.49 [1])

2. Sell or dispense any alcoholic beverage, wine or beer on the premises covered by the license or permit, or permit its consumption thereon between the hours of 2:00 a.m. and 6:00 a.m. on a weekday, and between the hours of 2:00 a.m. on Sunday and 6:00 a.m. on the following Monday; however, a holder of a license or permit granted the privilege of selling alcoholic liquor, beer or wine on Sunday may sell or dispense alcoholic liquor, beer or wine between the hours of 8:00 a.m. on Sunday and 2:00 a.m. of the following Monday, and further provided that a holder of any class of liquor control license or the holder of a class “B” beer permit may sell or dispense alcoholic liquor, wine or beer for consumption on the premises between the hours of 8:00 a.m. on Sunday and 2:00 a.m. on Monday when that Monday is New Year’s Day and beer for consumption off the premises between the hours of 8:00 a.m. on Sunday and 2:00 a.m. on the following Monday when that Sunday is the day before New Year’s Day.

   (Code of Iowa, Sec. 123.49 [2b and 2k] & 123.150)

3. Sell alcoholic beverages, wine or beer to any person on credit, except with 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 eighteen (18) years of age in the sale or serving of alcoholic liquor, wine or beer for consumption on the premises where sold.

   (Code of Iowa, Sec. 123.49 [2f])
5. In the case of a retail beer or wine permittee, knowingly allow the mixing or adding of alcohol or any alcoholic beverage to beer, wine or any other beverage in or about the permittee’s place of business.

(Code of Iowa, Sec. 123.49 [2i])

6. Knowingly permit any gambling, except in accordance with Iowa law, or knowingly permit any solicitation for immoral purposes, or immoral or disorderly conduct on the premises covered by the license or permit.

(Code of Iowa, Sec. 123.49 [2a])

7. Knowingly permit or engage in any criminal activity on the premises covered by the license or permit.

(Code of Iowa, Sec. 123.49 [2j])

8. Keep on premises covered by a liquor control license any alcoholic liquor in any container except the original package purchased from the Alcoholic Beverages Division of the State Department of Commerce and except mixed drinks or cocktails mixed on the premises for immediate consumption.

(Code of Iowa, Sec. 123.49 [2d])

9. Reuse for packaging alcoholic liquor or wine any container or receptacle used originally for packaging alcoholic liquor or wine; or adulterate, by the addition of any substance, the contents or remaining contents of an original package of an alcoholic liquor or wine; or knowingly possess any original package which has been reused or adulterated.

(Code of Iowa, Sec. 123.49 [2e])

10. Allow any person other than the licensee, permittee or employees of the licensee or permittee to use or keep on the licensed premises any alcoholic liquor in any bottle or other container which is designed for the transporting of such beverages, except as allowed by State law.

(Code of Iowa, Sec. 123.49 [2g])

11. Sell, give, possess, or otherwise supply a machine which is used to vaporize an alcoholic beverage for the purpose of being consumed in a vaporized form.

(Code of Iowa, Sec. 123.49[2l])
12. Permit or allow any person under twenty-one (21) years of age to remain upon licensed premises unless over fifty percent (50%) of the dollar volume of the business establishment comes from the sale and serving of prepared foods. This provision does not apply to holders of a class “C” beer permit only.

120.06 AMUSEMENT DEVICES.

(Code of Iowa, Sec. 99B.10C)

1. As used in this section an “electronic or mechanical amusement device” means a device that awards a prize redeemable for merchandise on the premises where the device is located and which is required to be registered with the Iowa Department of Inspection and Appeals.

2. It is unlawful for any person under the age of twenty-one (21) to participate in the operation of an electrical or mechanical amusement device.

3. It is unlawful for any person owning or leasing an electrical or mechanical amusement device to knowingly allow a person under the age of 21 to participate in the operation of an electrical or mechanical amusement device.

4. It is unlawful for any person to knowingly participate in the operation of an electrical or mechanical amusement device with a person under the age of 21.
CHAPTER 121

CIGARETTE AND TOBACCO PERMITS

121.01 Definitions 121.06 Refunds
121.02 Permit Required 121.07 Persons Under Legal Age
121.03 Application 121.08 Self-service Sales Prohibited
121.04 Fees 121.09 Permit Revocation
121.05 Issuance and Expiration

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

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

1. “Carton” means a box or container of any kind in which ten or more packages or packs of cigarettes or tobacco products are offered for sale, sold or otherwise distributed to consumers.

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

3. “Package” or “pack” means a container of any kind in which cigarettes or tobacco products are offered for sale, sold or otherwise distributed to consumers.

4. “Place of business” means any place where cigarettes or tobacco products are sold, stored or kept for the purpose of sale or consumption by a retailer.

5. “Retailer” means every person who sells, distributes or offers for sale for consumption, or possesses for the purpose of sale for consumption, cigarettes, irrespective of the quantity or amount or the number of sales or who engages in the business of selling tobacco products to ultimate consumers.

6. “Self-service display” means any manner of product display, placement or storage from which a person purchasing the product may take possession of the...
product, prior to purchase, without assistance from the retailer or employee of the retailer, in removing the product from a restricted access location.

7. “Tobacco products” means the following: cigars; little cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine-cut and other chewing tobaccos; shorts or refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or for both chewing and smoking, but does not mean cigarettes.

121.02 PERMIT REQUIRED.

1. Cigarette Permits. It is unlawful for any person, other than a holder of a retail permit, to sell cigarettes at retail and no retailer shall distribute, sell or solicit the sale of any cigarettes within the City without a valid permit for each place of business. The permit shall be displayed publicly in the place of business so that it can be seen easily by the public. No permit shall be issued to a minor.

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

2. Tobacco Permits. It is unlawful for any person to engage in the business of a retailer of tobacco products at any place of business without first having received a permit as a tobacco products retailer for each place of business owned or operated by the retailer.

   (Code of Iowa, Sec. 453A.47A)

A retailer who holds a cigarette permit is not required to also obtain a tobacco permit. However, if a retailer only holds a cigarette permit and that permit is suspended, revoked or expired, the retailer shall not sell any cigarettes or tobacco products during such time.

121.03 APPLICATION. A completed application on forms provided by the State Department of Revenue and accompanied by the required fee shall be filed with the Clerk. Renewal applications shall be filed at least five (5) days prior to the last regular meeting of the Council in June. If a renewal application is not timely filed, and a special Council meeting is called to act on the application, the costs of such special meeting shall be paid by the applicant.

   (Code of Iowa, Sec. 453A.13 & 453A.47A)
121.04 FEES. The fee for a retail cigarette or tobacco permit shall be as follows:

(Code of Iowa, Sec. 453A.13 & 453A.47A)

<table>
<thead>
<tr>
<th>FOR PERMITS GRANTED DURING:</th>
<th>FEE:</th>
</tr>
</thead>
<tbody>
<tr>
<td>July, August or September</td>
<td>$75.00</td>
</tr>
<tr>
<td>October, November or December</td>
<td>$56.25</td>
</tr>
<tr>
<td>January, February or March</td>
<td>$37.50</td>
</tr>
<tr>
<td>April, May or June</td>
<td>$18.75</td>
</tr>
</tbody>
</table>

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, and any permit issued, to the Iowa Department of Public Health within thirty (30) days of issuance.

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. No person shall sell, give or otherwise supply any tobacco, tobacco products or cigarettes to any person under eighteen (18) years of age. The provision of this section includes prohibiting a minor from purchasing cigarettes or tobacco products from a vending machine. If a retailer or employee of a retailer violates the provisions of this section, the Council shall, after written notice and hearing, and in addition to the 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 three hundred dollars ($300.00). Failure to pay the civil penalty as ordered under this subsection shall result in automatic suspension of the permit for a period of fourteen (14) days.
2. For a second violation within a period of two (2) years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars ($1,500.00) or the retailer’s permit shall be suspended for a period of thirty (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 (3) years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars ($1,500.00) and the retailer’s permit shall be suspended for a period of thirty (30) days.

4. For a fourth violation within a period of three (3) years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars ($1,500.00) and the retailer’s permit shall be suspended for a period of sixty (60) days.

5. For a fifth violation with a period of four (4) years, the retailer’s permit shall be revoked.

The Clerk shall give ten (10) days’ written notice to the retailer by mailing a copy of the notice to the place of business as it appears on the application for a permit. The notice shall state the reason for the contemplated action and the time and place at which the retailer may appear and be heard.

(Code of Iowa, Sec. 453A.2, 453A.22 and 453A.36[6])

121.08 SELF-SERVICE SALES PROHIBITED. Beginning January 1, 1999, except for the sale of cigarettes through a cigarette vending machine as provided in Section 453A.36(6) of the Code of Iowa, a retailer shall not sell or offer for sale cigarettes or tobacco products, in a quantity of less than a carton, through the use of a self-service display.

(Code of Iowa, Sec. 453A.36A)

121.09 PERMIT REVOCATION. Following a written notice and an opportunity for a hearing, as provided by the Code of Iowa, the Council may 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 Iowa Department of Public Health within thirty (30) days of the revocation or suspension.

(Code of Iowa, Sec. 453A.22)
CHAPTER 122

PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS

122.01 Purpose. The purpose of this chapter is to protect residents of the City against fraud, unfair competition and intrusion into the privacy of their homes by licensing and regulating peddlers, solicitors and transient merchants.

122.02 Definitions. For use in this chapter the following terms are defined:

1. “Peddler” means any person carrying goods or merchandise who sells or offers for sale for immediate delivery such goods or merchandise from house to house or upon the public street.

2. “Solicitor” means any person who solicits or attempts to solicit from house to house or upon the public street any contribution or donation or any order for goods, services, subscriptions or merchandise to be delivered at a future date.

3. “Transient merchant” means any person who engages in a temporary or itinerant merchandising business and in the course of such business hires, leases or occupies any building or structure whatsoever, or who operates out of a vehicle which is parked anywhere within the City limits. Temporary association with a local merchant, dealer, trader or auctioneer, or conduct of such transient business in
connection with, as a part of, or in the name of any local merchant, dealer, trader or auctioneer does not exempt any person from being considered a transient merchant.

122.03 LICENSE REQUIRED. Any person engaging in peddling, soliciting or in the business of a transient merchant in the City without first obtaining a license as herein provided is in violation of this chapter.
122.04 APPLICATION FOR LICENSE. An application in writing shall be filed with the Clerk for a license under this chapter. Such application shall set forth the applicant’s name, permanent and local address and business address if any. The application shall also set forth the applicant’s employer, if any, and the employer’s address, the nature of the applicant’s business and the length of time sought to be covered by the license. An application fee of ten dollars ($10.00) shall be paid at the time of filing such application to cover the cost of investigating the facts stated therein.

122.05 LICENSE FEES. The following license fees shall be paid to the Clerk prior to the issuance of any license.

1. Solicitors. In addition to the application fee for each person actually soliciting (principal or agent), a fee for the principal of fifty dollars ($50.00) per year.

2. Peddlers or Transient Merchants. The lesser of thirty dollars ($30.00) per day or one hundred fifty dollars ($150.00) annually.

122.06 BOND REQUIRED. Before a license under this chapter is issued to a transient merchant, an applicant shall provide to the Clerk evidence that the applicant has filed a bond with the Secretary of State in accordance with Chapter 9C of the Code of Iowa.

122.07 LICENSE ISSUED. If the Clerk finds the application is completed in conformance with the requirements of this chapter, the facts stated therein are found to be correct and the license fee paid, a license shall be issued immediately.

122.08 DISPLAY OF LICENSE. Each solicitor or peddler shall keep such license in possession at all times while doing business in the City and shall, upon the request of prospective customers, exhibit the license as evidence of compliance with all requirements of this chapter. Each transient merchant shall display publicly such merchant’s license in the merchant’s place of business.

122.09 LICENSE NOT TRANSFERABLE. Licenses issued under the provisions of this chapter are not transferable in any situation and are to be applicable only to the person filing the application.

122.10 TIME RESTRICTION. All peddler’s and solicitor’s licenses shall provide that said licenses are in force and effect only between the hours of 8:00 a.m. and 6:00 p.m.
122.11 REVOCATION OF LICENSE. After notice and hearing, the Clerk may revoke any license issued under this chapter for the following reasons:

1. Fraudulent Statements. The licensee has made fraudulent statements in the application for the license or in the conduct of the business.

2. Violation of Law. The licensee has violated this chapter or has otherwise conducted the business in an unlawful manner.

3. Endangered Public Welfare, Health or Safety. The licensee has conducted the business in such manner as to endanger the public welfare, safety, order or morals.

122.12 NOTICE. The Clerk shall send a notice to the licensee at the licensee's local address, not less than ten (10) days before the date set for a hearing on the possible revocation of a license. Such notice shall contain particulars of the complaints against the licensee, the ordinance provisions or State statutes allegedly violated, and the date, time and place for hearing on the matter.

122.13 HEARING. The Clerk shall conduct a hearing at which both the licensee and any complainants shall be present to determine the truth of the facts alleged in the complaint and notice. Should the licensee, or authorized representative, fail to appear without good cause, the Clerk may proceed to a determination of the complaint.

122.14 RECORD AND DETERMINATION. The Clerk shall make and record findings of fact and conclusions of law, and shall revoke a license only when upon review of the entire record the Clerk finds clear and convincing evidence of substantial violation of this chapter or State law.

122.15 APPEAL. If the Clerk revokes or refuses to issue a license, the Clerk shall make a part of the record the reasons therefor. The licensee, 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.

122.16 EFFECT OF REVOCATION. Revocation of any license shall bar the licensee from being eligible for any license under this chapter for a period of one year from the date of the revocation.
122.17 LICENSE EXEMPTIONS. The following are excluded from the application of this chapter.

1. Newspapers. Persons delivering, collecting for or selling subscriptions to newspapers.

2. Club Members. Members of local civic 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 Humboldt 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.

122.18 CHARITABLE AND NONPROFIT ORGANIZATIONS. Authorized representatives of charitable or nonprofit organizations operating under the provisions of Chapter 504A of the Code of Iowa desiring to solicit money or to distribute literature are exempt from the operation of Sections 122.04 and 122.05. All such organizations are required to submit in writing to the Clerk the name and purpose of the cause for which such activities are sought, names and addresses of the officers and directors of the organization, the period during which such activities are to be carried on, and whether any commissions, fees or wages are to be charged by the solicitor and the amount thereof. If the Clerk finds that the organization is a bona fide charity or nonprofit organization the Clerk shall issue, free of charge, a license containing the above information to the applicant. In the event the Clerk denies the exemption, the authorized representatives of the organization may appeal the decision to the Council, as provided in Section 122.15 of this chapter.
CHAPTER 123

HOUSE MOVERS

123.01 HOUSE MOVER DEFINED. A “house mover” means any person who undertakes to move a building or similar structure upon, over or across public streets or property when the building or structure is of such size that it requires the use of skids, jacks, dollies or any other specialized moving equipment.

123.02 PERMIT REQUIRED. It is unlawful for any person to engage in the activity of house mover as herein defined without a valid permit from the City for each house, building or similar structure to be moved.

123.03 APPLICATION. Application for a house mover’s permit shall be made in writing to the Clerk. The application shall include:

1. Name and Address. The applicant’s full name and address and if a corporation the names and addresses of its principal officers.

2. Building Location. An accurate description of the present location and future site of the building or similar structure to be moved.

3. Routing Plan. A routing plan approved by the Police Chief, street superintendent, and public utility officials. The route approved shall be the shortest route compatible with the greatest public convenience and safety.

123.04 BOND REQUIRED. The applicant shall post with the Clerk a penal bond in the minimum sum of one thousand dollars ($1,000.00) if the building sought to be moved is twenty (20) feet or less in width or five thousand dollars ($5,000.00) if the building exceeds...
20 feet in width. Such bond shall be issued by a surety company authorized to issue such bonds in the State. The bond shall guarantee the permittee’s payment for any damage done to the City or to public property, and payment of all costs incurred by the City in the course of moving the building or structure.
123.05 INSURANCE REQUIRED. Each applicant shall also file a certificate of insurance indicating that the applicant is carrying public liability insurance in effect for the duration of the permit covering the applicant and all agents and employees for the following minimum amounts:

1. Bodily Injury – $50,000 per person; $100,000 per accident.

2. Property Damage – $50,000 per accident.

123.06 PERMIT FEE. A permit fee of five dollars ($5.00) for buildings 20 feet or less in width or one hundred dollars ($100.00) for buildings in excess of 20 feet in width shall be payable at the time of filing the application with the Clerk. A separate permit shall be required for each house, building or similar structure to be moved.

123.07 PERMIT ISSUED. Upon approval of the application, filing of bond and insurance certificate, and payment of the required fee, the Clerk shall issue a permit.

123.08 PUBLIC SAFETY. At all times when a building or similar structure is in motion upon any street, alley, sidewalk or public property, the permittee shall maintain flagmen at the closest intersections or other possible channels of traffic to the sides, behind and ahead of the building or structure. At all times when the building or structure is at rest upon any street, alley, sidewalk or public property the permittee shall maintain adequate warning signs or lights at the intersections or channels of traffic to the sides, behind and ahead of the building or structure.

123.09 TIME LIMIT. No house mover shall permit or allow a building or similar structure to remain upon any street or other public way for a period of more than twelve (12) hours without having first secured the written approval of the City.

123.10 REMOVAL BY CITY. In the event any building or similar structure is found to be in violation of Section 123.09 the City is authorized to remove such building or structure and assess the costs thereof against the permit holder and the surety on the permit holder’s bond.

123.11 PROTECT PAVEMENT. It is unlawful to move any house or building of any kind over any pavement, unless the wheels or rollers upon which the house or building is moved are at least one (1) inch in width for each one thousand (1,000) pounds of weight of such building.
If there is any question as to the weight of a house or building, the estimate of the City as to such weight shall be final.

123.12 OVERHEAD WIRES. The holder of any permit to move a building shall see that all telephone, cable television and electric wires and poles are removed when necessary and replaced in good order, and shall be liable for the costs of the same. The holder of the permit for moving a building shall give twenty-four (24) hours notice to the owner of any overhead wires to remove such wires and the owner of such wires may either remove or direct the removal and replacing of such wires and the holder of the permit shall pay the reasonable costs thereof.
CHAPTER 124

ADULT USES

124.01 Definitions. For use in this chapter, the following terms are defined:

1. “Adult amusement or entertainment” means an amusement or entertainment which is distinguished or characterized by an emphasis on acts or material depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined in this section, including, but not limited to, topless or bottomless dancers, exotic dancers, strippers, male or female impersonators or similar entertainment.

2. “Adult book store or gift shop” is an establishment having as a substantial and significant portion of its stock in trade books, magazines and other periodicals or goods and items held for sale which are distinguished or characterized by their emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined in this section.

3. “Adult hotel or motel” means a building with accommodations used for the temporary occupancy of one or more individuals and is an establishment wherein a substantial and significant portion of the materials presented are distinguished or characterized by their emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined in this section, for observation by the individuals therein.

4. “Adult photo studio” is an establishment which, upon payment of a fee, provides photographic equipment and/or models for the purpose of photographing specified anatomical areas or specified sexual activities, as defined herein.

5. “Adult theater” is a theater wherein a substantial and significant portion of the materials presented are distinguished or characterized by an emphasis on acts or material depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined in this section, for observation by the patrons therein.
6. “Adult uses” includes adult amusement or entertainment, adult book store or gift shop, adult hotel or motel, adult photo studio, adult theater and massage parlor.

7. “Massage parlor” is any building, room, place or establishment, where manipulated massage or manipulated exercise is practiced for pay upon the human body with an emphasis on specified sexual activities or specified anatomical areas, as defined herein, by anyone not a duly licensed physician, osteopath, chiropractor, registered nurse or practical nurse operating under a physician’s direction, physical therapist, podiatrist, registered speech pathologist and physical or occupational therapist who treats only patients recommended by a licensed physician and operates only under such physician’s direction, whether with or without the use of mechanical, therapeutic or bathing devices, and includes Turkish bath houses. The term does not include a regular licensed hospital, medical clinic or nursing home, duly licensed beauty parlors or barber shops.

8. “Specified anatomical areas” means less than completely and opaquely covered human genitalia, pubic region, buttocks; and a female breast below a point above the top of the areola; and human male genitals in a discernibly turgid state — even if completely and opaquely covered.

9. “Specified sexual activities” means patently offensive acts, exhibitions, representations, depictions or descriptions of:

   A. Human genitals in a state of sexual stimulation or arousal;
   
   B. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast;
   
   C. Intrusion, however slight, actual or simulated, by an object, of any part of an animal’s body or any part of a person’s body into the genital or anal openings of any person’s body;
   
   D. Cunnilingus, fellatio, anilingus, masturbation, bestiality, lewd exhibition of genitals or excretory function, actual or simulated;
   
   E. Flagellation, mutilation or torture, actual or simulated, in a sexual context.

124.02 REGULATIONS.
1. **Location.** An adult use shall not be located within 1,000 feet of another adult use, nor shall the adult use be located within 1,000 feet of any public or parochial school, regularly scheduled school bus stop, licensed day care facility, church, public park, or any dwelling (one-family, two-family or multiple dwelling) or within 1,000 feet of City Hall. The 1,000-foot restriction shall be computed by measurement from the nearest property line of the land used for another adult use or in the case of any regularly scheduled school bus stop, public or parochial school, licensed day care facility, church, public park, dwelling or City Hall, by measurement to the nearest entrance of the building in which adult uses are to occur, using a route of direct horizontal distance.

2. **Concealment.** All building openings, entries, windows, etc., of an adult use shall be covered or screened in such a manner as to prevent a view into the interior from any public or semi-public area. Advertisements, displays or other promotional materials shall not be shown or exhibited so as to be visible to the public from pedestrian sidewalks, walkways or from other public or semi-public areas.

3. **Minors.** No minor shall be permitted in any establishment in which adult uses are permitted.

4. **Alcohol.** No alcohol shall be permitted in any establishment in which adult uses are permitted, unless such is specifically allowed pursuant to the Code of Iowa. This prohibition applies equally to the proprietor and the patrons of the establishment involved.
CHAPTER 125

TAXICABS

125.01 Purpose. The purpose of this chapter is to regulate the operation of taxis for the protection of the public convenience, health, safety and welfare.

125.02 Definitions. For use in this chapter, the following terms are defined:

1. “Operator” means any person, firm, partnership, corporation or other association, whether or not said entity is the owner of a taxi, that will profit financially by the operation of a taxi, but not including a person hired to drive a taxi.

2. “Taxi” means any motor vehicle that is used on the streets of the City for the purpose of carrying passengers for hire, and which follows no regular route or time schedule.

125.03 License Required. It is unlawful to operate a taxi without a valid taxi license issued under this chapter. Taxis that are operated principally in other cities that use the streets of the City only temporarily and on isolated occasions need not have a license under this chapter.

125.04 License Application. A taxi operator shall apply in writing to the Council for a license for each taxi. The application shall include the name, residential and business addresses of the operator and the make, model, serial number, motor number and State...
license plate number of each taxi. The application shall be accompanied by a ten dollar ($10.00) license fee for each vehicle.

125.05 INVESTIGATION. Before the Council’s hearing on the issuance of the license, the Police Chief shall investigate the character of the applicant and shall inspect the taxis to be licensed for possible violations of the State motor vehicle law or of this chapter, and shall report on these matters to the Council.

125.06 ISSUING LICENSE. The Council shall review each application promptly, and shall issue a license if it finds that issuance will be consistent with the safety, health, welfare, comfort and convenience of its residents but at no time shall the number of valid taxi licenses in effect exceed seven.

125.07 LICENSE CONTENTS. A license shall contain the signature of the Clerk, the date of issuance, the period for which the license is valid, the passenger seating capacity of the taxi, and the information contained in the application.

125.08 DISPOSITION OF FEES. Immediately after acting on a license application, the Clerk shall deposit the license fee in the City treasury or return the disapproved application and fee to the applicant.

125.09 TERM OF LICENSE. Taxi licenses shall be valid for one year from the date of issue.

125.10 LICENSES NOT TRANSFERABLE. Each taxi license shall be issued for one specific taxi only and shall not be transferable from taxi to taxi or to a different operator. The operator shall notify the Council when a licensed taxi is withdrawn from service, and the Clerk shall refund a pro rata share of the license fee when a license is surrendered.

125.11 REVOCAUTION OF LICENSE. The Council may revoke or suspend any license issued under this chapter for the following reasons:

1. Fraudulent Statements. The operator has made fraudulent statements in the application for the license or in the conduct of business.

2. Violation of Law or Ordinance. The operator has substantially violated the requirements of this chapter or the State motor vehicle laws.
3. Operation as to Endanger Safety, Health or Welfare. The operator has conducted business in a manner that substantially endangers the public safety, health, welfare, order or morals.

125.12 HEARING REQUIRED. The Council must conduct a hearing before revoking or suspending a license. The operator shall be given notice of the hearing at least five and not more than thirty days before the date of the hearing. The notice shall be in writing and shall be served personally or as required for personal service by the Iowa Rules of Civil Procedure. The notice shall state the time and place of the hearing and the reasons for the intended revocation or suspension.

125.13 SUPERVISION. The Police Chief shall have the power at any time to investigate the conduct of any taxi business and the operation of the licensed taxis, and to inspect the licensed taxis for possible violations of the State motor vehicle law or of this chapter, and shall report on these matters to the Council. The Police Chief shall inspect all taxis at least once every month.

125.14 DISPLAYING LICENSE AND RATES. Operators shall display within the taxi, in full view of passengers, the taxi license and a schedule of rates.

125.15 FINANCIAL RESPONSIBILITY. Before beginning operation of any taxi, the operator shall file with the Clerk evidence of financial responsibility in the minimum amount required by the Code of Iowa, Chapter 321A, to cover possible liabilities arising out of the operations of each licensed taxi.

125.16 NUMBER OF PASSENGERS. No driver shall permit more passengers to be carried in a taxi than the rated seating capacity of the taxi as filed with the Council and stated in the license.

125.17 DUTY TO CARRY. No driver shall refuse or neglect to convey an orderly person or persons, upon request, unless previously engaged, or unless the driver is unable or forbidden to do so by the provisions of this chapter.
CHAPTER 135

STREET USE AND MAINTENANCE

135.01 Removal of Warning Devices
135.02 Obstructing or Defacing
135.03 Placing Debris On
135.04 Playing In
135.05 Traveling on Barricaded Street or Alley
135.06 Use for Business Purposes
135.07 Washing Vehicles
135.08 Burning Prohibited
135.09 Excavations
135.10 Maintenance of Parking or Terrace
135.11 Failure to Maintain Parking or Terrace
135.12 Dumping of Snow
135.13 Driveway Culverts

135.01  REMOVAL OF WARNING DEVICES. It is unlawful for a person to willfully remove, throw down, destroy or carry away from any street or alley any lamp, obstruction, guard or other article or things, or extinguish any lamp or other light, erected or placed thereupon for the purpose of guarding or enclosing unsafe or dangerous places in said street or alley without the consent of the person in control thereof.

(Code of Iowa, Sec. 716.1)

135.02  OBSTRUCTING OR DEFACING. It is unlawful for any person to obstruct, deface, or injure any street or alley in any manner.

(Code of Iowa, Sec. 716.1)

135.03  PLACING DEBRIS ON. It is unlawful for any person to throw or deposit on any street or alley any glass, glass bottle, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, yard waste including, but not limited to leaves, weeds, sticks or grass clippings, ashes from burnt or burning leaves, or any other debris or substance likely to be washed into the storm sewer and clog the storm sewer or injure any person, animal, private property 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 therefor. 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 which 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. Bond Required. The applicant shall post with the City a penal bond in the minimum sum of one thousand dollars ($1,000.00) issued by a surety company authorized to issue such bonds in the State. The bond shall guarantee the permittee’s payment for any damage done to the City or to public property, and payment of all costs incurred by the City in the course of administration of this section. In lieu of a surety bond, a cash deposit of one thousand dollars ($1,000.00) may be filed with the City.

5. 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. In making any excavations for the repair or replacement of underground utility service lines, boring beneath concrete curbs and sidewalks shall not be permitted, and all such curbs and sidewalks shall be reconstructed per City requirements.

(Ord. 2010-09 – Apr. 11 Supp.)

6. Inspection. All work shall be subject to inspection by the Street Superintendent. Backfill shall not be deemed completed, nor resurfacing of any improved street or alley surface begun, until such backfill is inspected and approved by the City. The permit holder/property owner shall provide the Street Superintendent with notice at least twenty-four (24) hours prior to the time when inspection of backfill is desired.

7. Completion by the City. Should any excavation in any street or alley be discontinued or left open and unfinished for a period of twenty-four (24) hours after the approved completion date, or in the event the work is improperly done, the City has the right to finish or correct the excavation work and charge any expenses therefor to the permit holder/property owner.
8. **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.

9. **Notification.** At least forty-eight (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.

10. **Permit Issued.** Upon approval of the application and filing of bond, a permit shall be issued. A separate permit shall be required for each excavation.

11. **Permit Exemption.** Utility companies are exempt from the permit application requirement of this section. They shall, however, comply with all other pertinent provisions and shall post with the City a yearly bond in the amount of one thousand dollars ($1,000.00) to guarantee such compliance.

135.10 **MAINTENANCE OF PARKING OR TERRACE.** It shall be the responsibility of the abutting property owner to maintain all property outside the lot and property lines and inside the curb lines upon the public streets, except that the abutting property owner shall not be required to remove diseased trees or dead wood on the publicly owned property or right-of-way. Maintenance includes timely mowing, trimming trees and shrubs and picking up litter.

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

135.11 **FAILURE TO MAINTAIN PARKING OR TERRACE.** If the abutting property owner does not perform an action required under the above section within a reasonable time, the City may perform the required action and assess the cost against the abutting property for collection in the same manner as a property tax.

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

135.12 **DUMPING OF SNOW.** It is unlawful for any person to throw, push, or place or cause to be thrown, pushed or placed, any ice or snow from private property, sidewalks, or driveways onto the traveled way of a street or alley so as to obstruct gutters, or impede the passage of vehicles upon the street or alley or to create a hazardous condition therein; except where, in the cleaning of large commercial drives in the business district it is
absolutely necessary to move the snow onto the street or alley temporarily, such accumulation shall be removed promptly by the property owner or agent. Arrangements for the prompt removal of such accumulations shall be made prior to moving the snow.

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

135.13 DRIVEWAY CULVERTS. The property owner shall, at the owner’s expense, install any culvert deemed necessary under any driveway or any other access to the owner’s property, and before installing a culvert, permission must first be obtained from the City. In the event repairs are needed at any time with respect to culverts, it shall be the responsibility of the property owner to make such repairs, and, in the event the owner fails to do so, the City shall have the right to make the repairs. If the property owner fails to reimburse the City for the cost of said repairs, the cost shall be certified to the County Treasurer and specially assessed against the property as by law provided.
CHAPTER 136

SIDEWALK REGULATIONS

136.01 Purpose

136.02 Definitions

136.03 Removal of Snow, Ice and Accumulations

136.04 Responsibility for Maintenance

136.05 City May Order Repairs

136.06 Sidewalk Construction Ordered

136.07 Permit Required

136.08 Sidewalk Standards

136.09 Barricades and Warning Lights

136.10 Failure to Repair or Barricade

136.11 Interference with Sidewalk Improvements

136.12 Awnings

136.13 Encroaching Steps

136.14 Openings and Enclosures

136.15 Fires or Fuel on Sidewalks

136.16 Defacing

136.17 Debris on Sidewalks

136.18 Merchandise Display

136.19 Sales Stands

136.20 Canopy Lighting Charge

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.

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. It is the responsibility of the abutting property owners to remove snow, ice and accumulations promptly from sidewalks. If a property owner does not remove snow, ice or accumulations within twelve (12) hours in commercial zoning districts or within twenty-four (24) hours in residential zoning districts, after such accumulation occurs, the City may do so and assess the costs against the property owner for collection in the same manner as a property tax. The City shall serve notice of non-compliance by first class mail or by posting such notice conspicuously on the property only one time during a snow season.

(Code of Iowa, Sec. 364.12[2b & e])

136.04 RESPONSIBILITY FOR MAINTENANCE. It is the responsibility of the abutting property owners to maintain in a safe and hazard-free condition any sidewalk outside the lot and property lines and inside the curb lines or traveled portion of the public street.

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

136.05 CITY MAY ORDER REPAIRS. If the abutting property owner does not maintain sidewalks as required, 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 & 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. The permit shall be valid for ninety (90) days from the date of issuance.

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. The maximum design strength shall be 3500 pounds. The design mix shall be approved by the City engineer.

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. Residential sidewalks shall be at least four (4) feet wide and four (4) inches thick, and each section shall be no more than six (6) feet in length.

B. Business District sidewalks shall extend from the property line to the curb. Each section shall be four (4) inches thick and no more than six (6) feet in length and width.

C. Driveway areas shall be not less than six (6) inches in thickness.

CODE OF ORDINANCES, HUMBOLDT, IOWA
6. Location. Residential sidewalks shall be located with the inner edge (edge nearest the abutting private property) two (2) feet from 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 shall be 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-quarter (¼) inch above the curb for each foot between the curb and the sidewalk.

9. Slope. All sidewalks shall slope one-quarter (¼) inch per foot toward the curb.

10. Finish. All sidewalks shall be finished with a “broom” or “wood float” finish.

11. Ramps for Persons with Disabilities. Curb cuts and ramps shall be installed at each intersection of a sidewalk and street. Each curb cut and ramp shall be between seven (7) and eight (8) feet wide tapered back to original width of sidewalk. Each ramp shall be sloped at not greater than one inch of rise per twelve (12) inches lineal distance, except that a slope no greater than one inch of rise per eight (8) inches lineal distance may be used where necessary. An ADA compliant 24” x 48” truncated dome panel charcoal grey in color shall be installed at each curb cut and ramp. (Ord. 2009-08– Mar. 10 Supp.)

Any sidewalk constructed contrary to the provisions of this chapter shall be subject to removal and reconstruction. The Council shall serve notice on the abutting property owner requiring the owner to remove and reconstruct the sidewalk 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.

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 is 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 are liable for all injuries or damage to persons or property arising from any wrongful act or negligence of the party or parties, or their agents or employees or for any misuse of the privileges conferred by this chapter or of any failure to comply with provisions hereof.

136.10 FAILURE TO REPAIR OR BARRICADE. It is the duty of the owner of the property abutting the sidewalk, or the owner’s contractor or agent, to notify the City immediately in the event of failure or inability to make necessary sidewalk improvements or to install or erect necessary barricades as required by this chapter.

136.11 INTERFERENCE WITH SIDEWALK IMPROVEMENTS. No person shall knowingly or willfully drive any vehicle upon any portion of any sidewalk or approach thereto while in the process of being improved or upon any portion of any completed sidewalk or approach thereto, or shall remove or destroy any part or all of any sidewalk or approach thereto, or shall remove, destroy, mar or deface any sidewalk at any time or destroy, mar, remove or deface any notice provided by this chapter.

136.12 AWNINGS. It is unlawful for a person to erect or maintain any awning over any sidewalk unless all parts of the awning are elevated at least seven (7) feet above the surface of the sidewalk, extend at least six (6) feet from the wall of the building to which attached and the roof or covering is made of duck, canvas or other suitable material supported by iron frames or brackets securely fastened to the building, without any posts or other device that will obstruct the sidewalk or hinder or interfere with the free passage of pedestrians.

136.13 ENCROACHING STEPS. It is unlawful for a person to erect or maintain any stairs or steps to any building upon any part of any sidewalk without permission by resolution of the Council.

136.14 OPENINGS AND ENCLOSURES. It is unlawful for a person to:

1. Stairs and Railings. Construct or build a stairway or passageway to any cellar or basement by occupying any part of the sidewalk, or to enclose any portion of a sidewalk with a railing without permission by resolution of the Council.

2. Openings. Keep open any cellar door, grating or cover to any vault on any sidewalk except while in actual use with adequate guards to protect the public.
3. Protect Openings. Neglect to properly protect or barricade all openings on or within six (6) feet of any sidewalk.

136.15 FIRES OR FUELS ON SIDEWALKS. It is unlawful for a person to make a fire of any kind on any sidewalk or to place or allow any fuel to remain upon any sidewalk.

136.16 DEFACING. It is unlawful for a person to scatter or place any paste, paint or writing on any sidewalk.

(Code of Iowa, Sec. 716.1)

136.17 DEBRIS ON SIDEWALKS. It is unlawful for a person to throw or deposit on any sidewalk any glass, nails, glass bottle, tacks, wire, cans, trash, garbage, rubbish, litter, offal, or any other debris, or any substance likely to injure any person, animal or vehicle.

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

136.18 MERCHANDISE DISPLAY. It is unlawful for a person 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 four (4) feet of the sidewalk next to the building be occupied for such purposes.

136.19 SALES STANDS. It is unlawful for a person to erect or keep any vending machine or stand for the sale of fruit, vegetables or other substances or commodities on any sidewalk without first obtaining a written permit from the Council.

136.20 CANOPY LIGHTING CHARGE.

1. Each commercial business owner located in the Central Business District shall pay a canopy lighting charge for the use thereof in the amount of $7.50 per month.

2. The canopy lighting charge is due and payable under the same terms and conditions provided for payment of a combined service account as contained in Section 99.05 of this Code of Ordinances.

3. Charges remaining unpaid and delinquent shall constitute a lien upon the premises and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.
CHAPTER 137

VACATION AND DISPOSAL OF STREETS

137.01  Power to Vacate

137.02  Planning and Zoning Commission

137.03  Notice of Vacation Hearing

137.04  Findings Required

137.05  Disposal of Vacated Streets or Alleys

137.06  Disposal by Gift Limited

137.01  POWER TO VACATE. When, in the judgment of the Council, it would be in the best interest of the City to vacate a street, alley, portion thereof or any public grounds, the Council may do so by ordinance in accordance with the provisions of this chapter.

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

137.02  PLANNING AND ZONING COMMISSION. Any proposal to vacate a street, alley, portion thereof or any public grounds shall be referred by the Council to the Planning and Zoning Commission for its study and recommendation prior to further consideration by the Council. The Commission shall submit a written report including recommendations to the Council within thirty (30) days after the date the proposed vacation is referred to the Commission.

(Code of Iowa, Sec. 392.1)

137.03  NOTICE OF VACATION HEARING. The Council shall cause to be published a notice of public hearing of the time at which the proposal to vacate shall be considered.

137.04  FINDINGS REQUIRED. No street, alley, portion thereof or any public grounds shall be vacated unless the Council finds that:

1. Public Use. The street, alley, portion thereof or any public ground proposed to be vacated is not needed for the use of the public, and therefore, its maintenance at public expense is no longer justified.

2. Abutting Property. The proposed vacation will not deny owners of property abutting on the street or alley reasonable access to their property.
137.05 DISPOSAL OF VACATED STREETS OR ALLEYS. When in the judgment of the Council it would be in the best interest of the City to dispose of a vacated street or alley, portion thereof or public ground, the Council may do so in accordance with the provisions of Section 364.7, Code of Iowa.

(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.

(Code of Iowa, Sec. 364.7[3])

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CHAPTER 138

STREET GRADES

138.01 ESTABLISHED GRADES. The grades of all streets, alleys and sidewalks, which have been heretofore established by ordinance are hereby confirmed, ratified and established as official grades.

138.02 RECORD MAINTAINED. The Clerk shall maintain a record of all established grades and furnish information concerning such grades upon request.

EDITOR'S NOTE

The following ordinances not codified herein, and specifically saved from repeal, have been adopted establishing street and/or sidewalk grades and remain in full force and effect.

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<td>312</td>
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<td>1959</td>
<td></td>
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<tr>
<td>335</td>
<td>1963</td>
<td></td>
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</tbody>
</table>
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 Humboldt, Iowa.”
139.05 REVISION OF STREET NAME MAP. If in accordance with the provisions of this chapter, changes are made in street names, such changes shall be entered on the Official Street Name Map promptly after the change has been approved by the Council with an entry on the Official Street Name Map as follows: “On (date), by official action of the City Council, the following changes were made in the Official Street Name Map: (brief description),” which entry shall be signed by the Mayor and attested by the Clerk.
CHAPTER 140

CONTROLLED ACCESS FACILITIES

140.01 Exercise of Police Power  140.05 Unlawful Use of Controlled Access Facility
140.02 Definition  140.06 Permitted Access Points on U.S. 169
140.03 Right of Access Limited  140.07 Permitted Access on Iowa No. 3
140.04 Access Controls Imposed

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

(Code of Iowa, Sec. 306A.1)

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

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

140.03 RIGHT OF ACCESS LIMITED. No person has any right of ingress or egress to or from abutting lands onto or across any controlled access facility, except at such designated points at which access is permitted.

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

140.04 ACCESS CONTROLS IMPOSED. There are hereby fixed and established controlled access facilities within the City, described as follows:

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

1. Project No. FN-117. On the Primary Road System extension improvement, Project No. FN-117, Primary Road No. U.S. 169, within the City, described as follows:
Commencing at the south corporation line (Station 235+58.2); thence northerly approximately 2600.8 feet on right side to Station 261+59.0; thence northerly on both sides 5,966.0 feet to the north corporation line (Station 321+25.0)

regulating access to and from abutting properties along said highway all in accordance with the plans for such improvement identified as Project No. FN-117, on file in the office of the Clerk.

2. Iowa Highway No. 3. On the Primary Road System extension of Iowa Highway No. 3 within the City, as the same was relocated through the City on October 15, 1955, and no lot or parcel abutting upon said highway extension shall be established or subdivided in such a manner that said lot or parcel thereof has egress or ingress only upon said highway.

140.05 UNLAWFUL USE OF CONTROLLED ACCESS FACILITY. It is unlawful for any person to:

\[(\text{Code of Iowa, Sec. 306A.3 and 321.366})\]

1. Cross Dividing Line. Drive a vehicle over, upon or across any curb, central dividing section, or other separation or dividing line on such controlled access facilities.

2. Turns. Make a left turn or a semicircular or U-turn except through an opening provided for that purpose in the dividing curb section, separation or line.

3. Use of Lanes. Drive any vehicle except in the proper lane provided for that purpose and in the proper direction and to the right of the central dividing curb, separation, section or line.

4. Enter Facility. Drive any vehicle into the controlled access facility from a local service road except through an opening provided for that purpose in the dividing curb or dividing section or dividing line which separates such service road from the controlled access facility property.

140.06 PERMITTED ACCESS POINTS ON U.S. 169. Points of access are hereby permitted as follows:

\[(\text{Code of Iowa, Sec. 306A.4})\]
<table>
<thead>
<tr>
<th>STATION</th>
<th>SIDE OF STREET</th>
<th>WIDTH</th>
<th>USE OF DRIVE OR ENTRANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>251+00</td>
<td>Right</td>
<td>130'</td>
<td>Street</td>
</tr>
<tr>
<td>259+58</td>
<td>Right</td>
<td>33'</td>
<td>Commercial</td>
</tr>
<tr>
<td>261+62</td>
<td>Left and Right</td>
<td>66'</td>
<td>Street</td>
</tr>
<tr>
<td>263+00</td>
<td>Right</td>
<td>51'</td>
<td>Commercial</td>
</tr>
<tr>
<td>263+07</td>
<td>Left</td>
<td>50'</td>
<td>Commercial</td>
</tr>
<tr>
<td>269+30</td>
<td>Left</td>
<td>57'</td>
<td>Street</td>
</tr>
<tr>
<td>271+59</td>
<td>Left</td>
<td>37' double</td>
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</tr>
<tr>
<td>272+48</td>
<td>Right</td>
<td>55'</td>
<td>Street</td>
</tr>
<tr>
<td>272+54</td>
<td>Left</td>
<td>18'</td>
<td>Residential</td>
</tr>
<tr>
<td>274+36</td>
<td>Left</td>
<td>41'</td>
<td>Street</td>
</tr>
<tr>
<td>275+25</td>
<td>Right</td>
<td>57'</td>
<td>Street</td>
</tr>
<tr>
<td>276+34</td>
<td>Left</td>
<td>22'</td>
<td>Residential</td>
</tr>
<tr>
<td>287+00</td>
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<td>State Fish Hatchery</td>
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<tr>
<td>289+50</td>
<td>Right</td>
<td>72'</td>
<td>Street</td>
</tr>
<tr>
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<td>Left</td>
<td>18'</td>
<td>State Fish Hatchery</td>
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<td>291+15</td>
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<td>40'</td>
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<td>Commercial and Residential</td>
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<td>24'</td>
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<tr>
<td>319+14</td>
<td>Right</td>
<td>57’</td>
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</tr>
</tbody>
</table>

**140.07 PERMITTED ACCESS ON IOWA No. 3.** Access restrictions on Iowa No. 3 do not apply to any lot or parcel thereof included in any “C” Commercial District as defined and established by the Zoning Ordinance.
CHAPTER 141

MINIMUM ROAD MAINTENANCE

141.01 Purpose. The purpose of this chapter is to establish policies and provide for rules and regulations governing the maintenance of established roadways within the City which have not been accepted by the Council and do not meet existing Code specifications.

141.02 Scope of Minimum Maintenance Services. The services described in this chapter shall be provided for those streets designated as minimum maintenance streets by this chapter.

141.03 Services Not Provided by the City. The City shall not provide any of the following services for those streets designated as receiving minimum maintenance hereunder:

1. Dust control on the surface.
2. Mowing or weed control in the right-of-way.
3. Grading and profiling of the rock surface.
4. Subgrade repair or stabilization.
5. Addition of road stone to the surface.

141.04 Snow Removal. The Street Department shall schedule, within their snow removal procedures, the timely removal of snow from those streets designated as receiving minimum maintenance. This priority for snow removal shall be consistent with the snow removal policy as it relates to commercial streets, residential streets that are constructed in accordance with Code specifications and minimum maintenance streets. For minimum maintenance streets to receive snow removal services, the street must be a bladed or level.
surface void of potholes as specified by the Street Superintendent, sufficient to allow for the passage of the City equipment to safely remove the snow without harm to such equipment.

141.05 LANDOWNER REQUEST. Upon request of any party, the City will, at the expense of the requester, spread additional road stone on a minimum maintenance road as necessary to bring it to a standard suitable to allow snow removal pursuant to Section 141.04 above. To initiate such work, the requesting party shall fill out a request form with the City Clerk designating the road, or portion thereof, sought to be improved. The request shall be reviewed by the City Street Department to determine the cost of the rock necessary. Said cost must be prepaid in advance by the requester, and the City shall have no responsibility to allocate or assess that cost among landowners on the road. The City will provide the labor and equipment to apply the rock at no cost.

141.06 DESIGNATED STREETS. The following streets and roadways within the City are hereby designated as receiving minimum maintenance:

1. Thirteenth Avenue South, from South Taft Street to the cul-de-sac (north end).

2. Twentieth Street from the north lot line of Lots 72-73, West River Acres, Plat III, to Iowa Highway 3.

3. Platted Twenty-Third Street from north lot line of Lots 54-55, West River Acres, Plat III, to Iowa Highway 3.

141.07 IMPROVEMENTS TO MINIMUM MAINTENANCE STREETS. At such time as those streets designated herein are improved to the standards as stipulated in Chapter 166, and specifically Section 166.11, and accepted by the Council or until such time that those streets have been improved to an extent which has caused their acceptance by resolution of the Council, the City shall assume full responsibility for repair and maintenance.

(Ch. 141 - Ord. 2013-13 – Oct. 13 Supp.)
[The next page is 677]
CHAPTER 145

PROPERTY MAINTENANCE CODE

145.01 Title

145.02 Scope

145.03 Intent

145.04 Severability

145.05 Applicability

145.06 Administration

145.07 Duties and Powers of the Code Official

145.08 Violations

145.09 Notices and Orders

145.10 Unsafe Structures

145.11 Emergency Measures

145.12 Demolition

145.13 Variances

145.14 General Maintenance Requirements

145.15 Exterior Property Areas

145.16 Exterior Structure

145.17 Handrails and Guardrails

145.18 Rubbish and Garbage

145.01 TITLE. These regulations shall be known as the Property Maintenance Code of the City of Humboldt, Iowa, hereinafter referred to as “this Code.”

145.02 SCOPE. The provisions of this Code shall apply to all existing residential and nonresidential structures and all existing premises in the City of Humboldt, and constitute minimum maintenance requirements and standards for such premises and structures. This Code shall be deemed to be the “Housing Code” of the City of Humboldt for purposes of Iowa Code §657A.10A(3)(d).

145.03 INTENT. This Code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare in so far as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

145.04 SEVERABILITY. If a section, subsection, sentence, clause or phrase of this Code is, for any reason, held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this Code.

145.05 APPLICABILITY.
1. General. The provisions of this Code shall apply to all matters affecting or relating to structures and premises, as set forth in Section 145.02. Where, in a specific case, different sections of this Code specify different requirements, the most restrictive shall govern. All structures in violation of the provisions of this Code are hereby declared to be public nuisances and shall be abated by repair or demolition in accordance with the procedures specified herein.

2. Maintenance. Except as otherwise specified herein, the owner shall be responsible for the maintenance of buildings, structures and premises. For purposes of this Code, the term “Owner” shall mean the person or entity having legal title to the property in question according to the records of the County Auditor, including the Conservator or other legal representative of any such person or entity, and the personal representative of a deceased person. In the case of a property subject to a land sale contract, the contract buyer shall be deemed to be the owner for purposes of this Code.

3. Existing Remedies. The provisions in this Code shall not be construed to abolish or impair any other remedies available to the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is abandoned, a nuisance or otherwise dangerous or unsafe.

4. Workmanship. Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this Code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer’s installation instructions.

5. Historic Buildings. The provisions of this Code shall not be mandatory for existing buildings or structures designated as historic buildings in the discretion of the Code Official.

6. Requirements Not Covered by Code. Requirements necessary for the strength, stability or proper maintenance of an existing structure, or for the public safety, health and general welfare, not specifically covered by this Code, shall be determined by the Code Official.

145.06 ADMINISTRATION.

1. General. The Humboldt City Administrator shall be designated as the “Code Official” for the purposes of this Code.
2. Deputies. In accordance with the prescribed procedures of the City, the Code Official shall have the authority to retain such engineers, inspectors or other necessary technical personnel as may be necessary to carry out the requirements of this Code.

3. Liability. The Code Official or any other employee or agent charged with the enforcement of this Code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of their official duties. Any suit instituted against any person because of an act performed by that person in the lawful and good faith discharge of duties and under the provisions of this Code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings.

145.07 DUTIES AND POWERS OF THE CODE OFFICIAL.

1. General. The Code Official shall have primary responsibility for enforcing the provisions of this Code.

2. Rule-making Authority. The Code Official shall have authority as necessary in the interest of public health, safety and general welfare, to interpret and implement the provisions of this Code; to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions.

3. Inspections. The Code Official shall cause to be examined every structure or premises reported to be in violation of this Code, or otherwise brought to the attention of the Code Official. The Code Official is authorized to engage such experts as the Code Official deems necessary to examine and report on any structure believed to be in violation of this Code. If any such structure or premises is found to be in violation of the provisions of this Code, the Code Official shall give notice to the owner thereof in accordance with Section 145.09.

4. Notices and Orders. The Code Official shall issue all necessary notices or orders to ensure compliance with this Code.

5. Records. The City Clerk shall keep records of all business and activities specified by the provisions of this Code. Such records shall be retained in the official records as long as the building or structure to which such records relate remains in existence, unless otherwise provided for by other regulations.
145.08 VIOLATIONS.

1. Unlawful Acts. It is unlawful for the owner of any premises or structure to be in conflict with or in violation of any of the provisions of this Code.

2. Prosecution of Violation. Any person failing to comply with a notice of violation or order served in accordance with Section 145.09 shall be deemed guilty of a municipal infraction. If the notice of violation is not complied with, the Code Official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this Code or of any order or direction made pursuant thereto.

3. Violation Penalties. Any person who shall violate a provision of this Code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state and local laws for municipal infractions. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

4. Abatement of Violation. The imposition of the penalties herein prescribed shall not preclude the jurisdiction from instituting appropriate legal action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, or utilization of the building, structure or premises.

5. Direct Abatement by City. In the event a violation of this chapter continues unabated after notice to the owner as provided herein, in addition to any other remedies, the City may proceed to perform the necessary action to correct said violation(s). In such event, the Clerk shall notify the property owner of the total expenses incurred by the City, and if the amount shown in said notice is not paid within thirty (30) days, the Clerk shall certify those costs to the County Treasurer and such costs shall then be allocated with, and in the same manner as, general property taxes.

(Ord. 2011-09–July 12 Supp.)

145.09 NOTICES AND ORDERS.

1. Notice to Person Responsible. Whenever the Code Official determines that there has been a violation of this Code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed herein to the owner of the property.
subject premises. If the Code Official has knowledge of an occupant of the subject premises other than the owner, a copy of said notice shall be sent to same.

2. Form. The notice shall:

   A. Be in writing.

   B. Include a description of the real estate sufficient for identification.

   C. Include a statement of the violation or violations hereunder.

   D. Include an order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this Code.

3. Method of Service. The notice shall be deemed to be properly served if a copy thereof is:

   A. Delivered personally; or

   B. Sent by certified mail (return receipt requested) to the last known address; and

   C. By posting a copy thereof in a conspicuous place on or about the structure that is the subject of such notice.

4. Transfer of Ownership. It is unlawful for the owner of any dwelling unit or structure upon whom a notice of violation has been served to sell, transfer, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, or lessee a true copy of any compliance order or notice of violation issued by the Code Official and shall furnish to the Code Official a signed and notarized statement from the grantee, transferee, or lessee, acknowledging the receipt of such notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such notice of violation.

145.10 UNSAFE STRUCTURES.
1. General. When a structure is found by the Code Official to be unsafe, or when a structure is found unfit for human occupancy, such structure may be condemned pursuant to the provisions of this Code.

2. Unsafe Structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure because such structure is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is likely.

3. Structure Unfit for Human Occupancy. A structure is unfit for human occupancy whenever the Code Official finds that such structure is unsafe, or because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, electricity, sanitary or heating facilities or other essential utility services, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

4. Closing of Vacant Structures. If the structure is vacant and unfit for human habitation and occupancy, but does not appear to be in danger of structural collapse, the Code Official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the Code Official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

5. Notice. Whenever the Code Official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with Section 145.09.

6. Placarding. Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the Code Official shall post on the premises a placard bearing the word “Condemned” and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard. The Code Official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based.
have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the Code Official shall be guilty of a misdemeanor.

7. Prohibited Occupancy. Any occupied structure condemned and placarded by the Code Official shall be vacated as ordered by the Code Official. Any person who shall occupy a placarded premises and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be guilty of a misdemeanor.

145.11 EMERGENCY MEASURES.

1. Imminent Danger. When, in the opinion of the Code Official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the Code Official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The Code Official shall cause to be posted at each entrance to such structure a notice reading as follows: “This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the City of Humboldt.” It is unlawful for any person to enter such structure without the permission of the City.

2. Temporary Safeguards. Notwithstanding other provisions of this Code, whenever, in the opinion of the Code Official, there is imminent danger due to an unsafe condition, the Code Official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the Code Official deems necessary to meet such emergency.

3. Closing Streets. When necessary for public safety, the Code Official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

4. Emergency Repairs. For the purposes of this section, the Code Official shall employ the necessary labor and materials to perform the required work as expeditiously as possible. Costs incurred in the performance of emergency work
shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

145.12 DEMOLITION.

1. General. The Code Official shall order the owner of any premises upon which is located any structure, which in the Code Official’s judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner’s option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure.

2. Notice and Orders. All notices and orders shall comply with Section 145.09.

3. Failure to Comply. If the owner of a premises fails to comply with a demolition order within the time prescribed, the Code Official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons and the cost of such demolition and removal shall be charged to the owners of the premises involved, and may be levied as a special assessment against the land on which the building or structure is located, and shall be certified by the Code Official to the County Treasurer for collection in the manner provided for other taxes.

4. Salvage Materials. When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

145.13 VARIANCES.

1. Modification. Whenever there are practical difficulties involved in carrying out this Code, the Code Official shall have the authority to grant modification for
individual cases, provided the Code Official shall first find that special individual reasons makes the strict letter of this Code impractical and the modification is in compliance with the intent and purpose of this Code and that such modification does not threaten health, life or fire safety. The details of action granting modifications shall be recorded and entered in the records.

2. Alternative Materials, Methods and Equipment. The provisions of this Code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this Code. An alternative material or method of construction shall be approved where the Code Official finds that the proposed design is satisfactory and complies with the intent of the provisions of this Code, and that the material, method or work offered is, for the purpose intended at least the equivalent of that prescribed in this Code in quality, strength, effectiveness, fire resistance, durability and safety.

145.14 GENERAL MAINTENANCE REQUIREMENTS.

1. Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of owners for the maintenance of premises and structures.

2. Responsibility. The owner of the premises shall maintain the structure in compliance with these requirements, except as otherwise provided for in this Code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter.

3. Vacant Structures and Land. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a lighting problem or adversely affect the public health or safety.

145.15 EXTERIOR PROPERTY AREAS.

1. General. The exterior grounds of all premises shall be maintained in a clean, safe, and sanitary condition; free from litter, rubbish, or garbage of any kind. Lawn areas (other than cultivated gardens) shall be kept mown to a height not exceeding ten (10) inches. All other vegetation shall be trimmed and maintained so as not to interfere with the use of adjoining sidewalks or public right-of-way and so as not to become a health, safety, or fire hazard.
2. Sidewalks and Driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from conditions that endanger public health or safety.

3. Rodent Harborage. All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

4. Accessory Structures. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

5. Defacement of Property. No person shall damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

145.16 EXTERIOR STRUCTURE.

1. General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

2. Protective Treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.
3. **Structural Members.** All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

4. **Foundation Walls.** All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

5. **Exterior Walls.** All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

6. **Roofs and Drainage.** The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

7. **Decorative Features.** All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

8. **Overhang Extensions.** All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

9. **Stairways, Decks, Porches and Balconies.** Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

10. **Chimneys and Towers.** All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
11. Handrails and Guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

12. Window, Skylight and Door Frames. The exterior of every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

13. Doors. All exterior doors, door assemblies and hardware shall be maintained in good condition.

14. Basement Hatchways. Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

15. Guards for Basement Windows. Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

145.17 HANDRAILS AND GUARDRAILS.

1. General. Every exterior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than 30 inches (762 mm) high or more than 42 inches (1067 mm) high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches (762 mm) high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

2. Exception. Guards shall not be required where exempted by the applicable building Code.
145.18 RUBBISH AND GARBAGE.

1. Accumulation of Rubbish or Garbage. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

2. Infestations. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

(Ch. 145 - Ord. 2007-07 – Dec. 07 Supp.)
CHAPTER 146
MANUFACTURED AND MOBILE HOMES

146.01 Definitions

(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 (3) 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 their own premises and
used exclusively to house their 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 which 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 & Sec. 435.35)

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 which 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 which meets the support and anchorage requirements as recommended by the manufacturer or required by the State Building Code. The foundation system must be visually compatible with permanent foundation systems of surrounding residential structures. Any such home shall be installed in accordance with the requirements of the State Building Code.

(Code of Iowa, Sec. 103A.10 & 414.28)
### CHAPTER 147

**FIRE ZONE**

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**147.01  FIRE ZONE ESTABLISHED.** A Fire Zone is established to include all of the following territory:

The north 200 feet of Blocks 24, 25, 26 and 27, and the south 200 feet of Blocks 31, 32, 33 and 34 of the Original Plat of the City of Humboldt, Iowa

**147.02  PLANS SUBMITTED.** It is unlawful to build, enlarge or alter any structure, building or part thereof, within the Fire Zone until a plan of the proposed work, together with a statement of materials to be used has been submitted to the Zoning Administrator, who shall, if in accordance with the provisions of this chapter, issue a permit for the proposed work.

**147.03  BUILDINGS PROHIBITED.** The erection of any building or structure of any kind, or additions thereto, or substantial alterations thereof, involving partial rebuilding, are prohibited in the Fire Zone, unless constructed in strict compliance with the provisions of this chapter.

**147.04  CONSTRUCTION STANDARDS.** The construction standards for all buildings, structures, or parts thereof within the Fire Zone shall be of Type I, Type II, or, at a minimum, Type III - 1 hour fire resistant - construction, as specified in the Uniform Building Code.

**147.05  RECONSTRUCTION PROHIBITED.** Any building within the Fire Zone not constructed in accordance with the provisions of this chapter, which may hereafter be damaged by fire, decay, or otherwise, shall not be rebuilt, altered, or reconstructed except in accordance with the provisions of this chapter.
147.06 SPECIAL PERMIT. The Zoning Administrator may issue a special permit to improve any property within the Fire Zone contrary to the provisions of this chapter, on condition that such improvement shall not increase the rates for fire insurance or the fire hazard potential of the area, or to allow any person to erect or move in any building or structure for temporary purposes for a period of time not exceeding six (6) months from the date of such permission.

147.07 REMOVAL OF BUILDINGS. Any person who erects any building in the Fire Zone, contrary to the provisions of this chapter, shall be given written notice by the City Administrator to remove or tear down the same, and if such removal or taking down is not completed within thirty (30) days from the time of the service of such notice, the City Administrator shall cause the same to be removed or taken down. The City Administrator shall report an itemized bill of the expense to the Clerk, and the same shall be charged to the person owning such building. The Clerk shall present the bill to the owner of the property and if the bill is not paid within thirty (30) days from the date it is presented, the amount of the bill shall be certified, by the Clerk, to the County Treasurer, as a lien against the property and collected the same as other taxes.

147.08 STORAGE OF MATERIALS RESTRICTED. No person shall have or deposit any grain stack, pile of rubbish, explosives, hazardous chemicals or other flammable substance within the Fire Zone, nor shall any person have or deposit any cord wood or fire wood, within the Fire Zone without written permission from the City Administrator, specifying the maximum amount of such cord wood or fire wood, that may be kept, stored, or deposited on any lot or part of a lot within the Fire Zone, unless the same be within one of the buildings allowed by this chapter. No person shall build or allow any fires, whether trash fires or otherwise, within the Fire Zone as described in this chapter.
CHAPTER 148

BUILDING DEMOLITION

148.01 Establishment and Purpose

It is hereby ordained that in order to establish surety and good faith for the adequate and proper demolition of buildings prior to such demolition a cash deposit shall be made to the Clerk. Such deposit shall represent a surety for such costs as the City might incur in terminating municipal utilities to the property affected, such additional cleanup as may be necessary to protect the general health and environment of the general community and for such other incidental expenses as may be incurred by the City in protecting the public welfare from demolished structures.

148.02 Operation

The deposit for demolition of structures shall be three hundred dollars ($300.00) and shall be paid to the Clerk no later than twenty-four (24) hours prior to the demolition. Once demolition has been completed the property owner shall notify the Clerk who shall in turn notify the appropriate City utility and inspection department who shall in turn conduct a thorough inspection of the premises and report the findings to the Clerk. If no deficiencies in the demolition exist and if no genuine hazard is posed to the general community in the opinion of the inspector, the Clerk shall promptly notify the property owner and shall immediately tender the full deposit amount back to the property owner. If no deficiencies or hazards exist, the inspection and tender of return for deposit moneys shall be made within forty-eight (48) hours after notification of demolition. If deficiencies do exist the Clerk shall within the same 48-hour period present a written list of said deficiencies to the property owner who shall then be granted a period of five (5) days from the date of said notice to correct the deficiencies. At the close of the five days or upon notice from the property owner, the appropriate City inspection official shall conduct another investigation and if such deficiencies are corrected, shall within twenty-four (24) hours notify the Clerk who shall immediately tender a return of the deposit moneys to the property owner. If upon notification or the expiration of the correction period these corrections are not made, the City may utilize the deposit moneys for such expenses and costs as may be necessary to correct the problem and shall forthwith proceed with such corrective measures.
148.03 **Exceptions.** Structures having no permanent foundation may be excepted at the discretion of the City Building Inspector, who shall survey the premises and report to the Clerk as to whether a hazard to City utilities or welfare exists.
CHAPTER 149

COMMUNICATIONS TOWERS AND ANTENNAS

149.01 Definitions

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149.07 List of Conditional Uses

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149.01 DEFINITIONS.

1. "Amateur wireless telecommunication facility" means an amateur (ham) radio station licensed by the Federal Communications Commission, including equipment such as, but not limited to, a tower or alternative tower structure supporting a single, radiating antenna platform and other equipment.

2. "Antenna" means any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

3. "FAA" means the Federal Aviation Administration.


5. "Height" means, when referring to a tower or other structure, the distance measured from the finished grade to the highest point on the tower or other structure, including the base pad and any antenna.
6. “Preexisting towers and preexisting antennas” means any tower or antenna existing prior to the effective date of the ordinance codified in this chapter (Ordinance No. 2003-11, adopted November 3, 2003).

7. “Public” means the State of Iowa or any of its governmental subdivisions.

8. “Tower” means any structure that is designed and constructed for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or mono-pole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

149.02 APPLICABILITY.

1. New Towers and Antennas. All new towers or antennas erected in the City after the effective date of this chapter shall be subject to these regulations, except as provided in the following subsection 2 through 4, inclusive.

2. Public Towers or Antennas. Any tower or antenna owned and operated by the State of Iowa or any of its governmental subdivisions or used by the State of Iowa or any of its governmental subdivisions shall be exempt from this section provided the tower or antenna is for governmental purposes.

3. Preexisting Towers or Antennas. Preexisting towers and preexisting antennas shall not be required to meet the requirements of this chapter, other than the requirements of subsections 149.03(6) and (7).

4. AM Array. For purposes of implementing this section, an AM array, consisting of one or more tower units and supporting ground system which functions as one AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.

5. Amateur Wireless Telecommunication Facilities. This chapter does not govern any tower or the installation of any antenna which is owned and operated by a federally licensed amateur radio station operator or is used exclusively for an
individual residence (dish antenna, etc.), except that such installation shall conform to the requirements of Sections 149.03(4)(D) and 149.03(7) of this chapter.

149.03 GENERAL REQUIREMENTS.

1. Principal or Accessory Use. Antennas and towers may be considered either principal or accessory uses.

2. Lot Size. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.

3. Inventory of Existing Sites. Each applicant for an antenna and/or tower shall provide to the Zoning Official an inventory of its existing towers that are either within the jurisdiction of the City or within one mile of the border thereof, including specific information about the location, height, and design of each tower. The Zoning Official may share such information with other applicants applying for administrative approvals or conditional use permits under this section or other organizations seeking to locate antennas within the jurisdiction of the City, provided, however, that the Zoning Official is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

4. Aesthetics. Towers and antennas shall meet the following general aesthetic requirements.

   A. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.

   B. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend them into the natural setting and surrounding buildings.

   C. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to or closely compatible with the color of the
supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

D. Towers shall not be erected in the front yard of a residential dwelling.

5. Lighting. Towers and antennas shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.

6. State or Federal Requirements. All towers and antennas must meet or exceed current standards and regulations of the FAA, the FCC and any other agency of the State or Federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this section shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling State or Federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner’s expense.

7. Building Codes; Safety Standards. Notwithstanding any provisions of this section, the construction of towers, antennas and supplemental buildings and equipment shall comply with applicable State and local building, electrical and mechanical codes, as amended from time to time. If, upon inspection, the City concludes that such facility fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the facility, the owner shall bring such facility into compliance as set forth in said notice.

8. Measurement. For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the City irrespective of municipal and County jurisdictional boundaries.

9. Not Essential Services. Towers and antennas shall be regulated and permitted pursuant to this section and shall not be regulated or permitted as essential services, public utilities, or private utilities.
10. Signs. No signs shall be allowed on an antenna or tower, other than safety or warning signs.

11. Buildings and Support Equipment. Buildings and support equipment associated with antennas or towers shall comply with the requirements of Section 149.16 of this chapter.

12. Multiple Antenna/Tower Plan. The City encourages the users of towers and antennas to submit a single application for approval of multiple towers and/or antenna sites.

13. Co-location. No wireless communications owner, operator, lessee and/or employee thereof shall act to exclude or attempt to exclude any other wireless communications provider from using the same building, structure or location. Wireless communications owners, operators, lessees and/or employees thereof shall cooperate in good faith to achieve co-location of wireless telecommunication towers, antennas and equipment with other wireless communications providers.

14. Certification of Information. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.

149.04 ADMINISTRATIVELY PERMITTED USES GENERALLY. The following provisions shall govern the issuance of administrative approvals for towers and antennas.

1. The Zoning Official may administratively approve the uses listed in Section 149.05 of this chapter.

2. Each applicant for administrative approval shall apply to the Zoning Official providing the information set forth in Section 149.08 of this chapter.

3. The Zoning Official shall review the application for administrative approval and determine if the proposed use complies with Sections 149.05 and 149.08 through 149.16 of this chapter, as applicable.

4. If an administrative approval is denied, the Zoning Official shall issue a finding of fact stating the reason for denial. The applicant may file an appeal to the Zoning Board of Adjustment.
149.05 LIST OF ADMINISTRATIVELY PERMITTED USES. The following uses may be permitted by the Zoning Official after conducting an administrative review:

1. Locating a tower, including the placement of additional buildings or other supporting equipment used in connection with said tower, in the following Zoning Districts: I-1, General Industrial District, and I-2, Heavy Industrial District.

2. Locating a tower, including the placement of additional buildings or other supporting equipment in Planned Development Zoning Districts, provided said facilities are in compliance with an approved Final Development Plan. If not specifically included on an approved Final Development Plan, a revised Final Development Plan shall be required.

3. Locating antennas on existing structures or towers consistent with the following:

   A. Any antenna which is not attached to a tower, that is an accessory use to a public structure in any district, or an accessory use to a commercial or industrial structure located in any district except those listed in Section 149.07(2) of this section, provided:

      (1) The antenna is located as far from the edge of the roof or top of the structure as possible and does not extend more than fifteen (15) feet above the highest point of the structure when attached to the roof or top of the structure.

      (2) The antenna is mounted in a configuration as flush to the wall as technically possible and does not project above the wall on which it is attached when mounted to the wall of a structure.

      (3) The antenna complies with all applicable FCC and FAA regulations.

      (4) The antenna complies with all applicable building codes.

      (5) A license or lease authorizing such antenna or tower has been approved by the property owner.
B. Any antenna which is attached to an existing tower provided a licensed engineer certifies the existing tower can structurally accommodate the additional antenna.

149.06 **CONDITIONAL USES GENERALLY.** Applications for conditional use permits from the Zoning Board of Adjustment shall be subject to the procedures and requirements of the Zoning Ordinance and Sections 149.03 and 149.06 through 149.16 of this chapter as applicable.

149.07 **LIST OF CONDITIONAL USES.** The following conditional uses may be permitted by the Zoning Board of Adjustment:

1. Locating a tower, including the placement of additional buildings or other supporting equipment used in connection with said tower, in the following Zoning Districts: C-2, General Commercial District and C-3 Central Business Implement District.

2. Locating antennas on existing structures consistent with the terms of the following paragraphs A through F, in the following districts: R-1, Single Family Residential District; R-2, Two Family Residential District; R-3, Multiple Family Residential District; M-1, Mobile Home Residential District; PUD, Planned Unit Development District; and C-1, Central Business District.

   A. The antenna is an accessory use to any commercial, industrial, or multifamily structure of eight or more dwelling units.

   B. The antenna is located as far from the edge of the roof or top of the structure as possible and does not extend more than fifteen (15) feet above the highest point of the structure when attached to the roof or top of the structure.

   C. The antenna is mounted in a configuration as flush to the wall as technically possible and does not project above the wall on which it is attached when mounted to the wall of a structure.

   D. The antenna complies with all applicable FCC and FAA regulations.

   E. The antenna complies with all applicable building codes.
F. A license or lease authorizing such antenna or tower has been approved by the property owner.

149.08 SUBMITTAL REQUIREMENTS. Applicants for a permit to construct a tower and/or antenna shall submit the following information (as applicable):

1. A scaled site plan clearly indicating the location, type and height of the proposed tower and/or antenna, on-site land uses and zoning, adjacent land uses and zoning, Comprehensive Plan land use designation and zoning of the site and all properties within the applicable separation distances set forth in Section 149.12 (including when adjacent to other municipalities), adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and/or antenna and any other structures, topography, parking, and other information deemed by the decision maker to be necessary to assess compliance with this section.

2. Legal description of the parent tract and leased parcel (if applicable).

3. The separation distance between the proposed tower and the nearest residentially zoned property.

4. The separation distance from other towers described in the inventory of existing sites submitted pursuant to subsection 149.03(3) shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing towers and the owner/operator of the existing towers, if known.

5. A landscape plan showing specific landscape materials.

6. Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.

7. A description of compliance with Sections 149.03 and 149.08 through 149.16 of this chapter and all applicable Federal, State or local laws.

8. A statement by the applicant as to whether construction of the tower will accommodate co-location of additional antennas for future users.

9. Identification of other cellular sites owned or operated by the applicant within the City.
10. A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.

11. A description of the feasible locations of future towers or antennas within the geographic area based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.

**149.09 FACTORS CONSIDERED IN GRANTING CONDITIONAL USE PERMITS FOR TOWERS.**

In addition to any standards for consideration of conditional use permit applications pursuant to the Zoning Ordinance, the Zoning Board of Adjustment shall consider the following factors in determining whether to issue a conditional use permit, although the Zoning Board of Adjustment may waive or reduce the burden on the applicant of one or more of these criteria if the Board concludes that the goals of this section are better served thereby.

1. Height of proposed tower;

2. Proximity of the tower to residential structures and residential district boundaries;

3. Nature of uses on adjacent and nearby properties;

4. Surrounding topography;

5. Surrounding tree coverage and foliage.

6. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

7. Proposed ingress and egress; and

8. Availability of suitable existing towers, other structures or alternative technologies not requiring the use of towers or structures, as discussed in Section 149.10 of this chapter.

**149.10 AVAILABILITY OF SUITABLE EXISTING TOWERS, OTHER STRUCTURES OR ALTERNATIVE TECHNOLOGY.** No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the decision maker that no existing tower,
structure or alternative technology can accommodate the applicants needs. Evidence submitted shall address the following:

1. No existing towers or structures are located within the geographic area that meet the applicant’s engineering requirements.

2. Existing towers or structures are not of sufficient height to meet applicant’s engineering requirements.

3. Existing towers or structures do not have sufficient structural strength to support applicant’s proposed antenna and related equipment.

4. The applicant’s proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant’s proposed antenna.

5. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.

6. Other limiting factors that render existing towers and structures unsuitable are demonstrated.

7. Alternative technology that does not require the use of towers or structures, such as a cable micro cell network using multiple low-powered transmitters/receivers attached to a wire line system, is unsuitable.

**149.11 SETBACKS.** The following setback requirements apply to all wireless communications towers:

1. Towers must be set back a distance equal to at least seventy-five percent (75%) of the height of the tower from any adjoining lot line.

2. Guys and accessory buildings must satisfy the minimum zoning district setback requirements.
149.12 SEPARATION. The following separation requirements apply to all wireless communications towers.

1. Separation From Residentially Zoned Property.

A. Wireless communications towers shall be separated from any residentially zoned property (regardless of development status) by a distance of 300 feet or 300% of the height of the tower, whichever is greater.

B. Separation distances between towers and residentially zoned property shall be measured by drawing or following a straight line from the base of the proposed tower to the nearest point of the residential district boundary.

2. Separation Distances Between Towers.

A. Separation distances between towers shall be measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower.

B. The separation distances (listed in linear feet) shall be as shown in Table 1.

<table>
<thead>
<tr>
<th>Types of Existing Towers</th>
<th>Lattice</th>
<th>Guyed</th>
<th>Monopole 75 Feet In Height or Greater</th>
<th>Monopole Less than 75 Feet In Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lattice</td>
<td>5,000</td>
<td>5,000</td>
<td>1,500</td>
<td>750</td>
</tr>
<tr>
<td>Guyed</td>
<td>5,000</td>
<td>5,000</td>
<td>1,500</td>
<td>750</td>
</tr>
</tbody>
</table>
149.13 **HEIGHT.** No tower shall be erected in excess of seventy-five (75) feet, measured from the average original grade, unless special circumstances exist that make said height limitation unreasonable.

149.14 **SECURITY FENCING.** Towers shall be enclosed by fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device.

149.15 **LANDSCAPING.** The following requirements shall govern the landscaping surrounding ground-based towers unless the tower is located in an industrial zoned district.

1. Ground-based towers shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from adjoining properties. The standard buffer shall consist of an evergreen hedge with an ultimate height of at least 5 feet and a planted height of at least 36 inches outside the perimeter of the compound.

2. In locations where the visual impact of the ground-based tower would be minimal, the landscaping requirement may be reduced or waived by the decision maker.

3. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter site may be sufficient buffer.

149.16 **BUILDINGS OR OTHER EQUIPMENT STORAGE.** Any buildings and support equipment associated with antennas or towers are subject to the following:
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1. When located on a roof or top of an existing structure, the buildings and support equipment shall be located as far from the edge of the roof or top as possible.

2. When located on the ground, the buildings and support equipment shall meet or exceed the minimum setbacks of the applicable zoning district.

3. Roof-mounted buildings and support equipment shall be screened by parapet walls or screen walls in a manner compatible with the building’s design, color and material.

4. Ground-mounted buildings and support equipment shall be enclosed by a 6-foot high wood fence. An evergreen hedge with an ultimate height of at least 5 feet and a planted height of at least 36 inches shall be planted along the perimeter of the fence.

149.17 REMOVAL OF ABANDONED ANTENNAS AND TOWERS. Any antenna or tower that is not operated for a continuous period of twenty-four (24) months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days of receipt of notice from the City notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said ninety days shall be grounds to remove the tower or antenna at the owner’s expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

149.18 NONCONFORMING USES.

1. No Expansion of Nonconforming Use. Towers that are constructed and antennas that are installed in accordance with the provisions of this chapter shall not be deemed to constitute the expansion of a nonconforming use or structure.

2. Preexisting Towers. Preexisting towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this chapter.

3. Rebuilding Damaged or Destroyed Nonconforming Towers or Antennas. Notwithstanding Section 149.16, bona fide nonconforming towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain
administrative approval or a conditional use permit and without having to meet the setback and separation requirements specified in Sections 149.11 and 149.12. The type, height, and location of the tower on site shall be the same type and intensity as the original facility approval. Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within 180 days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned as specified in Section 149.16.

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CHAPTER 149A

WIND ENERGY CONVERSION SYSTEMS

149A.01 Definitions

1. Blade. An element of a wind turbine which acts as a part of an airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.


3. Horizontal Axis Wind Turbine. A wind turbine design, in which the shaft is parallel to the ground, and the blades are perpendicular to the ground.

4. Non-Commercial Wind Energy Conversion System (“NCWECS”). A Wind Energy Conversion System which has a rated capacity of up to one hundred (100) kilowatts and which is accessory to a permitted use on the same parcel. A system is considered a “Non-Commercial Wind Energy Conversion System” only if it supplies electrical power solely for on-site use, except that when the parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed 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.

5. Owner. The individual or entity that owns the physical structures making up the Wind Energy Conversion System, and who is responsible for meeting the requirements of this chapter, including the removal obligations set forth in Section 149A.08(2).
6. **Rotor Diameter.** The diameter of the circle described by the moving rotor blades.

7. **Shadow Flicker.** Alternating changes in light intensity caused by the moving blade of a wind power generator casting shadows on the ground and stationary objects.

8. **Tower.** Vertical structure that supports the electrical generator and rotor blades of a Wind Energy Conversion System.

9. **Tower Height.** The height above grade of the fixed portion of the Tower, excluding the generation unit and attached blades or rotors.

10. **Total System Height.** The height of the Wind Energy Conversion System, including the tower, generating unit, and the highest vertical extension of any blades or rotors.

11. **Vertical Axis Wind Turbine.** A wind generator design where the rotating shaft is perpendicular to the ground and the cups or blades rotate parallel to the ground.

12. **Wind Energy Conversion System ("WECS" or "System").** An aggregation of parts (e.g. - including the base, tower, generator, rotor, blades, supports, guy wires and accessory equipment, interconnect and battery banks) configured to convert the power of wind into mechanical or electrical energy.

13. **Wind Turbine.** A wind turbine is any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy.

149A.02 **COMMERCIAL WIND ENERGY CONVERSION SYSTEMS PROHIBITED.** It shall be unlawful to erect or maintain a Commercial Wind Energy Conversion System anywhere within the City.

149A.03 **SPECIAL EXCEPTION FOR NON-COMMERCIAL WIND ENERGY CONVERSION SYSTEMS.**

1. **Conditional Use.** A Non-Commercial Wind Energy Conversion System shall be allowed only by special exception as an accessory use to a permitted principal use (or to an approved specially- excepted principal use).
2. Permit Required. It shall be unlawful to construct, erect, install, alter or locate any Non-Commercial Wind Energy Conversion System within the City, unless a special exception has been obtained by the owner of the system from the Zoning Board of Adjustment in accordance with Chapter 165 of the Humboldt Municipal Code, as modified by the provisions of this chapter. A special exception permit may be revoked any time the approved Wind Energy Conversion System does not comply with the requirements set forth in this chapter or any conditions imposed by the Board of Adjustment. The owner of a Non-Commercial Wind Energy Conversion System shall also confirm to the Board of Adjustment that it has obtained all other permits required by federal, state and local authorities prior to erecting the system, including the Federal Aviation Administration and the Federal Communications Commission.

149A.04 GENERAL REGULATIONS.

1. Height Limitations.

A. A NCWECS located in any A-1, R-1, R-2, R-3, M-1, C-1, C-2, C-3 or PUD Zoning Districts shall not have a total system height greater than sixty (60) feet above ground (measured from the average original grade) in the case of a tower-mounted system; or shall not extend more than fifteen (15) feet above the height of the supporting building in the case of a roof-mounted system.

B. In I-1 or I-2 Zoning Districts, the total system height of a NCWECS may not exceed 150 feet above ground (measured from the average original grade), whether tower-mounted or roof-mounted.

2. Setback Requirements.

A. The supporting structure of all NCWECSs shall be set back the following distances from all property lines:

(1) In A-1, R-1, R-2, R-3, M-1, C-1, C-2, C-3 and PUD Zoning Districts, at least 125% of the total system height.

(2) In I-1 or I-2 Zoning Districts, at least 100% of the total system height.
B. No part of a NCWECS, including blades and guy wire anchors, may extend any closer than fifteen feet (15’) to the property boundaries of the lot on which it is being installed.

149A.05 LOCATION LIMITATIONS.

1. No part of a NCWECS shall be located within or over any drainage, utility or other public easements, or on or over property lines.

2. No part of a NCWECS shall be located in any existing building setback area under the Humboldt Municipal Zoning Ordinance.

3. All tower-mounted NCWECSs in any Zoning District other than I-1 or I-2 shall be located entirely in the rear yard.

4. All NCWECSs shall be located in compliance with local airport zoning regulations and any regulations of the federal aviation regulations with regard to all applicable airport approach and clearance restrictions.

149A.06 DESIGN AND TECHNICAL STANDARDS. The following standards are required of all Non-Commercial Wind Energy Conversion Systems:

1. Color. The entire system shall be white or light grey in color. Other neutral colors may be allowed at the discretion of the Zoning Board of Adjustment. All surfaces of the system shall be non-reflective.

2. Lighting. No lights shall be installed on the system, unless required to meet FAA regulations.

3. Signs. For tower-mounted systems, one sign, limited to four (4) square feet, shall be posted at the base of the tower. The sign shall include a notice of no trespassing, a warning of high voltage, and the phone number of the responsible party to call in case of emergency. No brand names associated with the system or any advertising shall be visible from any public property (including right-of-way).

4. Climbing Apparatus. All climbing apparatus shall be located at least twelve feet (12’) above the ground, and all towers must be designed to prevent climbing within the first twelve feet (12’).
5. **Maintenance.** The system and all related equipment and facilities shall be well maintained and kept in an operational condition that poses no potential safety hazard. At least every 60 months, all towers shall be inspected by an expert who is regularly involved in the maintenance, inspection and/or erection of towers. A copy of the inspection report shall be filed with the City Clerk by no later than June 1st following each 60 month period.

6. **Restriction on Use of Electricity Generated.** A NCWECS shall be used exclusively to supply electrical power for on-site consumption, except that when a parcel on which a Wind Energy Conversion System is installed also receives electrical power supplied by a utility company, excess electrical power generated by the Wind Energy Conversion System and not presently needed 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. The owner shall make available to the Zoning Administrator all reports to and from any purchaser of energy from the Wind Energy Conversion System if requested.

7. **Clearance of Blade Above Ground.** No portion of the system blades shall extend within twenty feet (20’) of the ground. No blades may extend over parking areas, driveways or sidewalks.

8. **Automatic Overspeed Controls.** All systems shall be equipped with manual and automatic overspeed controls to limit the blade rotation speed to within the design limits of the system.

9. **Electromagnetic Interference.** No NCWECS shall be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antenna for radio, television, or wireless phone or other personal communication systems produces electromagnetic interference with signal transmission or reception. No system shall be installed in any location along the major axis of an existing microwave communications link where its operation is likely to produce electromagnetic interference in the link’s operation. If it is determined that the Wind Energy Conversion System 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 Board of Adjustment. The Board of Adjustment may revoke a special exception permit for a NCWECS if material electromagnetic interference from said system becomes evident.

10. **Wind Access Easements.** The enactment of this chapter does not constitute the granting of an easement by the City. The owner shall provide covenants,
easements, or similar documentation to assure sufficient wind to operate the NCWECS, unless adequate accessibility to the wind is provided by the site without the removal of any trees taller than twenty feet (20’).

149A.07 APPLICATION AND APPROVAL REQUIREMENTS. Approval or denial of an application for a special exception to permit the construction of a NCWECS shall be made by the Zoning Board of Adjustment as provided in Chapter 165 of this Code, and as supplemented by this chapter. The Board of Adjustment may also consider a variance request related to the NCWECS in conjunction with any application for a special exception permit hereunder.

1. Application. An application for a special exception to operate a Wind Energy Conversion System shall be made on a form provided by the City Clerk and shall be accompanied by the following information; along with an application fee of $150.00. Applications for a special exception permit for a NCWECS, including tower structures or roof-mounted structures, shall contain the following information:

A. A signed petition by the proposed owner of the NCWECS with the name and address of the owner, the address and legal description of the property on which the NCWECS will be located, the name of the owner of the lot on which the system is to be located, and a general description of the proposed system including size of energy-generating turbines, height of the proposed tower structure, blade alignment, etc. A proposed time-line for the installation of the proposed system must be set forth.

B. A statement indicating that the applicant has authority to construct, operate, and develop the NCWECS under state and federal laws and regulations, including Federal Aviation Administration (FAA), Federal Communications Commission (FCC).

C. A professionally prepared site plan illustrating the specific location(s) of the proposed system and tower structure, showing property boundaries, existing utility easements or other types of easements across the property, topography of the site at 10 ft. increments, proposed setbacks from the property boundary and all other structures and facilities on the property including other accessory structures, parking lots and nearby streets. In addition, all separately-owned properties within 200 feet of the property where the NCWECS is to be located must be shown along with the names and addresses of all property owners shown on the site plan. The site plan must also illustrate all structures on the subject site and abutting properties.
(including overhead electric lines) and the distance between those structures and the proposed NCWECS. Nearby streets and roadways, including the public right-of-ways located closest to the proposed NCWECS to be illustrated.

D. A diagram illustrating the potential “fall zone” (i.e. in the event of collapse of the tower structure(s)) with property boundaries, building structures and public right-of-ways illustrated within the potential “fall zone”.

E. A description of how the NCWECS will be anchored to the ground or structure, prepared by a professional engineer licensed in the State of Iowa. A general direction of rotation with a description of anticipated noise generation by a properly maintained mechanism must be shown.

F. A statement from the applicant that the NCWECS will be installed in compliance with manufacturer’s specifications, and a copy of those manufacturer’s specifications must be provided.

2. Public Notice. The Zoning Administrator shall cause notice of the public hearing to be published in the time and manner set forth in Section 18.05 of the Humboldt Municipal Code. When application is made for approval of a Wind Energy Conversion System, notices shall be mailed to the owners of all properties within two hundred feet (200’) of the zoning lot on which the system is proposed to be constructed.

3. Public Notice Signs. One public notice sign, provided by the Zoning Administrator, shall be placed within fifteen feet (15’) of the right-of-way along each street abutting the zoning lot on which the Wind Energy Conversion System would be placed. On zoning lots with more than three hundred feet (300’) of frontage on one or more streets, multiple public notice signs shall be placed at three hundred foot (300’) intervals along the right-of-way.

4. Transferability. Any special exception granted by the Board of Adjustment for the installation of a NCWECS shall be transferable upon the transfer of the ownership of the system.

5. Expiration. Failure to complete construction of the system within one year from the date of issuance of the special exception permit shall result in the automatic revocation of such permit.

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149A.08 MISCELLANEOUS PROVISIONS.

1. Insurance. Upon the granting of a special exception, the owner shall assume full responsibility for any and all damages, claims, expenses, liabilities, judgments and costs of any kind, including reasonable attorney’s fees related to or caused by the erection, location, use, or removal of a NCWECS, whether on public or private property, and shall agree to hold the City harmless, indemnify and defend it from all such liabilities incurred or judgments entered against it as a result of the erection, location, use or removal of the system. The owner of a NCWECS must demonstrate adequate liability insurance coverage for the above indemnification.

2. Removal. If a Wind Energy Conversion System remains nonfunctional or inoperative for a continuous period of one year, the system shall be deemed to be abandoned and shall be deemed to constitute a public nuisance. In such event, the owner shall remove the system at their expense. Removal of the system includes the entire structure including foundations, transmission equipment and fencing from the property. If such removal is required, the Zoning Administrator shall notify the owner. If the owner fails to remove the system within one hundred twenty (120) days of written notice from the Zoning Administrator, the City shall have the right to enter the property and perform the removal. If the City removes a system the cost thereof shall be the responsibility of the owner and may be recovered by the City in a civil action. In addition, the City shall have a lien against the lot on which the system is located for the full amount of the removal costs, which lien may be foreclosed like a mortgage under Iowa law. The City shall also be entitled to sell the salvage materials from the removal and apply the proceeds against the removal costs incurred.

3. Right of Entry. Upon the acceptance of a special exception permit, the owner shall be deemed to have granted permission to the City to enter the premises in order to inspect the Wind Energy Conversion System to assure compliance with any permit conditions and the provisions of this chapter. In the event the premises on which the NCWECS is erected is owned by a person other than the owner, then as a condition to the issuance of the special exception permit, the owner shall provide the City with a written easement allowing access to the premises for purposes of inspection and removal of the system.

(Ch. 149A - Ord. 2010-10 – Apr. 11 Supp.)
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 (3) inches in height and of a contrasting color with their background.

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

3. Failure to Comply. If an owner refuses to number a building as herein provided, or fails to do so for a period of thirty (30) days after being notified in writing by the City to do so, the City may proceed to place the assigned number on the principal building and assess the costs against the property for collection in the same manner as a property tax.

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

150.03 Building Numbering Plan. Building numbers shall be assigned in accordance with the building numbering plan on file in the office of the Clerk.
CHAPTER 151

TREES

151.01 Definition

For use in this chapter, “parking” means that part of the street, avenue or highway in the City not covered by sidewalk and lying between the lot line and the curb line; or, on unpaved streets, that part of the street, avenue or highway lying between the lot line and that portion of the street usually traveled by vehicular traffic.

151.02 Planting Restrictions

No tree shall be planted in any parking or street except in accordance with the following:

1. Alignment. All trees planted in any street shall be planted in the parking midway between the outer line of the sidewalk and the curb. In the event a curb line is not established, trees shall be planted on a line ten (10) feet from the property line.

2. Spacing. Trees shall not be planted on any parking which is less than nine (9) feet in width, or contains less than eighty-one (81) square feet of exposed soil surface per tree. Trees shall not be planted closer than twenty (20) feet from street intersections (property lines extended) and ten (10) feet from driveways. 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 fifteen (15) feet above the surface of the street and eight (8) 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 (5) days. If such action is not taken...
within that time, the City may perform the required action and assess the costs against the abutting property for collection in the same manner as a property tax.

(Code of Iowa, Sec. 364.12[2c, d & e])

151.04 TRIMMING TREES TO BE SUPERVISED. Except as allowed in Section 151.03, it is unlawful for any person to trim or cut any tree in a street or public place unless the work is done under the supervision of the City.

151.05 DISEASE CONTROL. Any dead, diseased or damaged tree or shrub which may harbor serious insect or disease pests or disease injurious to other trees is hereby declared to be a nuisance.

151.06 INSPECTION AND REMOVAL. The Council shall inspect or cause to be inspected any trees or shrubs in the City reported or suspected to be dead, diseased or damaged, and such trees and shrubs shall be subject to the following:

1. City Property. If it is determined that any such condition exists on any public property, including the strip between the curb and the lot line of private property, the Council may cause such condition to be corrected by treatment or removal. The Council may also order the removal of any trees on the streets of the City which interfere with the making of improvements or with travel thereon.

2. Private Property. If it is determined with reasonable certainty that any such condition exists on private property and that danger to other trees or to adjoining property or passing motorists or pedestrians is imminent, the Council shall notify by certified mail the owner, occupant or person in charge of such property to correct such condition by treatment or removal within fourteen (14) days of said notification. If such owner, occupant or person in charge of said property fails to comply within 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])
CHAPTER 160
FLOOD PLAIN REGULATIONS

160.01 Purpose

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160.01 PURPOSE. It is the purpose of this chapter to protect and preserve the rights, privileges and property of the City and its residents and to preserve and improve the peace, safety, health, welfare and comfort and convenience of its residents by minimizing flood losses with provisions designed to:

1. Reserve sufficient flood plain area for the conveyance of flood flows so that flood heights and velocities will not be increased substantially.

2. 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.

3. Require that uses vulnerable to floods, including public utilities which serve such uses, be protected against flood damage at the time of initial construction or substantial improvement.

4. Protect individuals from buying lands which may not be suited for intended purposes because of flood hazard.
5. Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

160.02 DEFINITIONS. Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

1. “Base flood” means the flood having one percent (1%) chance of being equaled or exceeded in any given year. (See 100-year flood.)

2. “Basement” means any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see “lowest floor.”

3. “Development” means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

4. “Existing construction” means any structure for which the “start of construction” commenced before the effective date of the community’s Flood Insurance Rate Map. May also be referred to as “existing structure.”

5. “Existing factory-built home park or subdivision” means a factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the effective date of these flood plain management regulations.

6. “Expansion of existing factory-built home park or subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

7. “Factory-built home” means any structure designed for residential use which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation on a building site. For the purpose of this chapter, factory-built homes include mobile homes, manufactured homes and modular homes and also includes “recreational vehicles”
which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.

8. “Factory-built home park” means a parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.

9. “Flood” means a general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.

10. “Flood elevation” means the elevation floodwaters would reach at a particular site during the occurrence of a specific flood. For instance, the 100-year flood elevation is the elevation of floodwaters related to the occurrence of the 100-year flood.

11. “Flood Insurance Rate Map (FIRM)” means the official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.

12. “Flood plain” means any land area susceptible to being inundated by water as a result of a flood.

13. “Flood plain management” means an overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of flood plains, including but not limited to emergency preparedness plans, flood control works, floodproofing and flood plain management regulations.

14. “Floodproofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities which will reduce or eliminate flood damage to such structures.

15. “Floodway” means the channel of a river or stream and those portions of the flood plains adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one foot.

16. “Floodway fringe” means those portions of the flood plain, other than the floodway, which can be filled, leveed, or otherwise obstructed without causing substantially higher flood levels or flow velocities.
17. “Historic structure” means any structure that is:

A. Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing in the National Register;

B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,

D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by either (i) an approved state program as determined by the Secretary of the Interior or (ii) directly by the Secretary of the Interior in states without approved programs.

18. “Lowest floor” means the floor of the lowest enclosed area in a building including a basement except when all the following criteria are met:

A. The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of Section 160.11(4)(A); and

B. The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking or storage; and

C. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one foot above the 100-year flood level; and

D. The enclosed area is not a “basement” as defined in this section.
In cases where the lowest enclosed area satisfies criteria A, B, C and D above, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria above.

19. “New construction” (new buildings, factory-built home parks) means those structures or development for which the start of construction commenced on or after the effective date of the Flood Insurance Rate Map.

20. “New factory-built home park or subdivision” means a factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of these flood plain management regulations.

21. “100-Year Flood” means a flood, the magnitude of which has a one percent (1%) chance of being equaled or exceeded in any given year or which, on the average, will be equaled or exceeded at least once every one hundred (100) years.

22. “Recreational vehicle” means a vehicle which is:

   A. Built on a single chassis;

   B. Four hundred (400) square feet or less when measured at the largest horizontal projection;

   C. Designed to be self-propelled or permanently towable by a light duty truck; and

   D. Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

23. “Special flood hazard area” means the land within a community subject to the “100-year flood.” This land is identified as Zone A on the Flood Insurance Rate Map.

24. “Start of construction” includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first
placement or permanent construction of a structure on a site, such as pouring of a slab or footings, the installation of pile, the construction of columns, or any work beyond the stage of excavation; or the placement of a factory-built home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

25. “Structure” means anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factory-built homes, storage tanks and other similar uses.

26. “Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

27. “Substantial improvement” means any improvement to a structure which satisfies either of the following criteria:

A. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either (i) before the “start of construction” of the improvement, or (ii) if the structure has been “substantially damaged” and is being restored, before the damage occurred. The term does not, however, include any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure safe conditions for the existing use. The term also does not include any alteration of an “historic structure,” provided the alteration will not preclude the structure’s designation as an “historic structure.”

B. Any addition which increases the original floor area of a building by twenty-five percent (25%) or more. All additions constructed after the effective date of the Flood Insurance Rate Map, shall be added to any
proposed addition in determining whether the total increase in original floor space would exceed twenty-five percent.

28. “Variance” means a grant of relief by a community from the terms of the flood plain management regulations.

29. “Violation” means the failure of a structure or other development to be fully compliant with this chapter.

160.03 LANDS TO WHICH CHAPTER APPLIES. The provisions of this chapter apply to all lands within the jurisdiction of the City shown on the Official Flood Plain Zoning Map as being within the boundaries of the Floodway, Floodway Fringe, General Flood Plain and Shallow Flooding (Overlay) Districts. The Flood Boundary and Floodway Map prepared as part of the Flood Insurance Study for the City, dated May 19, 1981, is hereby adopted by reference and declared to be the Official Flood Plain Zoning Map. The flood profiles and all explanatory material contained with the Flood Insurance Study are also declared to be a part of this chapter.

160.04 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES. The boundaries of the zoning district areas shall be determined by scaling distances on the Official Flood Plain Zoning Map. When an interpretation is needed as to the exact location of a boundary, the Zoning Administrator shall make the necessary interpretation. The Zoning Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Zoning Board of Adjustment in the enforcement or administration of this chapter.

160.05 COMPLIANCE. No structure or land shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this chapter and other applicable regulations which apply to uses within the jurisdiction of this chapter.

160.06 ABROGATION AND GREATER RESTRICTIONS. It is not intended by this chapter to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this chapter imposes greater restrictions, the provision of this chapter shall prevail. Any ordinances inconsistent with this chapter are hereby repealed to the extent of the inconsistency only.
160.07 **INTERPRETATION.** In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State statutes.

160.08 **WARNING AND DISCLAIMER OF LIABILITY.** The standards required by this chapter are considered reasonable for regulatory purposes. This chapter does not imply that areas outside the designated Flood Plain (Overlay) District 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.

160.09 **ESTABLISHMENT OF ZONING (OVERLAY) DISTRICTS.** The flood plain areas within the jurisdiction of this chapter are hereby divided into the following districts:

1. Floodway District (FW)
2. Floodway Fringe District (FF)
3. General Flood Plain District (FP)
4. Shallow Flooding District (SF).

The boundaries are as shown on the Official Flood Plain Zoning Map. Within these districts all uses not allowed as permitted uses or permissible as conditional uses are prohibited unless a variance to the terms of this chapter is granted after due consideration by the Board of Adjustment.

160.10 **FLOODWAY (OVERLAY) DISTRICT - FW.**

1. **Permitted Uses.** The following uses shall be permitted within the Floodway District to the extent they are not prohibited by any other ordinance (or underlying zoning district) and provided they do not include placement of structures, factory-built homes, fill or other obstruction, the storage of material or equipment, excavation or alteration of a watercourse.

   A. Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming, and wild crop harvesting.
B. Industrial-commercial uses such as loading areas, parking areas, airport landing strips.

C. Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails.

D. Residential uses such as lawns, gardens, parking areas and play areas.

E. Such other open-space uses similar in nature to the above uses.

2. Conditional Uses. The following uses which involve structures (temporary or permanent), fill, storage of materials or equipment, excavation or alteration of a watercourse may be permitted only upon issuance of a conditional use permit by the Board of Adjustment as provided for in Section 160.19. Such uses must also meet the applicable provisions of the Floodway District Performance Standards.

   A. Uses or structures accessory to open-space uses.

   B. Circuses, carnivals, and similar transient amusement enterprises.

   C. Drive-in theaters, new and used car lots, roadside stands, signs, and billboards.

   D. Extraction of sands, gravel, and other materials.

   E. Marinas, boat rentals, docks, piers, and wharves.

   F. Utility transmission lines and underground pipelines.

   G. Other uses similar in nature to uses described in subsection 1 and in this subsection which are consistent with the provisions of subsection 3 and the general spirit and purpose of this chapter.

3. Performance Standards. All Floodway District uses allowed as a permitted or conditional use shall meet the following standards:
A. No use shall be permitted in the Floodway District that would result in any increase in the 100-year flood level. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.

B. All uses within the Floodway District shall:
   
   (1) Be consistent with the need to minimize flood damage.
   
   (2) Use construction methods and practices that will minimize flood damage.
   
   (3) Use construction materials and utility equipment that are resistant to flood damage.

C. No use shall affect the capacity or conveyance of the channel or floodway of any tributary to the main stream, drainage ditch or any other facility or system.

D. Structures, buildings and sanitary and utility systems, if permitted, shall meet the applicable performance standards of the Floodway Fringe District and shall be constructed or aligned to present the minimum possible resistance to flood flows.

E. Buildings, if permitted, shall have a low flood damage potential and shall not be for human habitation.

F. Storage of materials or equipment that are buoyant, flammable, explosive or injurious to human, animal or plant life is prohibited. Storage of other material may be allowed if readily removable from the Floodway District within the time available after flood warning.

G. Watercourse alterations or relocations (channel changes and modifications) must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.

H. Any fill allowed in the floodway must be shown to have some beneficial purpose and shall be limited to the minimum amount necessary.
I. Pipeline river or stream crossings shall be buried in the streambed and banks or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering or due to the action of flood flows.

160.11 FLOODWAY FRINGE (OVERLAY) DISTRICT - FF. All uses within the Floodway Fringe 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 Floodway Fringe District. All uses must be consistent with the need to minimize flood damage and shall meet the following applicable performance standards.

1. All structures shall:
   
   A. Be adequately anchored to prevent flotation, collapse or lateral movement of the structure.
   
   B. Use construction materials and utility equipment that are resistant to flood damage.
   
   C. Use construction methods and practices that will minimize flood damage.

2. Residential Buildings. All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one foot above the 100-year flood level. Construction shall be upon compacted fill which shall, at all points, be no lower than one foot above the 100-year flood level and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers) may be allowed, subject to favorable consideration by the Board of Adjustment, where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding. All new residential structures shall be provided with a means of access which will be passable by wheeled vehicles during the 100-year flood.

3. Nonresidential Buildings. All new or substantially improved non-residential buildings shall have the lowest floor (including basement) elevated a minimum of one foot above the 100-year flood level, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State 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 100-year flood; and that the structure, below the 100-year flood level, is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to National Geodetic Vertical Datum) to which any structures are floodproofed shall be maintained by the Administrator.

4. All new and substantially improved structures.

A. Fully enclosed areas below the “lowest floor” (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:

1. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

2. The bottom of all openings shall be no higher than one foot above grade.

3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

Such areas shall be used solely for parking of vehicles, building access and low damage potential storage.

B. New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

C. New and substantially improved structures must be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
5. Factory-built Homes.

A. All factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one (1) foot above the 100-year flood level.

B. All factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.


A. On-site waste disposal and water supply systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.

B. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters. Wastewater treatment facilities (other than on-site systems) shall be provided with a level of flood protection equal to or greater than one foot above the 100-year flood elevation.

C. New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities (other than on-site systems) shall be provided with a level of protection equal to or greater than one foot above the 100-year flood elevation.

D. Utilities such as gas or electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.

7. Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one foot above the 100-year flood level. Other material and equipment must either be similarly elevated or (i) not be subject to major flood damage and be anchored to
prevent movement due to flood waters or (ii) be readily removable from the area within the time available after flood warning.

8. Flood control structural works such as levees, flood-walls, etc. shall provide, at a minimum, protection from a 100-year flood with a minimum of 3 feet of design freeboard and shall provide for adequate interior drainage. In addition, structural flood control works shall be approved by the Department of Natural Resources.

9. Watercourse alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.

10. Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals (including the installation of public utilities) shall meet the applicable performance standards of this chapter. Subdivision proposals intended for residential use shall provide all lots with a means of access which will be passable by wheeled vehicles during the 100-year flood. Proposals for subdivisions greater than five (5) acres or fifty (50) lots (whichever is less) shall include 100-year flood elevation data for those areas located within the Flood Plain (Overlay) District.

11. Accessory Structures.

   A. Detached garages, sheds, and similar structures accessory to a residential use are exempt from the 100-year flood elevation requirements where the following criteria are satisfied:

      (1) The structure shall not be used for human habitation.

      (2) The structure shall be designed to have low flood damage potential.

      (3) The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.

      (4) The structure shall be firmly anchored to prevent flotation which may result in damage to other structures.
(5) The structure’s service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one foot above the 100-year flood level.

B. Exemption from the 100-year flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

12. Recreational Vehicles.

A. Recreational vehicles are exempt from the requirements of Section 160.11(5) of this chapter regarding anchoring and elevation of factory-built homes when the following criteria are satisfied.

(1) The recreational vehicle shall be located on the site for less than 180 consecutive days, and

(2) The recreational vehicle must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system and is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

B. Recreational vehicles that are located on the site for more than 180 consecutive days or are not ready for highway use must satisfy requirements of Section 160.11(5) of this chapter regarding anchoring and elevation of factory-built homes.

13. Pipeline river and stream crossings shall be buried in the stream bed and banks, or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering.

160.12 GENERAL FLOOD PLAIN (OVERLAY) DISTRICT - FP.

1. Permitted Uses. The following uses shall be permitted within the General Flood Plain District to the extent they are not prohibited by any other ordinance (or underlying zoning district) and provided they do not include placement of structures, factory-built homes, fill or other obstructions; the storage of materials or equipment; excavation or alteration of a watercourse.
A. Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming, and wild crop harvesting.

B. Industrial-commercial uses such as loading areas, parking areas, and airport landing strips.

C. Private and public recreation uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails.

D. Residential uses such as lawns, gardens, parking areas and play areas.

2. Conditional Uses. Any use which involves placement of structures, factory-built homes, fill or other obstructions; the storage of materials or equipment; excavation or alteration of a watercourse may be allowed only upon issuance of a conditional use permit by the Board of Adjustment as provided for in Section 160.19. All such uses 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 100-year flood level. The applicant shall be responsible for providing the Department of Natural Resources with sufficient technical information to make the determination.

3. Performance Standards.

A. All conditional uses, or portions thereof, to be located in the floodway as determined by the Department of Natural Resources shall meet the applicable provisions and standards of the Floodway (Overlay) District (Section 160.10).

B. All conditional uses, or portions thereof, to be located in the floodway fringe as determined by the Department of Natural Resources shall meet the applicable standards of the Floodway Fringe (Overlay) District (Section 160.11).
ordinance (or underlying zoning district) and provided they meet the applicable performance standards of the Shallow Flooding District. The performance standards for the Shallow Flooding District shall be the same as the performance standards for the Floodway Fringe District with the following exceptions:

1. In shallow flooding areas designated as an AO Zone on the Flood Insurance Rate Map, the minimum floodproofing/flood protection elevation shall be equal to the number of feet as specified on the Flood Insurance Rate Map (or a minimum of 2.0 feet if no number is specified) above the highest natural grade adjacent to the structure.

2. In shallow flooding areas designated as an AH Zone on the Flood Insurance Rate Map, the minimum floodproofing/flood protection elevation shall be equal to the elevation as specified on the Flood Insurance Rate Map.

160.14 ADMINISTRATION. The Zoning Administrator shall administer and enforce this chapter and will herein be referred to as the Administrator. The duties and responsibilities of the Administrator include, but are not necessarily limited to, the following:

1. Review all flood plain development permit applications to assure that the provisions of this chapter will be satisfied.

2. Review all flood plain development permit applications to assure that all necessary permits have been obtained from Federal, State or local governmental agencies including approval when required from the Department of Natural Resources for flood plain construction.

3. Record and maintain a record of (i) the elevation (in relation to National Geodetic Vertical Datum) 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 and/or countries 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 Administrator an annual report concerning the community’s participation, utilizing the annual report form supplied by the Federal Insurance Administrator.

7. Notify the Federal Insurance Administration of any annexations or modifications to the community’s boundaries.

8. Review subdivision proposals to insure such proposals are consistent with the purpose of this chapter and advise the Council of potential conflicts.

160.15 FLOOD PLAIN DEVELOPMENT PERMIT REQUIRED. A Flood Plain Development Permit issued by the Administrator shall be secured prior to any flood plain development (any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, excavation or drilling operations) including the placement of factory-built homes.

160.16 APPLICATION FOR PERMIT. Application for a Flood Plain Development Permit shall be made on forms supplied by the Administrator and shall include the following information.

1. 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 (i.e., lot, block, tract, street address or similar description) that will readily identify and locate the work to be done.

3. Indication of the use or occupancy for which the proposed work is intended.

4. Elevation of the 100-year flood.

5. Elevation (in relation to National Geodetic Vertical Datum) of the lowest floor (including basement) of buildings or of the level to which a building is to be floodproofed.

6. For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements.

7. Such other information as the Administrator deems reasonably necessary (e.g., drawings or a site plan) for the purpose of this chapter.
160.17 **ACTION ON PERMIT APPLICATION.** The Administrator shall, within a reasonable time, make a determination as to whether the proposed flood plain development meets the applicable standards of this chapter and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefor. The Administrator shall not issue permits for variances except as directed by the Board of Adjustment.

160.18 **CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATION AND PLANS.** Flood Plain Development Permits issued on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this chapter. The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State 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.

160.19 **CONDITIONAL USES, APPEALS AND VARIANCES.** The Board of Adjustment shall hear and decide (i) applications for conditional uses upon which the Board is authorized to pass under this chapter; (ii) appeals, and (iii) requests for variances to the provisions of this chapter; and shall take any other action which is required of the Board.

1. **Conditional Uses.** Requests for conditional uses shall be submitted to the Administrator, who shall forward such to the Board of Adjustment for consideration. Such requests shall include information ordinarily submitted with applications as well as any additional information deemed necessary by the Board of Adjustment.

2. **Appeals.** Where it is alleged there is any error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this chapter, 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. **Variances.** The Board of Adjustment may authorize upon request in specific cases such variances from the terms of this chapter that will not be contrary to the public interest, where owing to special conditions a literal enforcement of the
provisions of this chapter will result in unnecessary hardship. Variances granted must meet the following applicable standards.

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 not be issued within any designated floodway if any increase in flood levels during the 100-year flood would result. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.

C. Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

D. In cases where the variance involves a lower level of flood protection for buildings than what is ordinarily required by this chapter, the applicant shall be notified in writing over the signature of the Administrator that (i) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage and (ii) such construction increases risks to life and property.

E. 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, an application for a conditional use 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, conditional use 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 chapter, 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 conditional use or variance, the Board shall consider such factors as contained in this section and all other relevant sections of this chapter and may prescribe such conditions as contained in Section 160.21.

160.20 FACTORS UPON WHICH THE DECISION TO GRANT VARIANCES IS BASED. In passing upon applications for variances, the Board shall consider all relevant factors specified in other sections of this chapter and:

1. The danger to life and property due to increased flood heights or velocities caused by encroachments.

2. The danger that materials may be swept on to other land or downstream to the injury of others.

3. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.

4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

5. The importance of the service provided by the proposed facility to the City.

6. The requirements of the facility for a flood plain location.

7. The availability of alternate locations not subject to flooding for the proposed use.

8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
9. The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.

10. The safety of access to the property in times of flood for ordinary and emergency vehicles.

11. The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.

12. The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities (sewer, gas, electrical and water systems), facilities, streets and bridges.

13. Such other factors which are relevant to the purpose of this chapter.

160.21 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 chapter. Such conditions may include, but not necessarily be limited to:

1. Modification of waste disposal and water supply facilities.

2. Limitation on periods of use and operation.

3. Imposition of operational controls, sureties, and deed restrictions.

4. Requirements for construction of channel modifications, dikes, levees, and other protective measures, provided such are approved by the Department of Natural Resources and are deemed the only practical alternative to achieving the purpose of this chapter.

5. Floodproofing measures designed consistent with the flood protection elevation for the particular area, flood velocities, durations, 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.
160.22 **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 illegality. Such petition shall be presented to the court within thirty days after the filing of the decision in the office of the Board.

160.23 **NONCONFORMING USES.**

1. A structure or the use of a structure or premises which was lawful before the passage or amendment of this chapter but which is not in conformity with the provisions of this chapter may be continued subject to the following conditions:

   A. If such use is discontinued for six (6) consecutive months, any future use of the building premises shall conform to this chapter.

   B. Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.

   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 percent (50%) of the market value of the structure before the damage occurred, unless it is reconstructed in conformity with the provisions of this chapter.

2. Except as provided in subsection B above, any use which has been permitted as a conditional use or variance shall be considered a conforming use.

160.24 **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 DEFINITIONS. For the purpose of this chapter, certain words, terms and expressions are herein defined.

1. “Accessory building” means a subordinate building, the use of which is incidental to that of the principal building or to the principal use of the premises. An accessory use is one which is incidental to the main use of the premises.

2. “Alley” means a public thoroughfare which affords only a secondary means of access to abutting property.

3. “Alteration, structural” means any change in the load bearing members of a building, such as bearing walls, partitions, columns, beams, or girders. The enlargement of the size or height of a building shall be construed to be a structural alteration.

4. “Apartment” means a room or suite of rooms, with toilet and culinary accommodations, used or designed for use as a residence by a family, located in a building containing two (2) or more such rooms or suites or in a building devoted primarily to nonresidential use.
5. “Apothecary shop” means a shop operated as a retail use which sells only drugs, prescription medicines, medical supplies and appliances and pharmaceutical products.

6. “Attic” means a space under a gable, hip or gambrel, or other roof, the finished floor of which is, or would be, at or entirely above the level of the wall plates of at least two (2) exterior walls, and the height of which from the floor level to the highest point of the roof, does not exceed ten (10) feet.

7. “Basement” means an area partly underground but having at least one half (½) of the height of one or more walls above the highest level of the adjoining ground. A basement shall be counted as a story under the provisions of this chapter. (See “cellar.”)

8. “Billboard” means any flat surface twenty (20) square feet or more in area, erected on a framework, or attached to posts, buildings or other structures, and used for the display of bills, posters or other advertising matter, pasted, painted, tacked or fastened thereto.

9. “Boarding house” means a building, other than a hotel, fraternity house or sorority house, where meals are regularly served for compensation to more than three (3) persons not members of the family there residing.

10. “Building” means a structure having a roof supported by columns or walls for shelter, support, or enclosure of persons, animals or chattels. When separated by division walls from the ground up without openings, each portion of such structure shall be deemed a separate building.

11. “Building, height of” means the vertical distance from the average grade at the front building line to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

12. “Building line” means a line as established under the provisions of the State Code.

13. “Building wall” means the wall of the principal building forming a part of the main structure. The foundation walls of unenclosed porches or piazzas, steps and retaining walls or similar structures shall not be considered as building walls under the provisions of this chapter.
14. “Cellar” means a story having more than one half (½) of the height of all walls below the highest level of the adjoining ground. A cellar is not considered as a story for the purpose of this chapter.

15. “Clinic, dental or medical” means a building in which a group of physicians, dentists or physicians and dentists and allied professional assistants are associated for the purpose of carrying on their profession. The clinic may include a dental or medical laboratory. It shall not include inpatient care or operating rooms for major surgery.

16. “Club” or “lodge” (private) means an association of persons for the promotion of some nonprofit object, who are bona fide members paying annual dues.

17. “Convalescent home” means a building or premises in or on which care is provided for two (2) or more invalid, infirm, aged, convalescent, or physically disabled or injured persons, not including insane or other mental cases, inebriate, or contagious cases. Nursing homes are convalescent homes.

18. “Day care” refers to any agency, institution, establishment or place which provides for compensation, supplemental parental care and/or educational work, other than overnight lodging, for three (3) or more unrelated children of any age. Day care service shall be an allowable use in residential and commercial zoning districts. The following regulations shall apply:

   A. A sign shall be allowed to be placed on the exterior of the residences which acknowledges the activity conducted within, but which does not exceed one square foot in size.

   B. The only equipment, mechanical or other, used is customary and incidental to the services being offered; this includes outdoor play equipment.

   C. The activity is restricted to the structure and property.

   D. Provisions shall be made to lessen the impact of outside play areas on surrounding property owners.

   E. Off-street loading and unloading for a minimum of two vehicles shall be provided.
F. The registration is non-transferable.

Home day care services are permissible upon registration at the City Clerk’s office. This chapter shall not be interpreted to preclude or alter any regulations for the licensing of such facilities with the State, or requirements imposed by the State. Facilities operating within the City must comply with all Federal, State and local statutes. Day care service provided in commercial zoning districts must comply with that districts restrictions as well.

19. “Dwelling, single-family” means a building designed and occupied exclusively by one family.

20. “Dwelling, two-family” means a building designed for and occupied exclusively by two (2) families.

21. “Dwelling, multiple-family” means a building designed for or occupied exclusively by more than two (2) families.

22. “Exterior alterations” means any change, construction or modification which alters the outside dimensions of the structure including changes which alter permanent living space of dwelling house.

23. “Factory-built housing” means a factory-built structure designed for long-term residential use. For the purposes of these regulations, factory-built housing consists of three types: modular homes, mobile homes and manufactured homes.

24. “Factory-built structure” means any structure which is, wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation, or assembly and installation, on a building site.

25. “Garage, private” means an accessory building or portion of a building used only for the shelter and/or storage of vehicles by the occupants of the dwelling, or the leasing of space as provided herein, including covered parking space or carport.

26. “Garage, public” means a building or portion of a building in which motor vehicles are equipped for operation, repaired, stored, or kept for remuneration, hire, or sale.

27. “Home occupation” refers to the permissible use of a private residence for the conducting of an occupation or profession by an immediate member of the
residing family, which does not require the sale of any commodity on the premises, and which does not require the business public to come onto the premises to accomplish the activity, and which meets the following restrictions:

A. A name plate shall be allowed to be placed on the exterior of the residence which acknowledges the activity conducted within, but which does not exceed one square foot in size.

B. No commodity is sold upon the premises.

C. No person is employed other than those members of the immediate family residing at the premises.

D. The only equipment, mechanical or other, used is customary and incidental to the household.

E. The activity is solely restricted to the existing structure and does not occupy more than twenty-five percent (25%) of the total square footage of livable space, excluding attics, crawl spaces and unfinished basements.

F. The activity does not require the business public to come directly onto the premises to accomplish such activity.

G. The permit is non-transferable.

Home occupations are permissible upon permit only, which may be applied for at the City Clerk’s office. The proposed premises must first be inspected to confirm compliance, and approved by the Zoning Administrator, prior to the issuance of such permit.

28. “Hospital” means an institution providing health services, primarily for in-patients, and medical and surgical care of the sick and injured, including as an integral part of the institution such related facilities as laboratories, central service facilities, and staff offices.

29. “Hotel” means a building occupied as the more or less temporary abiding place of individuals who are lodged with or without meals and in which there are more than twenty-five (25) sleeping rooms usually occupied independently.
30. “Junk yard” or “salvage yard” means an open area on any lot or parcel of land which is used for the storage, abandonment or keeping of junk, including scrap metals or scrap materials, or for the abandonment or dismantling of machinery, motor vehicles, or other vehicles, or parts thereof.

31. “Lodging house” means a building where lodging or boarding is provided for compensation for five (5) or more, but not exceeding twenty (20) persons not members of the family there residing.

32. “Lot” means a parcel of land under one ownership on which a principal building and its accessories are or may be placed, together with the required open spaces, having its frontage upon one or more streets or public place.

33. “Manufactured home” means a factory-built, single-family structure, which is manufactured or constructed under the authority of 42 U.S.C. Sec. 5403, Federal Manufactured Home Construction and Safety Standards, and is to be used as a place for human habitation, but 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 is not a manufactured home unless it has been converted to real property and is taxed as a site-built dwelling. For the purpose of these regulations, a manufactured home shall be considered the same as any site-built, single-family detached dwelling.

34. “Mini-storage unit” is defined as a building which is used primarily for the temporary or permanent enclosed storage of vehicles, boats, trailers, household items and other items generally associated with residential or commercial activity. This specifically does not include warehousing of a manufacturing, light industrial, or heavy industrial use.

35. “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 is factory-built housing built on a chassis. A mobile home shall not be construed to be a travel trailer or other form of recreational vehicle. A mobile home shall be construed to remain a mobile home, subject to all regulations applying thereto, whether or not wheels, axles, hitch, or other appurtenances of mobility are removed and regardless of the nature of the
foundation provided. However, certain mobile homes may be classified as “manufactured homes.” Nothing in this chapter shall be construed as permitting the mobile home in other than an approved mobile home park, unless such mobile home is classified as a manufactured home. In addition to the foregoing conditions, the differentiation between a mobile home and manufactured housing is further defined in that any prefabricated structure coming under the scrutiny of this section which has less than a minimum habitable width of twenty-four (24) feet and has less than a minimum habitable floor space of one thousand (1,000) square feet shall be considered a mobile home for purposes of this Code of Ordinances.

36. “Mobile home park” means any site, lot, field, or tract of land upon which two (2) or more occupied mobile homes are harbored, either free of charge or for revenue purposes, and includes any building, structure, tent, vehicle, or enclosure used or intended for use as part of such mobile home park.

37. “Modular home” means factory-built housing certified as meeting the State Building Code as applicable to modular housing. Once certified by the State, modular homes shall be subject to the same standards as site-built homes.

38. “Nonconforming use” means the lawful use of a building or land on the effective date of the Zoning Ordinance codified by this chapter or amendment thereto, which use does not conform to the provisions of this chapter for the district in which it is located.

39. “Office” means a place where businesses or services for others is transacted and not a place where chattels or goods, wares or merchandise are commonly created, exchanged or sold.

40. “Parking space” means a surfaced area, enclosed or unenclosed, on a lot, sufficient in size to store one standard automobile, together with a driveway connecting the parking space with a public place, street or alley.

41. “Preschool nursery” means the facilities of any dwelling, institution or organization which, for profit or nonprofit, are used in the temporary care of six (6) children or more at any one time.

42. “Public place” means an open or unoccupied public space more than twenty (20) feet in width which is permanently reserved for the purpose of primary access to abutting property.
43. “Retail store” means a place where goods are for sale to the ultimate consumer for direct consumption and not for resale.

44. “Setback” means the required distance between a lot line and the closest wall of a conforming structure on the lot.

45. “Shop” means a use devoted primarily to the sale of a service or products, but the service is performed or the product to be sold is prepared in its finished form on the premises. Packaging is not considered to be preparation.

46. “Sign, advertising or poster board” means a structure, regardless of the material used in the construction of the same, that is erected, maintained or used to advertise a business or attraction.

47. “Story” means that part of a building comprised between any floor and the floor or attic next above; the first story of a building is the lowest story having at least one-half (½) of its height of one or more walls above the highest level of adjoining ground.

48. “Surfaced area” means any area covered by concrete, asphalt, gravel, rock, stone, brick or related material not including vegetation or building.

49. “Yard” means an open space extending across the full width or length of the lot lying between the lot line and the nearest line of the main building other than unenclosed porches, steps or unenclosed balconies.

50. “Yard, front” means the area between the street and front building line of main building excluding steps, porches or unenclosed balconies and extending the entire width of the lot.

51. “Yard, rear” means that area between the rear of the main building line excluding porches, steps or unenclosed balconies between the rear of the main building and the rear lot line.

52. “Yard, side” means the area from the front line of the main building and extending to the rear line of the main building at ninety degrees (90°) to the front building line of the main building.

165.02 GENERAL REGULATIONS. The following regulations apply to all districts and all other provisions of this chapter:
1. Restrictions on Use. Unless otherwise specified, no use shall be permitted in any district which is prohibited in any less restricted district.

2. Residences to the Rear of Principal Building Prohibited. No building to the rear of the principal building on the same interior lot shall be used for residential purposes.

3. Required Areas May Not Be Reduced. No lot shall be so reduced in area that any required yard, court, or other open space will be smaller than is prescribed in this chapter for the district in which it is located.

4. Subdivision Required. Not more than two (2) dwellings are permitted on any lot, tract or parcel of land until it has been subdivided in accordance with the provisions of Chapter 354 of the Code of Iowa.

5. Yard and Area Requirements. No yard or other open space provided about any building for the purpose of complying with the provisions of this chapter shall be considered as providing a yard or open space for any other building, nor shall the lot area per family be reduced in any manner except in conformity with the area regulations herein established for the district in which such building is located.

6. Method of Yard Measurement. The setback for front, rear and side yards shall be in all cases measured at right angles from the lot line.

7. Building Classifications. Any portion of a building which is covered by a roof shall be considered as part of the building.

8. Frontage on Corner Lots. The owner of a corner lot may elect to front the principal building on such lot on either of the two (2) streets upon which the corner lot abuts, and shall maintain building setback the side abutting any street of thirty (30) feet or in line with the majority of existing main buildings (excluding accessory buildings) on the same block.

9. Visibility at Intersections. Nothing shall be erected, placed, planted or allowed to grow which will impede vision between a height of 2½ feet and 10 feet above the street in the area bounded by the street right-of-way line and a line joining points 30 feet from the right-of-way line intersection.

10. Fences, Walls and Hedges. No fence, wall or hedge over 4 feet in height will be permitted along the front of any residential lot or sides of front yards.
11. Signs. The only signs that may be erected or placed on a residential lot or building shall be one sign not exceeding 25 square feet in area advertising only the sale or lease of the premises or one unlighted sign not exceeding one square foot in area, attached flat to the building, pertaining to a home occupation. Also, outdoor bulletin boards for churches and schools are permitted.

12. Accessory Buildings. No accessory building or portion thereof or other structure shall be permitted in front yards as herein defined.

165.03 ESTABLISHMENT OF DISTRICTS. The various districts as set forth in this chapter and their boundaries are shown on the “Official Zoning District Map” of the City, which is on file in the office of the Clerk, and which, with all amendments, changes and extensions thereof and all legends, symbols, notations, dimensions, references and all other matters shown thereon, is a part of this chapter. There is only one “Official Zoning District Map.” It is attested by the original signatures of the Mayor and Clerk. All copies or reproductions thereof are junior thereto. The boundaries of the various districts established by this chapter are street lines, alley lines, property lines, lot lines, or other lines shown on the Official Zoning District Map. Where boundaries are approximately indicated as property or lot lines, the true locations of such lines shall be taken as boundary lines. Where the distance to any boundary line from a street line, property line or lot line is indicated by a dimension on the Official Zoning Map, such measurement shall control. The City is divided into districts known as:

A-1 ..........Agricultural
R-1 ..........Single-Family Residential
R-2 ..........Two-Family Residential
R-3 ..........Multiple-Family Residential
M-1 ..........Mobile Home Residential
PUD.........Planned Unit Development
C-1.........Central Business District
C-2.........General Commercial District
C-3.........Central Business Implement District
I-1.........General Industrial District
1-2 ........ Heavy Industrial District

All territory hereafter annexed to the City shall be classified R-1 until such classification is subsequently changed by an action of the Planning and Zoning Commission and the Council.

165.04 NONCONFORMING USES, BUILDINGS, STRUCTURES. The following provisions apply to nonconforming uses, buildings and structures in the City:

1. A nonconforming use, although such does not conform to the provisions of this chapter, may be continued, but if such nonconforming use is discontinued for a period of one year, any future use of said premises shall be in conformity with the provisions of this chapter.

2. Nonconforming buildings or structures may not be extended or enlarged.

3. Nothing in this chapter prevents the reconstruction of a building or structure used for a nonconforming use if 50% or less is destroyed by fire or other calamity or prevents the continuance of the use of such building or structure or part thereof as such use existed at the time of such destruction, provided that any reconstruction shall be begun within six (6) months after such destruction and shall be diligently pursued thereafter.

4. A single-family dwelling may be built on a nonconforming lot that was legally platted prior to the date of enactment of Ordinance No. 269. Such lot must be in a separate ownership and not of continuous frontage with other lots of the same ownership. Two or more continuous frontage lots under one ownership at the time of the adoption of the ordinance codified by this chapter shall be considered an undivided parcel. No portion may be used or sold nor shall any portion remain after such sale or use that does not conform to area and width requirements of this chapter.

5. Uses which were in violation of Ordinance No. 269 shall also be in violation of the ordinance codified herein and shall not become nonconforming uses by virtue of repeal of Ordinance No. 269 and enactment of this Zoning Ordinance.
165.05 A-1 AGRICULTURAL DISTRICT.

1. Uses. This district is established to accommodate areas predominately agricultural in character or undeveloped for urban use. As urban development expands, areas suitable for such use will be rezoned according to the comprehensive plan. A building or premises shall be used only for the following purposes:

   One-family dwellings
   Home occupations
   Railroad right-of-way and trackage
   Private garage or accessory building
   Utility substation
   Granary
   Farm or apiary, not to include storage of livestock or commercial poultry
   Farm
   Forest
   Plant nursery
   Stable, at least 1000 feet from nearest residential district
   Golf course, except miniature courses and driving tees operated for commercial purposes
   Country clubs
   Parks
   Off-street parking lot in conjunction with a use permitted in this district

2. Lot Sizes.

   Minimum Lot Size .......................................................... 20,000 square feet
   Minimum Frontage ....................................................... 120 feet
   Maximum Building Height ............................................. 2½ stories or 35 feet
Maximum Lot Coverage by Buildings.......................30 percent
Minimum Front Yard........................................30 feet
Minimum Side Yard.........................................20 feet each side
Minimum Rear Yard..........................................30 feet or 25% of lot depth, whichever is smaller
CHAPTER 165  ZONING REGULATIONS

165.06  R-I SINGLE-FAMILY RESIDENTIAL DISTRICT.

1.  Uses. This district is established to accommodate single-family dwellings and uses customarily found in low density residential areas such as churches, public and parochial schools, golf courses and parks. A building or premises shall be used only for the following purposes:

   Single-family dwellings
   Accessory buildings constructed on the same premises as the principal building
   Home occupation
   Railroad right-of-way and trackage
   Utility substation or other essential public services
   Church or Sunday School
   Public School
   Private school having curriculum similar to that offered by public schools
   Golf course, except miniature courses and driving tees operated for commercial purposes
   Country clubs
   Publicly owned libraries, museums, parks and playgrounds
   Off-street parking lot in conjunction with a use permitted in this district

   Property owners may construct accessory buildings on a lot sharing a boundary with the principal building’s lot. No accessory buildings may be placed upon any lot before a principal structure is constructed.

2.  Lot Sizes.

   Minimum Lot Size.................................................................8,000 square feet
   Minimum Frontage ...............................................................80 feet
   Maximum Building Height......................................................2½ stories or 35 feet
Maximum Lot Coverage by Buildings .................. 30 percent

Minimum Front Yard ........................................ 30 feet

Minimum Side Yard ........................................... 10 feet each side

Minimum Rear Yard ........................................... 30 feet or 25% of lot depth, whichever is smaller

For all new single-family detached dwellings for which building permits have been issued on or after November 19, 1984, the minimum dimension of the main body of the dwelling unit shall not be less than twenty (20) feet.

A. The minimum front yard shall be thirty (30) feet as described above, all to the rear of a line which line is an extension of the front building line of the majority of existing buildings in the same block.

B. The minimum side yard requirements within the area designated herein for side yards shall be ten (10) feet on either side of the main building. No accessory building or other structure shall be hereafter constructed within five (5) feet of any side or rear lot lines.

C. For purposes of this section, side lot lines shall not refer and shall specifically exclude the designation “side yard” but shall include only those boundary lines on either side of the property lying behind the rear line of the main building.

D. The maximum side wall height for any accessory building shall be nine (9) feet. For purposes of this section, the side wall height is measured from the average grade at the front building line to the highest point of the side wall.

3. Off-Street Parking:

At least one space for each family dwelling

Churches – one space for each 10 seats

Country Clubs – one space for each 2 members

Golf Courses – 50 spaces for each 9 holes
165.07  R-2 TWO-FAMILY RESIDENTIAL DISTRICT.

1. Uses. This district is established to accommodate single- and two-family dwellings and other uses customarily found in low density residential areas such as churches, public and parochial schools, golf courses and parks. A building or premises shall be used only for the following purposes:

   Any use permitted in the “R-1” District
   Two-family dwellings
   Telephone exchange building

2. Lot Sizes.

   Minimum Lot Size...........................................6,500 square feet
   Minimum Frontage ...........................................60 feet
   Maximum Building Height..................................2½ stories or 35 feet
   Maximum Lot Coverage by Buildings......................40 percent
   Minimum Front Yard ...........................................30 feet
   Minimum Side Yard..........................................10 feet each side
   Minimum Rear Yard .........................................30 feet or 25% of lot depth, whichever is smaller

A. The minimum front yard shall be thirty (30) feet as described above, all to the rear of a line which line is an extension of the front building line of the majority of existing buildings in the same block.

B. The minimum side yard requirements within the area designated herein for side yards shall be ten (10) feet on either side of the main building. No accessory building or other structure shall be hereafter constructed within five (5) feet of any side or rear lot lines.

C. For purposes of this section, side lot lines shall not refer and shall specifically exclude the designation “side yard” but shall include only those
boundary lines on either side of the property lying behind the rear line of the main building.

D. The maximum side wall height for any accessory building shall be nine (9) feet. For purposes of this section, the side wall height is measured from the average grade at the front building line to the highest point of the side wall.

3. Off-Street Parking:

At least one space for each family dwelling

Churches - one space for each 10 seats

Country clubs - one space for each 2 members

Golf courses - 50 spaces for each 9 holes
165.08  R-3 MULTIPLE-FAMILY RESIDENTIAL DISTRICT.

1. Uses. This district is established to permit medium density family developments in the suburban areas, and to serve as a transition from high density developments to single-family residential areas. A building or premises in the “R-3” District shall be used only for the following purposes:

Any use permitted in the “R-2” District
Multiple-family dwellings
Apothecary shop
Clinic
Hospital
Boarding house
Lodging house
Nursing home
Convalescent home
Retirement homes
Home for the elderly
Club or lodge
Institution of educational, religious, charitable or philanthropic nature

2. Lot Sizes.

Minimum Lot Size.............................................. 6,500 square feet
(In no case shall there be less than 2,000 sq. ft. of lot for each family occupancy in multiple-family dwellings.)
Minimum Frontage............................................. 60 feet
Maximum Building Height................................. 4½ stories or 55 feet
Maximum Lot Coverage by Buildings ................... 50 percent
Minimum Front Yard..............................................30 feet

Minimum Side Yard..................................................10 feet each side

Minimum Rear Yard ..................................................30 feet or 25% of lot depth, whichever is smaller

A. The minimum front yard shall be thirty (30) feet as described above, all to the rear of a line which line is an extension of the front building line of the majority of existing buildings in the same block.

B. The minimum side yard requirements within the area designated herein for side yards shall be ten (10) feet on either side of the main building. No accessory building or other structure shall be hereafter constructed within five (5) feet of any side or rear lot lines.

C. For purposes of this section, side lot lines shall not refer and shall specifically exclude the designation “side yard” but shall include only those boundary lines on either side of the property lying behind the rear line of the main building.

D. The maximum side wall height for any accessory building shall be nine (9) feet. For purposes of this section, the side wall height is measured from the average grade at the front building line to the highest point of the side wall.

3. Off-Street Parking:

At least one space for each family dwelling

Churches - one space for each 10 seats

Country clubs - one space for each 2 members

Golf courses - 50 spaces for each 9 holes

Boarding house, lodging house, nursing home, convalescent home, retirement home, home for the elderly - at least one space for each 2-guest sleeping room
165.09 M-1 MOBILE HOME RESIDENTIAL DISTRICT.

1. Uses. This district is established specifically to provide area for mobile home residential uses and those uses normally considered an integral part of the mobile home residential area.

   Any use permitted in the “R-1” District

   Mobile home park, in accordance with the regulations of the Iowa State Department of Health and the following regulations

   Mobile home park service building, including laundromat and equipment storage

2. Size of Tract. Four (4) acres minimum.

3. Signs. One indirectly lighted sign facing each public street. Maximum sign size shall be 100 square feet each.

4. Lot Sizes.

   Minimum Lot Size.................................................. 3,500 square feet

   Minimum Frontage............................................... 35 feet

   Maximum Building Height................................. 35 feet

   Maximum Lot Coverage by Buildings.............. none

   Minimum Front Yard ......................................... 15 feet

   Minimum Side Yard............................................. 5 feet each side

   Minimum Rear Yard .......................................... 15 feet

   Minimum Clearance Between Trailers............. 20 feet

Each yard abutting on a public street shall have a minimum building setback distance of 30 feet. There shall be a buffer zone of at least 20 feet around the periphery of the court where it abuts other private property. The buffer zone is in addition to the foregoing front, rear and size yard requirements.
5. Plan Required. Mobile home park planning and development shall comply with the requirements of Chapter 166, Subdivision Regulations. Each petition for a change to the M-1 zoning classification submitted to the Council shall be accompanied by a mobile home park preliminary plan. Said plan shall show each mobile home park space, the water, electrical and sewer lines, serving each trailer space, the location of garbage cans, water hydrants, service buildings, driveways, walkways, recreation areas, required yards, the parking facilities, lighting and landscaping. Upon approval by the Planning and Zoning Commission and Council, detailed plans shall be submitted to the Iowa State Department of Health and to the Council for approval.
6. Off-Street Parking.

At least one space for each family dwelling

Churches – one space for each 10 seats

County clubs – one space for each 2 members

Golf courses – 50 spaces for each 9 holes
165.10 PUD PLANNED UNIT DEVELOPMENT DISTRICT.

1. Purpose. The purpose of the Planned Unit Development (PUD) regulations is to encourage flexibility to the design and development of land in order to promote its most appropriate use; to facilitate the adequate and economical provision of streets, utilities and public spaces; and to preserve the natural and scenic qualities of open areas. The procedure is intended to permit diversification in the location of structures and improved circulation facilities and other site qualities while ensuring adequate standards relating to public health, safety and welfare plus convenience, both in the use and occupancy of buildings and facilities in planned groups. A Planned Unit Development, to be eligible under this chapter, must be:

   A. In accordance with the Comprehensive Plan of the City and with the regulations of this chapter.

   B. An effective and unified means of treating possible development providing for preservation of scenic features and amenities of the site and the surrounding area.

   C. So designed in its space allocation, orientation, landscaping, circulation system, materials and other features as to produce an environment of stable and desirable character, complementing the design and values of the neighborhood.

2. Minimum Area. A Planned Unit Development shall include no less than five (5) acres of contiguous land.

3. Open Space. A minimum of twenty-five percent (25%) of planned unit site area shall be developed as common open space. Parking areas and vehicle access facilities shall not be considered in calculating open space.

4. Land Use. At least ninety percent (90%) of the PUD site exclusive of open space shall be devoted to those uses permitted in the zoning district in which the PUD is located. Proposed land uses shall not adversely affect surrounding development, and shall be in accordance with the objectives and policies of the Comprehensive Plan.

5. Unity of Control. In order that the purpose of these regulations may be realized, the land and buildings and appurtenant facilities shall be in single ownership, or under management or supervision of a central authority, or otherwise
subject to such supervisory lease or ownership control as may be necessary to carry out the provisions herein.

6. Autos. The minimum ratio of parking spaces to residential units within a given tract development shall be no less than one and five tenths (1.5) autos per unit.

7. Application Procedures. Planned Unit Developments shall be subject to the approval of the Council based upon review and recommendations by the Zoning Commission.

A. General Development Plan. The applicant shall file a General Development Plan which shall include the following information:

(1) A statement describing the general character of the intended development;

(2) An accurate map of the project area including its relationship to surrounding properties, existing topography and key features;

(3) A plan of the proposed project showing at least the following information in sufficient detail to make possible the evaluation of the criteria for approval, as follows:

a. The pattern of proposed land use including shape, size and arrangement of proposed use areas, density and environmental character;

b. The pattern of public and private streets;

c. The location, size and character of recreational and open space areas reserved or dedicated for public uses such as parks, greenways, etc;

d. A utility feasibility study.

(4) Appropriate statistical data on the size of the development, ratio of various land uses, percentage of multi-family units by number of bedrooms, economic analysis of the development,
expected staging, and any other plans or data pertinent to evaluation by the City.

(5) General outline of intended organizational structure related to property owners association, deed restrictions and private provisions of common services.

B. Specific Implementation Plan. A specific and detailed plan for implementation of all or a part of a proposed PUD after approval of the General Development Plan must be submitted within a reasonable period of time as determined by the Zoning Commission. The specific implementation plan shall be submitted for review by the Zoning Commission and approval or disapproval by the Council and shall include the following detailed construction and engineering plans and related detailed documents and schedules:

(1) An accurate map of the area covered by the plan including the relationship to the total general development plan;

(2) The pattern of public and private roads, driveways, walkways and parking facilities;

(3) Detailed lot layout and subdivision plat where required;

(4) The arrangement of building groups, and their architectural character;

(5) Sanitary sewer and water mains;

(6) Grading plan and storm drainage;

(7) The location and treatment of open space areas and recreational or other special amenities;

(8) The location and description of any areas to be dedicated to the public;

(9) General landscape treatment;

(10) Proof of financing capability;
(11) Analysis of economic impact upon the community;

(12) A development schedule indicating:

   a. The approximate date when construction of the project can be expected to begin;

   b. The stages in which the project will be built and the approximate date when construction of each stage can be expected to begin;

   c. The anticipated rate of development;

   d. The approximate date when the development of each of the stages will be completed; and

   e. The area and location of common open space that will be provided at each stage.

(13) Agreements, by-laws, provisions, or covenants. which govern the organizational structure, use, maintenance and continued protection of the PUD and any of its common services, common open areas or other facilities;

(14) Any other plans, documents, or schedules requested by the City;

(15) Proof of compliance with State and local fire regulations.

8. Criteria for Approval. As a basis for determining the acceptability of a PUD application, the following criteria shall be applied to the precise development plan for such district with specific consideration as to whether or not it is consistent with the spirit and intent of this chapter, has been prepared with competent professional advice and guidance, and produces significant benefits in terms of environmental design.

   A. Character and Intensity of Land Use. In a PUD, the uses proposed and their intensity and arrangement on the site, shall be of visual and operational character which:
B. Economic Feasibility and Impact. The proponents of a PUD application shall provide evidence satisfactory to the Council of its economic feasibility of available adequate financing, and that it would not adversely affect the economic prosperity of the City or the values of surrounding properties.

C. Engineering Design Standards. The width of street right-of-ways, width and location of street or other paving, location of sewer and water lines, provision for storm sewer drainage or other similar environmental engineering considerations shall be based upon determination as to the appropriate standards necessary to implement the specific function of the specific situation; provided, however, that in no case shall standards be less than those necessary to ensure the public safety and welfare as determined by the City.

D. Preservation and Maintenance of Open Space. In a PUD, adequate provision shall be made for the permanent preservation and maintenance of common open space either by private reservation or dedication to the public.

(1) In the case of private reservation, the open area to be reserved may be protected against building development by conveying to the City as part of the conditions for project approval an open space easement over such open areas restricting the area against any future building or use except as is consistent with that of
providing landscaped open space for the aesthetic and recreational benefit of the development. Buildings or uses for noncommercial, recreational or cultural purposes compatible with the open space objective may be permitted only where specifically authorized as part of the development plan or subsequently, with the express approval of building site and operational plans by the Zoning Commission. All easements are subject to acceptance by the Council.

(2) The care and maintenance of such open space reservation shall be assured by establishment of appropriate management organization for the project. The manner of assuring maintenance and assessing such cost to individual properties shall be included in any contractual agreement with the City and shall be included in the title to each property.

(3) Ownership and tax liability of private open space reservation shall be established in a manner acceptable to the City and made a part of the conditions of the plan approval.

E. Implementation Schedule. The proponents of a PUD shall submit a reasonable schedule for the implementation of the development to the satisfaction of the Council including suitable provisions for assurance that each phase could be brought to completion in a manner which would not result in adverse effect upon the community as a result of termination at that point.

9. Approval of the Specific Implementation Plan.

A. Following a review of the specific implementation plan, the Zoning Commission shall recommend to the Council that it be approved as submitted, approved with modifications, or disapproved.

B. Upon receipt of the Zoning Commission recommendation, the Council may approve the plan and authorize the development to proceed accordingly, or disapprove the plan.

C. In the event of approval of the specific implementation plan, the building, site and operational plans for the development, as approved, as well as all other commitments and contractual agreements with the City
offered or required with regard to project value, character and other factors pertinent to an assurance that the proposed development will be carried out basically as presented in the official submittal plans, shall be recorded by the developer within ninety (90) days in the office of the County Recorder. This shall include posting a performance bond or certified check as directed by the Council for each individual project as submitted for Council consideration, with the City, guaranteeing that required improvements will be constructed according to the approved implementation schedule. This shall be accomplished prior to the issuance of any building permit.

D. Any subsequent change or addition to the plans or use shall first be submitted for approval to the Council and Zoning Commission and if such change or addition constitutes a substantial alteration of the original plan, the procedures in the above shall be required.

E. If construction of the PUD does not commence and continue in reasonable accordance with the development schedule, then the PUD shall be voided.

10. Construction Requirements. In any plan submitted for consideration of a PUD all structures and fixtures to be permanently or semi-permanently attached to the proposed area to be developed shall have a minimum thirty-foot (30') setback from all City streets, public right-of-ways, City property and other public facilities.

11. Definitions.

A. A Planned Unit Development shall be any orderly development of a tract of five (5) acres or more of contiguous land within the City limits or within areas controlled by this chapter. A PUD may contain single-family residences, multi-family rental dwellings, condominium developments, townhouses, row houses, patio homes, tract development mobile home courts and any other residential structures which from time to time the Council may deem appropriate for inclusion in a particular submitted proposal for a PUD. PUDs also include business and commercial properties of a retail or semi-retail nature. Such properties may in a given PUD be intermingled with the afore-described residential uses subject to the above provisions of approval by the Council. The purpose of this definition is to differentiate the character of PUDs from that of the requirements appearing elsewhere in this chapter and within this Code of Ordinances regarding subdivision and platting and dedication requirements.
B. Exclusions. Specifically excluded from any consideration or any proposal for a PUD shall be industrial enterprises of any character, temporary dwellings, and all other uses inconsistent with the qualifying uses in this section.
165.11 C-1 CENTRAL BUSINESS DISTRICT.

1. Uses. This district is composed of land and structures used primarily to provide retail trade, personal and business services of all kinds that contribute to the construction of a concentrated regional shopping and business center. The regulations are designed to permit a highly concentrated development of the permitted uses within the district. Residential uses are not permitted in the C-1 District, EXCEPT for the following:

- Apartment units above the first floor; and
- First floor apartments that do not exceed 50% of the square footage of the floor and which do not front on Sumner Avenue.

The following are the uses permitted in this district:

- Advertising sign pertaining only to a use conducted within the building, which sign shall not exceed 100 square feet in area unless attached flat against the wall of a principal structure
- Bakeries whose products are sold primarily at retail in the premises;
- Banks and other financial institutions
- Barber shops or beauty parlors
- Bowling alleys
- Business or commercial schools
- Dancing or music studio for private instruction
- Electrical and shoe repair shops with retail sales
- Grocery stores
- Hotels or motels
- Interior decorating shops
Laundry, dry cleaning, and dyeing shops or Laundromats

Messenger or telegraph service stations

Mini-storage units

Offices or office buildings

Petroleum automobile service stations and convenience stores

Photographer studios

Printing shop and newspaper printing shop

Private clubs and lodges

Restaurants

Retail stores

Sales show rooms

Shops for retail sales

Taverns

Theaters (except open-air drive-in theaters)

Public parks

(Ord. 2013-03–Oct. 13 Supp.)

2. Lot Sizes.

Minimum Lot Size......................................................No restriction

Minimum Frontage ......................................................No restriction

Maximum Building Height........................................No restriction

Maximum Lot Coverage by Buildings..........................No restriction

Minimum Front Yard..................................................No restriction

Minimum Side Yard.....................................................No restriction

Minimum Rear Yard....................................................No restriction
3. Off-Street Loading Space. Every principal building or part thereof hereinafter erected, enlarged or converted, having a gross floor area of ten thousand (10,000) square feet or more, which is to be occupied by manufacturing, light industry, storage warehouse, laundry, truck terminal, or other uses, involving the frequent receipt or distribution by vehicles of materials or merchandise, there shall be provided and maintained on the same lot with such building not less than one off-street loading space for each ten thousand (10,000) square feet, or fraction thereof, of gross floor space of the building. Minimum loading space dimensions shall be 10 feet by 25 feet.

4. Architectural Standards. The following architectural requirements and standards shall apply in the Central Business District.

A. Building Placement. Buildings shall be sited parallel to the street frontage and shall have a well-defined front façade with primary entrances addressing the primary street frontage and secondary entrances located at additional convenient locations. At intersections, buildings shall have front façades on both streets.

B. Building Materials. The following materials are NOT acceptable for front façades, except as a secondary or trim material:

   (1) Masonite
   (2) Visible asphaltic exterior wall
   (3) Aluminum/steel siding or panels
   (4) Non-architectural sheet metal
   (5) Non-textured concrete block
   (6) Non-finished/non-painted plywood or particle board siding

C. Design Elements. All buildings shall have at least three design elements that contribute to the appearance and character of the building such as:
(1) Display windows

(2) Peaked roof forms

(3) Arches/recessed archways

(4) Overhangs

(5) Integrated tile/molding

(6) Awnings/canopies

(7) Window and door framing/shutters/sills

(8) Change in material/massing/texture

(9) Change in color

*(Ord. 2011-17– July 12 Supp.)*
165.12 C-2 GENERAL COMMERCIAL DISTRICT.

1. Uses. This district is composed of land and structures used primarily as commercial and limited fabricating, wholesaling and warehousing. The main purpose of this district is to contain commercial uses that require larger pieces of land than generally needed in a built-up downtown area. They also require more space for the maneuvering of vehicles either within the business or in carrying out the transactions within the business. These regulations are designed to permit lightly concentrated development of the permitted uses within the district. All fabricating, wholesaling, and warehousing uses shall be conducted within an enclosed building with no open storage of raw, in process or finished material and supplies or waste material. Any use which is noxious or offensive due to the emission of odor, gas, smoke, dust, or noise, or which is a menace to public health or safety is excluded. Residences are not permitted within the district at all. This district may be more commonly referred to as an outlying commercial district and the following are the uses permitted in this district:

- Private clubs and lodges
- Farm supply sales
- Automobile sales room and/or garages
- Bowling alleys, dance halls or skating rinks
- Drive-in restaurants and theaters
- Farm implement sales and service and outdoor storage
- Petroleum automobile service stations
- Frozen food lockers
- Milk distribution stations
- Undertaking establishments or funeral homes
- Used car sales or storage lots when located at least 50 feet away from any residential district
- Veterinarian or animal hospitals or clinics, provided that any treatment rooms, cages, pens or kennels are located within a completely enclosed, sound-proof building and so operated as not to produce any objectionable odors outside of its walls
Motels

Fabricating, wholesaling and warehousing

Grocery stores

Accessory buildings and uses

Any other business or commercial use similar to the above involving primarily sales or service

Taverns and cocktail lounges

Public parks

2. Yard Requirements. There are no setback or yard requirements for principal or accessory buildings in this district except as otherwise may be required along State, Federal or County roads.

3. Off-Street Parking. Two (2) off-street parking spaces shall be provided on the site or within 200 feet thereof for each three (3) employees regularly employed at the same time in the business hereafter erected in this district.

4. Off-Street Loading. Every principal building or part thereof hereafter erected, enlarged or converted, having a gross floor area of ten thousand (10,000) square feet or more, which is to be occupied by manufacturing, light industry, storage warehouse, laundry, truck terminal or other uses, involving the frequent receipt or distribution by vehicles of materials or merchandise, there shall be provided and maintained on the same lot with such building, not less than one (1) off-street loading space for the first ten thousand (10,000) square feet or fraction thereof, of gross floor space of the building plus one (1) additional off-street loading space for each thirty thousand (30,000) square feet or major fraction thereof, of gross floor area in excess of ten thousand (10,000) square feet. Each such space shall be not less than ten (10) feet in width and sixty-five (65) feet in length and shall be a surfaced area.
165.13 C-3 CENTRAL BUSINESS IMPLEMENT DISTRICT.

1. Uses. This district is composed of land and structures used primarily to provide retail trade, personal and business services of all kinds and to specifically permit in addition to general retail trade the maintenance and operation of farm implement sales and service and outdoor storage facilities. The regulations are designed to permit a highly concentrated development of the permitted uses within the district.

Existing residences within the district are permitted but future residences within the district are not permitted.

- Private clubs and lodges
- Bakeries whose products are sold at retail in the premises
- Banks and other financial institutions
- Barber shops or beauty parlors
- Business or commercial schools
- Dancing or music studio for private instruction
- Electrical and shoe repair shops with retail sales
- Farm implement sales and service and outdoor storage
- Interior decorating shops
- Messenger or telegraph service stations
- Photographic studios
- Offices or office buildings
- Grocery stores
- Restaurants
- Retail stores
- Sales show rooms
- Shops for retail sales
Laundry, dry cleaning, and dyeing shops or Laundromats

Theaters (except open-air drive-in theaters)

Taverns

Advertising sign pertaining only to a use conducted within the building, which sign shall not exceed 100 square feet in area unless attached flat against the wall of a principal structure

Hotels or motels

Printing shop and newspaper printing shop

Public parks

2. Lot Sizes.

Minimum Lot Size..............................................No restriction

Minimum Frontage ............................................No restriction

Maximum Building Height.................................No restriction

Maximum Lot Coverage by Buildings...............No restriction

Minimum Front Yard........................................No restriction

Minimum Side Yard........................................No restriction

Minimum Rear Yard........................................No restriction

3. Off-Street Loading Space. Every principal building or part thereof hereinafter erected, enlarged or converted, having a gross floor area of ten thousand (10,000) square feet or more, which is to be occupied by manufacturing, light industry, storage warehouse, laundry, truck terminal, or other uses, involving the frequent receipt or distribution by vehicles of materials or merchandise, there shall be provided and maintained on the same lot with such building not less than one off-street loading space for each ten thousand (10,000) square feet, or fraction thereof, of gross floor space of the building. Minimum loading space dimensions shall be 10 feet by 20 feet.
165.14 I-1 GENERAL INDUSTRIAL DISTRICT.

1. Uses. This district is composed of land now occupied by light industry or other lands not well suited for residential developments, where the modes of operation of industry would not likely affect nearby residential and business use. The purpose of this district is to permit the normal operation of industries, other than those whose operations may affect the health, safety or welfare or nearby residential and commercial property. This district is meant as an environmental buffer between residential and heavy industrial zones. Residential or apartment use in this district is not permitted. In this district, a building or premises shall be used only for the following purposes and shall be subject to the provisions enumerated hereinafter:

   Laboratories, research, experimental or testing

   Offices and office buildings

   Wholesale merchandising or storage warehouses

   Compounding of cosmetics, toiletries, drugs and pharmaceutical products

   Manufacture or assembly of medical and dental equipment, drafting, optical, and musical instruments, watches, clocks, toys, games and electrical or electronic apparatus

   Manufacture or assembly of boats, bolts, nuts, screws, and rivets, ornamental iron products, firearms, electrical appliances, tools, dies, machinery and hardware products, sheet metal products, and vitreous enameled metal products

   Manufacture or storage of food products, including beverage blending or bottling, bakery products, candy manufacture, dairy products and ice cream, fruit and vegetable processing and canning, packing and processing of meat and poultry products, but not distilling of beverages or slaughtering of poultry or animals

   Manufacture of rugs, mattresses, pillows, quilts, millinery, hosiery, clothing, and fabrics and printing and finishing of textiles and fibers into fabric goods

   Manufacture of boxes, crates, furniture, baskets, veneer, and other wood products of a similar nature
Generally, those light manufacturing uses similar to those listed in the previous 6 items which do not create any more danger to health and safety in surrounding areas and which do not create any more offensive noise, vibration, smoke, dust, lint, odors, heat or glare than that which is generally associated with light industries of the type specifically permitted.

Accessory buildings and uses including accessory signs and advertising structures related to the activity conducted on the premises.

Railroad siding.

Sale at wholesale; warehousing and/or storage of any commodity, except commercial explosives.

Sale at retail of any commodity manufactured, processed, fabricated or wholesaled only on the premises; equipment, supplies and materials (except commercial explosives) for agriculture, industry, business.

Repair, rental and servicing of any commodity, the manufacture, process, fabrication, warehousing or sale of which commodity is permitted in this district.

Garages and accessory building may occupy any portion of the lot with a principal building when necessary for any permitted use.

Farms, nurseries, truck gardening, raising of livestock and fowls and similar agricultural operations including greenhouses.

Any use permitted in the C-2 General Commercial District except apartments above places of business.

Utility services not including exterior storage.

Contractors plants and storage yards.

Radio and television stations but not transmission towers.

Poster boards and advertising signs.

The uses enumerated above shall be subject to the following provisions:

A. All uses shall be conducted within an enclosed building with no open storage of raw, in process, or finished material and supplies or waste material.
B. All main plant buildings shall be of wood frame, concrete, structural steel or masonry construction and limited to 30 feet in height unless otherwise recommended by the Planning and Zoning Commission and approved by the Council. The following are prohibited on the façade:

1. Wood siding
2. Asphalt shingles

(Ord. 2013-04 – Oct. 13 Supp.)

C. Adequate parking and loading space shall be provided off the street for all employees and traffic to the plant.

D. Loading operations shall be conducted at the side or rear of the buildings.

Any use which is noxious or offensive due to the emission of odor, gas, smoke, dust or noise, or which is a menace to public health or safety is excluded.

2. Yard Requirements. There are no setback or yard requirements for principal or accessory buildings in the district.

3. Off-Street Parking. Two (2) off-street parking spaces shall be provided on the lot for each three (3) employees regularly employed at the same time in factories, offices, businesses and shops hereafter erected in this district, but in no event less than an area equal to one-fourth (¼) the gross floor area occupied by the use in the principal building or buildings.

4. Off-Street Loading. The same requirements for off-street loading as specified for C-2 General Commercial District shall apply to uses in this district.
165.15 I-2 HEAVY INDUSTRIAL DISTRICT.

1. Uses. This district is composed of land now occupied by industry or other lands not well suited for residential developments, where the modes of operation of industry would likely affect nearby residential and business use. The purpose of this district is to permit the normal operation of heavy industries, including those whose operations may affect the health, safety or welfare of nearby residential and commercial property. Residential or apartment use in this district is not permitted. The manufacture, processing and/or fabrication as enumerated of any commodity except those specifically excluded herein:

Any use permitted in “I-1” General Industrial District
Airports and landing fields
Junk yards
Drive-in or outdoor theaters
Circuses, carnivals, fairs, and shows operating for a profit
Sawmills
Radio and television stations and masts
Stockyards

Any use which is noxious or offensive due to the emission of odor, gas, smoke, dust or noise, or which is a menace to public health or safety, except by agreement to special control provisions recommended by the Planning and Zoning Commission, and approved by the Council, is excluded.

2. Yard Requirements. There are no setback or yard requirements for principal or accessory buildings in the district.

3. Off-Street Parking. Two (2) off-street parking spaces shall be provided on the lot for each three (3) employees regularly employed at the same time in factories, offices, businesses and shops hereafter erected in this district, but in no event less than an area equal to one-fourth (¼) the gross floor area occupied by the use in the principal building or buildings.
4. Off-Street Loading. The same requirements for off-street loading as specified for C-2 General Commercial District shall apply to uses in this district.
165.16 ADMINISTRATION AND ENFORCEMENT.

1. Permit Required. No building or part thereof shall be erected, constructed, reconstructed, converted, altered, enlarged, extended, raised, moved or used and no land shall be used except in conformity with the regulations herein prescribed for the district in which such building or land may be situated and until a building permit has been issued by the Zoning Administrator as provided herein. This requirement as to residential and other non-fire zone structures shall apply to exterior alterations only. Cosmetic changes or changes deemed by the Zoning Administrator to be inconsequential shall be exempt, such changes as re-shingling, re-siding, window replacement, paved driveways and patios shall be deemed inconsequential.

2. Application for Building Permit. Each application for a building permit shall be in writing, on the standard forms of the City, and filed in the office of the Zoning Administrator. The application shall be accompanied by a plot plan of the lot upon which the building or structure is to be placed, reconstructed, enlarged or converted, showing the size of the lot, foundation dimensions, proposed front, side, and rear yard depths of the proposed building or structure and any other existing accessory building on the lot.

3. Issuance of Building Permit. If after reviewing the application, the Zoning Administrator finds the building or structure in the proposed location complies with all the provisions of this chapter, the Zoning Administrator shall, upon payment of the required fee as prescribed herein, issue a building permit therefor and retain a copy thereof as a part of the permanent records of the Zoning Administrator’s office.

4. Refusal of Building Permit. If after reviewing the application the Zoning Administrator finds the building or structure in the proposed location does not comply with the provisions of this chapter, the Zoning Administrator shall furnish the applicant with a signed statement, refusing to issue such permit and setting forth the reason for such refusal. The refusal by the Zoning Administrator to issue a permit may be appealed by the applicant to the Board of Adjustment in the manner provided herein.

5. Expiration. Any zoning permit, under which no construction work has been commenced within six (6) months after date of issuance, or under which the proposed construction, reconstruction or alteration has not been completed within two (2) years of the date of issue, shall expire by limitation and no work or operation shall take place under such permit after its expiration. A building permit may be
extended once for a period not exceeding six (6) months by the Zoning Administrator.

6. Enforcement. A Zoning Administrator shall be appointed by the Mayor to hold office for such term as the Council shall determine, such appointment to be approved by the Council. Said Zoning Administrator shall issue all building permits and enforce all provisions of this chapter. Appeals from the decisions of the Zoning Administrator may be made to the Board of Adjustment as provided herein.

7. Records. The Zoning Administrator shall keep a record of all applications filed, permits issued or refused, and if refused the reason for such refusal and the final action thereon. The Zoning Administrator shall keep a record of all building permit fees collected and shall remit the amount of such fees to the office of the Clerk each day.

8. Fees. Building permits for buildings to be constructed shall be charged at the rate of:

A. Ten cents (10¢) per square foot to five thousand (5,000) square feet of floor space with over five thousand (5,000) square feet at three cents (3¢) per square foot with a minimum charge of thirty dollars ($30.00).

B. If the proposed construction, reconstruction, conversion, alteration, enlargement, extension, or relocation is found to be located within the City’s 100-year flood plain as determined by the City’s Flood Boundary and Floodway Map, Community-Panel Number 190155 0005 B, effective May 19, 1981, or as amended hereafter, the fees shall be twelve cents (12¢) per square foot of floor space with space over five thousand (5,000) square feet at three cents (3¢) per square foot with a minimum charge of thirty dollars ($30.00).

C. “Square footage” as herein computed means the area within the foundation upon and within the earth.

D. Of the fees herein computed, sixty-five percent (65%) thereof shall be paid to the Zoning Building Commissioner for inspection fees.

E. Any additional fees incurred by the City in determining an application’s compliance with the regulations as set forth in this chapter or
any related chapter in this Code of Ordinances shall be borne by the person making the application.


A. No building or part thereof shall be erected, constructed, reconstructed, converted, altered, enlarged, extended, raised, moved, used or changed from an existing owner or occupant to a new owner or occupant without first obtaining from the City a Certificate of Occupancy.

B. The Certificate of Occupancy shall be distributed and collected by the Clerk and shall contain the following information:

   (1) Owner and occupant (if different from owner);

   (2) Contemplated uses;

   (3) Legal description of the property;

   (4) Any contemplated changes in use from present use, including changes in both use and physical characteristics of the property.

C. The certificate shall be completed by the owner or occupant and delivered to the City Zoning and Building Officer, who shall conduct an investigation of the proposed use and either approve or disapprove the certificate. If approved, the certificate shall be delivered to the Clerk for filing. If disapproved, the Zoning and Building Officer shall attach to the disapproved certificate a letter setting forth the reasons for disapproval. This shall be forwarded to the Clerk and a copy sent to the owner or occupant.

D. An appeal may be taken from a disapproved certificate by notifying the Clerk, who shall place the matter on the agenda for Council discussion and decision. The Council shall, at its discretion, retain the right to refer the matter for recommendation and investigation to the Zoning Commission, and shall have the right by majority vote to affirm the disapproved certificate, require corrective measures prior to correction, or override the Zoning and Building Officer and approve the certificate.
165.17 BOARD OF ADJUSTMENT.

1. Board Created. The Board of Adjustment consists of five (5) members all of whom are taxpayers and residents of the City. They shall be appointed by the Mayor, subject to confirmation by the Council. One (1) member of the Board may be a member of the City Planning Commission. Appointments to the Board shall be for a term of five (5) years. Any vacancy shall be filled by appointment for the unexpired term only. All members shall serve without compensation.

2. Meetings. The meetings of the Board shall be held at the call of the Chairperson, and at such other times as the Board may determine. Such Chairperson, or in the Chairperson’s absence, the acting Chairperson, may administer oaths and compel the attendance of witnesses. The meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent or failing to vote, the minutes shall indicate such fact. The Board shall keep records of its examinations and other official actions, which shall be immediately filed in the office of the Board as a public record. The presence of three (3) members shall be necessary to constitute a quorum.

3. Appeals. Appeals to the Board may be taken by any person aggrieved, or by any officer, department, or board or bureau of the City affected by any decision of the Zoning Administrator. Such appeal shall be taken within ten (10) days by filing with the Zoning Administrator and with the Board written notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from is taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board after the notice of the appeal shall have been filed with the Zoning Administrator, that by reason of facts stated in the appeal a stay would in said official’s opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application of notice to the Zoning Administrator and on due cause shown. Appeals to the Board from the decision of the Zoning Administrator shall not be considered by the Board until a fee of one hundred fifty dollars ($150.00) for each such appeal is deposited by the appellant with the Clerk. Such fee shall be paid at the same time as the notice to the Board that is herein delineated is given. The City may, from time to time, apply such fees as it deems necessary to defray administration and expenses in processing the appeal. The appellant is required to set stakes showing the boundaries of the proposed construction at least one week prior to the hearing date.
4. **Hearings; Notice.** The Board shall fix a reasonable time for the hearing on the appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or attorney.

5. **Powers; Administrative Review.** The Board shall hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of the provisions of this chapter.

6. **Powers; Exceptions.** The Board shall permit the following exceptions to the district regulations set forth in this chapter subject to the requirements of this section:

   A. To permit erection and use of a building or the use of premises or vary the height and the regulations in any location for a public service corporation for public utility purposes or for purposes of public communication, which the Board determines is reasonably necessary for the public convenience or welfare.

   B. To permit the extension of a use into a district where it would be otherwise prohibited, in a case where a district boundary line is so located that a lot or plat is in more than one district.

7. **Powers; Special Exceptions.** The Board shall have the authority to hear and decide only such other special exceptions as the Board is specifically authorized to pass on by the terms of this chapter; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this chapter, or to deny special exceptions when not in harmony with the purpose and intent of this chapter. A special exception shall not be granted by the Board unless and until:

   A. A written application for special exception is submitted indicating the section of this chapter under which the special exception is sought and stating the grounds on which it is requested.

   B. Notice of public hearing shall be given at least ten (10) days in advance of public hearing. The owner of the property for which special exceptions are sought shall give notice of such hearing at least ten (10) days prior to the date of the hearing.
exception is sought or such person’s agent and any other affected property owners shall be notified by mail. Notice of hearing shall also be posted on the property for which special exception is sought. Any party may appear in person, or by agent, or attorney.

C. Requests for variances to permit a nonconforming use in addition to being made to the Board of Adjustment shall also be automatically forwarded by the Clerk to the Zoning Commission which shall thereafter have the right to make recommendations for or against the proposed special exception, and shall have the right to appear before the Board of Adjustment. No request for exception shall be passed upon by the Board of Adjustment without first being referred to and a report on recommendations received from the Zoning Commission.

8. Powers; Variances. The Board shall have the authority to authorize upon appeal in specific cases such variances from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter would result in unnecessary hardship. A variance from the terms of the Zoning Ordinance shall not be granted by the Board unless and until:

   A. A written application for a variance is submitted demonstrating that:

      (1) Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district.

      (2) Literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter.

      (3) The special conditions and circumstances do not result from the actions of the applicant.

      (4) Granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings in the same district.
No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

B. Notice of public hearing shall be given at least ten (10) days in advance of public hearing. The owner of the property for which special exception is sought or an agent of said owner and any other affected property owners shall be notified by mail. Notice of hearing shall also be posted on the property for which special exception is sought. Any party may appear in person, or by agent, or by attorney.

9. Decisions of the Board of Adjustment. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter, or to effect any variation in the application of this chapter.

10. Appeals From the Decision of the Board of Adjustment. Any taxpayer, or any officer, department, board or bureau of the City, or any person or persons jointly or severally aggrieved by a 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 (30) days after the filing of the decision in the office of the Board. The court may reverse or affirm, wholly or in part, or may modify the decision brought up for review.

11. Duties on Matters of Appeal. It is the intent of this chapter that all questions of interpretation and enforcement shall be first presented to the Zoning Administrator, and that such questions shall be presented to the Board of Adjustment only on appeal from the decision of the Zoning Administrator, and that recourse from the decisions of the Board of Adjustment shall be to the courts as provided by law and particularly by statute. It is further the intent of this chapter that the duties of the Council in connection with this chapter shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this chapter. Under this chapter, the Council shall have only the duties of considering and adopting or rejecting proposed amendments or the repeal of the ordinance codified by this chapter, as provided by law and of establishing a schedule of fees and charges.
12. Complaints Regarding Violations. Whenever a violation of this chapter occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Administrator. The Zoning Administrator shall record properly such complaint, immediately investigate, and take action thereof as provided by this chapter.

165.18 AMENDMENTS.

1. The Council may, from time to time, on its own initiative, on petition, or on recommendation by the Planning and Zoning Commission, after public notice and hearings provided by law, and after a report by the Commission or after thirty (30) days’ written notice to the Commission, amend, supplement, or change the regulations or districts herein or subsequently established.

2. Whenever the owners of fifty percent (50%) or more of the area of the lots in any district or part thereof desire any amendment, supplement or change in any of the provisions of this chapter applicable to such area, they may file a petition with the Clerk requesting the Council to make such amendment, supplement or change. Such petition shall be accompanied by a map or diagram showing the area affected by the proposed amendment, supplement or change, together with the boundaries of the area and such petition shall immediately be transmitted to the Commission for an investigation and report. The Commission shall file its recommendations approving, disapproving or modifying the proposed amendment, supplement or change with the Council within thirty (30) days thereafter.

3. If a written protest against any proposed amendment, supplement or change shall have been presented to the Council, signed by the owners of twenty percent (20%) or more, either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear thereof, extending the depth of one lot or not to exceed two hundred (200) feet therefrom or of those directly opposite thereto, extending the depth of one lot or not to exceed 200 feet from the street frontage of such opposite lots, such amendment shall not become effective, except by the favorable vote of at least three-fourths (3/4) of all the members of the Council.

4. Whenever a petition requesting an amendment, supplement, or change of any regulation prescribed by this chapter has been denied by the Council such petition cannot be renewed for one year thereafter unless it is signed by at least fifty percent (50%) of the property owners who previously objected to the change. This provision, however, shall not prevent the Council from acting on its own initiative in any case or at any time as otherwise provided in this section.
The following ordinances which amended the Official Zoning Map referred to in this chapter 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.

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CHAPTER 166

SUBDIVISION REGULATIONS

166.01 Purpose

166.02 Definitions

166.03 Plat Required

166.04 Procedure

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166.01 PURPOSE. The purpose of this chapter is to provide for the harmonious development of the City; for the coordination of streets and public utilities within subdivisions with other existing or platted streets and public utilities or with other features of the City Plat; for adequate open spaces for traffic, recreation, schools, light and air; and for a distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience and prosperity.

166.02 DEFINITIONS. For use in this chapter, the following terms or words are defined.

1. “Building lines” means lines on a plat between which lines and streets no buildings or structures may be erected.

2. “Commission” means the City Planning and Zoning Commission.

3. “Cul-de-sac” means a minor street with only one outlet and culminated by a turnaround.

4. “Easement” means a grant by the property owner of the use, for a specific purpose, of a strip of land by the general public, a corporation or certain persons.

5. “Lot” means a portion of a subdivision or other parcel of land intended for the purpose, whether immediate or future, of transfer of ownership or for building development.
6. “Major street” means a street designated as a major street on the major street plat of the City or so identified by the Council.

7. “Minor street” means a street not designated as a major street on the major street plat of the City or so identified by the Council.

8. “Minor subdivision” means any subdivision containing 5 or fewer lots all of which front on an existing paved street approved to City standards, and which does not require any new street upgrades, or the extension or creation of any municipal utilities, services or other public improvements (and otherwise not in conflict with any provision of the City’s comprehensive plan, official zoning map, or other regulations).

9. “Performance bond” means a surety bond or cash deposit made out to the City, in an amount equal to the full cost of the improvements which are required by this chapter, said cost estimated by the City Engineer, and said surety bond or cash bond being legally sufficient to secure to the City that the said improvements will be constructed in accordance with this chapter.

10. “Roadway” means that portion of the street available for vehicular traffic, and where curbs are laid, the portion from back to back of curbs.

11. “Street” means all property dedicated or intended for public or private use for access to abutting lands or subject to public easement therefor, and whether designated as a street, highway, thoroughfare, parkway, throughway, expressway, road, avenue, boulevard, lane, place, circle or however otherwise designated.

12. “Subdivider” means any person dividing or proposing to divide land so as to constitute a subdivision as defined herein, and includes any agent of the subdivider.

13. “Subdivision” means the division of land into two (2) or more lots or other division of land into parcels of one acre or less in area for the purpose, whether immediate or future, of transfer of ownership or building development; or any change in existing street lines or public easement. The term, when appropriate to the context, relates to the process of subdividing or to the land subdivided, or the resubdivision of land heretofore divided or platted into lots or other divisions of land, or, if a new street is involved, any division of land.

166.03 PLAT REQUIRED. It is unlawful for the owner, agent or persons having control of any land within the corporate limits of the City or, pursuant to Section 354.9 of the Code of
Iowa, within two (2) miles thereof, to subdivide or lay out such land into lots, blocks, streets, avenues, alleys, public ways and grounds, unless by plat in accordance with the laws of the State and the provisions of this chapter.

166.04 PROCEDURE. In obtaining final approval of a proposed subdivision by the Commission and the Council, the subdivider shall comply with the following:

1. The subdivider shall first prepare and file with the Commission eleven (11) copies of a preliminary plat conforming to the requirements set forth in this chapter. Thirteen (13) copies of the preliminary plat shall be submitted for subdivisions outside the corporate limits of the City. The plat shall show the layout of the entire area to be ultimately subdivided even though only a portion may be intended for initial development. The portion to be initially developed shall be clearly indicated on the plat.

2. The Commission shall forthwith send two (2) copies to the City Engineer. In the case of subdivisions outside the corporate limits of the City, the Commission shall send two copies of the preliminary plat to the County Board of Supervisors and keep the County Engineer advised of the status of the plat and actions taken thereon.

3. The City Engineer shall examine said plat as to its compliance with the laws and regulations of the City, the existing street system, and good engineering practices, and shall within 15 days submit findings in duplicate to the Commission together with one (1) copy of the plat received. The City Engineer shall also confirm whether the proposed subdivision meets the requirements of a minor subdivision if presented by the subdivider as such.

4. The Commission shall, upon receiving the City Engineer’s report, as soon as possible, but not more than 30 days thereafter, consider said report and pass upon the preliminary plat. It shall then set forth its recommendation in writing, whether of approval, modification, or disapproval. In case of modification or disapproval, it shall give its reasons therefor. The Commission shall forthwith return one (1) copy of the approved preliminary plat to the subdivider.

5. Upon approval of the preliminary plat by the Commission the subdivider may proceed with the preparation of the final plat and detailed construction drawings and specifications for the improvements required under this chapter. In the case of a minor subdivision, the preliminary plat, as approved by the Commission and with the inclusion of the final lot dimensions, shall be deemed to have been accepted by the Commission as a final plat, and shall be submitted to the Council for review as the
6. The approval of the preliminary plat by the Commission is revocable and does not constitute final approval or acceptance of the subdivision by the Council or authorization to proceed on construction of improvements within the subdivision but shall constitute approval of layout and general engineering proposals and plats.

7. Before submitting the final plat to the Commission for approval, the subdivider shall furnish all plats and information as listed in “Final Plat Requirements” necessary for the detailed engineering consideration of the improvements required and obtain the approval of the City Engineer which shall be endorsed thereon.

8. For final plat approval the subdivider shall submit to the Commission:

   A. Thirteen (13) copies of the final plat showing initial development and ultimate development.

   B. A performance bond in the amount approved by the City Engineer. Said bond must cover the entire area being subdivided.

   C. One copy of the certified approved plats, profiles, cross sections and specifications.

   D. A certificate from the City Engineer that the final plat is substantially in accord with the preliminary plat as approved by the Commission.

9. When the final plat has been passed upon by the Commission, thirteen copies of the final plat and performance bond shall forthwith be transmitted to the Council, together with a certificate showing the action of the Commission.

10. When the final plat has been approved by the Council, the performance bond accepted and all 13 copies duly certified, nine (9) copies shall be delivered to the Commission; one copy to the City Engineer and two (2) to the Clerk for their respective files, and one to the subdivider for filing with the County Recorder. If said plat is disapproved by the Council, such disapproval shall point out in writing wherein said proposed plat is objectionable.
11. The passage of the resolution accepting the plat shall constitute final approval of the platting of the area shown on the final plat, but the owner shall cause such plat to be recorded in the office of the County Recorder and shall file satisfactory evidence of such recording in the office of the Clerk before the City shall recognize the plat as being in full force and effect.

12. Acceptance of the final plat by the Council shall constitute acceptance of the public right-of-ways. Any liens against the property shall be against the remainder of the property and not against the public right-of-ways. Evidence of this shall be filed with the final plat. The performance bond is assurance that the developer will complete the improvements required within the public right-of-ways.

13. The State requires certain certification be entered of record together with the certified plat. See Chapter 354 of the Code of Iowa.

14. Upon receipt of the duly certified copies of the final plat by the Commission, the recording secretary of the Commission will transmit copies of the plat, upon which have been placed the official house numbers as determined by the City Engineer, to the subdivider, the waterworks department, the gas company and the telephone company.

15. Receipt of the duly certified final plat by the subdivider is authorization that the subdivider may proceed with the installation and construction of the required improvements.

16. The Council will return the performance bond to the subdivider upon certification by the City Engineer of satisfactory completion of the installation and construction of the required improvements. Prior to certification by the City Engineer, the subdivider shall file with the City Engineer plats, profiles, and cross sections of the required improvements as they have been built. The subdivider has two years from the date the Council approves the final plat to complete all improvements required by these regulations. Improvements are considered complete when accepted by the Council. The Council shall use the performance bond to complete the improvements if not completed within two years.

166.05 REQUIREMENTS OF PRELIMINARY PLAT. The preliminary plat shall be clearly and legibly drawn to a scale of one inch to one hundred feet or less and shall be plainly marked “Preliminary Plat.” The plat shall show:
1. The proposed name of the subdivision and, if different, the title under which the subdivision is to be recorded.

2. The name and address of the owner and the name, address and profession of the person preparing the plat.

3. The date, scale and north point and a key map showing the general location of the proposed subdivision in relation to surrounding development.

4. The legal description of the area being platted.

5. The boundary lines (accurate in scale), the dimensions and location of property to be platted and the location of section lines.

6. Contours with intervals of not more than five feet.

7. The names and location of adjacent subdivisions and the name of record owners and location of adjoining parcels of unplatted land.

8. The location of property lines, streets and alleys, easements, buildings, utilities, watercourses, tree masses and other existing features affecting the plat.

9. The zoning classification and proposed use for the area being platted.

10. The layout, numbers and approximate dimensions of proposed lots.

11. The layout of all existing and proposed building lines and easements.

12. The location, width and dimensions of all streets, alleys and grounds proposed to be dedicated for public use.

13. Proposed names for all streets in the area being platted.

14. Written and signed statements explaining how and when the subdivider proposes to provide and install all required sewers or other disposal of sanitary wastes, pavement, sidewalks and drainage structures.

15. Written and signed statements of the appropriate officials of the availability of gas, electricity and water to the proposed subdivision.
166.06 REQUIREMENTS OF FINAL PLAT. The final plat shall be clearly and legibly drawn to a scale of one inch to one hundred feet or less in ink on quality vellum, 11" x 17", approved by the City Clerk. The plat shall show:

1. The title under which the subdivision will be recorded.

2. The name or names of the owners and subdividers.

3. The date, scale and north point and a key map showing the general location of the proposed subdivision.

4. The legal description of the area being platted.

5. Accurate distances and bearings of all boundary lines of the subdivision including all sections, U.S. survey and congressional township lines.

6. Centerlines of all proposed and adjoining streets with their right-of-way width and names.

7. Lines of all lots with a simple method of numbering to identify all lots and blocks.

8. All building lines and all easements provided for public service together with their dimensions and any limitations of the easements.

9. Any and all dimensions necessary for accurate location of the boundaries of the site to be developed and of all streets, lots, easements and dedicated areas. These dimensions shall be expressed in feet and decimals of feet.

10. All radii, arcs, points of tangency, central angles, lengths and degrees of curves.

11. Certification by a registered land surveyor that the final plat as shown is a correct representation of the survey as made.

12. All survey monuments and bench marks (bench marks shall be tied to city or geodetic datum), together with their description.
13. Private restrictive covenants and their period of existence.

14. The accurate outline, dimensions and purposes of all property which is offered for dedication or is to be reserved for acquisition for public use, or is to be reserved by deed covenant for the common use of the property owners in the subdivision.

15. Information to be Provided in Accompanying Material. The following material shall be submitted to the Clerk at least fifteen (15) days prior to the Council meeting to be acted upon following Commission action on the final plat.

A. A statement by the proprietors and their spouses, if any, that the subdivision plat is prepared with their free consent in accordance with their desire, signed and acknowledged by the proprietor and the proprietor's spouse before an officer authorized to take the acknowledgment 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.

B. A statement from the mortgage holders or lien holders, 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 Code of Iowa Section 354.12 may be recorded in lieu of the consent of the mortgage or lien holder. When a mortgage or lien holder consents to the subdivision, a release of mortgage or lien shall be recorded for any areas conveyed to the governing body or dedicated to the public.

C. 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, along with any bonds securing the encumbrances. Utility easements shall not be construed to be encumbrances for the purpose of this section.

D. A certified resolution by each governing body as required by Code of Iowa Section 354.8 either approving the subdivision or waiving the right to review, including a statement by the Auditor approving the name of the subdivision plat.
E. 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 Code of Iowa Section 354.12.

166.07 PLANS, PROFILES AND CROSS SECTIONS. The subdivider shall submit to the City Engineer the following plats, profiles and cross sections, drawn to a horizontal scale of one inch to one hundred feet or less and a vertical scale of one inch to ten feet or less, and specifications for the construction of the improvements for the subdivision as required in this chapter. All elevations shall be referred to mean sea level or City datum.

1. The plat and profiles of each street with tentative grades and street intersection elevations.

2. The cross sections of proposed streets showing the width of roadways, present and proposed grade lines, and location and size of utility mains. The cross sections shall be taken and platted at intervals of not more than fifty feet along the centerline and shall extend out to the sides to that point where the proposed grade intersects the existing grade. In no case shall these cross sections be extended less than the full width of the right-of-way.

3. The plat and profile of proposed sanitary sewers and storm water sewers with grades and pipe sizes indicated and a plat of the proposed water distribution system showing pipe sizes and location of valves and fire hydrants.

4. Standard specifications for the required improvements approved by the City Engineer may be used.

166.08 MODIFICATIONS OF REQUIREMENTS. Where in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of this chapter would result in extraordinary hardship to the subdivider because of unusual topography or other such non-self-inflicted conditions, or that these conditions would result in inhibiting the achievement of the objectives of this chapter, the Council may vary, modify or waive the requirements so that substantial justice may be done and the public interest secured; provided, however, that such variance, modification or waiver will not have the effect of nullifying the intent and purpose of this chapter or interfering with carrying out the Comprehensive Plat of the City. In no case shall any variance, modification or waiver be more than a minimum easing of the requirements and in no instance shall it have the effect of reducing the traffic capacity of any street below that shown on the Comprehensive Plat of the City or be in conflict with the Zoning Ordinance and map. Such variances and waivers
may be granted only by the affirmative vote of three-fourths (3/4) of all the members of the Commission. In granting variances and modifications, the Commission may require such conditions as will, in its judgment, secure substantially the objectives of the requirements so varied or modified.

166.09 GENERAL REQUIREMENTS.

1. Acreage Subdivisions. Where the parcel of land is subdivided into larger tracts than ordinarily used for building lots, such parcels shall be divided so as to allow for the opening of major streets and the ultimate extension of adjacent minor streets. Easements providing for the future opening and extension of such streets, may, at the discretion of the Council, be made a requirement of the plat.

2. Relation to Existing Streets. New subdivisions shall make provisions for the continuation of the principal existing streets in adjoining areas (or their proper projection where adjoining property is not subdivided) insofar as they may be necessary for the public requirements.

3. Minimum Street and Alley Widths.
   A. The widths and locations of major streets shall conform to the widths and locations designated on the major street plat of the City.
   B. The minimum width of a minor street (cul-de-sac or dead end) shall be fifty (50) feet. Where streets adjoin unsubdivided property a half street at least 33 feet in width shall be dedicated. No homes shall be constructed on half streets.
   C. Alleys shall not be provided in a residential block. Alleys are required in the rear of all business lots and shall be at least 20 feet in width.

   A. The minimum roadway width for streets shall be 37 feet.
   B. The minimum roadway width for alleys shall be 20 feet.
   C. The minimum roadway width for cul-de-sacs shall be 29 feet.
5. Cul-de-sac and Dead End Streets. Except in cases where unusual topographic conditions may make it advisable to modify these provisions, the following shall apply:

A. Maximum length of five hundred (500) feet.

B. Vehicular turnaround area at the closed end of a street shall have a minimum radius of fifty (50) feet and the roadway shall have a minimum radius of forty (40) feet to the exterior curb line. No unpaved center island will be permitted in the turnaround area.

C. In the case of temporary dead-end streets, which are stub streets designed to provide future connection with unsubdivided areas adjoining, the Commission may require a temporary easement for a turnaround of the nature indicated above, or an appropriate area for a back around, or a roadway at least thirty-seven (37) feet in width of not excessive length to connect the temporary dead end with an existing street.

6. Street Grades.

A. Streets shall be so arranged that grades shall not exceed seven percent for major streets and ten percent for minor streets. The Commission may permit variation from these grades where it deems modification advisable to adjust to topographic situations.

B. Gutter grades on paved gutters shall not be less than four tenths of one percent.

C. All changes in street grades shall be connected by a vertical curve of reasonable length to assure adequate visibility. Minimum curve lengths shall be 20 feet for each percent of grade change on major streets and 15 feet for each percent of grade change on minor streets.

D. In approaching intersections, there should be a suitable leveling of the street at a grade generally not exceeding four percent and for a distance of generally not less than 100 feet from the nearest line of the intersection street. The grade within the intersection should be as level as possible, permitting proper drainage.
E. Street jogs with centerline offsets of less than one hundred fifty (150) feet shall be avoided.

F. A tangent of at least one hundred (100) feet long shall be introduced between reverse curves on major streets.

G. When connecting street lines deflect from each other at any one point by more than ten (10) degrees, they shall be connected by a curve with a radius adequate to insure a sight distance of not less than one hundred (100) feet for minor streets and of such greater radii as the Commission shall determine for special cases.

7. Intersections.

A. Street roadway intersections shall be rounded radii of at least 20 feet.

B. Streets shall be laid out to intersect as nearly as possible at right angles, and may be curved approaching the intersection in order to bring this about; no street shall intersect any other street at any angle of less than 60 degrees.

C. The design of the intersection should be such that a clear sight distance will be maintained for 75 feet at the roadway centerline, with no obstruction to sight within the triangle formed at these points.

8. Street Names. Streets that are obviously in alignment with others already existing and named shall bear the name of the existing streets. The proposed names of new streets shall be shown on the final plat and such names shall not duplicate or sound similar to existing street names. The City Engineer shall approve street names and house numbers.


A. No block shall be longer than 1000 feet between street lines. An easement near the center of the block not less than ten feet wide for a crosswalk may be required on blocks that are over 750 feet in length.

B. The width of blocks, except for special reasons, shall not be less than 200 feet and not more than 350 feet.
10. Lots.

A. The lot arrangement and design shall be such that all lots will provide satisfactory building sites, properly related to topography and the character of surrounding development.

B. The width and area of all lots shall comply with the requirements of the zoning district in which it is located. However, no residential lot shall be less than eighty (80) feet in width at the building line, or less than one hundred (100) feet in depth, or less than eight thousand (8000) square feet in area.

C. All subdivisions located in the corporate limits of the City shall be connected to the public sewer system and the public water system.

D. Corner lots shall have front building setback lines on both adjoining streets.

E. In all lots so far as possible, the side lines shall be at right angles to straight street lines or radial to curved street lines except where a variation of this rule will provide a better street and lot layout.

F. Double frontage and reverse frontage lots shall be avoided except where their use will produce definite advantages in meeting special situations in relation to topography, sound site platting and proper land use.

11. Building Lines. Building lines conforming to zoning standards shall be shown on all lots within the platted area. Where the subdivided area is not under zoning control, the Commission may require building lines in accordance with the needs of each subdivision. The minimum building line permitted for residential lots shall be thirty (30) feet front and ten (10) feet side. (See paragraph (10)(D) in this section for corner lots.) Provisions shall be made by the owner’s declaration of plat, requiring all enclosed parts of buildings to be set back to such building lines.

12. Character of Development. The Commission and Council may require that certain minimum regulations regarding type and character of development be incorporated in the owner’s declaration of plat. Such regulations shall be intended to protect the character and development of the platted subdivision, as well as that of the surrounding development.
13. Easements for Public Utilities. Where alleys are not provided in the plat, easements of not less than five (5) feet in width shall be granted to the City by the owner of each side of all rear and where necessary side lot lines for public utility requirements. Easements of greater width may be required along lot lines or across lots when necessary for extensions of main sewers or other utilities. No buildings or structures will be permitted on easements. If City utility services are provided to unincorporated areas, every effort to incorporate or annex the property will be made.

14. Maintenance of Improvements Outside Corporate Limits. Where a subdivision outside the corporate limits contains sewers, sewage treatment plants, water supply systems, park area, street trees or other physical facilities necessary or desirable for the welfare of the area and which are of common use or benefit and which the City does not desire to or cannot maintain, provision shall be made by trust agreements made a part of the deed restrictions acceptable to the City for the proper and continuous maintenance and supervision of such facilities by the lot owners in the subdivision.

15. Monuments. Monuments (3/4" x 30" iron stakes or 4" x 4" x 30" concrete posts) shall be placed at block corners, point of curves, change in direction along lot lines and at each lot corner in accordance with City specifications.

166.10 IMPROVEMENTS REQUIRED. The subdivider shall install and construct all improvements required by this chapter. All required improvements shall be installed and constructed in accordance with the specifications and under the supervision of the Council and to its satisfaction.

1. Streets and Alleys. All streets and alleys within the platted area which are dedicated for public use shall be brought to the grade approved by the Council and after receiving the report and recommendations of the City Engineer a deed to the City shall be given for all streets and alleys before the same will be accepted for City maintenance.

2. Street Surfacing and Design.

   A. All residential local streets (minor streets), those used primarily for access to the abutting properties, and residential collector streets, those carrying traffic from local streets to major streets, shall be constructed to the following minimum design standards:
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(1) 6” P.C.C. Pavement with 2” Class A Rolled Stone Base (AASHTO SN 3.24); or

(2) 6” A.C.C. Pavement with 6” Class A Rolled Stone Base (AASHTO SN 3.12).

B. All major streets shall be constructed to the following minimum design standards:

(1) 6” P.C.C. with 6” Class A Rolled Stone Base (AASHTO SN 3.72); or

(2) 7.5” A.C.C. with 6” Class A Rolled Stone Base (AASHTO SN 3.72).

C. All streets shall have P.C.C. curb and gutter. The Council may require other types of surfacing and curb and gutter prior to acceptance of plat and dedication of said streets where circumstances warrant.

3. Sidewalks. Sidewalks with a minimum width of four feet and a minimum thickness of four inches of Portland cement concrete may be installed or in certain instances may be required by the Council. Sidewalks shall be constructed to the grade approved by the Council after receiving the report and recommendation of the City Engineer.

4. Water Lines. The subdivider shall connect with such water main and provide a water connection for each lot in accordance with waterworks department standards, procedure and supervision. Minimum water main size shall be 6-inch. Main valves shall be installed at least every 800 feet. Fire hydrants shall be installed at least every 600 feet. Fire hydrant size shall be 6-inch. A valve shall be installed on each hydrant service or lead line (6-inch minimum).

5. Sewers.

A. The subdivider shall connect or provide for the connection with such sanitary sewer and shall provide within the subdivision the sanitary sewer required to make the sewer accessible to each lot in the subdivision. Sewer systems shall be approved by the Council and the State Department of Health and the construction subject to the supervision of the City Engineer.
B. Adequate provisions shall be made for the disposal of storm waters, subject to the approval of the Council, and to the supervision of the City Engineer.

C. Whenever the developer is required by the City to install a larger water main or sewer main or to install a sewer main at greater depth in order to provide for future development beyond said development, the City shall pay the difference between that required by the developer and that requested by the City. In the event that the closest sanitary sewer is incapable of handling the proposed increase, the City may designate a reasonable alternate route, or the City may construct relief lines for the overloaded sewer. It is the duty and responsibility of the City to provide sewers wherever possible and reasonable to new subdivisions within the City and on the immediate periphery of the corporate limits.

D. The developer shall compact all utility ditches by tamping or jetting to minimize future settlement. The Council at its option may require a maintenance bond, not exceeding one year, to assure backfilling and repair of additional settlement.

E. If a development includes all or a portion of a proposed public park as designated in the comprehensive plat for the City, the park land shall be sold or dedicated to the City. If a sale price cannot be agreed upon, the City may exercise eminent domain. Additional park land may be negotiated for by the City or may be dedicated or offered to the City by the developer.

6. Driveway Aprons. All driveway approaches to off-street parking from curb line to walk line shall have a minimum standard requirement of 10 feet at walk line, 16 feet at curb line and a minimum thickness of 5 inches of concrete or equal, if paved.

7. Street Lighting. The developer shall install street lighting of design and location approved by the Council with underground wiring and shall pay the cost of lighting the same until the streets are approved and accepted as provided in subsection 2 of this section.

166.11 MOBILE HOME COURTS.
1. Location. Subdivision of land for the purpose of creating a mobile home court or park may be permitted in those areas not excluding such use in the Zoning Ordinance.

2. Compliance. All of the rules and regulations set forth in this Code of Ordinances regulating the subdivision of land shall also apply to subdivisions created for mobile homes except as noted in this section. Approval of the plat must be obtained from the State Health Board prior to submission to the City for final approval.

3. Exceptions.

   A. The minimum lot size shall be 3500 square feet with a minimum frontage of 35 feet.

   B. Setback distance shall be at least 15 feet on front and rear and 5 feet on side lot lines except as noted for corner lots in Section 166.09(10)(D).

   C. Minimum roadway width shall be 27 feet back to back of curbs. Roadway width may be coincidental with street width. Mobile home court streets and alleys shall not be deeded to the City for maintenance. Cul-de-sacs shall have a minimum outside radius of 40 feet.

   D. In no case will a mobile home court subdivision be approved by the City that does not have public sewers and an approved sewage disposal system. No private septic tanks will be approved.

   E. Each dwelling unit shall be provided with one parking space contiguous to the unit area. This parking space may be either garage, carport or paved slab. The parking space of one unit shall not conflict with the space provided for any other unit.

   F. All sewer and water lines inside the mobile home court shall be installed, maintained and repaired by the owner. The City will meter the water and bill the court through a single meter on the water main into the area.

166.12 PLANNED UNIT DEVELOPMENT. Planned Unit Developments, hereinafter referred to as PUD, will be considered on an individual basis by the Commission. An individual study is deemed necessary not only because of the complex nature of a PUD but also to encourage
freedom of ideas by the PUD developers. In general no area less than ten acres will be considered for a PUD. All of the rules and regulations set forth in this Code of Ordinances regulating the subdivision of land shall also apply to subdivisions created for a PUD except as noted in this section.

1. Single- and two-unit residential units may be intermingled with multiple-unit residences, commercial areas, shopping centers and industrial parks on a platted unit basis.

2. Single-unit lot sizes may be reduced to 6,000 square feet total area with a minimum frontage of 60 feet.

3. Open, public space (parks, foot paths, ponds, golf courses, etc.) in an amount equivalent to 1,200 square feet per family occupancy in the completed development shall be provided.

4. Provision for permanent preservation and maintenance of the public open space shall be made. This land may be deeded to the City, a special governmental district may be formed, or a nonprofit corporation of home owners may be established.

5. Each dwelling unit shall be provided with two parking spaces contiguous to the unit area. The parking spaces of one unit shall not conflict with the spaces provided for any other unit.

6. Building setbacks shall be 20 feet front and 5 feet side except as noted for corner lots in Section 166.09(10)(D).

166.13 CHANGES AND AMENDMENTS. Any regulations or provisions 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 a public hearing has been held, public notice of which shall have been given in a newspaper of general circulation in the City at least fifteen days prior to such hearing.

166.14 ZONING CLASSIFICATION. All lands presented to the Commission for subdividing or resubdividing shall be automatically zoned R-1. Formal action by the Commission and approval by the Council are required for zoning reclassifications.
166.15 EXISTING SUBDIVISIONS. Any subdivision whose final plat has been filed and approved by the Council prior to the enactment of the ordinance codified by this chapter shall not be in violation of this chapter. Any less restrictive regulation imposed on such a subdivision shall be deemed an exception of this chapter and not a violation thereof.

(Ch. 166 - Ord. 2010-01 – Mar. 10 Supp.)
CHAPTER 167

AIRPORT ZONING REGULATIONS

167.01 Definitions

167.02 Airport Zones and Air-Space Height Limitations

167.03 Height Limitations

167.04 Use Restrictions

167.05 Nonconforming Uses

167.06 Permits

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167.08 Board of Adjustment

167.09 Appeals

167.10 Conflicting Regulations

167.11 Penalties

167.01 DEFINITIONS. As used in this chapter, unless the context otherwise requires:

1. “Airport” means an area of land that is used or intended to be used for the landing and takeoff of aircraft, and includes its buildings and facilities. The Humboldt Municipal Airport, is situated upon the Southeast ¼ of Section 34 and the Southwest ¼ of Section 35, in Township 92 North, Range 29 West of the 5th P.M., in Humboldt County, Iowa, and is operated by the City.

2. “Airport Commission” means the Humboldt Airport Commission as established by Chapter 27 of the City of Humboldt Code of Ordinances.

3. “Airport elevation” means the highest point on an airport’s usable runways expressed in feet above mean sea level (MSL). The Humboldt Municipal Airports elevation is assumed to be 1098 feet.

4. “Airport layout plan” means a scaled drawing (or set of drawings), in either traditional or electronic form, of current and future airport facilities that provides a graphic representation of the existing and long-term development plan for the airport and demonstrates the preservation and continuity of safety, utility, and efficiency of the airport to the satisfaction of the FAA.

5. “Board of Adjustment” means the Humboldt Zoning Board of Adjustment appointed as provided in Section 165.17.

6. “Hazard” means any structure or object of natural growth located on or in the vicinity of a public airport, or any use of land near a public airport that obstructs
the airspace required for the flight of aircraft landing or taking off at the airport; or is otherwise hazardous to aircraft landing or taking off at the airport.

7. “Height” means, as used in height limits, elevation above sea level determined as in the definition of airport elevation above.

8. “Nonconforming use” means any structure, tree, or use of land which does not conform to a regulation of this chapter or amendment thereof, and is lawfully in existence at the time of the adoption of the ordinance codified by this chapter.

9. “Obstruction” is any structure, growth or other object which would exceed the Federal obstruction standards as contained in 14 Code of Federal Regulations Sections 77.21, 77.23 and 77.25 as revised March 4, 1972, and provided in Section 167.02 herein. Obstructions include existing and proposed manmade objects, objects of natural growth, and terrain; whether permanent, temporary, mobile or fixed.

10. “Runway” means the portion of the landing area used for landing and taking off of aircraft and designated on the Airport Overlay Zoning Map as a runway.

11. “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.

12. “Visual runway” means a runway intended solely for the operation of aircraft using visual approach procedures, with no straight-in instrument approach procedure and no instrument designation indicated on an FAA approved Airport layout plan.

167.02 AIRPORT ZONES AND AIR-SPACE HEIGHT LIMITATIONS. In order to carry out the provisions of this section, there are hereby created and established certain zones which are depicted on the Airport Overlay Zoning Map. An object located in more than one (1) zone 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. “Primary surface” is longitudinally centered on a runway centerline. For hard surface runways, the primary surface extends 200 feet beyond each end of that runway and is 250 feet wide (125 feet on either side of the runway centerline). The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
2. “Runway protection zone” is trapezoidal in shape and is centered about the extended runway centerline. It extends from a point 200 feet beyond the runway threshold for a horizontal distance of 1,000 feet and expands from a width of 250 feet to a width of 450 feet.

3. “Approach surface” is a surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. The inner edge of the approach surface is the same width as the Primary Surface (250 feet). The surface expands uniformly over a horizontal distance of 5,000 feet to a width of 1,250 feet for the end of a utility runway with a visual approach (Runways 12 and 30).

4. “Transitional surfaces” extend outward and upward at right angles to the runway centerline. The surfaces extend at a slope of 7 horizontally to 1 vertically (7:1) from the sides of the primary surface and from the sides of the approach surfaces. The transitional surfaces extend to the point at which they intercept the horizontal surface at a height of 150 feet above the established airport elevation.

5. “Horizontal surface” is a horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of specified 5,000 feet radii from the center of each end of the primary surface of each runway of each airport and connecting the adjacent arcs by lines tangent to those arcs.

6. “Conical surface” is 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.

167.03 HEIGHT LIMITATIONS. Except as otherwise provided in this chapter, no obstruction shall be erected, altered, allowed to grow or be maintained above the surface of any zone created by this chapter.

167.04 USE RESTRICTIONS. Notwithstanding any other provisions of this chapter, no use may be made of land within any zone established by it in such a manner as to create electrical interference with radio communication between the airport and aircraft, make it difficult for flyers to distinguish between airport lights and others, result in glare in the eyes of flyers using the airport, impair visibility in the vicinity of the airport or otherwise endanger the landing, taking off, or maneuvering of aircraft.

167.05 NONCONFORMING USES.
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1. Regulations Not Retroactive. The regulations prescribed in this chapter shall not be construed to require the removal, lowering, or other changes or alteration of any structure or tree not conforming to the regulations as of the effective date of the ordinance codified by this chapter, or otherwise interfere with the continuance of any nonconforming use. 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 said ordinance, and is diligently prosecuted.

2. Marking and Lighting. Notwithstanding the preceding provision of this section, the owner of any nonconforming structure or tree is hereby required to install, operate, and maintain thereon of such markers and lights as shall be deemed necessary by the Airport Commission to indicate to the operators of aircraft in the vicinity of the airport, the presence of such airport hazards.

167.06 PERMITS.

1. Future Uses. Except as specifically provided in this section, no material change shall be made in the use of land and no structure or tree shall be erected, altered, planted or otherwise established in any zone hereby created unless a permit therefor shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.

A. In the area lying within the limits of the horizontal surface and the conical surface, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when because of terrain, land contour or topographic features such tree or structure would extend above the height limits prescribed for such zone.

B. In the areas lying within the limits of the approach surface but at a horizontal distance of not less than 4,200 feet from each end of the runways, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach surface.

C. In the areas lying within the limits of the transition surface beyond the perimeter of the horizontal zone, no permit shall be required for any tree
or structure less than 75 feet of vertical height above the ground except when such tree or structure, because of terrain, land contour or topographic features would extend above the height limit prescribed for such transition surface.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, alteration or growth of any structure or tree in excess of any of the height limits established by this chapter and except as set forth in Section 167.03.

2. Existing Uses. No nonconforming use shall be replaced, rebuilt, altered, allowed to grow higher, or replanted, so as to constitute a greater airport hazard than it was when this chapter or any amendment thereto rendering such use nonconforming, were adopted and no permit shall be granted that would allow it.

3. Nonconforming Uses Abandoned or Destroyed. Whenever the Airport Commission determines that a nonconforming structure, tree or use has been abandoned or more than 60 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations, nor shall it be reconstructed, repaired or resumed after having been abandoned or torn down, deteriorated or decayed to such extent.

4. Variances. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or otherwise use property not in accordance with the regulations prescribed in this chapter, may apply to the Board of Adjustment for a variance from such regulations. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but will do substantial justice and be in accordance with the spirit of this chapter and the laws of the State pertaining to airport zoning.

5. Hazard Marking and Lighting. Any permit or variance may be granted subject to any reasonable conditions that the Board of Adjustment may deem necessary to effectuate the purpose of this chapter and be reasonable in the circumstances, and may require the owner of the structure or tree in question to, 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 an airport hazard.
167.07 **ENFORCEMENT.** It shall be the duty of the Airport Commission to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Airport Commission upon a form furnished by it. Applications required by this chapter to be submitted to the Airport Commission shall be promptly considered and granted or denied by it. Applications for action by the Board of Adjustment shall be forthwith transmitted by the Airport Commission.

167.08 **BOARD OF ADJUSTMENT.**

1. The Board of Adjustment shall have and exercise the following powers:

   A. Appeals. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Airport Commission in the enforcement of this chapter;

   B. Special Exemptions. To hear and decide special exceptions to the terms of this chapter upon which such Board of Adjustment under such regulations may be required to pass; and

   C. Variances. To hear and decide specific variances.

2. The Board of Adjustment shall adopt rules for its governance and procedure in harmony with the provisions of this chapter. Meetings of the Board of Adjustment shall be held at the call of the Chairperson and at such other times as the Board of Adjustment may determine. The Chairperson, or in the absence of the Chairperson, the acting Chairperson may administer oaths and compel the attendance of witnesses. All meetings of the Board of Adjustment shall be open to the public. The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations, and other official actions, all of which shall immediately be filed in the office of the Board and shall be a public record.

3. The Board of Adjustment shall make written findings of fact and conclusions of law giving the facts upon which it acted and its legal conclusions from such facts in reversing, affirming, or modifying any order, requirement, decision or determination which comes before it under the provisions of this chapter.

4. The concurring vote of a majority of the members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination of the Airport Commission or to decide in favor of the applicant, on
any matter upon which it is required to pass under this chapter or to effect variance from such regulations.

167.09 APPEALS.

1. Any person aggrieved, or any officer, department, board or bureau of the City or County affected by any decision of the Airport Commission made in its administration of this chapter may appeal to the Board of Adjustment.

2. All appeals hereunder must be taken within a reasonable time as provided by the rules of the Board of Adjustment, by filing with the Airport Commission and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The Airport Commission shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.

3. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Airport Commission certifies to the Board of Adjustment, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would, in its opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order of the Board of Adjustment on application on notice to the Airport Commission from which the appeal is taken and on due cause shown.

4. The Board of Adjustment shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

5. The Board of Adjustment may, in conformity with the provisions of this chapter, reverse or affirm, in whole or in part, or modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination, as ought to be made and to that end shall have all the powers of the Airport Commission.

167.10 CONFLICTING REGULATIONS. Where there exists a conflict between any of the regulations or limitations prescribed in this chapter and any other regulations applicable to the same area, whether the conflict is with respect to height of structures or trees, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.
167.11 PENALTIES. Each day a violation of this chapter or of any regulation, order, or ruling promulgated hereunder continues to exist shall constitute a separate offense.

(Ch. 167 - Ord. 2013-12 – Oct. 13 Supp.)
CHAPTER 168

AIRPORT REGULATIONS

168.01 MOTOR VEHICLES RESTRICTED. Operation of motor vehicles upon the Humboldt Municipal Airport, except within designated roadways or driveways, and excepting maintenance vehicles permitted thereon by the Airport Commission, is prohibited.

168.02 CYCLES AND SNOWMOBILES RESTRICTED. The riding of bicycles, motorcycles, snowmobiles or other mechanical devices upon the premises of the Humboldt Municipal Airport, except maintenance machines permitted thereon by the Airport Commission, is prohibited.

168.03 OPERATION OF UNLICENSED AIRCRAFT. The operation of model airplanes, kites or any other airborne device in the airspace directly above the premises of the Humboldt Municipal Airport, except aircraft duly licensed as such by the Federal Aviation Administration of the United States, is prohibited.

168.04 ANIMALS RUNNING AT LARGE. The riding of horses or permitting any livestock to run at large upon the premises of the Humboldt Municipal Airport is prohibited.

168.05 TRESPASSING. The trespassing upon the premises of the Humboldt Municipal Airport in any area except those designated for public access by the Airport Commission, excepting and excluding licensed pilots, aircraft owners, passengers embarking, disembarking, loading baggage or unloading baggage, mechanics, maintenance personnel, peace officers or other public officials permitted or required to be present thereon in the performance of their duties is prohibited.

168.06 DISCHARGE OF FIREARMS. The discharge of any firearm, pneumatic gun, pistol, or revolver, or the carrying of the same upon the premises of the Humboldt Municipal Airport is prohibited, except such may be transported thereon if fully eased and unloaded, or as the use may be permitted by the Airport Commission for bird, rodent or vermin control. Also
excepted and excluded from this section are peace officers on duty or members of the Armed Forces of the United States or of the Iowa National Guard.
CHAPTER 169

SIGN REGULATIONS

169.01 Intent and Purpose 169.08 Additional Regulations for Residential Districts
169.02 Applicability 169.09 Additional Regulations for Non-Residential Districts
169.03 Definitions 169.10 Off-Premises Signs
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169.07 Permitted Signs – All Zoning Districts

169.01  INTENT AND PURPOSE. It is the intent and purpose of this Chapter to provide sign regulations that promote the following objectives:

1. Allowing for effective communication and expression without excessive proliferation or size of signage;

2. Protect the public from unsafe signs by requiring proper location, installation and maintenance, and avoiding undue distractions to persons driving motor vehicles; and

3. Provide a quality community image.

This chapter is intended to govern the regulations of all signs within the City from and after its enactment. As a result, this chapter shall supersede all other provisions of the Humboldt Municipal Code intended to regulate signs, specifically including Chapter 165.

169.02  APPLICABILITY. The provisions of this chapter shall govern the installation, erection, painting or display of any (i) sign located out-of-doors, or (ii) any sign which is designed to be seen from out-of-doors.

169.03  DEFINITIONS. The following words or terms shall, for purposes of this chapter, have the meanings indicated in this section.

1. “Billboard” means a sign structure designed for the posting of changeable graphics or reading matter advertising a product, place, activity, person, profession,
service, institution or business located upon property other than the premises on which the sign is located.

2. “Building frontage” means the horizontal length of that portion of a building which faces a right-of-way or which faces a parking lot serving the building.

3. “Bulletin board” means a sign on which copy is changed either manually or automatically (electronically), posting information pertinent to the business or establishment on the premises where the board is located.

4. “Commercial sign” means a sign advertising or drawing attention to a commercial (i) activity; (ii) product or service; or (iii) business enterprise located upon the premises on which the sign is located. For purposes of this chapter, residential “for sale” or “for lease” signs shall not be considered “commercial signs”.

5. “Construction sign” means a temporary on-premises sign used during construction of new buildings or substantial additions to existing buildings, which denotes a project name and/or identifies the architects, engineers, developers, or contractors.

6. “Directional sign” means a sign which is designed and erected solely for the purpose of directing vehicular or pedestrian traffic and located on the premises to which or on which the public is directed.

7. “Directory sign” means a sign listing the name, and/or use, and/or location of the various businesses or activities conducted within a building or group of buildings located on the same premises as the sign.

8. “Erect” means to build, construct, install, attach, hang, place, inscribe, suspend, affix, paint or repaint.

9. “Flashing sign” means a sign which contains an intermittent flashing light source or which includes the illusion of intermittent or flashing light by means of animation or an externally mounted intermittent light source; any sign in which any part of the light source varies in intensity and/or hue and flashes or appears to flash or turn on and off; or a sign in which a message constantly flashes or turns on and off, or alternates with other copy by means of rotating or otherwise moving portions of the sign.
10. “Freestanding sign” means a pole sign, not attached to a building and supported wholly by uprights, braces, or posts; or a monument sign, not attached to a building, whereby the majority or the entirety of the base of the sign is attached directly to the ground, or attached to an elevated landscape planter box or structure not exceeding three feet in height.

11. “Ground level” means the elevation of the center line of the adjacent right-of-way at the point closest to the sign.

12. “Home-occupation sign” means a sign limited to the display of the name and phone number of a home occupation. The sign shall not exceed three (3) square feet in area, shall be non-illuminated, shall be affixed to the main structure housing the occupation (and not project more than six (6) inches there from), and shall not be visible through a window.

13. “Identification sign” means a non-commercial sign that conveys only the name, address, and phone number of the building or the occupant of the building located on the premises where the sign is located, and not exceeding (i) twelve (12) square feet in area for each seven thousand (7,000) square feet of lot area (or fraction thereof), or (ii) twenty-four (24) square feet for lots greater than 7,000 square feet in size.

14. “Maintain” means to permit a sign, sign structure, or any part of each to continue, or to repair or refurbish a sign, sign structure, or any part of each.

15. “Marquee sign” means a sign attached to, in any manner, or made part of a marquee.

16. “Nameplate” means a non-electrical sign mounted on a building and identifying only the name and occupation or profession of the occupant of the building on which the sign is placed.

17. “Non-residential Zoning District” means the following districts in the City of Humboldt: A-1, C-1, C-2, C-3, I-1, I-2 (as well as any non-residential PUD).

18. “Obsolete sign” means a sign which no longer identifies a bona fide business, leaser, owner, product, or activity conducted or product available on the premises where such sign is displayed.
19. “Off-premises sign” means an outdoor sign, display, device, figure, painting, drawing, message, plaque, poster, billboard, or other thing designed, intended or used to advertise or inform the traveling public of an establishment, products, services, entertainment, or other information which is not sold, produced, or furnished upon the premises in which the sign is located.

20. “Open letter sign” means a wall sign consisting of individual or connected lettering not mounted on any type of background other than a building or the surface of an integral architectural element of a building. The surface which forms the background for the letters shall not be illuminated from behind.

21. “Painted graphics” means any mosaic, mural, painting, graphic art technique, or combination thereof placed on a wall and containing no copy, advertising symbols lettering, trademarks or other references to the premises or to the products and/or service offered for sale on the premises.

22. “Paper sign” means a temporary sign made of paper, cardboard or similar material.

23. “Parking direction sign” means a sign indicating the entrance or exit to a parking area.

24. “Parking regulation sign” means a sign stating the regulations for use of a parking area or individual or groups of parking spaces therein.

25. “Permanent sign” means all signs which are not temporary signs.

26. “Portable sign” means any sign not permanently attached or intended to be permanently attached to the ground or to a building that has, or is adapted for, wheels or skids.

27. “Public service message sign” means an electronic or electrically controlled public service message sign which conveys only information such as time, date, temperature, atmospheric conditions, or general news information where different alternating copy changes are shown on the same lamp bank matrix without giving the appearance of directional movement.

28. “Real estate sign” means a sign pertaining to the sale or lease of the real estate on which the sign is located.
29. “Residential Zoning District” means the following districts in the City of Humboldt: R-1, R-2, R-3, M-1 (as well as any residential PUD).

30. “Roof sign” means a sign erected on or above a roof, parapet, or roof eave, when installed in a manner such that the sign or any portion thereof extends beyond the limits of the visible surface of the roof or wall when viewed from normal eye level from the centerline of the adjacent public right-of-way.

31. “Sign” means any device or surface located out-of-doors or intended to be seen from out-of-doors, on which letters, illustrations, designs, figures or symbols are depicted, printed or attached and which conveys (i) support for a person, team, event, or cause (ii) information, or (iii) identification. For purposes of this chapter, “sign” shall include flags, banners, pennants, valences, and inflatable devices.

32. “Street frontage” means the length of the property line of any one premises along the public right-of-way it fronts.

33. “Temporary promotional display” means a temporary sign or signs displayed so as to attract attention to the sale of merchandise or services, or a change in policy or in the status of a business, including “yard sale” and “garage sale” signs.

34. “Temporary sign” means a sign which is not illuminated and is not permanently installed or affixed to any sign, structure or building.

35. “Wall sign” means any sign attached and parallel to a wall or similar architectural element which is an integral part of a building.

36. “Window sign” means any sign painted on, attached to or displayed in a window directed towards persons outside the building.

37. “Zoning Administrator” shall be the Humboldt City Administrator, or such other person as the City Council may hereafter designate.

169.04 SIGN PERMIT REQUIRED.

1. Except as set forth in section 169.07, it shall be unlawful for any person to erect, repair, alter, relocate, paint, repaint, enlarge, replace, or materially alter any sign within the City without first obtaining a sign permit which has been duly issued by the Zoning Administrator.
2. Permit Application. Application for a sign permit shall be submitted to the City Clerk and shall contain or have attached thereto the following information:

A. The names, addresses, and telephone numbers of the applicant, the owner of the property on which the sign is to be erected or affixed, and the company to be erecting or affixing the sign.

B. Two sets of plans (to-scale) and specifications of the sign to be erected or affixed, detailing the method of construction and attachment to the building or ground. Such plans and specifications shall include information on material, dimensions (size and height), and electrical details (if applicable) and all other information required by the Zoning Administrator to determine compliance with the building code.

C. For any freestanding sign or projecting sign, the applicant shall submit two site plans drawn to scale, locating such signs by dimension from the lot lines.

D. Written consent of the property owner upon which the sign is to be erected or affixed, if different than the applicant.

E. Such other information as may be determined necessary by the Zoning Administrator to determine compliance with this chapter.

169.05 DETERMINATION OF SIGN SIZE. The following regulations shall govern the determination of the size of a sign:

1. The surface area of a sign shall be computed by including the entire area within a perimeter of not more than eight straight lines, or a circle or an ellipse, enclosing the extreme limits of the writing, representation, emblem or other display, together with any material, framing or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed.

2. The posts or other supporting structures associated with a pole sign shall not be included in computing the sign area. In computing the sign area for a monument sign, the entire area of the sign shall be considered, exclusive of its elevated landscape planter box or base structure.
3. For two-sided, multisided, or three-dimensional signs, the sign surface area shall be computed by including the total of all sides designed to attract attention or communicate information that can be seen at anyone time by a person from one vantage point. Without otherwise limiting the generality of the foregoing:

   A. The sign surface area of a double-faced, back-to-back sign shall be calculated by using the area of only one side of such sign, so long as the distance between the backs of such signs does not exceed three feet.

   B. The sign surface area of a double-faced sign constructed in the form of a 'V' shall be calculated by using the area of only one side of such sign (the larger side if there is a size difference), so long as the angle of the 'V' does not exceed thirty (30) degrees.

4. For open letter signs, only two-thirds of the area, computed in accordance with subsection 1 above, shall be counted as the area of the sign.

169.06 PROHIBITED SIGNS. Except as otherwise set forth herein, the following types of signs are prohibited in all zoning districts within the City:

1. Moving signs of which all or any part of the sign moves or which appears to move by any means, including fluttering or rotating. This prohibition includes but is not limited to pennants, streamers, or propellers.

2. Flashing signs, except illuminated signs which indicate the time, temperature, weather or other similar information shall not be considered flashing signs; provided, that (i) the total area of such sign is not greater than sixteen (16) square feet with no one side greater than eight (8) feet in length, (ii) the vertical dimension of any letter or number is not greater than twenty-four (24) inches, and (iii) the color or intensity of light is constant except for periodic changes in the information display, which occur not more frequently than once every thirty (30) seconds.

3. Strips or strings of lights outlining property lines, sales area, roof lines, doors, windows, wall edges or other architectural features of a building, except between Thanksgiving and January 10th of the following year.

4. Signs on public land or public rights-of-way, other than real estate open house signs; those signs erected at the direction or with the permission of a public
authority; and signs authorized to project into a right-of-way in accordance with this chapter.

5. Signs which are not securely affixed to the ground, or affixed in a permanent manner to an approved supporting structure.

6. Signs attached to, painted on, or placed on any vehicle including a trailer that is parked in public view on private property. This provision is not to be construed as prohibiting the identification of a firm or its principal products on a vehicle operating during the normal course of business or parked after business hours, provided parking takes place as inconspicuously as possible and the duration of the parking does not exceed a period of any sixteen continuous (16) hours, except on weekends or holidays.

7. Off-premises advertising signs, except as authorized under section 169.10 of this chapter.

8. “Sold” signs, displayed more than ten (10) days following the removal of the property from the market.

9. Obsolete signs remaining thirty (30) days after they become obsolete.

10. Signs installed, erected, enlarged or structurally altered in violation of the provisions of this chapter.

11. Signs which have become deteriorated or damaged to an extent that the cost of the reconstruction or restoration of such signs is in excess of fifty (50) percent of its replacement cost (exclusive of foundations).

12. Signs lettered in a crude or amateurish fashion, or which contain or convey defamatory, profane, or obscene messages or symbols.

13. Other signs not expressly permitted by this chapter.

169.07 PERMITTED SIGNS – ALL ZONING DISTRICTS. Except as otherwise provided in this chapter, the following types of signs are allowed, without a permit, in all of the zoning districts of the City.

1. Signs, other than commercial signs and off-premises signs, not exceeding (i) twelve (12) square feet in area and three (3) feet in height for each seven thousand
(7,000) square feet of lot area or fraction thereof; (ii) sixteen (16) square feet in area and five (5) feet in height for each twelve thousand (12,000) square feet of lot area (or fraction thereof); or (iii) twenty-five (25) square feet in area and five (5) feet in height for a lot greater than 12,000 square feet in area. Height shall be measured from the ground at the base of the sign to the highest point of the sign or its support. In the case of real estate signs and construction signs, such signs shall be displayed only on the premises which are for sale or lease or under construction and only during the time the premises are for sale or lease or under construction. The number of signs, described in this subsection, shall be limited to one sign for each street frontage per premises for sale or lease, political office up for election, civic campaign issue, or other noncommercial message.

2. Off-premises real estate open house signs and open house directional signs but only during open house hours and when the owner or a representative of the owner is in attendance. Such directional signs may be located off-premises and within a street right-of-way, subject to the requirements of Section 169.10(5).

3. Official public notices and notices posted by a public authority in accordance with public notice requirements as may be required by law.

4. Governmental or railroad signs for the control or direction of traffic and other public purposes.

5. Private “No Parking” or “No Trespassing” signs which are no larger than three square feet in gross sign area.

6. Signs painted, or applied in decal form, in the windows of commercial and industrial districts not exceeding three square feet in gross sign area for each business located on the ground floor of the premises.

7. Painted graphics not exceeding twelve (12) square feet in area when located in a nonresidential zoning district.

8. Temporary signs including, but not limited to, garage sale, patio sale, yard sale, porch sale, basement sale or any similarity thereto, that do not exceed five square feet and are located upon premises where the sale is taking place. These signs shall be removed within twenty-four (24) hours following the completion of the sale.
9. Tablets or plaques in building walls denoting names of buildings, names of officers and officials and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials.

10. Address numbers for the premises on which they are located.

11. The following flags:

   A. In any zoning district, official flags of the United States of America, states, cities or other regional or national governmental flags.

   B. In any residential district, flags with noncommercial design elements including insignias, emblems, logos commonly used for decorative, seasonal, sports, or school identification purposes.

   C. In any non-residential district, flags with design elements including primary sign information, insignias, emblems and logos commonly used by and associated with the business or organization when displayed on the premises.

   D. Limitations:

      (1) No off-premises advertising shall be permitted as a flag under this section.

      (2) Flags must not exceed a total surface area of sixteen (16) square feet.

12. Up to two permanent subdivision or development signs (one on each corner of the entry street) not exceeding fifty (50) square feet in size each, inclusive of any logo, shall be allowed for any planned development, subdivision, multiple-family apartment, mobile home park, or condominium development with ten or more lots or units, or for any commercial or industrial subdivision, or commercial/industrial planned development with five or more lots. Where the subdivision or development has access on two or more streets, or has more than one entrance on one street, up to two such signs shall be allowed at each entrance.

169.08 ADDITIONAL REGULATIONS FOR RESIDENTIAL DISTRICTS.
1. General. It is unlawful to erect, permit the erection of, display or permit the display of any sign in connection with a residential use or in a residential zoning district (or in a residential PUD District) unless such sign is expressly permitted by this chapter, and subject to the limitations and provisions stated in this chapter.

2. Single-family and Two-family Residential Uses. No signs, other than those permitted under the provisions of Section 169.07 of this chapter, shall be permitted in A-1, R-1 or R-2 residential zoning districts, or in connection with single-family and two-family residential uses in other zoning districts, EXCEPT for (i) a single home occupation sign per premises, and (ii) a single identification sign per premises.

3. Multifamily Residential Uses. The following types of signs, subject to the limitations prescribed in this chapter, shall be the only signs permitted in R-3 or M-1 residential districts (or in a multi-family residential PUD District), or in connection with multifamily residential uses in other districts:

   A. Signs permitted under the provisions of Section 169.07 of this chapter.

   B. A single home occupation sign per premises.

   C. A single identification sign per premises.

   D. One parking direction sign not exceeding four (4) square feet in gross sign area and not exceeding a height of ten feet, for each driveway serving three (3) or more dwelling units.

   E. One parking regulation sign not exceeding four (4) square feet in gross sign area for each three (3) parking spaces.

169.09 ADDITIONAL REGULATIONS FOR NON-RESIDENTIAL DISTRICTS.

1. General. It is unlawful to erect, permit the erection of, display or permit the display of any sign in connection with any nonresidential use or in the following zoning districts: (commercial) PUD, C-1, C-2, C-3, I-1, I-2, unless such sign is expressly permitted by this chapter, subject to all of the limitations and provisions stated in this Section 169.09.

2. Commercial Signs.
A. Each business or institution occupying the ground floor of a premises shall be permitted a commercial sign or signs with a total gross sign area of not more than twenty-five (25) square feet. This total gross sign area may be increased to forty (40) square feet if the building frontage of the portion of the building occupied by the business or institution exceeds nineteen (19) feet; increased to eighty (80) square feet if the building frontage of the portion of the building occupied by the business or institution exceeds ninety (90) feet; and increased to one hundred twenty (120) square feet if the building frontage of the portion of the building occupied by the business or institution exceeds one hundred twenty (120) feet. Primary signs may be freestanding signs, wall signs, roof signs, window signs, or signs affixed to or painted on canopies or awnings, subject to the limitations stated herein.

B. Each business or institution occupying other than the ground floor of a premises and having a direct exterior entrance shall be permitted commercial wall or window signs of not more than four square feet. The sign shall only be displayed on the part of the building occupied by that business or institution.

C. Each business or institution with no ground floor frontage other than an entrance on the ground floor shall be permitted to install a single wall sign, window sign or sign affixed to or painted on a canopy or awning, provided the sign does not project beyond the limits of the width of the entrance and the height of the ground floor story. Such sign shall be limited to a gross sign area equal to one and one-half square feet for each foot of building frontage occupied by the entrance up to a maximum of fifteen (15) square feet. Where open letter signs are used, the full area of the enclosing rectangle or circle shall be counted as the gross area of the sign. Where an entrance is shared by more than one business or institution, only one sign shall be installed which shall contain the identification for no more than three businesses or institutions. The term “entrance,” where used in this subsection, means the space which is allocated to providing ground floor access from the exterior of the building and which is not part of a ground floor tenant space.

D. Each business or institution occupying the ground floor of a premises (and not located within a strip center or shopping center) shall be permitted one freestanding commercial sign, not exceeding ten feet in sign height, for each street frontage; except that when the street frontage exceeds three hundred (300) feet, such freestanding sign maybe increased in sign height to a maximum of twenty-two (22) feet.

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E. Canopy and Awning Signs. Signs may be attached to or painted directly on a canopy or awning provided such signs shall not extend beyond the bottom edge of such canopy or awning. There shall also be allowed a single sign not exceeding four square feet in gross sign area that is hung below a canopy or awning; provided, they allow a clearance of at least seven feet above the sidewalk or other pedestrian way.

F. Roof Signs. No signs shall be constructed on or project above the roof unless the sign is composed of individual freestanding letters or connected strip lettering which does not exceed twenty-four (24) inches in height above the leading edge of the roof.

G. Painted Wall and Roof Signs. Painted wall and roof signs shall be permitted only after posting a bond in a form acceptable by the City in the amount of one thousand dollars ($1,000.00) for the removal of the sign by sandblasting, re-roofing or other approved means should the sign become an obsolete sign as defined herein.

H. Bulletin Boards. No more than one bulletin board, not exceeding twelve (12) square feet in area, shall be permitted for each street frontage.

I. Public Service Message Signs. Public service message signs shall be permitted when attached to a freestanding sign or to a building wall, provided the street frontage of the use involving the sign exceeds three hundred (300) feet along the street on which the sign is located. The illuminated message area shall not exceed ten square feet in area.

J. Temporary Promotional Displays. Temporary promotional displays shall be permitted for a maximum of forty (40) calendar days during a calendar year, with a gross sign area equal to the maximum gross sign area permitted for primary signs for said use, provided the displays are securely mounted to minimize movement due to wind and air currents and a permit is obtained for such temporary promotional display prior to installation.

3. Special Purpose Signs. Signs authorized in this subsection are not to be included in calculating the allowable sign area for on-premise signs under subsection 2 above.

A. Freestanding parking direction signs and directional signs shall be permitted for each driveway provided the sign does not exceed twelve (12)
square feet in gross sign area, the sign height does not exceed five feet, and no portion of the sign is located closer than twelve (12) feet from a street curb line. If the sign is located at a private driveway which is for the exclusive use of a single business or institution, the sign may contain the name or address of such business or institution. If the driveway is not for the exclusive use of a single business or institution, the parking directional sign shall be limited to directional information only and shall not contain any other information such as the name or address of a business or institution.

B. Parking Regulation Signs. One non-illuminated parking regulation sign, not exceeding five square feet in gross sign area and not exceeding ten feet in sign height, shall be permitted for each parking lot. Parking lots with more than twenty (20) parking spaces shall be permitted one sign for each twenty (20) parking spaces or fraction thereof.

C. Directory Signs. Buildings or a group of buildings containing various businesses or activities are permitted one directory sign at or near each building or courtyard entrance. Such sign shall contain only the names of the businesses served by such entrance or courtyard and shall not exceed a gross sign area of one square foot times the number of businesses listed on the sign.

D. Group Directory Signs. Groups of businesses or institutions shall be permitted one freestanding directory sign; provided that:

(1) The group contains a minimum of three establishments with a minimum average floor area of four thousand (4,000) square feet each; and

(2) The sign does not exceed forty (40) square feet in gross sign area and ten feet in sign height; provided, however, if the street frontage for the group is over three hundred (300) lineal feet, the sign may be increased to eighty (80) square feet in gross sign area and fifteen (15) feet in sign height. A commercial group directory sign which exceeds either ten feet in height or forty (40) square feet in area shall maintain a minimum right-of-way setback of five feet and shall not be located closer than one hundred fifty (150) feet from any property which does not contain a building or establishment in the group; and
CHAPTER 169  SIGN REGULATIONS

169.10 OFF-PREMISES SIGNS.

1. Location of Signs.

A. No off-premises sign shall be located adjacent to or within one thousand (1,000) feet of any interchange. Such one thousand (1,000) feet shall be measured from the beginning or ending of the pavement widening at the exit from or entrance to the main traveled way.

B. No off-premises sign shall be located within one thousand (1,000) feet of land zoned as R-1, R-2, R-3, M-1, C-1, C-2, C-3.

C. In order to provide a safety zone to prevent injury or property damage from collapse of a sign or billboard caused by acts of God or other causes, each off-premises sign shall have minimum setbacks of the following: (a) at least ninety (90) feet from its nearest edge to the right-of-way of any public road, and (b) at least ninety (90) feet from all property lines and from all roofed structures, from all points of the off-premises sign. No City building permit shall be issued for construction of any building within the setback/clearance zone for any off-premises sign.

D. No sign shall be located on the roof of a building or on a non-sign structure.

E. No sign shall be located in such manner as to obstruct or otherwise physically interfere with the effectiveness of an official traffic sign, signal, or device or obstruct or physically interfere with a motor vehicle operator’s view of approaching, merging, or intersecting traffic.

2. Size. The maximum area for any one sign shall be two hundred eighty eight (288) square feet. Signs maybe placed back to back, double faced, or in V-type construction with not more than two displays to each facing, but such sign structure shall be considered as one sign.
3. Height. The maximum height of any off-premises sign shall be twenty-two (22) feet, as measured from the average ground elevation at the base of the structural support of the sign.

4. Spacing. No off-premises sign shall be erected within one thousand (1000) feet of an existing off-premises sign on the same side of the roadway, whether or not such existing sign is located within the City limits.

5. Lighting. Illumination of off-premises signs shall be permitted, subject to the following provisions, provided, however, that such signs shall not be visible as a result of such illumination during the period from dusk until dawn from any property, and any dwelling unit thereon, located within the R-1, R-2, R-3, M-1 zoning districts.

   A. External lighting, such as floodlights, thin line and gooseneck reflectors are permitted, provided the light source is directed upon the face of the sign and is effectively shielded so as to prevent beams or rays of light from being directed into any portion of the main traveled way of and the lights are not of such intensity so as to cause glare, impair the vision of the driver of a motor vehicle, or otherwise interfere with a driver’s operation of a motor vehicle.

   B. No sign shall be so illuminated that it interferes with the effectiveness of, or obscures, any official traffic sign, device, or signal, nor shall the illumination be directed toward any residential area.

   C. The maximum average lighting intensity level for such sign shall be twenty (20) foot candles.

   (Ord. 2012-04 – Oct. 13 Supp.)

169.11 MAINTENANCE.

1. All signs and components thereof shall be maintained in good repair, free of rust, peeling, flaking, fading, broken or cracked components, and broken or missing letters. All signs, components, supports and their surroundings shall be maintained in a safe, clean and attractive condition.

2. When any sign becomes insecure, in danger of falling or otherwise unsafe, or if any sign is unlawfully installed, erected or maintained in violation of any of this chapter or other applicable codes of the City, the owner thereof, or the person or firm maintaining the same, shall, upon written notice from the City, immediately in

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the case of imminent danger and in any case, within not more than twenty (20) days, make such sign conform to this chapter or other applicable codes of the City, or remove it. If within twenty (20) days the order is not complied with, the City may have such sign removed and assess the expense thereof to the property owner, lessee, or other person responsible therefore.

169.12 MISCELLANEOUS REGULATIONS.

1. All signs shall comply with the following safety regulations:

   A. No sign shall be erected, displayed or maintained so as to obstruct any fire escape, any required exit way, window or door opening used as a means of egress, or to obstruct any other means of egress from a building; and

   B. No sign shall be erected, displayed, or maintained in a manner that interferes with any opening required for ventilation of any structure.

2. Projection Into Rights-of-Way. No sign shall project beyond a public right-of-way line; or otherwise onto public property, except for the following:

   A. Wall signs not projecting more than eighteen (18) inches from the exterior surface of a building or the surface of an integral architectural element which is part of the building; or

   B. Signs mounted on or under a canopy, awning or marquee which is permitted to project into a right-of-way, where the bottom edge of the sign is not less than seven feet above the sidewalk or pedestrian way.

   C. A wall sign may be attached to a building at an angle and project into the right-of-way, provided:

      (1) There is no more than one such sign for each entrance door to a business establishment;

      (2) The sign does not project more than five feet from the face of the building;

      (3) The bottom of the sign is at least ten feet from grade and its top is no higher than whichever of the following is highest: forty (40)
feet from above grade, or the height of the building at the building line;

(4) No support for the sign shall extend above the cornice line of a building to which it is attached; and

(5) No signs perpendicular to the wall shall be internally illuminated.

3. Sign Illumination. Internal and external illumination of signs shall concentrate the illumination directly upon the sign so as to prevent glare upon the street or adjacent property.

4. Miscellaneous Advertising Objects Prohibited. No person shall place on, or suspend from, any building or structure, any goods, wares, merchandise or other advertising object or structure other than a sign as defined, regulated and prescribed by this chapter.

5. Signs Not to Constitute Traffic Hazard. No sign shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision; or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device; or which makes use of the words "stop," "go," "look," "danger," "one-way," "yield," or any other word, phrase, symbol or character in such a manner as to interfere with, mislead or confuse traffic.

6. Electrical Hazards. No freestanding sign shall be erected within eight feet of any line conductors, service drops or power lines.

169.13 NONCONFORMING SIGNS.

1. A “nonconforming sign” means one which was lawfully erected or affixed prior to the effective date of this chapter or any amendment thereto, and which no longer is permitted or fails to conform to one or more of the applicable regulations of this chapter.

2. Continuance of Nonconforming Status. Except as provided for herein, all nonconforming signs may continue to exist provided, however, that such signs shall not be enlarged, structurally altered, or altered in any other manner, other than
normal maintenance, unless such sign is made to comply with the provisions of this chapter.

3. Replacement of Components and Repairs. Replacement of components or repairs to a nonconforming sign is permitted, except that if such replacement of components or repairs exceeds fifty (50) percent or more of its total replacement value, exclusive of foundations and structural supports, then such sign shall be removed or made to conform to the applicable provisions of this chapter.

4. Discontinuance. If a nonconforming sign does not serve its intended purpose (e.g., identification of a particular business establishment) for a period of ninety (90) consecutive days, then such sign shall be removed or made to conform to the applicable provisions of this chapter.

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