

CODE OF ORDINANCES
CITY OF STRAWBERRY POINT, IOWA

2014

TABLE OF CONTENTS

TITLE I - POLICY AND ADMINISTRATION

CHAPTER 1 - GENERAL PROVISIONS

Article 1 - City Code.....	1
Article 2 - Officers and Employees.....	4
Article 3 - Fiscal Management.....	9
Article 4 - City Elections.....	14
Article 5 - Municipal Infractions.....	16

CHAPTER 2 - ORGANIZATION

Article 6 - Charter.....	19
Article 7 - Boundaries.....	20

CHAPTER 3 - MAYOR AND COUNCIL

Article 8 - Mayor.....	21
Article 9 - Mayor Pro Tempore.....	23
Article 10 - Council.....	24

CHAPTER 4 - ADMINISTRATION

Article 11 - City Clerk.....	28
Article 12 - Treasurer.....	32
Article 13 - City Attorney.....	33
Article 14 - City Administrator.....	35
Article 15 - Revitalization Area.....	37
Article 16 - Tax Levies.....	38

TITLE II - COMMUNITY PROTECTION

DIVISION 1 - LAW ENFORCEMENT

CHAPTER 1 - PUBLIC OFFENSES

Article 17 - Public Peace..... 41
Article 18 - Public Morals..... 44
Article 19 - Minors..... 45
Article 20 - Public Health and Safety..... 48
Article 21 - Public Property..... 52
Article 22 - Private Property..... 54

CHAPTER 2 - TRAFFIC CODE

Article 23 - General Provisions..... 55
Article 24 - Official Traffic Control Devices..... 58
Article 25 - General Regulations..... 59
Article 26 - Speed Regulations..... 73
Article 27 - Turning Regulations..... 75
Article 28 - Stop or Yield Required..... 76
Article 29 - Load and Weight Restrictions..... 78
Article 30 - Pedestrians..... 79
Article 31 - One Way Traffic..... 80
Article 32 - Parking Regulations..... 81
Article 33 - Enforcement Procedures..... 87

CHAPTER 3 - BEER, WINE AND LIQUOR CONTROL

Article 34 - General Provisions..... 89
Article 35 - Beer and Wine Permits and Liquor Licenses..... 91

Chapter 4 – POLICE ADMINISTRATION

Article 36 - Police Department..... 94
Article 37 - Reserve Police Force..... 97

CHAPTER 5 - BICYCLES

Article 38 - Bicycle Regulations..... 99
Article 39 - Reserved for Future Use 102

CHAPTER 6 – SNOWMOBILES

Article 40 - Snowmobiles..... 103
Article 41 - Reserved for Future Use 106

TITLE II - COMMUNITY PROTECTION

DIVISION 2 - FIRE SAFETY

CHAPTER 1 – FIRE DEPARTMENT ADMINISTRATION

Article 42 - Fire Department..... 107

CHAPTER 2 – FIRE LIMITS

Article 43 - Fire Limits..... 113

DIVISION 3 - BUILDING AND PROPERTY REGULATIONS

CHAPTER 1 – DANGEROUS BUILDINGS

Article 44 - Dangerous Buildings..... 116

TITLE III - MENTAL AND PHYSICAL HEALTH

CHAPTER 1 - NUISANCES

Article 45 - General Provisions..... 119
Article 46 - Abatement Procedure..... 121

CHAPTER 2 - ANIMAL PROTECTION AND CONTROL

Article 47 - General Provisions..... 123
Article 48 - Dog Licensing..... 127

CHAPTER 3 - LIQUID WASTES

Article 49 - General Provisions..... 129
Article 50 - Building Sewers and Connections..... 134

Article 51 - Use of Public Sewers.....	139
Article 52 - Private Sewer Systems.....	143
Article 53 - Sewer Rental.....	145

CHAPTER 4 - SOLID WASTE CONTROL

Article 54 - General Provisions.....	147
Article 55 - Collection and Transportation.....	153
Article 56 - Solid Waste Disposal.....	158
Article 57 - Recycling Solid Waste.....	160

CHAPTER 5 - AMBULANCE SERVICE

Article 58 - Ambulance Board.....	162
-----------------------------------	-----

TITLE IV - EDUCATION AND CULTURE

CHAPTER 1 - LIBRARY

Article 59 - Library.....	165
---------------------------	-----

TITLE V - LEISURE TIME OPPORTUNITIES

CHAPTER 1 - PARK BOARD

Article 60 - Reserved for Future Use.....	169
---	-----

CHAPTER 2 – SWIMMING POOL

Article 61 - Swimming Pool.....	170
---------------------------------	-----

CHAPTER 3 – RECREATION PROGRAM

Article 62 - Recreation Program.....	171
--------------------------------------	-----

CHAPTER 4 - CABLE TELEVISION

Article 63 - Regulation.....	172
Article 65 - Reserved for Future Use.....	178
Article 66 - Reserved for Future Use.....	178

TITLE VI - COMMUNITY DEVELOPMENT AND ENVIRONMENT

CHAPTER 1 - WATER SERVICE

Article 66 - Public Water System..... 179
Article 67 - Water Meters..... 184
Article 68 - Water Rates..... 187

CHAPTER 2 – TREES

Article 69 - Tree Board..... 190
Article 70 - Dutch Elm Disease Control..... 195

CHAPTER 3 – ABANDONED AND JUNKED VEHICLES AND MACHINERY

Article 71 - Abandoned Vehicles..... 197
Article 72 - Junked Vehicles and Machinery..... 200

CHAPTER 4 – SUBDIVISION

Article 73 - Subdivision Control..... 202

CHAPTER 5 – HAZARDOUS SUBSTANCES

Article 74 - Hazardous Substances..... 214

CHAPTER 6 – TAX EXEMPTION

Article 75 - Industrial Property Improvement Tax Exemptions..... 217

TITLE VII - SOCIAL AND ECONOMIC WELL BEING

CHAPTER 1 - REGULATION OF BUSINESS AND VOCATIONS

Article 76 - Peddlers, Solicitors and Transient Merchants..... 219
Article 77 - House Movers..... 223

CHAPTER 2 – TOBACCO

Article 78 - Cigarette Permits..... 225

CHAPTER 3 - FRANCHISES

Article 79 - Natural Gas Franchise..... 227
Article 80 - Telephone Franchise..... 232
Article 81 - Cable Television Franchise..... 234

CHAPTER 4 - CITY OWNED UTILITIES

Article 82 - Electrical System..... 245
Article 83 - Electric Meters..... 248
Article 84 - Electric Rates..... 250

CHAPTER 5 – ECONOMIC DEVELOPMENT

Article 85 - Reserved for Future Use 254

TITLE VIII - TRANSPORTATION

CHAPTER 1 - STREETS AND ALLEYS

Article 86 - Street Regulations..... 255
Article 87 - Building Numbering..... 258
Article 88 - Naming of Streets..... 260
Article 89 - Vacation and Disposal..... 261
Article 90 - Street and Sidewalk Grades 262

CHAPTER 2 – SIDEWALKS

Article 91 - Sidewalk Regulations..... 263

TITLE I - POLICY AND ADMINISTRATION
CHAPTER 1 - GENERAL PROVISIONS

ARTICLE 1
CITY CODE

1.01 **TITLE.** This code of ordinances shall be known and may be cited as the City Code of the City of Strawberry Point, Iowa, 2014.

1.02 **DEFINITIONS.** Terms used in this city code, unless specifically defined otherwise in another section shall have the meanings prescribed as follows:

1. "Administrator": shall mean the City Clerk/Administrator of Strawberry Point, Iowa.
2. "City": shall mean the City of Strawberry Point, Iowa.
3. "County": shall mean Clayton County, Iowa.
4. "State": shall mean the State of Iowa.
5. "City Administrator": shall mean City Clerk/Administrator of Strawberry Point, Iowa.
6. "Council": shall mean the City Council of Strawberry Point, Iowa.
7. "Clerk": shall mean City Clerk/Administrator of Strawberry Point, Iowa.
8. "Person": shall mean 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.
9. "Ordinances": shall mean the ordinances of the City of Strawberry Point, as embodied in the City Code, ordinances not repealed by the ordinance adopting the City Code, and those enacted hereafter.
10. "City Code": shall mean the City Code of the City of Strawberry Point, Iowa, 2014.
11. "Code": shall mean the specific chapter 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).
12. "Measure": shall mean an ordinance, amendment resolution or motion.
13. "Statutes, Laws": shall mean the latest edition of the Code of Iowa, as amended.
14. "Preceding, Following": shall mean next before and next after, respectively.

15. "Property": shall mean real property and tangible and intangible personal property unless clearly indicated otherwise.

16. "Property Owner": shall mean a person owning private property in the City as shown by the County auditor's plats of the City.

17. "Occupant, Tenant": applied to a building or land, shall include any person who occupies the whole or part of such building or land, whether along or with others.

18. "Year": shall mean a calendar year.

19. "Month": shall mean a calendar month.

20. "Writing, Written": shall include printing typing, lithographing, or other mode of representing words and letters.

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

22. "Public Property": shall mean any and all property owned by the City or held in the name of the City by any of the departments, commissions or agencies within the city government.

23. "Public Place" shall include in its meaning, but is not restricted to, any city owned open place, such as parks and squares.

24. "Public Way": shall include any street, alley, boulevard, parkway, highway, sidewalk or other public thoroughfare.

25. "Street": shall mean and include any public way, highway, street, avenue, boulevard, parkway, or other public thoroughfare, and each of such words shall include every other of them, and unless otherwise indicated in the text, shall include the entire width between property lines.

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

27. "Sidewalk": shall mean that portion of the street between the edge of the traveled way, surfacing, or curb line and the adjacent property line.

28. "Deputy Clerk": shall mean Deputy City Clerk of Strawberry Point, Iowa.

29. "Superintendent": shall mean water superintendent, street superintendent, electric superintendent, and sewer superintendent, and where each water, street, electric or sewer may modify superintendent, they shall each mean superintendent.

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

1. Tense: words used in the present tense include the future.
2. May: confers a power.
3. Must: states a requirement.
4. Shall: imposes a duty.
5. Gender: the masculine gender shall include the feminine and neuter genders.
6. Interpretation: all general provisions, terms, phrases, and expressions contained in the city code shall be liberally construed in order that the true intent and meaning of the council may be fully carried out.

1.04 AMENDMENTS. All ordinances which amend, repeal or in any manner affect the city code shall include proper reference to title, division, chapter, article, section and subsection to maintain an orderly codification of ordinances of the city.

(Code of Iowa, 2013, Sec. 380.2)

1.05 CATCHLINES AND NOTES. The catch lines of the several sections of the city code, titles, headings (chapter, division, article, section and subsection), editors, notes, cross reference and state law references, unless set out in the body of the section itself, contained in the city code, do not constitute or clarify the contents of a section.

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

1.07 STANDARD PENALTY. Unless another penalty is expressly provided by the city code for any particular provision, section or chapter, any person failing to perform duty, or obtain a license required by, or violating any provision of the city code, or any rule or regulation adopted herein by reference shall be guilty of a misdemeanor and, 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, 2013, Sec. 364.3(2))

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

TITLE I - POLICY AND ADMINISTRATION

CHAPTER 1 - GENERAL PROVISIONS

ARTICLE 2
OFFICERS AND EMPLOYEES

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

1. Qualify for Office. All elected officers and the following appointed officers shall qualify for office by taking the prescribed oath:

(Code of Iowa, 2013, Sec. 63.1)

A. City Clerk/Administrator

2. Prescribed Oath. The prescribed oath is: " I, (name), do solemnly swear that I will support the constitution of the United Sated 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 Strawberry Point as now or hereinafter required by law."

(Code of Iowa, 2013, Sec. 63.10)

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

A. The Mayor

B. The Clerk

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

D. Notaries Public

(Code of Iowa, 2013, Sec. 63A.2)

2.02 **BONDS.** Surety bonds shall be provided in accordance with the following:

1. Required. The council shall provide by resolution for a surety 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, 2013, Sec. 63.13)

2. Surety. Any association or incorporation which does the business of insuring the fidelity of others, and which has authority by law to do business in this state, shall be accepted as surety upon any bonds required.

(Code of Iowa, 2013, Sec. 64.17)

3. Bonds approved. Bonds shall be approved by the council.

(Code of Iowa, 2013, Sec 64.13)

4. Bonds filed. All bonds, after approval and proper record, shall be filed with the clerk.

(Code of Iowa, 2013, Sec. 64.23)

5. 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, 2013, Sec. 64.24(3))

2.03 DUTIES: GENERAL. Each municipal officer shall exercise the powers and perform the duties prescribed by law and city code, or as otherwise directed by the council unless contrary to state law or city charter.

2.04 BOOKS AND RECORDS. All books and records required to be kept by law or ordinance shall be open to inspection by the public upon request.

(Code of Iowa, 2013, Sec. 22.2)

2.05 TRANSFER TO SUCCESSOR. Each officer shall transfer to his or her successor in office all books, paper, records, documents and property in his or her custody and appertaining to his or her office.

(Code of Iowa, 2013, Sec. 372.13(4))

2.06 OPEN MEETINGS. All meetings of the Council, any board or commission, or any committee of the foregoing bodies, shall comply with the following:

1. Open to Public Meetings shall be open to the public at all times and any meetings which are not open to the public are prohibited, unless closed meetings are expressly permitted by law.

(Code of Iowa, 2013, Sec. 21.3)

2. Advance Notice of Meetings. The council, any board of commission, or any committee of the foregoing bodies, shall give notice of the time, date, and place of each meeting, and its tentative agenda, in a manner reasonably calculated to apprise the public of that information, at least twenty-four hours prior to the commencement of any meeting. When it is necessary to hold a meeting on less than twenty-four hours notice, or at a place not reasonably accessible to the public, or at a time not reasonably convenient to the public, the nature of the good cause justifying that departure from the normal requirements shall be stated in the minutes.

(Code of Iowa, 2013, Sec. 21.4)

2.07 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 this 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, 2013, 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, 2013, 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, 2013, Sec. 362.5(2))

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

(Code of Iowa, 2013, 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 eight (8) of this section, or both, if the contracts are made by competitive bid, publicly invited and opened, and if the remuneration of employment do not directly involve the procurement or preparation of any part of the contract. The competitive bid requirement of this subsection shall not be required for any contract for professional services not customarily awarded by competitive bid.

(Code of Iowa, 2013, 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 he or she was elected or appointed, but the contract may not be renewed.

(Code of Iowa, 2013, Sec. 362.5(7))

7. Volunteers. Contracts with volunteer fireman or civil defense volunteers.

(Code of Iowa, 2013, Sec. 362.5(8))

8. Corporations. A contract with a corporation in which a city officer or employee has an interest by reason of stockholdings when less than five per cent 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, 2013, Sec. 362.5(9))

9. Competitive Bids. A contract made by competitive bid, publicly invited and opened, in which a member of a city board of trustees, commission, or administrative agency has an interest if the member is not authorized by law to participate in the awarding of the contract.

The competitive bid requirement of this subsection does not apply to any contract for professional services not customarily awarded by competitive bid.

(Code of Iowa, 2013, Sec. 362.5(5))

10. Contracts. Contracts made by a city of less than two thousand five hundred population, upon competitive bid in writing, publicly invited and opened, not exceeding two thousand five hundred dollars per fiscal year.

(Code of Iowa, 2013, Sec. 362.5(11))

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

(Code of Iowa, 2013, Sec. 372.13 (9))

2.09 REMOVAL OF APPOINTED OFFICERS. Except as otherwise provided by state of city law, all persons appointed to city office may be removed by the officer or body making the appointment, but every such removal shall be by the written order. The order shall give the reasons, be filed in the office of the City Administrator, and a copy shall be sent by certified mail to the person removed who, upon request filed with the City Administrator within thirty days of 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 days of the date the request is filed, unless the person removed requests a later date.

(Code of Iowa, 2013, Sec. 372.15)

2.10 VACANCIES. A vacancy in an elective city office during a term of office shall be filled by the council, within thirty days after the vacancy occurs, for the balance of the unexpired term unless a special election is sooner held to fill the office for the remaining balance of the unexpired term. Such an election shall be called if the council is presented with a petition so requesting in accordance with state law. When a vacancy occurs in an appointed office it must be filled by the appointing authority.

(Code of Iowa, 2013, Sec. 372.13(2))

2.11 HOLIDAYS. The following days shall be designated as legal holidays:

New Year's Day	Memorial Day	President's Day
Independence Day	Good Friday	Labor Day
Veteran's Day	Thanksgiving Day	Day after Thanksgiving
Christmas Day		

2.12 **BOARDS.**

A. All boards established under the City Code shall comply in all respects with the Iowa Open Meetings Law, Chapter 21 of the Code of Iowa, and all open meeting requirements of the City Code. All meetings of all Boards shall meet all notice requirements of the Iowa Open Meetings Law, including public notice, and may be held in closed session only as allowed under the Open Meetings Law.

B. All boards shall be gender balanced, as far as possible.

C. When the term of a Board member has run, notice of the end of term shall be published in the local newspaper, regardless of whether that Board member intends to continue as a Board member or a new Board member is to be appointed.

D. All appointments of new members or reappointments of continuing members shall, no sooner than ten (10) days after publication of notice required in C. above, be referred to either the Mayor or the Council, as set out in the City Code, for consideration of appointment or reappointment, and shall include a list of potential candidates and the Board's recommendation.

E. All Boards shall keep written minutes of meetings and all minutes shall be delivered to the City Clerk/Administrator.

TITLE I - POLICY AND ADMINISTRATION
CHAPTER 1 - GENERAL PROVISIONS

ARTICLE 3
FISCAL MANAGEMENT

3.01 **PURPOSE.** The purpose of this article is to establish policies and provide for rules and regulations governing the management of the financial affairs of the city.

3.02 **FINANCE OFFICER.** The City Administrator shall be the finance and accounting officer of the city and shall be responsible for the administration of the provisions of this article.

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

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

2. **Bank Deposits.** All monies belonging to the city shall be promptly deposited in banks selected by the council in amounts not exceeding the authorized depository limitation established by the council.

3.04 **FUND CONTROL.** The City Administrator and Treasurer shall establish and maintain separate and distinct funds in accordance with the following:

1. **Revenues.** All monies 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.

4. **Debt Service Fund.** Except where specifically prohibited by state law, monies 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.

5. Capital Improvements Reserve Fund. Except where specifically prohibited by state law, monies may be transferred from any city fund to the capital improvements reserve fund. Such transfers must be authorized by the original budget or budget amendment.

6. Utility and Enterprise Funds. The governing body of a city utility combined utility system, city enterprise or combined city enterprise which has a surplus in its fund may transfer such surplus to any other city fund, except the emergency fund, by resolution. A surplus shall be defined in accordance with generally accepted accounting principles as promulgated by the American Institute of Certified Public Accountants. No transfer shall be made that is in violation of state law or rules of the city finance committee.

7. Balancing of Funds. The city administrator and treasurer shall reconcile their fund accounts at the close of each month and submit a report thereof to the council.

3.05 OPERATING BUDGET PREPARATION. The annual operating budget of the city shall be prepared in accordance with the following:

1. Proposal Prepared. The city administrator shall be responsible for preparation of the annual budget detail, for review and adoption by the mayor and 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 proposal to the city administrator for inclusion in the proposed city budget no later than January 1 of each year and in such form as may be required by the clerk.

3. Submission to council. The city administrator 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 county auditor.

(Code of Iowa, 2013, Sec. 384.16(3))

6. Copies of Budget on File. No later than ten (10) days before the public hearing the city administrator 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, City Administrator and at the City library.

(Code of Iowa, 2013, 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 city administrator 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, 2013, Sec. 384.16(5))

3.06 CAPITAL BUDGET PREPARATION. (Reserved for future use)

3.07 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, 2013, 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.

(Code of Iowa, 2013, Sec. 384.18)

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.

3. Sub-program Transfer. Any transfer of appropriation from one sub-program to another must be approved by resolution of the council.

4. Activity transfers. The City Administrator shall have the authority to adjust, by transfer or otherwise, the appropriation allocated to activities within a program or sub-program provided, however, that when such adjustments in any one activity aggregate \$1,000.00 or ten percent (10%) of the amount appropriated, whichever is greater, no further adjustments shall be made without approval by resolution of the council. All such transfers shall be reported in writing at the next regular meeting of the council following the transfer and recorded in the minutes for the information of the council and general public.

3.08 INVESTMENT OF FUNDS. The City Administrator shall advise the council on investments and shall invest city monies not immediately needed at interest in accordance with council directives and the requirements of the Code of Iowa, 2013, Sec. 12B.

3.09 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 account and for recording unappropriated surpluses.

3. Checks. Checks shall be pre-numbered. Two signatures are required on all checks. Checks shall be signed by the City Administrator and Deputy City Clerk following council approval. In the absence of either the City Administrator or the Deputy City Clerk, the Mayor or the Mayor Pro Tem may sign checks.

4. Budget Accounts. There shall be established such accounts to record receipts by source and expenditures by program, sub-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 City Administrator 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 City Administrator shall perform and be responsible for accounting function of the municipally owned utilities.

3.10 FINANCIAL REPORTS. The City Administrator shall prepare and file the following reports:

1. Monthly Reports. There shall be submitted to the council at the first meeting of 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 first 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 furnished to the auditor of the state.

(Code of Iowa, 2013, Sec. 384.22)

3.11 CONTINGENCY ACCOUNT. Whatever the council shall have budgeted for a contingency account such an account shall be established in the accounting records but no claim shall be paid from such an account. Contingency accounts may be drawn upon only by council resolution directing a transfer to a specific purpose account within it's fund and

program and then only upon compelling evidence of an unexpected and unforeseeable need or emergency.

(Strawberry Point Ordinance No. 149) (1975)

TITLE I - POLICY AND ADMINISTRATION
CHAPTER 1 - GENERAL PROVISIONS

ARTICLE 4
CITY ELECTIONS

4.01 **PURPOSE.** The purpose of this chapter is to designate the method by which candidates for elective municipal offices in the city shall be nominated and elected.

4.02 **NOMINATING METHOD TO BE USED.** All candidates for elective municipal office shall be nominated under the provisions of Chapter 45 of the Code of Iowa, 2013, as amended. (Code of Iowa, 2013, Section 376.3)

4.03 **NOMINATIONS BY PETITION.** Nominations for elective municipal offices of the city may be made by nomination paper or papers signed by not less than ten (10) eligible electors who are residents of the city.

(Code of Iowa, 2013, Section 45.1)

4.04 **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, 2013, Section 45.2)

4.05 **PREPARATION OF PETITION.** Each eligible elector shall add to the signature his or her residence address and date of signing. The person whose nomination is proposed by the petition may not sign it. Before filing said petition there shall be endorsed thereon or attached thereto an affidavit executed by the candidate which shall contain:

1. Name and Residence. The name and residence (including street number if any) of said nominee, and the office to which nominated.
2. Name on ballot. A request that the name of the nominee be printed upon the official ballot for the election.
3. Eligibility. A statement that the nominee is eligible to be a candidate for the office and if elected will qualify as such officer.
4. Organization Statement. A statement in the form required by state law concerning the organization of the candidate's committee.

Such petition, when so verified, shall be known as a nomination paper.

4.06 **FILING, PRESUMPTION, WITHDRAWAL AND 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 Chapter 44 of the Code of Iowa, 2013, as amended.

(Code of Iowa, 2013, Section 45.4)

4.07 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, 2013, Section 376.8[3])

TITLE I - POLICY AND ADMINISTRATION
CHAPTER 1 - GENERAL PROVISIONS

ARTICLE 5
MUNICIPAL INFRACTIONS

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

(Code of Iowa, 2013, Section 364.22)

5.02 **ENVIRONMENTAL VIOLATION.** A municipal infraction which is a violation of Chapter 455B or 459 of the Code of Iowa, 2013, as amended, or a standard established by the city in consultation with the Iowa Department of Natural Resources, or both, may be classified as an environmental violation. However, the provisions of this section shall not apply be applicable until the city has offered to participate in informal negotiations regarding the violation of to the following specific violations:

(Code of Iowa, 2013, Section 364.22[1])

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

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

(Code of Iowa, 2013, Section 364.22[1])

1. Standard Civil Penalties.
 - A. First Offense.....\$ 500.00
 - B. Repeat Offense.....\$ 750.00

Each day 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. Section 403.8, by an industrial user shall be punishable by a penalty of not more than fifty dollars (\$50.00) for each day a violation exists or continues.

B. A municipal infraction classified as an environmental violation shall be punishable by a penalty of not more than fifty dollars (\$50.00) for each occurrence. However, an environmental violation shall not be subject to such penalty if all of the following conditions are satisfied:

1). The violation results solely from conducting an initial start-up, cleaning, repairing, performing scheduled maintenance, testing, or conducting a shutdown of either equipment causing the violation of 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 the violation begins.

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

(Code of Iowa, 2013, Section 364.22[1])

5.04 CITATIONS. Any officer authorized by the city to enforce this code may issue a civil citation to a person who commits a municipal infraction. The citation may be served by personal service as provided in the Iowa Rules of Civil Procedure 1.305, by certified mail addressed to the defendant at his or her last known mailing address, return receipt requested, or by publication in the manner provided in the Iowa Rules of Civil Procedure 1.310 and subject to the conditions of the Iowa Rules 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, 2013, Section 364.22[4])

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

5.05 **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.

5.06 **CRIMINAL PENALTIES.** This chapter does not preclude a police officer from issuing a criminal citation for violation of this code or regulation of criminal penalties are also provided for the violation. Nor does this chapter preclude or limit the authority of the city to enforce provisions of this code by criminal sanctions or other means.

(Code of Iowa, 2013, Section 364.22[11])

TITLE I - POLICY AND ADMINISTRATION
CHAPTER 2 - ORGANIZATION

ARTICLE 6
CHARTER

6.01 **TITLE.** This article may be cited as the charter of the City of Strawberry Point, Iowa.

6.02 **FORM OF GOVERNMENT.** The form of government of the City of Strawberry Point, Iowa is the mayor-council form of government.

(Code of Iowa, 2013, Sec 372.4 and Strawberry Point, Ordinance No. 145, (1975)

6.03 **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.

6.04 **NUMBER AND TERM OF COUNCIL.** The council consists of five council members elected at large, the majority of the elected council members who receive the highest number of votes are elected for four year terms; the remainder are elected for two year terms.

(Code of Iowa, 2013, Sec. 372.4 & Sec. 376.2 and Strawberry Point Ordinance No. 154, (1975)

6.05 **TERM OF MAYOR.** The mayor is elected for a term of two years.

(Code of Iowa, 2013, Sec. 376.2 and Strawberry Point Ordinance No.154 (1975)

6.06 **COPIES ON FILE.** The City Administrator shall keep an official copy of the charter on file with the official records of the City Administrator, the secretary of state, and shall keep copies of the charter available at the City Administrator's office for public inspection.

(Code of Iowa, 2013, Sec. 372.1 and Strawberry Point Ordinance No, 154, (1975)

TITLE I - POLICY AND ADMINISTRATION
CHAPTER 2 - ORGANIZATION

ARTICLE 7
BOUNDARIES

(RESERVED FOR FUTURE USE)

TITLE I - POLICY AND ADMINISTRATION
CHAPTER 3 - MAYOR AND COUNCIL

ARTICLE 8
MAYOR

8.01 **TERM OF OFFICE.** The mayor is elected for a term of two years.

(Code of Iowa, 2013, Sec. 376.2)

8.02 **POWERS AND DUTIES.** The powers and duties of the mayor shall be as follows:

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

(Code of Iowa, 2013, Sec. 372.14 (1))

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

3. Special Meetings. The Mayor shall call special meetings of the council when the Mayor deems such meetings necessary to the interests of the city.

4. Mayor's Veto. The Mayor may sign, veto or take no action on an ordinance, amendment or resolution passed by the council. However, the mayor may not veto a measure if he or she was entitled to vote on the measure at the time of passage. If he or she exercised his veto power, the Mayor must explain the reason for such veto to the council at the time of the veto. The council may override the mayor's veto by a two-thirds majority of the council members.

(Code of Iowa, 2013, Sec. 380.5,380.62)

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

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

7. Contracts. The Mayor shall, whenever authorized by the council, sign all contracts on behalf of the city.

8. Professional Services. The Mayor shall 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 conduct himself or herself in accordance with the city code and the laws of the State.

9. Licenses and Permits. The mayor shall 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. Nuisances. The Mayor shall make appropriate provision that the duties of any absentee officer be carried on during such absence.

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

Mayor Pro Tem Police Chief or Marshall (Code of Iowa, 2013, Sec. 372.4)

8.04 **COMPENSATION.** The salary of the mayor shall be two thousand six hundred dollars (\$2,600.00) per year, payable quarterly.

(Code of Iowa, 2013, Sec. 372.13 (8))

TITLE I - POLICY AND ADMINISTRATION
CHAPTER 3 - MAYOR AND COUNCIL

ARTICLE 9
MAYOR PRO TEMPORE

9.01 **VICE PRESIDENT OF COUNCIL.** The mayor pro tempore shall be vice president of the council.

(Code of Iowa, 2013, Sec. 372.14 (3))

9.02 **POWERS AND DUTIES.** Except for the limitations otherwise provided herein, the mayor pro tempore shall perform the duties of the mayor in the cases of absence or inability of the mayor to perform his or her duties. In the exercise of the duties of the office, the mayor pro tempore shall not have the power to employ or discharge from employment, officers or employees that the mayor has the power to appoint, employ or discharge without the approval of the council.

(Code of Iowa, 2013, Sec. 372.14 (3))

9.03 **VOTING RIGHTS.** The mayor pro tempore shall have the right to vote as a member of the council.

(Code of Iowa, 2013, Sec. 372.14(3))

9.04 **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 days or more, the mayor pro tem may be paid for that period such 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, 2013, Sec. 372.13 (8))

TITLE I - POLICY AND ADMINISTRATION
CHAPTER 3 - MAYOR AND COUNCIL

ARTICLE 10
COUNCIL

10.01 NUMBER AND TERM OF COUNCIL. The council consists of five council members elected at large, the majority of the elected council members who receive the highest number of votes are elected for four year terms, the remainder are elected for two year terms.
(Code of Iowa, 2013, Sec. 372.4 and 376.2)

10.02 POWERS AND DUTIES. The powers and duties of the council shall 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, 2013, 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 wards.

(Code of Iowa, 2013, Sec. 372.13 (7))

3. Fiscal Authority. The council shall apportion and appropriate all funds, and audit and allow all bills, accounts, pay rolls 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, 2013, Sec. 364.2(1), 384.16, and 384.38(1))

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

(Code of Iowa, 2013, Sec. 364.2(1))

5. Contracts. The council shall make or authorize the making of all contracts, and no contract shall bind or be obligatory upon the city unless either made by ordinance or resolution adopted by the council, or reduced to writing and approved by the council, or expressly authorized by ordinance or resolution adopted by the council. All contracts and all ordinances and resolutions making contracts or authorizing the making of contracts shall be drawn or approved by the City Attorney before the same are made or passed.

(Code of Iowa, 2013, Sec. 364.2 (1) and 384.95 thru 384.102))

6. Employees. The council shall authorize, by resolution, the number, duties, and compensation of employees not otherwise provided for by the state law or the city code.

(Code of Iowa, 2013, Sec. 372.13 (4))

7. Records. The council shall maintain records of its proceedings.

(Code of Iowa, 2013, Sec. 372.13 (5))

8. Setting Compensation for Elected Officers. By ordinance, the council shall prescribe the compensation of the mayor, council members, and other elected city officers, but a change in the compensation of the mayor shall not become effective during the term in which the increase 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 immediately following a regular city election. A change in the compensation of council members shall become effective for all council members at the beginning of the term of the council members elected at the election next following the adoption of the increase in compensation.

(Code of Iowa, 2013, Sec. 372.13 (8))

10.03 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:

1. Approved Action by Council. Passage of an ordinance, amendment, or resolution requires an affirmative vote of not less than a majority of the council members. A motion to spend public funds in excess of twenty-five thousand dollars on any one project, or a motion to accept public improvements and facilities upon their completion, also requires an affirmative vote of not less than a majority of the council members. Each council member's vote on an ordinance, amendment or resolution must be recorded.

(Code of Iowa, 2013, Sec. 380.4)

2. Overriding Mayor's veto. Within thirty (30) days after the mayor's veto, the council may repass the ordinance or resolution by a vote of not less than two-thirds of the council members, and the ordinance or resolution becomes effective upon repassage and publication.

(Code of Iowa, 2013, Sec. 380.6 (2))

3. Measures Become Effective. Measures passed by the council, other than motions, become effective in on the following ways:

A. If the mayor signs the measure, a resolution becomes effective immediately upon signing and an ordinance or amendment becomes a law when published, unless a subsequent effective date is provided within the measure.

(Code of Iowa, 2013, Sec. 380.6 (1))

B. If the mayor vetoes a measure 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 published, unless a subsequent effective date is provided within the measure.

(Code of Iowa, 2013, Sec. 380.6 (2))

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

(Code of Iowa, 2013, Sec. 380.6 (3))

10.04 MEETINGS. Meetings of the council shall be as follows:

1. Regular Meetings. The regular meetings of the council shall be on the first and third Wednesday of each month at 6:00 P.M. in the Council Chambers at City Hall, Strawberry Point, Iowa. The Council may change either the time or the day of any regular meetings on a temporary basis to accommodate holidays, holiday eves, sporting events, personal needs of a council person, weather, or any other reason the council deems necessary.

2. Special Meetings. Special meetings shall be held upon call of the Mayor, the City Administrator or upon the written request of a majority of the members of the council submitted to the City Administrator. 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 City Clerk.

(Code of Iowa, 2013, Sec.. 372.13 (5))

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

(Code of Iowa, 2013, Sec. 372.13 (1))

4. Rules of Procedure. The council shall determine the rules of its own proceedings by resolution and the city administrator shall keep such rules on file for public inspection.

(Code of Iowa, 2013, Sec. 372.13 (5))

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

City Administrator
City Clerk
City Attorney
Fire Chief
Library Board of Trustees

10.06 **COMPENSATION.** The salary of each council member shall be fifty dollars (\$50.00) for each meeting of the council attended.

(Code of Iowa, 2013, Sec. 372.13 (8))

TITLE I - POLICY AND ADMINISTRATION
CHAPTER 4 - ADMINISTRATION

ARTICLE 11
CITY CLERK

11.01 **APPOINTMENT.** At the first meeting in January following the regular city election the council shall appoint by majority vote appoint a city clerk to serve for a term of two (2) years.

(Code of Iowa, 2013, Sec. 372.13 (3))

11.02 **POWERS AND DUTIES: GENERAL.** The city clerk or in his/her absence or inability to act, the deputy clerk, shall have the powers and duties as provided in this article, the city code and the law.

11.03 **RECORDING AND PUBLICATION OF MEETING MINUTES.** The city clerk shall attend all regular and special 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, a summary of all receipts and the gross amount of the claims approved.

(Code of Iowa, 2013, Sec. 372.13(6))

11.04 **RECORDING MEASURES CONSIDERED.** The city clerk shall promptly record each measure considered by the council, with a statement 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, 2013, Sec. 380.7)

11.05 **PUBLICATION.** The city clerk shall cause to be published all ordinances, enactments, proceeding and official notices requiring publication as follows:

1. Time. If notice of an election, hearing or other official action is required by the city code or law, the notice must be published at least one, not less that 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, 2013, Sec. 362.3 (1))

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

(Code of Iowa, 2013, Sec. 362.3 (2))

11.06 **AUTHENTICATION.** The city clerk shall authenticate all such measures except motions with his or her signature, certifying the time and manner of publication when required.

(Code of Iowa, 2013, Sec. 380.7 (3))

11.07 **CERTIFY MEASURES.** The city 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, 2013, Sec 380.11)

11.08 **RECORDS.** The city clerk shall maintain the specified city records in the following manner:

1. **Ordinances and Codes.** The clerk shall maintain copies of all effective city ordinances and codes for public use.

(Code of Iowa, 2013, Sec. 372.13 (4))

2. **Custody.** The clerk shall 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, 2013, Sec. 372.13 (4))

3. **Maintenance.** The clerk shall maintain all city records for at least ten years, except that ordinances, council proceeding and records and documents relating to real property transaction or bond issues must be maintained permanently. Bonds and coupons may be destroyed after two years from the retirement of debt and a record of destruction shall be placed with the original bond of record.

(Code of Iowa, 2013, Sec. 372.13 (3&5))

4. **Provide Copy.** The clerk shall furnish upon request to any municipal office a copy of any such record, paper or public document under his/her control when it may be necessary to such officer in the discharge of his/her duty. He/she shall furnish a copy to any citizen when requested upon payment of the fee set by council resolution. He/she shall, under the direction of the mayor or other authorized officer, affix the seal of the corporation to those public documents or instruments which by ordinance and city code are required to attest by the affixing of the seal.

(Code of Iowa, 2013, Sec. 372.13 (3&5) and 380.7 (4))

5. **Filing of Communications.** The city clerk shall keep and file all communications and petitions directed to the council or to the city generally. He/she shall endorse thereon the action of the council taken upon matters considered in such communications and petitions.

(Code of Iowa, 2013, Sec. 372.13 (4))

11.09 ATTENDANCE AT MEETINGS. At the direction of the council he/she shall attend meetings of committees, boards and commissions. He/she shall record and preserve a correct record of the proceedings of such meetings.

(Code of Iowa, 2013, Sec. 372.13 (4))

11.10 ISSUE LICENSES AND PERMITS. The clerk shall issue or revoke licenses and permits when authorized by this code, 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, 2013, Sec. 372.13 (4))

11.11 NOTIFY APPOINTEES. The clerk shall inform all persons appointed by the mayor or council to offices in the city government of their position and the time at which they shall assume the duties of their office.

(Code of Iowa, 2013, Sec. 392.13 (4))

11.12 ELECTIONS. The clerk shall 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 it is timely filed. He/she shall deliver all nomination petitions to the county commissioner of elections not later than five (5) o'clock p.m. on the day following the last day on which nomination petitions can be filed.

(Code of Iowa, 2013, Sec. 376.4)

11.13 CITY SEAL. The City seal shall be in the custody of the clerk and shall be attached by him/her to all transcripts, orders and certificates which it may be necessary or proper to authenticate. The city seal shall be circular in form, in the center of which shall be the words, "STRAWBERRY POINT, IOWA", and around the margin the words "TOWN SEAL".

(Strawberry Point Revised Ordinance #1 1928)

11.14 DEPOSIT OF FUNDS IN BANK. The clerk shall, upon receipt of monies belonging to the city, deposit the same in banks selected by the council in amounts not exceeding the monetary limits authorized by the council.

11.15 DEBT SERVICE. The clerk shall keep a register of all bonds outstanding and record all payments of interest and principal.

11.16 WARRANTS. The clerk shall draw and sign all warrants on the city only upon the vote of the council, and shall keep a warrant record book containing a record of all warrants issued by him/her, arranged with ruled columns, which shall show the date, number, amount, payee's name, and on what fund drawn for each warrant, and supply the treasurer with a statement of all warrants issued monthly.

11.17 **OTHER DUTIES.** The clerk shall perform all duties required under Title 1, Chapter 1, Article 11 of this code and any other duties as specified by the council, by resolution, or ordinance.

TITLE I - POLICY AND ADMINISTRATION
CHAPTER 4 - ADMINISTRATION

ARTICLE 12
TREASURER

12.01 **ELECTION.** The treasurer shall be elected for a term of two years.

12.02 **COMPENSATION.** The treasurer shall be paid seven hundred dollars (\$700.00) per year payable annually with payments of \$175.00 paid quarterly to the Treasurer.

12.03 **DUTIES OF TREASURER.** The duties of the treasurer shall be as follows:

(Code of Iowa, 2013, Sec 372.13 (4))

1. Custody of Funds. The treasurer shall be responsible for the safe custody of all fund of the city in the manner provided by law and council direction.

2. Record of Funds. The treasurer shall keep the record of each fund separate.

3. Record Receipts. The treasurer shall keep an accurate record of all money or securities received by him or her on behalf of the city and specify the date, from whom, and for what purpose received.

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

5. Special Assessments. The treasurer shall keep a separate account of all money received by him/her from special assessments.

6. Bank Reconciliation. The treasurer shall reconcile bank statement with his/her books and certify monthly to the council the balance of cash investments of each fund and amount received and disbursed.

7. Reconciliation with Clerk. The treasurer shall reconcile the books with the city administrator books every month.

8. Other Duties. The treasurer shall perform other duties as specified by the council by resolution or ordinance.

TITLE I - POLICY AND ADMINISTRATION
CHAPTER 4 - ADMINISTRATION

ARTICLE 13
CITY ATTORNEY

13.01 **APPOINTMENT AND COMPENSATION.** The city attorney shall be appointed by majority vote of the council and receive such compensation as shall be established by resolution.

(Code of Iowa, 2013, Sec. 372.13 (4))

13.02 **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. He/she shall prosecute or defend all actions and proceedings when so requested by the mayor or council.

(Code of Iowa, 2013, Sec. 372.13 (4))

13.03 **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, 2013, Sec. 372.13 (4))

13.04 **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 final passage by the council and publication.

(Code of Iowa, 2013, Sec. 372.13 (4))

13.05 **REVIEW AND COMMENT.** The city attorney shall, upon request, make a written report to the council and interested department heads, giving his/her opinion on all contracts, documents, resolutions, or ordinances submitted to him/her or coming under his/her office.

(Code of Iowa, 2013, Sec. 371.12 (4))

13.06 **OPINION ON CONTRACTS.** The city attorney shall at the request of the council, offer a written opinion on the recommended alterations pertaining to contract involving the city before they become binding upon the city.

(Code of Iowa, 2013, Sec 372.13 (4))

13.07 **PROVIDE LEGAL OPINION.** The city attorney shall, upon request, give his/her legal opinion in writing upon all questions of law relating to city matters submitted by the council, any board or the head of any city department.

(Code of Iowa, 2013, Sec. 372.13 (4))

13.08 **ATTENDANCE AT COUNCIL MEETINGS.** The city attorney shall attend meetings of the council at the request of the council.

(Code of Iowa, 2013, Sec. 372.13 (4))

13.09 **PREPARE DOCUMENTS.** The city attorney shall, upon request, formulate drafts for contracts, forms and other writings which may be required for the use of the city.

(Code of Iowa, 2013, Sec. 372.13 (4))

13.10 **MAINTAIN FILES.** The city attorney shall keep in proper files a record of all official opinions and a docket or register of all actions prosecuted and defended by the city attorney accompanied by all proceedings relating to said actions.

TITLE I - POLICY AND ADMINISTRATION
CHAPTER 4 - ADMINISTRATION

ARTICLE 14
CITY ADMINISTRATOR

14.01 **CITY ADMINISTRATOR.** The office of City Administrator is hereby created, which office shall be filled by a majority vote of the council. The appointee shall hold office during the pleasure of the council and shall be subject to removal by a majority vote of the council. The appointee shall be ex-officio city administrator, and shall be qualified by experience and training in management.

14.02 **POWERS AND DUTIES.** The powers and duties of the city administrator shall include the following:

1. Responsibility for all accounting procedures for the city.
2. Administration of all ordinances, resolutions, council proceedings and directives.
3. Continuous study of the city government's operating procedures, organization and facilities and recommendation of fiscal and other policies of the council whenever necessary.
4. Preparation and administration of the city's annual operating budget.
5. Supervision of the city's administrative policies, including personnel and purchasing.
6. Keeping the council informed on the progress of its programs and the status of its policies.
7. Coordination and direction of all city services provided through the various departments.
8. Employment and removal of city employees in accordance with council approved policies regarding pay, employment and removal of such employees.
9. Study possible joint arrangements with municipal boards and commissions, make recommendations for such arrangements as are mutually acceptable and to coordinate these activities as agreed upon.
10. Assist the mayor in any of his/her duties as requested by the mayor and as approved by the city council.
11. Assist the council and the Planning and Zoning Commission in the carrying out of the comprehensive plan and to assist in all other forms of planning within the city government.
12. To act for the city in the exercise and execution of all policies and programs whereby the city is involved on a joint basis with any other governmental subdivision of the State of Iowa or the United States of America.

13. Oversee all boards and commissions, to communicate directions of the City Council to any board or commission, and to keep the Mayor and City Council updated on a regular basis concerning boards and commissions.

14.03 **COUNCIL REPORTS.** The city administrator shall be directly responsible to the city council for the administration of municipal affairs as directed by that body. All departmental activity requiring the attention of the council shall be brought before that body by the city administrator and all council involvement in administration initiated by the council must be coordinated through the city administrator.

14.04 **COMPENSATION.** The compensation of the city administrator shall be in such amount as may from time to time be fixed by the council.

14.05 **RELATIONSHIP TO CITY ATTORNEY.** The City Attorney shall not be considered to be a department head for the purposes of this chapter, and shall continue to be appointed by, and be directly responsible to, the city council.

TITLE I - POLICY AND ADMINISTRATION
CHAPTER 4 - ADMINISTRATION

ARTICLE 15
REVITALIZATION AREA

15.01 **URBAN REVITALIZATION.** The Urban Revitalization Plan which is on file in the office of the City Administrator/Clerk shall remain on file and is a part of the Code of Strawberry Point, Iowa.

15.02 **REVITALIZATION AREA.** The entire City of Strawberry Point, Iowa, is designated as a revitalization area.

TITLE I - POLICY AND ADMINISTRATION
CHAPTER 4 - ADMINISTRATION

ARTICLE 16
TAX LEVIES

16.01 **PURPOSE.** The purpose of this article is to provide for the division of taxes levied on the taxable property in the Strawberry Point Urban Renewal Area of the City of Strawberry Point, Iowa, each year by and for the benefit of the state, city, county, school districts or other taxing districts after the effective date of this article in order to create a special fund to pay the principal of and interest on loans, moneys advanced to or indebtedness, including bonds proposed to be issued by the City of Strawberry Point to finance projects in such area.

16.02 **DEFINITIONS.** For use within this article the following terms shall have the following meanings:

“City” shall mean the City of Strawberry Point, Iowa.

“County” shall mean Clayton County, Iowa.

Urban Renewal Area” shall mean the entirety of the Strawberry Point Urban Renewal Area as amended from time to time.

“Tax Increment District” shall mean that portion of the Strawberry Point Urban Renewal Area of Strawberry Point, Iowa, the boundaries of which are set out below:

Certain real property in the City of Strawberry Point, County of Clayton, State of Iowa more particularly described as follows:

The entirety of the Pheasant Ridge Subdivision Addition to the City of Strawberry Point, Iowa, such property bearing Clayton County Property Tax Identification Parcel Numbers: 22-41-22-432-001;

and

The Industrial Park Subdivision Addition to the City of Strawberry Point, Iowa, such property bearing Clayton County Property Tax Identification Numbers: 4127451005, 4127451004, 4127451003, 4127451006, 4127451009, 4127451002, 4127451007, 4127451008, 4127451001, 4127451020.

The right of way of Highways #3 and #13, from its intersection with the south city limits of Strawberry Point, Iowa, to its intersection with the east line of Section 34, Township 91 North, Range 6, West of the 5th P.M.;

The Southwest Quarter (SW¹/₄) of the Southeast Quarter (SE¹/₄) of Section

27, the Southeast Quarter (SE^{1/4}) of the Northeast Quarter (NE^{1/4}) of Section 34, and the North Half (N^{1/2}) of the Northeast Quarter (NE^{1/4}) of Section 34 all in Township 91 North, Range 6, West of the 5th P.M., all in Clayton County, Iowa.

16.03. **FOR PROVISIONS DIVISION.** The taxes levied on the taxable property in the Tax Increment District each year by and for the benefit of the State of Iowa, the City, the County and any school district in which the Tax Increment District is located, shall be divided as follows:

(a) that portion of taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the Tax Increment District, as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which the City certifies to the County Auditor the amount of loans, advances, indebtedness, or bonds payable from the special fund referred to in paragraph (b) below, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid. For the purpose of allocating taxes levied by or for any taxing district which did not include the territory in the Tax Increment District on the effective date of this article, but to which the territory has been annexed or otherwise included after the effective date, the assessment roll applicable to property in the annexed territory as of January 1 of the calendar year preceding the effective date of the article which amends the plan for the Tax Increment District to include the annexed area, shall not be used in determining the assessed valuation of the taxable property in the annexed area.

(b) that portion of the taxes each year in excess of such amounts shall be allocated to and when collected be paid into a special fund of the City to pay the principal of and interest on loans, moneys advanced to or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under authority of Section 403.9(1), of the Code of Iowa, incurred by the City to finance or refinance, in whole or in part, projects in the Urban Renewal Area, and to provide assistance for low or moderate-income family housing as provided in Section 403.22, except that taxes for the regular and voter-approved physical plant and equipment levy of a school district imposed pursuant to Section 298.2 of the Code of Iowa, and taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this article. Unless and until the total assessed valuation of the taxable property in the Tax Increment District exceeds the total assessed value of the taxable property in such area as shown by the assessment roll referred to in subsection (a) of this section, all of the taxes levied upon the taxable property in the Tax Increment District shall be paid into the funds for the respective taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes. When such loans, advances, indebtedness, and bonds, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the Tax Increment District shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

(c) the portion of taxes mentioned in subsection (b) of this section and the special fund into which that portion shall be paid may be irrevocably pledged by the City for the payment of the principal and interest on loans, advances, bonds issued under the authority of Section 409.9(1) of the Code of Iowa, or indebtedness incurred by the City to finance or refinance in whole or in part projects in the Urban Renewal Area.

(d) as used in this section, the word “taxes” includes, but is not limited to, all levies on an ad valorem basis upon land or real property.

TITLE II - COMMUNITY PROTECTION
DIVISION 1 - LAW ENFORCEMENT
CHAPTER 1 - PUBLIC OFFENSES

ARTICLE 17
PUBLIC PEACE

17.01 **ASSAULT.** It shall be unlawful for a person to do any of the following, without justification:

1. Any act which is intended to cause pain or injury to, or which is intended to result in physical contact which will be offensive to another, coupled with the apparent ability to execute the act.
2. 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.
3. Intentionally points any firearm toward another, or displays in a threatening manner any dangerous weapon toward another.

Provided, that 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 of serious injury or breach of the peace, the act shall not be seen as an assault.

(Code of Iowa, 2013, Section 708.1)

17.02 **HARASSMENT.** It shall be unlawful for a person to do any of the following, with intent to intimidate, annoy or alarm another person:

1. Communicates with another by telephone, email, text messaging, other electronic communication, telegraph, or writing without legitimate purpose and in a manner likely to cause the other person annoyance or harm.
2. Places any simulated explosive or simulated incendiary device in or near any building, vehicle, airplane, railroad engine or railroad car or boat occupied by such person.
3. Orders merchandise or service in the name of another, or to be delivered to another, without such other person's knowledge or consent.
4. 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, 2013, Section 708.7)

17.03 DISORDERLY CONDUCT. It shall be unlawful for a person to do any of the following:

1. 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.
2. Makes loud and raucous noise in the vicinity of any residence or hospital which causes unreasonable distress to the occupants thereof.
3. 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.
4. Without lawful authority or color of authority, the person disturbs any lawful assembly or meeting of persons by conduct intended to disrupt the meeting or assembly.
5. By word, 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.
6. 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.
7. Without authority or justification, the person obstructs any street, sidewalk, highway, or other public way, with the intent to prevent or hinder its lawful use by others.

(Code of Iowa, 2013, Sec. 723.4)

17.04 DISTURBING OF PEACE: NOISE. It shall be unlawful for a person to disturb the peace by excessive, loud or unusual noise, by blowing horns or ringing bells, or by the use of sirens, radios, music players or any type of speaking devices or noise makers.

17.05 UNLAWFUL ASSEMBLY AND RIOT. It shall be unlawful for three (3) or more persons in a violent or tumultuous manner to assemble together to do or attempt to do an unlawful act, or when together to commit or attempt to commit an act, whether lawful or unlawful, in an unlawful, violent or tumultuous manner to the disturbance of others.

(Code of Iowa, 2013, Sec. 723.1)

17.06 INDECENT PUBLIC EXPOSURE. No person shall expose those parts of his or her body hereinafter listed, to another in any public place, or in any place where such exposure is seen by another person or persons in any public place:

1. A women's nipple, or aureole, or full breast, except as necessary in feeding of an infant under the age thirty-six months (36).

2. The pubic hair, pubes, perineum, or anus of a male or female, the penis or scrotum of a male, or the vagina of a female, excepting those body parts of an infant of either sex.

This section shall not apply to limited or minimal exposures incident to the use of public restrooms or locker rooms or other such places where such exposures occur incident to the prescribed use of those facilities; it shall not apply to exposures occurring in live stage plays, live theatrical performances, or live dance performances conducted in a theater, concert hall or similar establishment which is primarily devoted to theatrical performances.

TITLE II - COMMUNITY PROTECTION
DIVISION 1 - LAW ENFORCEMENT
CHAPTER 1 - PUBLIC OFFENSES

ARTICLE 18
PUBLIC MORALS

18.01 **PROSTITUTION.** It shall be unlawful for any person to engage in, assist, or in any manner promote prostitution within the city. For the purposes of this section, the following acts are prohibited and the commission of any such act or acts shall constitute a violation of the city code.

1. Prostitute. Selling or offering for sale his or her services as a partner in a sex act, or purchasing or offering to purchase such services.
2. Pimping. Soliciting a patron for a prostitute, or knowingly taking or sharing the earnings of a prostitute, or knowingly furnish a room for the purpose of prostitution for compensation or not.
3. Pandering. Persuading or arranging for another to become an inmate of a brothel or to become a prostitute, such person not having previously engaged in prostitution, or returning to the practice of prostitution after having abandoned it, or keeping or maintaining a brothel or knowingly sharing in the income from a brothel.
4. Leasing premises for prostitution: Letting any house, building, structure, or part thereof, boat, trailer or offering shelter or seclusion knowing that lessee intends to use it as a place of prostitution.

(Code of Iowa, 2013, Sec. 725.2,3 and 4)

TITLE II - COMMUNITY PROTECTION
DIVISION 1 - LAW ENFORCEMENT
CHAPTER 1 - PUBLIC OFFENSES

ARTICLE 19
MINORS

19.01 **CURFEW FOR MINORS.**

A. Definitions.

1. "Curfew hours" mean 10:00 p.m. until 6:00 a.m. of the following day Sunday night through Friday morning, and 11:00 p.m. until 6:00 a.m. of the following day on Friday night through Sunday morning.
2. "Emergency" means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.
3. "Establishment" means any privately owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.
4. "Guardian" means:
 - (a) A person who, under court order, is the guardian of the person of a minor; or
 - (b) A public or private agency with whom a minor has been placed by a court.
5. "Minor" means any person under 16 years of age.
6. "Operator" means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.
7. "Parent" means a person who is:
 - (a) A natural parent, adoptive parent, or step-parent of another person; or
 - (b) At least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.
8. "Public Place" means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, shops, alleys, sidewalks, parks, playgrounds, and vacant lots.

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

B. Offense.

1. A minor commits an offense if he/she remains in any public place or on the premises of any establishment within the city during curfew hours.
2. A parent or guardian of a minor commits an offense if he/she knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises of any establishment within the city during curfew hours.
3. The owner, operator, or any employee of an establishment commits an offense if he/she knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

C. Defenses.

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

D. Action.

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

19.02 MINORS IN BILLIARD ROOMS. It shall be unlawful for any person who keeps a billiard hall where beer is sold, or the agent, clerk, or the employee of any such person having charge or control of any such hall, to permit any minor under eighteen (18) years of age to remain in such hall or to take part in any of the games known as billiard or pool.

TITLE II - COMMUNITY PROTECTION
DIVISION 1 - LAW ENFORCEMENT
CHAPTER 1 - PUBLIC OFFENSES

ARTICLE 20
PUBLIC HEALTH AND SAFETY

20.01 SALE OF TAINTED FOOD. It shall be unlawful for a person to sell or offer for sale any tainted, unsound or rotten meat, fish, fowl, fruit, vegetables, eggs, butter, canned goods, packaged goods, or other articles of food, or to sell or offer for sale the flesh of any animal that was diseased.

20.02 FIREWORKS:

1. Definition. The term "fireworks" shall mean and include any explosive composition, or combination of explosive substances, or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, or other fireworks of like construction and any fireworks containing any explosive or inflammable compound, or other devise containing any explosive substance.

(Code of Iowa, 2013, Sec. 727.2)

2. Regulations. It shall be 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 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 amount:

Personal injury: \$ 1,000,000.00 per person
Property damage: \$ 1,000,000.00
Total exposure: \$ 5,000,000.00

This shall not be construed to prohibit any resident, dealer, manufacturer or jobber from selling such fireworks as are not herein prohibited; or the sale of any kind of fireworks provided the same are to be shipped out of state; or the sale or use of blank cartridges for a show or theater, or for signal purposes in athletic sports or by railroads, truck, for signal purposes, or by a recognized military organization; and provided further that nothing in this section shall apply to any substance or composition prepared and sold for medicinal or fumigation purposes.

(Code of Iowa, 2013, Sec. 727.2)

20.03 IMPERSONATING AN OFFICER. It shall be unlawful for a person to falsely hold himself or herself out to assume to act as an elected or appointed officer, magistrate, peace officer or person authorized to act on behalf of the state or any subdivision thereof, having no authority to do so.

(Code of Iowa, 2013, Sec. 718.2)

20.04 INTERFERENCE WITH OFFICIAL ACTS. A person who knowingly resists or obstructs anyone known by the person to be a peace officer in the performance of any act which is within the scope of the officer's lawful duty or authority, or who knowingly resists or obstructs the service or execution by any authorized person of any civil or criminal process or order of any court, shall be considered to be in violation of the city code.

(Code of Iowa, 2013, Sec. 719.1)

20.05 REFUSING TO ASSIST OFFICER. It shall be unlawful for any person to unreasonably and without lawful cause refuse or neglect to render assistance to any magistrate or peace officer, when so requested or ordered by a magistrate to peace officer, in making or attempting to make an arrest, or to prevent the commission of any criminal act.

(Code of Iowa, 2013, Sec. 719.2)

20.06 RESISTING ARREST. It shall be unlawful for a person after being informed of the intention to arrest him, to attempt to escape or forcibly resist when arrest is being made by an officer under the authority of a warrant.

(Code of Iowa, 2013, Sec. 804.12)

20.07 ANTENNA AND RADIO WIRES. It shall be unlawful for a person to allow antenna wires, antenna supports, satellite dishes, radio wires or television wires to exist over any street, alley, highway, sidewalk, or public property.

(Code of Iowa, 2013, Sec. 364.12 (2))

20.08 DISCHARGING WEAPONS. It shall be unlawful for a person to discharge rifles, shotguns, revolvers, pistols, guns, BB guns, pellet guns or firearms of any kind within the city limits except by authorization of the council.

20.09 THROWING AND SHOOTING. It shall be unlawful for a person to throw stones or missiles of any kind or to shoot arrows, rubber guns, slingshots, air rifles or other dangerous instruments or toys on or into any street, highway, alley, sidewalk or public place.

(Code of Iowa, 2013, Sec. 364.12 (2))

20.10 INTERFERENCE WITH CITY OFFICERS. It shall be unlawful for a person to interfere with or hinder any policeman, fireman, officer, or city official in the discharge of his or her duty.

20.11 **BARBED WIRE.** It shall be unlawful for a person to use barbed wire to enclose land within the city limits without the consent of the council unless such land consists of ten acres or more and is used as agriculture land.

20.12 **CARRYING CONCEALED WEAPONS:**

1. Prohibition. It shall be unlawful for any person, except as hereinafter provided, to go armed with or carry a dirk, dagger, sword, pistol, revolver, stiletto, metallic knuckles, pocket billy, sandbag, skull cracker, slug shot or other offensive or dangerous weapon, except hunting knives adapted and carried as such, concealed either on or about the person, except in one's own dwelling, house, place of business, or other land possessed by him. No person shall carry a pistol or revolver concealed on or about his person, or whether concealed or otherwise in any vehicle on or about his person, whether concealed or otherwise in any vehicle operated by him, except in his dwelling, house or place of business or on other land possessed by him, without a permit from the sheriff of the county.

(Code of Iowa, 2013, Sec. 724.4)

2. Exemptions. It shall be unlawful to carry one or more unloaded pistols or revolvers of the purpose of lawful hunting, lawful sale or attempted sale, lawful exhibit or showing, or other lawful use, if such unloaded weapon or weapons are carried either (1) in the trunk compartment of a vehicle or (2) in a closed container which is too large to be effectively concealed on the person or within the clothing of an individual, and such container may be carried in a vehicle or in any other manner; and no permit shall be required therefore.

(Code of Iowa, 2013, Sec. 724.4)

20.12A **CARRYING DANGEROUS WEAPONS.** No member of the public shall carry a dangerous weapon in any City building in the City of Strawberry Point. This provision applies to any member of the public whether or not the individual possesses a valid Iowa permit to carry weapons. This provision does not apply to:

A. A peace officer as defined in Iowa Code Section 801.4 or a member of the armed forces of the United States or of the National Guard, when the person's duties or lawful activities require or permit possession of a dangerous weapon.

B. A person who possesses a valid Iowa professional permit to carry a weapon whose duties require that person to carry a dangerous weapon.

C. A person who possesses a dangerous weapon for any purpose authorized by a state agency to further the statutory or regulatory responsibilities of that agency.

D. Members of recognized military veterans organizations performing honor guard service authorized by the City Council.

Violation may result in the denial of access to a City building, filing of criminal charges, expulsion from a City building or any combination thereof, of any individual who knowingly

violates this code section. In addition, any weapons found in possession of a member of the public in violation of this code may be confiscated.

20.13 POSSESSION OF DRUG PARAPHERNALIA. It shall be unlawful for any person to possess any needle, syringe, spoon, surgical tubing, knife, razor blade, pipe, plastic bag, roach clip, cigarette papers, cans, bong, instrument or device, with the intent to use it in the illegal use of drugs.

20.14 PUBLIC URINATION AND/OR DEFECATION. It shall be unlawful for any person to urinate and/or defecate in or upon any street, sidewalk, alley, public place or in any public place open to public view, provided that this section shall not apply to public restrooms or public facilities designated for such purposes.

TITLE II - COMMUNITY PROTECTION
DIVISION 1- LAW ENFORCEMENT
CHAPTER 1- PUBLIC OFFENSES

ARTICLE 21
PUBLIC PROPERTY

21.01 DEFACING PUBLIC GROUND. It shall be unlawful for a person to cut, break or deface any tree or shrub on public property or on any public way by willfully defacing, cutting, breaking or injuring.

(Code of Iowa, 2013, Sec. 354.1 and 364.12 (2))

21.02 INJURING NEW PAVEMENT. It shall be unlawful for a person to injure new pavement in any street, alley or sidewalk by willfully driving, walking or making marks on such pavement before it is ready for use.

(Code of Iowa, 2013, Sec. 354.12 (2))

21.03 DESTROYING PARK EQUIPMENT. It shall be unlawful for a person to destroy or injure any property or equipment in public swimming pools, playgrounds or parks by willfully defacing, breaking, damaging, mutilating or cutting.

(Code of Iowa, 2013, Sec. 364.12 (2))

21.04 DEFACING PROCLAMATIONS OR NOTICES. It shall be unlawful for a person to intentionally deface, obliterate, tear down or destroy in whole or in part any transcript or extract from or of any law of the United States or this state or 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, 2013, Sec. 716.1)

21.05 INJURY TO FIRE APPARATUS. It shall be unlawful for a person to willfully destroy or injure any engine, hose, hook and ladder truck, or other equipment or thing used or kept for extinguishment of fires, rescue or any other purpose by or for the fire department.

(Code of Iowa, 2013, Sec. 716.1)

21.06 DAMAGE TO PUBLIC OR UTILITY PROPERTY. It shall be unlawful for a person to maliciously injure, remove, or destroy any bridge, or place, or cause to be placed, any obstruction on such bridge, or willfully obstruct or injure any public road or highway; or maliciously cut, burn or in any way break down, injure, or destroy any post or pole used in connection with any system of electric lighting, or telephone or telegraph system; or break down and destroy or injure and deface any electric light, satellite dish, telegraph or telephone instrument; or in any way cut, break, or injure the wires of any apparatus belonging thereto; or willfully tap, cut, injure, break, disconnect, connect, make connection with, or destroy any of the wires, mains, pipes, conduits, meters, or other apparatus belonging to, or attached to, the

power plant or distributing system of any electric light plant, gas plant, water plant, telephone system, cable system; or to damage, injure or destroy any City owned vehicles, tools, equipment, or apparatus, or to aid or abet any other person in doing so.

(Code of Iowa, 2013, Sec. 716.1)

21.07 INJURY TO CEMETERY PROPERTY. It shall be unlawful for a person to willfully and maliciously destroy, mutilate, deface, injure or remove any tomb, vault, monument gravestone or other structure placed in public or private cemetery or other fences, railing or other work for the protection or ornamentation of said cemetery, or if any tomb, vault, monument or gravestone, or other structure aforesaid, on any cemetery lot within such cemetery, or to willfully and maliciously throw or leave rubbish, refuse, garbage, waste, litter or foreign substance within the limits of said cemetery, or to drive outside avenues or roads in said cemetery, and over grass or graves of said cemetery, or to intentionally disinter human remains from a burial site without lawful authority.

(Code of Iowa, 2013, Sec. 716.1)

TITLE II - COMMUNITY PROTECTION
DIVISION 1 - LAW ENFORCEMENT
CHAPTER 1 - PUBLIC OFFENSES

ARTICLE 22
PRIVATE PROPERTY

22.01 **TRESPASSING PROHIBITED.** It shall be unlawful for a person to commit one or more of the following acts:

1. Enter Property Without Permission. Enter upon or in property without legal justification or without the implied or actual permission of the owner, lessee, or person in lawful possession with the intent to commit a public offense or to use, remove there from, alter, damage, harass, or place thereon or therein anything animate or inanimate, without the implied or actual permission of the owner, lessee, or person in lawful possession.

(Code of Iowa, 2013, Sec.. 716.7 (2a))

2. Vacate Property When Requested. Enter or remain upon or in private property without legal justification after being notified or requested to abstain from entering or to remove or vacate there from by the owner, lessee, or person in lawful possession, or by any peace office, magistrate, or public employee whose duty is to supervise the use or maintenance of the property.

(Code of Iowa, 2013, Sec.716.7 (2b))

3. Interfere with Lawful use of Property. Enter upon or in private property for the purpose or with the effect of unduly interfering with the lawful use of the property by others.

(Code of Iowa, 2013, Sec. 716.7 (2c))

4. Use of Property Without Permission. Be upon or in private property and use, remove there from, alter, damage, harass or place thereon or therein anything animate or inanimate, without the implied or actual permission of the owner, lessee, or person in lawful possession.

(Code of Iowa, 2013, Sec. 716.7 (2d))

22.02 **TELEGRAPH OR TELEPHONE WIRE TAPS.** It shall be unlawful for a person to wrongfully or unlawfully tap or connect a wire with the telephone or telegraph wires of any person engaged in the transmission of message on telephone or telegraph lines.

(Code of Iowa, 2013, Sec. 727.8)

TITLE II - COMMUNITY PROTECTION
DIVISION 1 - LAW ENFORCEMENT
CHAPTER 2 - TRAFFIC CODE

ARTICLE 23
GENERAL PROVISIONS

23.01 **TITLE.** This chapter may be known and cited as the "Strawberry Point Traffic Code".

23.02 **DEFINITIONS.** Where words and phrases used in this chapter are defined by state law, such definitions shall apply to their use in this chapter and are adopted by reference. Those definitions so adopted that need further definition or are reiterated, and other word and phrases used herein, shall have the following meaning:

1. "Park or Parking": shall mean the standing of vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.
2. "Stand or Standing": shall mean the halting of a vehicle, whether occupied or not, otherwise than for the purpose of and while actually engaged in receiving or discharging passengers.
3. "Stop": shall mean when required, the complete cessation of movement.
4. "Stop or stopping": shall mean, when prohibited, the halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the direction of a peace officer or traffic-control sign or signal.
5. "Business District": shall mean the territory contiguous to and including Commercial Street from the North boundary of Elm Street to the North boundary of Milwaukee Road; and Mission Street between the East boundary of Park Avenue East to the East boundary of Mechanic Street.
6. "Residence District": shall mean the territory contiguous to and including a highway not comprising a business, suburban or school district, where forty per cent (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.

(Code of Iowa, 2013, Sec. 321.1(63))

7. "School District": shall mean the territory contiguous to and including a highway for a distance of two hundred (200) feet in either direction from a school house.

(Code of Iowa, 2013, Sec. 321.1 (70))

8. "Suburban District": shall mean all other parts of the city not included in the business, school or residence districts.

(Code of Iowa, 2013, Sec. 321.1 (79))

9. "Official Traffic Control Devices": shall mean all signs, signals, markings, and devices not inconsistent with this chapter, lawfully placed or erected for the purpose of regulating, warning, or guiding traffic.

(Code of Iowa, 2013, Sec. 321.1(46))

23.03 ADMINISTRATION AND ENFORCEMENT. Provisions of this chapter and the Iowa law relating to motor vehicles and law of the road shall be enforced by the police chief.

23.04 POWER TO DIRECT TRAFFIC. A peace officer, and 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.

23.05 TRAFFIC ACCIDENTS: REPORTS. The driver of a vehicle involved in an accident within the limits of this city shall file a report as and when required by the Iowa Department of Public Safety. 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, 2013.

(Code of Iowa, 2013, Sec. 321.273)

23.06 INVESTIGATION OF TRAFFIC ACCIDENTS. The police chief shall investigate all accidents reported. If sufficient evidence of a violation is found, proper action will be taken to punish the violator.

23.07 TRAFFIC ACCIDENTS: STUDIES. Whenever the accidents at any particular location become numerous, the Chief of Police shall conduct studies of such accidents and propose remedial measures.

(Code of Iowa, 2013, Sec. 372.13(4))

23.08 FILES MAINTAINED. The police chief shall maintain a suitable record of all traffic accidents, warnings, arrests, convictions and complaints reported for each driver during the most recent three year period.

(Code of Iowa, 2013, Sec. 372.14 (4))

23.09 HABITUAL TRAFFIC VIOLATIONS. The police chief shall study the cases of all drivers charged with frequent or serious violations of the traffic laws or involved in frequent traffic accidents or any serious accident, and shall attempt to discover the reasons therefore, and shall take whatever steps are lawful and reasonable to prevent the same, or to have the license of such persons suspended or revoked as provided by state law.

23.10 ANNUAL SAFETY REPORTS. The police chief shall prepare annually a traffic report which shall be filed with the mayor and council. Such report shall contain information

on the number of traffic accidents, the number of persons killed and injured, the number and nature of violations, and other pertinent traffic data including plans and recommendations for the future traffic safety activities.

(Code of Iowa, 2013, Sec. 372.13 (4))

TITLE II - COMMUNITY PROTECTION
DIVISION 1 - LAW ENFORCEMENT
CHAPTER 2 - TRAFFIC CODE

ARTICLE 24
OFFICIAL TRAFFIC CONTROL DEVICES

24.01 **INSTALLATION.** The police chief shall cause to be placed and maintained traffic control devices when and as required under the Traffic Code of this city to make effective its provisions; emergency or temporary condition as traffic conditions may require to regulate traffic under the traffic code of this city or under state law, or to guide or warn traffic. He or she shall keep a record of all such traffic control devices.

(Code of Iowa, 2013, Sec. 321.254 and 321.255)

24.02 **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.

(Code of Iowa, 2013, Sec. 372.13 (4) and 321.255)

24.03 **TRAFFIC LANES.** The police chief is hereby authorized to mark lanes for traffic on street surfaces at such places as traffic conditions require consistent with the traffic code of this 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.

(Code of Iowa, 2013, Sec. 372.13 (4) and 321.255)

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

(Code of Iowa, 2013, Sec. 321.255)

24.05 **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.

(Code of Iowa, 2013, Sec. 321.256)

TITLE II - COMMUNITY PROTECTION
DIVISION 1 - LAW ENFORCEMENT
CHAPTER 2 - TRAFFIC CODE

ARTICLE 25
GENERAL REGULATIONS

25.01 VIOLATION OF REGULATIONS. Any person who shall willfully fail or refuse to comply with any lawful order of a peace officer or direction of a fire department officer during a fire, or who shall fail to abide by the provisions of this chapter and 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 chapter. These sections of the Code of Iowa, 2013, are:

1. Display of registration and license to drive; 321.32, 321.174, 321.190, 321.193 and 321.218 through 321.224.
2. Obedience to a peace officer and responsibility of public officers, emergency vehicles and bicycles to obey traffic regulations; 321.229 through 321.234.
3. Traffic signs, signals and markings: 321.257 through 321.260.
4. Accidents and accident reporting: 321.266 and 321.268.
5. Operation of motorcycles: 321.275.
6. Reckless driving, careless driving, drag racing, speed, control of a vehicle and minimum speed: 321.277, 321.277A, 321.278, 321.286 through 321.288 and 321.295.
7. Driving on right, meeting, overtaking, following or towing: 321.297 through 321.310.

A. Vehicles to be driven on right-hand side of road.

(Code of Iowa, 2013, Sec. 321.297)

The operator of a motor vehicle shall travel on the right-hand side of the center of the street unless otherwise provided by law.

B. Yielding to the right.

(Code of Iowa, 2013, Sec. 321.298)

Drivers of motor vehicles meeting each other on a street or highway shall give one-half (1/2) of the traveled way thereof by turning to the right.

C. Overtaking another vehicle generally.

(Code of Iowa, 2013, Sec. 321.299)

The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions and special rules hereinafter stated in this division:

- (a) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.
- (b) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his or her vehicle until completely passed by the overtaking vehicle.

D. Failure to recognize signal: burden of proof.

(Code of Iowa, 2013, Sec. 321.300 and 321.301)

- (a) Any driver of a vehicle that is overtaken by a faster moving vehicle who fails to heed the signal of the overtaking vehicle when it is given under such circumstances that the driver could, by the exercise of ordinary care, observation and precaution, hear such signal and who fails to yield that part of the traveled way, as provided in this division, shall be punished in section 1-8 of this Code.
- (b) Upon proof that a signal was given as contemplated by subsection (a) of this section, the burden shall rest upon the accused to prove that he or she did not hear said signal.

E. When overtaking on right permitted.

(Code of Iowa, 2013, Sec. 321.302)

- (a) The driver of a vehicle may overtake and pass upon the right of another vehicle which is making or about to make a left turn.
- (b) The driver of a vehicle may overtake and, allowing sufficient clearance, pass another vehicle proceeding in the same direction either upon the left or upon the right on a roadway with unobstructed pavement of sufficient width for four (4) or more lines of moving traffic when such movement can be made in safety. No person shall drive off the pavement or upon the shoulder of the roadway in overtaking or passing on the right.

F. Limitations on overtaking on left.

(Code of Iowa, 2013, Sec. 321.303)

No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and

passing to be made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to the right-hand side of the roadway before coming within one hundred (100) feet of any vehicle approaching from the opposite direction.

G. Prohibited passing.

(Code of Iowa, 2013, Sec. 321.304)

No vehicle shall, in overtaking and passing another vehicle or at any other time, be driven to the left side of the roadway under the following conditions:

- (a) When approaching the crest of a grade or upon a curve in any street or highway which is obstructed for a distance of seven hundred (700) feet.
- (b) When approaching within one hundred (100) feet of any narrow bridge viaduct or tunnel, when so signposted, or when approaching within one hundred (100) feet of or traversing any intersection or railroad grade crossing.
- (c) Where official signs are in place directing that traffic keep to the right or a distinctive center line or off-center line is marked, which distinctive line also so directs traffic as declared in the sign manual adopted by the state highway commission.

H. Passing rotary traffic island.

(Code of Iowa, 2013, Sec. 321.305)

A vehicle passing around a rotary traffic island shall be driven on to the right of such island.

8. Turning and starting, signals on turning and stopping: 321.311 through 321.318

A. Starting parked vehicle.

(Code of Iowa, 2013, Sec. 321.313)

No person shall start a vehicle which is stopped, standing or parked unless and until such movement can be made with reasonable safety.

B. Turning at intersections.

(Code of Iowa, 2013, Sec. 321.321)

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

- (a) Both the approach for a right turn and right turn shall be made as close as practical to the right-hand curb or edge of roadway.
- (b) The approach for a left hand turn shall be made in that portion of the right half of the roadway nearest the center line thereof and after entering the intersection the left turn shall be made so as to depart from the intersection to the right of the center line of the roadway being entered.
- (c) The 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 center line and by passing to the right of such center line 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 center line of the street being entered upon leaving the intersection.

- (d) The chief of police may cause markers, buttons or signs to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection 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.

C. Authority to erect signs prohibiting turns; observance.

- (a) The chief of police is hereby authorized to determine those intersections, as traffic conditions require, at which the drivers of vehicles shall not make a right or left turn. The making of such turns may be prohibited between certain hours of any day in which event the same shall be plainly indicated on signs.

- (b) Whenever authorized signs are erected in pursuance to ordinance indicating that no right or left turn is permitted, no driver of a vehicle shall disobey the directions of any such signs.

D. "U" Turns.

It shall be unlawful for a driver to make a "U" turn except at an intersection; provided, however that "U" turns are prohibited at intersections within the business district and at intersections where there are automatic traffic signals.

E. Turning on curve or crest of grade.

(Code of Iowa, 2013, Sec. 321.312)

No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to, or near the crest of a grade or hill, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within five hundred (500) feet.

F. Turns to be made only when safe; when signal required.

(Code of Iowa, 2013, Sec. 321.314)

No person shall turn a vehicle from a direct course upon a highway unless and until such movement can be made with reasonable safety and then only after giving a clearly audible signal by sounding the horn if any pedestrian may be affected by such movement or after giving an appropriate signal in the manner hereinafter provided in the event any other vehicle may be affected by such movement.

G. Turning signal to be continuous.

(Code of Iowa, 2013, Sec. 321.315)

A signal of intention to turn left or right shall be given continuously during not less than the last one hundred (100) feet traveled by the vehicle before turning.

H. Signal to be given upon stopping or slowing down.

(Code of Iowa, 2013, Sec. 321.316)

No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided in this division to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

I. Alternative methods of giving signals; signal lights; emergency lights.

(Code of Iowa, 2013, Sec. 321.317)

- (a) The signals required under the provisions of this chapter may be given either by means of the hand and arm as provided in this division or by mechanical or electrical directional signal device or light of a type approved by the state department of public safety.
- (b) Directional signal devices shall be designed with a white, yellow or amber lamp or lamps to be displayed on the front of vehicles and with a lamp or lamps of red, yellow or amber to be displayed on the rear of vehicles. Such devices shall be capable of clearly indicating any intention to turn either to the right or to the left and shall be visible and understandable during both daylight and darkness from a distance of at least one hundred (100) feet from the front and rear of a vehicle equipped therewith.
- (c) When a vehicle is equipped with a directional signal device, such device shall at all times be maintained in good working condition. No directional signal device shall project glaring or dazzling light. All directional signal devices shall be self-illuminated when in use while other lamps on the vehicle are lighted.
- (d) Whenever any vehicle or combination of vehicles is disabled or for other reason may present a vehicular traffic hazard requiring unusual care in approaching, overtaking or passing during the hours of darkness, the operator of such vehicles may display on such vehicle or combination of vehicles four (4) directional signals of a type complying with the provisions of this section relating to directional signal devices in simultaneous operation.

J. Method of giving hand and arm signals.

(Code of Iowa, 2013, Sec. 321.318)

All signals herein required which may be given by hand and arm shall when so given be given from the left side of the vehicle in the following manner:

- (a) LEFT TURN: Hand and arm extended horizontally.
- (b) RIGHT TURN: Hand and arm extended upward.
- (c) STOP OR DECREASE OF SPEED: Hand and arm extended downward.

9. Right of way: 321.319 through 321.324

A. Approaching or entering intersections.

(Code of Iowa, 2013, Sec. 321.319)

When two vehicles enter an intersection from different highways or public streets at approximately the same time, the driver of the vehicle on the left shall yield the right of way to the vehicle on the right. The foregoing rule is modified at through highways and otherwise as hereinafter stated in this section.

B. Turning left at intersections.

(Code of Iowa, 2013, Sec. 321.320)

The driver of a vehicle within an intersection intending to turn to the left shall yield the right of way to all vehicles approaching from the opposite direction which are within the intersection or so close thereto as to constitute an immediate hazard, then said driver, having yielded and having given a signal when and as required by this chapter, may make such left turn.

C. Entering through highways.

(Code of Iowa, 2013, Sec. 321.321)

The driver of a vehicle shall stop or yield as required by this chapter at the entrance to a through highway and shall yield the right of way to other vehicles which have entered the intersection from said through highway or which are approaching so closely on said through highway as to constitute a hazard, but said driver having so yielded may proceed cautiously and with due care enter said through highway.

D. Entering stop or yield intersections.

(Code of Iowa, 2013, Sec. 321.322)

- (a) The driver of a vehicle shall stop or yield in obedience to a stop or yield sign as required herein at an intersection where a stop or yield sign is erected at one or more entrances thereto although not a part of a through highway and shall proceed cautiously, yielding to vehicles not so obligated to stop or yield which are within the intersection or approaching so closely as to constitute a hazard, but may then proceed.
- (b) The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for existing conditions or stop if

necessary and shall yield the right of way to any pedestrian legally crossing the roadway on which he or she is driving, and to any vehicle in the intersection or approaching on another highway so closely as to constitute a hazard. Said driver having so yielded may then proceed with caution.

E. Entering sidewalks, street from private roadway, alley, driveway.

(Code of Iowa, 2013, Sec. 321.353)

The driver of a vehicle emerging from a private roadway, alley or driveway shall stop such vehicle immediately prior to driving onto the sidewalk area and thereafter he or she shall proceed into the sidewalk area only when the driver can do so without danger to pedestrian traffic and the driver shall yield the right of way to any vehicular traffic on the street into which the driver's vehicle is entering.

F. Entering, crossing highway from private road or driveway.

(Code of Iowa, 2013, Sec. 321.353)

The driver of a vehicle about to enter or cross a highway from a private road or driveway shall stop such vehicle immediately prior to driving on said highway and shall yield the right of way to all vehicles approaching on said highway.

G. Approach of emergency vehicles.

(Code of Iowa, 2013, Sec. 321.324)

(a) Upon the immediate approach of an authorized emergency vehicle with any lamp or device displaying a red light or flashing red light from directly in front thereof, or when the driver is giving audible signal by siren, exhaust whistle, or bell, the driver of every other vehicle shall yield the right of way and shall immediately drive to a position parallel to, and as close as possible to, the right hand edge or curb of the highway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, unless otherwise directed by a police officer.

(b) This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

10. Pedestrian rights and safety zones: 321.325, 321.327, 321.330, 321.332 through 321.334 and 321.340.

11. Railroad crossings: 321.341 through 321.344.

12. Stopping, standing, parking: 321.354 through 321.357.

13. Unattended vehicle, obstructing driver's view, crossing median, following fire apparatus, or crossing fire hose, and putting glass, etc., on streets: 321.362 through 321.371.

14. Lighting equipment required and time of use: 321.384 through 321.409, 321.415, 321.418 through 321.423. In accordance with authorization granted by Section 321.395, Code of Iowa, motor vehicles parked upon any street where permitted by this chapter need not display required lights where there is sufficient light emitted from city street light to reveal any person or object within a distance of five hundred (500) feet upon such street.

15. Brakes, horns, sirens, mufflers, wipers, mirrors, tires, flares, windows, safety belts, and special markings for transporting explosives: 321.430 through 321.443 and 321.447 through 321.450.

16. Size, weight and load: 321.452 through 321.463, 321.465 and 321.466.

17. Child restraint devices: 321.446.

25.02 PLAY STREETS DESIGNATED. The council shall have authority to declare any street or part thereof a play street and to place appropriate signs or devices in the roadway indicating and helping to protect the same. Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon 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, 2013, Sec. 321.255)

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

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

25.05 MUFFLERS. It shall be unlawful for a person to operate or drive a motor vehicle on a highway that is not equipped with a muffler in good working order and in constant prevent excessive or unusual noise and annoying smoke, or to use muffler cutout, bypass or similar device.

(Code of Iowa, 2013, Sec. 321.436)

25.06 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.

25.07 SCHOOL BUSES.

1. Signals. The driver of any school bus used to transport children to and from a public or private school shall, when stopping to receive or discharge pupils at any point within the city, turn on the flashing stop warning signal lights at a distance of not less than three hundred (300) feet, nor more than five hundred (500) feet from the point where said pupils are to be received or discharged from the bus. At the point of receiving or discharging pupils the driver of the bus shall bring the bus to a stop and extend the stop arm. After receiving or discharging pupils, the bus driver shall turn off the flashing stop warning lights, retract the stop arm and then proceed on the route.

No school bus shall stop to load or unload pupils unless there is at least three hundred (300) feet of clear vision in each direction.

(Code of Iowa, 2013, Sec. 321.372 (1))

2. Lights on. The driver of a school bus shall, while carrying passengers have its headlights turned on.

(Code of Iowa, 2013, Sec. 321.372 (1))

3. Discharging Pupils. All pupils shall be received and discharged from the right front entrance of every school bus and if said pupils must cross the street or highway, they shall be required to pass in front of the bus, look in both directions, and proceed to cross the street or highway only on signal from the bus driver.

(Code of Iowa, 2013, Sec. 321.372 (2))

4. Passing Prohibited. The driver of any vehicle overtaking a school bus shall not pass a school bus when flashing stop warning signal lights are flashing and shall bring said vehicle to a complete stop not closer than fifteen feet of the school bus when it is stopped and stop arm is extended, and shall remain stopped until the stop arm is retracted and school bus resumes motion, or until signaled by the driver to proceed.

(Code of Iowa, 2013, Sec. 321.372 (3))

5. Stop When Meeting. The driver of any vehicle when meeting a school bus on which the amber warning signal lights are flashing shall reduce the speed of said vehicle to not more than twenty (20) miles per hour, and shall bring said vehicle to a complete stop when signal arm is extended and said vehicle shall remain stopped until stop-arm is retracted after which driver may proceed with due caution.

(Code of Iowa, 2013, Sec. 321.372 (3))

6. Multi-lane Roads. The driver of a vehicle upon a highway or street providing two or more lanes in each direction need not stop upon meeting a school bus which is traveling in the opposite direction even though said school bus has stopped.

(Code of Iowa, 2013, Sec. 321.372 (4))

7. Application. This section shall apply to the business, residential and suburban districts of the city.

(Code of Iowa, 2013, Sec. 321.372)

25.08 FUNERAL OR OTHER PROCESSIONS.

1. Identified. A funeral or other procession composed of vehicles shall be identified as such by the display upon the outside of each vehicle of a pennant or other identifying insignia or by such other method as may be determined and designated by the police chief.

(Code of Iowa, 2013, Sec. 321.236 (3))

2. Manner of Driving. Each driver in a funeral or other procession shall drive as near to the right hand of the roadway as practical and shall follow the vehicle ahead as closely as it is practical and safe.

(Code of Iowa, 2013, Sec. 321.236 (3))

3. Interrupting Procession. No driver of any vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated as required in this chapter. This provision shall not apply at intersections where traffic is controlled by traffic-control signals or peace officers.

(Code of Iowa, 2013, Sec. 321.236 (3))

25.09 EXCESSIVE NOISE. It shall be unlawful for a person to make excessive, loud or unusual noise with a motor vehicle by racing the engine, squealing the tires by unnecessarily fast acceleration or unnecessarily fast turning, by sounding the horn except in an emergency, by loud and/or excessive use of a radio or music player, any speaking devices, sirens or bells.

25.10 ENGINE RUNNING. It shall be unlawful for a person to park any motor vehicle or motor vehicle trailer on any public street, alley or highway, or public property within the corporate limits during the hours of eleven o'clock p.m. to six o'clock a.m., unless the engine, motor and all refrigeration equipment is immediately shut off during the entire period such vehicle is parked.

25.11 USE OF COMPRESSION BRAKES PROHIBITED. The driver of any motor vehicle equipped with compression brakes, or any other device which uses the engine of the vehicle to brake, other than through the transmission of the vehicle shall not engage or otherwise use, such method of braking or device within the city limits.

25.12 OPERATION OF GOLF CARTS PERMITTED. Golf carts may be operated on City streets by persons possessing a valid driver's license, and at least eighteen (18) years of age.

25.13 PROHIBITED STREETS. Golf carts shall not be operated on any City street which is a primary road extension through the City, but golf carts may cross such a primary road

extension. Commercial Street, Elkader Street and West Mission Street are hereby designated primary road extensions in the City.

25.14 EQUIPMENT. Golf carts operated on City streets shall be equipped with the following equipment:

1. Slow moving sign of regulation size on the back of the vehicle;
2. A bicycle safety flag, the top which shall be a minimum of five (5) feet above ground level;
3. Golf carts operated on City streets shall be equipped with adequate brakes;
4. Headlights, which shall be on when being operated on a City street;
5. Tail lights;
6. An unmodified standard golf cart motor.

25.15 HOURS. Golf carts shall be operated on the City streets only from sunrise to sunset.

25.16 SPEED. No golf cart shall be operated on any City street in excess of twenty-five (25) miles per hour.

25.17 PERMITS. No person shall operate a golf cart on any public street or alley for any purpose unless the owner of the golf cart shall possess a permit issued from the City to operate that golf cart on city streets.

1. Anyone desiring such a permit may apply on forms provided by the City at the office of the City Clerk.

2. The City Clerk shall not issue such a permit until the operator has provided evidence that the owner is at least eighteen (18) years of age, possesses a valid Iowa driver's license, and has provided proof the owner has liability insurance covering operation of the golf cart on City streets.

3. All permits issued shall uniquely identify the name and address of the owner, and all operators of golf carts on City streets shall have such permit in the operator's possession at all times during such operation. The fee for such permits shall be twenty-five (\$25.00) dollars per golf cart.

25.18 TRAFFIC CODE APPLIES. Every person operating a golf cart upon a city street or alley shall be granted all the rights and privileges and shall be subject to all of the duties and obligations applicable to the driver of a motor vehicle in accordance with the city code and Chapter 321 "Motor Vehicles and Law of the Road" of the Code Iowa.

25.19 FINANCIAL RESPONSIBILITY. The owner of every golf cart operated on city streets and/or alleys shall have in effect liability insurance covering the golf cart in the same limits as required of automobiles by the financial responsibility provisions of Chapter 321.A of the Code of Iowa.

25.20 ROAD WORK ZONE VIOLATIONS. The scheduled fine for any moving traffic violation under the Strawberry Point City Code of Strawberry Point, Iowa, under Chapter

321.1 of the Code of Iowa, shall be doubled if the violation occurs within any road work zone, as defined in Section 321.1 of the Code of Iowa.

25.21 SAFETY BELTS AND SAFETY HARNESSSES. The driver and front seat occupants of a type of motor vehicle that is subject to registration in Iowa, except a motor cycle or a motorized bicycle, shall wear a properly adjusted and fastened safety belt or safety harness at any time the vehicle is in forward motion on a street or highway within the City limits except a child under eighteen years of age shall be secured as required in Section 25.23.

This section shall not apply to:

1. The driver or front seat occupants of a motor vehicle which is not required to be equipped with safety belts or safety harnesses.

2. The driver and front seat occupants of a motor vehicle who are actively engaged in work which required them to alight from and reenter the vehicle at frequent intervals, providing the vehicle does not exceed twenty-five miles per hour between stops.

3. The driver of a motor vehicle while performing duties as a rural mail carrier for the United States postal services. This exemption applies only between the first delivery point after leaving the post office and the last delivery point before returning to the post office.

4. Passengers on a bus.

5. A person possessing a written certification from a health care provider licensed under Iowa Code Chapter 148 or 151 on a form provided by the Iowa Department of Transportation that the person is unable to wear a safety belt or safety harness due to physical or medical reasons. The certification shall specify the time period for which the exemption applies. The time period shall not exceed twelve months, at which time a new certificate may be issued unless the certifying health care provider is from a United States military facility, in which case the certificate may specify a longer period of time or a permanent exemption.

6. Front seat occupants of an authorized emergency vehicle while they are being transported in an emergency. However, this exemption does not apply to the driver of the authorized emergency vehicle.

25.22 CHILD RESTRAINT DEVICES.

1. A. A child under one year of age and weighing less than twenty pounds who is being transported in a motor vehicle subject to registration, except a school bus or a motorcycle, shall be secured during transit in a rear-facing child restraint system that is used in accordance with the manufacturer's instructions.

B. A child under six years of age who does not meet the description in paragraph "a" and who is being transported by motor vehicle subject to registration, except a school bus or

motorcycle, shall be secured during transit by a child restraint system that is used in accordance with the manufacturer's instructions.

2. A child over six years of age but under eighteen years of age who is being transported in a motor vehicle subject to registration, except a school bus or motorcycle, shall be secured during transit by a child restraint system that is used in accordance with the manufacturer's instructions or by a safety belt or safety harness or a type approved under the State Code of Iowa Section 321.445.

3. This section shall not apply to the following:

A. Peace Officers acting on official duty.

B. The transportation of children in 1965 model year or older vehicles, authorized emergency vehicles, buses or motor homes, except when a child is transported in a motor home's passenger seat situated directly to the driver's right.

C. The transportation of a child who has been certified by a physician licensed under Iowa Code Chapter 148 as having a medical, physical, or mental condition that prevents or makes indivisible securing the child in a child restraint system, safety belt or safety harness.

D. A back seat occupants of a motor vehicle for whom no safety belt is available because all safety belts are being used by other occupants or cannot be used due to the use of a child restraint system in the seating position for which a belt is provided.

4. Violation shall be charged as follows:

A. An operator who transports a passenger under fourteen years of age in violation of subsection 1 or 2 may be charged with a violation of this section.

B. If a passenger fourteen years of age or older is unable to properly fasten a seatbelt due to a temporary or permanent disability, an operator who transports such a person in violation of subsection 2 may be charged with a violation of this section. Otherwise, a passenger fourteen years of age or older who violates subsection 2 shall be charged in lieu of the operator.

C. If a child under fourteen years of age, or a child fourteen years of age who is unable to fasten a seatbelt due to a temporary or permanent disability, is being transported in a taxicab in a manner that is not in compliance with subsection 1 or 2, the parent, legal guardian or other responsible adult traveling with the child shall be served a citation for a violation of this section in lieu of the taxicab operator. Otherwise, if a passenger being transported in a taxicab is fourteen years of age or older, the citation shall be served on the passenger in lieu of the taxicab operator.

5. A person who is first charged for a violation of subsection 1 and who has not purchased or otherwise acquired a child restraint system, shall not be convicted if the person produces in court, within a reasonable time, proof that the person has purchased or otherwise acquired a child restraint system which meets federal motor vehicle standards.

6. For purposes of this section, “*child restraint system*” means a specially designed seating system, including a belt-positioning seat, that meets federal motor vehicle safety standards as required by the Code of Iowa 321.446(7).

TITLE II - COMMUNITY PROTECTION
DIVISION 1 - LAW ENFORCEMENT
CHAPTER 2 - TRAFFIC CODE

ARTICLE 26
SPEED REGULATIONS

26.01 **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 the 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, 2013, Sec. 321.285)

26.02 **BUSINESS DISTRICT.** A speed in excess of twenty (20) miles per hour in the business district, unless specifically designed otherwise in this article, is unlawful.

(Code of Iowa, 2013, Sec. 321.285 (1))

26.03 **RESIDENCE OR SCHOOL DISTRICT.** A speed of twenty-five (25) miles per hour in any school or residence district, unless specifically designated otherwise in this article, is unlawful.

(Code of Iowa, 2013, Sec. 321.285 (2))

26.04 **SUBURBAN DISTRICT.** A speed in excess of forty-five (45) miles per hour in any suburban district, unless specifically designated otherwise in this article, is unlawful.

(Code of Iowa, 2013, Sec. 321.285 (3))

26.05 **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 article, is unlawful.

26.06 **MINIMUM SPEED.** No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic except with reduced speed is necessary for safe operation, or in compliance with law.

(Code of Iowa, 2013, Sec. 321.294)

26.07 **EMERGENCY VEHICLES.** The speed limitations set forth in this article do not apply to authorized emergency vehicles when responding to emergency call and the driver's thereof sound audible signal by bell, siren, or whistle. This provision does not relieve such driver from the duty to drive with due regard for the safety of others.

(Code of Iowa, 2013, Sec. 321.231)

26.08 SPECIAL SPEED RESTRICTIONS. In accordance with requirements of the Iowa state department of transportation, or whenever the council shall determine upon the basis of an engineering and traffic investigation that any speed limit hereinbefore set forth is greater or less than is 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.

26.09 SPECIFIC SPEED DESIGNATIONS. The following speed limits are hereby specifically designated:

1. Commercial Street from the south border of the school district speed zone to the north border of the suburban speed zone.....thirty (30) m.p.h.
2. West Mission Street from Hanover Street to Sunset Knoll.....thirty (30) m.p.h.
3. West Mission Street from Sunset Knoll to west city limits.....thirty-five (35) m.p.h.
4. Elkader Street from the north border of the business district speed zone to the south border of the suburban speed zone.....thirty (30) m.p.h.
5. Commercial Street from the south end of the business district to the north line of 408 Commercial Street.....twenty-five (25) m.p.h.
6. East Mission Street from Forestville Road to the east City limits.....twenty-five (25) m.p.h.
7. Highway 3 & 13 from south line of 38239 Highway 13 to the south City limits.....fifty-five (55) m.p.h.

TITLE II - COMMUNITY PROTECTION
DIVISION 1 - LAW ENFORCEMENT
CHAPTER 2 - TRAFFIC CODE

ARTICLE 27
TURNING REGULATIONS

27.01 **AUTHORITY TO MARK.** 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 by the state law be traveled by vehicles turning at intersections, and when markers, buttons or signs are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such markers, buttons or signs.

(Code of Iowa, 2013, Sec. 321.311(2))

27.02 **"U" TURNS.** It shall be unlawful for a driver to make a "U" turn except at an intersection provided, however, that "U" turns are prohibited at intersection within the business district.

(Code of Iowa, 2013, Sec. 321.255)

TITLE II - COMMUNITY PROTECTION
DIVISION 1 - LAW ENFORCEMENT
CHAPTER 2 - TRAFFIC CODE

ARTICLE 28
STOP OR YIELD REQUIRED

28.01 **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, 2013, Sec. 321.345)

1. Commercial Street from south corporate limits to Mission Street.
2. Elkader Street from Mission Street North to North corporate limits.
3. Mission Street from West corporate limits east to Commercial Street.
4. Mission Street from Commercial Street east to east corporate limits.
5. Park Avenue from Lincoln Street North to Mission Street.
6. East Elm Street from Commercial east to Forestville Road.

28.02 **STOP INTERSECTIONS.** Every driver of a vehicle shall stop before entering an intersection as required herein:

1. Park Avenue. Vehicles traveling south on Park Avenue shall stop at Lincoln Street.
2. Park Avenue. Vehicles traveling north on Park Avenue shall stop at Mission Street.
3. Mission Street. Vehicles traveling east on Mission Street shall stop at Commercial Street
4. Mission Street. Vehicles traveling west on Mission Street shall stop at Commercial Street.
5. Oak Street. Vehicles traveling east on Oak Street shall stop at Forestville Road.
6. West Spring Street. Vehicles traveling east on West Spring Street shall stop at Locust Street.
7. West Spring Street. Vehicles traveling west on West Spring Street shall stop at Locust Street.
8. West Spring Street. Vehicles traveling east on West Spring Street shall stop at Cooley Street.

9. Westwood Drive. Vehicles traveling south on Westwood Drive shall stop at Lincoln Street.
10. Westwood Drive. Vehicles traveling north on Westwood Drive shall stop at West Spring Street.
11. Rainbow Drive. Vehicles traveling north on Rainbow Drive shall stop at Lincoln Street.

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

1. East Spring Street. Vehicles traveling east on East Spring Street shall yield at Mechanic Street.
2. Buffalo Street. Vehicles traveling East on Buffalo Street shall yield at Locust Street.
3. Cooley Street. Vehicles traveling south on Cooley Street shall yield at West Spring Street.

28.04 SCHOOL STOPS. At school crossing zones every driver of a vehicle approaching said zone shall bring his or her 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 or signal if such signal is red, and when signal turns to yellow, thereafter proceed in a careful and prudent manner until the driver shall have passed through such school crossing zone.

(Code of Iowa, 2013, Sec. 321.249)

28.05 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 he/she can do so without danger to pedestrian traffic and he/she shall yield the right of way to any vehicular traffic on the street into which his/her vehicle is entering.

(Code of Iowa, 2013, Sec. 321.353)

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

28.07 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 to so yield, to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection.

(Code of Iowa, 2013, Sec. 321.327)

TITLE II - COMMUNITY PROTECTION
DIVISION 1 - LAW ENFORCEMENT
CHAPTER 2 - TRAFFIC CODE

ARTICLE 29
LOAD AND WEIGHT RESTRICTIONS

29.01 **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 designed by such signs.

(Code of Iowa, 2013, Sec. 321.471 and Sec. 321.472)

29.02 **PERMITS FOR EXCESS SIZE AND WEIGHT.** The police chief may, upon application in writing and good cause being shown therefore, 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 over those streets named in the permit which are under the jurisdiction of the city and for which the city is responsible for maintenance.

(Code of Iowa, 2013, Sec. 321.473 and Sec. 321E.1)

TITLE II - COMMUNITY PROTECTION
DIVISION 1 - LAW ENFORCEMENT
CHAPTER 2 - TRAFFIC CODE

ARTICLE 30
PEDESTRIANS

30.01 **USE SIDEWALKS.** Where sidewalks are provided it shall be unlawful for any pedestrian to walk along and upon an adjacent street.

30.02 **WALKING IN STREET.** Where sidewalks are not provided, pedestrians shall at all time when walking on or along a street, walk on the left side of the street.

(Code of Iowa, 2013, Sec. 321.326)

30.03 **HITCH HIKING.** 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, 2013, Sec. 321.331)

30.04 **PEDESTRIAN CROSSING.** Every pedestrian crossing a roadway at any point other than within 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, 2013, Sec. 321.328)

TITLE II - COMMUNITY PROTECTION
DIVISION 1 - LAW ENFORCEMENT
CHAPTER 2 - TRAFFIC CODE

ARTICLE 31
ONE WAY TRAFFIC

RESERVED

TITLE II - COMMUNITY PROTECTION
DIVISION 1 - LAW ENFORCEMENT
CHAPTER 2 - TRAFFIC CODE

ARTICLE 32
PARKING REGULATIONS

32.01 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.

(Code of Iowa, 2013, Sec. 321.361)

32.02 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 wheel 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, 2013, Sec. 321.361)

32.03 DIAGONAL PARKING. Angle or diagonal parking shall be permitted only in the following locations:

(Code of Iowa, 2013, Sec. 321.361)

1. Mission Street, on the South side from Commercial to Mechanic Street, except in front of the bank.

32.04 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, 2013, Sec. 321.361)

32.05 PARKING FOR CERTAIN PURPOSES ILLEGAL. No person shall park a vehicle upon the roadway parking or parking lots for any of the following principal purposes:

(Code of Iowa, 2013, Sec. 321.236 (1))

1. Displaying such vehicle for sale.

2. For commercial washing, greasing or repairing such vehicle except such repairs as are necessitated by an emergency.
3. Displaying advertising.
4. Selling merchandise from such vehicle except in a duly established market place or when so authorized or licensed under the city code.

32.06 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 at an intersection.

(Code of Iowa, 2013, Sec. 321.236 (1) and 321.358 (5))

2. Center Parkway. On the center parkway or dividing area of any divided street.

(Code of Iowa, 2013, 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.

4. Sidewalks. On or across a sidewalk.

(Code of Iowa, 2013, Sec. 321.358 (1))

5. Driveway. In front of a public or private driveway.

(Code of Iowa, 2013, Sec. 321.358 (2))

6. Intersection. Within, or within ten (10) feet of an intersection of any street or alley.

(Code of Iowa, 2013, Sec. 321.358 (3))

7. Fire Hydrant. Within five (5) feet of a fire hydrant.

(Code of Iowa, 2013, 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, 2013, Sec. 321.358 (6))

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

(Code of Iowa, 2013, 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 a sign is properly posted.

(Code of Iowa, 2013, 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, 2013, Sec. 321.358 (10))

12. Double Parking. Along the roadway side of any vehicle stopped or parked at the edge or curb of a street.

(Code of Iowa, 2013, Sec. 321.358 (11))

13. Hazardous Locations. When because of restricted visibility or when standing or parked vehicles would constitute hazard to moving traffic, or when other traffic conditions require, the chief of police may cause curbs to be painted with a yellow color and erect no parking or standing signs.

(Code of Iowa, 2013, Sec. 321.358 (13))

14. Theaters, Hotels and Auditoriums. A space of fifty (50) feet is hereby reserved at the side of the street in front of any theater, auditorium, hotel having more than twenty-five (25) sleeping rooms, hospital, nursing home, taxi-cab stand, bus depot, church, or other building where large assemblages of people are being held, within which space, when clearly marked as such, no motor vehicle shall be left standing, parked, or stopped except in taking on or discharging passengers or freight, and then only for such length of time as is necessary for such purpose.

(Code of Iowa, 2013, Sec, Sec. 321.360)

15. Public Alley. In any public alley within the fire limits of this city.

(Code of Iowa, 2013, Dec. 321.236 (1))

16. Private Alley. In any private alley within the fire limits of this city in such a manner that ingress or egress of fire apparatus to or from such alley might be blocked.

(Code of Iowa, 2013, Sec. 321.236 (1))

17. Parking. Between the curb line (or edge of travel portion of street if there is no curb) and the house side of sidewalk (or the end of the street easement if there is no sidewalk).

32.07 TRUCK PARKING LIMITED. No person shall park a motor truck, semi-trailer, or other motor vehicle with trailer attached on any public street, alley or parking lot within the corporate city limits, except for the sole purpose of loading or unloading. Such parking is

allowed on the north side of the former railroad right-of-way between Elkader Street and York Street, and the west side of Industrial Park South, for a period not to exceed seventy-two hours. This section shall not apply to pick up trucks, light delivery trucks, panel delivery trucks, pickup trucks carrying campers, motor homes with trailers, or any other recreational motor vehicles. It shall be unlawful to park any power units (tractor or truck) on any City street except the north side of the former railroad right of way between Elkader Street and York Street, and the west side of Industrial park South, for a period not to exceed seventy-two hours.

32.08 TRAILER PARKING. No person shall park a semi-truck trailer, camper or any other trailer attached on any public street, alley, parking lot or other city property within the corporate city limits, without a truck or tractor attached thereto, and only as allowed under Section 32.07. It shall be unlawful under this section to drop the trailer dollies or camper and to remove the power unit (tractor or truck) from connection to the trailer or camper while on any city street, alley, parking lot, or other city property. However, such parking power unit removal is allowed on the north side of the former railroad right of way between Elkader Street and York Street, and the west side of Industrial park South, for a period not to exceed seventy-two hours.

32.09 SNOW EMERGENCY: PARKING PROHIBITED.

1. Parking Prohibited. No person shall park, abandon or leave unattended any vehicle on any public street, alley, or city owned off-street parking area during any snow emergency proclaimed by the mayor unless the snow has been removed or plowed from said street, alley or parking area and the snow has ceased to fall. A snow emergency parking ban shall continue from its proclamation through the duration of the snow or ice storm and the forty-eight (48) hour period after cessation of such storm except as above provided upon streets which have been fully opened. Such emergency may be extended or shortened when conditions warrant.

(Code of Iowa, 2013, Sec. 321.358 (14))

2. Proclamation. When weather forecasts or occurrences indicate the need, the mayor shall proclaim a snow emergency and request all available news media to publicize the proclamation and applicable parking restrictions.

(Code of Iowa, 2013, Sec. 321.358 (14))

3. No Snow Emergency. In the event no snow emergency is declared, no person shall park, abandon or leave unattended any vehicle on any public street, alley, or city owned or operated off-street parking area if one inch of snow has accumulated until such snow accumulation has been removed by the City.

32.10 PARKING SIGNS REQUIRED. Whenever by this article or any other section of the city code any parking time limit is imposed or parking is prohibited on designed streets or portions of streets, it shall be the duty of the police chief to erect or cause to be erected appropriate signs giving notice thereof and so such regulations shall be effective unless signs

are erected and in place at the time of any alleged offense. When the signs are so erected giving notice thereof, no person shall disobey the restrictions stated on such signs.

(Code of Iowa, 2013, Sec. 321.255 & 321.256)

32.11 FIFTEEN MINUTE PARKING. No person shall park for periods of more than fifteen (15) continuous minutes in any of the following places:

1. North side of West Mission Street in front of the hardware store, from the private alley west for a distance of twenty (20) feet.
2. South side of East Mission Street from Commercial Street east for a distance of forty (40) feet.
3. Union Street.

32.12 NO PARKING. No person shall park any vehicles in any of the following places:

1. Commercial Street. On either side of Commercial Street from Spring Street south to the south corporate limits.
2. Commercial Street. On the west side of Commercial Street from West Mission Street south for a distance of sixty (60) feet.
3. West Mission Street. On either side of West Mission Street from Park Avenue west to the West corporate limits.
4. West Mission Street. On either side of West Mission Street from its intersection with Commercial Street and Elkader Street west for a distance of sixty (60) feet.
5. East Mission Street. On the north side of East Mission Street from Elkader Street east for a distance of forty (40) feet.
6. Elkader Street. On the east side of Elkader Street from Mission Street north for a distance of fifty (50) feet.
7. Elkader Street. On the West side of Elkader Street from Mission Street North for a distance of Ninety-four (94) feet.
8. Elkader Street. Either side of Elkader Street from the North line Milwaukee Road to North city limit.
9. Lincoln Street. On the north side of Lincoln Street from Commercial Street to Park Avenue.
10. Spring Street. On the north side of Spring Street from Commercial Street to Cooley Street.

11. Industrial Parkway South. On either side of Industrial Parkway South for a distance of eighty feet (80) north and south from the centerline of the access driveway to Lot Two of Strawberry Point Industrial and Commercial Park

32.13 HANDICAPPED PARKING. The first parking place on the South side of Mission Street west of its intersection with Commercial Street, the first angle parking on the South side of Mission Street east of its intersection with Commercial Street, the first parking place on the East side of Elkader Street north of its intersection with Mission Street, and the first and second parking places on the North side of Mission Street east of its intersection with Elkader Street, and the last parking place on the south side of Mission Street west of its intersection with Commercial Street east of the private alley, are hereby designated as handicapped parking spaces and parking in these areas is prohibited unless a handicapped identification device issued by the Iowa Department of Transportation is displayed in or on the motor vehicle occupying the handicapped parking place, and such motor vehicle is being used by a qualified handicapped person.

TITLE II - COMMUNITY PROTECTION
DIVISION 1 - LAW ENFORCEMENT
CHAPTER 2 - TRAFFIC CODE

ARTICLE 33
ENFORCEMENT PROCEDURES

33.01 ARREST OR CITATION. Whenever a police officer has reasonable cause to believe that a person has violated any provision of this chapter such officer may:

1. Immediate Arrest. Immediately arrest such person and take him before a local magistrate, or
2. Issue Citation. Without arresting the person, prepare in quadruplicate a combined traffic citation and complaint as adopted by the Iowa Commissioner of Public Safety and deliver the original and a copy to the Court where the defendant is to appear, a copy to the defendant and retain the fourth copy for the records of the city.

Code of Iowa, 2013, Sec. 321.236 (1a))

33.02 PARKING VIOLATIONS: ALTERNATE. Admitted violations of any parking restrictions imposed by this chapter may be charged upon a simple notice of a fine of twenty-five dollars (\$25.00) payable at the office of the city administrator.

(Code of Iowa, 2013, Sec. 321.236 (1a))

33.03 PARKING VIOLATIONS: VEHICLE UNATTENDED. When a vehicle is parked in violation of this chapter and the driver is not present, the notice of fine or citation as herein before provided shall be attached to the vehicle in a conspicuous place.

33.04 PRESUMPTION IN REFERENCE TO ILLEGAL PARKING. In any preceding 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. The particular vehicle described in the information was parked in violation of this chapter, and
2. The defendant named in the information was the registered owner at the time in question.

33.05 IMPOUNDING VEHICLES. A police 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 designed or maintained by the city, under the circumstances hereinafter enumerated.

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

(Code of Iowa, 2013, Sec. 321.236 (1))

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

(Code of Iowa, 2013, Sec. 321.236 (1))

3. Snow Emergency or Snow Accumulation. When a vehicle is left parked in violation of a ban on parking during a snow emergency as proclaimed by the mayor or when any vehicle is left parked in violation of Section 32.09 of this Code, after the accumulation of one inch of snow until the removal of the snow.

(Code of Iowa, 2013, Sec. 321.236 (12))

4. 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, 2013, Sec. 321.236 (1))

TITLE II - COMMUNITY PROTECTION
DIVISION 1 - LAW ENFORCEMENT
CHAPTER 3 - BEER, WINE AND LIQUOR CONTROL

ARTICLE 34
GENERAL PROVISIONS

34.01 PERSONS UNDER LEGAL AGE. No person shall sell, give or otherwise supply alcoholic liquor or beer to any person knowing or having reasonable cause to believe the person to be under legal age, and no person or persons under legal age shall individually or jointly have alcoholic liquor or beer in that person's possession or control, except in the case of liquor or beer given or dispensed to a person under legal age within a private home and with the knowledge and consent of the parent or guardian for beverage or medicinal purposes or as administered to that person by either a physician or dentist for medicinal purposes and expect to the extent that person under legal age may handle alcoholic beverages and beer during the regular course of his or her employment by a liquor control licensee or beer permittee under state laws.

34.02 PUBLIC CONSUMPTION OR INTOXICATION. It is unlawful for any person to use or consume alcoholic liquors or beer upon the public streets or highways, or alcoholic liquors in any public place, except premises covered by a liquor control license, or to possess or consume alcoholic liquors or beer on any public school property or while attending any public or private school related function, and no person shall be intoxicated nor simulate intoxication in a public place. As used in this section "school" means a school or that portion thereof which provided teaching or any grade from kindergarten through grade twelve (12).

34.03 OPEN CONTAINER ON STREETS AND HIGHWAYS.

A. A driver of a motor vehicle upon a public street or highway shall not possess in the passenger area of the motor vehicle an open or unsealed bottle, can, jar or other receptacle containing an alcoholic beverage. "*Passenger area*" means the area designed to seat the driver and passengers while the motor vehicle is in operation and any area that is readily accessible to the driver or 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.

B. A passenger of a motor vehicle upon a public street or highway shall not possess in the passenger area of the motor vehicle an open or unsealed bottle, can, jar or other receptacle containing an alcoholic beverage. "*Passenger area*" means the area designed to seat the driver and passengers while the motor vehicle is in operation and any area that is readily accessible to the driver or 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.

1. This section does not apply to a passenger being transported in a motor vehicle designed, maintained or used primarily for the transportation of persons for compensation, or a passenger being transported in the living quarters of a motor home, manufactured or mobile home, travel trailer, or fifth-wheel travel trailer.

TITLE II - COMMUNITY PROTECTION
DIVISION 1 - LAW ENFORCEMENT
CHAPTER 3 - BEER, WINE AND LIQUOR CONTROL

ARTICLE 35
BEER AND WINE PERMITS AND LIQUOR LICENSES

35.01 LICENSE OR PERMIT REQUIRED. It shall be unlawful for any person to sell, offer or keep for sale alcoholic liquor, wine or beer without first securing a liquor control license, wine or beer permit in accordance with the provisions of this chapter and state law.

(Code of Iowa, 2013, Sec. 123.2)

35.02 GENERAL PROHIBITION. It is unlawful to manufacture for sale, sell, offer or keep for sale, possess or transport alcoholic liquor, wine or beer except upon the terms, conditions, limitations and restrictions enumerated in Chapter 123 of the Code of Iowa, and a license or permit may be suspended or revoked for a violation thereof.

(Code of Iowa, 2013, Sec. 123.2, 123.39, 123.50)

35.03 INVESTIGATION. Upon receipt of an application for a liquor license, wine or beer permit by the city administrator, it shall be forwarded to the police chief who shall conduct an investigation and submit a written report as the truth of the facts averred in the application and a recommendation to the council as to the approval of the license or permit. It shall be the duty of the fire chief to inspect the premises to determine if they conform to the requirements of the city, and no license or permit shall be approved until or unless an approving report has been filed with the council by such officers.

(Code of Iowa, 2013, Sec. 123.30 (1))

35.04 ACTION BY COUNCIL. The Council shall either approve or disapprove an application. Action taken by the council shall be so endorsed on the application and thereafter the application, fee and bond shall be forwarded to the alcoholic beverages division of the department of commerce for such action as is provided by law.

(Code of Iowa, 2013, Sec. 123.32 (2))

35.05 PROHIBITED SALES AND ACTS. No person or club holding a liquor license or beer permit nor agents or employees shall do any of the following:

1. Intoxicated Persons. Sell, dispense or give to any intoxicated person, or one simulating intoxication, any alcoholic liquor or beer.
2. Gambling. Knowingly permit any gambling, except in accordance with chapter 99B, 99D, 99E or 99F of the Code of Iowa, or knowingly permit solicitation for immoral purposes, or immoral or disorderly conduct on the premises covered by the license or permit.

3. Hours of Operation. Sell or dispense any alcoholic beverage or beer on the premises covered by the license or permit, or permit the consumption thereon, between the hours of two a.m. and six a.m. on any weekday and between the hours of two a.m. on Sunday and six a.m. on the following Monday, however a holder of a liquor control license or retail beer permit granted the privilege of selling alcoholic liquor or beer on Sunday may sell or dispense alcoholic liquor or beer between the hours of eight a.m. on Sunday and two a.m. on the following Monday.

(Code of Iowa, 2013, Sec. 123.49 (2b))

4. Credit Sales. Sell alcoholic liquor or beer to any person on credit, except with bona fide credit card. This provision shall not apply to sales by a club to its members nor to sales by a hotel or motel to bona fide registered guests.

(Code of Iowa, 2013, Sec. 123.49 (2c))

5. Non-original Containers. 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 department of commerce and except mixed drinks or cocktails mixed on the premises for immediate consumption.

6. Employment of Minors. 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, 2013, Sec. 123.49 (2f))

7. Selling of Alcoholic Beverage to Minors. Sell, give or otherwise supply any alcoholic beverage or beer or any person knowing or having reasonable cause to believe him to be under legal age, or permit any person knowing or having reasonable cause to believe him to be under legal age, to consume any alcoholic beverage or beer.

(Code of Iowa, 2013, Sec. 123.49 (2h))

8. Mixing of Alcoholic Beverage. In the case of a retail beer permittee, knowingly allow the mixing or adding of alcohol or an alcoholic beverage to beer or any other beverage in or about his place if business.

(Code of Iowa, 2013, Sec. 123.49 (2i))

9. Criminal Activity. Knowingly permit or engage in any criminal activity on the premises covered by the license or permit.

(Code of Iowa, 2013, Sec. 123.51 (j))

10. Reuse Packaging. 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.

11. Alcoholic Liquor on Premises. 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.

TITLE II - COMMUNITY PROTECTION
DIVISION 1 - LAW ENFORCEMENT
CHAPTER 4 – POLICE ADMINISTRATION

ARTICLE 36
POLICE DEPARTMENT

36.01 **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.

36.02 **ORGANIZATION.** The department shall consist of the police chief and other law enforcement officers and personnel, whether full or part-time, as may be authorized by the council.

36.03 **QUALIFICATIONS.** In no case shall any person be recruited, selected, or appointed as a police officer unless such person:

1. Resident Citizen. Is a citizen of the United States and a resident of Iowa or intends to become a resident upon being employed.
2. Age. Is at least 18 years of age, but not more than 59 years of age at the time of appointment.
3. Driver's License. Has current active Iowa driver's license.
4. Language. Is able to read and write the English language.
5. Alcohol and Drugs. Is not a drug addict or a drunkard.
6. Character. Is of good moral character as determined by a thorough investigation including a fingerprint search conducted of local, state and national fingerprint files and has not been convicted of a felony or a crime involving moral turpitude.

36.04 **TRAINING.** All police officers shall have received the minimum training required by law at an approved law enforcement training school within one year of employment.

(Code of Iowa, 2013, Sec. 80B.11 (2))

36.05 **OATH.** Every police officer, before entering upon the duties of the office, shall qualify for office by taking the oath prescribed by Section 2.01(2) of this code.

36.06 **COMPENSATION.** Members of the department shall be designated by rank and receive such compensation as shall be determined by resolution of the council.

36.07 **PEACE OFFICERS APPOINTED.** The police chief shall be appointed and serve at the pleasure of the mayor, however the appointment and dismissal of the chief of police are

subject to the consent of a majority of the council. Other members of the department must be selected as directed by the council.

(Code of Iowa, 2013, Sec. 372.4)

36.08 POLICE CHIEF: DUTIES. The police chief shall have the following powers and duties subject to the approval of the council.

(Code of Iowa, 2013, Sec. 372.13 (4))

1. General. Perform all duties required of the police chief or marshal by law or ordinance.
2. Enforce Laws. Enforce all laws, ordinances and regulations and bring all persons committing any offense before the proper court.
3. Writs. Execute and return all writs and other processes directed to him.
4. Accident Reports. Report all motor vehicle accidents investigated to the state department of public safety.

Code of Iowa, 2013, Sec. 321.266)

5. Prisoners. Be responsible for the custody of prisoners, including conveyance to detention facilities as may be required.
6. Assist Officials. Provide aid to other city officers, boards and commissions in the execution of their official duties, when requested.
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 local peace officers 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. Complete 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 material of the department.

36.09 DEPARTMENTAL RULES. The police chief shall establish such rules, not in conflict with this code, and subject to the approval of the council, as may be necessary for the operation of the department including rules governing the following:

1. Rules of Conduct. The conduct and activity of members of the department during regular and off duty hours.

2. Uniform. The wear and care of uniforms.
3. Weapons. The care, use and practice of side arms and other police weapons.
4. Communication. The procedures, use and care of the police radio and other communication systems.
5. Training. The nature, time and attendance requirements for in-service training of members of the department.
6. Emergencies. Temporary rules for the protection and functioning of the department as may be necessary in the event of an emergency until such rules may be considered by the council.
7. Other. Such other rules as may be deemed necessary and advisable in assuring efficient and proper performance of the duties of the department.
8. Penalties. The penalties which may be imposed for violation of established departmental rules by members.
9. Notice. The police chief shall give written notice to any member charged with a violation of departmental rules specifying the rule violated, the nature of the violation and the penalty to be imposed.
10. Appeal. A member of the department charged with a violation of rules may request a hearing before the council by filing notice of appeal with the city administrator within 10 days of receipt of notice of violation. The council, at its next meeting shall review the facts and affirm, modify or revoke the action of the police chief.

36.10 UNIFORM ALLOWANCE. All police officers shall be provided a uniform allowance as determined by resolution of the council which shall be granted in the form of the purchase of clothing meeting the standard of color, style and quality specified by the city. Any officer who leaves the department's service shall turn over all items identifiable as official uniforms, including insignia, before receiving final compensation.

36.11 FAILURE TO OBEY OFFICER. Any person who refuses or fails to obey the commands or direction of a police officer of the city, stationed and doing duty at any street, avenue or crossing thereof, or at any place, is guilty of a misdemeanor.

TITLE II – COMMUNITY PROTECTION
DIVISION 1 – LAW ENFORCEMENT
CHAPTER 4 – POLICE ADMINISTRATION

ARTICLE 37
RESERVE POLICE FORCE

37.01 ESTABLISHMENT AND PURPOSE. A reserve police force of not more than five (5) members is hereby established to assist the Strawberry Point Police Department in the preservation of peace and enforcement of law and ordinances within the corporate limits of the city.

37.02 ORGANIZATION. The reserve police force shall consist of such personnel as may be authorized by the council, not to exceed five (5) members, not including the police chief.

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

1. Resident Citizen. Is a citizen of the United States.
2. Age. Is at least 21 years of age.
3. Driver's License. Has current active Iowa driver's license.
4. Language. Is able to read and write the English language.
5. Alcohol and Drugs. Is not a drug addict or a drunkard.
6. Character. Is of good moral character as determined by a thorough investigation including a fingerprint search conducted of local, state and national fingerprint files and has not been convicted of a felony or a crime involving moral turpitude.

37.04 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.

37.05 TRAINING. All members of the reserve police force shall satisfactorily complete a minimum training course as established by the director of the law enforcement academy for the State of Iowa. In addition, if a reserve officer is authorized to carry weapons, the officer shall satisfactorily complete the same training course in the use of weapons as is required for basic training of regular peace officers by the Iowa law enforcement academy. No member of the reserve police force shall carry a weapon in the line of duty until the member has been approved by the city and certified by the Iowa law enforcement academy to carry weapons. After approval and certification, a member of the reserve police force may carry a weapon in the line of duty only when authorized by the chief of police.

(Code of Iowa, 2013, Sec. 80D.7)

37.06 COMPENSATION. While performing official duties, each member of the reserve police force shall be considered as an employee of the city and shall be paid a minimum of one dollar per year and shall receive such compensation as shall be determined by resolution of the council. Hospital and medical assistance benefits as provided in the Code of Iowa Section 85 shall be provided by the city to members of the reserve police force who sustain an injury in the course of performing office duties. Liability and false arrest insurance shall be provided by the city to members of the reserve police force while performing official duties in the same manner as for a regular peace officer.

(Code of Iowa, 2013, Sec. 80D.11)

(Code of Iowa, 2013, Sec. 80D.12)

(Code of Iowa, 2013, Sec. 80D.13)

37.07 RULES AND REGULATIONS. The mayor may prescribe additional rules and regulations, not in conflict with this code and subject to approval of the council, as may be necessary for the operation of the reserve police force, and any amendments to such rules and regulations shall be approved by the council before they become effective.

37.08 STATUS. Members of the reserve police force shall serve as peace officers on the orders of and at the discretion of the chief of police. While in the actual performance of official duties, members of the reserve police shall be vested with the same rights, privileges, obligations, and duties as any other peace officers.

(Code of Iowa, 2013, Sec. 80D.6)

37.09 SUPPLEMENTARY CAPACITY. Members of the reserve police force shall act only in a supplementary capacity to the regular police force and shall not assume full-time duties of regular police officers without first complying with all requirements for regular police officers.

(Code of Iowa, 2013, Sec. 80D.8)

TITLE II - COMMUNITY PROTECTION
DIVISION 1 - LAW ENFORCEMENT
CHAPTER 5 - BICYCLES

ARTICLE 38
BICYCLE REGULATIONS

38.01 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, 2013, Sec. 321.236 (10))

38.02 MOVEMENT REGULATIONS:

1. **Traffic Code applies to Persons Riding Bicycles.** Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of this state declaring rules of the road applicable to vehicles or by the traffic code of this 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 he/she shall be subject to all regulations applicable to pedestrians.

(Code of Iowa, 2013, Sec. 321.234)

2. **Riding on Bicycles.** 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, 2013, Sec. 321.236 (10))

3. **Riding Abreast.** Persons riding bicycles upon a roadway shall not ride more than two (2) abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

(Code of Iowa, 2013, Sec. 321.236 (10))

4. **Use of 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, 2013, Sec. 321.236 (10))

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

(Code of Iowa, 2013, Sec. 321.236 (10))

6. **Emerging from Alley or Driveway.** The operators of a bicycle emerging from an alley, driveway or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right of way to all pedestrians approaching on 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, 2013, Sec. 321.236 (10))

7. Carrying Articles. No person operating a bicycle shall carry any package, bundle or article which prevents the rider from keeping at least one hand on the handle bars.

(Code of Iowa, 2013, Sec. 321.236 (10))

8. Riding on Sidewalks. No person shall ride a bicycle or skateboard on a sidewalk except in accordance herewith.

A. No person shall ride a bicycle or skateboard upon a sidewalk within a business district.

(Code of Iowa, 2013, Sec. 321.234 (10))

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

(Code of Iowa, 2013, Sec. 321.234 (10))

C. Whenever any person is riding a bicycle or skateboard 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, 2013, Sec. 321.236 (10))

9. Towing. It shall be unlawful for any person riding a bicycle to be towed or to tow any other vehicle upon the streets of the city.

10. Following Fire Truck. No person riding a bicycle shall follow a fire truck or other fire equipment at any time.

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 operation or others.

38.03 **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 and so as not to obstruct the entrance to or exit from a building.

38.04 **EQUIPMENT REQUIREMENTS.**

1. Night Time Use. Every bicycle when in use at night time shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred (500) feet to the front and with a red reflector on the rear of a type which shall be visible from all distances from (50) feet to three hundred (300) feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred (500) feet to the rear may be used in addition to the red reflector.

(Code of Iowa, 2013, Sec. 321.236 (10))

2. Signal Device Required. No person shall operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least one hundred (100) feet, except that a bicycle shall not be equipped with nor shall any person use upon a bicycle any siren or whistle.

(Code of Iowa, 2013, Sec. 321.236 (10))

3. 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, 2013, Sec. 321.236 (10))

TITLE II – COMMUNITY PROTECTION
DIVISION 1 – LAW ENFORCEMENT

ARTICLE 39
RESERVED FOR FUTURE USE

TITLE II - COMMUNITY PROTECTION
DIVISION 1 - LAW ENFORCEMENT
CHAPTER 6 - SNOWMOBILES

ARTICLE 40
SNOWMOBILES

40.01 SNOWMOBILE DEFINED. For use in this chapter the term "snowmobile" shall mean any self-propelled vehicle weighing less than one thousand (1000) pounds which utilizes wheels with low pressure tires and is designed to operate on land or ice or is equipped with sled-type runners or skis, endless belt-type tread, or any combination thereof, and is designed for travel upon snow, land or ice, except any vehicle registered as a motor vehicle under state law.

(Code of Iowa, 2013, Sec. 321G.1 (18))

40.02 PLACE OF OPERATION. The operators of snowmobiles shall observe the following limitations as to where snowmobiles may be operated:

1. Unplowed Streets. Snowmobiles may be operated upon streets which have not been plowed during the snow season.

(Code of Iowa, 2013, Sec. 321G.9 (4a))

2. Other Streets. Snowmobiles may be operated on any street within the city for the sole and exclusive purpose of using the most direct roadway for the ingress to and egress from the city. No snowmobile shall be driven on any roadway solely for entertainment or pleasure.

3. Parks and other Public Land. Snowmobiles shall not be operated in any city park, playground or upon any other publicly owned property except with the express permission of the governing body thereof.

4. Private Property. No snowmobile shall be operated upon private property without the express consent of the owner thereof.

(Code of Iowa, 2013, Ch. 716)

5. Sidewalk or parking. No snowmobile shall be operated upon the public sidewalk, nor shall they be operated upon that portion of the street located between the curb line and the sidewalk or property commonly referred to as the "parking" except for purposes of crossing the same to a public street upon which operation is authorized by the chapter.

40.03 MANNER OF OPERATION. No person shall operate a snowmobile in the city except as hereafter provided.

1. Registration. No snowmobile shall be operated in the city unless registered pursuant to state law and unless the identifying number set forth in the registration is displayed on each side of the snowmobile.

(Code of Iowa, 2013, Sec. 321G.3 and 321G.5)

2. Equipment. All snowmobiles shall be equipped with muffling devices, lights and other equipment required by state

(Code of Iowa, 2013, Sec. 321G.2)

3. Traffic Code. Snowmobile operators shall observe all state and local traffic-control regulations and devices.

(Code of Iowa, 2013, Sec. 321.256)

4. Speed. Snowmobiles shall not be operated on streets at a speed in excess of that posted nor at any time at a rate of speed greater than reasonable and proper under all existing circumstances.

(Code of Iowa, 2013, Sec. 321.G.13 (1))

5. Careless Operation. No person shall operate a snowmobile in a careless, reckless, or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto.

(Code of Iowa, 2013, Sec. 321G.13 (1))

6. Intoxicated. No person shall operate a snowmobile while under the influence of intoxicating liquor or narcotics or habit forming drugs.

(Code of Iowa, 2013, Sec. 321G.13 (1))

7. Lights. No person shall operate a snowmobile without a lighted headlight and taillight when required for safety.

(Code of Iowa, 2013, Sec. 321G.12)

8. Unattended. No operator or owner shall leave or allow a snowmobile to be or remain unattended on public property while motor is running or with keys in the ignition switch.

9. A snowmobile may make a direct crossing of a prohibited street or highway provided:

(Code of Iowa, 2013, Sec. 321G.2)

A. The crossing is made at an angle of approximately ninety degrees to the direction of the street or highway and at a place where no obstruction prevents a quick and safe crossing; and

B. The snowmobile is brought to a complete stop before crossing the shoulder or main traveling way of the street or highway;

C. The driver yields the right of way to all oncoming traffic which constitutes an immediate hazard.

10. Minors. No person under sixteen years of age shall operate a snowmobile on or across a public street unless he or she has in his or her possession a valid safety certificate issued to him or her by the state conservation commission nor shall the owner or operator of any

snowmobile having an engine rating of 300 cubic centimeters or more permit any person under twelve years of age to operate such a snowmobile at any time except when accompanied by a responsible person of at least eighteen (18) years of age.

(Code of Iowa, 2013, Sec. 321 G. 9 (6) and 321 G. 2)

11. Hours of Operation Limited. No snowmobile shall be operated in the city between the hours of 10:00 P.M. and 7:00 A.M. except for emergency situations or for loading and unloading from a transport trailer.

(Code of Iowa, 2013, Sec. 321.G 2)

12. Thaw Ban. Snowmobiles shall not be operated during a publicized thaw ban in areas posted to prohibit such operation.

(Code of Iowa, 2013, Sec. 321 G. 2)

13. Single File. Snowmobiles shall be driven in a single file manner in the proper lane of traffic as close to the curb or edge of roadway as is possible under existing conditions.

14. Dead Man Throttle. No snowmobile shall be operated within the city unless equipped with a "dead man" throttle which when pressure is removed from the accelerator or throttle causes the engine to be disengaged from the drive mechanism.

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

TITLE II – COMMUNITY PROTECTION
DIVISION 1 – LAW ENFORCEMENT

ARTICLE 41
RESERVED FOR FUTURE USE

TITLE II - COMMUNITY PROTECTION
DIVISION 2 - FIRE SAFETY
CHAPTER 1- FIRE DEPARTMENT ADMINISTRATION

ARTICLE 42
FIRE DEPARTMENT

42.01 **ESTABLISHMENT AND PURPOSE.** A volunteer fire department of not more than one (1) fire chief and twenty-five (25) members 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.

42.02 **ORGANIZATION.** The department shall consist of the fire chief and such other officers and personnel as may be authorized by the council, not to exceed twenty-five (25) additional members.

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

1. Resident Citizen. Is a citizen of the United States and a resident of the city or a resident of the Strawberry Point Fire District.
2. Age. Is at least eighteen (18) years of age, but not more than fifty-nine (59) years of age at the time of appointment.
3. Driver's License. Has current, valid, active Iowa driver's license.
4. Language. Is able to read and write the English language.
5. Alcohol and Drugs. Is not a drug addict or a drunkard.
6. Character. Is of good moral character as determined by a thorough investigation, and has not been convicted of a felony or a crime involving moral turpitude, and is not a registered sex offender in this state or anywhere else.
7. Abilities. Has physical and mental abilities enough to perform usual work in the department, has no disability which would prevent the performance of usual work in the department and is free of serious communicable diseases.

42.04 **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.

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

42.06 **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, 2013, Sec. 372.13 (4))

42.07 **FIRE CHIEF APPOINTED.** The council shall appoint the fire chief for a term of two (2) years or to fill a vacancy. The council shall be furnished the department's attendance records for drills, meetings and fires, and shall give due consideration to such records in approving the appointment of a fire chief. The fire department may recommend one of their members to the council for appointment as fire chief. The council may remove the fire chief by written order setting out the reasons for removal which shall be filed with the city administrator.

(Code of Iowa, 2013, Sec. 372.13 (4))

42.08 **FIRE CHIEF: DUTIES.** The fire chief shall have the following powers and duties:

(Code of Iowa, 2013, Sec. 372.13 (4))

1. General. Shall perform all duties required of the fire chief by law or ordinance.
2. Enforce laws. Shall enforce all ordinances and, where enabled, state laws regulating the following:
 - A. Fire prevention.
 - B. Maintenance and use of fire escapes.
 - C. The investigation of the cause, origin and circumstances of fires.
 - D. The means and adequacy of exit in case of fire, from halls, theaters, churches, hospitals, asylums, lodging houses, schools, factories and all other buildings in which the public congregates for any purpose.
 - E. The installation and maintenance of private fire alarm systems and fire extinguishing equipment.
3. Command. Shall be charged with the duty of maintaining 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.
4. Property. Shall exercise and have full control over the disposition of all fire apparatus, tools, equipment and other property used by or belonging to the fire department.
5. Investigations. Shall investigate the cause, origin and circumstances of each fire by which property has been destroyed or damaged or which results in bodily injury to any person. Whenever the chief finds that bodily injury or property damage of fifty (50) dollars or more

was caused by such fire, or if arson is suspected, a report shall be filed with the state fire marshal in writing within one week after the fire. If the chief believes that a fire was started by design or if a death occurs as the result of the fire, the state fire marshal shall be notified by the chief.

(Code of Iowa, 2013, Sec, 100.2 and 100.3)

6. Right of Entry. Shall have the right of entry into any building or premises within his or her jurisdiction at a reasonable time and after reasonable notice to the occupant or owner. The fire chief shall conduct such investigation or inspection that he or she considers necessary in light of state law, regulation or ordinance.

(Code of Iowa, 2013, Sec. 100.12)

7. Recommendation. The fire chief shall make such recommendations to owners, occupants, caretakers or managers of buildings necessary to eliminate fire hazards.

8. Assist State Fire Marshal. The fire chief shall, at the request of the state fire marshal, and as provided by law, aid said marshal in the performance of his/her duties by investigating, presenting and reporting data pertaining to fires.

(Code of Iowa, 2013, Sec. 100.4)

9. Records. The fire chief shall cause to be kept records of the fire department personnel, operating cost and efficiency of each element of fire fighting equipment, depreciation of all equipment and apparatus, the number of responses to alarms, their cause and location, and an analysis of losses by value, type and location of buildings.

10. Reports. The fire chief shall 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.

11. Authority to Barricade. The fire chief shall have authority to place or erect necessary ropes, guards, barricades or other obstructions across any street, alley, right of way, or private property at or near the location of any fire scene or other emergency scene to which the fire department is responding so as to prevent accidents or interference with the fire department members or equipment, to control the scene until any investigation is complete, and/or to preserve evidence at the scene.

12. Orders and Citations. The fire chief may issue orders or citations for violations of Iowa Code Chapter 100 or the local safety code.

42.09 CONSTITUTION AND BY-LAWS. The department shall adopt a constitution and by-laws, not in conflict with this code and subject to approval of the council, as may be necessary for the operation of the department, and any amendments to such constitution or by-laws shall be approved by the council before they become effective.

42.10 ACCIDENTAL INJURY INSURANCE. The council shall contract to insure the city against liability for workman's compensation and against statutory liability for the costs of hospitalization, nursing, and medical attention for volunteer firemen injured in the performance of their duties as firemen whether within or outside the corporate limits of the city. All volunteer firemen shall be covered by the contract.

42.11 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, 2013, Sec. 670.2 and 517 A.1)

42.12 FIRES OUTSIDE THE CITY. The department shall answer calls to fires and other emergencies outside the city limits if the fire chief determines that such emergency exists and that such action will not endanger persons and property within the city limits, said areas to include only those contracted for between the Department and Boards of Trustees of surrounding townships, except as covered by mutual aid section hereunder.

(Code of Iowa, 2013, Sec. 364.4 and (2 and 3))

42.13 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 city administrator.

(Code of Iowa, 2013, Sec. 364.4 and (2 and 3))

42.14 EXPULSION. Any fireman shall be subject to expulsion from the fire department for any of the following acts or omissions:

1. Refusing or neglecting to do his/her duty as a fireman.
2. Refusing or neglecting to obey the orders of the chief or the proper commanding officer.
3. Leaving his/her post of duty while at a fire without the permission of the chief or his/her commanding officer.

42.15 ABSENCE OF CHIEF. In the absence of the chief, the officer next in rank shall be in charge and shall exercise all the powers of the chief.

42.16 ASSISTANCE. Any officer of the fire department may require the service of any person or vehicle to assist in conveying fire department equipment to the scene of any fire or assist in fighting any fire.

42.17 PROHIBITED ACTS. It shall be unlawful for any person to do or attempt to do, any of the following acts:

1. Hinder any member of the fire department in the performance of his/her duty at a fire, going to or returning from a fire, or while attending to his/her duties as such a member.
2. To take any fire equipment or tools for private use, or to allow, authorize or permit such use of fire equipment or tools.
3. To cut, injure, deface or destroy any wires, poles, fixtures, signal boxes or other fire department apparatus belonging to the city.
4. To drive or run any vehicle over, along, across or upon any fire hose.

42.18 FEES AND CHARGES. All responses made by the fire and rescue department shall be billed as follows:

Vehicle Fire	\$ 250.00
Vegetation Fire	\$ 200.00
Residential Fires	\$ 500.00
Commercial Fires	\$1,000.00
Vehicle and Machinery Extraction	\$ 250.00
Hazardous Material Response	\$ 100.00 per truck per hour plus \$30.00 per man hour
Search and Rescue and other operations	\$ 250.00

Hazardous Material Response by another fire department or private company shall be billed directly to user of the services, but if billed to the City, the City Administrator shall issue invoices as directed below for the amount charged.

If any fire department equipment is damaged as a result of a response by the fire department, the user of the fire department services shall be responsible for reimbursement to the fire department for the damage.

The City Administrator is hereby directed to issue invoices for such fire services upon the direction of the Fire Chief, and to collect such fees on behalf of the City. Such fees collected shall be deposited in the City's Fire Department Trust and Agency fund, which shall be used to purchase equipment, training and other services and supplies for the fire and rescue department.

The fire chief may waive any fee for fire calls where there is no fire, or for smoke investigations, good-will false alarms, or minor incidents. In determining whether an incident shall be charged for, the fire chief shall determine the danger involved to equipment and fire personnel, the size of the fire, hazardous material spill, search or other incident, the number of good-will false alarms to that address in that fiscal year, the number of responses to that address, and the danger to the public. The decision of the fire chief to direct a bill for fire and rescue services may be appealed to the City Council by the individual responsible to pay the bill.

There shall be no bill directed for services rendered to the federal government, the state of Iowa or any of its political subdivisions, or in any mutual aid situation, except for hazardous material response.

“Residential Fires” shall include the house, garage and any outbuildings of a premises primarily used for residential purposes. “Commercial Fires” shall include all buildings which are not primarily used for residential purposes. All mixed use fires or responses shall be billed at the higher rate.

TITLE II - COMMUNITY PROTECTION
DIVISION 2 - FIRE SAFETY
CHAPTER 2 – FIRE LIMITS

ARTICLE 43
FIRE LIMITS

43.01 **FIRE LIMITS ESTABLISHED.** The fire limits are established to include all territory within the following boundaries:

Lots One (1) and Two (2) in Block One (1);
Lots One (1) and Two (2) in Block Two (2)
Lots One (1) and Two (2) in Block Three (3)
Lots One (1) and Two (2) in Block Four (4) in the platted Town of Franklin in said incorporated Town; and Lot Ten (10) in Block Three (3) and Lot Six (6) in Block Four (4) in W. H. & D. M. Stearns addition to the platted Town of Franklin in said Incorporated Town.

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

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

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

43.05 **EXTERIOR AND DIVISION WALLS.** All exterior or division walls of the buildings hereafter erected, shall be of sufficient thickness to support the load to be carried. All solid brick or reinforced concrete, exterior or division walls, shall be not less than twelve (12) inches thick in the upper two stories or upper thirty (30) feet, increasing four (4) inches in thickness for each two stories or fraction thereof below. Such exterior or division walls, when constructed of other permissible material, such as concrete tile or hollow tile, shall be at least for (4) inches thicker than solid brick or reinforced concrete walls. All exterior or division walls shall extend at least fifteen (15) inches above the roof

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

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

43.08 **SPECIAL PERMIT.** The council may, by four-fifths vote, issue a special permit to improve any property within the fire limits contrary to the provisions of this chapter, on condition that such improvement shall not increase the rates for the fire insurance or the fire hazard, according to the rules of the Iowa Insurance Service Bureau.

43.09 **MOVING BUILDINGS.** The removal of any building not constructed in accordance with the provisions of this chapter, from without to within the fire limits or from any part of the fire limits to any other place therein is prohibited.

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

43.11 **BOARD OF APPRAISEMENT.** In case of a question as to the amount or extent of damage, by fire or otherwise, to any building, the damage shall be determined by a board of appraisement of three disinterested parties, owner of real estate within the fire limits, one of whom shall be appointed by the owner or agent of the building, the second by the mayor and the persons thus chosen shall select a third person. If the members of the board appointed by the owner of the property and by the mayor are unable to agree upon the third member, within ten (10) days of their appointment, the council shall appoint such third member. The members of the board shall fix the amount or extent of the damage. Their decision shall be in writing, shall be final and conclusive, and shall be filed with the city administrator. No building within the Fire Limits about which there is a question shall be repaired or rebuilt until such finding has been filed with the city administrator.

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

TITLE II - COMMUNITY PROTECTION
DIVISION 3 - BUILDING AND PROPERTY REGULATIONS
CHAPTER 1 – DANGEROUS BUILDINGS

ARTICLE 44
DANGEROUS BUILDINGS

44.01 **ENFORCEMENT OFFICER.** The mayor shall be the enforcement officer and shall be responsible for the enforcement of this chapter.

44.02 **GENERAL DEFINITION OF UNSAFE.** All buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety to health, or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, as specified in this chapter or any other ordinance, are, for the purpose of this chapter, unsafe buildings. All such buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified in this chapter.

(Code of Iowa, 2013, 657.1 and 364.12 (3a))

44.03 **UNSAFE BUILDING.** "Unsafe building" shall mean any structure or mobile home meeting any or all of the following criteria:

1. Whenever any portion or member of appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
2. Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of 20 pound per square foot.
3. Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to wind or earthquakes than is required in the case of similar new construction.
4. Whenever the building or structure, or any portion thereof, because of (a) dilapidation, deterioration, or decay; (b) faulty construction; (c) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (d) the deterioration, decay or inadequacy of its foundation; or (e) any other cause, is likely to partially or completely collapse.
5. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which is being used.
6. Whenever the exterior walls or other vertical structure members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.

7. Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.

8. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (a) an attractive nuisance to children; (b) a harbor for vagrants, criminals or immoral persons; or as to (c) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.

9. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by any health officer to be unsanitary, unfit for human habitation or in such condition that is likely to cause sickness or disease.

10. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the Fire Marshall or Fire Chief to be a fire hazard.

11. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.

12. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building portion thereof an attractive nuisance or hazard to the public.

44.04 NOTICE TO OWNER. The enforcement officer shall examine or cause to be examined every building or structure or portion thereof reported as dangerous or damaged and, if such is found to be unsafe building as defined in this chapter, the enforcement officer shall give to the owner of such building or structure written notice stating the defects thereof. This notice may require the owner or person in charge of the building or premises, within 48 hours or such reasonable time as the circumstances require, to commence either the required repairs or improvements or demolition and removal of the building or structure or repairs or improvements or demolition and removal of the building or structure or portions thereof, and all such work shall be completed within 90 days from date of notice, unless otherwise stipulated by the enforcement officer. If necessary, such notice shall also require the building, structure, or portion thereof to be vacated forthwith and not reoccupied until the required repairs and improvements are completed, inspected, and approved by the enforcement officer.

(Code of Iowa, 2013, Sec. 364.12 (3h))

1. Notice Served. Such Notice shall be served in the manner provided for service of original notice of the Iowa rules of civil procedure upon the owner of record, if he/she shall be found within the city limits. If he/she is not found within the city limits such services may be made

upon said owner by registered mail or certified mail, the designated period within which said owner or person in charge is required to comply with the order of the enforcement officer shall begin as of the date he/she received such notice.

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

44.05 CONDUCT OF HEARING. If requested, the council shall conduct a hearing in accordance with the following:

1. Nature. The owner shall be served with written notice specifying the date, time and place of hearing.

2. Owner's Rights. At the hearing, the owner may appear and show cause why the alleged nuisance shall not be abated.

3. Determination. The council shall make and record findings of fact and may issue such order as it deems appropriate.

44.06 POSTING OF SIGNS. The enforcement officer shall cause to be posted at each entrance to such building a notice to read: "DO NOT ENTER. UNSAFE TO OCCUPY. City of Strawberry Point". Such notice shall remain posted until the required repairs, demolition, or removal are completed. Such notice shall not be removed without written permission of the enforcement officer and no person shall enter the building except for the purpose of making the required repairs or of demolishing the building.

44.07 RIGHT TO DEMOLISH. In case the owner shall fail, neglect, or refuse to comply with the notice to repair, rehabilitate, or to demolish and remove said building of structure or portion thereof, the council may order the owner of the building prosecuted as a violator of the provisions of this chapter and may order the enforcement officer to proceed with the work specified in such notice. A statement of the cost of such work shall be transmitted to the council.

(Code of Iowa, 2013, Sec. 364.12 (3h))

44.08 COSTS. Costs incurred under Section 43.07 shall be paid out of the city treasury. Such costs shall be charged to the owner of the premises involved and levied as a special assessment against the land on which the building or structure is located, and shall be certified to the County Auditor for collection in the manner provided for other taxes.

(Code of Iowa, 2013, Sec 364.12 (3h))

TITLE III - MENTAL AND PHYSICAL HEALTH

CHAPTER 1 - NUISANCES

ARTICLE 45
GENERAL PROVISIONS

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

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

(Code of Iowa, 2013, Sec. 657.1)

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

(Code of Iowa, 2013, Sec. 657.2(1))

B. **Filth or Noisome Substance.** The causing or suffering any offal, filth or noisome substance to be collected or to remain in any place to the prejudice of others.

(Code of Iowa, 2013, Sec. 657.2 (2))

C. **Water Pollution.** The corrupting or rendering unwholesome or impure the water of any river, stream or pond, or unlawfully diverting the same from its natural course or state, to the injury or prejudice of others.

(Code of Iowa, 2013, Sec 657.2 (4))

D. **Blocking Public and Private Ways.** The obstructing or encumbering by fences, buildings or otherwise the public roads, private ways, streets, alleys, commons, landing places, parking lots, or burying grounds.

(Code of Iowa, 2013, Sec. 657.2 (5))

E. **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 or street railway track as to render dangerous the use thereof.

(Code of Iowa, 2013, Sec. 657.2 (7))

F. **Abandoned Appliances.** Placing or allowing to be placed, and discarded, abandoned, unattended, or unused refrigerator, ice box, oven or similar container equipped with an air-

tight door or lid, snap lock, or other locking device which cannot be released from the inside, in a location accessible to children, outside any building, dwelling or within an unoccupied or abandoned building or dwelling, or other structure, under the control of any person without first removing the door, lid, snap lock, or other locking device from said icebox, refrigerator, oven, or similar container. This provision applies equally to the owner of any such refrigerator, ice box, oven or similar container, and to the owner or occupant of the premises where the hazard is permitted to remain.

(Code of Iowa, 2013, Sec. 727.3)

G. Storing of Inflammable Junk. The depositing or storing of inflammable junk, such as old rags, rope, cordage, rubber, bones and paper, by dealers in such articles within the fire limits of the city, unless it be in a building of fireproof construction.

(Code of Iowa, 2013, Sec. 657.2 (10))

H. Air Pollution. The emission of dense smoke, noxious fumes or fly ash.

(Code of Iowa, 2013, Sec. 657.2 (11))

I. Weeds. Dense growth of all weeds, vines, brush or other vegetation in the city so as to constitute a health, safety or fire hazard.

(Code of Iowa, 2013, Sec. 657.2 (12))

J. Dutch Elm Disease. Trees infected with Dutch Elm Disease.

(Code of Iowa, 2013, Sec. 657.2 (13))

45.02 NUISANCES PROHIBITED. The creation or maintenance of a nuisance is prohibited, and a nuisance, public or private, may be abated in any manner provided for in this code.

TITLE III - MENTAL AND PHYSICAL HEALTH
CHAPTER 1 - NUISANCES

ARTICLE 46
ABATEMENT PROCEDURE

46.01 **NUISANCE:** Abatement. Whenever the mayor or other authorized municipal officer finds that a nuisance exists, he/she shall cause to be served upon the property owner a written notice to abate the nuisance with a reasonable time after notice.

(Code of Iowa, 2013, Sec. 364.12 (3h))

46.02 **NOTICE TO ABATE:** Contents. The notice to abate shall contain:

(Code of Iowa, 2013, Sec. 364.12 (3h))

1. Description of Nuisance. A description of what constitutes the nuisance or other condition.
2. Location of Nuisance. The location of the nuisance or condition.
3. Acts Necessary to Abate. A statement of the act or acts necessary to abate the nuisance or condition.
4. Reasonable Time. A reasonable time within which to complete the abatement.
5. Assessment at 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.

46.03 **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, 2013, Sec. 321.12 (3h))

46.04 **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 city administrator 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.

46.05 **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 46.06 after notice to the property owner under the applicable provisions of Section 46.01, 46.02 and 46.03 and hearing as provided in Section 46.04.

(Code of Iowa, 2013, Sec. 364.12 (3h))

46.06 **ABATEMENT BY CITY.** The city administrator 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 city administrator shall certify the costs to the county auditor and it shall then be collected with, and in the same manner, as general property taxes.

(Code of Iowa, 2013, Sec. 364.12 (3h))

46.07 **INSTALLMENT PAYMENT OF COST TO ABATEMENT.** If the amount expended to abate the nuisance or condition exceeds One Hundred Dollars (\$100.00), the city shall 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 as benefited property.

(Code of Iowa, 2013, Sec. 364.13)

46.08 **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 shall be in violation of the city code.

ARTICLE 47
GENERAL PROVISIONS

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

1. "Animal": shall mean all living creatures not human.
2. "At large": shall mean any animal found off the premises of its owner and not under the control of a competent person, restrained within a motor vehicle, or housed in a veterinary hospital or kennel.
3. "Owner": shall mean any person owning, keeping, sheltering or harboring an animal.

47.02 **CRUELTY TO ANIMALS.** It shall be unlawful for a person to torture, torment, deprive of necessary sustenance, mutilate, overdrive, overload, drive when overloaded, cruelly beat, cruelly kill, or unnecessarily fail to provide the same with proper food, drink, shelter, or protection from the weather, or drive or work the same when unfit for labor, or cruelly abandon the same, or carry the same, or cause the same to be cruelly carried on any vehicle or otherwise or to commit any other act or omission by which is unjustifiable pain, distress, suffering, or death is caused or permitted to any animal, whether the acts or omissions herein contemplated be committed either maliciously, willfully, or negligently.

(Code of Iowa, 2013, Sec. 717B.2,3&4)

47.03 **ANIMAL CONTESTS.** It shall be unlawful for a person to keep or use, or in any way be connected with, or be interested in the management of, or receive money for the admission of any person to, any place kept or used for the purpose of fighting or baiting any bull, bear, dog, cock, or other creature, or to engage in, aid, abet, encourage, or assist in any bull, bear, dog, or cock fight, or a fight between any other creatures.

(Code of Iowa, 2013, Sec. 717D)

47.04 **ANIMALS RUNNING AT LARGE.** It shall be unlawful for any owner to allow dogs, cattle, horses, swine, sheep or other similar animals or fowl to run at large within the corporate limits of the city.

(Atty. Gen. Op. 1914, Page 126)

47.05 **BOTHERSOME ANIMALS.** It shall be unlawful for a person to keep within the city such bothersome animals as barking dogs, bees, cattle, horses, swine and sheep which tend to unreasonably disrupt the peace and good order of the community.

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

47.07 **ANNOYANCE OR DISTURBANCE.** It shall be unlawful for the owner of a dog to allow or permit such dog to cause unreasonable annoyance or disturbance to any person or

persons by frequent and/or habitual howling, yelping, barking, or otherwise; or, by running after or chasing persons, bicycles, automobiles or other vehicles.

47.08 VICIOUS DOGS. It shall be unlawful for any person to harbor or keep a vicious dog within the city. A dog is deemed to be vicious when it shall have attacked or bitten any person without provocation, or when propensity to attack or bite persons shall exist and is known or ought reasonably to be known to the owner. A dog is deemed to be vicious when it shall have attacked or bitten any domestic animal without provocation, or when propensity to attack or bite domestic animals shall exist and is known or ought reasonably to be known to the owner.

47.09 AT LARGE ANIMALS: IMPOUNDMENT. Animals found at large in violation of this chapter shall be seized and impounded, or at the discretion of the peace officer, the owner may be served a summons to appear before a proper court to answer charges made there under.

47.10 ANIMAL WASTE. The owner of every animal, as defined in this chapter, shall be responsible for the removal, within three hours of deposit, of any excrement deposited by the owner's animal on public streets, highways and sidewalks, city right-of-way along streets and highways (known as the parking), parks, recreation areas, parking lots, public or private property without consent of owner. The person in control (even if not the owner) of any animal at the time of the animal's depositing any excrement on streets, highways and public sidewalks, city right-of-way along streets and highways (known as the parking), parks, recreation areas, parking lots, public or private property without consent of owner shall also be responsible for the removal, within three hours of deposit, of such excrement.

47.11. ANIMALS ON SIDEWALKS. It shall be unlawful to ride or walk any horses, cattle, swine or sheep on City sidewalks, except when crossing a sidewalk, and such crossing shall be directly across the sidewalk, and all such animals shall yield to all pedestrians and other users of the sidewalk.

47.12 ANIMAL WARDEN The animal warden shall be appointed by the City Council and shall exercise the following powers and duties:

- A. Operation and maintenance of all City animal control facilities.
- B. Capture any stray domestic animals when directed to do so by the Mayor, Council or Chief of Police.
- C. Control and care for any animals in the care of the City.
- D. Administer return of animals to owners and animal adoption program.
- E. Maintain complete, current and accurate records of all captures, returns and adoption of animals.

F. Shall be responsible to ensure that all state and local laws, regulations, ordinances and rules are enforced in matters that pertain to the use of the City dog pound and/or animal control.

47.13 QUALIFICATION OF ANIMAL WARDEN. The animal warden shall be a bona fide citizen and resident of the city, shall be over the age of eighteen (18) years, and have a valid Iowa driver's license.

47.14 COMPENSATION. Compensation for the animal warden shall be set by resolution of the City Council, shall be paid monthly, and shall be based on each animal captured plus per day animal care.

47.15 EXPENDITURES. All money appropriated by the council for animal control shall be set aside in an account within the budget of the police department of the City. All expenditures from this account shall be on the same authority as the police department expenditures. Expenditures by the animal warden shall be paid only on order of and signed by the police chief. The check writing officer shall be the City Administrator. Expenditures for the animal warden shall be paid only on order of the city council.

47.16 ANNUAL REPORT. The animal warden shall make a report to the council immediately after the close of the fiscal year, and more often if so directed by the council. The report shall contain statements as to the state of the condition of the animal control facilities owned by the City, animal control projects begun and finished, grants applied for and received, and the amount of money expended for animal control during the year and shall include an explanation of what the money was spent for, and shall include the numbers and kinds of animals taken into custody, destroyed, adopted out and cared for during the year.

47.17 RULES AND REGULATIONS. The animal warden shall develop rules and regulations regarding the adoption of stray animals.

47.19. LIVE TRAPS. The animal warden who is appointed by the City Council, may set live traps to capture animals at large within the city limits. Such traps shall not be set until the property owner on whose property it is to be set has given permission for the setting of such trap, and all neighboring property owners within one hundred feet (100') of such trap shall be notified of the setting of the trap. It shall be unlawful for any person, other than the animal warden or his designee, to remove any animal, domestic or wild, licensed or not, even when ownership is known, from the live trap.

47.20 LIVE TRAPS-PRIVATE. Any private citizen who sets a live trap within the city limits of Strawberry Point shall first notify all property owners and occupiers within one hundred feet (100') of where the trap is to be set, and shall notify the City Clerk in writing, of the intent to set of the trap, what the trapper is trying to catch and shall notify the City of any domestic animals caught in the trap. Such traps shall not be set until such required notice is given. Each trap must have the name and address of the person who set the trap and each person who sets any live trap must comply with all federal, state, and local statutes, and Iowa

Department of Natural Resources regulations concerning such trapping, including any required trapping licenses

TITLE III - MENTAL AND PHYSICAL HEALTH
CHAPTER 2 - ANIMAL PROTECTION AND CONTROL

ARTICLE 48
DOG LICENSING

48.01 **DEFINITIONS.** For use in this ordinance, the following terms are defined:

1. The term "dogs" shall mean both male and female animals of the canine species whether altered or not.
2. The term "at large" shall mean any licensed or unlicensed dog found off the premises of his owner and not under the control of a competent person, restrained within a motor vehicle, housed in a veterinary hospital or kennel, on a leash or "at heel" beside a competent person and obedient to that person's command.
3. The term "owner" shall mean any person or persons, firm, association or corporation owning, keeping, sheltering or harboring a dog.

48.02 **IMMUNIZATION.** All dogs six (6) months or older shall be vaccinated against rabies. It shall be a violation of this ordinance for any dog not to be vaccinated against rabies. A tag showing evidence of proper vaccination shall be worn by every dog when not confined.

48.03 **KENNEL DOGS.** Kennel dogs which are kept or railed solely for the bona fide purpose of sale and which are kept under constant restraint are not subject to the provisions of this ordinance.

48.04 **AT LARGE PROHIBITED.** No owner of any dog shall permit such dog to run at large, whether the dog be licensed or unlicensed.

48.05 **ACTIONS OF DOGS CONSTITUTING A NUISANCE.**

1. It shall be unlawful for an owner of a dog to allow or permit such dog to pass upon the premises of another, thereby causing damage to, or interference with the premises.
2. It shall be unlawful for an owner of a dog to allow or permit such dog to cause unreasonable annoyance or disturbance to any person or persons by frequent and/or habitual howling, yelping, barking or otherwise; or by running after or chasing persons, bicycles, automobiles or other vehicles.

48.06 **IMPOUNDING.**

1. Any unlicensed or unvaccinated dog found at large or any licensed dog found at large in violation of Section 48.03 and 48.05 of this ordinance shall be seized and impounded, or at the discretion of the Chief of Police, the owner may be served a summons to appear before a proper court to answer charges made there under.
2. Owners of a licensed dog shall be notified within two (2) days of impoundment that upon payment of impounding fees of thirty-five dollars (\$35.00) per day, plus the cost of food and

care in the amount of fifteen dollars (\$15.00) per day, plus any incidental expenses such as necessary veterinary care, medicine and transportation, the dog will be returned. If impounded and licensed dog is not recovered by the owner(s) within three (3) days after notice, the dog shall be disposed of in a humane manner.

ARTICLE 49
GENERAL PROVISIONS

49.01 **PURPOSE.** The purpose of this chapter is to establish rules and regulation governing the treatment and disposal of sanitary sewage within the city in order to protect the public health, safety and welfare.

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

1. "BOD" (denoting Biochemical Oxygen Demand): shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees C, expressed in milligrams per liter or parts per million.
2. "Building Drain": Shall mean the part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building, and conveys it to the building sewer beginning five (5) feet (1.5 meters) outside the inner face of the building wall.
3. "Building Sewer": shall mean the extension from the building drain to the public sewer or other place of disposal.
4. "City": shall mean the City of Strawberry Point, Iowa.
5. "Combined Sewer": shall mean a sewer receiving both surface runoff and sewage.
6. "Contributor": shall mean any person responsible for the production of domestic, commercial or industrial waste which directly or indirectly discharged into the public sewer system.
7. "Garbage": shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.
8. "Industrial Wastes": shall mean the liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.
9. "Inspector": shall mean 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": shall mean any outlet into a water source, pond, ditch, lake, or other body of surface or groundwater.
11. "pH": shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

12. "Private Sewer": shall mean a sanitary building drain and sewer privately owned and not directly controlled by public authority.
13. "Properly Shredded Garbage": shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with not particle greater than one-half (½) inch (1.27 centimeters) in any dimension.
14. "Public Sewer": shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
15. "Sanitary Sewage": shall mean a 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.
16. "Sanitary Sewer": shall mean a sewer which carries sewage and to which storm surface and ground waters are not intentionally admitted.
17. "Sewage": shall mean 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.
18. "Sewage Treatment Plant": shall mean any arrangement of devices and structures used for treating sewage.
19. "Sewage Works" or "Sewage System": shall mean all facilities for collecting, pumping, treating, and disposing of sewage.
20. "Sewer": shall mean a pipe or conduit for carrying sewage.
21. "Sewer Rental": shall mean any and all charges, rates, fees, or rentals levied against and payable by contributors, as consideration for the servicing of said contributors by said sewer system.
22. "Slug": shall mean any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.
23. "Storm Drain" or "Storm Sewer": shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.
24. "Superintendent": shall mean the superintendent of sewage works of the city or his/her deputy, agent, or representative.

25. "Suspended Solids": shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

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

27. "Certified Underground Catch": shall mean a structure which upon inspection by the water/sewer superintendent can be tracked by dye either to the street or to the storm sewer.

49.03 SUPERINTENDENT. The superintendent of the city sewage system shall be appointed by the council and exercise the following powers and duties:

(Code of Iowa, 2013, Sec. 372.13 (4))

1. Operation and maintenance. He/she shall operate and maintain the city sewage system.

2. Inspection and Tests. He/she shall conduct necessary inspections and tests to assure compliance with the provisions of this chapter.

3. Records. He/she shall maintain a complete and accurate record of all sewers, sewage connections and manholes constructed showing the location and grades thereof.

49.04 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.

2. Downspouts and Sump Pumps. Connect a roof downspout, exterior foundation drain, area-way drain, sump pump, swimming pool drain, or other source of surface runoff or groundwater to the City sanitary sewer system or to any underground drain of any type (other than a certified underground catch) of which, in turn, is connected directly or indirectly to a public sewer system.

3. Manholes. Open or enter any manhole of the sewer system, except by the authority of the superintendent.

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

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

(Code of Iowa, 2013, 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 this chapter.
(Code of Iowa, 2013, Sec. 364.12 (3f))

49.05 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 this chapter, such compliance to be completed within ninety (90) days after date of official notice from the city to do so, provided that said public sewer is located within one hundred fifty (150) feet of the property line of such owner and is of such design as to receive and convey by gravity such sewage as may be conveyed to it.

(Code of Iowa, 2013, Sec. 364.12 (3f))

49.06 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, 2013, Sec. 364.4 (2 and 3))

49.07 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 this chapter. 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 direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

49.08 OWNERS LIABILITY LIMITED. While performing the necessary work on private property, the superintendent or duly authorized employees of the city shall observe all safety rules or occupant shall be held harmless for injury or death to city employees and the city shall indemnify the owner or occupant against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the owner or occupant and growing out of any gauging and sampling operation, except as such may be caused by negligence or failure of the owner or occupant to maintain safe conditions.

49.09 USE OF EASEMENTS. The superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private

properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

49.10 SPECIAL PENALTIES. The following special penalty provisions shall apply to violations of this chapter:

1. Notice of Violation. Any person found to be violating any provisions of this chapter except subsections 1, 3 and 4 of Section 49.04, shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

2. Continuing Violations. Any person who shall continue any violation beyond the time provided for in subsection 1 hereof, shall be guilty of a misdemeanor, and on conviction thereof shall be fined an amount not exceeding five hundred dollars (\$500.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

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

TITLE III - MENTAL AND PHYSICAL HEALTH
CHAPTER 3 - LIQUID WASTES

ARTICLE 50
BUILDING SEWERS AND CONNECTIONS

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

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

2. Plans and Specifications. The permit application shall be supplemented by any plans, specification, and other information considered pertinent in the judgment of the council.

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

A. For residential and commercial service.

B. For service to establishments producing industrial wastes.

4. Permit Fee. The person who makes the application shall pay the following fees to the city clerk to cover the cost of issuing the permit and supervising, regulating, and inspecting the work:

A. Residential and Commercial.....\$100.00

B. Industrial.....\$150.00

5. Limited Responsibility for Permit Revocation. All permits to connect with sewer shall be given the express condition that the council may at any time before the work is completed revoke and annul the same and no party interested shall have a right to claim damages in consequence of any such permits being revoked or annulled.

50.02 PLUMBER REQUIRED. Any connection to a public sewer shall be made by a plumber approved by the city. The superintendent shall have the power to suspend the approval of any plumber for violation of any of the provisions of this chapter; a suspension, unless revoked, shall continue until the next regular meeting of the 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 he/she 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 revoke the suspension or take any further action that is necessary and proper.

50.03 EXCAVATIONS. All excavations for building sewer installations shall be made in accord with the following:

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

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

3. Construction Methods. All excavation required for the installation of a building sewer shall be open trench work unless otherwise approved by the city. Pipe laying and backfill shall be performed in accordance with A.S.T.M. specification C12-19, except that no backfill shall be placed until the work has been completed.

4. Restoration of Public Property. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city, at the expense of the property owner.

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

50.04 CONNECTION REQUIREMENTS. Any connection with a public sanitary sewer must be made under the direct supervision of the city and in accordance with the following:

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

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

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

4. Water Lines. When possible, building 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.

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

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

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

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

D. Deviations: Any deviation in alignment or grade shall be made only with the written approval of the city and shall be made only with properly curved pipe and 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 be polyvinyl chloride (PVC) in conformance with ASTM D 3034 "Standard Specification for Type PSM Polyvinyl Chloride (PVC) Sewer Pipe and Fittings"

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

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

A. Clay sewer Pipe - compression joints in accordance with A.S.T.M. C425-71

B. Cast Iron Soil Pipe - A.S.T.M. A74-69

12. Unstable Soil. No sewer connection shall be laid so that 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 or vitrified clay sewer pipe thoroughly encased in concrete shall be required for such crossings. Such encasement shall extend at least six (6) inches on all sides of the pipe. The cast iron pipe or encased clay 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. Backflow Valve. All new construction shall include a backflow valve to keep sewerage from reentering the building. The City is not responsible for sewer backup.

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

1. Designs and Location. All interceptors shall be of a type and capacity as provided by the Iowa Public Health Bulletin and state plumbing code, to be approved by the city, and shall be located so as to be readily and easily accessible for cleaning and inspection.

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

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

50.06 SEWER TAP. Connection of the building sewer into the public sewer shall be made at the "Y" branch, if such branch is available at a suitable location. If the public sewer is twelve (12) inches diameter or less and no properly located "Y" branch is available, the owner shall at the owner's expense install a "Y" branch in the public sewer at the location specified by the city. Where the public sewer is greater than twelve (12) inches and no properly located "Y" branch is available, a neat hole may be cut into the public sewer to receive the building sewer with entry in the downstream direction at an angle of approximately forty-five (45) degrees.

A forty-five (45) degree ell may be used to make such connection, with the spigot end cut so as not to extend past the inner surface of the public sewer. The invert of the private sewer at the point of connection shall be at the same or at a higher elevation than the invert of the public sewer. A smooth neat joint shall be made, and the connection made secure and water tight by encasement in concrete. Special fittings may be used for the connection only when approved by the city. At no time shall a building sewer be constructed so as to enter a manhole unless special written permission is received from the superintendent and in accordance with the superintendent if such connection is approved.

50.07 CONNECTION DEADLINE. All approved connection permits shall require the owner to complete construction and connection of the building sewer to the public sewer within thirty (30) days from the approval of the permit, except that when, in the judgment of the superintendent, a property owner on application has made sufficient showing that due to conditions beyond the owners' control or peculiar hardship, the period of time set for the completion of the connection shall be inequitable or unfair to the owner, and extension of time within which to comply with the provisions herewith may be granted.

50.08 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 the work as to workmanship and material; no sewer pipe laid underground shall be covered or trenches filled until after the sewer has been so inspected and approved. If the superintendent refuses to approve the work, the plumber or owner must proceed immediately to correct the work.

50.09 PROPERTY OWNER'S RESPONSIBILITY. All costs and expenses incident to the installation, connection and maintenance of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage they may directly or indirectly be occasioned by the installation of the building sewer. Contractors working on sewer service lines that include excavating in, on or under City streets or rights-of-way shall carry liability insurance with limits of no less than \$1,000,000.00.

50.10 ABATEMENT OF VIOLATIONS. Construction or maintenance of building sewer lines whether located upon the property of any owner in the public right of way which construction or maintenance is in violation of any of the requirements of this article, shall be corrected, at the owner's expense, within thirty (30) days after date of official notice from the 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 in the same manner as general property taxes.

(Code of Iowa, 2013, Sec. 364.12 (3))

TITLE III - MENTAL AND PHYSICAL HEALTH
CHAPTER 3 - LIQUID WASTES

ARTICLE 51

USE OF PUBLIC SEWERS

51.01 STORM WATER. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface 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 designed as combined sewers or storm sewers, or to natural outlet approved by the superintendent. Industrial cooling water or unpolluted process waters may be discharged on approval of the city, to a storm sewer, combined sewer, or natural outlet.

51.02 SURFACE WATERS EXCEPTIONS. Special permits for discharging surface waters to a public sanitary sewer may be issued by the council where such discharge is deemed necessary or advisable for purposes of flushing, but any permit so issued shall be subject to revocation at any time when deemed to the best interests of the sewer system.

51.03 PROHIBITED DISCHARGES. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

1. **Flammable or Explosive Material.** Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
2. **Toxic or Poisonous Materials.** Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, 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. Any waters or wastes having a PH lower then 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.

51.04 RESTRICTED DISCHARGES. No person shall discharge or cause to be discharged the following described substances, material, waters, or wastes if it appears likely in the opinion of the city that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming its opinion as to the acceptability of these wastes, the city will give consideration to such factors as the quantities of subject

wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

1. High Temperature. Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees F. (65 degrees C).
2. Fat, Oil or Grease. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) milligrams per liter or six hundred (600) milligrams per liter of dispersed or other soluble matter.
3. Viscous Substances. Water or wastes containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees F and 65 degrees C.
4. Garbage. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the superintendent.
5. Acids. Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions whether neutralized or not.
6. Toxic or Poisonous Wastes. Any water or wastes containing a toxic or poisonous substance or of high chlorine demand in sufficient quantity to injure or to interfere with any sewage treatment process, constitute a hazard to animals or humans, or create any hazard in the receiving waters or the effluent of the sewage treatment plant. Materials such as copper, zinc, chromium, or similar toxic substances shall be limited to the following average quantities in the sewage as it arrives at the plant and at no time shall the hourly concentration at the sewage treatment plant exceed three (3) times the average concentration.

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

7. Odor or Taste. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the city as necessary, after treatment of the composite sewage, to meet the requirements of State, Federal, or other public agencies or jurisdiction for such discharge to the receiving waters.
8. Radioactive Wastes. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the city in compliance with applicable State or Federal regulations.
9. Excess Acidity. Any waters or wastes having a PH in excess of 10.0.

10. Unusual Wastes. Materials which exert or cause:

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

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

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

D. Unusual volume of flow or concentration of wastes constituting "slug" 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.

51.05 RESTRICTED DISCHARGES - POWERS. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 51.04 of this article, and which in the judgment of the city may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the city may:

1. Rejection. Reject the wastes.

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

3. Controls Imposed. Required 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 Article 5 of this chapter.

51.06 SPECIAL FACILITIES. If the city permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the city and subject to the requirements of all applicable codes, ordinances, and laws. Where preliminary treatment of flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

51.07 CONTROL MANHOLES. When required by the council, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the city. The manhole shall be installed by the owner at the owner's expense, and shall be maintained by the owner so as to be safe and accessible at all times.

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

51.09 SPECIAL AGREEMENTS PERMITTED. No statement in this article 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.

TITLE III - MENTAL AND PHYSICAL HEALTH
CHAPTER 3 - LIQUID WASTE

ARTICLE 52
PRIVATE SEWER SYSTEMS

52.01 **WHEN PROHIBITED.** Except as otherwise provided in this article, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

(Code of Iowa, 2013, Sec. 364.12 (3f))

52.02 **WHEN REQUIRED.** Where a public sanitary sewer is not available under the provisions of Section 49.05, the building sewer shall be connected to a private sewage system complying with the provisions of this article.

52.03 **PERMIT REQUIRED: APPLICATION: FEE.** Before commencing the construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the superintendent. The application shall be made on a form furnished by the city, which applicant shall supplement by any plans, specifications and other information as are deemed necessary by the superintendent. A permit and inspection fee of thirty-five dollars (\$35.00) shall be paid to the city at the time the application is filed.

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

52.05 **COMPLIANCE WITH STATE RULES.** The type, capacity, location and layout of a private sewage disposal system shall comply with all recommendations of the state department of health.

52.06 **DISCHARGE TO NATURAL OUTLETS PROHIBITED.** No septic tank or cesspool shall be permitted to discharge to any natural outlet.

52.07 **MAINTENANCE OF FACILITIES.** The owner of private sewage disposal facilities shall operate and maintain the facilities in a sanitary manner at all times and at no expense to the city.

52.08 **ADDITIONAL REQUIREMENTS.** No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by any health officer acting in an official capacity.

52.09 **PRIVATE SYSTEMS ABANDONED.** Within ninety (90) days of notice that a public sewer is available to a property served by a private sewage disposal system, as provided in Section 49.05, a direct connection shall be made to the public sewer in

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

(Code of Iowa, 2013, Sec. 364.12 (3f))

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

TITLE III - MENTAL AND PHYSICAL HEALTH
CHAPTER 3 - LIQUID WASTES

ARTICLE 53
SEWER RENTAL

53.01 **DEPOSIT.** Before sanitary sewer use is allowed, a deposit for use of the sewer system shall be paid to the city administrator in an amount equal to the highest billing of sewer for one month in the previous twelve (12) month period. The deposit for a sewer service customer for a property which has not previously received service or does not have a recent twelve month history, shall be one hundred fifty dollars (\$150.00). The deposit shall be refundable after twelve (12) months by the City Administrator/Clerk, if the payment record of the depositor has never been delinquent. The deposit shall be returned in full to any sewer service customer who terminates service to move out of the city, deducting any portion owed to the city for sewer service and any amounts owed for any other reason. Tenants will receive the deposit back once final bill has been paid. "Tenant" shall mean a person entitled under a rental agreement to occupy a dwelling unit to the exclusion of another.

53.02 **RENTAL RATE.** Each contributor shall pay sewer rent equal to Seven Dollars and Fifty-five Cents (\$9.55) per thousand gallons of water billed per month to that contributor.
(Code of Iowa, 2013, Sec. 384.84 (1))

53.02A **BASE RENTAL RATE.** Each contributor shall pay a base sewer rent equal to Six Dollars (\$6.00) per month in addition to the sewer rental billed per month to that contributor.

53.03 **SPECIAL RATES.** Where in the judgment of the superintendent and the council, special conditions exist to the extent that the application of the sewer rental provided in Section 53.01 would be inequitable or unfair to either the city or the contributor, a special rate shall be proposed by the superintendent and submitted to the council for approval by resolution.

(Code of Iowa, 2013, Sec. 384.84 (1))

53.04 **PAYMENT OF BILLS.** All sewer rental shall be due and payable under the same terms and conditions provided for payment for water service except that the provisions of Section 53.05 shall be used to enforce collection of delinquent sewer charge. Water service may not be discontinued for failure to pay sewer rental charges.

(Code of Iowa, 2013, Sec. 384.84 (1))

53.05 **LIEN FOR NON PAYMENT.** Sewer Rental charges remaining unpaid and delinquent shall be certified by the city administrator to the county auditor for collection in the same manner as property taxes.

(Code of Iowa, 2013, Sec. 384.84 (1))

53.06 **RENTAL RATES FOR WATER USED AND NOT RETURNED TO THE SEWER SYSTEM.** All water flowing through a special meter and not passing through or cycling into the city's sanitary sewer system, shall not increase the consumer's sanitary sewer rental rate if, 1) the consumer installs a sealed register-type meter, 2) the meter is purchased

from the city, 3) the meter will register only water used outside the home, such as tree, shrub, garden and lawn watering, 4) all piping and installation of the meter will be at consumer's expense, and 5) installation of piping and meter is subject to inspection by the city. Billing for water run through the special meter will be to the consumer on an annual basis, and the rate for this water will be the same rate as the current water rate with no additional sewer rental rate.

53.07 FINANCIAL RESPONSIBILITY. All owners or purchasers of real estate to which is supplied the city services of electricity, water, sewer, and/or garbage collection shall be equally financially responsible with any tenants of the real estate for the payment of all charges due by the tenant for any such services supplied. The city administrator may require as a condition for the supplying of such services a written agreement from the owner or purchaser of real estate acknowledging such financial responsibility.

All property owners renting out real estate shall be sent the utility bill, including sewer charges. The property owner shall be responsible to pay the utility bill for the tenant and collect the bill from the tenant. If the property owner provides the City with a copy of a written and signed agreement stating the tenant is responsible for paying the utility bill including sewer, the City shall bill the tenant and not the property owner. Such copy of the written agreement and all new agreements must be received by the City within thirty (30) days of the original agreement and within thirty (30) days of change of tenant, or the utility bill remains in the property owner's name.

TITLE III - MENTAL AND PHYSICAL HEALTH
CHAPTER 4 - SOLID WASTE CONTROL

ARTICLE 54

GENERAL PROVISIONS

54.01 **PURPOSE.** The purpose of this chapter is to provide for the sanitary storage, collection and disposal of solid wastes and, thereby, to protect the citizens of this city from such hazards to their health, safety and welfare as may result from the uncontrolled disposal of solid wastes.

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

1. "Solid Waste": shall mean garbage, refuse, rubbish, and other similar discarded solid or semisolid material, including but not limited to such materials resulting from industrial, commercial, agriculture, and domestic activities. Solid waste may include vehicles, as defined by Section 321.1 of the Code of Iowa.
2. "Garbage": shall mean all solid and semisolid, putrescible animal and vegetable wastes resulting from the handling, preparing, cooking, storing serving and consuming of food or of material intended for use as food, and all offal, excluding useful industrial by-products, and shall include all such substances from all public and private establishments and from all residences.
3. "Refuse": shall mean putrescible and nonputrescible wastes, including but not limited to garbage, rubbish, ashes, incinerator residues, street cleanings, market and industrial solid wastes and sewage treatment wastes in dry and semisolid form.
4. "Rubbish": shall mean nonputrescible solid waste consisting of combustible and noncombustible wastes, such as ashes, paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery or litter of any kind.
5. "Open burning": shall mean any burning of combustible materials where the products of combustion are emitted into the open air without passing through a chimney or stack.
6. "Landscape waste": shall mean any vegetable or plant wastes except garbage. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery and yard trimmings.
7. "Back yard burning": shall mean the disposal of residential waste by open burning on the premises of the property where such waste is generated.
8. "Residential waste": shall mean any refuse generated on the premises as a result of residential activities. The term includes landscape wastes grown on the premises or deposited thereon by the elements, but excludes garbage, tires and trade wastes.
9. "Discard": shall mean to place, cause to be placed, throw, deposit or drop.
10. "Litter": shall mean any garbage, rubbish trash, refuse, waste materials or debris.

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

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

13. "Sanitary disposal project": shall mean all facilities and appurtenances including all real and personal property connected with such facilities, which are acquired, purchased, constructed, reconstructed, equipped, improved, extended, maintained, or operated to facilitate the final disposition of solid waste without creating a significant hazard to the public health or safety, and which are approved by the executive director.

14. "Toxic and hazardous wastes": shall mean waste materials, including but not limited to poisons, pesticides, herbicides, acids, caustics, pathological wastes, flammable or explosive materials and similar harmful wastes which require special handling and which must be disposed of in such a manner as to conserve the environment and protect the public health and safety.

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

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

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

18. "Director": shall mean the director of the state Department of Natural Resources or his/her designee.

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

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

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

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

54.05 **OPEN BURNING PROHIBITED.** No person shall allow, cause or permit unattended open burning of combustible material, except that the following shall be permitted, if such fires are attended by a least one competent person, however, when any fire causes a nuisance appropriate action may be taken to require cessation or relocation of the building operation:

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.

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

3. Flare Stack. 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 environmental quality and upon approval of the City Council.

4. Recreational Fires. Open fires for cooking, heating, recreation and ceremonies, provided they comply with the limits for emission of visible air contaminants established by the state department of environmental quality, and provided that such fires are contained within a grill, designated fire pit not to exceed nine (9) square feet, outdoor fireplace, outdoor chimney or similar device.

5. Yard Waste Burning. Burning of yard waste during a designated period as may be established by the City Council semi-annually.

6. Training Fires. Fires set for the purpose of bona fide training of public or industrial employees in firefighting method, provided that the executive director of the state department of environmental quality receives notice in writing at least one week before such action commences.

7. Variance. Any person wishing to conduct open burning of materials not exempted herein make application for a variance to the state department of environmental quality and the City Council. A permit for any variance allowed shall be issued by the fire chief with a copy sent to the Clayton County Sheriff Department.

54.06 **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.

54.07 OPEN DUMPING PROHIBITED. No person shall dump, deposit or permit the open dumping or depositing of any solid waste except rubble at any place other than a sanitary disposal project approved by the director of the state Department of Natural Resources.

54.08 TOXIC AND HAZARDOUS WASTES.

1. Labeling. All containers used for the storage, collection, or transportation of toxic or hazardous wastes shall be plainly marked so as to provide adequate notice of the contents thereof.

2. Vehicles and Containers. All vehicles and containers used for the storage, collection and/or transportation of toxic and hazardous wastes shall be so constructed that they can be loaded, moved and unloaded in a manner that does not create a danger to public health or safety and in compliance with federal and state laws, rules and regulations.

3. Disposal. No person shall deposit in a solid waste container or otherwise offer for collection any toxic or hazardous wastes. Such materials shall be transported by the owner, reliable person or his agent, to a place of safe deposit or disposal as prescribed by the health officer or his authorized representative.

54.09 WASTE STORAGE CONTAINERS. Every person owning, managing, operating, leasing or renting any premises, dwelling unit or any place where refuse accumulates shall provide and at all times maintain in good working order and repair, portable containers for refuse in accordance with the following:

1. Container Specifications. Waste storage containers shall comply with the following specifications:

A. Residential. Residential waste containers shall be of not less than 20 gallons nor more than 33 gallons in nominal capacity; shall be leak proof, water proof and fitted with a fly tight lid which shall be kept in place except when depositing or removing the contents thereof. They shall have handles, bails or other suitable lifting devices or features and be of a type originally manufactured for the storage of residential wastes with tapered sides for easy emptying. They shall be of light weight and sturdy construction with the total weight of any individual containers and contents not exceeding 40 pounds. Galvanized metal containers, rubber, plastic, or fiberglass containers and plastic containers which do not become brittle in cold weather may be used. Disposable containers or other containers as approved by the city may also be used.

B. Commercial. Every person owning, managing, operating, leasing or renting any commercial premise where excessive amounts of refuse accumulates and where its storage in portable containers as required above is impractical, shall maintain metal bulk storage containers approved by the city.

2. Location of Containers. Residential solid waste containers shall be stored upon the residential premises. Commercial solid waste containers shall be stored upon private property, unless the owner shall have been granted written permission from the city to use public property for such purposes. The storage site shall be well drained; fully accessible to collection equipment, public health personnel and fire inspection personnel.

3. Non-conforming Containers. Solid wastes containers which are not adequate will be collected together with their contents and disposed of after due notice to the owner.

54.10 STORAGE OF YARD WASTES. All yard wastes, including leaves, grass clippings and small twigs, shall be bagged and shall not exceed fifty (50) pounds. Tree limbs less than 4" in diameter and brush shall be securely tied in bundles not larger than 48" long and 18" in diameter when not placed in storage containers. The weight of any individual bundle or container shall not exceed fifty (50) pounds.

54.11 SANITARY DISPOSAL REQUIRED. It shall be the duty of each owner to provide for the sanitary disposal of all refuse accumulating on the owner's premises before it becomes a nuisance. Any such accumulation remaining on any premises for a period of more than (30) days shall be deemed a nuisance and the city may proceed to abate such nuisances in accordance with the provisions of Title 3, Chapter 1, Article 46, or by initiating proper action in district court.

(Code of Iowa, 2013, Ch 657)

54.12 PROHIBITED PRACTICES. It shall be unlawful for any person to:

1. Unlawful Use of Containers. Deposit refuse in any solid waste container other than his or her own.

2. Interfere with Collectors. Interfere in any manner with solid waste collection equipment or with solid waste collectors in the lawful performance of their duties as such, whether such equipment or collectors be those of the city, or those of any other authorized waste collection service.

3. Unlawful Disposal. Dispose of refuse at any facility or location which is not an approved sanitary disposal project.

4. Unlawful Collection. Engage in the business of collecting, transporting, processing or disposing of refuse within the city without a contract therefore with the city or a valid permit therefore.

5. Incinerators. Burn rubbish or garbage except in approved incinerators so maintained and operated as to prevent the emission of objectionable odors or particulate matter.

54.13 PROHIBITED WASTES. No person shall deposit in a solid waste container or otherwise offer for collection any of the following wastes:

1. Toxic or hazardous wastes.
2. Radioactive wastes.
3. Tires.
4. Motor vehicle batteries.
5. New or used motor oil or hydraulic oil.
6. “White goods”, including but not limited to washers, dryers, refrigerators, stoves and water heaters.
7. Motor vehicles.
8. Tree limbs, brush or yard wastes except as may be collected by the city other than at regular refuse collection times for the purpose of composting or other authorized disposal by the city.

TITLE III - MENTAL AND PHYSICAL HEALTH
CHAPTER 4 - SOLID WASTE CONTROL

ARTICLE 55
COLLECTION AND TRANSPORTATION

55.01 **DEFINITIONS.** For use in this article the following terms are defined:

1. "Residential premises": means a single family dwelling and any multiple family dwelling up to and including four (4) separate quarters. Garden type apartments and row type housing units shall be considered residential premises regardless of the total number of such apartments or units which may be included in a given housing development.
2. "Collectors": shall mean any person authorized by this article to gather solid waste from public and private places.
3. "Dwelling unit": shall mean any room or group of rooms located within a structure and forming a single habitable unity with facilities which are used, or are intended to be used, for living, sleeping, cooking and eating.
4. "Single family dwelling": shall mean a structure containing one dwelling unit only.
5. "Multiple family dwelling": shall mean a structure containing more than one dwelling unit.
6. "Property served": shall mean any property which is being used or occupied and is eligible to receive refuse collection and disposal service as provided herein.

55.02 **COLLECTION SERVICE.** The city shall provide for the collection of all refuse within the city.

55.03 **COLLECTION VEHICLES.** Vehicles or containers used for the collection and transportation of garbage and similar putrescible waste or refuse containing such materials shall be leak proof, durable and of easily cleanable construction. They shall be cleaned to prevent nuisances, pollution or insect breeding and shall be maintained in good repair.

55.04 **LOADING.** Vehicles or containers used for the collection and transportation of any solid waste shall be loaded and moved in such manner that the contents will not fall, leak, or spill there from, 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 transported and returned to the vehicle or container and are properly cleaned.

55.05 **FREQUENCY AND AMOUNT OF COLLECTION.** Refuse collection for residential property shall be 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. Each residential property served may dispose of one bag or can of solid waste each week not to exceed thirty-three (33) gallons in size nor forty (40) pounds in weight. Each additional bag or can, not to exceed thirty-three (33) gallons or forty (40) pounds in weight, left for collection must be affixed with a garbage tag available from the city administrator's office at the rate of One Dollar and fifty cents (\$1.50) per tag.

55.06 **LOCATION OF CONTAINERS.** Containers for the storage of wastes awaiting collection shall be placed at the curb or alley line by the owner or occupant of the premises served. Containers or other wastes placed at the curb line shall not be placed more than 12 hours in advance of the regularly scheduled collection day and shall be promptly removed from the curb line following collection.

55.07 **BULKY RUBBISH.** Bulky rubbish that is too large or heavy to be collected in the normal manner of other refuse may be collected at the discretion of the collector upon request.

55.08 **TREE LIMBS AND BRUSH.** Tree limbs of less than four inches in diameter and brush will be collected provided they are placed at the curb or alley line, securely tied in bundles not more than 48 inches long or 18 inches in diameter when not in approved containers and weigh no more than 40 pounds, at times specified by the city, only.

55.09 **YARD WASTES.** Yard waste will be collected provided they are stored in container so as to prevent the dispersal of such wastes upon the premises served or upon adjacent property or public rights of way. The weight of any individual container shall not exceed 40 pounds, and shall be collected at times specified by the city, only.

55.10 **RIGHT OF ENTRY.** Solid waste collectors are hereby authorized to enter upon private property for the purpose of collecting refuse there from as required by this article, however solid waste collectors shall not enter dwelling units or other residential buildings.

55.11 **COLLECTORS LICENSE.** No person shall engage in the business of collecting, transporting, processing or disposing of solid waste other than his/her own within the city without first obtaining from the city an annual license for each vehicle or container to be used in accordance with the following:

1. Application for a waste collector's license shall be made to the clerk and provide the following:

A. Name and Address. The full name and address of the applicant, and if a corporation, the names and addresses of the officers thereof.

B. Equipment. A complete and accurate listing of the number and type of collections and transportation equipment to be used.

C. Collection Program. A complete description of the frequency, routes, and method of collection and transportation to be used.

D. Disposal. A statement as to the precise location and method of disposal of processing facilities to be used.

2. Insurance. No collector's license shall be issued until and unless the applicant therefore, in addition to all other requirements set forth, shall file and maintain with the city, evidence of

satisfactory public liability insurance covering all operations of the applicant pertaining to such business and all equipment and vehicles to be operated in the conduct thereof in the following minimum amount:

Bodily injury - \$1,000,000 each person
\$2,500,000 each occurrence

Property damage-\$1,000,000

Each insurance policy required hereunder shall include as part thereof provisions requiring the insurance carrier to notify the city of the expiration, cancellation or other termination of coverage not less than 30 days prior to the effective date of such action.

3. License Fee. A license fee in the amount of \$250.00 for each vehicle or transport container to be used in the city shall accompany the application. In the event the requested license is not granted, the fee paid shall be refunded by the city administrator to the applicant.

4. License Issued. If the city administrator upon investigation finds the application to be in order and determines that the applicant will collect, transport, process or dispose of refuse without hazard to the public health or damage to the environment and in conformity with law and ordinance the city administrator shall issue the requested license to be effective for a period of one year from the date approved.

5. License Denied - Appeal. If the city administrator refuses to issue a requested license the applicant shall be notified in writing of the reasons for such refusal and the applicant's right of appeal to the council. The council shall consider any appeals at its next regular meeting and may affirm, reverse or modify the determination of the city administrator.

6. License Number Displayed. All vehicles, mobile equipment or facilities operated by virtue of a license granted hereunder shall have prominently displayed thereon in a clearly visible manner the license number under which operated.

7. License Renewal. An annual license may be renewed simply upon payment of the required fee if operated in substantially the same manner as provided in the original application and by providing the clerk with a current listing of vehicles, equipment and facilities in use.

8. License Not Transferable. No license authorized by this article may be transferred to another person, or entity.

9. Owner May Transport. Nothing herein is to be construed so as to prevent the owner from transporting refuse accumulating upon premises owned, occupied or used by him, provided such refuse is disposed of properly in an approved sanitary disposal project.

55.12 COLLECTION FEES. The collection and disposal of refuse as provided by this article is declared to be a benefit to the property served or eligible to be served and there shall be levied and collected fees therefore in accordance with the following:

(Goreham vs. Des Moines, 1980, 179 N.W. 2nd, 44)

1. Schedule of Fees. The fee for refuse collection and disposal service used, or available shall be:

For each residential property served.....	\$12.42 per month
For each commercial property served (if collected by current City hauler.....	\$12.42 per month
Recycling Only Charge (only available to properties with dumpster for waste collection that does not utilize the current City hauler).....	\$ 3.20 per month
For each garbage tag.....	\$ 1.50 per tag
For residential landfill fee.....	\$.35 per month
For commercial landfill fee.....	\$.35 per month

2. Payment of Bills. All fees shall be due and payable under the same terms and conditions provided for payment for water service except that the provisions of Subsection 3 hereof shall be used to enforce collection of delinquent fees.

(Code of Iowa, 2013, Sec. 384.84 (1))

3. Lien for Non-payment. Fees remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified by the city administrator to the county auditor for collection in the same manner as property taxes.

(Code of Iowa, 2013, Sec. 384.84 (1))

55.13 FINANCIAL RESPONSIBILITY. All owners or purchasers of real estate to which is supplied the city services of electricity, water, sewer, and/or garbage collection shall be equally financially responsible with any tenants of the real estate for the payment of all charges due by the tenant for any such services supplied. The city administrator may require as a condition for the supplying of such services a written agreement from the owner or purchaser of real estate acknowledging such financial responsibility.

All property owners renting out real estate shall be sent the utility bill, including garbage collection fees. The property owner shall be responsible to pay the utility bill for the tenant and collect the for bill from the tenant. If the property owner provides the City with a copy of a written and signed agreement stating the tenant is responsible for pay the utility bill including sewer, the City shall bill the tenant and not the property owner. Such copy of the written agreement and all new agreements must be received by the City within thirty (30) days of the original agreement and within thirty (30) days of change of tenant, or the utility bill remains in the property owner's name.

TITLE III - MENTAL AND PHYSICAL HEALTH
CHAPTER 4 - SOLID WASTE CONTROL

ARTICLE 56
SOLID WASTE DISPOSAL

56.01 **DEFINITIONS:** For use in this article the following terms are defined:

1. "Processing Facility": shall mean any incinerator, baler, shredder or similar facility or process employed to reduce the volume of, or change the characteristics of, solid waste prior to final disposal.

2. "Site": shall mean any location, place or tract of land used for collection, storage, conversion, utilization, incineration or burial of solid wastes.

3. "Scavenging": shall mean the collecting, picking up or gathering of discarded material no longer of value for its original purpose but which has value if reclaimed.

4. "Operator": shall mean the person or agency authorized to conduct disposal operations at a public sanitary landfill or licensed private landfill.

5. "Resident": shall mean in addition to any person residing in the city, any person occupying or using any commercial, industrial or institutional premises within the city.

56.02 SANITARY DISPOSAL REQUIRED. Solid wastes generated or produced within the city shall be disposed of at a sanitary disposal or processing facility approved by the city and by the executive director of the Iowa state department of environmental quality.

56.03 OPEN DUMPING PROHIBITED. No person shall cause, allow or permit the disposal of solid wastes upon any place within the jurisdiction of the city owned or occupied by that person unless such place has been designed by the city as a licensed sanitary landfill, public sanitary landfill or an approved processing facility.

56.04 EXCEPTIONS. Nothing in this article shall prohibit the filling, leveling or grading of land with earth, sand, ashes, cinders, slag, gravel, rock, demolition or construction rubble or similar inert wastes provided the materials are not contaminated or mixed with combustible, putrescible or other waste materials, nor to the disposal of animal and agriculture wastes on land used or operated for farming.

56.05 TOXIC AND HAZARDOUS WASTES. Toxic or hazardous wastes shall be disposed of only upon receipt of and in accordance with explicit instructions obtained from the executive director of the Iowa State department of environmental quality.

56.06 RADIOACTIVE MATERIALS. Materials that are radioactive shall not be disposed of in a sanitary disposal project. Luminous timepieces are exempt.

56.07 PUBLIC SANITARY LANDFILL DESIGNATED. The sanitary landfill facilities provided by the Delaware County Solid Waste Disposal Commission are hereby designated as the official "Public Sanitary Landfill" for the disposal of solid waste produced or originating within the city.

56.08 PRIVATE SANITARY LANDFILL. No person may establish or operate a private sanitary landfill within the city for the disposal of any solid waste.

TITLE III - MENTAL AND PHYSICAL HEALTH
CHAPTER 4 - SOLID WASTE CONTROL

ARTICLE 57
RECYCLING SOLID WASTE

57.01 RECYCLING REQUIRED. The occupants of each property served shall separate the following recyclable materials from other garbage and refuse, and shall dispose of the recyclable materials as hereinafter directed:

1. Plastic Bottles and Plastics. All lids and covers shall be removed and all contents emptied from all plastic bottles. All plastic bottles and plastics shall be tied together, bundled or placed in a container approved by the city. Soda containers that are refundable, and garbage bags shall not be included in this section.

2. Glass Bottles, Glass Jars and Other Glass. All lids and covers shall be removed and all contents emptied from all glass bottles and jars. All glass bottles, jars and other glass shall be placed in a container approved by the city. Window glass, glass cookware, light bulbs and mirrors shall not be included in this section.

3. Aluminum. All contents shall be emptied from aluminum containers. All aluminum shall be placed in a container approved by the city. Aluminum shall include cans (except containers that are refundable), foil, wrappers and containers of aluminum for prepared dinners or other foods.

4. Newsprint, cardboard and paper. All newsprint, cardboard and clean paper shall be flattened, bundled and securely tied or placed in a container approved by the city. Newsprint shall include daily or weekly publications and advertising circulars including glossy printed materials whether delivered separately or with a newspaper, normally delivered or mailed to a household or business for dissemination of public information, and including magazines, catalogs, telephone books and books with hard covers removed, or similar publications.

57.02 CONTAINERS. Each property served shall purchase sufficient containers approved by the city to be used for all recyclable materials as required under this section which are not otherwise bundled, if allowed.

57.03 SEPARATION AND PLACEMENT. All recyclable materials as required under this section shall be separated from other garbage and refuse and shall be placed at the curb, alley or approved location for collection of recyclable materials, at a time directed by the city.

57.04 WHEN PICK UP NOT REQUIRED. The city, any employee, agent or contractor performing solid waste collection service shall not be required to pick up or remove recyclable materials if such recyclable materials are not tied, secured or packaged and placed at the curb, alley or approved location for solid waste collection in accordance with this section.

57.05 UNAUTHORIZED COLLECTION. At the time recyclable materials are placed at the curb, alley or other approved location for pick up pursuant to this section, such materials become the property of the city or its duly licensed solid waste collector and it shall be a violation of this section for any person not authorized and licensed by the city to collect, pick up, take or remove any such recyclable materials.

TITLE III - MENTAL AND PHYSICAL HEALTH
CHAPTER 5 - AMBULANCE SERVICE

ARTICLE 58
AMBULANCE BOARD

58.01 **PURPOSE.** The purpose of this chapter is to provide for a city ambulance service to provide for a city ambulance board and to specify the powers and duties of that board. The ambulance service shall be administratively a part of the fire department, however, it shall be controlled by the ambulance board, and shall have a separate budget.

58.02 **AMBULANCE SERVICE.** There is hereby established a city ambulance service to be operated and maintained as required in this chapter.

(Code of Iowa, 2013, Sec. 372.13 (4))

58.03 **AMBULANCE BOARD.** The city ambulance board, hereinafter referred to as the board, shall consist of five members, all of whom shall be appointed by the council, four members shall be at large regardless of their profession, one shall be a member of the medical profession, preferably a physician.

58.04 **QUALIFICATIONS OF BOARD MEMBERS.** All of the members of the board shall be bona fide citizens and residents of the city, except one member may be appointed who is a bona fide citizen and resident of Cass Township and all members must be least eighteen (18) years of age and neither paid, nor volunteer members of the city ambulance service.

58.05 ORGANIZATION OF BOARD.

1. Term of Office. All appointments to the board shall be for three (3) years except to fill vacancies. Each term shall commence on September first. Appointments shall be made every year of one-third, or as near as possible to one-third, the total number to stagger the terms.

2. Vacancies. The position of any board member shall be vacant if he/she moves permanently from the city, resigns, or is removed for just cause. Vacancies in the board shall be filled by appointment by the council, and the new board member shall fill out the unexpired term for which the appointment is made.

3. Compensation. The board members shall receive no compensation for their services.

58.06 **POWERS AND DUTIES.** The board shall have and exercise the following 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 ambulances, its equipment and medical and ambulance supplies belonging to the city.

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

4. Hiring of Personnel. To employ a director of the ambulance service, and authorize the director to employ such drivers and/or attendants as may be necessary for the proper operation of the ambulance service, and fix their compensation; provided, however, that prior to such employment, the compensation of the drivers and/or attendants shall have been fixed and approved by a majority of the members of the council voting in favor thereof.

5. Removal of Personnel. To provide procedures for the removal of driver and attendants for misdemeanor, incompetence or inattention to duty, subject however, to the provisions of Chapter 70, Code of Iowa.

6. Purchases. To select and make purchases of medical supplies, first aid supplies, small equipment and small repairs for the ambulance service within budgetary limits set by the council.

7. Use by Non-residents. To authorize the use of the ambulance service by non-residents of the city and to fix charges therefore.

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

9. Expenditures. To have exclusive control of the expenditure of all funds allocated for ambulance service purposes by the council, and of all other monies belonging to the ambulance service including charges and rental collected under the rules of the board.

(Code of Iowa, 2013, Sec. 384.20)

10. Proceedings Record. The board shall keep a written record of its proceedings.

11. Record. To keep complete and accurate written records of all runs made and all charges made and collected.

58.07 EXPENDITURES. All money appropriated by the council for the operation and maintenance of the ambulance service shall be set aside in an account for the ambulance service. Expenditures shall be paid for only on signed orders of the board. The check writing officer is the city administrator.

(Code of Iowa, 2013, Sec. 384.20)

58.08 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 ambulances, the number of runs made, the amount of charges collected, and the amount of money expended in the maintenance of the ambulances during the year, together with such further information as may be required by the council.

58.09 INJURY TO AMBULANCE OR PROPERTY. It shall be unlawful for a person to maliciously, willfully or wantonly deface, mutilate, injure or destroy, in whole or in part, any equipment, supplies, property or an ambulance belonging to the city.

TITLE IV - EDUCATION AND CULTURE
CHAPTER 1 - LIBRARY

ARTICLE 59

LIBRARY

59.01 **PURPOSE.** The purpose of this chapter is to provide for the appointment of a city library board of trustees and to specify that board's powers and duties.

59.02 **PUBLIC LIBRARY.** The library for the city shall be known as the Strawberry Point Library. It shall be referred to in this chapter as the library.

59.03 **LIBRARY TRUSTEES.** The board of trustees of the library, hereinafter referred to as the board, consists of seven members. All board members are to be appointed by the council.

(Code of Iowa, 2013, Sec. 364.1)

59.04 **QUALIFICATION OF TRUSTEES.** All of the members of the board shall be bona fide citizens and residents of the city, except one member may be appointed who is a bona fide citizen and resident of Cass Township, and all shall be over the age of eighteen (18) years.

(Code of Iowa, 2013, Sec. 364.1)

59.05 **ORGANIZATION OF THE BOARD.**

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

(Code of Iowa, 2013, Sec. 364.1)

2. Vacancies. The position of any trustee shall be vacant if he or she permanently moves from the city, or if he/she is absent from six (6) consecutive regular meetings of the board, except in the case of sickness or temporary absence from the city. Vacancies in the board shall be filled by the appointment of the mayor, with the approval of the council, and the new trustee shall fill out the unexpired term for which appointed.

(Code of Iowa, 2013, Secs. 364.1 and 392.5)

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

(Code of Iowa, 2013, Secs. 364.1 and 392.5)

59.06 **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. (Code of Iowa, 2013, Secs. 364.1 and 392).

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

(Code of Iowa, 2013, Secs. 364.1 and 392.5)

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

(Code of Iowa, 2013, Sec. 364.1 and 392.5)

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

5. Removal of Personnel. To remove the librarian, by a two-thirds vote of the board, and provide procedures for the removal of the assistants or employees for misdemeanor, incompetency or inattention to duty, subject however, to the provisions of Chapter 70, Code of Iowa.

(Code of Iowa, 2013, Secs. 364.1 and 392.5)

6. Purchases. To select or authorize the librarian to select, and make purchase 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 Council.

(Code of Iowa, 2013, Secs. 364.1 and 392.5)

7. Use by Non-residents. To authorize the use of the library by non-residents of the city and to fix charges therefore.

(Code of Iowa, 2013, Secs. 364.1 and 392.5)

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

(Code of Iowa, 2013, Secs. 364.1 392.5)

9. Expenditures. To have exclusive control of the expenditures and 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.

(Code of Iowa, 2013, Secs. 364.1 and 392.5)

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 bill 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.

(Code of Iowa, 2013, Secs. 364.1 and 392.5)

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, 2013, Ch. 661)

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

13. County Historical Association. To have the 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.

(Code of Iowa, 2013, Secs. 364.1 and 392.5)

59.07 CONTRACTING WITH OTHER LIBRARIES. The board shall have power to contract with other libraries in accordance with the following:

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

(Code of Iowa, 2013, Secs. 364.1, 392.5 and 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 to the electors by the governing body of a contracting party on a written petition of not less than five (5) percent in number of the electors who voted for governor in the territory of the contracting party at the last general election. The petition must be presented to the governing body not less than forty (40) days before the election. The proposition may be submitted at any election provided that is held in the territory of the party who is seeking to terminate the contract.

(Code of Iowa, 2013, Secs. 364.1 and 392.5)

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

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

(Code of Iowa, 2013, Secs. 364.1 and 392.5)

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

(Code of Iowa, 2013, Secs. 354.1 and 392.5)

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

(Code of Iowa, 2013, Secs. 364.1 and 392.5)

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

(Code of Iowa, 2013, Secs. 364.1 and 392.5)

59.09 **EXPENDITURES.** All money appropriated by the council for the operation and maintenance of the library shall be set aside in the account for the library. Expenditures shall be paid for only on orders of the board, signed by its president and secretary. The check writing officer is the city administrator.

(Code of Iowa, 2013, Secs. 364.1 and 392.5)

59.10 **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 the fines collected, and the amount of money expended in 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.

(Code of Iowa, 2013, Sec. 364.1 and 392.5)

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

(Code of Iowa, 2013, Ch. 716)

TITLE V - LEISURE TIME OPPORTUNITIES
CHAPTER 1

ARTICLE 60

RESERVED FOR FUTURE USE

TITLE V - LEISURE TIME OPPORTUNITIES
CHAPTER 2-SWIMMING POOL

ARTICLE 61
SWIMMING POOL

61.01 **PURPOSE.** The purpose of this chapter is to provide for the operation and maintenance of the public swimming pool.

61.02 **SWIMMING POOL.** The public swimming pool for the City shall be known as the Strawberry Point Municipal Swimming Pool. It shall be referred to in this chapter as the swimming pool.

61.03 **MANAGER: APPOINTMENT, DUTIES.** Each year the council shall appoint a swimming pool manager who shall supervise the operation and maintenance of the swimming pool and enforce all regulations concerning the swimming pool in accordance with this chapter. The manager shall make such rules, not in conflict with the provisions of this code, as may be needed for the detailed operation of the swimming pool, subject to the approval of the council. In the event of an emergency, the manager may make temporary rules for the protection of the swimming pool or equipment until due consideration of the council may be had.

(Code of Iowa, 2013, Sec. 364.1)

61.04 **HIRING OF PERSONNEL.** Each year the City Council shall employ an assistant manager, life guards and such other employees as may be necessary for the proper operation and maintenance of the swimming pool, and the Council shall set the compensation of the assistant manager, life guards and employees.

(Code of Iowa, 2013, Sec. 364.1)

61.05 **MANAGER COMPENSATION.** The manager shall receive such compensation as the council, by resolution, shall set.

61.06 **FEES.** The council shall, by resolution, set any necessary fees for the use of the swimming pool.

61.07 **EXPENDITURES.** All money appropriated by the council for the operation and maintenance of the swimming pool, and moneys collected as admission fees or otherwise shall be set aside in an account for the swimming pool. Expenditures shall be paid upon orders of the council.

61.08 **REPORTS.** The city administrator and the manager shall, when requested by the council, make such financial reports or reports on the operation and maintenance of the swimming pool.

61.09 **INFECTIOUS DISEASES.** It shall be unlawful for a person who has contracted an infectious disease to swim in the swimming pool until such disease is no longer infectious.

(Code of Iowa, 2013, Sec. 364.)

TITLE V - LEISURE TIME OPPORTUNITIES
CHAPTER 3-RECREATION PROGRAM

ARTICLE 62
RECREATION PROGRAM

62.01 **RECREATION PROGRAM.** The city council may establish a city recreation program for leisure time activities and opportunities.

62.02 **EMPLOYEES AND COMPENSATION.** Each year the city council shall appoint such coaches and supervisors as it shall deem necessary to supervise the recreational program of the city and to enforce all regulations concerning the recreational program as directed by the city council. The council may employ such other employees for the recreational program as it may deem necessary for the proper operation of the recreation program, and the council shall set compensation for all positions in the recreation program.

62.03 **FEES.** The council shall by resolution set any necessary fees for the participation in any part of the recreation program.

62.04 **EXPENDITURES.** All money appropriated by the council for the recreational program and moneys collected as directed by the council or otherwise, shall be set aside in an account for the recreation program. Expenditures shall be made only upon the orders of the council.

TITLE V - LEISURE TIME OPPORTUNITIES
CHAPTER 4 - CABLE TELEVISION

ARTICLE 63
REGULATION

63.01 DEFINITIONS. The following words and phrases, when used in this chapter, shall for the purposes of this chapter, have the following meanings ascribed to them:

1. “Cable Television System”: shall mean any facility that, in whole or in part, receives directly or indirectly over the air, and amplifies or otherwise modifies the signals transmitting programs broadcast by one or more television or radio stations and distributes said signals, by wire and cable to subscribing members of the public who pay for such services.
2. “Channel”: shall mean the segment of the electromagnetic spectrum to which a source of television transmission is assigned.
3. “City”: shall mean the City of Strawberry Point, Iowa, its officers, agents, employees, servants and independent contractors when the context so requires.
4. “FCC”: shall mean the Federal Communications Commission.
5. “Franchise”: shall mean the rights, privileges and authority granted by the city to the grantee hereunder and shall include all of the terms and conditions of this chapter.
6. “Grantee”: shall mean the person granted a franchise by an election, and shall include the grantee, its officers, agents, employees, servants and independent contractors when the context so requires.
7. “Person”: shall mean any individual, or any corporation, business, firm or other entity, and shall be construed as singular or plural, masculine, feminine or neuter, as the context may require.
8. “Private Property”: shall mean all property, real personal or mixed, owned by a private person, including property owned by a public utility not owned or operated by the city.
9. “Property of the Grantee”: shall mean all property, real, personal or mixed owned by a private person, including property not owned or operated by the city.
10. “Public Property”: shall mean all property, real personal or mixed, owned and used by the city, including property owned or used by a public utility owned or operated by the city.

63.02 PUBLIC ACCESS. Grantee shall provide installation, including all external wiring required for the building and all internal wiring for the connection of one outlet, and cable service without charge to all public and private primary and secondary schools and all municipally-owned buildings located within the city.

63.03 CAPACITY AND PROGRAMMING. Grantee shall provide as a part of its cable television service the signals of all television broadcast signals generally available off-the-air

to residents in the city and a number of additional television signals consistent with the rules and regulations of the FCC and all other applicable laws, rules and regulations. Grantee may provide such automated video services and such audio services as it wishes and are consistent with the terms of this chapter.

63.04 PERMISSION FROM SCHOOLS. Grantee shall not televise, tape or in any way reproduce or show to the general public any school activity, either as a public service or as a commercial activity, without the prior written approval of the school(s) involved.

63.05 COMPLAINTS. Grantee shall make every reasonable effort to resolve any and all complaints to the satisfaction of the subscriber. Upon receipt by it of any service complaint, the city will forward a copy to the Grantee. Within forty-eight (48) hours, grantee shall satisfy the complaint or notify the city of its refusal or inability to do so. Upon satisfaction of a complaint, Grantee shall send a notice of satisfaction to the city with the particulars of the action taken, and the city shall forward said notice to the complainant. If Grantee refuses or is unable to satisfy the complaint, it shall send a notice of non-satisfaction to the city which shall forward a copy to the complainant, with a statement of the procedure to follow to further prosecute the complaint.

When a complaint has not been satisfied, the complainant may file a formal complaint with the city council, in writing. The formal complaint must be filed with thirty (30) days from the date of the Grantee's notice of non-satisfaction. Upon receipt of the formal complaint, the city council, or its designated agent, shall investigate the matter, make a decision and shall have the power to enforce its decision, if against Grantee, by any action up to and including revocation of the franchise.

63.06 RECORDS. Grantee shall keep complete records of accounts showing dates and payments received and shall provide an annual accounting by a certified account to the city of the payment data. The city council shall have the right, power and authority to inspect the monthly service charge records of the grantee at the premises of the grantee during regular business hours upon seven (7) days notice.

63.07 SERVICE RULES. Grantee shall have the right to prescribe service rules and regulations for the conduct of its business with its subscribers and service users, not inconsistent with the provisions of its franchise or with the rules and regulations of the FCC, and other applicable laws, rules, and regulations. Grantee shall submit to the city the form of its service agreement, a full schedule of its charges, and all amendments thereto.

63.08 QUALITY OF SIGNAL. Grantee shall, during the period of its franchise, furnish reasonable, adequate and efficient cable television reception service for the use of its system and grantee shall maintain its system in reasonable repair and working order and provide adequate facilities for such maintenance. These requirements shall be temporarily suspended in the event of natural disaster, emergency conditions or other circumstances beyond the control of grantee.

63.09 EQUIPMENT STANDARDS. The plant and all equipment, including the antenna site, head-end, distribution system, towers, structures, poles, wire, underground cable and appurtenances shall be installed in accordance with good engineering practices, and shall be located, erected, constructed, reconstructed, replaced, removed, repaired, maintained and operated so as not to endanger or interfere with the lives of persons or to interfere with the improvements the city may deem proper to make, or to unnecessarily hinder or obstruct pedestrian or vehicular traffic to public ways, places and structures. Erection, installation, construction, replacement, removal, repair, maintenance and operation of the system shall be in accordance with the provisions of the National Electrical Code of the National Fire Protection Association and National Electric Safety Code (outside work) and such applicable laws of the state of Iowa and applicable ordinances of the city which may now be in effect or enacted in the future.

All installations shall be of a permanent nature, durable and maintained in a safe, suitable and substantial condition, in good order and repair.

63.10 MONITORING TESTS. The cable television system shall meet technical standards of the rules and regulations of the FCC and grantee shall perform periodic tests and make the measurements specified in such rules. The system shall also be so designed, engineered and maintained so as not to interfere with the television and radio reception of residents of the city who are not subscribers to its services.

63.11 JOINT USE; POLES; UNDERGROUND. The city hereby grants the right, privilege and authority to grantee to lease, rent, or in any other legal manner obtain the use of poles with overhead lines, conduits, trenches, ducts, lines, cables, and other equipment and facilities from any and all holders of public licenses and franchises within the corporate limits of the city, and to use such poles, conduits, trenches, ducts, lines, and cables in the course of its business. Grantee shall install its cables on existing poles owned by other holders of public licenses and franchises within the corporate limits of the city whenever possible for the installation of cable. When installation of cable on poles is not possible, or when the holders of another public license or franchise have installed underground cable, the cable used by grantees shall be installed underground unless otherwise allowed by the city council. Grantee may erect its own poles only upon the permission of the city council.

63.12 CITY PREEMPTION RIGHTS. The city retains the right to utilize existing poles for city use and to require removal of the cable by grantee where existing poles are not sufficient to adequately handle city use, or proposed use and grantee's cable.

63.13 MAPS. Grantee shall file with the city administrator a true and accurate copy of maps and/or plats of all existing and proposed installations upon city streets. These maps and plats shall conform to the requirements of the city administrator and shall be kept continuously up to date.

63.14 CITY CODES AND ORDINANCES. Grantee shall conform to all present city codes, including but not limited to plumbing and electrical codes, and any ordinances providing for the manner and method of cutting streets, excavations in the right of way, backfill, compacting and any other street requirements. Grantee shall restore all property of the city

and of its citizens to the same condition before the installation as after the installation of either overhead or underground cable.

63.15 LIABILITY OF CITY EMPLOYEES. Grantees shall hold the city harmless from any damage which grantee's cable, equipment or other integral part of its system may cause as a result of any action by any city employee when carrying out the employee's duties.

63.16 NON-INTERFERENCE. All transmission and distribution structures, lines, and equipment erected by grantee within the city shall be so located as to cause minimum interference with the proper use of streets, alleys, and other public ways and places and to cause minimum interference with the rights and/or reasonable convenience if the property owners who adjoin any of the said streets, alleys, or other public ways and places.

63.17 RESTORATION OF STREETS. In case of any disturbance of pavement, sidewalk, driveway or other surfacing, grantee, at its own cost and expense, shall, in a manner approved by the city administrator, replace and restore all paving, sidewalk, driveway or surface of any street, alley, parking lot or other surfaced area disturbed in as good a condition as before said work was commenced.

63.18 RELOCATION, REMOVALS, PUBLIC WORK. If at any time during the period of a franchise, the city shall elect to alter or change the grade of any street, alley or public way, grantee, upon reasonable notice by the city, shall remove, relay and relocate its poles, wires, cables, underground conduits, manholes and other fixtures at its own expense.

63.19 LOCATION STANDARD. Grantee shall not place poles or other fixtures when the same will interfere with any gas, electric or telephone fixtures, water main or hydrant, storm or sanitary sewer, and all such poles or other fixtures placed in any street shall be placed at the outer edge of the sidewalk and inside the curb line. Poles and other fixtures placed in alleys shall be placed close to the line of the lot abutting on said alley in such a manner as not to interfere with the usual travel on said street, alley or public way. All overhead lines must have a clearance of at least eighteen (18) feet.

63.20 MOVING BUILDINGS. Grantee shall on the request of any person holding a building moving permit issued by the city, temporarily raise or lower its wires to permit the moving of buildings. The expense of such temporary removal, raising or lowering of wires or cable shall be at the expense of the requesting person and grantee may require such payment in advance. Grantee shall be given not less than five (5) days notice to arrange for such temporary wire changes.

63.21 TREE TRIMMING. Grantee may trim trees upon and overhanging streets, alleys, sidewalks, and public places of the city so as to prevent the branches and foliage of such trees from coming into contact with wires and cables of the grantee. All trimming shall be done under the supervision and direction of the city and with permission of the city tree board, and at the expense of grantee.

63.22 PROTECTION OF WORK. Any opening or obstruction in the streets or other public ways made by the grantee in the course of the construction, operation or removal of cable installation shall be guarded and protected at all times by the placement of adequate barriers, fences or boarding, the bounds of which during periods of dusk and darkness shall be clearly designated by warning lights. Grantee shall, whenever it is deemed necessary by the city administrator, install such steel plates as may be necessary to allow a public roadway to remain open during the course of construction, operation or removal of cable television system.

63.23 REMOVAL OF PROPERTY ON TERMINATION. Upon termination of its franchise, grantee shall remove its poles, cable television transmission and distribution system, and other appurtenances from the streets and sidewalks of the city when ordered to do so by the city, and it shall restore such streets and sidewalks to their original condition.

63.24 REVOCATION OF FRANCHISE. If grantee shall fail to comply with any of the provisions of its franchise or default in any of its obligations hereunder, except for cause beyond the reasonable control of grantee, and shall fail within thirty (30) days after written notice by the city to commence and complete, within a reasonable time, the correction of such default or noncompliance, the city council may revoke the franchise and all rights of grantee there under. In the event grantee shall be adjudicated bankrupt or placed in receivership, the city may declare the franchise forfeited and terminated.

63.25 FCC CERTIFICATION. Grantee shall apply to the FCC for a certificate of compliance within a reasonable period, not to exceed ninety (90) days from the date of the granting of the franchise. Within one year of the grant of such certificate by the FCC, grantee shall complete significant construction of its basic trunk line, and within two years, grantee shall complete installation of its entire system. Grantee shall be entitled to a reasonable and sufficient extension of the schedule specified herein in the event of a legal challenge or threat of such challenge to the ability of the grantee to provide its cable television system broadcast signals not available off-the-air in the city, and in the event construction is delayed by acts of God, earthquake, lightening, flood, fire, explosion, vandalism, disturbance, late delivery of equipment, supplies or machinery by suppliers, late performance by suppliers or services, or other similar causes reasonably beyond grantee's control.

63.26 LIABILITY OF GRANTEE. Grantee shall at all times defend, indemnify, protect and save harmless the city and other political subdivisions in the area from and against any and all liability, losses and physical damage to property and bodily injury or death to the city or to person, including payments made under workmen's compensation laws, which may arise out of or be caused by the erection, construction, replacement, removal, maintenance, and operation of grantee's cable television system, and resulting from or by any negligence, fault or misconduct on the part of the grantee, its agents, officers, servants and employees. Grantee shall carry public liability insurance of not less than \$100,000.00/\$300,000.00 for the protection of itself and the city and the political subdivisions. Grantee shall hold the city and the political subdivisions harmless against damages resulting from legal action which may be brought against it in connection with the establishment and/or operation of grantee's cable television system in the city, and shall defend at its own expense any action brought against

the city and its political subdivisions by reason of the erection, construction, replacement, removal, maintenance, and operation of the grantee's cable television system. Grantee shall also maintain in force Workman's Compensation Insurance coverage on all its employees who are engaged in any manner in the erection, construction, replacement, removal, maintenance and operation of grantee's plant and equipment. Grantee shall be notified of any claim, demand or action brought against the city or its political subdivisions for which the city or its political subdivisions may seek reimbursement or defense as provided hereunder, and the city or its political subdivisions shall not settle, capitulate or admit any such claim, demand or action.

63.27 ASSIGNING FRANCHISE. Grantee shall not sell, transfer or encumber its system or its franchise without first securing the approval of the city council, however grantee is specifically authorized to assign or encumber its system and franchise for the purpose of financing the construction or operation of its system in the city. If grantee shall decide to sell its system and franchise, the city is given the right of first refusal to purchase the system and franchise for their fair market value as determined by the existing offers from other bona fide purchasers.

63.28 COMPLIANCE WITH LAWS, FUTURE CONFORMANCE. Grantee shall at all times comply with all rules and regulations of the FCC or any duly authorized agency of the United States of America, and all laws duly enacted now or hereafter by the United States Congress or Iowa General Assembly. This chapter shall be conformed, within one year of their date of adoption, to any and all rules and regulations relating to the permissible term of cable television franchises which may hereinafter be adopted by the FCC.

63.29 DISCONTINUING CUSTOMER'S SERVICE. Grantee may terminate service to any user not paying the established rates when payment shall be delinquent for ten (10) days after billing. In addition grantee may charge an installation charge to commence service terminated for non-payment.

ARTICLE 64

RESERVED FOR FUTURE USE

TITLE V - LEISURE TIME OPPORTUNITIES
CHAPTER 4

ARTICLE 65

RESERVED FOR FUTURE USE

TITLE VI - COMMUNITY DEVELOPMENT AND ENVIRONMENT
CHAPTER 1 - WATER SERVICE

ARTICLE 66
PUBLIC WATER SYSTEM

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

1. "Water system" or "water works": shall mean all public facilities for securing, collecting, storing, pumping, treating and distributing water.
2. "Superintendent": shall mean the superintendent of the city water system or the duly authorized assistant, agent or representative.
3. "Water main": shall mean a water supply pipe provided for public or community use.
4. "Water service pipe": shall mean the pipe from the water main to the building served.
5. "Consumer": shall mean any person receiving water service from the city.

66.02 **SUPERINTENDENT: APPOINTMENT, DUTIES.** The council shall appoint a water superintendent who shall supervise the installation of water service pipes and their connection to the water main and enforce all regulation pertaining to water services in this city in accordance with this article. This article shall apply to all replacements of existing water service pipes as well as to new ones. The superintendent shall make such rules, not in conflict with the provisions of this article, as may be needed for the detailed operation of the water system, subject to the approval of the 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, 2013, Sec. 372.13 (4))

66.03 **MANDATORY CONNECTIONS.** All residences and business establishments within the city limits intended or used for human habitation, employment, occupancy, recreation, or other purpose, shall be connected to the public water system within sixty (60) days of notice by the city to do so, provided that the property line of the property on which such building, house or structure is located is located within two hundred (200) feet of a city water main or service main..

66.04 **ABANDONED CONNECTIONS.** When an old water service is abandoned or a service is renewed with a new tap in the main, all abandoned connections with mains shall be turned off at the corporation cock and made absolutely water tight.

66.05 **PERMIT.** Before any person shall make a connection with the public water system, a written permit must be obtained from the city administrator. The application for the permit shall be filed with the city administrator on blanks furnished by him/her. The application shall include a legal description of the property, the name of the property owner, the name and address of the person who will do the work, and the general uses of the water. No different or additional uses will be allowed except by written permission of the

superintendent. The superintendent shall issue the permit, bearing his/her signature and stating the time of issuance, if the proposed work meets all the requirements of this article and if all fees required under this article have been paid. Work under any permit must begin within six (6) months after it is issued. The superintendent may at any time revoke the permit for any violation of this article and require that work be stopped.

(Code of Iowa , 2013, Sec. 372.13 (4))

66.06 FEE FOR PERMIT. Before any permit is issued the person who makes the application shall pay \$25.00 to the city administrator to cover the cost of tapping the main, issuing the permit, and supervising, regulating, and inspection of the work.

(Code of Iowa, 2013, Sec. 384.84 (2a))

66.07 COMPLIANCE WITH PLUMBING CODE. The installation of any water service pipe and any connection with the water system shall comply with all pertinent and applicable provisions, whether regulatory, procedural or enforcement provisions, of the State Plumbing Code.

66.08 PLUMBER REQUIRED. All installations of water service pipes and connections to the water system shall be made by a competent plumber. No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb the waterworks or any appurtenances thereof without first obtaining a written permit application from the superintendent. Before a permit application may be issued, the person desiring to apply shall have executed and deposited with the city administrator a corporate surety bond in the sum of \$5,000.00 conditioned that the applicant will faithfully perform all work with due care and skill, and in accordance with the laws, rules and regulations of the city pertaining to plumbing, waterworks and appurtenances. The bond shall state that the applicant will indemnify and save harmless the city and the owner of the premises against all damages, costs expenses, outlays and claims of every nature and kind arising out of unskillfulness or negligence in connection with plumbing, waterworks or appurtenances as prescribed with this chapter. Contractors working on sewer service lines that include excavating in, on or under City streets or rights-of-way shall carry liability insurance with limits of no less than \$1,000,000.00.

66.09 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.

66.10 TAPPING MAINS. All taps into water mains shall be made by and/or under the direction and supervision of the superintendent and in accord with the following:

1. Independent Services. No more than one house, building or premises shall be supplied from

one tap unless special written permission is obtained from the superintendent and unless provision is made so that each house, building or premise may be shut off independently of the other.

2. **Sizes and Location of Taps.** All mains six inches or less in diameter shall receive no larger than a three-fourths inch tap. All mains or over six inches in diameter shall receive no larger than one inch tap. Where a larger connection than a one inch tap is desired, two or more small taps or saddles shall be used, as the superintendent shall order. All taps in the mains shall be made at or near the top of the pipe, at least eighteen inches apart. No main shall be tapped nearer than two feet of the joint in the main.

3. **Corporation Cock.** A brass corporation cock, of the pattern and weight approved by the superintendent, shall be inserted in every tap in the main. The corporation cock in the main shall in no case be smaller than one size smaller than the service pipe.

4. **Location Record.** An accurate and dimensional sketch showing the exact location of the tap shall be filed with the superintendent in such form as he/she require.

(Code of Iowa, 2013, Sec. 372.13 (4))

66.11 INSTALLATION OF WATER SERVICE PIPE. Water service pipes from the main to the meter setting shall be constructed in accordance with this chapter and/or the State Plumbing Code of the following materials:

1. Steel-AWWA standard specification 7A.3(1) and 7A.4(2), ASMT A 120-62T.
2. Flexible Polyethylene Plastic-commercial standards CS 255-63 National Sanitation Foundation approved and stamped as published by United States Department of Commerce minimum rating 125 psi, minimum size $\frac{3}{4}$ inch I.D.
3. Polyvinyl-Chloride (PVC)-commercial standards 256-63, National Sanitation Foundation approved and stamped as published by United States Department of Commerce, High Impact (type 2) for service lines.
4. Acrylonitrile-Buctaciene-Styrene-commercial standards 254-63 National Sanitation Foundation approved and stamped.
5. Copper-ASTM specifications B-88 for type K seamless.

All pipe must be laid sufficiently waving, and to such depth, as to prevent rupture from settlement or freezing.

66.12 CURB STOP. There shall be installed a main shut off valve of the inverted key type on the water-service pipe at the outer sidewalk line with a suitable lock of a pattern approved by the superintendent. The shut-off valve shall be covered with a

heavy metal cover having the letter "W" marked thereon, visible and even with the pavement or ground. The curb stop and any water service connected to City main is the responsibility of the property owner to maintain at the property owner's cost.

66.13 INTERIOR STOP AND WASTE COCK. There shall be installed a shut-off valve and waste cock on every service pipe inside the building as close to the entrance of the pipe within the building as possible as so located that the water can be shut off conveniently and pipes drained. Where one service pipe supplies more than one customer within the building, there shall be separate valve for each such customer so that service may be shut off for one without interfering with service to the other.

66.14 INSPECTION AND APPROVAL. All water-service pipes and their connections to the water system must be inspected and approved in writing by the superintendent before they are covered, and 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 so that it will meet with the superintendent's approval. Every person who uses or intends to use the municipal water system shall permit the superintendent to enter the premises to inspect or make necessary alterations or repairs at all reasonable hours and on proof of authority.

66.15 SHUTTING OFF WATER SUPPLY. After giving reasonable notice, the superintendent may shut off the supply of water to any customer because of any substantial violation of this chapter that is not being contested in good faith. The supply shall not be turned on again until all violations have been corrected, a fee of Seventy-five Dollars (\$75.00) paid to the City Clerk, and the superintendent has ordered the water to be turned on. Specifically, but not exclusively, an application may be canceled and/or water service discontinued for any of the following reasons:

1. Misrepresentation in the application as to the property or fixtures to be supplied or use to be made of water.
2. Failure to report to the city addition to the property or fixtures or additional use to be made of the water.
3. Resale or giving away substantial amounts of water.
4. Waste or misuse of water due to improper or imperfect pipes and/or fixtures, or failure to keep the same in a suitable state of repair.
5. Tampering with meter, meter seal, service, valves, or read-out, or permitting such tampering by others.
6. Connection, cross-connection, or permitting same, or any separate water supply to premises which receive water from the city.
7. Non-payment of bills.

66.16 MAINTENANCE OWNER'S RESPONSIBILITY. It shall be the responsibility of the owner of the property connected to any water main to keep in good repair and free of any leaks the corporation cock, water service pipe and curb stop whether in the public right of way or not.

66.17 FAILURE TO MAINTAIN. When any corporation cock, water service pipe, or curb stop becomes defective or creates a nuisance the city may fix the defect or nuisance and assess the cost thereof to the property.

66.18 OPERATION OF CURB STOP. It shall be unlawful for any person except the water superintendent or City employee to turn water on or off at the curb stop.

66.19 FIRE HYDRANTS. All hydrants erected for the purpose of extinguishing fires are public hydrants, and no person or persons, except members of the fire department, employees of the waterworks department, or persons especially authorized by the council, in the exercise of authority, delegated by said council, shall open any of said hydrants or attempt to draw water from them, or at any time attempt to uncover or remove any protection from, or in any manner interfere with any of the hydrants.

66.20 NO WATER GUARANTEE. The city does not guarantee a constant supply of water to any consumer and shall not be liable for damages for any failure, to supply the same, nor shall it be liable for any claim or damage by reason of breaking of any service pipe, stop cock or other equipment, or if for any reason the supply of water shall be shut off to make repairs, connections or extensions or for any other purpose that may be found necessary. The right is reserved to cut off the supply of water at any time.

66.21 DAMAGE TO PUBLIC WATER SYSTEM. It shall be unlawful to break, injure, mar or deface, interfere with, or disturb any building, machinery, apparatus, fixtures, attachments, or appurtenances of the waterworks or any hydrant, stop-cock box, meter, water supply or service pipe or any part thereof, or deposit anything in any stop-cock box, or commit any act obstruct or impairing the intended use of any of the above mentioned property, without permission of the council.

(Code of Iowa, 2013, Sec. 716.1)

66.22 CHECK VALVE REQUIRED. All new meters and replacement of currently installed meter shall not be installed until an approved check-valve has been installed in the line to prevent any water which has been metered from returning through the meter to the city water line.

Customers having boilers and/or pressure vessels receiving a supply of water from the city water system must have a check valve on the water supply line and a vacuum valve on the steam line to prevent collapse in case of discontinued or interrupted water supply, with or without notice.

TITLE VI - COMMUNITY DEVELOPMENT AND ENVIRONMENT
CHAPTER 1 - WATER SERVICE

ARTICLE 67
WATER METERS

67.01 WATER USE METERED. All water furnished to consumers shall be measured through a meter furnished by the city, of a type and size to be determined by the city.

(Code of Iowa, 2013, Sec. 384.84 (1))

67.02 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.

67.03 LOCATION OF METERS. All meters shall be so located that they are easily accessible to meter readers and repairmen and protected from freezing.

67.04 METER SETTING. The property owner shall have provided all necessary piping and fittings for proper setting of the meter by the city including a globe type valve on the discharge side of the meter. Meter pits may be used only upon approval of the superintendent and of a design and construction approved by him/her.

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

67.06 RIGHT OF ENTRY. The superintendent or City employee shall be permitted to enter the premises of any consumer at any reasonable time to remove or change a meter.

67.07 METER TESTING. Upon the written request of any water customer, the meter serving such customer shall be tested by the city. Such test will be made without charge if the meter has not been tested within the twelve (12) months preceding the request, otherwise a charge of Fifteen Dollars (\$15.00) for the test may be made and then only if the test indicates meter accuracy within the limits of two percent (2%).

67.08 NO METER READING; BILL. Where a meter has ceased to register or a meter reading could not be obtained, the quantity of water consumed for billing purposes will be based on an average of the prior six months consumption, and the conditions of the water service during the time the meter did not register.

67.09 METER RENTAL; CONSTRUCTION. Water for building or construction purposes will be furnished only by meter measurement and a meter will be furnished only after suitable deposit has been made, the minimum deposit being ten dollars (\$10.00), and the amount is to be determined by the city depending on the size of the construction project. All water for building or construction purposes at the site must pass through the same meter.

Water supplied under this section shall be discharged through a hose or pipe directly upon material to be wet, or into a barrel or other container and in no case upon the ground, into or through a ditch or trench and all use of water by other than the applicant, or use of water for any purpose or upon any premises not so stated or described in the application must be prevented by the applicant or water service may be discontinued without notice.

67.10 METER DEPOSIT. Before any meter is installed or water connected to or turned on, a meter deposit shall be paid to the city administrator in an amount equal to ninety (90) days of service in the previous twelve (12) month period. The deposit for a water service customer for a property which has not previously received service or does not have a recent twelve month history, shall be fifty dollars (50.00). The deposit shall be refundable after twelve (12) months by the City Administrator/Clerk, if the payment record of the depositor has never been delinquent. The deposit shall be returned in full to any water service customer who terminates service to move out of the city, deducting any portion owed to the city for water service any amounts owed for any other reason. Tenants will receive the deposit back once final bill has been paid. "Tenant" shall mean a person entitled under a rental agreement to occupy a dwelling unit to the exclusion of another.

67.11 METER TAMPERING. The property owner shall be responsible for any connection or disconnection of any meter, by-passing of the meter, adjustment of the meter to make it show less use of water than actually is used, disabling, or partially disabling the meter, or any other tampering in any way with the meter without the express written permission of the water superintendent, or his designee. Any owner of property where a meter has been tampered with shall be charged One Hundred Dollars (\$100.00) as an administrative penalty for such tampering, and may further be issued a citation for violation of this section. Any administrative penalty levied under this section may be appealed to the City Council upon written request of the property owner and a hearing on the request shall be held within thirty (30) days.

67.12 SEPARATE METERING. Water consumers may request, in writing, from the City, on an application form provided by the City Clerk, permission to install a separate water meter for water uses that do not discharge any water through the City sanitary sewer system. All costs of the meter and the installation of such meter, after permission by the City, shall be paid by the consumer, and shall comply in all respect to the requirements of the City Code for water connections and installation of meters. Water running through the separate meter shall not be used in any manner that would result in the discharge of such water into the City sewer system. All water separately metered shall be billed at the current water rate, but no sewer usage shall be added to such water usage. All separate water meters shall be read twice per year, in April and November, and billed accordingly.

All plumbing work on such meters shall be done by a certified plumber whose certificate of liability insurance shall be made available to the City along with the plumber's certification. Upon installation, no meter shall be placed in service until its inspection by the City.

All separate water meters installed subsequent to August 1, 2013, shall be upgraded to enable radio reading and all such upgrading shall be at the expense of the consumer. Any separate water meters installed before August 1, 2013, that require replacement shall be replaced with an upgraded meter to enable radio reading, and all such upgrading shall be at the expense of the consumer.

TITLE VI - COMMUNITY DEVELOPMENT AND ENVIRONMENT
CHAPTER 1 - WATER SERVICE

ARTICLE 68
WATER RATES

68.01 **SERVICE CHARGES.** Each customer shall pay for water service provided by the city based upon the use of water, as determined by meters provided for in Article 67 of this chapter. Each location, building, premises or connection shall be considered a separate and distinct consumer whether owned or controlled by the same person or not.

(Code of Iowa, 2013, Sec. 384.84 (1))

68.02 **RATES AND SERVICE.** Water service shall be furnished at the following rates within the city:

(Code of Iowa, 2013, Sec. 384.84 (1))

First 1,000 gallons or less per month.....	\$ 6.25 per month (minimum monthly bill)
All amounts over 1,000 gallons per month.....	\$ 2.45 per 1,000 gallons or part thereof, per month.

68.02A **BASE RATE FOR ALL WATER CUSTOMERS.** All water customers shall be charged a base rate of Three Dollars (\$3.00) per month for water in addition to the monthly charge for water service.

68.03 **RATES OUTSIDE THE CITY.** Water service shall be provided any consumer located outside the corporate limits of the city which the city has agreed to serve at the rates provided in Section 68.02. No such consumer, however, will be served unless he or she shall have signed a service contract agreeing to be bound by the ordinances, rules and regulations applying to water service established by the council.

(Code of Iowa, 2013, Sec. 364.4 (2) and 384.84 (2c))

68.04 **BILLING FOR WATER SERVICE.** Billing and payment for water service shall be in accordance with following Code of Iowa, 2013, Sec. 384.84.

1. Meters Read. Water meters shall be read once each month, except for seasonal meters.
2. Bills Issued. The City Administrator/Clerk's office shall prepare and issue bills for water service on or before the first day of each month, and shall date all bills as the first of the month.
3. Bills Payable. Bills for water service shall be due and payable at the office of the city administrator on the date of issue. The past due date shall be the 20th day after the date of issue. All bills not paid on or before the past due date shall be termed delinquent and the city

administrator shall mail each delinquent customer a written final notice of delinquency. If a delinquent bill is not paid within twelve (12) days after date of such final notice, the water supply of the customer may be discontinued without further notice.

4. Late Payment Penalty. Bills not paid when due shall be considered delinquent. A one-time late payment penalty of five (5) percent of the amount due shall be added to each delinquent bill.

5. The city reserves the right to request a monetary deposit for the purpose of establishing or maintaining any water service customer's credit.

68.05 SERVICE DISCONTINUED. Water service to delinquent consumers shall be discontinued in accordance with the following:

(Code of Iowa, 2013, Sec. 384.84)

1. Notice. The city clerk shall notify each delinquent consumer that water service will be discontinued if payment, including late payment charges, is not received within thirty (30) days of the date when due. Such notice shall be sent by first class mail within five (5) days of bill becoming delinquent.

2. Service Discontinued. The superintendent or City employee shall cut off the supply of water to any customer who, not having contested the amount billed in good faith, has failed to make payment by the date specified in the notice of delinquency.

3. Fees. If payment in full is tendered to the superintendent at the time of the shut-off trip there shall be added a service fee of \$25.00 to meet the cost of the trip and the superintendent shall give the consumer a receipt for said payment.

A turn-on fee of \$25.00 shall be charged if separate turn-off and turn-on trips are necessary before payment is rendered and service is restored to a delinquent consumer.

No turn-one fee or service fee shall be charged for the usual or customary trip due to regular changes in occupancies of property.

A turn-on fee of \$25.00 shall be charged to restore water service during business hours for service terminated for delinquency. A turn-on fee of \$35.00 shall be charged to restore water service during business hours for service terminated for delinquency.

68.06 LIABILITY FOR PAYMENT AND DEPOSITS. The owner of any premises, the occupant thereof and the user of any water service provided by the city shall be jointly and severally liable for any and all water service charges, service charges, and any deposits required by this chapter.

68.07 FINANCIAL RESPONSIBILITY. All owners or purchasers of real estate to which is supplied the city services of electricity, water, sewer, and/or garbage collection shall be equally financially responsible with any tenants of the real estate for the payment of all charges due by the tenant for any such services supplied. The city administrator may require

as a condition for the supplying of such services a written agreement from the owner or purchaser of real estate acknowledging such financial responsibility.

All property owners renting out real estate shall be sent the utility bill, including sewer charges. The property owner shall be responsible to pay the utility bill for the tenant and collect the bill from the tenant. If the property owner provides the City with a copy of a written and signed agreement stating the tenant is responsible for paying the utility bill including sewer, the City shall bill the tenant and not the property owner. Such copy of the written agreement and all new agreements must be received by the City within thirty (30) days of the original agreement and within thirty (30) days of change of tenant, or the utility bill remains in the property owner's name.

TITLE VI - COMMUNITY DEVELOPMENT AND ENVIRONMENT
CHAPTER 2 - TREES

ARTICLE 69
TREE BOARD

69.01 **PURPOSE.** The purpose of this chapter is to form a board to administer and control planting, removal, and trimming of trees in Strawberry Point, Iowa, and:

1. To act as liaison between the citizens of the community and the City Council.
2. To promote tree planting and care of trees within the city.
3. To explore grants and investigate other opportunities for funding.
4. To submit to the City Council an annual report on the condition of trees on city property.
5. To issue permits, upon proper application and qualification for tree planting and/or removal on city property.
6. To consider items referred to the Board by the City Council and to report back in a timely fashion.

60.01A **DEFINITIONS.** For use in this chapter the following terms are defined:

1. "City Arboricultural Specifications and Standards of Practice" shall mean the document containing the detailed performance standards and specifications to be used in carrying out the provisions of this chapter as developed by the Tree Board.
2. "City Property" or "Public Property" shall mean real property owned by, leased to, or upon which the City has a right of way.
3. "Contractor" shall mean any person who or business that received compensation for the performance of the work done.
4. "Maintain" or "Maintenance" shall mean, when used in reference to trees: pruning, spraying, mulching fertilizing, cultivating, supporting, treating for disease, or injury or any similar act which promotes the life, growth, health or beauty of trees.
5. "Public Tree" shall mean trees growing on city property, including street right of ways, city parks, and easements.

6. "Right of Way" shall mean land intended to be occupied for streets, sidewalks, utilities and other public purposes.

7. "Shrubs" shall mean woody vegetation usually growing with multiple stems and a height of less than ten (10) feet.

8. "Toppings" shall mean heading, stubbing, rounding, tipping, or "dehorning", which shall mean the drastic removal of large branches, severely cutting back limbs to stubs larger than three (3) inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

9. "Tree" shall mean woody vegetation usually growing with a single stem and a height over ten (10) feet.

69.02 TREE BOARD. The Tree Board of the City, hereinafter referred to as the board, shall consist of five (5) members, all of whom shall be appointed by the mayor with the approval of the council.

69.03 QUALIFICATIONS OF BOARD MEMBERS. All of the members of the board shall be bona fide citizens and residents of the city, and shall be at least eighteen years of age.

69.04 ORGANIZATION OF BOARD.

1. Term of Office. All appointments to the board shall be for three (3) years, except to fill vacancies. Each term shall commence on September first. Appointments to the first board shall be made for such a length as to stagger the terms of the members so that one-third are appointed every year.

2. Vacancies. The position of any board member shall be vacant if he or she permanently moves from the city, or if he or she is absent from three consecutive regular board meetings, except due to illness or death of family members. Vacancies in the board shall be filled by appointment by the mayor with approval by the council, and the new board member shall fill out the unexpired term for which the appointment is made.

3. Compensation. Board members shall receive no compensation.

69.05 POWERS AND DUTIES. The board shall have and exercise the following powers and duties:

1. Officers. To meet and elect from its members a Chairperson, Secretary and such other officers as the board shall deem necessary.

2. Hiring and removal of Personnel. The board shall not employ or remove anyone.

3. Purchases and Expenditures. All funds acquired by the board shall be deposited in a city "trust account", which shall be administered by the city administrator, who shall track said

account, making all deposits and withdrawals, as approved by the council. The board shall make no purchases or expenditures without prior written approval of the council, nor shall the board have direct control of any funds, nor shall it write checks.

4. Rules and Regulations. The board shall make, adopt, amend, modify or repeal rules and regulations not inconsistent with the Code and the law, for its operation.

5. Proceedings. The board shall keep a record of all of its proceedings, which record shall belong to the City.

6. Standards and Specifications. The board may develop arboricultural specifications and standards, and prepare a manual containing such specifications and standards not inconsistent with the City Code and the law.

69.06 ANNUAL REPORT. The board shall make a report to the council at the first regular council meeting of each July describing the functions for the board of the last year, planned functions for the next year, and additional information as may be requested by the council.

69.07 PROCEDURES. Any tree located on city property which is to be trimmed, pruned or removed shall require board approval, except in the case of a bona fide emergency to prevent harm to person or property, under the following procedure:

1. Anyone seeking board approval to trim, prune, plant or remove a tree on city property shall obtain a form for such purpose from the city administrator, complete such form and return it to the city administrator who shall refer it to the board for consideration.

2. The form shall include the applicant's name and address, the location or proposed location of the tree for which the applicant seeks approval, the species of tree, its age, current size, estimated mature size, health, the reason the applicant seeks to take action on the tree, and any other information the board shall have included on the form.

3. The board shall review and consider the application, returning it to the city administrator within thirty (30) days marked as approved, denied or requesting further information. The city administrator shall notify the applicant of the action of the board, and if denied the applicant, or any other citizen of the city, may request of the city administrator that the City Council review the action of the board within fifteen (15) days, and no trimming, pruning, planting or removal of such tree shall take place until such final review by the city council, if requested.

4. Any applicant receiving approval from the board or city council to plant or remove a tree or trees from city property shall contact Iowa Utilities, at the current telephone number of 1-800-292-8989 for location of all utilities near the planting or removal, and care shall be used to not disturb the utilities.

5. The board shall not approve for planting any tree which is inappropriate because of size, species, fruit, flower, nut, leaves, girth, insect attraction, or for any other reason for the place it is proposed to be located.

6. No trees shall be planted on city property or right of way without prior approval of the City Superintendent.

69.08 SELECTION, SPACING AND CARE OF TREES.

Size. The board shall rate all trees as small, medium or large. Small trees shall be up to twenty-five (25') feet of mature height, medium trees shall be from twenty-six to forty (25'-40') feet of mature height, and large trees shall be over forty (40') feet of mature height.

Species. Each tree chosen for planting shall be a high-quality, healthy tree with evidence of vigorous growth during the previous year. All trees shall have a comparatively straight, single trunk, well developed leaders and crowns, and the roots shall not only be characteristic of the species, cultivar or variety, but also exhibit evidence of proper nursery pruning practices. Ornamental trees may be multiple-stemmed if they can be pruned for adequate clearance. At the time of planting, all trees must have a full, healthy crown, be free of mechanical injuries and display no other objectionable features that will affect the future form, health or beauty of the tree.

Location. To allow for maintenance, minimize infrastructure damage and promote safety, trees shall be planted using the following guidelines. Exceptions to these guidelines may be made by the Tree Board and City Superintendent when circumstances warrant and public safety is not threatened.

1. Small trees shall be planted no closer together than fifteen (15') feet; medium trees, twenty-five (25') feet; large trees, thirty-five (35') feet.

2. Street trees shall be planted midway between the curb and sidewalk (or where the sidewalk would be if there is no sidewalk), unless in the opinion of the Tree Board there is sufficient reason to plant the trees off-center. Location of street trees that are also on state highway rights of way, shall be dictated by the Iowa Department of Transportation rules, unless waivers are granted.

3. Trees shall not be planted closer than thirty-five (35') feet from any street corner, nor closer than ten (10') feet from any driveway or fire hydrant.

4. Trees, other than small trees, shall not be planted under or within ten (10') lateral feet of any overhead power line or overhead utility wire, and no tree shall be planted within five (5') lateral feet of any underground water, sewer, transmission or other utility line.

Species. Each tree chosen for planting shall be a high-quality, healthy tree with evidence of vigorous growth during the previous year. All trees shall have a comparatively straight, single trunk, well developed leaders and crowns

69.09 PROTECTION OF TREES. Any tree on city property, and its roots out to the drip line shall be protected during construction to prevent damage to the tree and its roots by use of snow fence, barricade or other device.

69.10 DUTY TO TRIM TREES. The owner of abutting property shall trim trees not located on city property so all branches shall be fifteen (15') feet above any street and eight (8') feet above any sidewalk. After failure to so trim trees upon notice by the city, by mailing such notice to the owner's last known address by regular U.S. Mail, within a reasonable time, the city may trim the trees and certify the cost for collection in the same manner as property taxes.

69.11 RECOMMENDED REQUIREMENTS FOR NURTURING TREES. The city recommends the following care of newly planted or transplanted trees:

- Locate carefully and lawfully.
- Align when appropriate.
- Space as required by law.
- Plant correctly.
- Select appropriate tree species.
- Fertilize properly.
- Provide lateral support.
- Wrap for winter and sun scald.
- Mow carefully and control weeds.
- Water as required.
- Responsibly for the care of trees on City property, right of way, etc.

TITLE VI - COMMUNITY DEVELOPMENT AND ENVIRONMENT
CHAPTER 2 - TREES

ARTICLE 70
DUTCH ELM DISEASE CONTROL

70.01 TREES SUBJECT TO REMOVAL. The council having determined that the health of the elm trees within the city is threatened by a fatal disease known as Dutch elm disease hereby declares the following shall be removed:

(Code of Iowa, 2013, Sec. 364.12 (3b))

1. Living or standing tress. Any living or standing elm tree or part thereof infected with the Dutch elm disease fungus or which harbors any of the elm bark beetles, that is colytus multistriatus (eichb.) or hylurgopinus rufipes (marsh).
2. Dead Trees. Any dead elm tree or part thereof, including logs, branches, stumps, firewood or other material from which the bark has not been removed and burned or sprayed with an effective bark beetle destroying insecticide.

70.02 DUTY TO REMOVE. No person, firm or corporation shall permit any tree or material as defined in Section 1 of this article to remain on the premises owned, controlled or occupied by him or her within the city.

(Code of Iowa, 2013, Sec. 364.12 (3b))

70.03 INSPECTION. The superintendent shall inspect or cause to be inspected all premises and places within the city to determine whether any condition as defined in Section 1 of this article exists thereon, and shall also inspect or cause to be inspected any elm trees reported or suspected to be infected with Dutch elm disease or any elm bark bearing material reported or suspected to be infected with the elm bark beetles.

70.04 REMOVAL FROM CITY PROPERTY. If the superintendent upon inspection or examination, in person or by some qualified person acting for him, shall determine that any condition as herein defined exists in or upon any public street, alley, park or any public place, including the strip between the curb and the lot line of private property, within the city and that the danger of other elm trees within the city is imminent, the superintendent shall immediately cause it to be destroyed or prevent as fully as possible the spread of Dutch elm disease or the insect pests or vectors know to carry such disease fungus.

70.05 REMOVAL FROM PRIVATE PROPERTY. If the superintendent upon inspection or examination, in person or by some qualified person acting for the superintendent shall determine with reasonable certainty that any condition as herein defined exists in or upon private premises and that the danger to other elm trees within the city is imminent, the superintendent shall immediately notify by certified mail the owner, occupant or person in

charge of such property, to correct such condition within 14 days of said notification. If such owner, occupant or person in charge of said property fails to comply within 14 days of receipt thereof, the council may cause the nuisance to be removed and the cost assessed against the property as provided in Chapter 46.

(Code of Iowa, 2013, Sec. 364.12 3 (b and h))

If the superintendent is unable to determine with reasonable certainty whether or not a tree in or upon private premises is infected with Dutch elm disease, he is authorized to remove or cut specimens from said tree, and obtain a diagnosis of such specimens.

TITLE VI - COMMUNITY DEVELOPMENT AND ENVIRONMENT
CHAPTER 3 - ABANDONED AND JUNKED VEHICLES AND MACHINERY

ARTICLE 71
ABANDONED VEHICLES

71.01 **DEFINITIONS.** For use in this article the following terms are defined:

1. "Abandoned Vehicle": shall mean any of the following:

(Code of Iowa, 2013, Sec. 321.89 (1a))

A. A motor vehicle that has been left unattended on public property for more than forty-eight (48) hours and lacks current registration plates, or is inoperable; or

B. A motor vehicle that has remained illegally on public property for more than fifteen (15) days; or

C. A motor vehicle that has been unlawfully parked on private property or has been placed on private property without the consent of the owner or person in control of the property for more than twenty-four (24) hours, or

D. A motor vehicle that has been legally impounded by order of the chief of police and has not been reclaimed for a period of thirty (30) days.

2. "Inoperable Vehicle": shall mean any motor vehicle which lacks an engine or two or more wheels or other structural part which renders the vehicle totally inoperable.

71.02 **REMOVAL OF ABANDONED MOTOR VEHICLES.** The police chief may remove and impound any abandoned motor vehicle in operable or totally inoperable condition. Impoundment shall be in any city-owned garage or area, or in any privately-owned public garage or area designated by the council.

(Code of Iowa, 2013, Sec. 321.89 (2))

71.03 **NOTICE BY MAIL.** The police chief shall notify by certified mail within ten (10) days of having taken possession of any abandoned operable motor vehicle, the last known registered owner of the motor vehicle and all lien holders of record, addressed to their last known address of record that the abandoned motor vehicle has been taken into custody. Notice shall be deemed given when mailed. Notice shall describe the year, make, model and serial number of the motor vehicle, set forth the location of the facility where it is being held, inform the owner and any lien holders of their right to reclaim the motor vehicle within fourteen (14) days after the effective date of the notice upon payment of all towing, preservation and storage charges resulting from placing the motor vehicle in custody. The notice shall also state that the failure of the owner or lien holders

to exercise their right to reclaim the motor vehicle within the time provided shall be deemed a waiver by the owner and all lien holders of all the right, title, claim and interest in the motor vehicle and that such failure to reclaim is deemed consent to the sale of the motor vehicle at a public auction or disposal of the motor vehicle to a demolisher. If the owner and lien holders do not exercise their right, they shall have no further right, title, claim or interest in or to such motor vehicle, as provided by law.

(Code of Iowa, 2013, Sec. 32189 (3))

71.04 NOTIFICATION IN NEWSPAPER. If the identity of the last registered owner of an abandoned but operable vehicle cannot be determined, or if the registration contains no address for the owner, or if it is impossible to determine with reasonable certainty the identity and addresses of all lien holders, notice by one publication in one newspaper of general circulation in this city shall be made by the police chief and multiple listings may be included in said notice if they are subject to the same time limits, and the same information as prescribed for mailed notice shall be included.

(Code of Iowa, 2013, Sec. 321.89 (3))

71.05 EXTENSION OF TIME. The owner or lien holder may, by written request delivered to the police chief prior to the expiration of the fourteen (14) day reclaiming period, obtain an additional fourteen (14) days within which the motor vehicle may be reclaimed.

(Code of Iowa, 2013, Sec. 321.89 (3))

71.06 FEES FOR IMPOUNDMENT. The owner or lien holder shall pay twenty-five (\$25.00) dollars if claimed within five (5) days of impounding, plus three (3) dollars for each additional day within the reclaiming period plus towing and storage fees, if stored in a public garage, whereupon said vehicle shall be released. The amount of towing charges, and the rate of storage charges by privately owned garages shall be paid by the owner or lien holder.

(Code of Iowa, 2013, Sec. 321.89 (3))

71.07 DISPOSAL OF OPERABLE VEHICLES. If an abandoned motor vehicle which is operable has not been reclaimed as provided in this section, the police chief shall make a determination as to whether or not the motor vehicle should be sold for use upon the highways. If it is to be sold for such use, it shall first be inspected as required by law, have a valid certificate of inspection affixed, and shall then be sold, and title given in accordance with law. The purchasers shall take title as provided for by law, or if sold to a demolisher no further titling of the motor vehicle shall be permitted.

(Code of Iowa, 2013, sec. 321.89 (4))

71.08 DISPOSAL OF INOPERABLE ABANDONED VEHICLES.

1. Disposal by City. Any totally inoperable abandoned vehicle or any such inoperable vehicle left on private property by other than the owner or person in charge of the private property shall be disposed of by the police chief to a demolisher unless he deems it practicable to sell it as provided in Section 71.07. A sale to a demolisher shall not require the notification procedures or public auction but the police chief shall endeavor to obtain as much compensation as possible to defray any costs to the city.

(Code of Iowa, 2013, Sec. 321.89 (4))

2. Disposal by Other Persons. A person or this city or other unit of government 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, without notification procedures dispose of such motor vehicle if it lacks an engine, or two (2) or more wheels, or other structural part which renders the vehicle inoperable, to a demolisher for junk without the title.

(Code of Iowa, 2013, Sec. 321.90 (2e))

71.09 PROCEEDS FROM SALES. Proceeds from the sale of any abandoned vehicle shall apply to the cost of towing, preserving, storing and notifications required, in accordance with state law. Any balance shall be held for the owner of the motor vehicle or entitled lien holder for ninety-days (90), and then shall be deposited in the reimbursement fund of the Iowa Department of Public Safety. Where the sale of any vehicle fails to realize the amount necessary to meet costs, the police chief shall apply for reimbursement from the department of Public Safety.

(Code of Iowa, 2013, Sec. 321.89 (4))

71.10 DUTIES OF DEMOLISHER. Any demolisher who purchases or otherwise acquires an abandoned motor vehicle for junk, shall junk, scrap, wreck, dismantle or otherwise demolish such motor vehicle. When a demolisher acquires a motor vehicle under Section 71.08, the demolisher shall apply to the police chief for a certificate to demolish the vehicle. The application shall include the name and address of the applicant, the year, make, model and serial number of the motor vehicle. After the motor vehicle has been demolished, processed or changed so that it physically is no longer a motor vehicle, the demolisher shall surrender the auction sales receipt for certificate of authority to dispose of or demolish a motor vehicle to the state Department of Public Safety for cancellation.

(Code of Iowa, 2013, Sec. 321.90 (3a))

TITLE VI - COMMUNITY DEVELOPMENT AND ENVIRONMENT
CHAPTER 3 - ABANDONED AND JUNKED VEHICLES AND MACHINERY

ARTICLE 72
JUNKED VEHICLES AND MACHINERY

72.01 **DEFINITIONS.** For use in this article, the term "Junk Motor Vehicle" or "Junk Machinery" shall mean any motor vehicle or piece of machinery stored within the corporate limits of the city, not licensed for the current year as required by any law, and which because of any one of the following characteristics, constitutes a threat to the public health and safety:

1. Broken Glass. Any vehicle with a broken or cracked windshield, window, headlight or tail light or any other cracked or broken glass.
2. Broken or Loose Part. Any vehicle with a broken or cracked or loose fender, door, bumper, hood, hood ornament, door handle, window handle, running board, steering wheel, trunk top, truck handle, radio aerial, tail pipe or decorative piece.
3. Habitat for Nuisance Animals or Insects. Any vehicle or piece of machinery which has become the habitat for rats, mice or snakes, or any other vermin or insects.
4. Flammable fuel. Any vehicle or machinery which contains gasoline or any other flammable fuel.
5. Defective or Obsolete Condition. Any other vehicle or piece of machinery which, because of its defective or obsolete condition, in any other way constitutes a threat to the public health and safety.

72.02 **JUNKED VEHICLES AND MACHINERY A NUISANCE.** Storage within the corporate limits of a junk motor vehicle or junk machinery upon private property owned or controlled by the owner of the vehicle or machinery, unless excepted by Section 72.03 constitutes a threat to the health and safety of the citizens and is a nuisance within the meaning of the Code of Iowa, 2013, Section 657.1. If any junk motor vehicle or machinery is stored upon private property in violation hereof, the owner or person in control of the property upon which it is stored shall be prima facie liable for said violation.

(Code of Iowa, 2013, 364.12 (3))

72.03 **EXCEPTIONS.** The provisions of this chapter shall not apply to a junk motor vehicle or junk machinery stored within:

1. A garage or other enclosed structure; or
2. An auto salvage yard or junk yard lawfully operated.

72.04 **NOTICE TO ABATE.** Upon discovery of any junk vehicle or junk machinery stored upon private property in violation of Section 72.02 the police chief shall within five (5) days initiate abatement procedures as outlined in Article 46.

(Code of Iowa, 2013, Sec. 364.12 (3))

TITLE VI - COMMUNITY DEVELOPMENT AND ENVIRONMENT
CHAPTER 4 - SUBDIVISION

ARTICLE 73
SUBDIVISION CONTROL

73.01 **PURPOSE.** The purpose of this ordinance is to establish minimum standards of the design, development and improvement of all new subdivisions and re-subdivisions so that existing developments will be protected and so that adequate provisions are made for public services and to promote the health, safety and general welfare in the city.

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

1. The term "alley" shall mean a public right-of-way, other than a street, 20 feet or less in width affording secondary means of access to abutting property.
2. The term "block" shall mean an area of land within a subdivision that is entirely bounded by streets or highways, and/or the exterior boundaries of the subdivision.
3. The term "building lines" shall mean a line on a plat between which line and public right-of-way no buildings or structures may be erected.
4. The term "clerk" shall mean the city administrator of the City of Strawberry Point, Iowa.
5. The term "commission" shall mean the city planning and zoning commission of the City of Strawberry Point, Iowa.
6. The term "council" shall mean the city council of the City of Strawberry Point, Iowa.
7. The term "cul-de-sac" shall mean a minor street having one end open to traffic and terminated by a vehicular turn-around.
8. The term "easement" shall mean a grant of the right to use a strip of land specific purposes by the general public, a corporation or certain persons.
9. The term "lot" shall mean a tract of land represented and identified by number or letter designation on an official plat.
10. The term "major street" shall mean a street of considerable continuity connecting various sections of the city designated as a major street on the official major street plan of the city.
11. The term "metes and bounds description" shall mean a description of land that uses distances and angles, uses distances and bearings, or describes the boundaries of the parcel by reference to Physical features.

12. The term "minor street" shall mean a street which is used primarily for access to the abutting properties.

13. The term "official plat" means either an auditor's plat or a subdivision plat that meets the requirements of this chapter and has been filed for record in the office of the county recorder, auditor or assessor.

14. The term "performance bond" shall mean a surety bond or cash deposit made out to the City of Strawberry Point, Iowa, in an amount equal to the full cost of the improvements which are required by this chapter, said cost estimated by the City and said surety bond or cash bond being legally sufficient to secure to the city that said improvements will be constructed in accordance with this ordinance.

15. The term "plat" shall mean a map, drawing or chart on which the sub-divider's plan of the subdivision of land is presented in which he or she submits for approval and intends, in final form, to record.

16. The term "sub-divider" shall mean a person, firm or corporation undertaking the subdivision or re-subdivision of a tract or parcel of land.

17. The term "subdivision" shall mean the division of land into three (3) or more lots or other division of land for the purpose, whether immediate or future, of transfer of ownership or building development. The term when appropriate to the context, shall relate to the process of subdividing or to the land subdivided, or the re-subdivision of land heretofore divided or platted into lots or other divisions of land, or, if a new street is involved, and division of land.

73.03 PLATTING REQUIRED. Every owner of any tract or parcel of land who has subdivided or shall hereafter subdivide or plat the same for the purpose of laying out an addition, subdivision, building lot, or lots, acreage or suburban lots within the city or within two (2) miles from the corporate limits, shall cause plats of such area to be made in the form, and containing the information as hereinafter set forth before selling any lots therein contained or placing the plat on record. The authority for this section is specifically derived from the Code of Iowa, Section 354.9.

(Code of Iowa, 2013, Sec. 354.4 and 354.9)

73.04 PROCEDURE. In obtaining final approval of a proposed subdivision by the city planning commission and the city council, the sub-divider shall submit a preliminary plat in accordance with the requirements hereafter set forth and install improvements or provide a performance bond.

73.05 **PRELIMINARY PLAT.** The sub-divider shall first prepare and file with the city administrator seven (7) copies of a preliminary plat of adequate scale and size showing the following:

1. Title, scale, north point and date.
2. Subdivision boundary lines, showing dimensions, bearings, angles, and references to section, townships and range lines or corners.
3. Present and proposed streets, alleys and sidewalks with right-of-way, in or adjoining the subdivision, including dedicated widths, approximate gradients, types and widths of surfaces, curbs, and planting strips and location of street lights.
4. Proposed layout of lots, showing numbers, dimensions, radii, chords and the square foot areas of lots that are not rectangular.
5. Building setback or front yard lines.
6. Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds, or other public, semi-public or community purposes.
7. Present and proposed easements, showing locations, widths, purposes and limitations.
8. Present and proposed utility systems, including sanitary and storm sewers, other drainage facilities, water lines, gas mains, electric utilities, and other facilities, with the size, capacity, invert elevation and location of each.
9. Proposed name of the subdivision shall not duplicate or resemble existing subdivision names in the county.
10. Names and addresses of the owner, subdivider, builder, and engineer, surveyor or architect who prepared the preliminary plat, and the engineer, surveyor or architect who will prepare the final plat.
11. Existing and proposed zoning of the proposed subdivision and adjoining property.
12. A general summary description of any protective covenants or private restrictions to be incorporated in the final plat.
13. Contours at vertical intervals of not more than two (2) feet if the general slope of the site is less than ten (10) per cent and at vertical intervals of not more than five (5) feet if the general slope is ten (10) per cent or greater, unless the commission waives this requirement.

(Code of Iowa, 2013, Sec. 354.6)

73.06 REFERRAL OF PRELIMINARY PLAT. The city administrator shall forthwith refer two (2) copies of the preliminary plat to the city superintendent of streets, and three (3) copies to the council and two (2) copies to the city planning commission.

(Code of Iowa, 2013, Sec. 354.8)

73.07 ACTION BY SUPERINTENDENT. The superintendent of streets shall carefully examine said preliminary plat as to its compliance with the laws and regulation of the City of Strawberry Point, Iowa, the existing streets system, and good engineering practices, and shall as soon as possible, submit the superintendent's findings in duplicate to the city planning commission together with one (1) copy of the plat received.

(Code of Iowa, 2013, Section 354.8)

73.08 ACTION BY PLANNING COMMISSION. The city planning commission shall, upon receiving the report of the city superintendent of streets as soon as possible, but not more than thirty (30) days thereafter, consider said report, negotiate with the sub-divider on changes deemed advisable and the kind and extent of improvement to be made by him or her, and pass upon the preliminary plat as originally submitted or modified. If the city planning commission does not act within thirty (30) days, the preliminary plat shall be deemed to be approved; provided, however, that the sub-divider may agree to an extension of the time for a period not to exceed an additional sixty (60) days. It shall then set forth its recommendations in writing, whether of approval, modification or disapproval.

1. In the event that substantial changes or modifications are made by the city planning commission or disapproval of the plat, it shall give its reasons therefore and it may request and cause the revised preliminary plat to be resubmitted in the same manner as the original plat.
2. If approved, the city planning commission shall express its approval as "Conditional Approval" and state the conditions of such approval, if any.
3. The action of the city planning commission shall be noted on five (5) copies of the preliminary plat, referenced and attached to any conditions determined. One (1) copy shall be returned to the sub-divider and the other copies retained by the commission.
4. The "Conditional Approval" by the city planning commission shall not constitute final acceptance of the addition or subdivision by the city and authorization to proceed with preparation of the final plat.

(Code of Iowa, 2013, Sec. 354.8)

73.09 FINAL PLAT. The final plat shall conform substantially to the preliminary plat as approved, and if desired by the sub-divider, it may constitute only that portion of the approved preliminary plat which proposes to record and develop at the time, provided, however, that such portion conforms to all requirements of these regulations.

73.10 REFERRAL OF FINAL PLAT. The sub-divider shall, within twelve (12) months of the "Conditional Approval" of the preliminary plat by the city planning commission, prepare and file seven (7) copies of the final plat and other required documents with the city administrator as hereafter set forth, and upon failure to so within the time specified, the "Conditional Approval" of the preliminary plat shall be null and void unless an extension of time is applied for and granted by the city planning commission. Upon receipt of the final plat and other required documents, the city administrator shall transmit five (5) copies of the final plat to the city planning commission for its recommendations and approval, and two (2) copies to the council.

73.11 REQUIREMENTS OF FINAL PLAT. The final plat shall be clearly and legibly drawn to a scale of not more than one hundred (100) feet to one (1) inch with India ink on a reproducible tracing medium. It shall show:

1. The title under which the subdivision is to be recorded.
2. The linear dimensions in feet and decimals of a foot of the subdivision boundary, lot lines, street and alleys. These should be exact and complete to include all distances, radii, arcs, cords, points of tangency and central angles.
3. Street names and clear designations of public alleys. Streets that are continuations of present streets should bear the same name. If new names are needed, they should be distinctive. Street names may be required to conform to the city plan.
4. Location, type, materials, and size of all monuments and markers, including all United States, county or other official bench marks.
5. The plat should be signed and acknowledged by the subdivision land owner and his or her spouse.
6. A sealed certification of the accuracy of the plat by the professional engineer or land surveyor who drew the final plat.

73.12 ATTACHMENT TO FINAL PLAT. The final plat shall have the following attached to it:

1. A correct description of the subdivision land.
2. A certificate by the owner and his or her spouse, if any, that the subdivision is with the free consent, and is in accordance with the desire of the owner and spouse. This certificate must be signed and acknowledged by the owner and spouse before some officer authorized to take the acknowledgment of deeds, and shall include a dedication to the public of all lands within the plat that are designated for streets, alleys, parks, open area, school property or other public use, if the dedication is approved by the city.

3. A statement from any mortgage holder or lien holders that the plat is prepared with their free consent and in accordance with their desires, signed and acknowledged before an officer authorized to take the acknowledgment of deeds. An affidavit and bond as provided in the Code of Iowa, Section 354.12, may be added in lieu of the consent.
4. A release of mortgage or lien shall be attached for any areas conveyed to the city or dedicated for public use.
5. An opinion by an attorney-at-law who has examined the abstract of title to the land being platted, stating the names of the proprietors and holders of any mortgages, liens or other encumbrances, along with any bond securing the encumbrances. Utility easements shall not be construed to be encumbrances for the purpose of this section.
6. A proposed resolution to be considered by the city either approving the subdivision or waiving the right to review.
7. A certificate from the county treasurer that the subdivision 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 a bond.
8. Profiles, typical cross section, and specifications of street improvements and utility systems, to show the location, size and grade. These should be shown on a fifty (50) foot horizontal scale and a five (5) foot vertical scale with west or south at the left.
9. A certificate by the city superintendent of street and sewers, or similar official, that all required improvements and installations have been completed, or that a performance bond guaranteeing completion has been approved by the city attorney and filed with the city administrator, or that the city council has agreed that the city will provide the necessary improvements and installations and assess the cost against the sub-divider of future property owner in the subdivision.

(Code of Iowa, 2013, Sec. 354.11)

73.13 ACTION BY PLANNING COMMISSION. The city planning commission shall, upon receiving the final plat, as soon as possible, but not more than thirty (30) days thereafter, consider the final plat, and if the same is approved, shall submit its recommendation and approval to the city council together with a certified copy of its resolution showing the action of the city planning commission.

73.14 ACTION BY THE CITY COUNCIL. Upon receipt of the certification by the city planning commission, the city council shall, within a reasonable time, either approve or disapprove the final plat.

1. In the event that said plat is disapproved by the city council, such disapproval shall be expresses in writing and shall point out wherein said proposed plat is objectionable.

2. In the event that said plat is found to be acceptable and in accordance with this ordinance, the city council shall accept the same.

3. The passage of a resolution by the city council accepting the plat shall constitute final approval of the platting of the area shown on the final plat, but the subdivider or owner shall cause such plat to be recorded in the office of the County Recorder of Clayton County, Iowa, and shall file satisfactory evidence of such recording in the office of the city administrator before the city shall recognize the plat as being in full force and effect.

(Code of Iowa, 2013, Sec. 354.8)

73.15 GENERAL PROVISIONS. The following general requirements shall be followed by all sub-dividers:

1. Relation to existing streets.

a) The arrangement, character, extent, width, grade and location of all streets shall be considered in their relation to existing and planned streets, to topographic conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such street.

b) The arrangement of streets in a subdivision shall either provide for the continuation of appropriate projection of existing principal streets in surrounding areas or conform to a plat for the neighborhood approved by the city planning commission to meet a particular situation where topographical or other conditions made continuance or conformance to existing streets impracticable.

2. Acreage subdivision.

a) Where the plat submitted covers only a part of the sub-divider plat, a sketch of the protective future system of the un-submitted part shall be furnished and the street system of the part submitted shall be considered in the light of adjustments in connection with the street of the part not submitted.

b) Where the parcel is subdivided into larger tracts than 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.

3. Minor Streets.

a) Minor streets shall be so planned as to discourage through traffic.

b) Cul-de-sac streets are permitted where topography and other conditions justify their use. Such streets shall not be longer than five hundred (500) feet and shall terminate with a turn-around, having an outside roadway diameter of at least eighty (80) feet and a street property line diameter of at least one hundred feet (100'). The right of way width of the straight portion of such streets shall be a minimum of fifty (50) feet. The property line at the

intersection of the turn-around and the straight portion of the street shall be rounded at a radius of not less than twenty (20) feet.

4. Frontage streets.

a) Where a subdivision abuts or contains an existing or proposed arterial street, the commission may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

b) Where a subdivision borders on or contains a railroad right-of-way, the city planning commission may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

5. Half-streets. Half-streets shall be prohibited except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations, and where the city planning commission finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever a half-street is adjacent to a tract to be subdivided, the other half of the street shall be plated within such tract.

6. Street geometrics.

a) Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be avoided.

b) A tangent at least one hundred (100) feet long shall be introduced between reverse curves on arterial and collector streets.

c) 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 two hundred (200) feet for minor and collector streets, and of such greater radii as the city planning commission shall determine for special cases.

d) Street right-of-way widths shall be as shown in the city's Master Plan.

7. Intersections

a) Insofar as is practical, acute angles between streets at their intersection are to be avoided.

b) Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at less than sixty (60) degrees.

c) Property lines at street intersections shall be rounded with a radius of ten (10) feet, or of a greater radius where the city planning commission may deem it necessary. The city planning commission may permit comparable cutoffs or chords in place of rounded corners.

8. Street names. Streets that are in alignment with others already existing and names shall bear the name of the existing streets. The proposed names of new streets shall not duplicate or sound similar to existing street names. Street names shall be subject to the approval of the city planning commission.

9. Street grades.

a) Street grades, wherever feasible, shall not exceed five (5) percent, with due allowance for reasonable vertical curves.

b) No street grade will be less than one-half (1/2) of one percent.

10. Alleys.

a) Alleys shall be provided in commercial and industrial districts, except that the city planning commission may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading and parking consistent with and adequate for the uses proposed.

b) The width of an alley shall be twenty (20) feet.

c) Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.

d) Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turn-around facilities at the dead end, as determined by the city planning commission.

11. Blocks.

a) No block may be more than one thousand three hundred twenty (1320) feet or less than five hundred (500) feet in length between the center lines of intersecting streets, except where, in the opinion of the city planning commission, extraordinary conditions unquestionably justify a departure from these limits.

b) In blocks over seven hundred (700) feet in length, the city planning commission may require at or near the middle of the block a public way or easement of not less than ten (10) feet in width for use by pedestrians and/or as an easement for public utilities.

12. Lots.

a) The lot size, width, depth, shape and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

b) Minimum lot dimensions and sizes shall conform to the requirements of the zoning ordinance. Provided:

1) Residential lots where not served by public sewer shall not be less than ten thousand (10,000) square feet in area.

2) Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

3) Corner lots for residential use shall have an extra twenty feet of width to permit appropriate building setback from and orientation to both streets.

c) The subdividing of the land shall be such as to provide, by means of a public street, each lot with satisfactory access to an existing public street.

d) Double frontage and reverse frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten (10) feet and across which there shall be no right of access, shall be provided along the line of lots abutting such a traffic artery or other disadvantageous use.

e) Side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines.

13. Building lines. Building lines conforming with zoning standards shall be shown on all lots within the platted area. Where the subdivided area is not under zoning control, the city planning commission may require building lines in accordance with the needs of each subdivision.

14. Easements.

a) Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least ten (10) feet wide.

b) Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course, and further width for construction, or both, as will be adequate for the purpose.

15. Plat markers. Markers shall be placed at all block corners, angle points, points of curves in streets, and all such intermediate points as shall be required by the city

superintendent. The markers shall be of such material, size and length as may be approved by the city superintendent.

73.16 IMPROVEMENTS REQUIRED. The sub-divider shall install and construct all improvements required by this ordinance. All required improvements shall be installed and constructed in accordance with the specifications and under the supervision of the city 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 city council after receiving the report and recommendations of the city superintendent of the streets.

2. Roadways. All roadways shall be surfaced with portland cement concrete or with aspartic concrete over a crushed stone base as the city planning commission and the city council may require.

3. Curb and gutter. Curb and gutter shall be required on all streets. All curb and gutter shall be constructed to the grade approved by the city council after receiving the report and recommendations of the city superintendent of streets.

4. Sidewalks. Sidewalks may be required by the city council if they are considered necessary for the general welfare and safety of the community. Sidewalks shall be constructed to the grade approved by the city council after receiving the report and recommendations of the city superintendent of streets.

5. Water lines. Where a public water main is reasonably accessible, the subdivider shall connect with such water main and provide a water connection for each lot with service pipe installed to the property line in accordance with the city water department standards, procedure and supervision.

6. Sewers.

a) Where a public sanitary sewer is reasonably accessible, the subdivider shall connect or provide for the connection with such sanitary sewer and shall provide within the subdivision the sanitary sewer system and shall be required to make sewer accessible to each lot in the subdivision. Sanitary sewers shall be stubbed into each lot. Sewer systems shall be approved by the city council and the State Department of Health and the construction subject to the supervision of the city superintendent of sewers.

b) Where sanitary sewers are not available, other facilities, as approved by the city council and the State Department of Health must be provided for adequate disposal of the sanitary wastes.

c) Adequate provisions shall be made for the disposal of storm waters, subject to the approval of the city council and to the supervision of the city superintendent.

73.17 **COMPLETION OF IMPROVEMENTS.** Before the city council will approve the final plat all of the foregoing improvements shall be constructed and accepted by formal resolution of the city council. Before passage of said resolution of acceptance the city superintendent shall report that said improvements meet all city specifications and ordinances or other city requirements, and the agreements between sub-divider and the city.

73.18 **PERFORMANCE BOND.** The completion requirement may be waived in whole or in part if the sub-divider posts a performance bond with the city council guaranteeing that improvements not completed will be constructed within a period of one (1) year from final acceptance of the plat; but final acceptance of the plat will not constitute final acceptance by the city of any improvements to be constructed. Improvements will be accepted only after their construction has been completed, and no public funds will be expended in the subdivision until such improvements have been completed and accepted by the city.

73.19 **VARIANCES.** Where in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirement of this ordinance would result in extraordinary hardship to the sub-divider, because of unusual topography or other conditions, the city 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 ordinance. In no case shall any variance or modification be more than minimum easing of the requirements, and in no instance shall it be in conflict with any zoning ordinance and such variances and waivers may be granted only by the affirmative vote of three-fourths (3/4) of the members of the city council.

73.20 **CHANGES AND AMENDMENTS.** Any regulations or provisions of this regulation may be changed and amended from time to time by the city council, provided, however that such changes or amendments shall not become effective until after a public hearing has been held, public notice of which shall have been published at least once, not less than ten (10) nor more than twenty (20) days before the date of the hearing.

TITLE VI - COMMUNITY DEVELOPMENT AND ENVIRONMENT
CHAPTER 5 – HAZARDOUS SUBSTANCES

ARTICLE 74
HAZARDOUS SUBSTANCES

74.01 **PURPOSE.** The purpose of this chapter is to reduce the danger to public health, safety and welfare from spills of hazardous substances and to establish responsibility for the removal and clean up of spills.

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

1. “Hazardous waste” means a waste or combination of wastes that, because of its quantity, concentration, biological degradation, leaching from precipitation, or physical, chemical, or infectious characteristics, has either of the following effects:

A. Causes, or significantly contributes to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness.

B. Possesses a substantial danger to human health or to the environment.

“Hazardous waste” may include, but is not limited to, wastes that are toxic, corrosive or flammable, or strong irritants, strong sensitizers or explosives.

“Hazardous waste” does not include:

a. Agricultural wastes, including crop residue that are returned to the soil as fertilizers or soil conditioners.

b. Source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended to January 1, 2013.

2. “Hazardous substances” 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, 2013, or any hazardous materials designated by the secretary of transportation under the Hazardous Materials Transportation Act.

3. “Hazardous condition” means any situation involving the actual, imminent or probable spillage, leakage, or release of a hazardous substance or hazardous waste 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.

4. "Person having control over a hazardous substance" means a person who at any time produces, handles, stores, uses, transports, refines, or disposes of a hazardous substance the release of which causes a hazardous condition, including bailees, carriers, and any 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.

5. "Clean up" means actions necessary to contain, collect, control, identify, analyze, clean up, treat, disperse, remove, or dispose of a hazardous substance.

6. "Person" means any individual, corporation, firm, government, governmental subdivision or agency, business trust, estate, trust partnership or association, or any other legal entity.

74.03 CLEAN UP REQUIRED. Whenever a hazardous condition is created so that a hazardous substance or waste or constituent of the hazardous substance or waste may enter the environment or may be emitted into the air or discharged into any waters, including ground waters, the person having control over the hazardous material shall cause the condition to be remedied by a clean up, as defined by Section 74.02(5), above, as rapidly feasible to an acceptable safe condition, and restore the affected area to its state prior to the hazardous condition as far a practical. The cost of the clean up shall be borne by the person having control over the hazardous substance.

1. If the person having control over the hazardous substance does not cause the clean up to begin in a reasonable time in relation to the hazard and circumstances of the incident, the city may, by the mayor, city administrator, chief of police, police officer, fire chief, volunteer fire fighter, or city superintendent, give reasonable notice based on the character of the hazardous condition, setting a deadline for the commencing and accomplishing the clean up or the city may proceed to procure clean up services. If the anticipated cost of the clean up is beyond the capacity of the city to finance, the mayor, city administrator, chief of police, police officer, fire chief, volunteer fire fighter, or city superintendent shall report to the council and immediately seek any state or federal funds available for such clean up.

74.04 NOTIFICATION.

1. A person manufacturing, storing, handling, transporting, or disposing of a hazardous substance or waste shall notify the Clayton County Sheriff's Department and the city of the occurrence of a hazardous condition as soon as possible but no later than six (6) hours after the onset of the hazardous condition or discovery of the hazardous condition. The Sheriff's Department/Office of Emergency Management shall notify the proper state office in the manner established by the state.

2. Any city employee, any member of a law enforcement agency, or any member of the city fire department who discovers a hazardous condition shall notify the Clayton County Sheriff's

Department and the city immediately. The Sheriff's Department/County Office of Emergency Management shall notify the proper state office in the manner established by the state.

74.05 POLICE AUTHORITY. If the circumstances reasonably so require, the Clayton County Sheriff's Department, County Office of Emergency Management, the city or their representative may:

1. Evacuate persons, even from their homes, to area away from the hazardous condition.
 2. May establish parameters or other boundaries at or near a hazardous condition and limit access to the site of the hazardous condition for a reasonable period of time.
- No person shall disobey an order of any state, county or city law enforcement officer issued under this section.

74.06 CITY LIABILITY. The city shall not be liable to any person for claims of damage, injuries or loses resulting from any hazardous conditions unless the city is the person in control over the hazardous substance as defined in Section 74.02(4).

TITLE VI - COMMUNITY DEVELOPMENT AND ENVIRONMENT
CHAPTER 6 – TAX EXEMPTIONS

ARTICLE 75
INDUSTRIAL PROPERTY IMPROVEMENT TAX EXEMPTIONS

75.01 **PURPOSE.** The purpose of this chapter is to provide for a partial exemption from property taxation for the actual value added to industrial real estate by new construction of industrial real estate and the acquisition of or new improvement to machinery and equipment assessed as real estate pursuant to Section 427B.1, of the Code of Iowa, as amended.

75.02 **DEFINITIONS:**

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

b. “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 the structure to continue to competitively manufacture or process those products which determination shall receive prior approval from the city council upon recommendation of the Iowa Development Commission. New construction does not include the rezoning of or the acquisition of undeveloped real property.

c. “New machinery and equipment.” The exemption shall also apply to new machinery and equipment assessed as real estate pursuant to Section 427B.1 of the Iowa Code, unless the machinery or equipment is part of the normal replacement or operating process to maintain or expand existing operational status.

75.03 **AMOUNT OF EXEMPTION.**

a. The actual value added to industrial real estate for the reasons specified in Section 75.02 is eligible to receive a partial exemption of taxation for a period of five (5) years. The amount of actual value added which is eligible to be exempt for taxation shall be as follows:

1. For the first tax year, seventy-five per cent (75%).
2. For the second tax year, sixty percent (60%).

3. For the third tax year, forty-five percent (45%).
4. For the fourth tax year, thirty percent (30%).
5. For the fifth tax year, fifteen percent (15%).

b. However, the granting of the exemption under this section 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.

75.04 APPLICATION FOR EXEMPTION. An application for exemption shall be filed for each project resulting in actual value added for which an exemption is claimed. 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. 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.

75.05 PRIOR APPROVAL. A person may submit a proposal to the city council to receive prior approval for eligibility for a tax exemption for new construction. The city council, by ordinance, may give its prior approval of tax exemption for new construction if the new construction is in conformance with the zoning plans for the city. The prior approval shall also be subject to the hearing requirements of Section 363.3 of the Code of Iowa, 2013. 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. However, if the tax exemption for new construction is not approved, the person may submit an amended proposal to the city council to approve or reject.

75.06 REPEAL OF EXEMPTION. 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.

75.07 INELIGIBILITY FOR EXEMPTION. 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.

TITLE VII - SOCIAL AND ECONOMIC WELL BEING
CHAPTER 1 - REGULATION OF BUSINESS AND VOCATIONS

ARTICLE 76
PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS

76.01 **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.

(Easterly v. Incorporated Town of Irwin, 99 Iowa 694, 68 N.W. 919 (1896))

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

(Town of Scranton v. Henson, 151 Iowa 221, 130 N.W. 1079 (1911); Davenport. Rice, 75 Iowa 74, 39 N.W. 191 (1888); 68 Iowa 678 (1886))

1. "Peddler": shall mean 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 public street.
2. "Solicitor": shall mean any person who solicits or attempts to solicit from house-to-house or upon the public street an order for goods, subscriptions or merchandise to be delivered at a future date.
3. "Transient merchant": shall mean any person, firm or corporation who engages in temporary or itinerant merchandising business and in the course of such business hires, leases or occupies any building or structure what-so-ever. 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 shall not exempt any person, firm or corporation from being considered a transient merchant.

76.03 **LICENSE REQUIRED.** Any person engaging in peddling, soliciting or in the business of a transient merchant in this city without first obtaining a license as herein provided shall be in violation of this chapter.

(Easterly v. Incorporated Town of Irwin, 99 Iowa 694, 68 N.W. 919 (1896))

76.04 **LICENSE EXEMPTIONS.** The following are excluded from the application of this chapter:

(State of Iowa v. Garbroski, 111 Iowa, 496, 82 N.W. 959 (1900))

1. Newspaper deliverers.
2. Members of local Boy Scout, Girl Scout, Campfire Girls, 4-H Clubs, Future Farmers of America, and similar organizations.

3. Farmers who offer for sale products of their own raising.
4. Students representing the Starmont Community School District conducting projects sponsored by organizations recognized by the school.
5. Milk delivery men who only incidentally solicit additional business or make special sales.
6. Persons customarily calling on businesses or institutions for the purpose of selling products for resale or institutional use.

76.05 RELIGIOUS AND CHARITABLE ORGANIZATIONS. Authorized representatives of religious and charitable organizations desiring to solicit money or to distribute literature shall be exempt from the operation of Section 6 through Section 10 of this chapter. All such organizations shall be required to submit in writing to the city administrator 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 for his/her efforts and the amount thereof. If the city administrator shall find that the organization is a bona fide charity or religious organization he or she shall issue, free of charge, a license containing the above information to the applicant. Local religious and charitable organizations are exempt from all requirements under this Article. "Local" means any religious or charitable organization having a congregation, parish, or chapter located in Strawberry Point.

76.06 APPLICATION FOR LICENSE. An application in writing shall be filed with the city administrator for a license under this ordinance. Such application shall set forth the applicant's name, permanent and local address, business address if any, physical description, recent photograph, right thumb print and if a peddler, a certificate signed by the health officer or other local physician that the applicant is in good health and free from any contagious diseases. The application shall also set forth the applicant's employer if any, and the employer's address, the nature of the applicant's business, the last three places of such business and the length of time sought to be covered by the license. An application fee of \$20.00 shall be paid at the time of filing such application to cover the cost of investigating the facts stated therein.

76.07 BOND REQUIRED. Before a license under this chapter shall be issued, each principal shall post a bond, by a surety company authorized to engage in the business of insuring the fidelity of others in Iowa, in the amount of \$1,000.00 with the city administrator to the effect that the registrant and the surety shall contest to the forfeiture of the principal sum of the bond or such part thereof as may be necessary:

- 1) to indemnify the town for any penalties or costs occasioned by the enforcement of this chapter and

2) to make payment of any judgment rendered against the registrant as a result of a claim or litigation arising out of or in connection with such registrant's peddling or solicitation.

Said bond shall not be retired until after a lapse of one year from the expiration of the license which it covers.

76.08 AGENT FOR SERVICE OF PROCESS. Before the license is issued the applicant shall first sign an appointment naming the city administrator as agent of the licensee for service of process in the event of claim or litigation against such registrant arising out of or in connection with any peddling or solicitation.

76.09 LICENSE FEES. The following 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 \$35.00 per year.

2. "Peddlers or Transient Merchants":

For one day	\$ 75.00
For one week (or part thereof)	\$ 175.00
For up to six month	\$ 300.00
For one year or major part thereof	\$ 500.00

76.10 LICENSE ISSUED. If the city administrator finds the application is completed in conformance with section 6 of this chapter and the facts stated therein are found to be correct, the required bond is posted and the license fee paid, a license shall be issued immediately.

76.11 DISPLAY OF LICENSE. Each solicitor or peddler shall at all times while doing business in this city keep in his/her possession the license provided for in Section 76.10, and shall, upon the request of prospective customers, or law enforcement officers, exhibit the license as evidence that the person has complied with all requirements of this chapter. Each transient merchant shall display publicly his/her license in his/her place of business.

76.12 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.

76.13 TIME RESTRICTION. All peddler's and solicitor's licenses shall be in force and effect only between the hours of 8:00 o'clock a.m. to 6:00 o'clock p.m.

76.14 REVOCATION OF LICENSE. After notice and hearing, the city administrator may revoke any license issued under this chapter for the following reasons:

1. Fraudulent Statements. The licensee has made fraudulent statements in his application for the license or in the conduct of his business.

2. **Violation of Law.** The licensee had violated this chapter or had otherwise conducted his/her business in an unlawful manner.

3. **Endangered Public Welfare, Health or Safety.** The licensee has conducted his/her business in such manner as to endanger the public health, welfare, safety, order or morals.

76.15 **NOTICE.** The license holder and the surety on the bond shall be served with written notice containing particulars of the complaints against the licensee, the city code sections or state statutes allegedly violated , and the date, time and place for hearing on the matter.

76.16 **HEARING.** The city administrator 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 an authorized representative fail to appear without good cause, the city administrator may proceed to a determination on the complaint.

76.17 **RECORD AND DETERMINATION.** The city administrator shall make and record findings of fact and conclusions of law and shall revoke a license only when upon review of the entire record, clear and convincing evidence of substantial violation of this chapter or state law is found.

76.18 **APPEAL.** If the city administrator revokes, or refuses to issue a license, the city administrator shall make a part of the record the reasons therefore. 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 city administrator by a majority vote of the council members present and the city administrator shall carry out the decision of the council.

(Constitution of Iowa, Article I, Sec. 9)

76.19 **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 (1) year from the date of the revocation.

TITLE VII - SOCIAL AND ECONOMIC WELL BEING
CHAPTER 1 - REGULATION OF BUSINESS AND VOCATIONS

ARTICLE 77
HOUSE MOVERS

77.01 **PURPOSE.** The purpose of this chapter is to protect and preserve the public safety and well-being by licensing and regulating house and building movers.

77.02. **HOUSE MOVER DEFINED.** A “house mover” shall mean any person who undertakes to move a building or similar structure upon, or across the public streets, alleys, walks or property, using skids, jacks, dollies or any method other than a properly licensed motor vehicle.

77.03 **LICENSE REQUIRED.** It shall be unlawful for any person to engage in the activity of house mover as herein defined without a valid license from the city for each house, building or similar structure to be moved.

77.04 **APPLICATION.** Application for a house mover’s license shall be made in writing to the city administrator on forms furnished by the city administrator. The application shall include:

1. Name and Address. The applicant’s full name and address and, if a corporation, the names and addresses of it’s 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, city superintendent and public utility officials. The route approved shall be the shortest route compatible with the greatest public convenience and safety.

77.05 **BOND REQUIRED.** The applicant shall post a penal bond with the city clerk in the sum of Two Hundred Fifty Thousand Dollars (\$250,000.00) issued by a surety company authorized to issue bonds in the State of Iowa. The bond shall guarantee the licensee’s payment for any damage done to the city or public property, and payment of all costs incurred by the city in the course of the moving of the building or structure.

77.06 **INSURANCE REQUIRED.** Each applicant shall also have filed a certificate of insurance indicating that there is being carried public liability insurance in effect for the duration of the license covering the applicant, his/her agents and employees for the following amounts:

Bodily Injury	\$500,000.00 per person;	\$1,000,000.00 per accident.
Property Damage		\$1,000,000.00 per accident.

77.07 LICENSE FEE. A license fee of Two Hundred Dollars (\$200.00) shall be payable at the time of filing the application with the city clerk. A separate license shall be required for each house, building or similar structure to be moved. The applicant shall be responsible to pay to all public utilities, including the city, for lowering or raising wire or cables.

77.08 LICENSE ISSUED. Upon completion of the application, filing of bond and insurance certificate, and payment of the required fee, the city administrator shall issue a license.

77.09 PUBLIC SAFETY. At all times when a building or similar structure is in motion on any city street, alley, sidewalk or public property, the licensee shall maintain flag people at the closest intersection or other possible channels of traffic to the sides, behind and ahead of the building or structure. At all times when the building or structure is at rest upon any street, alley, sidewalk or public property, the licensee shall maintain adequate warning signs or flares at the intersections or channels of traffic to the sides, ahead and behind the building or structure.

77.10 TIME LIMIT. No house mover shall permit or allow a building or similar structure to remain upon any street or other public way for a period of more than twelve (12) hours without having first secured the written approval of the city.

77.11 REMOVAL BY CITY. In the event any building or similar structure is found to be in violation of Section 10 of this chapter the city is authorized to remove such building or structure and assess the costs thereof against the license holder and the bond surety.

TITLE VII - SOCIAL AND ECONOMIC WELL BEING
CHAPTER 2 - TOBACCO

ARTICLE 78
CIGARETTE PERMITS

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

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

(Code of Iowa, 2013, Sec. 453A.1)

78.02 **PERMIT REQUIRED.** No retailer shall sell, distribute, 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.

78.03 **APPLICATION.** A completed application on forms provided by the State Department of Revenue and accompanied by the fee provided in Section 78.04 shall be filed with the clerk. Original applications must be filed at least five (5) days prior to the regular monthly meeting of the council at which the applicant wishes the application to be considered. Renewal applications shall be filed at least five (5) days prior to the last regular meeting of the council in June. If an application is not timely filed, and a special council meeting is called to act on the application, the costs of such a special meeting shall be paid by the applicant.

(O.A.G., 1922, P. 460, Code of Iowa, 2013, Sec. 453A.13)

78.04 **FEES.** The fee for issuing or renewing a cigarette permit shall be as follows:

(Code of Iowa, 2013, Sec. 453A.13))

For Permits Issued or Renewed During:	Fee:
July, August, or September	\$75.00
October, November or December	\$56.25
January, February or March	\$37.50
April, May or June	\$18.75

78.05 **ISSUANCE.** The council shall issue or renew a permit upon a determination that such issuance or renewal will not be detrimental to the public health, safety or morals, and shall certify its action in issuing a permit to the State Department of Revenue.

78.06 PERMITS NOT TRANSFERABLE. A permit shall not be transferable to another place of business or retailer. However, if a retailer who holds a valid permit, changes place of business, the council, if it decides to issue a new permit, shall not charge any additional fee for surrender of the original permit.

78.07 EXPIRATION. Permits expire on June 30 of each year.

78.08 REFUNDS. A retailer may surrender an unrevoked permit and receive a refund from the city, except during April, May or June, as follows:

(Code of Iowa, 2013, Sec. 453A.13)

Permits Surrendered During:	Amount of Refund:
July, August, or September	\$56.25
October, November, or December	\$37.50
January, February, or March	\$18.75

78.09 REVOCATION. The council, after notice and hearing, shall revoke a permit if it finds the retailer has substantially violated the provisions of this chapter or Chapter 453A, Code of Iowa, 2013, or if grounds exist, that would be sufficient for refusal to issue such a permit. The city administrator shall give five (5) days sufficient written notice to the retailer by mailing a copy of the notice by certified mail to the place of business as it appears on the application for a permit. The notice shall state the contemplated revocation and the time and place at which the licensee may appear and be heard. The hearing shall be held at the regular meeting place of the council.

(Code of Iowa, 2013, Sec. 453A.22; O.A.G., 1932 P.64)

78.10 RENEWAL AFTER REVOCATION. Upon revocation, no new permit shall be issued to the retailer, or for the place of business, for one year from the date of revocation unless good cause to the contrary is shown to the council.

TITLE VII - SOCIAL AND ECONOMIC WELL BEING
CHAPTER 3 - FRANCHISES

ARTICLE 79
NATURAL GAS FRANCHISE

79.01 FRANCHISE GRANTED. The City of Strawberry Point, Iowa, (hereinafter referred to as “Grantor”) hereby grants a non-exclusive franchise to Aquila Networks , a Delaware corporation, (hereinafter called “Grantee”), its lessees, successors and assigns. Grantee is hereby granted the right, privilege, franchise, permission and authority to lay, construct, install, maintain, operate and extend in, along, over or across the present and future streets, alleys, avenues, bridges, public rights-of-way and public places as are now within the present or future limits of said Grantor, a natural gas distribution system and all facilities necessary for the purpose of supplying natural gas or processed gas for all purposes to the inhabitants of said Grantor and consumers in the vicinity thereof, and for the distribution of natural gas from or through said Grantor to points beyond the limits thereof. Such facilities shall include, but not be limited to, all mains, services, pipes, conduits and appliances necessary or convenient for transmitting, transporting, distributing and supplying natural gas for all purposes for which it may be used, and to do all other things necessary and proper in providing natural gas service to the inhabitants of Grantor and in carrying on such business.

79.02 TERM. The rights and privileges granted by this Ordinance shall remain in effect for a period of twenty-five (25) years from the effective date of this Ordinance hereof subject to cancellation at the end of the tenth (10th) year. Grantor, through its Clerk, shall notify Grantee in writing at least one hundred and eighty (180) days before the expiration of the initial term that Grantor, desires not to renew the franchise.

79.03 GOVERNING RULES AND REGULATIONS. This Ordinance is granted subject to all conditions, limitations and immunities now provided for, or as hereafter amended, and applicable to the operations of a public utility by State or Federal law. The rates to be charged by Grantee for service within the present or future corporate limits of Grantor and the rules and regulations regarding the character, quality and standards of service to be furnished by Grantee shall be under the jurisdiction and control of such regulatory body or bodies as may, from time to time, be vested by law with authority and jurisdiction over the rates, regulations and quality and standards of service to be supplied by Grantee. Provided however, should any judicial, regulatory or legislative body, having proper jurisdiction, take any action that precludes Grantee from recovering from its customers any cost associated with services provided hereunder, then Grantee and Grantor shall renegotiate the terms of this Ordinance in accordance with the action taken, so as to allow Grantee to be made whole economically. In determining the rights and duties of the Grantee, the terms of this franchise Ordinance shall take precedence over any conflicting terms or requirements contained in any other Ordinance enacted by the Grantor.

If an energy supplier is unable to furnish an adequate supply of energy due to an emergency, an order or decision of the public regulatory body, or other acts beyond the control of the Grantee, then the Grantee shall have the right and authority to adopt reasonable rules and

regulations limiting, curtailing or allocating extensions of service or supply of energy to any customers or prospective customers, and withholding the supply of energy to new customers, provided that such rules and regulations shall be uniform as applied to each class of customers or prospective customers, and shall be non-discriminatory as between communities receiving service from the Grantee.

79.4 FRANCHISE FEE. In exchange for the franchise granted herein, the Company shall collect from its gas customers located within the corporate limits of the City (but not from the City) and pay to the City an amount equal to two percent (2.0%) of gross receipts the Company derives from the sale, distribution or transportation of gas delivered within the present or future limits of the City. Gross receipts as used herein are revenues received from the sale, distribution or transportation of gas, after adjustment for the net write-off of uncollectible accounts and corrections of bills theretofore rendered. The amount paid by the Company shall be in lieu of, and the Company shall be exempt from, all other fees, charges, taxes or assessments which the City may impose for the privilege of doing business within the City, including without limitation excise taxes, occupation taxes, licensing fees, or right-of-way permit fees, and in the event the City imposes any such fee, charge, tax or assessment, the payment to be made by the Company in accordance with this section shall be reduced in an amount equal to any such fee, charge, tax or assessment imposed upon the Company. Ad valorem property taxes imposed generally upon all real and personal property within the City shall not be deemed to affect Company's obligations under this section.

The Company shall report and pay any amount payable under this section on a monthly basis. Such payment shall be made no more than thirty (30) days following the close of the period for which payment is due. Initial and final payments shall be prorated for the portions of the periods at the beginning and end of the term of this ordinance.

The Company shall list the franchise fee collected from customers as a separate item on bills for utility service issued to its customers. If at any time the Iowa Utility Board or other authority having proper jurisdiction prohibits such recovery, the Company will no longer be obligated to collect and pay the franchise fee. In addition, the Company may reduce the franchise payable for gas delivered to a specific customer when such reduction is required to attract or retain the business of that customer.

If at any time the Iowa Utility Board or other authority having proper jurisdiction allows the Company to choose whether to collect the franchise fee from its customers, the Company will nevertheless continue to collect the franchise fee and may pay same to the City, as provided for herein.

The City shall provide copies of annexation ordinances to the Company on a timely basis to ensure appropriate franchise fee collection from customers within the City's corporate limits. The Company's obligation to collect and pay the franchise fee from customers within an annexed area shall not commence until the later of: (a) sixty (60) days after the Company's receipt of the annexation ordinance pertaining to such area; or (b) such time as is reasonably necessary for the Company to identify the customers in the annexed area obligated to pay the

franchise fee. The City shall have access to and the right to examine, during normal business hours, such of the Company's book, receipts, files, records and documents as is necessary to verify the accuracy of payments due hereunder. If it is determined that a mistake was made in the payment of any franchise fee required hereunder, such mistake shall be corrected promptly upon discovery, such that any under-payment by the Company shall be paid within thirty (30) days of recalculation of the amount due, and any over-payment by the Company shall be deducted from the next payment of such franchise fee due by the Company to the City. Upon giving sixty (60) days notice to the Company, the City may change the amount of the franchise fee to be collected from the Company's customers; provided, however, that: (a) the City shall not increase the franchise fee more than four (4) times during the initial and any renewal term of the franchise; and (b) the City shall not increase the franchise fee to more than five percent (5%) of gross receipts the Company derives from the sale, distribution or transportation of gas delivered within the present or future limits of the City.

79.05 CONSTRUCTION AND MAINTENANCE OF COMPANY FACILITIES. Any pavements, sidewalks or curbing taken up and any and all excavations made shall be done in such a manner as to cause only such inconvenience to the inhabitants of Grantor to the general public as is reasonably necessary; and repairs and replacements shall be made promptly by Grantee, leaving such properties in as good as condition as existed immediately prior to excavation.

Grantee agrees that for the term of this grant, it will maintain facilities and equipment sufficient to meet the current and future energy requirements of Grantor, its inhabitants and industries. While maintaining its facilities and equipment, Grantee shall obtain permits as required by ordinance, except that in emergency situations, Grantee shall take immediate unilateral actions as it determines are necessary to protect the public health, safety, and welfare; in which case, Grantee shall notify Grantor as soon as reasonably possible.

Grantor will give Grantee reasonable notice of plans for street improvements where paving or resurfacing of a permanent nature is involved that affect Grantee's facilities. The notice shall contain the nature and character of the improvements, the rights-of-way upon which the improvements are to be made, the extent of the improvements and the time when the Grantor will start the work, and, if more than one right-of-way is involved, the order in which this work is to proceed. The notice shall be given to the Grantee a sufficient length of time, considering seasonable working conditions, in advance of the actual commencement of the work to permit the Grantee to make any additions, alterations, or repairs to its facilities.

79.06 EXTENSION OF COMPANY FACILITIES. Upon receipt and acceptance of a valid application for service, Grantee shall, subject to its own economic feasibility criteria, make reasonable extensions of its distribution facilities to serve customers located within the current or future corporate limits of Grantor.

79.07 RELOCATION OF COMPANY FACILITIES. If Grantor elects to change the grade of or otherwise alter any street, alley, avenue, bridge, public right-of-way or public place for a public purpose, Grantee, upon reasonable notice from Grantor, shall remove and relocate its facilities or equipment situated in the public rights-of-way, if such removal is

necessary to prevent interference and not merely for the convenience of the Grantor, at the cost and expense of Grantee. If Grantor orders or requests Grantee to relocate its facilities or equipment for the primary benefit of a commercial or private project, or as a result of the initial request of a commercial or private developer or other non-public entity, and such removal is necessary to prevent interference and not merely for the convenience of the Grantor or other right-of-way user, Grantee shall receive payment for the cost of such relocation as a precondition to relocating its facilities or equipment. Grantor shall consider reasonable alternatives in designing its public works projects so as not arbitrarily to cause Grantee unreasonable additional expense in exercising its authority under this section. Grantor shall also provide a reasonable alternative location for Grantee's facilities. Grantor shall give Grantee written notice of vacating of a public right-of-way. Vacating of a public right-of-way shall not deprive the Grantee of its right to operate and maintain existing facilities, until the reasonable cost of relocating the same are first paid to the Grantee.

Any person or corporation desiring to move a building or other structure along, or to make any unusual use of any street, alley, avenue, bridge, public right-of-way or public place which shall interfere with the facilities or equipment of the Grantee, shall first give notice to the Grantor and the Grantee and pay a sum sufficient to cover the expense and damage incident to the moving of Grantee's facilities and equipment.

79.08 CONFIDENTIAL INFORMATION. Grantor acknowledges that certain information it might request pursuant to this franchise may be of a proprietary and confidential nature. If Grantee requests that any information provided by Grantee to Grantor be kept confidential due to such propriety or commercial value, Grantor and its employees, agents, and representatives shall maintain the confidentiality of that information, to the extent allowed by law. If Grantor is requested or required by legal or administrative process to disclose any such confidential information, Grantor shall promptly notify Grantee of such request or requirement so that Grantee may seek an appropriate protective order or other relief. Grantor shall use all reasonable efforts to ensure that the confidentiality of Grantee's confidentiality is maintained.

79.09 FORCE MAJEURE. It shall not be a breach or default under this franchise if either party fails to perform its obligations hereunder due to Force Majeure. Force Majeure shall include, but not be limited to, the following: 1) physical events such as acts of God, landslides, lightning, earthquakes, fires, freezing, storms, floods, washouts, explosions, breakage or accident or necessity of repairs to machinery, equipment or distribution or transmission lines; 2) acts of others such as strikes, work-force stoppages, riots, sabotage, insurrections or wars; 3) governmental actions such as necessity for compliance with any court order, law, statute, ordinance, executive order, or regulation promulgated by a governmental authority having jurisdiction; and any other causes, whether of the kind herein enumerated or otherwise not reasonably within the control of the affected party to prevent or overcome. Each party shall make reasonable efforts to avoid Force Majeure and to resolve such event as promptly as reasonably possible once it occurs in order to resume performance; provided, however, that this provision shall not obligate a party to settle any labor strike.

79.10 **HOLD HARMLESS.** Grantee, during the term of this Ordinance, agrees to save harmless Grantor from and against all claims, demands, losses and expenses arising directly out of the negligence of Grantee, its employees or agents, in the constructing, operating, and maintaining of distribution and transmission facilities or appliances of Grantee; provided, however, that Grantee need not save harmless Grantor from claims, demands, losses and expenses arising out of the negligence of Grantor, its employees or agents.

TITLE VII - SOCIAL AND ECONOMIC WELL BEING
CHAPTER 3 - FRANCHISES

ARTICLE 80
TELEPHONE FRANCHISE

80.01 FRANCHISE GRANTED. General Telephone Company of the Midwest, a corporation, its successors, and assigns (hereinafter referred to as “grantee”), is hereby granted a franchise for a period of twenty-five (25) years from the effective date of this ordinance to acquire, construct, reconstruct, maintain, extend, and operate such telephone plant or system and such facilities thereof, including lines, poles, wires, stubs, anchors, cables, vaults, laterals, conduits, and other fixtures and equipment in, upon, through, over, under, along and across the public streets, alleys, highways, and other passageways or public grounds of or in the corporate limits of the city, as now or hereinafter established, as may be necessary and/or convenient for supplying to the citizens of the city, to adjacent rural areas and to the public at large telephone and telecommunication by telephone or other electric communication business therein.

80.02 RIGHTS AND PRIVILEGES. Grantee’s rights and privileges in the public ways and grounds of the city shall be exercised as follows:

- a. Locations of its existing system are hereby approved; changes of locations, additions or extensions thereto affecting public grounds or ways shall be under the supervision of the city’s street committee or such other officer or officers as may be designated by the mayor and council for that reason.
- b. The installations of grantee shall be so placed and the servicing and occupation thereof so performed as to not unreasonably interfere with ordinary travel on the public ways or with ingress to or egress from public or private property.
- c. Grantee may make excavations in public grounds or ways, and may take up such portions of pavements or sidewalk as it deems necessary for the installation, maintenance, replacement or removal of its facilities. Excavations so made shall be refilled and surfacing thus disturbed shall be restored to as reasonably good condition as before.
- d. Grantee shall permit the city to attach to its poles its fire and/or police wires and apparatus incident thereto. Such attachments are to be made under the direction and supervision of grantee and so made and maintained so as not to interfere with grantee’s use of said poles.

80.03 ACCOMMODATION. Grantee shall accommodate public or private necessity to move along or across public ways or grounds of the city, vehicles or structures, other than parade components, of such height or size as to interfere with its poles and/or wires erected hereunder and shall temporarily remove or adjust the same to permit such passage provided:

- a. Written notice thereof shall be served on grantee’s agent or manager at Manchester, Iowa, not less than forty-eight (48) hours in advance of the time set for the proposed passage;

b. Grantee be paid in advance for the actual cost of the accommodation.

80.04 **INDEMNIFICATION.** Grantee shall indemnify the city against loss from claims or causes of action arising out of its construction, reconstruction, maintenance or operation of the installations herein authorized.

80.05 **INJURY TO PROPERTY UNLAWFUL.** It shall be unlawful for any person to injure, destroy or deface any property of grantee lawfully installed and maintained hereunder or to post bills or signs thereon. A violation of this section shall constitute a misdemeanor punishable as provided by law.

80.06 **EFFECTIVE.** This chapter shall be effective:

- a. Upon its approval by a majority of the legal electors of the city voting thereon;
- b. The publication thereof as required by law;
- c. Grantee's written acceptance of same filed with the city administrator;
- d. Grantee's payment of the costs of the election including costs of notice.

EDITOR'S NOTE

Ordinance No. 96 granting franchise to General Telephone of Iowa was adopted by the council August 15, 1957; approved by voters at an election held September 19, 1957, and accepted by the grantee by letter filed October 15, 1957.

Ordinance No. 25 granting franchise to General Telephone Company of the Midwest was adopted by the council August 18, 1982; approved by voters at an election held September , 1982, and accepted by grantee by letter filed October , 1982.

TITLE VII - SOCIAL AND ECONOMIC WELL BEING
CHAPTER 3 - FRANCHISES

ARTICLE 81
CABLE TELEVISION FRANCHISE

81.01 **FRANCHISE AGREEMENT.** This Franchise Agreement (“Franchise”) is between the City of Strawberry Point, hereinafter referred to as “the Franchising Authority” and Mediacom Iowa LLC, a limited liability company duly organized and validly existing under the laws of the State of Delaware, hereinafter referred to as “the Grantee”.

The Franchising Authority hereby acknowledges that the Grantee has substantially complied with the material terms of the current Franchise under applicable law, and that the financial, legal, and technical ability of the Grantee is reasonably sufficient to provide services, facilities, and equipment necessary to meet the future cable-related needs of the community, and having afforded the public adequate notice and opportunity for comment, desires to enter into this Franchise with the Grantee for the construction and operation of a cable system on the terms set forth herein.

81.02 **TERMS.** Definition of Terms. For the purpose of this Franchise, the following terms, phrases, words, and abbreviations shall have the meanings ascribed to them below. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural include the singular number, and words in the singular number include the plural number.

- A. “Basic Cable Service” is the lowest priced tier of Cable Service that includes the retransmission of local broadcast television signals.
- B. “Cable Act” means Title VI of the Cable Act of 1934, as amended.
- C. “Cable Services” shall mean (1) the one-way transmission to Subscribers of (a) video programming, or (b) other programming service, and (2) Subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service.
- D. “Cable System” shall mean the Grantee’s facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide Cable Service which includes video programming and which is provided to multiple Subscribers within the Service Area.
- E. “FCC” mean Federal Communications Commission, or successor governmental entity thereto.
- F. “Franchising Authority” means the City of Strawberry Point.

- G. “Grantee” means Mediacom Iowa LLC, or the lawful successor, transferee, or assignee thereof.
- H. “Gross Revenues” means revenues derived from the operation of the Cable System received by Grantee from Subscribers for Cable Services in the Service Area; provided, however, that Gross Revenues shall not include franchise fees, the FCC User Fee or any tax, fee or assessment of general applicability collected by the Grantee from Subscribers for pass-through to a government agency.
- I. “Person” means an individual, partnership, association, joint stock company, trust corporation, or governmental entity.
- J. “Public Way” shall mean the surface of, and the space above and below, any public street, highway, freeway, bridge, land path, alley, court, boulevard, sidewalk, parkway, way, lane, public way, 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 now or hereafter held by the Franchising Authority in the Service Area which shall entitle the Grantee to the use thereof for the purpose of installing, operating, repairing, and maintaining the Cable system.
- K. “Service Area” means the present boundaries of the Franchising Authority, and shall include any additions thereto by annexation or other legal means, subject to the exceptions in subsection 81.14.
- L. “Standard Installation” is defined as 125 feet from the nearest tap to the Subscriber’s terminal.
- M. “Subscriber” means a Person who lawfully receives Cable Service of the Cable System with the Grantee’s express permission.

81.03 GRANT OF FRANCHISE The Franchising Authority hereby grants to the Grantee a nonexclusive Franchise which authorizes the Grantee to construct and operate a Cable System in, along, among, upon, across, above, over, under, or in any manner connected with Public Ways within the Service Area, and for that purpose to erect, install, construct, repair, replace, reconstruct, maintain, or retain in, on, over, under, upon, across, or along any Public Way such facilities and equipment as may be necessary or appurtenant to the Cable System for the transmission and distribution of Cable Services, data services, information and other communications services or for any other lawful purposes.

81.04 OTHER ORDINANCES. The Grantee agrees to comply with the terms of any lawfully adopted generally applicable local ordinance, to the extent that the provisions of the ordinance do not have the effect of limiting the benefits or expanding the obligations of the Grantee that are granted by this Franchise. Neither party may unilaterally alter the material

rights and obligations set forth in this Franchise. In the event of a conflict between any ordinance and this Franchise, the Franchise shall control.

81.05 OTHER AUTHORIZATIONS. The Franchising Authority shall not permit any person to provide services similar to those provided by the Grantee in the Service Area without first having secured a non-exclusive franchise from the Franchising Authority. The Franchising Authority agrees that any grant of additional franchises or other authorizations including OVS authorizations by the Franchising Authority to provide services similar to those provided by the Grantee pursuant to this Agreement to any other entity shall cover the entire Service Area and shall not be on terms and conditions more favorable or less burdensome to the grantee of any such additional franchise or other authorization than those which are set forth herein. In any renewal of this Franchise, the Franchising Authority, should it seek to impose increased obligations upon the Grantee, must take into account any additional franchise(s) or authorizations previously granted and find that the proposed increased obligations in the renewal, are not more burdensome and/or less favorable than those contained in any such additional franchise(s) or authorizations.

81.06 CONDITIONS OF OCCUPANCY. The Cable System installed by the Grantee pursuant to the terms hereof shall be 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.

81.07 RESTORATION OF PUBLIC WAYS. If during the course of the Grantee's construction, operation, or maintenance of the Cable System there occurs a disturbance of any Public Way by the Grantee, Grantee shall replace and restore such Public Way to a condition reasonably comparable to the condition of the Public Way existing immediately prior to such disturbance.

81.08 RELOCATION FOR THE FRANCHISING AUTHORITY. Upon its receipt of reasonable advance written notice, to be not less than ten (10) business days, the Grantee shall protect, support, raise, lower, temporarily disconnect, relocate in or remove from the Public Way, any property of the Grantee when lawfully required by the Franchising Authority by reason of traffic conditions, public safety, street abandonment, freeway and street construction, change or establishment of street grade, installation of sewers, drains, gas or water pipes, or any other type of public structures or improvements which are not used to compete with the Grantee's services. The Grantee shall in all cases have the right of abandonment of its property.

81.09 RELOCATION FOR A THIRD PARTY. The Grantee shall, on the request of any Person holding a lawful permit issued by the Franchising Authority, protect, support, raise, lower, temporarily disconnect, relocate in or remove from the Public Way as necessary any property of the Grantee, provided: (A) the expense of such is paid by said Person benefiting from the relocation, including, if required by the Grantee, making such payment in advance; and (B) the Grantee is given reasonable advance written notice to prepare for such changes.

For purposes of this subsection, “reasonable advance written notice” shall be no less than thirty (30) business days in the event of a temporary relocation, and no less than one hundred twenty (120) days for a permanent relocation.

81.10 TRIMMING OF TREES AND SHRUBBERY. The Grantee shall have the authority to trim trees or other natural growth in order to access and maintain the Cable System.

81.11 SAFETY REQUIREMENTS. Construction, operation, and maintenance of the Cable System shall be performed in an orderly and workmanlike manner. All such work shall be performed in substantial accordance with generally applicable federal, state and local regulations and the National Electric Safety Code.

81.12 UNDERGROUND CONSTRUCTION. In those areas of the Service Area where all of the transmission or distribution facilities of the respective public utilities providing telephone communications and electric services are underground, the Grantee likewise shall construct, operate, and maintain its Cable System underground. Nothing contained in this subsection shall require the Grantee to construct, operate, and maintain underground any ground-mounted appurtenances.

81.13 ACCESS TO OPEN TRENCHES. The Franchising Authority agrees to include the Grantee in the platting process for any new subdivision. At a minimum, the Franchising Authority agrees to require as a condition of issuing a permit for open trenching to any utility or developer that (A) the utility or developer give the Grantee at least ten (10) days advance written notice of the availability of the open trench, and (B) that the utility or developer provide the Grantee with reasonable access to the open trench. Notwithstanding the foregoing, the Grantee shall not be required to utilize any open trench.

81.14 REQUIRED EXTENSIONS OF THE CABLE SYSTEM. Grantee agrees to provide Cable Service to all residences in the Service Area subject to the density requirements specified in this subsection. Whenever the Grantee receives a request for Cable Service from a potential Subscriber in a unserved area contiguous to Grantee’s existing distribution facilities where there are at least 10 residences within 1320 cable bearing strand feet (one-quarter cable mile) from the portion of the Grantee’s trunk or distribution cable which is to be extended, it shall extend its Cable System to such Subscribers at no cost to said Subscribers for the Cable System extension, other than the published Standard/non-Standard Installation fees charged to all Subscribers. Notwithstanding the foregoing, the Grantee shall have the right, but not the obligation, to extend the Cable System into any portion of the Service Area where another operator is providing Cable Service, into any annexed area which is not contiguous to the present Service Area of the Grantee, or into any area which is financially or technically infeasible due to extraordinary circumstances, such as a runway or freeway crossing.

81.15 SUBSCRIBER CHARGES FOR EXTENSION OF THE CABLE SYSTEM. No Subscriber shall be refused service arbitrarily. However, if an area does not meet the density requirements of Subsection 81.14 above, the Grantee shall only be required to extend the

Cable System to Subscriber(s) in that area if the Subscriber(s) are willing to share the capital costs of extending the Cable System. Specifically, the Grantee shall contribute a capital amount equal to the construction cost per mile, multiplied by a fraction whose numerator equals the actual number of residences per 1320 cable-bearing strand feet from the Grantee's trunk or distribution cable, and whose denominator equals 10. Subscribers who request service hereunder shall bear the remaining cost to extend the Cable System on a *pro rata* basis. The Grantee may require that payment of the capital contribution in aid of construction borne by such potential Subscribers be paid in advance. Subscribers shall also be responsible for any Standard/non-Standard Installation charges to extend the Cable System from the tap to the residence.

81.16 CABLE SERVICE TO PUBLIC BUILDING. The Grantee, upon request, shall provide without charge, a Standard Installation and one outlet of Basic Cable Service to those administrative buildings owned and occupied by the Franchising Authority, fire station(s), police station(s), and K-12 public school(s) that are passed by its Cable System. The Cable Service provided shall not be distributed beyond the originally installed outlet without authorization from the Grantee. The Cable Service provided shall not be used for commercial purposes, and such outlets shall not be located in areas open to the public. The Franchising Authority shall take reasonable precautions to prevent any inappropriate use of the Grantee's Cable system or any loss or damage to Grantee's Cable System. The Franchising Authority shall hold the Grantee harmless from any and all liability or claims arising out of the provision and use of Cable Service required by this subsection. The Grantee shall not be required to provide an outlet to such buildings where a non-Standard Installation is required, unless the Franchising Authority or building owner/occupant agrees to pay the incremental cost of any necessary Cable System extension and/or non-Standard Installation. If additional outlets of Basic Cable Service are provided to such buildings, the building owner/occupant shall pay the usual installation and service fees associated therewith.

81.17 REIMBURSEMENT OF COSTS. If funds are available to any Person using the Public Way for the purpose of defraying the costs of any of the foregoing, the Franchising Authority shall reimburse the Grantee in the same manner in which other Persons affected by the requirement are reimbursed. If the funds are controlled by another governmental entity, the Franchising Authority shall make application for such fund on behalf of the Grantee.

81.18 EDUCATIONAL AND GOVERNMENT ACCESS PROGRAMMING. One (1) Access channel shall be made available to the Franchising Authority by Grantee for the purpose of cable-casting non-commercial programming by Franchising Authority administration and educational institutions no later than twelve months following written request from the Franchising Authority. The channel shall be originated from City Hall. The Franchising Authority agrees not to use the access channel to provide commercial or revenue-generating services or services that may compete, directly or indirectly, with services provided by the Grantee, provided, however, that the Franchising Authority may cablecast acknowledgments of funding sources and the underwriting of programming costs. Such acknowledgments will be deemed noncommercial if they are within the standard for underwriting applicable to the Public Broadcasting Service (PBS) for the standards necessary to maintain tax exempt status within the applicable regulations of the Internal Revenue

Service. Programming shall not lose its non-commercial character by reason of including public or charitable fund-raising events or activities, or donor and underwriting announcements reflecting funding provided by for-profit or non-profit entities for PEG programming in accordance with the provisions of 47 C.F.R. 73.621 of the FCC's Rules.

81.19 LIMITED BASIC SERVICE TIER. The Franchising Authority agrees that if Grantee provides a limited tier of service not to exceed twenty-five (25) channels of video programming that Franchising Authority shall not provide any services directly competing with the Grantee as a municipal communications utility as such term is defined by state law.

81.20 FRANCHISE FEES.

A. The Grantee shall pay to the Franchising Authority a franchise fee of five percent (5%) of annual Gross Revenues (as defined in subsection 81.02(H) of this Franchise). In accordance with the Cable Act, the twelve (12) month period applicable under the Franchise for the computation of the franchise fee shall be a calendar year. The franchise fee payment shall be due annually and payable within 90 days after the close of the preceding calendar year. Each payment shall be accompanied by a brief report prepared by a representative of the Grantee showing the basis for the computation.

B. Limitation on Franchise Fee Actions. The period of limitation for recovery by the Franchising Authority of any franchise fee payable hereunder shall be three (3) years from the date on which payment by the Grantee is due to the Franchising Authority.

81.21 RATE AND CHARGES. The Franchising Authority may regulate rates for the provision of Basic Cable Service and equipment as expressly permitted by federal law.

81.22 RENEWAL OF FRANCHISE.

A. The Franchising Authority and the Grantee agree that any proceedings undertaken by the Franchising Authority that relate to the renewal of the Grantee's Franchise shall be governed by and comply with the renewal provisions of federal law.

B. In addition to the procedures set forth in the Cable Act, the Franchising Authority agrees to notify the Grantee of all of its assessments regarding the identity of future cable-related community needs and interests, as well as the past performance of the Grantee under the then current Franchise term. The Franchising Authority further agrees that such assessments shall be provided to the Grantee promptly so that the Grantee has adequate time to submit a proposal pursuant to the Cable Act and complete renewal of the Franchise prior to expiration of its term.

C. Notwithstanding anything to the contrary set forth in this subsection, the Grantee and the franchising Authority agree that at any time during the term of the then current Franchise, while affording the public appropriate notice and opportunity to comment in accordance with the provisions of federal law and Franchising Authority and the Grantee may

agree to undertake and finalize informal negotiations regarding renewal of the then current Franchise and the Franchising Authority may grant a renewal thereof.

D. The Grantee and the Franchising Authority consider the terms set forth in this subsection to be consistent with the express renewal provisions of the Cable Act.

81.23 CONDITION OF SALE. If a renewal or extension of the Grantee's Franchise is denied or the Franchise is lawfully terminated, and the Franchising Authority either lawfully acquires ownership of the Cable System or by its actions lawfully effects a transfer of ownership of the Cable 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 Franchising Authority agree that in the case of a final determination of a lawful revocation of the Franchise, the Grantee shall be given at least twelve (12) months to effectuate a transfer of its Cable system to a qualified third party. Furthermore, the Grantee shall be authorized to continue to operate pursuant to the terms of its prior Franchise during this period. If, at the end of that time, the Grantee is unsuccessful in procuring a qualified transferee or assignee of its Cable System which is reasonably acceptable to the Franchising Authority, the Grantee and the Franchising Authority may avail themselves of any rights they may have pursuant to federal or state law. It is further agreed that the Grantee's continued operation of the Cable System during the twelve (12) month period shall not be deemed to be a waiver, nor an extinguishment of, any rights or either the Franchising Authority or the Grantee.

81.24 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 prior written notice to the Franchising Authority. No such notice 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 Cable System in order to secure indebtedness.

81.25 BOOKS AND RECORDS. The Grantee agrees that the Franchising Authority, upon thirty (30) days written notice to the Grantee and no more than once annually may review such of its books and records at the Grantee's business office, during normal business hours and on a nondisruptive basis, as its reasonably necessary to ensure compliance with the terms of this Franchise. Such notice shall specifically reference the subsection of the Franchise that is under review so that the Grantee may organize the necessary books and records for easy access by the Franchising Authority. Alternatively, if the books and records are not easily accessible at the local office of the Grantee, the Grantee may, at its sole option, choose to pay the reasonable travel costs of the Franchising Authority's representative to view the books and records at the appropriate location. The Grantee shall not be required to maintain any books and records for Franchise compliance purposes longer than three (3) years. Notwithstanding anything to the contrary set forth herein, the Grantee shall not be required to disclose information that it reasonably deems to be proprietary or confidential in nature, nor disclose books and records of any affiliate which is not providing Cable Service in the Service Area. The Franchising Authority agrees to treat any information disclosed by the Grantee as

confidential and only to disclose it to employees, representatives, and agents thereof that have a need to know, or in order to enforce the provisions hereof. The Grantee shall not be required to provide Subscriber information in violation of Section 631 of the Cable Act.

81.26 INSURANCE REQUIREMENTS. The Grantee shall maintain insurance in full force and effect, at its own cost and expense, during the term of the Franchise. The Franchising Authority shall be designated as an additional insured and such insurance shall be noncancellable except upon thirty (30) days prior written notice to the Franchising Authority. Upon written request, the Grantee shall provide a Certificate of Insurance showing evidence of the coverage required by this subsection.

81.27 INDEMNIFICATION. The Grantee agrees to indemnify, save and hold harmless, and defend the Franchising Authority, its officers, boards and employees, from and against any liability for damages and for any liability or claims resulting from property damage or bodily injury (including accidental death), which arise out of the Grantee's construction, operation, or maintenance of its Cable System in the Service Area provided that the Franchising Authority shall give the Grantee written notice of its obligation to indemnify the Franchising Authority within ten (10) days of receipt of a claim or action pursuant to this subsection. Notwithstanding the foregoing, the Grantee shall not indemnify the Franchising Authority for any damages, liability or claims resulting from the willful misconduct or negligence of the Franchising Authority.

81.28 NOTICE OF VIOLATION. In the event that the Franchising Authority believes that the Grantee has not complied with the any material term of the Franchise, the Franchising Authority shall informally discuss the matter with Grantee. If these discussions do not lead to resolution of the problem, the Franchising Authority shall notify the Grantee in writing of the exact nature of such alleged noncompliance.

81.29 THE GRANTEE'S RIGHT TO CURE OR RESPOND. The Grantee shall have thirty (30) days from receipt of the notice described in subsection 81.28 to respond to the Franchising Authority, contesting the assertion of such noncompliance, or (B) to cure such default, or (C) in the event that, by the nature of such default, it cannot be cured within the thirty (30) day period, initiate reasonable steps to remedy such default and notify the Franchising Authority of the steps being taken and the projected date that they will be completed.

81.30 PUBLIC HEARING. In the event that the Grantee fails to respond to the notice described in subsection 81.28 pursuant to the procedures set forth in subsection 81.29, or in the event that the alleged default is not remedied within thirty (30) days or the date projected pursuant to 81.29(C) above, if it intends to continue its investigation into the default, then the Franchising Authority shall schedule a public hearing. The Franchising Authority shall provide the Grantee at least ten (10) days prior written notice of such hearing, which specifies the time, place and purpose of such hearing, and provide the Grantee the opportunity to be heard.

81.31 **ENFORCEMENT.** Subject to applicable federal and state law, in the event the Franchising Authority, after the hearing set forth in subsection 81.30, determines that the Grantee is in material default of any provision of the Franchise, the Franchising Authority may:

A. Commence an action at law for monetary damages or seek other equitable relief;
or

B. In the case of repeated or ongoing substantial non-compliance with a material term or terms of the Franchise, seek to revoke the Franchise in accordance with subsection 81.32.

81.32 **REVOCATION.** Should the Franchising Authority seek to revoke the Franchise after following the procedures set forth in subsections 81.28-81.30 above, the Franchising Authority shall give written notice to the Grantee of its intent. The notice shall set forth the exact nature of the repeated or ongoing substantial noncompliance with a material term or terms of the franchise. The Grantee shall have ninety (90) days from such notice to object in writing and to state its reasons for such objection. In the event the Franchising Authority has not received a satisfactory response from the Grantee, it may then seek termination of the Franchise at a public hearing. The Franchising Authority shall cause to be served upon the Grantee, at least thirty (30) days prior to such public hearing, a written notice specifying the time and place of such hearing and stating its intent to revoke the Franchise.

At the designated hearing, Grantee shall be provided a fair opportunity for full participation, including the right to be represented by legal counsel, to introduce relevant evidence, to require the production of evidence, to compel the relevant testimony of the officials, agents, employees or consultants of the Franchising Authority, to compel the testimony of other persons as permitted by law, and to question witnesses. A complete verbatim record and transcript shall be made of such hearing.

Following the hearing, the Franchising Authority shall determine whether or not the Franchise shall be revoked. If the Franchising Authority determines that the Franchise shall be revoked, the Franchising Authority shall promptly provide Grantee with its decision in writing. The Grantee may appeal such determination of the Franchising Authority to an appropriate court which shall have the power to review the decision of the Franchising Authority *de novo*. Grantee shall be entitled to such relief as the court finds appropriate. Such appeal must be taken within sixty (60) days of Grantee's receipt of the determination of the Franchising Authority.

The Franchising Authority may, at its sole discretion, take any lawful action which it deems appropriate to enforce the Franchising Authority's rights under the Franchise in lieu of revocation of the Franchise.

81.33 **FORCE MAJEURE.** The Grantee shall not be held in default under, or in noncompliance with, the provisions of the Franchise, nor suffer any enforcement or penalty relating to noncompliance or default, where such noncompliance or alleged defaults occurred or were caused by circumstances reasonably beyond the ability of the Grantee to anticipate and control. This provision includes work delays caused by waiting for utility providers to

service or monitor their utility poles to which the Grantee's Cable System is attached, as well as unavailability of materials and/or qualified labor to perform the work necessary.

Furthermore, the parties hereby agree that it is not the Franchising Authority's intention to subject the Grantee to penalties, fines, forfeitures or revocation of the Franchise for violations of the Franchise where the violation was a good faith error that resulted in no or minimal negative impact on the Subscribers within the Service Area, or where strict performance would result in practical difficulties and hardship to the Grantee which outweigh the benefit to be derived by the Franchising Authority and/or Subscribers.

81.34 ACTIONS OF PARTIES. In any action by the Franchising Authority or the Grantee that is mandated or permitted under the terms hereof, such party shall act in a reasonable, expeditious, and timely manner. Furthermore, in any instance where approval or consent is required under the terms hereof, such approval or consent shall not be unreasonably withheld.

81.35 ENTIRE AGREEMENT. This Franchise constitutes the entire agreement between the Grantee and the Franchising Authority and supersedes all other prior understandings and agreements oral or written. Any amendments to this Franchise shall be mutually agreed to in writing by the parties.

81.36 RESERVATION OF RIGHTS. Acceptance of the terms and conditions of this franchise will not constitute, or be deemed to constitute, a waiver, either expressly or implied, by Grantee of any constitutional or legal right which it may have or may be determined to have, either by subsequent legislation or court decisions. The Franchising Authority acknowledges that Grantee reserves all of its rights under applicable Federal and State Constitutions and laws.

81.37 NOTICE. Unless expressly otherwise agreed between the parties, every notice or response required by this Franchise to be served upon the Franchising Authority or the Grantee shall be in writing, and shall be deemed to have been duly given to the required party when placed in a properly sealed and correctly addressed envelope: a) upon receipt when hand delivered with receipt/acknowledgment, b) upon receipt when sent certified, registered mail, c) within five (5) business days after having been posted in the regular mail or d) the next business day if sent by express mail or overnight air courier.

The notices or responses to the Franchising Authority shall be addressed as follows:

City of Strawberry Point
111 Commercial St., PO Box 279
Strawberry Point, IA 52076

The notices or responses to the Grantee shall be addressed as follows:

Government Relations Manager
Mediacom Iowa LLC
6300 Council St. NE
Cedar Rapids, IA 52402

With a copy to: Mediacom
 Attn: Legal Department
 100 Crystal Run Road
 Middletown, NY 10941

The Franchising Authority and the Grantee may designate such other address or addresses from time to time by giving notice to the other in the manner provided for in this subsection.

CHAPTER 4 - CITY OWNED UTILITIES

ARTICLE 82 ELECTRICAL SYSTEM

82.01 PURPOSE. The purpose of this chapter is to provide for the operation and maintenance of the municipally owned electrical generation plant and to provide rules and regulations for connection to and operation of the electrical system. It is not the purpose of this chapter to create any duty on the part of the City, its officers, agents, or employees, owing to any individual member of the public or to protect any particular or circumscribed class of persons. Specifically, it is not the intent of this chapter to create any duty or liability by the City, its officers, agents, or employees, to premises occupants, owners, tenants, or any other person.

WARNING. NO PERSON SHALL PLACE RELIANCE UPON THIS CHAPTER, AS INDICATING THE SAFETY OF OR QUALITY OF CONSTRUCTION OF ANY PARTICULAR PREMISES. THIS CHAPTER IS NOT INTENDED TO ASSUME THE DUTY OF ANY PERSON TO ADEQUATELY CONSTRUCT AND MAINTAIN PREMISES OR PROVIDE SAFE PREMISES OR TO, IN ANY WAY, INDICATE A DECREASE IN THE RISK ASSOCIATED WITH THE USE OR OCCUPANCY OF ANY PREMISES. THIS CHAPTER SHALL NOT IN ANY WAY CONSTITUTE A WARRANTY OR GUARANTEE OF THE SAFETY OR QUALITY OF ANY REMISES.

82.02 GENERTION PLANT. The electrical generation plant for the city shall be known as the Strawberry Point Municipal Generation Plant.

82.03 ELECTRICAL SYSTEM. The electrical system for the purpose of this chapter shall include all wires, poles, meters, distribution lines, and connections for the transmission of electrical current, the generation plant, generators, transformers, storage yards, switch gear, and all other electric equipment, related equipment and appurtenances related to electric generation and/or distribution in the City.

82.04 SUPERINTENDENT. The council shall appoint some qualified individual to serve as the electrical superintendent. The superintendent shall supervise the installation of electrical service wires and their connection to the electrical system and enforce all regulations pertaining to electrical service in this city in accordance with this chapter. The superintendent shall make such rules, not in conflict with the provisions of this chapter, as needed for the detailed operation of the generation plant and electrical system, subject to the approval of the council. In the event of an emergency the superintendent, or his designee, may make temporary rules for the protection of the generation plant and electrical system until due consideration by the council may be held. "Designee" shall mean, for the purpose of this Chapter, an employee of the City, an elected City official, or an independent contractor of the City, specifically named by the Superintendent.

(Code of Iowa, 2013, Sec. 372.13 (4))

82.05 ELECTRICAL INSTALLATIONS. All electrical installations shall be in accordance with the *National Electric Code* and the State Code of Iowa as now or hereafter adopted and no installations of electrical equipment shall be made except in conformity thereto.

82.06 INSPECTIONS. No electrical installation subject to inspection by the State shall be newly connected or reconnected by the electrical superintendent, or his designee, until a certificate stating the electrical inspector has approved such energization has been filed with the City.

82.07 TEMPORARY INSTALLATIONS. The electrical superintendent may permit temporary installations while electrical work or construction is being performed where proper precautions are taken to prevent fire or accidents. All temporary installations and connections shall be removed before the certificate of satisfactory inspection is issued.

(Code of Iowa, 2013, Section 372.13(4))

82.08 CERTIFICATE REQUIRED. It shall be unlawful to supply electric current to any new, renewed or extended installation required to be inspected by the State until a certificate stating the electric inspector has approved such energization has been filed with the City.

82.09 APPLICATION FOR CONNECTION. Any person, firm or corporation desiring to be supplied with electric current shall make application to the city administrator upon forms supplied for that purpose.

82.10 ASSENT TO BE BOUND. The rules, regulations and the rates for electricity herein or hereafter adopted shall be a part of the contract with every person, firm, or corporation connected to the electrical system and such persons, firms or corporations, whether signing an application or not, shall by taking or using electricity supplied by the city, express their assent to be bound thereby.

82.11 NO GUARANTEE OF SUPPLY. The city does not guarantee to any consumer a constant supply of electricity nor a supply of electricity at any specified level, and the city shall not be liable for any claim or damages arising out of the failure to supply such electricity.

82.12 EMPLOYEES. No employee of the city, assigned to the generation plant or electrical system, shall do or perform any electrical or other work for private individuals during the time he or she is on duty for the city. No employee of the city, so assigned, shall sell or otherwise dispose of any old electric poles, wire, meters, or other material except by direction or authority of the council.

82.13 TAPPING ELECTRICAL WIRES. Service or distribution wires shall be tapped only at poles supporting them or as near thereto as possible, and the electric superintendent or his designee shall be the only persons authorized to do such tapping.

82.14 INJURY TO ELECTRIC SYSTEM AND GENERATION PLANT. It shall be unlawful to break, injure, deface or destroy any electrical apparatus, any part of the electrical system or generation plant.

82.15 UNDERGROUND WIRING. In the event a property owner desires to have the electrical wires servicing the property to be buried underground, the owner shall pay to the City for installation, as follows:

100-200 amp service (single phase).....	\$ 8.50 per lineal foot
100-200 amp service (three phase).....	\$10.50 per lineal foot
Minimum charge not to be less than.....	\$200.00 per installation

The cost for installation of higher amperage service by the City shall be set by the City Council upon recommendation of the City Superintendent.

All installation of underground electric wires shall be performed by the City, and shall be contained in conduits of appropriate material, as determined by the City Superintendent.

82.16 GROUND RODS. All service conduits and neutral wire on single-phase circuits shall be shall be grounded to two copper-clad or galvanized ground rods not less than five-eighths (5/8) of an inch in diameter, eight (8) feet in length, and driven its full length into the ground to a minimum of six (6) inches below grade, a minimum of eighteen (18) inches from the building roof or projecting eave overhang in an area subjected to moisture, maintaining a minimum of ten (10) feet between ground rods, and in accordance with the *National Electrical Code*. Gas lines and water pipe shall not be used for the purpose of electrical service grounding. Grounding shall be done in accordance with the *National Electrical Code*.

TITLE VII - SOCIAL AND ECONOMIC WELL BEING
CHAPTER 4 - CITY OWNED UTILITIES

ARTICLE 83
ELECTRIC METERS

83.01 **ELECTRIC USE METERED.** All electric current furnished to consumers shall be measured through meters furnished by the city.

(Code of Iowa, 2013, Section 384.84 (1))

83.02 **LOCATION OF METERS.** All electric meters shall be located on the outside of the building and placed so they are easily accessible to meter readers and repairers.

83.03 **METER SETTING.** The property owner shall provide all necessary wiring, boxes and meter sockets for proper setting of the meter by the City. Meter sockets may be purchased from the City for a fee set by the City. Any existing meter sockets in operation on the property owner's property are now hereby the property of the property owner.

83.04 **METER REPAIRS, COSTS.** Whenever an electric meter owned by the city is found to be out of order, the electric superintendent shall have it repaired. If it is found that damage to the meter has occurred due to the carelessness, negligence or willful acts of the consumer or property owner, then the property owner shall be liable for the cost of repairs.

83.05 **RIGHT OF ENTRY.** The electric superintendent or a designee shall be permitted to enter the premises of any consumer at any reasonable time to remove, change, repair or read any electric meter.

83.06 **METER DEPOSIT.** Before any meter is installed or electricity connected to or turned on, a meter deposit shall be paid to the city administrator in an amount equal to the highest billing of electricity for one month in the previous twelve (12) month period. The deposit for an electric service customer for a property which has not previously received service or does not have a recent twelve month history, shall be one hundred fifty dollars (\$150.00). The deposit shall be refundable after twelve (12) months by the City Administrator/Clerk, if the payment record of the depositor has never been delinquent. The deposit shall be returned in full to any electric service customer who terminates service to move out of the city, deducting any portion owed to the city for electric service any amounts owed for any other reason. Tenants will receive the deposit back once final bill has been paid. "Tenant" shall mean a person entitled under a rental agreement to occupy a dwelling unit to the exclusion of another.

83.07 **METER TESTING AND ERRORS.** Any electric customer can request a meter test and the charge shall be one hundred dollars (\$100.00) per test. Whenever a meter is found to have an average error exceeding the allowable tolerance by more than one and a half percent (1.5%), the City shall adjust a current customer's bill or issue a refund or back bill to a past customer. The amount of the adjustment shall be calculated on the basis of metering accuracy of one hundred percent (100%). The adjustment period shall extend from the date the error

began. If that date cannot be determined, it shall be assumed the error existed for the shortest time calculated as five years from the date the error was discovered, one-half ($\frac{1}{2}$) the time since the meter was installed, or one-half ($\frac{1}{2}$) the time since the last previous meter test. When the adjustment is due to meter "creep" it shall be assumed that creeping affected meter registration twenty-five percent (25%) of the adjustment period. The adjustment period for slow meters shall not exceed six (6) months without the approval of the City Council. When a meter is found not to register, the City Clerk shall issue an estimated bill. An adjustment, refund or back bill shall be made for any overcharge or undercharge resulting from incorrect reading of the meter, incorrect application of the rate schedule, incorrect meter connection, or other similar reason.

TITLE VII - SOCIAL AND ECONOMIC WELL BEING
CHAPTER 4 - CITY OWNED UTILITIES

ARTICLE 84
ELECTRIC RATES

84.01 **SERVICE CHARGES.** Each customer shall pay for electric service provided to him or her by the city based upon his or her use of electricity, as determined by meters provided for in Article 83 of this chapter. Each location, building, premises or connection shall be considered to be a separate and distinct consumer either owned or controlled by the same person or not.

(Code of Iowa, 2013, Section 384.84 (1))

84.02 **RATES.** Electric service shall be furnished at the following rates:

A. Consumption Charge: General Service

First 100 KW hours per month	\$.146 per kilowatt hour
All KW hours over 100 per month	\$.126 per kilowatt hour
Base charge (even if no electricity used)	\$ 6.00 per month

B. Electric Heating where all electric service on one meter:

December 1 billing through May 1 billing:

All hours per month	\$.108 per kilowatt hour
Minimum monthly bill	\$ 6.00 per month

June 1 billing through November 1 billing:

First 100 KW hours per month	\$.146 per kilowatt hour
All KW hours over 100 per month	\$.126 per kilowatt hour
Base charge (even if no electricity used)	\$ 6.00 per month

Electric Heating on separate meter:

All KW hours per month	\$.108 per kilowatt hour
Base charge (even if no electricity used)	\$ 6.00 per month

(Code of Iowa, 2007, Section 384.84 (1))

C. Commercial/Industrial Power

First 1000 KW hours per month	\$.146 per kilowatt hour
KW hours of 1001 to 4999 per month	\$.126 per kilowatt hour
All KW hours over 5000 per month	\$.096 per kilowatt hour
Base charge (even if no electricity used)	\$ 6.00 per month

87.03 **RATES, RURAL.** Electric service shall be furnished at the following rates on all electric services metered outside the corporate limits of the city:

(Code of Iowa, 2013, Sec. 364.4(2) and 384.84 2c))

1. Consumption Charge: Rural Service

First 50 KW hours per month	.1459 per kilowatt hour
Next 50 KW hours per month	.1195 per kilowatt hour
All over 100 KW per month	.0832 per kilowatt hour
Minimum monthly bill	\$3.85 per month.

84.04 **SECURITY LIGHTS.** Outdoor security lights provided by the City to any of its' electric customers shall be billed at a flat rate which shall include proving the light, installation, maintenance and electricity to operate the light. Fees for security lights shall be:

100 Watt security light	\$ 7.35 per month
250 Watt security light	\$10.50 per month
400 Watt security light	\$12.60 per month

84.05 **SERVICE OUTLET.** In the event any consumer has more than one service outlet, an additional charge of \$1.00 shall be made for each such outlet.

84.06 **FUEL ADJUSTMENT.** At the time of each July billing, the fuel adjustment, if any, passed on to the city by its fuel supplier, shall be automatically incorporated into the base rate for all electricity sold by the city. The fuel adjustment shall be lowered to zero and the base rate shall be automatically raised the same amount that the fuel adjustment was lowered.

84.07 **BILLING FOR ELECTRIC SERVICE.** Billing and payment for electric service shall be in accordance with the following:

(Code of Iowa, 2013, Section 384.84.(1))

1. Meters Read. Electric meters shall be read once each month.
2. Bills Issued. The City Administrator/Clerk's office shall prepare and issue bills for electric service on or before the first day of each month.
3. Bills Payable. Bills for electric service shall be due and payable at the office of the city administrator by the 20th day of each month.
4. Late Payment Penalty. Bills not paid when due shall be considered delinquent. A late payment of one and one half per cent (1 ½ %) per month on the unpaid balance shall be added to each delinquent bill.

5. Dishonored Checks. The charge for any check-like financial instrument dishonored by a financial institution for any reason shall be \$25.00 for each act of dishonorment. If two or more of a customer's financial instruments are dishonored within a three (3) month period, future payments by the customer shall be by cash, cashier's check or postal money order, for a period of not less than six (6) months.

6. Accidental Wastage. The recomputation period for accidental wastage of electricity by a customer shall not extend back farther than three months.

7. For work on customer's equipment, relocation of the city utility's facilities requested by customer and for relocation of the customer's facilities, all of which are the responsibility of the customer, the charge shall be Thirty Dollars (\$30.00) per hour regular time and Forty-five Dollars (\$45.00) per hour overtime. Parts are an additional charge and if work estimate exceeds One Hundred Dollars (\$100.00), an advance deposit shall be required.

84.08 **SERVICE DISCONTINUED.** Electric service to delinquent consumers shall be discontinued in accordance with the following:

(Code of Iowa, 2013, Sec. 384.84 (1))

1. Notice. The city administrator shall notify each delinquent consumer that electric service will be discontinued if payment, including late payment charges, is not received within twelve (12) days of the date when due. Such notice shall be sent by first class mail within three (3) days of a bill becoming delinquent.

2. Service Discontinued. The electric superintendent shall shut off the current to any consumer who, not having contested the amount billed in good faith, has failed to make payment by the date specified in the notice of delinquency. A shut off notice shall be placed on the premises ("door posting") on or before 2:00 p.m. of the thirteenth (13th) day after written notice. Alternatively verbal notification may be given on the morning of the thirteenth (13th) day in unusual circumstances. Service discontinuation shall occur on or after 2:00 P.M. the 14th day after written notice of shut off.

3. Fees. If payment is not tendered in person at City Hall or in the drop box by the opening of business of the thirteenth day after written notice of delinquency, there shall be added to the bill an administrative fee of twenty-five dollars (\$25.00).

A turn-on fee of seventy-five dollars (\$75.00) shall be added to the bill for reconnection during regular business hours.

No turn-on fee shall be charged for the usual or customary trip in the regular changes in occupancy of property.

An after-hours turn-on fee of One Hundred Dollars (\$100.00) shall be added to the bill for electric reconnection after 4:00 p.m.

A service charge of twenty-five dollars (\$25.00) shall be added to the bill for any check which is dishonored by the financial institution upon which it is drawn.

84.09 LIABILITY FOR PAYMENT AND DEPOSITS. The owner of any premises and the occupant thereof and the consumer of any electric service provided by the city shall be jointly and severally liable for any and all electric service, service charges, and any deposits required by this chapter.

84.10 FINANCIAL RESPONSIBILITY. All owners or purchasers of real estate to which is supplied the city services of electricity, water, sewer, and/or garbage collection shall be equally financially responsible with any tenants of the real estate for the payment of all charges due by the tenant for any such services supplied. The city administrator may require as a condition for the supplying of such services a written agreement from the owner or purchaser of real estate acknowledging such financial responsibility.

All property owners renting out real estate shall be sent the utility bill, including sewer charges. The property owner shall be responsible to pay the utility bill for the tenant and collect the bill from the tenant. If the property owner provides the City with a copy of a written and signed agreement stating the tenant is responsible for pay the utility bill including sewer, the City shall bill the tenant and not the property owner. Such copy of the written agreement and all new agreements must be received by the City within thirty (30) days of the original agreement and within thirty (30) days of change of tenant, or the utility bill remains in the property owner's name.

TITLE VII – SOCIAL AND ECONOMIC WELL BEING
CHAPTER 5 – ECONOMIC DEVELOPMENT

ARTICLE 85

RESERVED FOR FUTURE USE

TITLE VIII - TRANSPORTATION
CHAPTER 1 - STREETS AND ALLEYS

ARTICLE 86
STREET REGULATIONS

86.01 REMOVAL OF WARNING DEVICES. It shall be unlawful for a person to willingly remove, throw down, destroy or carry away from any highway, street, alley, avenue or bridge, any lamp, obstruction, guard, or other article or things, or extinguish any lamp or other light, erected or placed thereupon for the purpose of guarding or enclosing unsafe or dangerous places in said highway, street, alley, avenue or bridge without the consent of the person in control thereof.

(Code of Iowa, 2013, Sec. 716.6)

86.02 OBSTRUCTING OR DEFACING STREETS. It shall be unlawful for any person to obstruct, deface, or injure any public road in any manner.

86.03 PLACING DEBRIS ON STREETS. It shall be unlawful for any person to throw or deposit on any street any glass bottle, glass, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, or any other debris, or any other substance likely to injure any person, animal or vehicle.

(Code of Iowa, 2013, Sec. 321.369)

86.04 INJURING NEW PAVEMENT. It shall be unlawful for any person to willfully injure new pavement in any street, alley or sidewalk by willfully driving, walking or making marks on such pavement before it is ready for use.

(Code of Iowa, 2013, Sec. 365.12 (2))

86.05 EXCAVATIONS.

1. Permit. No person shall dig, excavate or in any manner, disturb any street in the city, unless such person shall first obtain a permit therefore as hereinafter provided or as provided in other sections of the city code.

2. Requirements. Before such permit shall be granted, the person shall file with the City Administrator a written application, and pay a thirty dollar (\$30.00) application fee. The application shall give an exact description of the property, by lot and street number, in front of or along which it is desired to excavate, state the purpose and for who and by whom the excavation is to be made, and who will be responsible for the refilling of said ditch and restoration of the street surface.

3. Signatures. Upon proper application and paying of fee, the superintendent shall issue said permit only if three council members sign the permit.

86.06 DUMPING OF SNOW. It shall be unlawful for any person to throw, push, or place or cause to be thrown, pushed or placed, any ice or snow from private property, sidewalks, or driveways onto the traveled way of streets so as to obstruct gutters, or impede the passage of vehicles upon the street or to create a hazardous condition therein; except where, in the cleaning of large commercial drives in the business district it is absolutely necessary to move the snow onto the streets temporarily, such accumulation shall be removed promptly by the property owner or his agent, and only after first making arrangements for such prompt removal at the owner's cost of the accumulation within a reasonably short time.

(Code of Iowa, 2013, Sec. 364.12 (2))

86.07 PLAYING IN STREETS. It shall be unlawful for any person to coast sleds or play games on streets or highways except in the areas blocked off by the council for such purpose.

(Code of Iowa, 2013, Sec. 364.12 (2))

86.08 TRAVELING ON BARRICADED STREET PROHIBITED. It shall be unlawful for any person to travel or operated any vehicle on any street or public way temporarily closed by barricades, lights, signs, or flares placed thereon by the authority or permission of any city official, police officer or member of the fire department.

86.09 USE OF PARKING. It shall be unlawful to temporarily or permanently park, store, or place any car, truck, vehicle, junk or any other goods, wares and merchandise of any kind, or to place any temporary or permanent signs, planters or decorations upon any street parking (between the curb line and the outside line of the sidewalk) or street right-of way.

86.10 USE OF STREETS FOR BUSINESS PURPOSES. It shall be unlawful to park, store or place any new or used car or cars, machinery, or any other goods, wares, and merchandise of any kind upon any street for the purpose of storage, exhibition, sale or offering same for sale, without permission of the council.

86.11 WASHING VEHICLE ON STREETS PROHIBITED. It shall be unlawful for any person to use any public sidewalk or street for the purpose of washing or cleaning any automobile, truck equipment, or any vehicle of any kind when such work is done for hire or as a business. This shall not be construed to prevent any person from washing or cleaning his or her own vehicle or equipment when it is lawfully parked in the street.

86.12 MAINTENANCE OF PARKING. 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 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 and litter removal. If the abutting property owner does not perform such actions within a reasonable time, the City may perform the required action and assess the cost against the abutting property of collection in the same manner as property tax.

86.13. **DEPOSITING GRASS OR LEAVES ON STREETS.** It shall be unlawful for any person to deposit or cause to be deposited any grass, leaves or other plant material upon any street, sidewalk, alley, or public parking lot in the City of Strawberry Point.

86.14 **PERMIT REQUIRED.** No curb, street or sidewalk in the City of Strawberry Point shall be cut, broken, removed or otherwise disturbed, without a valid permit to do so. The application for this permit shall be made on a form to be provided by the City Clerk. Any cut, broken, removed or otherwise disturbed curb, street, or sidewalk shall be appropriately barricaded and signed to prevent danger to the public and shall be returned to its original condition or improved as stated in the application of the permit, within the time limits set in the permit. A fee of Thirty Dollars (\$30.00) for each permit shall be charged, unless the reason for the permit is utility repair, in which case the fee may be waived by the City Council.

TITLE VIII - TRANSPORTATION
CHAPTER 1 - STREETS AND ALLEYS

ARTICLE 87
BUILDING NUMBERING

87.01 **DEFINITIONS.** For use in this article, the following terms are defined:

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

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

(Code of Iowa, 2013, Section 364.12 (3d))

87.03 **BASELINES.** Commercial Street and Elkader Street shall be the baseline for the numbering system as applied to streets running east and west. East Mission and West Mission Street shall be the baseline for the numbering system as applied to streets running north and south.

(Code of Iowa, 2013, Section 364.12 (3d))

87.04 **EVEN-ODD NUMBERS.** Even numbers shall be assigned to principal buildings fronting on the east side of north-south streets and on the south side of east-west streets. Odd numbers shall be assigned to principal buildings fronting on the west side of north-south streets and on the north side of east-west streets.

(Code of Iowa, 2013, Section 365.12 (3d))

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

(Code of Iowa, 2013, Sec. 364.12 (3d))

87.06 **PLACING NUMBERS.** Numbers required by this article shall be placed in a conspicuous place near the main entrance of the principal building. Each number shall be at least 2½ inches high, plain, legible and of a contrasting color with the background. The numbers shall be maintained in such condition at all times.

87.07 NUMBERING PLAN. The mayor shall prepare a plan for the number of principal buildings according to this article. The plan shall be filed with the city administrator so any owner of a principal building may, by applying therefore, and furnishing a description of the premises and a description of the location of the building, receive the correct number to be placed on the building.

(Code of Iowa, 2013, Sec. 364.12 (3d))

TITLE VIII - TRANSPORTATION
CHAPTER 1 - STREETS AND ALLEYS

ARTICLE 88
NAMING OF STREETS

88.01 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. Ordinance. All street names, except streets named as a part of a subdivision or platting procedure, shall be named by ordinance.

88.02 CHANGING NAME OF STREET. The council may by ordinance change the name of a street.

88.03 RECORDING STREET NAMES. Following adoption of an ordinance naming or changing the name of a street, the mayor and city administrator shall certify and file a copy thereof with the county recorder and county auditor.

88.04 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 Article. The Official Street Name Map shall be identified by the signature of the mayor, the 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 88.04 of the City Code of Strawberry Point, Iowa, 2014."

88.05 REVISION OF STREET NAME MAP. If in accordance with the provisions of the Article, changes are made in street names, such changes shall be entered on the Official Street Name Map promptly after the amendment has been approved by the governing body with an entry on the Official Street Name Map as follows:

On (date) by official action of the city council, the following change(s) were made in the Official Street Name Map: (brief description),

which entry shall be signed by the mayor and attested by the city administrator. No amendment to this Article which involves naming or changing the name of a street shall become effective until after such change and entry has been made on said map.

TITLE VIII - TRANSPORTATION
CHAPTER 1 - STREETS AND ALLEYS

ARTICLE 89
VACATION AND DISPOSAL

89.01 POWER TO VACATE. When in the judgment of the council it would be in the best interest of the city to vacate a street or alley, or portion thereof, they may do so in accordance with the provisions of this article.

(Code of Iowa, 2013, Sec. 364.12 (2a))

89.02 NOTICE OF VACATION HEARING. The council shall cause to be published a notice of public hearing at which time the proposal to vacate shall be considered. In addition to published notice, notice shall be posted at least twice on each block along the street or alley proposed to be vacated not more than 25 days nor less than 10 days prior to the date set for the hearing.

89.03 FINDING REQUIRED. No street or alley, or portion thereof, shall be vacated unless the council finds that:

Public Use. The street or alley proposed to be vacated is not needed for the use of the public, and, therefore, maintenance of the street or alley at public expense is not longer justified.

Abutting Property. The proposed vacation will not deny owners of property abutting on the street or alley reasonable access to their property.

(Code of Iowa, 2013, Sec. 364.15)

89.04 DISPOSAL OF 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, or portion thereof, they may do so by resolution following notice and hearing.

(Code of Iowa, 2013, Sec. 364.7)

89.05 DISPOSAL BY GIFT LIMITED. The city may not dispose of a vacated street or alley, or portion thereof, by gift except to a governmental body for a public purpose.

(Code of Iowa, 2013, Sec. 364.7 (3))

TITLE VIII - TRANSPORTATION
CHAPTER 1 - STEETS AND ALLEYS

ARTICLE 90
STREET AND SIDEWALK GRADES

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.

ORDNANCE NUMBER :	ADOPTED:
33	July 19, 1928
48	July 7, 1933
51	September 4, 1936
81	September 1, 1950
85	May 19, 1953
112	April 9, 1963
136	April 19, 1972
164	April 5, 1978

TITLE VIII – TRANSPORTATION
CHAPTER 2-SIDEWALKS

ARTICLE 91
SIDEWALK REGULATIONS

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

1. “Sidewalk”: shall mean all permanent public walks in business, residential or suburban areas.
2. “Broom Finish”: shall mean a sidewalk finish that is made by sweeping the sidewalk when it is hardening.
3. “Wood Float Finish”: shall mean a sidewalk finish that is made by smoothing the surface of the sidewalk with a wooden float.
4. “Portland Cement”: shall mean any type of cement except bituminous cement.
5. “One-course Construction”: shall mean that the full thickness of the concrete is placed at one time, using the same mixture throughout.
6. “Established Grade”: shall mean that grade established by the city for this particular area in which a sidewalk is to be constructed.
7. “Business District”: shall have the same meaning as defined in Section 23.02 (5).

91.02 **REPAIR, REPLACEMENT OR RECONSTRUCTION.** The council may serve notice on the abutting property owner, by certified mail, requiring him/her to repair, replace or reconstruct sidewalks within a reasonable time.

(Code of Iowa, 2013, Sec. 364.12 (2d))

91.03 **CITY ACTION WHEN OWNER FAILS TO PERFORM.** If the abutting property owner does not perform an action required under Section 91.02 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, 2013, Sec. 364.12 (2)&(3))

91.04 **SIDEWALK STANDARDS.** Sidewalks repaired, replaced or constructed under the provisions of this chapter shall be of the following construction and meet the following standards:

1. Cement. Portland cement shall be the only cement used in the construction and repair of sidewalks.

2. Construction. Sidewalks shall be in one-course construction.
3. Sidewalk Base. Concrete may be placed directly on compact and well-drained soil. Where soil is not well drained, a three (3) inch sub-base of compact, clean, coarse gravel, sand, or cinders shall be laid. The adequacy of the soil drainage is to be determined by the city.
4. Sidewalk Bed. The sidewalk bed shall be graded to the established grade.
5. Length, Width and Depth.
 - A. Residential sidewalks shall be a least three (3) 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.
6. Location. Residential sidewalks shall be located with the inner edge (edge nearest the abutting private property) on the property line, unless the council shall establish a different distance due to circumstances.
7. Grade. Curb tops shall be on level with the center-line 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-half (1/2) inch above the curb for each foot between the curb and the sidewalk.
9. Slope. All sidewalks shall slope .25 inch per foot toward the curb.
10. Finish. All sidewalks shall be finished with a "broom" or "wood float" finish.
11. Ramps for Handicapped. There shall be not less than two (2) curb cuts or ramps per lineal block which shall be located on or near the crosswalks at intersections. Each curb cut or ramp shall be at least thirty inches wide, shall be sloped at not greater than one (1) inch of rise per twelve inches lineal distance, except that a slope no greater than one (1) inch of rise per eight inches lineal distance may be used where necessary, shall have a nonskid surface, and shall otherwise be so constructed as to allow reasonable access to the crosswalk for physically handicapped persons using the sidewalk.

91.05 REMOVAL OF SNOW, ICE AND ACCUMULATIONS. It shall be the responsibility of the abutting property owners to remove snow, ice and accumulations promptly from sidewalks. If a property owner does not remove snow, ice or accumulations within a reasonable time, the city may do so and assess the costs against the property owner for collection in the same manner as a property tax.

(Code of Iowa, 2013, Sec. 364.12 (2b and e))

91.06 **AWNINGS: STANDARDS.** It shall be unlawful for a person to erect or maintain any awning over any sidewalk unless all parts of the awning are elevated at least seven (7) feet above the surface of the street or sidewalk and the roof or covering is made of duck, canvas or other suitable material supported by iron frames or brackets securely fasted to the building, without any posts or other device that will obstruct the sidewalk or hinder or interfere with the free passage of pedestrians.

91.07 **ENCROACHING STEPS.** It shall be unlawful for a person to erect or maintain any stairs or steps to any building upon any part of any sidewalk without permission by resolution of the council.

91.08 **OPENINGS AND ENCLOSURES.** It shall be unlawful for a person to:

1. Stairs and Railings. Construct or build a stairway or passageway to any cellar or basement by occupying any part of the sidewalk, or to enclose any portion of a sidewalk with a railing without permission by resolution of the council.
2. Openings. Keep open any clear 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.

91.09 **FIRES ON SIDEWALK.** It shall be unlawful for a person to make a fire of any kind on any sidewalk.

91.10 **FUEL ON SIDEWALK.** It shall be unlawful for a person to place or allow any fuel to remain upon any sidewalk.

91.11 **DEFACING.** It shall be unlawful for a person to scatter or place any paste, paint or writing on any sidewalk, other than a city employee for official city purposes.

91.12 **DEBRIS ON SIDEWALKS.** It shall be unlawful for a person to throw or deposit on any sidewalk any glass bottle, glass, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, or any other debris, or any other substance likely to injure any person, animal or vehicle.

(Code of Iowa, 2013, Sec. 364.12 (2))

91.13 **MERCHANDISE DISPLAY.** It shall be unlawful for a person to place upon or above any sidewalk, any goods or merchandise for sale or for display in such a manner as to interfere with the free and uninterrupted passage of pedestrians on the sidewalk; in no case shall more than two (2) feet of the sidewalk next to the building be occupied for such purposes.

EDITOR'S NOTE

The following ordinances, not codified herein and specifically saved from repeal, have been adopted vacating certain streets and/or alleys and remain in full force and effect.

ORDINANCE NO	ADOPTED
57	May 5, 1939
90	December 7, 1953
16	November 30, 1981

EDITOR'S NOTE

The following ordinances, being the zoning ordinance of Strawberry Point, Iowa, and not codified herein pursuant to the Code of Iowa, 2013, Sec. 180.8 is specifically saved from repeal, with all amendments thereto, and remains in full force and effect.

ORDINANCE	ADOPTED
134	April 5, 1972
Amendment	January 24, 1979
Amendment	September 19, 2003
4	July 19, 1980
11	May 6, 1981
21	May 5, 1982
24	July 7, 1982
28	October 6, 1982
33	May 18, 1983
33A	June 15, 1983
36	February 22, 1984
37	May 16, 1984
48	August 21, 1985
49	September 4, 1985
70	June 1, 1988
73	September 21, 1988
74	September 21, 1988
85	April 18, 1990
	June , 1996
	June , 1996
119	August 5, 1996
	July , 2001
Amendment	May 19, 2005

CODE OF ORDINANCES

CITY OF STRAWBERRY POINT, IOWA

2014

INDEX

AMBULANCE BOARD	58.01-58.09
ANIMAL PROTECTION	47.01-47.20
ANTENNA AND RADIO WIRES	20.07
ASSAULT	17.01
BARBED WIRE	20.01
BEER, WINE AND LIQUOR CONTROL	
Persons Under Legal Age	34.01
Public Consumption	34.02
Public Intoxication	34.02
Open Container	34.03
BEER, WINE AND LIQUOR PERMITS	
Council Action	35.04
General Prohibition	35.02
Investigation	35.03
License or Permit	35.01
Prohibited Sales or Acts	35.05
BICYCLE REGULATIONS	
Equipment Required	38.04
Parking	38.03
Riding Regulations	38.02
BILLIARD ROOMS	
Minors	19.02
BONDS, OFFICIAL	
Required	2.02(1)
Surety	2.02(2)

BOOKS, OPEN TO PUBLIC	2.04
BUDGET	
Accounts	3.09(4)
Amendments	3.07
Boards and Commissions	3.05(2)
Preparations, annual	3.05
Preparations, capital	3.06
BUILDINGS	
Dangerous Buildings	44.01-44.08
Moving, License Required	77.03
Moving, Fire Limits	43.09
BUILDING NUMBERING	87.01-87.07
BURNING RESTRICTED	54.05
CABLE TELEVISION	63.01-63.28
CABLE TELEVISION FRANCHISE	81.01-81.04
CEMETERY PROPERTY	21.07
CHILD RESTRAINT DEVICES	25.22
CIGARETTE PERMITS	
Application	78.03
Expiration	78.07
Fees	78.04
Issuance	78.05
Permits Required	78.02
Permits Not Transferable	78.06
Refunds	78.08
Revocation	78.09
Revocation, Renewal After	78.10
CITY ADMINISTRATOR (see also CITY CLERK)	14.01-14.07
CITY ATTORNEY	
Appointment	13.01
Attorney For City	13.02
Compensation	13.01
Duties	13.03-13.10

CITY CHARTER	
Copies on File	6.06
Council, Term And Number	6.04
Form of Government	6.02
Mayor, Term	6.05
Powers and Duties	6.03
CITY CLERK	
Accounting Officer	3.02
Appointment	11.01
Attendance at Meetings	11.09
Authenticating	11.06
Certifying	11.07
Election	11.12
Oath	2.01
Powers and Duties	11.02
	11.09-11.17
Publications	11.05
Records	11.08
Recording and Publication of Meeting Minute	11.03
CITY CODE	
Altering Code	1.06
Amendments	1.04
Catch-lines and Notes	1.05
Definitions	1.02
Rules of Construction	1.03
Severability	1.08
Standard Penalty	1.07
Municipal Infraction	5.01
CITY COUNCIL	
Appointments	10.05
Compensation	10.06
Compensation, Setting Elected Officials	10.02(8)
Contracts	
10.02(5)	
Employees	10.02(6)
Exercise of Power	10.03
Fiscal Authority	10.02(3)
Powers and Duties	10.02
Meetings	10.04
Public Improvements	10.02(4)
Term	10.01
Veto, May Override	10.03(2)
Vote Recorded	10.03(1)

CITY ELECTIONS	4.01-4.07
CITY SEAL	11.13
COMPENSATION	
City Administrator	14.04
Council	10.06
Elected Officials Changed	10.02(8)
Employees	10.02(6)
Mayor	8.04
Mayor Pro Temp	9.04
Treasurer	12.02
CONCEALED WEAPONS	20.12
CONFLICT OF INTEREST	2.07
CONTRACTS	
Council	10.02(5)
Mayor	8.02(7)
CURFEW, MINORS	19.01
DANGEROUS BUILDINGS	
Costs	44.08
Defined	44.02
Enforcement Officer	44.01
Hearing	44.05
Notice to Repair, Demolition	44.04
Right to Demolish	44.07
Signs Posted	44.06
Unsafe Building	44.03
DEFACING PUBLIC GROUND	21.01
DISCHARGING WEAPONS	20.08
DISORDERLY CONDUCT	17.03
DISTURBING THE PEACE	
Assemblies	17.05
Noise	17.04
DOGS (see ANIMALS)	
At large	48.04
Definition	48.01
Impoundment	48.07
Immunization	48.03

Nuisance	48.06
DUMPING PROHIBITED	54.08, 56.03
DUTCH ELM DISEASE CONTROL	70.1-70.05
ELECTIONS	
Administrator's Duties	11.12
Nomination Petitions Files	11.12
ELECTRIC METERS	83.01-83.07
ELECTRIC RATES	84.01-84.09
ELECTRIC SYSTEM	82.01-82.17
EMPLOYEES	
Compensation	10.02(6)
Removal of Appointed Officers	2.09
EXCAVATIONS	
Streets	85.05
Warning Devices, removal prohibited	85.01
Water	66.09
FALSE ALARMS	17.02(4)
FINANCE OFFICER	3.02
FIREARMS DISCHARGE	20.08
FIREWORKS	
Defined	20.02(1)
Insurance Required	20.02(2)
Regulated	20.02(2)
FIRE APPARATUS, INJURY	21.05
FIRE CHIEF	
Absence	42.15
Appointed	42.07
Duties	42.08
FIRE DEPARTMENT	
Approved By Council	42.04
Assistance	42.16
Compensation	42.06
Constitution and By Laws	42.09

Damaging Equipment	21.05
Expulsion	42.14
Fees and Charges	42.18
Fires Outside City	42.12
Insurance	42.10, 42.11
Mutual Aid	42.13
Organization	42.02
Prohibited Acts	42.17
Qualifications	42.03
Training	42.05
FIRE LIMITS	
Accessory Buildings	43.07
Beams	43.06
Buildings Prohibited	43.03
Board of Appraisement	43.11
Established	43.01
Moving Buildings	43.09
Plans Submitted	43.02
Reconstruction Prohibited	43.10
Removal	43.12
Special Permits	43.08
Walls and Roof	43.04, 43.05
FISCAL MANAGEMENT	
Accounting	3.09
Budget Amendments	3.07
Budget Preparation	3.05
Capital Budget	3.06
Cash Control	3.03
Contingency Account	3.11
Finance Officer	3.02
Financial Reports	3.10
Fund Control	3.04
Investment Of Funds	3.08
FRANCHISES	
Cable Television	81.01-81.04
Gas	79.01-79.10
Telephone	80.01-80.06
FUNERAL PROCESSIONS	25.08
GOLF CARS	25.12-25.19
HARASSMENT	17.02

HAZARDOUS SUBSTANCES	74.01-74.06
HEALTH HAZARDS	
Accumulation of Wastes	54.03
HITCH HIKING	30.03
HOLIDAYS	2.11
HORSES (see ANIMAL PROTECTION)	47.05
HOUSE MOVERS	
Bond	77.05
Defined	77.02
Insurance	77.06
License, Application	77.04
License, Fee	77.07
License Issued	77.08
License, Required	77.03
Public Safety	77.09
Time Limit	77.10
IMPERSONATING AN OFFICER	20.03
INDECENT EXPOSURE	17.06
INTERFERENCE WITH OFFICIAL ACTS	20.04
INTERFERENCE WITH CITY OFFICERS	20.10
INTOXICANTS, KEEPING ILLEGALLY	34.02
JUNK VEHICLES AND MACHINERY	
Defined	72.01
Exceptions	72.03
Notice to Abate	72.04
Nuisance	72.02
LIBRARY	
Annual Report	59.10
Budget	3.05(2)
Contracting, Other Libraries	59.07
Expenditures	59.09
Injury to Property	59.11
Non Resident Uses	59.08
Trustees, appointed	59.03

Trustees, compensation	59.05(3)
Trustees, Powers and Duties	59.06
Trustees, Term	59.05(1)
Trustees, qualifications	59.04
Trustees, vacancies	59.05(2)
LITTERING	54.07
LIQUID WASTES	49.01-49.10
LIQUOR (see BEER, WINE AND LIQUOR)	
LOAD AND WEIGHT RESTRICTIONS	
Permits	29.02
Temporary Embargo	29.01
MAYOR	
Appointments	8.03
Bond	2.02
Compensation	8.04
Powers and Duties	8.02
Term of Office	8.01
MAYOR PRO TEMPORE	
Appointment	8.03
Compensation	9.04
Powers and Duties	9.02
Vice President of Council	9.01
Voting Rights	9.03
MEETINGS	
Council, Time and Place	10.04
Notice	2.06(2)
Open to Public	
2.06(1)	
MINORS	
Curfew	19.01
Billiard Rooms	19.02
Intoxications, Sale to	34.02
MUFFLERS	25.05
MUNICIPAL INFRACTIONS	5.01-5.06
NATURAL GAS FRANCHISE	79.01-79.10

NOISE	
Compression Brakes	25.11
Disturbing the Peace	17.04
Engine Running	25.10
Mufflers	25.05
Quiet Zones	25.06
Excessive Noise	25.09
NUDITY, PUBLIC	17.06
NUISANCES	
Abatement by City	46.06
Collection of Costs	46.06
Defined	45.01
Emergency Abatement	46.05
Failure to Abate	46.08
Hearing	46.04
Junk Vehicles and Machinery	72.02
Method of Service	46.03
Notice to Abate	46.02
OATH OF OFFICE	
Administered	2.01(3)
Form	2.01(2)
Required	2.01(1)
OFFICERS AND EMPLOYEES	2.01-2.11
OFFICERS, REMOVAL OF	2.09
ONE-WAY STREETS	31.01
OPEN BURNING PROHIBITED	54.05
ORDINANCES	
Authentication	11.06
Mayor's Veto, Authority	8.02(4)
Mayor's Veto, Overridden	10.03(2)
Penalty	1.07
Publication	11.05
Record Maintained	11.08(1)
Vote Recorded	10.03(1)
PARKING REGULATIONS (see TRAFFIC CODE)	32.01-32.13

PAVEMENT, INJURY TO	21.02	
PEACE OFFICER		
Qualification	36.03	
Training	36.04	
PEDDLERS		
Defined	76.02	
License Required	76.03	
License Revocation	76.19	
Time Restrictions	76.13	
POLICE DEPARTMENT		
Appointment	36.07	
Chief, appointed	36.07	
Chief, duties	36.08	
Compensation	36.06	
Department Rules	36.09	
Failure to Obey an Officer	36.11	
Oath	36.05	
Organization	36.02	
Qualifications	36.03	
Training		36.04
Uniform Allowances	36.10	
PRIVATE PROPERTY		
Trespassing Prohibited	22.01	
Trespassing or Telephone Wire Taps	22.02	
PROCESS, RESISTING EXECUTION	22.04	
PROCLAMATIONS, DESTROYING	21.04	
PUBLIC IMPROVEMENTS	10.02(4)	
PUBLIC GROUNDS		
Damage	21.06	
Defacing	21.04	
PUBLIC HEALTH AND SAFETY	20.01-20.13	
PUBLIC PEACE	17.01-17.06	
PUBLIC PROPERTY	21.01-21.07	
PUBLIC MORALS		
Prostitution	18.01	

PUBLICATIONS AND NOTICES	
Administrator's Duties	11.05
Defacing and Destroying	21.04
QUIET ZONES	25.06
RECORDS	
Copies Available	11.08(4)
Open to Public	2.04
Transfer to Successor	2.05
RECREATION PROGRAM	62.01-62.04
REFUSING TO ASSIST OFFICER	20.05
REMOVAL OF APPOINTED OFFICER	2.09
RESERVE POLICE FORCE	37.01-37.09
RESIGNATIONS	2.08
RESISTING ARREST	20.06
REVITALIZATION AREA	15.01-15.02
REVITALIZATION URBAN	15.01
RIOTS	17.05
ROAD WORK VIOLATION	25.20
SALE OF TAINTED FOOD	20.01
SANITARY LAND FILL	
Private Landfill	56.09
Public Landfills	56.08
SANITARY SEWER SYSTEM	
Building Sewers, alignment and grade	50.04(6)
Building Sewers, bearing walls	50.04(10)
Building Sewers, defined	49.02(3)
Building Sewers, depth	50.04(7)
Building Sewers, jointing	50.04(11)
Building Sewers, lifts	50.04(8)
Building Sewers, old lines	50.04(1)

Building Sewers, pipe specifications	50.04(9)
Building Sewers, separate lines	50.04(2)
Building Sewers, size	50.04(5)
Building Sewers, water lines	50.04(4)
Connections, deadline	50.07
Connections, inspection	50.08
Connections, permits required	50.01
Connections, plumber to make	50.02
Connections, required	49.05
Definitions	49.02
Excavations, backfill	50.03(3)
Excavations, barricades	50.03(1)
Excavations, completion by city	50.03(5)
Excavations, lights	50.03(1)
Excavations, methods	50.03(3)
Excavations, public convenience	50.03(2)
Excavations, restoration of property	50.03(4)
Interceptors	50.05
Manholes, entering unlawful	49.04(3)
Owner's Liability, for costs	50.09
Owner's Liability, for violations	49.10(3)
Owner's Liability, Limited	49.08
Penalties, continuing violation	49.10(2)
Penalties, notice to owner	49.10(1)
Penalties, owner liable	49.10(3)
Permits, application	50.01(1)
Permits, classes of	50.01(3)
Permits, fee	50.01(4)
Permits, plans and specifications	50.01(2)
Permits, required	50.01
Permits, revocation	50.01(5)
Plumber Required	50.02
Prohibited Actions, damaging system	49.04(1)
Prohibited Actions, downspout connections	49.04(2)
Prohibited Actions, entering manholes	49.04(3)
Prohibited Actions, objectionable wastes	49.04(4)
Prohibited Actions, septic tanks prohibited	49.04(5)
Prohibited Actions, untreated discharge	49.04(6)
Prohibited Discharge, corrosive wastes	51.03(3)
Prohibited Discharge, explosives	51.03(1)
Prohibited Discharge, flammables	51.03(1)
Prohibited Discharge, poisonous wastes	51.03(2)
Prohibited Discharge, solids	
51.03(4)	
Prohibited Discharge, toxic wastes	51.03(2)
Restricted Discharge, authority of city	51.05
Restricted Discharge, listed	51.04(6)

Restricted Discharge, special arrangements	51.06
Restricted Discharge, special facilities	51.06
Restricted Discharge, testing	51.08
Right of Entry	51.07
Septic Tanks (see Sewer Systems – Private)	
Storm Water Prohibited	51.01
Superintendent, appointed	49.03
Superintendent, inspection	49.03(2)
Superintendent, records	49.03(3)
Superintendent, tests	49.03(2)
Tapping Sewers	50.06
Violations, abatement	50.10
Violations, penalties	49.10
 SCHOOL BUS SAFETY REGULATIONS	 25.07
 SEAT BELTS	 25.21
 SEPTIC TANKS (see SEWER SYSTEMS – PRIVATE)	 52.01
 SEPTIC RENTAL	
Lien for Non-payment	53.05
Payments	53.04
Rate, general	53.02
Rates, specific	53.03
Required	55.01
 SEWERS, BUILDING	 50.01-50.10
 SEWER RENTAL	 53.01-53.07
 SEWER SYSTEMS, PUBLIC	 51.01-51.09
 SEWER SYSTEMS, PRIVATE	
Abandoned	52.09
Discharge Restricted	52.06
Disposal of Wastes	52.10
Inspection	52.04
Maintained	52.07
Permit	52.03
Prohibited	52.06
Required	52.02
 SIDEWALKS	
Awnings	91.06
Bicycles	38.02(8)
City Actions	91.03

Construction Standards	91.07
Debris	91.12
Defacing	91.11
Encroachment	91.07
Fuel	91.10
Fires	91.09
Merchandise Displays	91.13
Openings	91.08
Repair	91.02
Snow and Ice	91.05
Standards	91.04
 SLINGSHOTS	 20.09
 SNOWMOBILES	
Careless Operations	40.03(5)
Hours of Operations	40.03(12)
Minors	
40.03(11)	
Place of Operations	40.02
Speed	40.03(4)
Traffic Code	40.03(3)
 SOLICITORS	
Defined	76.02
License	76.03
Time Limits	76.13
 SOLID WASTE CONTROL, GENERAL	
Definitions	54.02
Fire Hazards	54.04
Health Hazards	54.03
Littering	54.06
Open Burning	54.05
Open Dumping	54.07
Prohibited Wastes	54.12
Prohibited Practices	54.13
Collection, unlawful	54.12(4)
Collectors, interference	54.12(2)
Containers, unlawful use	54.12(1)
Disposal, unlawful	54.12(3)
Sanitary Disposal Required	54.11
Toxic and Hazardous Wastes	54.08
Waste Storage Containers	54.09
Yard Wastes, Storage	54.10
 SOLID WASTE COLLECTION AND TRANSPORTATION	

Bulky Rubbish	55.07	
Collection, fees	55.13	
Collection, frequently	55.05	
Collection, service	55.02	
Collection, vehicles	55.03	
Collector's License	55.11	
Container Location	55.06	
Fees	55.12	
Financial Responsibility	55.13	
Loading	55.04	
Right Of Entry		55.10
Tree Limbs and Brush	55.08	
Yard Wastes	55.09	
SOLD WASTE DISPOSAL		
Definition	56.01	
Landfill, operation	56.08	
Open Dumping, prohibited	56.03	
Open Dumping, exceptions	56.04	
Private Sanitary Landfills	56.08	
Public Sanitary Landfill Designated	56.07	
Radioactive Materials	56.06	
Sanitary Disposal Required	56.02	
Toxic and Hazardous Wastes	56.05	
SOLID WASTE RECYCLING	57.01-57.05	
SPEED LIMITS		
Bicycles	38.02(5)	
Business District	26.02	
Cemetery	26.05	
Emergency Vehicles	26.07	
General	26.01	
Minimum	26.06	
Parking Lot	26.05	
Parks	26.05	
Residential District	26.03	
Snowmobiles	40.03(4)	
Special Zones	26.08	
Suburban District	26.04	
SPEED DESIGNATIONS	26.01-26.09	
STREETS		
Barricaded, Use Prohibited	86.08	
Business Purposes, Use of Street Fee	86.10	
Changing Name	88.02	

Debris On	86.03, 86.13
Defacing or Obstructing	86.02
Embargo, Temporary	29.01
Excavations	86.05
Grades	90.00
Injuring New Pavement	86.04
Maintenance of Parking	86.12
Names of Streets	88.01
Naming	88.01
Official Street	88.04
Parking, Use of	86.09
Playing	86.07
Snow	86.06
Vacation	89.01-89.05
Warning Devices, removal prohibited	86.01
Washing Vehicle on Street	86.11
STREET AND ALLEY VACATION AND DISPOSAL	
Disposal Procedure	89.04
Disposal by Gift Limited	89.05
Findings Required to Vacate	89.03
SUBDIVISION CONTROL	73.01-73.20
SWIMMING POOL	61.01-61.09
TAX EXEMPTIONS	75.01-75.07
TAX LEVIES	16.01-16.02
TELEPHONE	
Franchise	80.01
Tapping	22.02
TOXIC AND HAZARDOUS WASTES	
Container Requirements	54.09(2)
Deposit Prohibited	54.09(3)
Disposal Regulated	56.06
Labels Required	54.09(1)
Vehicle Requirements	54.09(2)
TRAFFIC CODE	
Accident Investigations	23.06
Accident Reports	23.05
Administration and Enforcement	23.03
Annual Safety Reports	23.10

Clinging to Vehicles	25.04
Compression Brakes, Use Prohibited	25.11
Definitions	23.02
Drivers Files Maintained	23.08
Enforcement	33.01-33.14
Admitted Parking Violation	33.02
Arrest	33.01
Citations	33.01
Engine Running	25.10
Impounding Vehicles	33.05
Fifteen Minute	32.11
Funeral Processions	25.08
Driving in	25.02
Identified	25.08(1)
Interrupting	25.08(3)
Habitual Violators	23.09
Handicapped	32.13
Illegal Parking	33.04
Intersections	28.02
Load and Weight Restrictions	29.00
Special Permits	29.02
Temporary Embargo	29.01
Mufflers	25.05
No Parking	32.12
One-Way Streets	31.01
Parking Regulations	32.01-32.13
Adjacent to Curb	32.01
Angle Parking, Permitted	32.03
Angle Parking, Manner of	32.04
One-Way Streets	32.02
Prohibited Anytime	32.06
Prohibited Purposes	32.05
Signs Required	32.10
Snow Removal	32.09
Trucks	32.07
Pedestrians	30.01-30.04
Crossing	30.04
Hitch Hiking	30.03
Sidewalk to be Used	30.01
Walking in Street	30.02
Play Streets	25.02
Power to Direct Traffic	23.04
Quiet Zones	25.06
School Buses	25.07
Discharging Riders	25.07(3)
Lights on	25.07(2)
Passing	25.07(4)

Signals and Flashers	25.07(1)
Stop When Meeting	25.05(1)
Sidewalks	
Vehicles Prohibited	25.03
Stop at Crosswalk	28.05
State Code Violation	25.01
Speed Regulations	26.01-26.09
Business District	26.02
Cemetery	26.05
Emergency Vehicles	26.07
General	26.01
Minimum Speed	26.06
Parks	26.05
Parking Lots	26.05
Residential District	26.03
Special Speed Zones	26.08
Suburban District	26.04
Stop or Yield Required	28.01-28.07
Sidewalks	28.05
Special Stops	28.03
Through Streets	28.01
Traffic Obstructions	28.06
Traffic Records	23.08
Yield Required	28.03
Traffic Control Device	24.01-24.05
Crosswalk Markings	24.02
Installation by	24.01
Obedience to	24.05
Standards	24.04
Traffic Lanes	24.03
Turning Regulations	27.01-27.02
Authority to Mark	27.01
"U" Turns	27.02
Unattended Vehicle	33.03
 VIOLATION OF REGULATIONS (TRAFFIC CODE)	 25.01
 TRANSIENT MERCHANTS	
Defined	76.02
License Required	76.03
Time Restriction	76.13
 TREASURER	
Compensation	12.02
Duties	12.03
Elected	12.01

TREES	
Tree Board	69.01-69.11
Dutch Elm Disease Control	70.01-70.05
TRESPASSING	22.01
TRUCKS	
Parking	32.07
UNLAWFUL ASSEMBLY AND RIOT	17.05
UTILITIES	
Injury to	21.06
Tapping Wires	22.02
VACANCIES IN OFFICE	2.10
VACATING STREETS OR ALLEYS (see STREET VACATION)	89.01-89.05
VEHICLES ABANDONED	71.01-71.10
VEHICLES ON SIDEWALKS	25.03
VETO	
Mayor's Authority	8.02(4)
Council May Override	10.03(2)
VICIOUS DOGS	47.08
VIOLATIONS, PENALTY	1.07
WARNING DEVICES	
Excavations	50.03(1)
House Movers	77.09
WATER CONNECTIONS	
Abandoned	66.04
Failure to Maintain	66.17
Fire Hydrants	66.19
Inspection	66.14
Interior Stop and Waste Cock	66.13
Mandatory	66.03
Owner to Maintain	66.16
Permit, Fee	66.06
Permit Required	66.05
Pipe Installation	66.11

Plumber Required	66.08
Plumbing Code	66.07
Tapping Mains	66.10
WATER METERS	
Meters	67.08-67.12
Location	67.03
Rental	67.09-67.10
Repairs	67.05
Required	67.01
Right of Entry	67.06
Setting	67.04
Testing	67.07
WATER RATES	
Basis of Charge	68.01
Billing Procedure	68.04
Failure to Pay	68.05
Rates in City	68.02
Rates Outside City	68.03
WATER SYSTEM	
Curb Stop, operation	66.18
Curb Stop, required	66.12
Definition	66.01
Right of Entry	67.06
Superintendent	66.02
WEAPONS	
Concealed	20.12
Discharging	20.08
Throwing Missiles	20.09
WEEDS, DEFINED AS NUISANCE	45.01(I)
WIRE TAPS	22.02
YARD WASTES	
Storage	54.11
Collection	55.10