

ANDREW CODE OF ORDINANCES

2017

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TITLE I GENERAL PROVISIONS
CHAPTER 1 GENERAL PROVISIONS

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

1. "City" means the City of Andrew, Iowa, or the area within the territorial limits of the city, and such territory outside of the city over which the city has jurisdiction or control by virtue of any constitutional or statutory provision;
2. "Clerk" means City Clerk-Treasurer.
3. "Deputy Clerk" means City Deputy Clerk.
4. "Police Officer" or "Chief of Police" means Andrew Police Officer
5. "Computation of time" means the time within which an act is to be done. It shall be computed by excluding the first day and including the last day; and if the last day is Sunday or a legal holiday, that day shall be excluded;
6. "Council" means the City Council of the City. All its members or all Council persons mean the total number of Council persons provided by the City charter under the general laws of the state;
7. "County" means the County of Jackson, Iowa;
8. "Fiscal Year" means July 1 to June 30.
9. "Law" denotes applicable federal law, the Constitution and statutes of the State of Iowa, the ordinances of the City; and when appropriate, any and all rules and regulations which may be promulgated (put into force; made known) thereunder;
10. "May" confers a power;
11. "Month" means a calendar month;
12. "Must" states a requirement;

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

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

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

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

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

18. "Personal property" includes money, goods, chattels (any item of tangible property other than real estate), things in action, and evidences of debt;

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

20. "Property" includes real and personal property;

21. "Real property" includes; any interest in land

22. "Shall" imposes a duty;

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

24. "State" means the State of Iowa;

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

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

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

28. "Written" includes printed, typewritten, photocopies, electronically transmitted such as facsimile or electronic mail;

29. "Year" means a calendar year;

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

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

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

1. Gender. Any gender includes the other gender;

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

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

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

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

1-1-4 CONSTRUCTION. The provisions of this code and all proceeds under it are to be construed with a view to affect its objects and to promote justice.

1-1-5 AMENDMENT. All ordinances of the City Council passed thereafter shall be in the form of an addition or amendment to the Andrew Municipal Code of **2017** constituting this municipal code, and shall include proper references to chapter and section to maintain the orderly codification of the ordinances.

(Code of Iowa, Sec 380.2)
(Ord. 149, Passed March 29, 2011)
(Ord. 152, Passed March 13, 2012)
(Ord 153, Passed July 9, 2013)
(Ord 154, Passed Sept 9, 2014)
(Ord 157, Passed Oct 13, 2015)
(Ord 159, Passed Jan 10, 2017)

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

whole or any section provision, or part thereof not adjudged invalid or unconstitutional.

TITLE I GENERAL PROVISIONS

CHAPTER 2 RIGHT OF ENTRY

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

TITLE I GENERAL PROVISIONS

CHAPTER 3 PENALTY

1-3-1 General Penalty

1-3-2 Civil Penalty - Municipal
Infraction

1-3-1 GENERAL PENALTY. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of the ordinances of Andrew is guilty of a misdemeanor. Any person convicted of a misdemeanor under the ordinances of Andrew shall be punished by a fine of not more than five hundred dollars, or by imprisonment not to exceed thirty days.

(Code of Iowa, Sec 364.3(2))
(Ordinance 149, Passed 2/08/11)
(Ordinance 152, Passed 5/8/12)

1-3-2 CIVIL PENALTY - MUNICIPAL INFRACTION.

(Code of Iowa, Sec. 364.22)
(Ordinance 149, Passed 2/08/11)
(Ordinance 152, Passed 5/8/12)

1. DEFINITIONS.

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

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

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

2. VIOLATIONS, PENALTIES, AND ALTERNATIVE RELIEF.

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

Schedule of Civil Penalties (Iowa Code 2010 364.3(6)) \$750/\$1000 Max

First offense--Not more than five hundred dollars (\$500.00).

Second Offense--Not more than seven hundred fifty dollars (\$750.00).

All other repeat offenses--Not more than one thousand dollars (\$1,000.00).

(Ord 149, Passed 2/08/11)
(Ordinance 152, Passed 5/8/12)

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

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

3. CIVIL CITATIONS.

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

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

(Ord 149, Passed 2/08/11)

(Ordinance 152, Passed 5/8/12)

c. The original of the citation shall be filed with the Clerk of the district court. If the infraction involves real property a copy of the citation shall be filed with the county treasurer.

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

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

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

TITLE I GENERAL PROVISIONS

CHAPTER 4 PROCEDURE FOR HEARINGS BY THE CITY COUNCIL

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

1-4-1 PURPOSE AND INTENT

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

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

1-4-2 GENERAL

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

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

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

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

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

1-4-3 FORM OF NOTICE OF HEARING

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

“You are hereby notified that an evidentiary hearing will be held before the Andrew City Council at _____ on the _____ day of _____, 20 ____, at the hour _____, upon the notice and order served upon you. You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you.

You may request the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by filing an affidavit therefore with the City Clerk.”

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

1-4-5 CONDUCT OF HEARING.

1. Rules. Hearing need not be conducted according to the technical rules relating to evidence and witnesses.
2. Oral evidence. Oral evidence shall be taken only on oath or affirmation.
3. Hearsay evidence. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions in courts of competent jurisdiction in this state.
4. Admissibility of evidence. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this state.
5. Exclusion of evidence. Irrelevant and unduly repetitious evidence shall be excluded.
6. Rights of parties. Each party shall have these rights, among others:
 - a. To call and examine witnesses on any matter relevant to the issues of the hearing;
 - b. To introduce documentary and physical evidence;
 - c. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
 - d. To impeach any witness regardless of which party first called the witness to testify;

- e. To rebut the evidence against the party; and
- f. To self-representation or to be represented by anyone of the party's choice who is lawfully permitted to do so.

7. Official notice.

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

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

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

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

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

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

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

1-4-6 METHOD AND FORM OF DECISION

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

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

3. Effective date of decision. The effective date of the decision shall be stated therein. (Ord 149, Passed 2/08/11)

TITLE II POLICY AND ADMINISTRATION

CHAPTER 1 CITY CHARTER AND CITY SEAL

2-1-1	Charter	2-1-5	Term of Mayor
2-1-2	Form of Government	2-1-6	Elections
2-1-3	Powers and Duties	2-1-7	Council Meetings
2-1-4	Number and Term of City Council	2-1-8	Copies on File
		2-1-9	City Seal

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

2-1-2 FORM OF GOVERNMENT. The form of government of the City of Andrew, Iowa, is the Mayor-Council form of government. (Code of Iowa, Sec. 376.4)

2-1-3 POWERS AND DUTIES. The City Council and Mayor and other city officers have such powers and shall perform such duties as are authorized or required by state law and by the Ordinances, resolutions, rules and regulations of the City of Andrew, Iowa. (Code of Iowa, Sec. 376.2)

2-1-4 NUMBER AND TERM OF CITY COUNCIL. The City Council consists of five (5) City Council members elected at large, elected for terms of four years. (Code of Iowa, Sec 376.2)

2-1-5 TERM OF MAYOR. The Mayor is elected for a term of two (2) years. (Code of Iowa, Sec. 372.2)

2-1-6 ELECTIONS. The City Council and Mayor of Andrew shall be nominated by petition according to Chapter 45 of the Code of Iowa, 1977.

2-1-7 COUNCIL MEETINGS. The City Council shall hold regular monthly meetings on the second Tuesday of each month at the council rooms in City Hall at 7:00 p.m. (Ord. 135, Passed February 10, 1998)

2-1-8 COPIES ON FILE. The City Clerk-Treasurer shall keep an official copy of this charter on file with the official records of the City Clerk-Treasurer, shall immediately file a copy with the Secretary of State of Iowa, and shall keep copies of the charter available at the City Clerk-Treasurer's office for public inspection. (Code of Iowa, Sec. 372.1)

2-1-9 CITY SEAL. The City Seal shall be a seal circular in form, in the center of which shall be the words "Andrew" and around the margin the words "City Seal" and "Iowa", and the same is hereby declared to be the City Seal. The Seal shall be in custody of the Mayor or the Mayor's duly authorized representative or appointee and shall be affixed to all transcripts, orders or certificates which it may be necessary or proper to authenticate.

TITLE II POLICY AND ADMINISTRATION

CHAPTER 2 APPOINTMENT AND QUALIFICATIONS OF MUNICIPAL OFFICERS

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

2-2-1 CREATION OF APPOINTIVE OFFICERS. There are hereby created the following appointive officers: Clerk-Treasurer, Police Officer, and Attorney.

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

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

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

2-2-4 VACANCIES IN OFFICES. A vacancy in an appointive office shall be filled in accordance with State law. A vacancy in an elective office shall be filled by a majority vote of all members of the City Council, unless filled by election in accordance with state law.
(Code of Iowa, Sec 372.13.2)

2-2-5 BONDS REQUIRED. Each municipal officer required by law or ordinance to be bonded shall, before entering upon the duties of the office, execute to the city a good and sufficient bond, to be approved by the City Council, conditioned on the faithful performance of the duties and the proper handling and accounting for the money and property of the City in the official's charge unless the City Council shall have provided for a blanket position surety bond.
(Code of Iowa, Sec. 64.13)

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

2-2-7 BLANKET POSITION BOND. The City Council shall provide for a blanket position bond to cover all officers and employees of the City, but the City Council may provide by resolution for a surety bond for any other officer or employee that the City Council deems necessary. The City shall pay the premium on any official bond.
(Code of Iowa, Sec. 64.13)

2-2-8 BONDS FILED. All bonds when duly executed shall be filed with the City Clerk-Treasurer, except that the clerk's bond shall be filed with the Mayor.
(Code of Iowa, Sec. 64.23)

TITLE II POLICY AND ADMINISTRATION

CHAPTER 3 POWERS AND DUTIES OF MUNICIPAL OFFICERS

2-3-1	General Duties	2-3-6	Powers and Duties of the City Clerk-Treasurer
2-3-2	Books and Records	2-3-7	Powers and Duties of the City Police Officer
2-3-3	Deposits of Municipal Funds	2-3-8	Powers and Duties of the City Attorney
2-3-4	Transfer of Records and Property To Successor		
2-3-5	Powers and Duties of the Mayor		

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

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

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

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

2-3-3 DEPOSITS OF MUNICIPAL FUNDS. On Friday of each week, the City Clerk-Treasurer shall deposit all funds received by the city.

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

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

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

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

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

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

3. The Mayor may sign, veto, or take no action on an ordinance, amendment or resolution passed by the City Council. If the Mayor vetoes a measure, the Mayor must explain in writing the reason for such veto to the City Council members. If the Mayor

takes no action on the measure, a resolution becomes effective fourteen (14) days after the date of passage and an ordinance or amendment becomes law when published, but not sooner than fourteen (14) days after the day of passage, unless a subsequent effective date is provided within the measure. The City Council may repass a measure over the Mayor's veto by a two-thirds majority of the City Council members, if said action is taken within thirty days of the veto.

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

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

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

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

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

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

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

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

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

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

12. The Mayor shall order to be removed, at public expense, any nuisance for which no person can be found responsible and liable. This order shall be in writing. The order to

remove said nuisances shall be carried out by the City Police Officer or other person designated by the Mayor.

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

1. The City Clerk-Treasurer shall attend all regular and special City Council meetings and prepare and publish a condensed statement of the proceedings thereof, to include the total expenditure from each City fund. The statement shall further include a list of all claims allowed, a summary of all receipts and the gross amount of the claims.

(Code of Iowa, Sec 372.13(4) and (6))

(Minutes must be published within 15 days of the City Council meetings.)

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

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

3. The City Clerk-Treasurer shall cause to be posted all ordinances and amendments enacted by the city. The City Clerk-Treasurer shall authenticate all such measures except motions with said City Clerk-Treasurer's signature, certifying the time and place of publication when required.

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

4. The City Clerk-Treasurer shall maintain copies of all effective city ordinances and codes for public review.

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

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

(Code of Iowa, Sec. 362.3)

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

(Code of Iowa, Sec. 380.11)

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

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

(Code of Iowa, Sec. 384.20)

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

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

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

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

12. The City Clerk-Treasurer shall prepare the annual public report, post or publish it, and send a certified copy to the state auditor and other state officers as required by law.
(Code of Iowa, Sec. 384.22)

13. The City Clerk-Treasurer shall maintain all City records as required by law.
(Code of Iowa, Sec. 372.13(3) and (5))

14. The City Clerk-Treasurer shall have custody and be responsible for the safekeeping of all writings or documents in which the municipality is a party in interest unless otherwise specifically directed by law or Ordinance.
(Code of Iowa, Sec. 372.13(4))

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

16. The City Clerk-Treasurer shall furnish upon request to any municipal officer a copy of any record, paper or public document under the City Clerk-Treasurer's control when it may be necessary to such officer in the discharge of the City Clerk-Treasurer's duty. The City Clerk-Treasurer shall furnish a copy to any citizen when requested upon payment of the fee set by City Council resolution. The City Clerk-Treasurer 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 are required to be attested by the affixing of the seal.
(Code of Iowa, Sec. 380.7(4), Sec. 22.2 and 22.7)

17. The City Clerk-Treasurer shall attend all meetings of committees, boards and commissions of the City. The City Clerk-Treasurer shall record and preserve a correct record of the proceedings of such meetings.
(Code of Iowa, Sec. 372.13(4))

18. The City Clerk-Treasurer shall keep and file all communications and petitions directed to the City Council or to the City generally. The City Clerk-Treasurer shall endorse thereon the action of the City Council taken upon matters considered in such communications and petitions.
(Code of Iowa, Sec. 372.13(4))

19. The City Clerk-Treasurer shall issue all licenses and permits approved by the City Council, and keep a record of licenses and permits issued which shall show a date of issuance, license or permit number, official receipt number, name of person to whom issued, term of license or permit, and purpose for which issued.
(Code of Iowa, Sec. 372.13(4))

20. The City Clerk-Treasurer shall inform all persons appointed by the Mayor or City Council to offices in the municipal government of their position and the time at which they shall assume the duties of their office. (Code of Iowa, Sec. 372.13(4))

21. The City Clerk-Treasurer shall preserve a complete record of every City election, regular or special and perform duties required by law or Ordinance of the City Clerk-Treasurer in regard to elections. (Code of Iowa, Sec. 376.4)

22. The City Clerk-Treasurer shall draw all warrants/checks for the City upon the vote of the City Council. (Code of Iowa, Sec. 372.13(4))

23. The City Clerk-Treasurer shall show on every warrant/check the fund on which it is drawn and the claim to be paid. (Code of Iowa, Sec. 372.13(4))

24. The City Clerk-Treasurer shall keep a warrant/check record in a form approved by the City Council, showing the number, date, amount, payee's name, upon what fund drawn, and for what claim each warrant/check is issued. (Code of Iowa, Sec. 372.13(4))

25. The City Clerk-Treasurer shall bill and collect all charges, rents or fees due the City for utility and other services. (Code of Iowa, Sec. 372.13(4))

26. Annually, the City Clerk-Treasurer shall prepare and submit to the City Council an itemized budget of revenues and expenditures. (Code of Iowa, Sec. 384.16)

27. The City Clerk-Treasurer shall keep the record of each fund separate. (Code of Iowa, Sec. 372.13(4) and 384.85)

28. The City Clerk-Treasurer shall keep an accurate record for all money or securities received by the City Clerk-Treasurer on behalf of the municipality and specify date, from whom, and for what purposes received. (Code of Iowa, Sec. 372.13(4))

29. The City Clerk-Treasurer shall prepare a receipt in duplicate for all cash received. The City Clerk-Treasurer shall give the original to the party delivering the funds, and retain the duplicate. The receipt shall specify date, from whom and for what purpose received. (Code of Iowa, Sec. 372.13(4))

30. The City Clerk-Treasurer shall keep a separate account of all money received by the City Clerk-Treasurer for special assessments. (Code of Iowa, Sec. 372.13(4))

31. The City Clerk-Treasurer shall, immediately upon receipt of monies to be held in the City Clerk-Treasurer's custody and belonging to the City, deposit the same in banks selected by the City Council in amounts not exceeding monetary limits authorized by the City Council. (Code of Iowa, Sec. 372.13(4))

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

1. The main responsibility of the Police Officer is to enforce all applicable State and City Codes as pertaining to the City of Andrew.
2. The Police Officer shall assist the City Attorney in prosecuting any persons for the violation of an ordinance by gathering all the facts and circumstances surrounding the case.
3. The Police Officer shall be sergeant-at-arms of the council chamber when requested by the City Council.
4. The Police Officer shall patrol the city streets and perform various spot checks to serve as a deterrent to criminal and mischievous activity.
5. The Police Officer shall keep a log of activities performed as Police Officer within the City of Andrew to be turned in monthly at the city council meeting.
6. The Police Officer shall protect the rights of persons and property, preserve order at all public gatherings, prevent and abate nuisances, and protect persons against every manner of unlawful disorder and offense.
7. The Police Officer shall make arrangements to convey any persons requiring detention to the county jail as provided by law and agreements with the County.
8. The Police Officer shall execute all lawful orders as directed by the Mayor and/or City Council that may not be assumed in normal duties. Duties to be performed will be described in writing and discussed with the Police Officer prior to implementing the duty.
9. The Police Officer shall, when requested, aid other municipal officers in the execution of their official duties.
10. The Police Officer will aid in removing parked vehicles off the streets during snow removal, street repairs and any situation requiring total street access.
11. The Police Officer will schedule his work week at his discretion but schedule should be for at least 20 hours per month.

(Amended 5/10/16)

2-3-8 POWERS AND DUTIES OF THE CITY ATTORNEY. The duties of the City Attorney shall be as follows: (Code of Iowa, Sec. 372.13(4))

1. If requested, the City Attorney shall attend every regular meeting of the City Council and attend those special meetings of the City Council at which the City Attorney is required to be present.
2. The City Attorney shall, upon request, formulate drafts for contracts, forms and other writings which may be required for the use of the city.
3. The City Attorney shall keep in proper files a record of all official opinions and a docket or register of all actions prosecuted and defined by the City Attorney accompanied by all proceedings relating to said actions.
4. The City Attorney shall, upon request, give an opinion in writing upon all questions of law relating to municipal matters submitted by the City Council, the Mayor, members of the City Council individually, municipal boards or the head of any municipal department.
5. The City Attorney shall prepare those ordinances when the City Council may desire and direct to be prepared and report to the City Council upon all ordinances before their final passage by the City Council and publication.
6. The City Attorney shall act as attorney for the city in all matters affecting the city's interest and appear on behalf of the city before any court, tribunal, commission or board. The City Attorney shall prosecute or defend all actions and proceedings when so requested by the Mayor or City Council.
7. The City Attorney shall not appear on behalf of any municipal office or employee before any court or tribunal for the purely private benefit of said officer or employee. The City Attorney shall, however, if directed by the City Council, appear to defend any municipal officer or employee in any cause of action arising out of or in the course of the performance of the duties of his or her office or employment.
8. The City Attorney shall sign the name of the city to all appeal bonds and to all other bonds or papers of any kind that may be essential to the prosecution of any cause in court, and when so signed the city shall be bound upon the same.
9. The City Attorney shall make a written report to the City Council of the defects in all contracts, documents, authorized power of any city officer, and ordinances submitted to said City Attorney or coming under said City Attorney's notice.
10. The City Attorney shall, upon request, after due examination, offer a written opinion on and recommend alterations pertaining to contracts involving the city before they become binding upon the city or are published.

TITLE II POLICY AND ADMINISTRATION

CHAPTER 4 SALARIES OF MUNICIPAL OFFICERS

- 2-4-1 Council Member
- 2-4-2 Mayor
- 2-4-3 Other Officers

2-4-1 COUNCIL MEMBER. The salaries of each City Council member shall be **\$30.00** for each meeting of the City Council to be **paid quarterly**.

(Code of Iowa, Sec 372.13(8))
Amended by Ord#141 12/12/2000)
Resolution #05-06 10/11/2005

2-4-2 MAYOR. The Mayor shall receive an annual salary of **\$1,500.00** to be paid in equal **semi-annual installments**.

(Code of Iowa, Sec 372.13(8))
Amended by Ord#141 12/12/2000)
Resolution #05-05 10/11/2005

2-4-3 OTHER OFFICERS. The compensation of all other officers and employees shall be **set by resolution** of City Council. (Code of Iowa, Sec 372.13(4))

TITLE II POLICY AND ADMINISTRATION

CHAPTER 5 CITY FINANCE

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

2-5-1 BUDGET ADOPTION. Annually, the City shall prepare and adopt a budget, and shall certify taxes as follows: (Code of Iowa, Sec 384.16)

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

- a. Expenditures for each program.
- b. Income from sources other than property taxation.
- c. Amount to be raised by property taxation, and the property tax rate expressed in dollars per one thousand dollars valuation.

The budget shall show comparisons between the estimated expenditures in each program in the following year and the actual expenditures in each program during the two preceding years. Wherever practicable, as provided in rules of the state City finance committee, a budget shall show comparisons between the levels of service provided by each program as estimated for the following year, and actual levels of service provided by each program during the two preceding years.

2. Not less than ten nor more than twenty days before the date that the budget must be certified to the County Auditor, the City Clerk-Treasurer shall provide a sufficient number of copies of the budget to meet reasonable demands of taxpayers, and have them available for distribution at the City hall and at three places designated by ordinance for posting notices.

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

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

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

2-5-2 BUDGET AMENDMENT. The City budget as finally adopted for the following fiscal year becomes effective July (1st) first and constitutes the City appropriation for each program and purpose specified therein until amended. The City budget for the current fiscal year may be amended for any of the following purposes:

(Code of Iowa, Sec. 384.18)

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

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

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

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

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

2-5-3 BUDGET PROTEST. Within a period of ten days after the final date that the budget or amended budget may be certified to the County Auditor, persons affected by the budget may file a written protest with the County Auditor, specifying their objection to the budget or any part of it. A protest must be signed by qualified voters equal in number to one-fourth of one percent of the votes cast for governor in the last preceding general election in the City, but not less than ten persons, and the number need not be more than one hundred persons.

(Code of Iowa, Sec. 384.19)

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

The City shall keep accounts which show an accurate and detailed statement of all public funds collected, received, or expended for any City purpose, by any City officer, employee, or other person, and which show the receipt, use, and disposition of all City property.

Public monies may not be expended or encumbered except under an annual or continuing appropriation.

(Code of Iowa, Sec. 384.20)

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

(Code of Iowa, Sec. 384.22)

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

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

2-5-7 ADMINISTRATIVE TRANSFERS. The City Clerk-Treasurer shall have power to make transfers within a single activity between objects of expenditures within activities without prior City Council approval.

The City Clerk-Treasurer shall have the power to make transfers between activities, or between sub-programs without prior City Council approval to meet expenditures which exceed estimates or are unforeseen but necessary to carry out City Council directives or to maintain a necessary service and provide the required appropriation balance. Such transfers shall not exceed **25%** at any one time of the activity's annual appropriation which is increased or decreased. However, when a given transfer, considering all previous transfers to or from any activity to exceed by ten percent greater or ten percent less than the original appropriation, it shall be presented to the City Council as a resolution including all such administrative transfers to date in the fiscal year for consideration and passage as presented, or as amended by the City Council.

(Code of Iowa, Sec. 545.2.4(384.388))

(Provision is covered by State Law and Iowa Administration Code.)

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

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

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

(Code of Iowa, Sec. 384.20)

2-5-10 BUDGET ACCOUNTS. The City Clerk-Treasurer shall set up such individual accounts to record receipts by source and expenditures by program and purpose as will provide adequate information and control for budgetary purposes as planned and approved by the City Council. Each individual account shall be maintained within its proper fund as required by City Council order or state law and shall be so kept that receipts can be immediately and directly compared with specific estimates and expenditures can be related to the appropriation which authorized it. No expenditure shall be posted except to the appropriation for the function and purpose for which the expense was incurred.

(Code of Iowa, Sec. 384.20)

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

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

TITLE II POLICY AND ADMINISTRATION

CHAPTER 6 POSTING

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

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

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

Maquoketa State Bank (Andrew Office)
City Hall
Andrew Post Office

The City Clerk-Treasurer is hereby directed to promptly post notices of elections, ordinances, and amendments, and to leave them so posted for not less than ten days after the first date of posting, and the City Clerk-Treasurer shall note the first date of such posting on the official copy of the ordinance and in the official ordinance book immediately following the ordinance. (Code of Iowa, Sec. 380.7)

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

TITLE II POLICY AND ADMINISTRATION

CHAPTER 7 BOUNDARIES

2-7-1 Corporate Limits

2-7-1 CORPORATE LIMITS. The corporate limits of the City are described as follows:

Commencing at the Northeast Corner of the Southeast Quarter of Section Twenty-two, Township Eighty-five North, Range Three, East of the Fifth Principal Meridian, Jackson County, Iowa, running thence South 2640 feet to the Southeast Corner of said Section Twenty-two, thence West 2640 feet along the South line of Section Twenty-two to the Southwest Corner of the Southeast Quarter of Section Twenty-two, thence North 1200 feet along the West line of the Southeast Quarter of Section Twenty-two thence East 200 feet, more or less, to the Southwest Corner of Lot 4 of Block 5 of the City of Andrew, Jackson County, Iowa, thence North 1440 feet to the North line of the Southeast Quarter of Section Twenty-two thence East to the place of commencement; all in Section Twenty-two, Township Eighty-five North, Range Three, East of the Fifth Principal Meridian, Jackson County, Iowa.

TITLE II POLICY AND ADMINISTRATION

CHAPTER 8 CITY COUNCIL

- 2-8-1 Powers and Duties
- 2-8-2 Exercise of Power
- 2-8-3 Meetings

2-8-1 **POWER AND DUTIES.** The powers and duties of the City Council include, but are not limited to the following:

1. **General.** All powers of the City are vested in the City Council except as otherwise provided by law or ordinance. (Code of Iowa, Sec. 364.2(1))

2. **Wards.** By ordinance, the City Council may divide the City into wards based upon population, change the boundaries of wards, eliminate wards or create new wards. (Code of Iowa, Sec. 372.13(7))

3. **Fiscal Authority.** The City Council shall apportion and appropriate all funds, and audit and allow all bills, accounts, payrolls and claims, and order payment thereof. It shall make all assessments for the cost of street improvements, sidewalks, sewers and other work, improvement or repairs which may be specially assessed. (Code of Iowa, Sec. 364.2(1), 384.16 & 384.38(1))

4. **Public Improvements.** The City Council shall make all orders for the doing of work, or the making or construction of any improvements, bridges or buildings. (Code of Iowa, Sec. 364.2(1))

5. **Contracts.** The City 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 City Council, or reduced to writing and approved by the City Council, or expressly authorized by ordinance or resolution adopted by the City Council. (Code of Iowa, Sec. 372.13(4))

6. **Employees.** The City Council shall authorize, by resolution, the number, duties, term of office and compensation of employees or officers not otherwise provided for by the State law or the Code of Ordinances. (Code of Iowa, Sec. 372.13(4))

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

the beginning of the term of the City Council members elected at the election next following the change in compensation. (Code of Iowa, Sec. 372.13(8))

2-8-2 EXERCISE OF POWER. The City Council shall exercise a power only by the passage of a motion, a resolution, an amendment, or an ordinance in the following manner: (Code of Iowa, Sec. 364.3(1))

1. **Approved Action by the City Council.** Passage of an ordinance, amendment, or resolution requires an affirmative vote of not less than a majority of the City Council members. A motion to spend public funds in excess of twenty-five thousand dollars (\$25,000) 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 City Council members. Each Council member's vote on an ordinance, amendment or resolution must be recorded. (Code of Iowa, Sec. 380.4)

2. **Overriding Mayor's Veto.** Within thirty (30) days after the Mayor's veto, the City Council may repass the ordinance or resolution by a vote of not less than two-thirds of the City Council members, and the ordinance or resolution becomes effective upon re-passage and publication. (Code of Iowa, Sec. 380.6(2))

3. **Measures Become Effective.** Measures passed by the City Council, other than motions, become effective in one of 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, Sec. 380.6(1))

b. If the Mayor vetoes a measure and the City Council repasses the measure after the Mayor's veto, a resolution becomes effective immediately upon re-passage, and an ordinance or amendment becomes a law when published unless a subsequent effective date is provided with the measure. (Code of Iowa, 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 and an ordinance or amendment becomes law when published, but not sooner than fourteen (14) days after the day of passage, unless a subsequent effective date is provided within the measure. (Code of Iowa, Sec. 380.6(3))

2-8-3 MEETINGS. Procedures for giving notice of meetings of the City Council and other provisions regarding the conduct of City Council meetings are contained in Ordinance 2-1-7, 2-3-6 (5), and 2-6-2 of this Code of Ordinances. Additional particulars relating to City Council meetings are the following:

1. **Special Meetings.** Special meetings shall be held upon call of the Mayor or upon the written request of a majority of the members of the City Council submitted to the City Clerk. Notice of a special meeting shall specify the date, time, place and subject of the meeting and such notice shall be given personally or left at the

usual place of residence of each member of the City Council. A record of the service of notice shall be maintained by the City Clerk.

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

2. Quorum. A majority of all City Council members is a quorum.

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

3. Rules of Procedure. The City Council shall determine its own rules and maintain records of its proceedings.

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

4. Compelling Attendance. Any three (3) members of the City Council can compel the attendance of the absent members at any regular, adjourned or duly called meeting, by serving a written notice upon the absent members to attend at once.

Quorum $2/3 = 4$

TITLE III COMMUNITY PROTECTION

CHAPTER 1 OFFENSES

3-1-1	Violations of Chapter	3-1-5	Animals
3-1-2	Public Peace	3-1-6	Streets
3-1-3	Public Morals	3-1-7	Public Safety and Health
3-1-4	Minors	3-1-8	Public Property

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

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

1. Engage in fighting or violent behavior or invite or defy another person to fight, provided that participants in athletic contests may engage in such conduct which is reasonably related to that sport. (Code of Iowa, Sec. 723.4(1))

2. Make unusually loud or excessive noise which results in the disturbance of the peace and the public quiet of a neighborhood. (Code of Iowa, Sec. 723.4(2))

(a) Permit or suffer to continue, a loud, raucous or disagreeable noise upon any premises or emanating from a motor vehicle owned by the person or in the person's possession that causes a disturbance to the general public. (Amendment 2/ 9/10)

3. Willfully permit upon any premises owned, occupied, possessed or controlled by such person any unusually loud or excessive noise in such a manner calculated to provoke a breach of the peace of others, or the public quiet of the neighborhood. (Code of Iowa, Sec. 723.4 (2))

4. Direct abusive language or make any threatening gesture which the person knows or reasonably should know is likely to provoke a violent reaction by another. (Code of Iowa, Sec. 723.4 (3))

5. Without lawful authority or order of authority, disturb any lawful assembly or meeting of persons by conduct intended to disrupt the meeting or assembly. (Code of Iowa, Sec. 723.4(4))

6. Without authority, obstruct any street, sidewalk, highway or other public way. (Code of Iowa, Sec. 723.4(7))

7. Without authority, solicit contributions, distribute literature, or otherwise peddle or sell goods and services within the traveled portion of any roadway. (Code of Iowa, Sec. 364.12(2)(a))

3-1-3 PUBLIC MORALS.

1. Indecent exposure. It shall be unlawful for any person to expose such person's genitals, pubes, female nipples, or buttocks to another or to urinate or defecate in the presence of or in view of another, if the person knows or reasonably should know that such behavior would be offensive to a reasonable person.

2. Consumption in public places - intoxication. No person shall use or consume any alcoholic liquors upon the public streets or highways, or in any public place, except premises covered by a liquor control license, or be intoxicated or simulate intoxication in a public place.

3-1-4 MINORS.

1. Supplying liquor to minors. No person shall sell, give or otherwise supply alcoholic liquor, wine, or beer to any person under twenty-one (21) years of age, or knowingly permit any person under that age to consume alcoholic liquors, wine, or beer, except in the case of alcoholic liquor, wine, or beer, given or dispensed to a person under twenty-one (21) years of 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 such person by a physician or dentist for medicinal purposes.

3-1-5 ANIMALS

(See TITLE IV COMMUNITY PROTECTION ...MENTAL AND PHYSICAL HEALTH)
ANIMAL & LIVESTOCK PROTECTION AND CONTROL CHAPTER , 4-1-1 ...4-1A-14)

1. Cruelty to animals. No person shall torture, torment, mutilate, cruelly beat, or cruelly kill any animal, or unnecessarily fail to provide the same with proper food, shelter, protection from the weather, or drive or work the same when unfit for labor, or cruelly abandon the same or cause the same to be cruelly carried on any vehicle or otherwise; or commit any other act or omission by which unjustifiable pain, distress, suffering or death is caused or permitted to any animal or animals, whether the acts or omissions herein contemplated are committed either maliciously, willfully or negligently.

2. Bullfights and other contests. No person shall 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 engage in, aid, abet, encourage or assist in any bull, bear, dog or cock fight, or a fight between any other creatures.

3. Animals running at large. No person shall allow any animal or livestock including dogs, cattle, horses, swine, sheep or other similar animals or fowl to run at large within the limits of the municipal corporation. At large means an animal found off the premises of the owner or upon the public streets, alleys, public grounds or parks within the city. **A dog or cat shall not be deemed at large:**

- a. If it is attached to a leash of sufficient strength of not more than ten (10) feet in length and such leash is held by a competent person; or

- b. It is accompanied by or at the side of the owner or a competent person and obedient to commands of the owner or competent person.

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

- a. **Damages, soils, defiles or defecates on private property other than the owner's or on public walks and recreation areas unless such waste is immediately removed and properly disposed of by the owner.**
- b. **Causes unsanitary, dangerous or offensive conditions.**
- c. **Causes a disturbance by excessive barking or other noisemaking or chases vehicles, or molests, attacks or interferes with persons or other domestic animals on public property.**

3-1-6 STREETS

1. Removal of safeguards or danger signals. No person shall willfully remove, tear down, destroy or carry away from any highway, street, alley, avenue or bridge any lamp, obstruction, guard or other article or things, or extinguish any lamp or other light, erected or placed thereupon for the purpose of guarding or enclosing unsafe or dangerous places in said highway, street, alley, avenue or bridge without the consent of the person in control thereof. (Code of Iowa, Sec. 716.5)

2. Obstructing or defacing streets. No person shall obstruct, deface, or injure any public road in any manner by breaking up, plowing or digging within the boundary lines thereof, without obtaining a permit from the Mayor.
(Code of Iowa, Sec. 716.1)

3. Allowing water, snow, ice and accumulations on sidewalk. No abutting property owner shall allow water from an improperly located eave or drain, or from any roof, to fall onto a public sidewalk, or fail to remove snow, ice and accumulations from the sidewalks promptly.
(Code of Iowa, Sec. 364.12(2)(b and e))

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

5. Placing debris on streets. It is unlawful for any person to throw or deposit on any street or alley any glass, glass bottle, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, leaves, grass or any other debris likely to be washed into the storm sewer and clog the storm sewer, or any substance likely to injure any person, animal or vehicle.
(Amendment 2/9/10)

3-1-7 PUBLIC SAFETY AND HEALTH.

1. Expectorating. No person shall expectorate on the ground or on the floor of any structure within the City limits. (Code of Iowa, Sec. 364.1)

2. Putting glass, etc., on streets and sidewalks. No person shall throw or deposit on any street or sidewalk any glass bottle, glass, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, or any other debris, or any other substance likely to injure any person, animal or vehicle. (Code of Iowa, Sec. 321.369)

3. Carrying a concealed weapon. It shall be unlawful for any person to carry under such person's clothes or concealed about their person or to be found in possession of any slingshot, knuckles of metal or other material, air gun or any other weapon other than a knife under 3 ½" blade length unless licensed by the Iowa Department of Public Safety or County Sheriff. (Code of Iowa, Sec. 724.4)

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

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

6. Discharging firearms and fireworks, and missiles. (Code of Iowa, Sec. 727.2)

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

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

c. The City Council may, upon application in writing, grant a permit for the operation of a firing range in which the discharge of firearms for training, recreational or

competitive events would be allowed upon showing that the range would be under the direction of a competent organization, group or individual.

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

e. It is unlawful for any person to willfully or carelessly or negligently throw any stick, stone, or other missile, whereby any person may or shall be injured or struck, or any window glass broken, or other property damaged, injured or destroyed.

f. It is unlawful for any person to discharge or throw any missile of any character from or by the use of any air gun, bow and arrow, slingshot, or from or by the use of any other thing or device.

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

7. Possession of Fireworks.

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

(Amendment 3/9/10)

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

(Amendment 3/9/10)

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

occupant of the premises where the hazard is permitted to remain.

(Code of Iowa, Sec. 727.3)

9. Impersonating an officer. No person shall falsely represent themselves or falsely assume to be any law enforcement officer, judge or magistrate. It shall be unlawful to wear or adopt the uniform or insignia of any law enforcement officer on any street or public place. (Code of Iowa, Sec. 718.2)

10. Harassment of City Employees.

a. It shall be unlawful for any reason to willfully prevent, resist or obstruct or attempt to prevent, resist or obstruct any City employee from the performance of any official duty. (Amendment 3/9/10)

b. It shall be unlawful for any person to communicate by any means, any threat of bodily or property harm to any City employee or to any member of the employee's family during the course of, or as a result of, the performance of any official duty by said City employee. (Amendment 3/9/10)

11. Resisting execution of process. No person shall knowingly or willfully resist or oppose any officer of this state or any person authorized by law in serving or attempting to execute any legal written, rule, order or process whatsoever, or knowingly and willfully resist any such officer in the discharge of such officer's duties without such written, rule, order or process.

12. Refusing to assist an officer. No person shall, when lawfully required by any sheriff, deputy sheriff, constable or other officer, willfully neglect or refuse to assist such officer in execution of the duties of such officer's office in any criminal case, or in any case of escape or rescue.

13. Resisting arrest. No person shall attempt to escape or forcibly resist when arrest is being made by an officer under the authority of a warrant, after information of the intention to make the arrest.

14. Antenna and radio wires. No person shall allow, locate or maintain any antenna wires, antenna supports, radio wires or television wires to exist over any street, alley, highway, sidewalk or public property. (Code of Iowa, Sec. 364.12(2))

15. Barbed wire. No person shall install, allow to be installed or use barbed wire without the consent of the City Council. (Code of Iowa, Sec. 364.1)

16. Playing in streets. No person shall coast, sled or play games on streets or highways except in areas blocked off for such purposes. (Code of Iowa, Sec. 364.12)

17. Sale of food. No person shall 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 sell or offer for sale the flesh of any animal that was diseased.

3-1-8 PUBLIC PROPERTY.

1. Defacing public grounds. No person shall cut, break or deface any tree or shrub in a public park or on any avenue thereto by willfully defacing, cutting, breaking or injuring, except by the authority of the Mayor. (Code of Iowa, Sec. 364.12(2))

2. Injuring new pavement. No person shall injure new pavement in any street, alley or sidewalk by willfully driving, walking or making marks on such pavement before it is ready for use. (Code of Iowa, 364.12(2))

3. Destroying park equipment. No person shall destroy or injure any property or equipment in public swimming pools, playgrounds or parks by willfully defacing, breaking, damaging, mutilating or cutting. (Code of Iowa, Sec. 364.12(2))

4. Defacing or destroying proclamations or notices. No person shall intentionally deface, obliterate, tear down or destroy in whole or in part any transcript or extract from or of any law of the United States or of this State, or any proclamation, advertisement or notification, set up at any place within the City by authority of law or by order of any court, during the time for which the same is to remain set up. (Code of Iowa, Sec. 716.1)

5. Injury to gravestones or property in cemetery. No person shall willfully and maliciously destroy, mutilate, deface, injure or remove any tomb, vault, monument, gravestone or other structure placed in any public or private cemetery, or any fences, railing or other work for the protection, ornamentation of said cemetery, or of any tomb, vault, monument or gravestone, or other structure aforesaid, on any cemetery lot within such cemetery, or willfully and maliciously destroy, cut, break or injure any tree, shrub, plant or lawn within the limits of said cemetery, or drive outside of said avenues and roads, and over the grass or graves of said cemetery. (Code of Iowa, Sec. 716.1)

6. Injury to fire apparatus. No person shall willfully destroy or injure any engines, hose carriage, hose, hook and ladder carriage, or other things used and kept for extinguishment of fires. (Code of Iowa, Sec. 716.1)

7. Obstructing or defacing roads. No person shall obstruct, deface or injure any public road by breaking up, plowing or digging within the boundary lines thereof. (Code of Iowa, Sec. 716.1)

8. Injury to roads, railways, and other utilities. No person shall willfully injure, remove or destroy any electric railway or apparatus belonging thereto, or any bridge, rail or plank road; or place or cause to be placed, any obstruction on any electric railway, or on any such bridge, rail or plank road; or willfully obstruct or injure any public road or highway; or maliciously cut, burn, or in any way break down, injure or destroy any post or pole used in connection with any system of electric lighting, electric railway, or telephone or telegraph system; or break down and destroy or injure and deface any electric light, telegraph or telephone instrument; or in any way cut, break or injure the wires of any apparatus belonging thereto; or willfully without proper authorization tap, cut, injure,

break, disconnect, connect, make any connection with, or destroy any of the wires, mains, pipes, conduits, meters or other apparatus belonging to, or attached to, the power plant or distributing system of any electric light plant, electric motor, gas plant or water plant; or aid or abet any other person in so doing. (Code of Iowa, Sec. 716.1)

9. Tapping telegraph or telephone wires. No person shall wrongfully or unlawfully tap or connect a wire with the telephone or telegraph wires of any person, company or association engaged in the transmission of messages on telephone or telegraph lines. (Code of Iowa, Sec. 727.8)

10. Obstructing ditches and breaking levees. No person shall divert, obstruct, impede, or fill up, without legal authority, any ditch, drain, or watercourse, or break down any levee established, constructed, or maintained under any provision of law. (Code of Iowa, Sec. 716.1)

11. Injury to public library books or property. No person shall willfully, maliciously or wantonly tear, deface, mutilate, injure or destroy, in whole or in part, any newspaper, periodical, book, map, pamphlet, chart, picture or other property belonging to any public library or reading room. (Amendment 3/9/10)

TITLE III COMMUNITY PROTECTION

CHAPTER 2 NUISANCES

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

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

1. The term "nuisance" means whatever is injurious to health, indecent, or offensive to the senses or an obstacle to the free use of property, so as essentially to interfere with the comfortable enjoyment of life or property. The following are declared to be nuisances: *(This is not an exclusive or exhausted list of possible nuisances. The City is free to declare what it believes is a nuisance, provided the declared nuisance is not contrary to, irreconcilable with or preempted by state or federal law or a violation of public policy.)*

(Code of Iowa, Sec. 657.1)

a. The erecting, continuing, or using any building or other place for the exercise of any trade, employment, or manufacture, which by occasioning noxious fumes, offensive smells, or other annoyances, becomes injurious and dangerous to the health, comfort, or property of individuals or the public. (Code of Iowa, Sec. 657.2(1))

b. The causing or suffering any offal, filth, or noisome substance to accumulate or to remain in any place to the prejudice of others. (Code of Iowa, Sec. 657.2(2))

c. The obstructing or impeding without legal authority the passage of any navigable river, harbor, or collection of water. (Code of Iowa, Sec. 657.2(3))

d. The corrupting or rendering unwholesome or impure the water of any river, stream, or pond, or unlawfully diverting the same from its natural course or state, to the injury or prejudice of others. (Code of Iowa, Sec. 657.2(4))

e. The obstructing or encumbering by fences, buildings, or otherwise the public roads, private ways, streets, alleys, commons, landing places, or burying grounds. (Code of Iowa, Sec. 657.2(5))

f. Houses of ill fame, kept for the purpose of prostitution and lewdness, gambling houses, or houses resorted to for the use of opium or hashish or houses where drunkenness, quarreling, fighting or breaches of the peace are carried on or permitted to the disturbance of others. (Code of Iowa, Sec. 657.2(6))

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

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

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

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

(Code of Iowa, Sec. 657.2(9))

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

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

k. Dense growth of all weeds, grasses, vines, brush, or other vegetation in the City so as to constitute a health, safety, or fire hazard.

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

l. Trees infected with Dutch elm disease.

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

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

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

(Code of Iowa, Sec. 716.1)

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

(Code of Iowa, Sec. 657.2)

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

(Code of Iowa, Sec. 364.1)

3-2-2 NUISANCES PROHIBITED. The creation or maintenance of a nuisance is prohibited, and a nuisance, public or private, may be abated in the manner provided in this chapter.

(Code of Iowa., Sec. 657.3)

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

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

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

2. The removal, repair, or dismantling of dangerous buildings or structures.
(Code of Iowa, Sec. 364.12(3)©)
3. The numbering of buildings. (Code of Iowa, Sec. 364.12(3)(d))
4. The connection to public drainage systems from abutting property when necessary for public health or safety. (Code of Iowa, Sec. 364.12(3)(e))
5. The connection to public sewer systems from abutting property, and the installation of sanitary toilet facilities and removal of other toilet facilities on such property. (Code of Iowa, Sec. 364.12(3)(f))
6. The cutting or destruction of weeds or other growth which constitutes a health, safety, or fire hazard. (Code of Iowa, Sec. 364.12(3)(g))
7. **The maintenance, by the property owner, of all property outside the lot and property lines and inside the curb lines upon public streets, including maintaining a fifteen (15) foot clearance above the street from trees extending over the streets, except as provided in Section 3-2-3(1).**
(Amendment 3/9/10)

3-2-4 NOTICE TO ABATE NUISANCE OR CONDITION. Whenever the Mayor or other authorized municipal officer finds that a nuisance or other condition exists which is listed in Section 3, the Mayor or officer shall cause to be served upon the property owner as shown by the records of the County Auditor a written notice to abate the nuisance within a reasonable time after notice.
(Code of Iowa, Sec. 364.12(3)(h))

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

1. A description of what constitutes the nuisance or other condition.
2. The location of the nuisance or condition.
3. A statement of the act or acts necessary to abate the nuisance or condition.
4. A reasonable time within which to complete the abatement.
5. A statement that if the nuisance or condition is not abated as directed and no request for hearing is made within the time prescribed, the City will abate it and assess the costs against such person.

3-2-6 METHOD OF SERVICE. The notice may be served by certified mail or personal service to the property owner as shown by the records of the County Auditor.
(Code of Iowa, Sec. 364.12(3)(h))

3-2-7 REQUEST FOR HEARING. Any person ordered to abate a nuisance or condition may have a hearing with the City Council as to whether a nuisance or prohibited condition exists. A request for a hearing must be made in writing and delivered to the City Clerk within the time stated in the notice, or it will be conclusively presumed that a nuisance or prohibited condition exists and it must be abated as ordered. The hearing will be before the City Council at a time and place fixed by the Council. The findings of the Council shall be conclusive and, if a nuisance or prohibited condition is found to exist, it shall be ordered abated within a reasonable time under the circumstances.

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

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

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

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

3-2-10 COLLECTION OF COST OF ABATEMENT. The City Clerk-Treasurer shall mail a statement of the total expense incurred to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within one month, the City Clerk-Treasurer shall certify the costs to the County Auditor and they shall then be collected with, and in the same manner, as general property taxes.

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

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

(Code of Iowa, Sec. 364.13)

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

(Code of Iowa, Section 364.12A)

TITLE III COMMUNITY PROTECTION

CHAPTER 3 TRAFFIC CODE

- 3-3-1 Short Title
- 3-3-2 Definitions
- 3-3-3 Traffic Accident Reports
- 3-3-4 Police Department to Submit Annual Reports
- 3-3-5 Authority of Police and Fire Department Officials
- 3-3-6 Required Obedience to Provisions of this Chapter and State Law
- 3-3-7 Authority to Install Traffic-Control Devices
- 3-3-8 Mayor and City Council to Designate Crosswalks, Establish, and Mark Traffic Lanes
- 3-3-9 Play Streets
- 3-3-10 Changing State Speed Limits in Certain Zones
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- 3-3-12 Authority to Place Restricted Turn Signs
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- 3-3-44 Traffic Code Applies to Persons Riding Bicycles
- 3-3-45 Riding on Bicycles
- 3-3-46 Riding on Roadways and Bicycle Paths
- 3-3-47 Speed

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

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

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

- 3-3-48 Emerging from Alley or Driveway
- 3-3-49 Carrying Articles
- 3-3-50 Parking
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- 3-3-60 Citation Placed on Illegally Parked Vehicle
- 3-3-61 Presumption in Reference to Illegal Parking
- 3-3-62 Local Parking Fines
- 3-3-63 Failure to Pay Parking Citations

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

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

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

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

6. "Residential districts" means all areas of the City not included in business districts.

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

The City shall maintain a suitable system of filing traffic accident reports.

3-3-4 POLICE DEPARTMENT TO SUBMIT ANNUAL REPORTS. The City Police Officer shall prepare annually a traffic report which shall be filed with the Mayor. Such report shall contain information on traffic matters in this City concerning the number of traffic accidents, the number of persons killed or injured, the number and nature of violations, and other pertinent traffic data including the plans and recommendations for future traffic safety activities.

ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS

3-3-5 AUTHORITY OF POLICE AND FIRE DEPARTMENT OFFICIALS. Provisions of this chapter and the Iowa law relating to motor vehicles and law of the road shall be enforced by the officers of the police department. The officers of the police department are hereby authorized to direct all traffic by voice, hand or signal in conformance with traffic laws. In the event of a fire or other emergency, officers of the police department may direct traffic as conditions require notwithstanding the provisions of the traffic laws. Officers of the fire department may direct or assist the police in directing traffic thereat or in the immediate vicinity.

3-3-6 REQUIRED OBEDIENCE TO PROVISIONS OF THIS CHAPTER AND STATE LAW. Any person who shall willfully fail or refuse to comply with any lawful order of a Police Officer or direction of a fire department officer during a fire, or who fails to abide by the provisions of this chapter and the applicable provisions of the following Iowa statutes

relating to motor vehicles and the law of the road is in violation of this chapter. These sections of the Code are adopted by reference:

1. 321.32, 321.174, 321.189, 321.193, and 321.218 through 321.224 -- display of registration and license to drive.
2. 321.229 through 321.234 -- obedience to a peace officer and responsibility of public officers, emergency vehicles and bicycles to obey traffic regulations.
3. 321.256 through 321.260 -- traffic signs, signals and markings, including right or left turns on red.
4. 321.261 through 321.266 and 321.268 -- accidents and accident reporting.
5. 321.275 -- operation of motorcycles.
6. 321.277, 321.278 and 321.285 through 321.288, 321.290, 321.294, and 321.295 -- reckless driving, drag racing, speed, control of vehicle and minimum speed.
7. 321.297 through 321.310 -- driving on right, meeting, overtaking, following or towing.
8. 321.311 through 321.318 -- turning and starting, signals on turning and stopping.
9. 321.319 through 321.324 -- right of way and entering through highways.
10. 321.325 through 321.334 and 321.340 -- pedestrian rights and duties and safety zones.
11. 321.341 through 321.344 -- railroad crossings.
12. 321.353 through 321.360 -- stop at sidewalks, stopping, standing and parking.
13. 321.362 through 321.371 -- unattended vehicle, obstructing driver's view, crossing median, following fire apparatus, or crossing fire hose, and putting glass, etc. on streets.
14. 321.384 through 321.409, 321.415, 321.418 through 321.423 -- lighting equipment required and time of use. (Under the provisions of Section 321.395, motor vehicles parked where permitted by this ordinance need not have parking lamps lighted if the vehicle is within one hundred sixty (160) feet of a City street light ahead and to the rear of the vehicle and the permitted speed on said street is twenty-five (25) miles per hour or less.)
15. 321.430 through 321.446, 321.449 and 321.450 -- brakes, horns, sirens, mufflers, wipers, mirrors, tires, windows, safety belts, and special markings for transporting explosives.
16. 321.452 through 321.463, 321.465 and 321.466 -- size, weight and load.

TRAFFIC CONTROL DEVICES

3-3-7 AUTHORITY TO INSTALL TRAFFIC-CONTROL DEVICES. The Mayor and City Council shall cause to be placed and maintained traffic-control devices when and as required under this chapter or other ordinances of this City to make effective their provisions, and may so cause to be placed and maintained such additional, emergency, or temporary traffic-control devices for the duration of an emergency or temporary condition as traffic conditions may require, to regulate traffic under the traffic ordinances of this City or under state law or to guide or warn traffic.

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

All traffic-control devices shall comply with current standards established by the Manual of Uniform Traffic Control Devices for Streets and Highways.

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

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

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

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

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

SPEED REGULATIONS

3-3-10 CHANGING STATE SPEED LIMITS IN CERTAIN ZONES. It is hereby determined upon the basis of an engineering and traffic investigation that the speed permitted by state law upon the following streets or portions thereof is greater or less than is necessary for the safe operation of vehicles thereon, and it is declared that the maximum speed limit upon these streets or portions thereof described shall be as follows:

1. Increased speed limit:
2. Lower speed limit: Highway 62 in Residence Dist. 35 mph.

TURNING MOVEMENTS

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

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

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

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

ONE-WAY STREETS AND ALLEYS

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

3-3-16 ONE-WAY STREETS AND ALLEYS. Upon the following streets and alleys vehicular traffic shall move only in the indicated direction: None.

3-3-17 AUTHORITY TO RESTRICT DIRECTION OF MOVEMENT ON STREETS DURING CERTAIN PERIODS. The Police Officer is authorized to determine and recommend to the council certain streets, or specified lanes thereon, upon which vehicular traffic shall proceed in one direction during one period and the opposite direction during

another period of the day and shall, upon authority given by ordinance, place and maintain appropriate markings, signs, barriers, or other devices to give notice thereof. The Police Officer may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the center line of the roadway.

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

The following streets may have variable laning or direction of traffic at different times of day as marked by authorized signs under the provisions of this section:

SPECIAL STOPS REQUIRED

3-3-18 THROUGH HIGHWAYS. Streets or portions of streets described below are declared to be through highways: Jefferson Street and Calhoun Street.

3-3-19 AUTHORITY TO ERECT STOP SIGNS. Whenever any ordinance of this City designates and describes a through highway it shall be the duty of the City Council to cause to be placed and maintained a stop sign on each and every street intersecting through highway except as modified in the case of intersecting through highways.

3-3-20 STOPS AT INTERSECTING THROUGH HIGHWAYS AND OTHER INTERSECTIONS. At the intersections of through highways and at intersections upon streets other than through highways, where, because of heavy cross-traffic or other traffic conditions, particular hazard exists, the Police Officer is hereby authorized to determine whether vehicles shall stop or yield at one or more entrances to the intersection and shall present recommendations to the council, and, upon approval of the council, shall erect an appropriate sign at every place where a stop or yield is required.

3-3-21 STOP WHEN TRAFFIC IS OBSTRUCTED. Notwithstanding any traffic-control signal indication to proceed, no driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle.

3-3-22 SCHOOL STOPS. When a vehicle approaches an authorized school stop, the driver shall bring the vehicle to a full stop at a point ten feet from the approach side of the crosswalk marked by an authorized school stop sign, and thereafter proceed in a careful and prudent manner until the driver shall have passed such school site.

PEDESTRIANS' RIGHTS AND DUTIES

3-3-23 PROHIBITED CROSSING. Pedestrians crossing a street in the business district shall cross in the crosswalks only.

3-3-24 PEDESTRIANS ON LEFT. Where sidewalks are provided it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway. Where sidewalks are not provided pedestrians at all times when walking on or along a roadway, shall walk on the left side of the roadway.

METHOD OF PARKING

3-3-25 STANDING OR PARKING CLOSE TO CURB. No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the right-hand wheels of the vehicle within eighteen inches of the curb or edge of the roadway except as provided in the case of angle parking and vehicles parked on the left-hand side of one-way streets.

3-3-26 STANDING OR PARKING ON THE LEFT-HAND SIDE OF ONE-WAY STREETS. No person shall stand or park a vehicle on the left-hand side of a one-way street other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the left-hand wheels of the vehicle within eighteen inches of the curb or edge of the roadway except as provided in the case of angle parking.

3-3-27 SIGNS OR MARKINGS INDICATING ANGLE PARKING. The City Council, as traffic conditions require, shall determine upon what streets angle parking shall be permitted and shall mark or sign the streets or portions thereof indicating the method of angle parking. The determination shall be subject to approval by council resolution.

3-3-28 OBEDIENCE TO ANGLE PARKING SIGNS OR MARKINGS. Upon those streets or portions of streets that have been signed or marked for angle parking, no person shall park or stand a vehicle other than at an angle to the curb or edge of the roadway or in the center of the roadway as indicated by the signs and markings.

STOPPING, STANDING, OR PARKING PROHIBITED IN SPECIFIED PLACES

3-3-29 STOPPING, STANDING, OR PARKING PROHIBITED IN SPECIFIED PLACES. No person shall stop, stand or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the directions of a Police Officer or traffic-control device, in any of the following places:

1. On a sidewalk.
2. In front of a public or private driveway.
3. Within an intersection.
4. Within five (5) feet of either side of the point on the curb nearest to a fire hydrant.
5. On a crosswalk.
6. Within ten (10) feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of the roadway.
7. Within fifty (50) feet of the nearest rail of a railroad crossing, except when parked parallel with such rail and not exhibiting a red light.

8. Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance when properly signposted.
9. Alongside or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic.
10. On the roadway side of any vehicle stopped or parked at the edge or curb of street.
11. Opposite the entrance to a garage or driveway in such a manner or under such conditions as to leave available less than twenty (20) feet of the width of the roadway for the free movement of vehicular traffic.
12. Upon any street or in any alley in any part of the City in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway of such street or alley for the free movement of vehicular traffic, except when necessary in obedience to traffic regulations or traffic signs, or signals of a Police Officer.
13. At any place where official signs or curb markings prohibit stopping, standing or parking.
14. Within ten (10) feet of the crosswalk at all intersections within the City.
15. In an alley under any fire escape at any time.

3-3-30 AUTHORITY TO PAINT CURBS AND ERECT SIGNS PROHIBITING STANDING OR PARKING. When, because of restricted visibility or when standing or parked vehicles constitute a hazard to moving traffic, or when other traffic conditions require, the Mayor may cause curbs to be painted with a yellow or orange color and erect "no parking" or "standing" signs. It shall be unlawful for the operator of any vehicle to stand or park a vehicle in an area so painted or sign-posted. It shall be unlawful for any person, other than after having first secured the permission of the Mayor, to paint any curbing, sidewalk or street with yellow or orange colored paint or to erect "no parking" signs.

3-3-31 AUTHORITY TO IMPOUND VEHICLES. The Police Officer is authorized to remove, or cause to be removed, a vehicle from a street, public alley, or highway to the nearest garage or other place of safety, or to a garage designated or maintained by the City, under the following circumstances:

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

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

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

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

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

STOPPING, STANDING OR PARKING

3-3-32 PARKING SIGNS REQUIRED. Whenever by this or any other chapter of this City code any parking time limit is imposed or parking is prohibited on designated streets or portions of streets it shall be the duty of the City to erect appropriate signs giving notice thereof and the regulations shall not be effective unless signs are erected and in place at the time of any alleged offense. When signs are erected giving notice thereof, no person shall disobey the restrictions stated on such signs.

3-3-33 PARKING DURING SNOW STORM. Snow removal operations will commence upon the accumulation of three (3) inches or more of snow.

No parking will be allowed on the side of streets on odd numbered days on the side with odd numbered homes and on even numbered days on the side with even numbered homes.

(Ord. 131, Passed December 13, 1994)
(Amended 2008 Resolution 08-18)

3-3-34 TRUCK PARKING LIMITED. Trucks weighing five tons or more, loaded or empty, shall not be parked at the following locations on the streets named: On any City streets.

MISCELLANEOUS DRIVING RULES

3-3-35 NON-MOTORIZED VEHICLE PARKING LIMITED. Non-motorized vehicles including, but not limited to, boat trailers, snowmobile trailers, trailers used for carrying materials and equipment, and campers shall not be parked on City streets for more than twelve (12) consecutive hours.

3-3-36 VEHICLES NOT TO BE DRIVEN ON SIDEWALKS. The driver of a vehicle shall not drive upon or within any sidewalk area.

3-3-37 CLINGING TO VEHICLES. No person shall drive a motor vehicle on the streets of this City unless all passengers of the vehicle are inside the vehicle in the place intended for their accommodation. No person shall ride on the running board of a motor vehicle or in any other place not customarily used for carrying passengers. No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself or herself to any vehicle upon a roadway.

3-3-38 PARKING FOR CERTAIN PURPOSES PROHIBITED. No person shall park a vehicle upon the roadway for the principal purpose of:

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

3-3-39 DRIVING THROUGH FUNERAL OR OTHER PROCESSION. No driver of any vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when the vehicles are conspicuously designated as required in this chapter. This provision shall not apply at intersections where traffic is controlled by traffic-control signals or Police Officers.

3-3-40 DRIVERS IN A PROCESSION. Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practical and shall follow the vehicle ahead as closely as is practical and safe.

3-3-41 FUNERAL PROCESSIONS TO BE IDENTIFIED. A funeral procession composed of vehicles shall be identified as such by the display upon the outside of each vehicle of a pennant or other identifying insignia or by such other method as may be determined and designated by the Mayor.

3-3-42 LOAD RESTRICTIONS UPON VEHICLES USING CERTAIN STREETS. When signs are erected giving notice thereof, no person shall operate any vehicle with a gross weight in excess of the amounts specified on the signs at any time upon any of the streets.

3-3-43 TRUCK ROUTES.

1. Every motor vehicle weighing five tons or more, when loaded or empty, having no fixed terminal within the City or making no schedule or definite stops within the City for the purpose of loading or unloading, shall travel over or upon the following streets within the

City and none other: Jefferson Street and Calhoun Street.

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

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

BICYCLE REGULATIONS

3-3-44 TRAFFIC CODE APPLIES TO PERSONS RIDING BICYCLES. Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to drivers of vehicles by the laws of this state regarding rules of the road applicable to vehicles or by the traffic ordinances of this City applicable to drivers of vehicles, except as to those provisions which by their nature can have no application. Whenever a person dismounts from a bicycle such person shall be subject to all regulations applicable to pedestrians.

3-3-45 RIDING ON BICYCLES. A person propelling a bicycle shall not ride other than astride a permanent and regular seat.

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

3-3-46 RIDING ON ROADWAYS AND BICYCLE PATHS. Every person operating a bicycle upon a roadway shall ride as near to the right-hand side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

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

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

3-3-47 SPEED. No person shall operate a bicycle at a speed greater than is reasonable and prudent under existing conditions.

3-3-48 EMERGING FROM ALLEY OR DRIVEWAY. The operators of a bicycle emerging from an alley, driveway, or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right of way to all pedestrians approaching on the sidewalk or sidewalk area, and upon entering the roadway shall yield the right of way to all vehicles approaching on said roadway.

3-3-49 CARRYING ARTICLES. No person operating a bicycle shall carry any package, bundle, or article which prevents the rider from keeping at least one hand upon the handle bars.

3-3-50 PARKING. Bicycles shall be parked upon the roadway of a street against the curb, or upon the sidewalk in a rack to support bicycles, or against a building, or at the curb, in such a manner as to afford the least obstruction to pedestrian traffic.

3-3-51 RIDING ON SIDEWALKS. No person shall ride a bicycle on a sidewalk within a business district.

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

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

3-3-52 LAMPS AND OTHER EQUIPMENT ON BICYCLES. Every bicycle when in use at nighttime shall be equipped with a lamp on the front that emits a white light visible from a distance of at least 500 feet to the front and with a red reflector on the rear of a type that is visible from all distances from fifty feet to 300 feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector.

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

SNOWMOBILES

3-3-53 SNOWMOBILE DEFINITIONS

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

3-3-54 PERMITTED AREAS OF OPERATION. Snowmobiles will be allowed to operate in the City as follows: Calhoun Street from east City limits to Main Street, Main Street from Calhoun Street to Benton Street, Benton Street from Main Street to Johnson Street, Johnson Street from Benton Street north to County Road E-17.

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

3-3-55 REGULATIONS. It shall be unlawful for any person to operate a snowmobile under the following circumstances:

1. On private property of another without the express permission to do so by the owner or occupant of said property.
2. On public school grounds, park property, playgrounds, recreational areas and golf courses without express permission to do so by the proper public authority.
3. In a manner so as to create loud, unnecessary or unusual noise so as to disturb or interfere with the peace and quiet of other persons.
4. In a careless, reckless or negligent manner so as to endanger the safety of any person or property of any other person.
5. Without having such snowmobile registered as provided for by Iowa Statute except that this provision shall not apply to the operation of a snowmobile on the private property of the owner by the owner or a member of his immediate family.
6. Within the right-of-way of any public street or alley within the City unless the operator shall have a valid driver's license; or an instruction permit and accompanied by a qualified licensed driver.
7. No person shall operate a snowmobile in the City from eleven o'clock (11:00) p.m. to ten o'clock (10:00) a.m., except for the purpose of loading and unloading a snowmobile from another vehicle or trailer.

3-3-56 EQUIPMENT REQUIRED. All snowmobiles operated within the City shall have the following equipment:

1. Mufflers which are properly attached and which reduce the noise of operation of the vehicle to the minimum noise necessary for operating the vehicle and no person shall use a muffler cut-out, by-pass or similar device on said vehicle.
2. Adequate brakes in good condition and at least one headlight and one taillight.
3. A safety or so-called "dead-man" throttle in operating condition; a safety or "dead-man" throttle is defined as a device which when pressure is removed from the accelerator or throttle causes the motor to be disengaged from the driving track.

3-3-57 UNATTENDED VEHICLES. It is unlawful for the owner or operator to leave or allow a snowmobile to be or remain unattended on public property while the motor is running or the key left in the ignition.

3-3-58 RESTRICTION OF OPERATION. The City Council may, by resolution, prohibit

the operation of snowmobiles within the right-of-way of the public roads, streets or alley or other City property within the City when the public safety and welfare so requires.

3-3-59 TRAFFIC REGULATION. Each person operating a snowmobile shall strictly observe all traffic signs and signals and all other traffic rules and regulations applicable thereto, and shall obey the orders and directions of any Police Officer of the City authorized to direct or regulate traffic.

OFF-ROAD VEHICLES

PENALTIES AND PROCEDURE ON ARREST

3-3-60 CITATION PLACED ON ILLEGALLY PARKED VEHICLE. Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by any ordinance of this City or state law, the officer finding such vehicle shall prepare a written parking citation giving the registration number, and other identifying information to such vehicle in a conspicuous place and directing the driver of the vehicle to appear at the place designated in the citation within seven days, or to pay the local scheduled fine established by the section titled "LOCAL PARKING FINES" in this chapter at the City Clerk Treasurer's office as provided therein.

3-3-61 PRESUMPTION IN REFERENCE TO ILLEGAL PARKING. In any prosecution charging a violation of any parking ordinance or state law governing the standing, stopping, or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such ordinance or law, together with proof that the defendant named in the complaint was at the time of such parking violation the registered owner of such vehicle, shall constitute prima facie evidence that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which such violation occurred.

3-3-62 LOCAL PARKING FINES. Scheduled fines as follows are established, payable by mail or in person at the City Clerk Treasurer's office within seven days of the violation, for the following parking violations:

- | | |
|-----------------------|----------|
| 1. Overtime parking | \$ 5.00 |
| 2. Prohibited parking | \$ 5.00 |
| 3. No parking zone | \$ 5.00 |
| 4. Blocking alley | \$ 5.00 |
| 5. Illegal parking | \$ 5.00 |
| 6. Street cleaning | \$ 5.00 |
| 7. Snow removal ban | \$ 5.00 |
| 8. Handicap parking | \$100.00 |

3-3-63 FAILURE TO PAY PARKING CITATIONS. If a violator of the restrictions on stopping, standing, or parking under the parking ordinances of this City or of state law fails to make payment of the scheduled fine as specified on a parking citation affixed to such motor vehicle within the seven days, the City shall send the owner of the motor vehicle to which the parking citation was affixed a letter informing the owner of the violation and warning that in the event such letter is disregarded for a period of five days from date of mailing, a court citation will be issued requiring a court appearance and subjecting the

violator to court costs.

TITLE III COMMUNITY PROTECTION

CHAPTER 4 CIVIL DEFENSE

- 3-4-1 Civil Defense Organization 3-4-3 Authority
3-4-2 Civil Defense Defined

3-4-1 CIVIL DEFENSE ORGANIZATION. There is hereby created a civil defense organization for carrying out the responsibility of the municipality for civil defense in times of public emergency. The Mayor shall be executive director of the civil defense organization and shall be responsible for the direction of all operations for the protection of the health, safety, and welfare of the citizens of the City. Said organization shall function in accordance with a civil defense emergency plan which shall be coordinated with the plans adopted by Jackson County and the state, in accordance with state law.

3-4-2 CIVIL DEFENSE DEFINED.

1. "Civil defense" shall mean the protection of persons and property by all measures available to the municipal government and with such assistance as required and possible from other governmental agencies, together with organized efforts of private persons and agencies to meet public emergencies. It shall encompass pre-planning, prevention, and assistance to those affected by public emergencies.

2. "Public emergencies" shall mean:

a. Any natural disaster or man-made calamity, including flood, conflagration, cyclone, tornado, earthquake, or explosion resulting in the death or injury of persons or the destruction of property to the extent that extraordinary measures must be taken to protect the public health, safety, and welfare.

b. Any threat to public safety, health, and welfare resulting from declared or undeclared war against the United States.

3. "Civil defense emergency plan" shall mean an outline of duties and responsibilities and their assignment to persons, officers, and agencies as drawn up under the direction of the Mayor, and as approved by resolution of the council.

3-4-3 AUTHORITY. The Mayor may delegate such portions of the details of operation to an assistant director or civil defense coordinator as will best serve the carrying out of the civil defense emergency plan, but the council shall approve the appointment of such an officer. The Mayor shall designate alternates, and order of succession subject to their approval by council, to serve in the Mayor's place in the event the Mayor is unable to act due to absence or disability.

TITLE III COMMUNITY PROTECTION

CHAPTER 5 FIRE LIMITS

3-5-1	Established	3-5-5	Moving of Building
3-5-2	Permit Required	3-5-6	Reconstruction or Repair of Damaged Buildings
3-5-3	Compliance Required	3-5-7	Unlawful Construction: Lien
3-5-4	Improvement of Buildings		

3-5-1 ESTABLISHED. The fire limits are established to include all the territory within the following described boundaries:

Lots four (4) and five (5) of block nineteen (19), Lots five (5), six (6), seven (7), and eight (8) of block twenty (20), Lots one (1), two (2), five (5), six (6), seven (7), and eight (8) of block twenty eight (28), the whole of block twenty nine (29), Lots three (3), four (4), five (5), six (6), seven (7), and eight (8) of block thirty (30), Lots four (4) and five (5) of block thirty five (35), Lots one (1), two (2), three (3), four (4) and five (5) of block thirty-six (36), and the whole of block thirty seven (37).
(Ord 98, passed 5/11/1976)

3-5-2 PERMIT REQUIRED. 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 material to be used, shall have been submitted to the Council, who shall, if in accordance with the provisions herein, issue a permit for the proposed work. A fee of Fifteen Dollars (\$15.00) shall accompany the application for said permit.

3-5-3 COMPLIANCE REQUIRED. The erection of any building or structure of any kind, or additions, thereto, or substantial alterations thereof involving partial rebuilding, is prohibited in the Fire Limits, unless constructed in strict compliance with the following provisions:

1. The building or structure shall be enclosed on all sides with walls constructed wholly of structural steel and metal sheets or stone, brick, terracotta, blocks or concrete, and shall have the roof, including dormer windows and cornices covered with incombustible material approved by the National Board of Fire Underwriters, with the exception of an accessory storage building. An accessory storage building shall not exceed one hundred forty-four square feet (144 sq. ft.) in floor area measured along the outside of the exterior walls, and shall not exceed twelve feet (12 ft.) in height to the roof peak from the ground on any side. An accessory storage building may be constructed of any materials approved by the City Council following the procedures established in Section 3-5-2 of this Chapter. An accessory storage building shall follow the procedures and regulations established in Title VI, Chapter 10 (Use Regulations in Fire Limits Area) of the Andrew Municipal Code.
(Ord #137, passed 11/10/1998)

2. All exterior or division walls of buildings hereinafter erected shall be of sufficient

thickness to support the load to be carried and in all cases a brick, stone, concrete or hollow brick wall shall be at least eight inches (8") thick.

3. The ends of all floor, ceiling or roof beams entering a party or fire walls from opposite sides, shall be separated by solid masonry, sufficiently thick to prevent the spread of fire through the walls.

3-5-4 IMPROVEMENT OF BUILDINGS. The Council may, by four/fifths (4/5) vote, issue a permit to improve any property within the Fire Limits on condition that such improvement shall not increase the fire hazard according to the rules of the Iowa Rating Bureau.

3-5-5 MOVING OF BUILDING. The removal of any building not constructed as provided by this Ordinance, from without to within the Fire Limits, or from any part of the Fire Limits to any other place therein is prohibited.

3-5-6 RECONSTRUCTION OR REPAIR OF DAMAGED BUILDINGS. Any building within the Fire Limits not constructed in accordance with the provisions of this Ordinance, which hereafter may be damaged by fire, decay, or otherwise, to the extent of fifty percent (50%) of its value shall not be repaired or rebuilt but shall be torn down or removed. When the damages are less than fifty percent (50%) 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 (4/5) of the Council, of the plans and specifications of such repairs and rebuilding.

In case a question as to the amount or extent of damage by fire or otherwise to any building, the damage shall be determined by three (3) disinterested parties, who are owners of real estate within the Fire Limits, one (1) of whom shall be appointed by the owner or agent of the building, the second by the Mayor, and the persons thus chosen shall elect a third person, all of whom shall subscribe to an oath to ascertain the damage to the best of their ability and according to the provisions of this Ordinance and their decision shall be in writing, shall be final and conclusive, and shall be filed with the Clerk-Treasurer. No building in regard to which there is a question shall be repaired or rebuilt within the Fire Limits, until such finding has been filed with the Clerk-Treasurer.

3-5-7 UNLAWFUL CONSTRUCTION: LIEN. Any person who shall erect or move any building, contrary to the provisions of this Ordinance, 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 service of such notice, the Mayor shall cause the same to be removed or taken down. The Mayor shall report the expense to the Clerk-Treasurer, and the same shall be charged to the person owning such building, and collected by the Clerk-Treasurer, or in case the Clerk-Treasurer is unable to collect such cost, the same shall be certified to the County Treasurer as a special tax against the property and collected the same as other taxes.

TITLE III COMMUNITY PROTECTION

CHAPTER 6 CURFEW FOR MINORS

3-6-1	Preamble	3-6-5	Exception for Sidewalks
3-6-2	Findings and Purpose	3-6-6	Penalty
3-6-3	Prohibition	3-6-7	Enforcement
3-6-4	Definitions		

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

3-6-2 FINDINGS AND PURPOSE. It is the intent of this section that minors will be encouraged to travel straight home after a parental approved event or a constitutionally protected event.

The City believes that the minors of the Andrew area are good people much like their parents; and, it is only out of a desire to help minors avoid mistakes when they are relatively immature that the City wishes to enact a curfew ordinance.

The City believes that the number of minors involved in use of alcohol, use of controlled substances, traffic accidents and crime in general increases greatly between the hours of 11:00 p.m. and the early morning hours of the following day. The Council further believes that minors get themselves and others into trouble at night when they have nothing constructive to do; and, that riding around City streets after 11:00 p.m. contributes to minors opportunities to get themselves into trouble. The Council also believes that the parents of the City could use some help in assuring that their children travel straight home after attending a parental approved event or constitutionally protected event.

3-6-3 PROHIBITION. Any minor under the age of 18 shall not be upon the streets or sidewalks of the City of Andrew between the hours of 11:00 p.m. and 5:00 a.m. except under one of the following exceptions: (Ord 136, passed 11/10/1998)

1. The minor is traveling to or returning from employment or a religious, political, economic, or cultural assembly; or, the minor is traveling a direct route to or from home and the location of an errand that the minor is accomplishing at the request of a parent; or the minor is traveling a direct route to or from home and a

school or recreational or social event that the minor attended with the approval of the minor's parent.

2. The minor is accompanied by a parent.
3. The minor is emancipated.
4. The minor is traveling interstate for a lawful purpose and with the consent of the minor's parent.

3-6-4 DEFINITIONS.

1. Minor means any person under the age of 18.
2. Parent means a biological parent, a guardian or custodian appointed by the Court, or an adult who has accepted the role of parent at the request of a biological parent, guardian, or custodian.
3. Emancipated minor means a minor who no longer lives with a parent.
4. Assembly means any gathering of persons for a religious, political, economic, or cultural purpose with some minimal level of supervision designed to keep the focus of activity on the purpose for the assembly.

3-6-5 EXCEPTION FOR SIDEWALKS. A minor shall not be in violation of this section if the minor is on the public sidewalk between the street and the home of the minor's parent or the home of one of the members of the group with whom the minor is socializing if the gathering is otherwise lawful.

3-6-6 PENALTY FOR MUNICIPAL INFRACTION. A minor who violates this ordinance shall be subject to a fine not to exceed \$50.00 for the first offense and not to exceed \$100.00 for the second and subsequent offenses.

3-6-7 ENFORCEMENT. A minor who is in violation of this ordinance shall be reunited with the minor's parent or guardian or custodian or other adult taking the place of the parent or shall be taken home by the Police Officer of the City of Andrew.

Editor's Note: The courts have carefully scrutinized curfew ordinances and before enacting such an ordinance, you should consult with your City Attorney. See Maquoketa v. Russell, 484 NW2d, 179 Iowa 1992."

TITLE III COMMUNITY PROTECTION

CHAPTER 7 REGULATING PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS

3-7-1	Definitions	3-7-8	Rebates on Permits
3-7-2	Exemptions	3-7-9	Revocation of Permit
3-7-3	Permits	3-8-10	Expiration of Permit
3-7-4	Requirements	3-8-11	Hours of Solicitation
3-7-5	Fees	3-8-12	Consumer Protection Law
3-7-6	Display of Permit	3-8-13	Construction of Pedestrian or Vehicular Traffic
3-7-7	Permit not Transferable		

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

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

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

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

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

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

3-7-2 EXEMPTIONS. The provisions of this chapter shall not apply to nonprofit civic,

charitable, religious, or educational groups engaged in retail sale for the purposes of fund raising.

3-7-3 PERMITS. Before any person or organization engages in any of the practices defined herein, they must comply with all applicable ordinances, and must also obtain from the City Clerk-Treasurer a permit in accordance with the provisions of Sections 3-7-4 and 3-7-5.

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

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

3-7-5 FEES. Every permittee shall pay the following fee before a permit shall be issued.

1. "Solicitors, peddlers, or transient merchants". In addition to investigating fee for each person actually soliciting (principal or agent), a fee for the principal...
 - a. For one day - \$10
 - b. For one week - \$15
 - c. For up to six months - \$20
 - d. For one year or major part thereof - \$50
2. For longer than one month all fees shall be computed by first computing the monthly fee, then the weekly fee, then the daily fee, and the sum of these fees shall be the fee charged.

3-7-6 DISPLAY OF PERMIT. Each solicitor or peddler shall at all times while doing business in this City keep in their possession the permit provided for in Section 3-7-3 of this chapter, and shall, upon the request of prospective customers, exhibit the permit as evidence that they have complied with all requirements of this chapter. Each transient merchant shall display publicly their license in their place of business.

3-7-7 PERMIT NOT TRANSFERABLE. Permits issued under the provisions of this chapter are not transferable in any situation and are to be applicable only to the person filing the application.

3-7-8 REBATES ON PERMITS. On surrender of any permit before the expiration of the full period for which it was issued, the permittee may apply for a rebate of the fee from the City Clerk-Treasurer. Determination of the amount of the rebate shall be made by deducting from the fee paid the amount payable when computed on a monthly, weekly and daily basis from the first day the permit was issued. The balance, if any, shall be refunded.

3-7-9 REVOCATION OF PERMIT. The City Council, after notice and hearing, may revoke any permit issued under this ordinance where the permittee in the application for the permit or in the course of conducting the permittee's business has made fraudulent or incorrect statements or has violated this ordinance or has otherwise conducted their business in an unlawful manner.

3-7-10 EXPIRATION OF PERMIT. All permits granted under this ordinance shall expire at 6:00 p.m. of the last day for which the permit is issued.

The council shall certify its action in issuing a permit to the State Department of Revenue.

3-7-11 HOURS OF SOLICITATION. No person may conduct those activities described in 3-7-1 except between the hours of 9:00 a.m. and 6:00 p.m. on each day, and no solicitation shall be done on Sundays or legal holidays.

3-7-12 CONSUMER PROTECTION LAW. All solicitors and peddlers shall be informed of, agree to comply with, and comply with the state law, Section 555A.3, Code of Iowa, requiring a notice of cancellation to be given in duplicate, properly filled out, to each buyer to whom such person sells a product or service and, comply with the other requirements of the law.

3-7-13 OBSTRUCTION OF PEDESTRIAN OR VEHICULAR TRAFFIC. No person, while engaged in any of the practices described in Section 3-7-1, shall block or obstruct the path of any pedestrian or vehicular traffic, or block or obstruct any way of ingress or egress to roads, buildings, or other enclosures or conveyances, including, but not limited to, vehicles, elevators, and escalators.

TITLE III COMMUNITY PROTECTION

CHAPTER 8 CIGARETTE LICENSE

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 453A.47(1))

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

(Code of Iowa, Sec. 453.13(2)(a))

3-8-4 EXPIRATION. Permits expire on June 30 of each year.

(Code of Iowa, Sec. 453A.47A(7))

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

(Code of Iowa, Sec. 453A.13(3))

3-8-6 REFUNDS.

1. An unrevoked permit for which the retailer paid the full annual fee may be surrendered during the first nine months of the year to the officer issuing it, and the City or County granting the permit shall make refunds to the retailer as follows:

- a. three-fourths of the annual fee if the surrender is made during July, August, or September
- b. one-half of the annual fee if the surrender is made during October, November, or December
- c. one-fourth of the annual fee if the surrender is made during January, February, or March

2. An unrevoked permit for which the retailer has paid three-fourths of a full annual fee may be surrendered during the first six months of the period covered by the payment, and the City or County shall make refunds to the retailer as follows:

- a. a sum equal to one-half of an annual fee if the surrender is made during October, November, or December
- b. a sum equal to one-fourth of an annual fee if the surrender is made during January, February, or March

3. An unrevoked permit for which the retailer has paid one-half of a full annual fee may be surrendered during the first three months of the period covered by the payment, and the City or County shall refund to the retailer a sum equal to one-fourth of an annual fee.

(Code of Iowa, Sec. 453A.47(8))

3-8-7 REVOCATION. The City 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. If grounds exist that would be sufficient for refusal to issue such a permit, it shall not be issued. The City Clerk-Treasurer shall give ten days 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 reason for the contemplated revocation and the time and place at which the person may appear and be heard. The hearing shall be held at the regular meeting place of the City Council.

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 City Council.

3-8-8 PERMITS NOT TRANSFERABLE. A permit shall not be transferable to another place of business or retailer. However, if a retailer who holds a valid permit moves the place of business, the City Council, if it decides to issue a new permit for the new place of business, shall not charge any additional fee for the unexpired term of the original permit if the retailer has not received a refund for surrender of the original permit.

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

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

TITLE III COMMUNITY PROTECTION

CHAPTER 9 BEER AND LIQUOR LICENSES

3-9-1	Purpose	3-9-4	Transfers
3-9-2	Required Obedience to Provisions of this Chapter And State Law	3-9-5	Open Alcoholic Beverage Containers
3-9-3	Action by Council	3-9-6	Persons Under the Age of Eighteen
		3-9-7	Persons Age Eighteen, Nineteen and Twenty

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

(Code of Iowa, Sec. 364.1)

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

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

13. 123.40 Effect of Revocation
14. 123.44 Gifts of Liquors Prohibited
15. 123.47 Person Under Legal Age - Penalty
16. 123.46 Consumption in Public Places - Intoxication - Right to Chemical Test - Exoneration
17. 123.49 Miscellaneous Prohibitions
18. 123.50 Criminal and Civil Penalties
19. 123.51 Advertisements for Alcoholic Liquor, Wine or Beer
20. 123.52 Prohibited Sale
21. 123.90 Penalties Generally
22. 123.95 Premises Must Be Licensed - Exception as to Conventions and Social Gatherings
23. 123.122 through 123.145 Beer Provisions (Division II)
24. 123.150 Sunday Sales Before New Year's Day
25. 123.171 through 123.182 Wine Provisions (Division V)
26. 321.284 Open Containers in Motor Vehicles – Drivers
27. 321.284A Open Containers in Motor Vehicles - Passengers

3-9-3 ACTION BY COUNCIL. The City Council shall approve or disapprove the application. Action taken by the City Council shall be endorsed on the application. The application, fee, penal bond, and certificate of dram shop liability insurance (if applicable) shall be forwarded to the Iowa alcoholic beverages division for further action as provided by law. (Code of Iowa, Sec. 123.32(2))

3-9-4 TRANSFERS. The City Council may, in its discretion, authorize a licensee or permittee to transfer the license or permit from one location to another within the City, provided that the premises to which the transfer is to be made would have been eligible for a license or permit in the first instance and the transfer will not result in the violation of any law or ordinance. An applicant for a transfer shall file with the application for transfer proof of dram shop liability insurance and penal bond covering the premises to which the license is to be transferred. (Code of Iowa, Sec. 123.38)

3-9-5 OPEN ALCOHOLIC BEVERAGE CONTAINERS. Code of Iowa, Section 123.28, second paragraph, is adopted by reference.

3-9-6 PERSONS UNDER THE AGE OF EIGHTEEN. No person shall sell, give or otherwise supply alcoholic liquor, wine, or beer to any person knowing or having reasonable cause to believe such person to be under the age of eighteen (18), and no person or persons under the age of eighteen (18) shall individually or jointly have alcoholic liquor, wine, or beer in such person's possession or control; except in the case of liquor, wine, or beer given or dispensed to a person under the age of eighteen (18) within a private home and with the knowledge and consent of the parent or guardian for beverage or medicinal purposes or as administered to such person by either a physician or dentist for medicinal purposes and except to the extent that a person under the age of eighteen (18) may handle alcoholic beverages and beer during the regular course of such person's employment by a liquor control licensee, wine, or beer permittee under state law.

3-9-7 PERSONS AGE EIGHTEEN, NINETEEN AND TWENTY. A person shall not sell, give, or otherwise supply alcoholic liquor, wine, or beer to any person knowing or having reasonable cause to believe that the person is age eighteen, nineteen or twenty. A person age eighteen, nineteen or twenty shall not purchase or possess alcoholic liquor, wine, or beer. However, a person age eighteen, nineteen or twenty may possess alcoholic liquor, wine, or beer given to the person within a private home with the knowledge and consent of the person's parent or guardian, and a person age eighteen, nineteen or twenty may handle alcoholic liquor, wine, and beer during the course of the person's employment by a liquor control licensee, or wine or beer permittee.

TITLE III COMMUNITY PROTECTION

CHAPTER 10 JUNK & ABANDONED VEHICLES

3-10-1	Purpose	3-10-9	Authority to Enforce
3-10-2	Definitions	3-10-10	Notice to Abate
3-10-3	Removal of Abandoned Vehicles	3-10-11	Duty of Owner to Remove or Repair
3-10-4	Notification of Owners and Lienholders	3-10-12	Hearing Procedures-Junk Vehicle
3-10-5	Impoundment Fees and Bonds	3-10-13	Abatement by Municipality
3-10-6	Hearing Procedures	3-10-14	Collection of Cost of Abatement
3-10-7	Auction or Disposal of Abandoned Vehicles	3-10-15	Exceptions
3-10-8	Junk Vehicles Declared a Nuisance	3-10-16	Interference with Enforcement

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

(Code of Iowa, Sec. 354.1)

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

1. "Abandoned vehicle" means any of the following:
 - a. A vehicle that has been left unattended on public property for more than forty-eight hours and lacks current registration plates or two or more wheels or other parts which render the vehicle totally inoperable; or
 - b. A vehicle that has remained illegally on public property for more than seventy-two hours; or
 - c. A vehicle that has been unlawfully parked on private property or has been placed on private property without the consent of the owner or person in control of the property for more than twenty-four hours; or
 - d. A vehicle that has been legally impounded by order of the Police Officer and has not been reclaimed for a period of ten days; or
 - e. Any vehicle parked on the street determined by the Police Officer to create a hazard to other vehicular traffic. (Code of Iowa, Sec. 321.89(1)(b))

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

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

4. A "junk vehicle" means any **licensed or unlicensed** vehicle stored within the corporate limits of the City of Andrew, Iowa, and which has any one of the following characteristics: **Amended 5/13/03**

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

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

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

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

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

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

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

3-10-3 REMOVAL OF ABANDONED VEHICLES.

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

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

3. When a vehicle is taken into custody and impounded under the provisions of this chapter, the Police Officer shall maintain a record of the vehicle, listing the color, year of manufacture, manufacturer's trade name, body style, vehicle identification number, and

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

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

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

3-10-4 NOTIFICATION OF OWNERS AND LIENHOLDERS.

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

- a. Describe the year, make, model, and serial number of the vehicle.
- b. Describe the personal property found in the vehicle.
- c. Describe the location of the facility where the vehicle is being held.
- d. Inform the persons receiving notice:
 - (1) of their right to reclaim the vehicle and personal property within twenty-one days after the effective date of the notice;
 - (2) that the right can be exercised upon payment of all towing, preservation, notice, and storage charges resulting from placing the vehicle in custody;
 - (3) that failure of the owner or lienholders to exercise their right to reclaim the vehicle within the reclaiming period shall be deemed a waiver by the owner and all lienholders of all right, title, claim, and interest in the vehicle;
 - (4) that failure to reclaim the vehicle is deemed consent to the sale of the vehicle at a public auction or disposal of the vehicle to a demolisher.
- e. State that any person claiming rightful possession of the vehicle or personal property who disputes the planned disposition of the vehicle or personal property by the Police Officer or the assessment of fees and charges provided by this chapter may request a hearing to contest these matters in accordance with the provisions of Section 3-10-6.

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

g. State that in the event a hearing is requested immediate release of the vehicle may be obtained by posting a cash bond as required by Section 3-10-5. (Code of Iowa, Sec. 321.89(3)(a))

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

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

3. Notice by one publication in one newspaper of general circulation in the area where the vehicle was abandoned shall be sufficient to meet the requirements of this chapter. The published notice may contain multiple listings of abandoned vehicles but shall be published

within the same time requirements and shall contain the same information as prescribed for mailed notice in this section. Published notice shall be used if:

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

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

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

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

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

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

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

3-10-5 IMPOUNDMENT FEES AND BOND.

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

a. an impoundment fee

b. towing charges

c. preservation charges

- d. storage charges
- e. notice charges

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

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

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

- a. the fees required by Sec. 3-10-5(1)
- b. the amount of the fine or penalty for each violation for which there is an outstanding or otherwise unsettled traffic violation notice or warrant.

3-10-6 HEARING PROCEDURES.

1. The registered owner, any lienholder of record, or duly authorized agents thereof, may object to the legality of the impoundment or the assessment of fees and request a hearing thereon. Request for a hearing after an impoundment shall be made in writing and received by the police department prior to the expiration of the twenty-one day reclaiming period. No person shall be entitled to more than one hearing on each impoundment. The objector shall be informed of the reason for the impoundment and a hearing shall be held, without unnecessary delay, before the City Council pursuant to Section 1-4-1 et seq. Upon request of the objector, the hearing may be set for a later time and date. (Code of Iowa, Sec 321.89(3))

2. At the hearing, the City Council shall consider the objection, make a decision as to the legality of the impoundment and immediately notify the objector in writing of the decision. The decision shall state either of the following:

- a. That impoundment is authorized by law, an explanation for the basis of that decision, and an itemization of the charges assessed pursuant to 3-10-5(1). Any bond posted under 3-10-5(3) shall be applied to the satisfaction of the charges itemized by the hearing officer.

b. That impoundment is not authorized by law, and if the vehicle has been impounded, that the vehicle will be released to the objector upon compliance with Section Section 3-10-5(1) and that all costs of removal, preservation, storage, and notification accruing through the fourth day after the hearing officer's decision are waived and will be paid by the City. All costs accruing thereafter shall be paid prior to recovery of the vehicle. Any bond posted under Section 3-10-5(3) shall be refunded, less any amounts for outstanding or unsettled traffic violations.

3. Failure of the objector to appear at the scheduled hearing shall constitute a

waiver of the right to hearing and the bond shall be forfeited.

4. The only issue to be considered at the hearing shall be the validity of the determination that the vehicle is an abandoned vehicle. The hearing will not be determinative of or adjudicate any outstanding or unsettled traffic violation notice or warrant.

3-10-7 AUCTION OR DISPOSAL OF ABANDONED VEHICLES. The Police Officer shall follow the procedures in state law for the auction or disposal of abandoned vehicles.
(Code of Iowa, Sec. 321.89(4))

3-10-8 JUNK VEHICLES DECLARED A NUISANCE. Except as hereinafter provided, it is hereby declared that the parking, leaving, or storage of a junk vehicle upon either public or private property within the corporate limits of the City of Andrew, Iowa, constitutes a threat to the health and safety of the citizens and is a nuisance within the meaning of Section 657.1 of the Code of Iowa. If any junk vehicle is stored upon private property or public property in violation thereof, the owner of the property shall be liable for said violation.

3-10-9 AUTHORITY TO ENFORCE. The Police Officer, upon obtaining a search warrant, may enter upon private property for the purposes specified in this chapter to examine vehicles or parts thereof, obtain information as to the identity of vehicles, and to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this chapter.

3-10-10 NOTICE TO ABATE.

1. Whenever the Police Officer shall find a junk vehicle placed or stored on public or private property within the City in violation of Section 3-10-8, the City Clerk-Treasurer shall notify, by certified mail with five-days return receipt, the following persons:

- a. the last known registered owner of the vehicle
- b. all lienholders of record
- c. the owner of the property
- d. the occupant of the property

2. The notice to abate shall:

- a. describe, to the extent possible, the year, make, model, and color of the vehicle
- b. describe the location of the vehicle

- c. state that the vehicle constitutes a nuisance under the provisions of this chapter
- d. state that the owner of the property shall remove or repair the said junk vehicle within twenty-one days
- e. state that any person ordered to abate a nuisance or condition may request, in writing, within the twenty-one day limit, a hearing to determine whether a nuisance or prohibited condition exists
- f. state that if the nuisance or condition is not abated as directed or if no request for a hearing is made within twenty-one days, the City will abate the nuisance and assess the costs against the property owner.

3. Notice shall be deemed given when mailed. If the notice is returned undelivered by the U.S. Post Office, action to abate the nuisance shall be continued to date not less than twenty-one days from the date of such return.

3-10-11 DUTY OF OWNER TO REMOVE OR REPAIR.

1. The owner of the property upon which a junk vehicle is stored in violation of the provisions of Section 3-10-8 shall within twenty-one days after receipt of the notice to abate from the City Clerk-Treasurer remove the motor vehicle or machinery to a lawful place of storage without the City limits, or repair the defects that cause such motor vehicle or machinery to violate the provisions of this chapter, including licensing in the case of a motor vehicle not currently licensed.

2. If a hearing is requested under Section 3-10-12, the duty of the owner to remove or repair the junk vehicle shall be suspended pending the decision.

3-10-12 HEARING PROCEDURES--JUNK VEHICLE.

1. Any person ordered to abate a nuisance or condition may request a hearing before the City Council, or an official of the City designated by the City Council, to determine whether a nuisance or prohibited condition exists.

2. A request for a hearing shall be made in writing and filed with the City Clerk-Treasurer within the twenty-one day limit, or

- a. the right to a hearing shall be considered waived and
- b. it will be conclusively presumed that the nuisance or prohibited condition exists and it must be abated as ordered.

3. The City Council shall, within fifteen days after the filing of the request for a hearing, fix the time and place of the hearing, which shall be within thirty days of the filing

of the request.

4. At the conclusion of the hearing, the City Council, or its designee, shall render a written decision as to whether a nuisance exists. If a nuisance is found to exist, it shall be ordered abated within a reasonable time.

5. The decision shall be final.

3-10-13 ABATEMENT BY MUNICIPALITY. If the person notified to abate a nuisance or condition neglects or fails to abate as directed, the City may perform the required action to abate, keeping an accurate account of the expense incurred. The itemized expense account shall be filed with the City Clerk-Treasurer who shall pay such expenses on behalf of the municipality.

3-10-14 COLLECTION OF COST OF ABATEMENT. The City Clerk-Treasurer shall mail a statement of the total expense incurred to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within one month, the City Clerk-Treasurer shall certify the costs to the County Auditor and the costs shall then be collected with, and in the same manner, as general property taxes.

3-10-15 EXCEPTIONS. This chapter shall not apply to the following:

1. A vehicle in an enclosed building.

2. A vehicle on the premises of a business enterprise operated in a district properly zoned therefor, as authorized under the zoning ordinance or restricted residence district of this City, when necessary to the operation of said business enterprise.

3. A vehicle in an appropriate storage space or depository maintained in a lawful place and lawful manner by this City.

3-10-16 INTERFERENCE WITH ENFORCEMENT. No person shall interfere in any way with the enforcement provision of this chapter.

TITLE III COMMUNITY PROTECTION

CHAPTER 11 DILAPIDATED BUILDINGS

3-11-1 Purpose	3-11-6 Costs
3-11-2 Definitions	3-11-7 Penalty
3-11-3 Notice to Owner	3-11-8 Repealer
3-11-4 Posting of Signs	3-11-9 Severability
3-11-5 Right to Demolish	

3-11-1 PURPOSE. The purpose of this chapter is to protect the health, safety, and welfare of the citizens and safety of property of this City by providing for removal of dilapidated buildings.

3-11-2 DEFINITIONS. For the purpose of this chapter, the following terms are defined as follows:

1. Building Official is the person responsible for the enforcement of this ordinance. The Council may either appoint a person to be the building official or designate some other officer to carry out the duties of the building official.

2. Unsafe is all buildings or structures that are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health, or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, as specified in this ordinance, the City building code or any other ordinance are, for the purpose of this ordinance, dilapidated buildings. All such dilapidated buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolitions, or removal in accordance with the procedures specified in Sections 3, 4, 5 and 6 of this ordinance. Unsafe buildings shall mean any structure or mobile home meeting any or all of the following criteria:

- a. Whenever any portion or member or appurtenance thereof is likely to fail, or become detached or dislodged, or to collapse and thereby injure persons or damage property.
- b. Whenever any portion of a building or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached, or fastened in place so as to be capable of resisting a wind pressure of twenty pounds per square foot.
- c. Whenever any portion thereof has cracked, warped, buckled, or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.

- d. Whenever the building or structure, or any portion thereof, because of (1) dilapidation, deterioration, or decay ; (2) faulty construction; (3) the removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such building; (4) the deterioration, decay, or inadequacy of its foundation; or (5) any other cause, is likely to collapse partially or completely.
- e. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
- f. Whenever the exterior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.
- g. Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its supporting member or members, or non-supporting members or of its enclosing or outside walls or coverings.
- h. 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 (1) an attractive nuisance to children; (2) a harbor for vagrants, criminals, or immoral persons; or as to (3) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.
- i. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, including lack of paint so as to expose wood to rotting, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air, or sanitation facilities, or otherwise, is determined by the health officer (person qualified to make the determination), to be unsanitary, unfit for human habitation, or in such condition that is likely to cause sickness or disease.
- j. 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 state fire marshall or city fire chief to be a fire hazard.
- k. 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.
- l. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so

as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

3-11-3 NOTICE TO OWNER. The building official shall examine, or cause to be examined, every building or structure or portion thereof reported as dangerous or damaged and, if such is found to be an unsafe building as defined in this chapter, the building official shall give to the owner of such building or structure written notice stating the defects thereof. This notice may require the owner or person in charge of the building or premises, within forty-eight (48) hours of such reasonable time as the circumstances require, to commence either the required repairs or improvements or demolition and removal of the building or structure or portions thereof, and all such work shall be completed within ninety (90) days from the date of notice, unless otherwise stipulated by the building official. 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 building official.

Notice shall be served upon the owner by certified mail, with return receipt requested or by personal delivery by an official law officer. If the certified mail is returned as refused or undeliverable, the law considers notice to have been given, and this section satisfied. Where there is no record of the owner, the notice may be made by an ordinance. The designated period within which the owner or person in charge is required to comply with the order of the building notice. However, such notice shall, except in cases of immediate danger, state that the person notified may request a hearing before the council concerning the determination that the building be repaired, removed, or demolished, and such request shall be made at least three days before the deadline set in the notice, if less than fifteen days was set, and at least ten days if over twenty-one (21) days was set.

3-11-4 POSTING OF SIGNS. The building official shall cause to be posted at each entrance to such building a notice to read: "DON NOT ENTER, UNSAFE TO OCCUPY". Building Department, City of Andrew." 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 building official and no person shall enter the building except for the purpose of making the required repairs or of demolishing the building.

3-11-5 RIGHT TO DEMOLISH. In case the owner fails, neglects, or refuses to comply with the notice to repair, rehabilitate, or to demolish and remove the building or structure or portion thereof, the city council may order the owner of the building prosecuted as a violator of the provision of this ordinance and may order the building official to proceed with the work specified in such notice. A statement of the cost of such work shall be transmitted to the council.

3-11-6 COSTS. Costs incurred under 3-11-5 shall be paid out of the city treasury. Such costs shall be charged to the owner of the premises involved and levied against the land on which the building or structure is located, and shall be collected in the manner provided in Section 364.12 (3) (h), Code of Iowa.

3-11-7 PENALTY. Anyone who violates any of the provisions of this ordinance shall be subject, upon conviction, to imprisonment not exceeding thirty (30) days, or a fine not exceeding \$100.00.

3-11-8 REPEALER. All ordinances or parts of ordinances in conflict with this ordinance, or inconsistent with the provision of this ordinance are hereby repealed to the extent necessary to give this ordinance full force and effect.

3-11-9 SEVERABILITY. If any section, provision, or part of this ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole, or any section, provision, or part thereof not adjudged invalid or unconstitutional.

(Ord.#140, Passed April 11, 2000)

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TITLE III COMMUNITY PROTECTION

CHAPTER 12 PROHIBITED BURNING AND OPEN BURNING

3-12-1	Definitions	3-12-7	Penalties
3-12-2	Burning of Garbage Prohibited	3-12-8	Repealer
3-12-3	Burning of Rubbish Prohibited	3-12-9	Severability Clause
3-12-4	Recreational Burning Allowed		
3-12-5	Open Burning		
3-12-6	Fire Department Response		

3-12-1 DEFINITIONS. As used in this article, the following words and phrases shall have the meanings ascribed to them in this ordinance.

Backyard Burning: The burning of natural vegetation origination on the premises and burnt by individuals domiciled on or owning the premises. Natural vegetation includes, but is not limited to leaves, grass, small branches, flower remains and trimmings.

Garbage: All solid and semi-solid putrescible (rotting) animal and vegetable wastes resulting from the handling, preparing, cooking, storing and serving of food or other material intended for use as food.

Open Burning: And burning of combustible materials wherein the products of combustion are emitted into the open air without the use of a free standing incinerator as defined by the Uniform Fire Code.

Rubbish: All waste materials of non-putrescible nature.

3-12-2 BURNING OF GARBAGE PROHIBITED.

No person, firm or corporation shall dispose of garbage at any time by burning same.

3-12-3 BURNING OF RUBBISH PROHIBITED.

It shall be unlawful for any person, firm or corporation to do open burning of rubbish.

3-12-4 RECREATIONAL BURNING ALLOWED.

Recreational burning shall be allowed for food preparation and camping purposes only. The material to be burned is limited to charcoal, seasoned wood, branches, or twigs.

3-12-5 OPEN BURNING – Rear & Side Yard Restrictions.

Subject to any contrary provisions of the Uniform Fire Code, as adopted by the Andrew Fire Department, open burning of permitted plant material, on permitted premises, shall be at least 15 feet from side and rear yard boundary lines as defined in the Andrew City Ordinances.

3-12-6 FIRE DEPARTMENT RESPONSE.

Any violations of the rules concerning prohibited burning and open burning, which requires a response by the Andrew Fire Department to control or extinguish such combustion, will be considered a violation of this ordinance and subject to the penalties stated herein.

3-12-7 PENALTIES.

Any person, firm or corporation violating any provision of this article shall be guilty of a misdemeanor and upon conviction thereof shall be punished as provided in the Andrew City Ordinance Title I General Provision, Chapter 3 Penalty.

3-12-8 REPEALER.

All ordinances in conflict with the provisions of this ordinance are hereby repealed.

3-12-9 SEVERABILITY CLAUSE.

If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

(Ord. #145, Passed August 8, 2006)

TITLE IV COMMUNITY PROTECTION

TITLE IV MENTAL AND PHYSICAL HEALTH

CHAPTER 1

ANIMAL AND LIVESTOCK PROTECTION AND CONTROL

4-1-1	Definitions	4-1-8	Keeping of Prohibited Animals
4-1-2	Animal & Livestock Neglect	4-1-9	Immunization
4-1-3	At Large Prohibited	4-1-10	Impounding
4-1-4	Actions of Animals Constituting a Nuisance	4-1-11	Penalty
4-1-5	Livestock Prohibited	4-1-12	Severability Clause
4-1-6	Variance to Prohibited Livestock	4-1-13	Repeal of Conflicting Ordinances
4-1-7	Public Hearings	4-1-14	When Effective
		4-1-A	Urban Chickens

4-1-1 DEFINITIONS: For use in this Chapter the following defined terms shall apply:

1. *Animal*, shall mean any nonhuman vertebrate. (Code of Iowa, Sec. 717B.1)
2. *At large* shall mean any animal licensed or unlicensed off the premises of the owner and not under the control of a competent person, restrained by leash, cord, chain, or other similar restraint not more than ten (10) feet in length, or properly restrained within a motor vehicle, or housed in a kennel.
3. *Livestock*, shall mean animal belonging to the bovine, caprine, equine, ovine or porcine species; farm deer, as defined in Section 481A.1 of the Code of Iowa; ostriches, rheas, emus or poultry. (Code of Iowa, Sec. 717.1)
4. *Owner*, shall mean any person or persons, firm, association or corporation owning, keeping, sheltering or harboring an animal or livestock.
5. *Existing Livestock*, shall mean any livestock being kept within the City limits at the time of the adoption of this ordinance.

4-1-2 ANIMAL & LIVESTOCK NEGLECT. No person shall impound or confine or cause to be impounded or confined, in any place, any domestic animal, livestock, or fowl, and fail to supply such animals during confinement with a sufficient quantity of food or water; or shall torture, torment, deprive of necessary sustenance; or mutilate, overdrive, overload, drive when overloaded, beat, or kill such animal by means which shall cause unjustified pain, distress or suffering, whether intentionally or negligently. (Code of Iowa, 717.2)

4-1-3 AT LARGE PROHIBITED. No owner of any animal or livestock shall permit such to run at large, whether licensed or unlicensed.

4-1-4 ACTIONS OF ANIMALS AND LIVESTOCK CONSTITUTING A NUISANCE. It shall be unlawful for any person to permit any animal or livestock under such person's control or within such person's custody to commit a nuisance. Actions constituting a nuisance:

1. Damages, soils, defiles or defecates on private property other than the owner's or on public walks and recreation areas unless such waste is immediately removed and properly disposed of by the owner or person in custody.
2. Causes unsanitary, dangerous or offensive conditions.
3. Causes a disturbance by excessive barking or other noisemaking, chases vehicles, disturbing garbage containers, molests, attacks or interferes with persons or other domestic animals.
4. Violates any provision applicable under State Law.

4-1-5 LIVESTOCK PROHIBITED. It shall be unlawful for any person to keep livestock within the City limits. Existing livestock as of the date of passing of this ordinance (10/09/2007) are exempt from this rule but subject to all nuisance rules and regulations. Existing livestock cannot be replaced once sold, deceased, abandoned, or disposed of in any fashion without a variance permitted by the City.

4-1-6 VARIANCE TO PROHIBITED LIVESTOCK. A variance may be permitted by an affirmative vote of four-fifths (4/5) of the entire Council after conducting a public hearing as provided in Section 4-1-7.

4-1-7 PUBLIC HEARINGS. When a variance to add or replace existing livestock within the City limits is requested, the City Council shall conduct a public hearing. Notices of said hearing shall be posted in three public places designated in this code not less than two (2) weeks prior to said hearing and the council shall notify the owners, or their agent, of all lots within two hundred (200) feet of the boundaries of the lot or lots that are to be used for the non-conforming use.

1. Requests to add to or replace existing livestock must include:
 - a. A description of the livestock being added or replaced.
 - b. A statement concerning the reason for the necessity of bringing livestock into the City.
 - c. A detailed description of the property where the livestock will be kept.

4-1-8 KEEPING OF PROHIBITED ANIMALS. It shall be unlawful for any person to keep, maintain or have in their possession or under their control within the City any poisonous reptile or any other dangerous or carnivorous wild animal or reptile, any vicious or dangerous domesticated animal or any other animal or reptile of wild, vicious or dangerous propensities.

1. For purposes of this section, dangerous domestic animal means:

- a. **Any animal which has inflicted serious injury on a person without provocation;**
- b. **Any animal which has, at the animal's own initiative, killed a domestic animal;**
- c. **Any animal which by training, disposition or behavior may pose a potential risk of attacking and inflicting injury without provocation upon people or other animals;**

and includes but is not limited to:

- a. **Pit bull terrier dogs, or mixed pit bull terriers, or any dog which has the appearance and characteristics of being a pit bull terrier.**
- b. **Rottweiler or mixed Rottweiler pups or dogs, or any dog which has the appearance and characteristics of being a Rottweiler.**

(Amended 12/13/11)

4-1-9 IMMUNIZATION. All dogs or cats six (6) month or older shall be vaccinated against rabies. Upon demand by the City, the owner shall furnish a veterinarian's certificate showing that the dog or cat in question has been vaccinated, and that the vaccination has not expired. It shall be a violation of this ordinance for any dog or cat to not be vaccinated against rabies. A tag showing evidence or proper vaccination shall be worn by every dog or cat when not confined.

4-1-10 IMPOUNDING.

1. Any unlicensed or unvaccinated dog or unvaccinated cat found at large or any licensed dog found at large in violation of this chapter shall be seized and impounded, or, at the discretion of the Mayor or appointed person, the owner may be served a summons to appear before a proper court to answer charges made.
2. Owners of licensed dogs shall be notified within two (2) days that upon payment of impounding fees plus cost of food and care in a reasonable amount, the dog will be returned. If the impounded licensed dogs are not recovered by their owners within seven (7) days after notice, the dogs shall be disposed of in a humane manner as directed by the Jackson County Humane Society.
3. Impounded cats and unlicensed dogs may be recovered by the owner, upon proper identification, by payment of the license fee for dogs, impounding fee and boarding costs, and the costs of vaccination if vaccination is required by 3-1-11. If such dogs or cats are not claimed within seven (7) days after notice, they shall be disposed of in a humane manner as directed by the Jackson County Humane Society.

4-1-11 PENALTY.

1. Anyone violating any of the provisions of this ordinance shall, upon conviction, be subject to a municipal infraction carrying a civil penalty as noted in Title 1 General Provisions Chapter 3 Penalty.
2. Upon the second or subsequent conviction the City has the authority to revoke permission to own, keep, shelter or harbor any animal or livestock in the City limits.

4-1-12 SEVERABILITY CLAUSE. Should any section or provision of this ordinance be declared by the courts to be invalid or unconstitutional, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be invalid or unconstitutional.

4-1-13 REPEAL OF CONFLICTING ORDINANCES. All ordinances or parts of ordinances in conflict with this ordinance, or inconsistent with the provisions of the ordinance, are hereby repealed to the extent necessary to give this ordinance full force and effect.

4-1-14 WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

(Ord. #147, Passed October 9, 2007)

4-1A URBAN CHICKENS

4-1A-1 DEFINITIONS. For use in this Chapter the following defined terms shall apply:

Chicken – shall mean a member of the subspecies *Gallus gallus domesticus*, a domesticated fowl.

Urban Chicken – shall mean a chicken kept on a permitted tract of land pursuant to a permit issued under this Chapter.

Permitted Tract of Land – shall mean the tract of land as identified by the application upon which a permit is granted for keeping chickens pursuant to this Chapter.

Permittee – shall mean an applicant who has been granted a permit to raise, harbor or keep chickens pursuant to this Chapter.

4-1A-2 PERMIT REQUIRED.

a. Permit Required. No person shall raise, harbor or keep chickens within the City of Andrew without a valid permit obtained from the City Council under the provisions of this Chapter.

b. Application. In order to obtain a permit, an applicant must submit a completed application on forms provided by the City Clerk and payment of all fees required by this Chapter.

c. Requirements. The requirements to the receipt of a permit include:

1. All requirements of this Chapter are met;
2. All fees, as may be provided for from time to time by City Council resolution, for the permit are paid in full;
3. All judgments in the City's favor and against the applicant have been paid in full;
4. Written approval forms from all residents within 200 feet of the property lines of land included in the application.

4-1A-3 ISSUANCE OF PERMIT:

a. Issuance of Permit. If the City Council concludes as a result of the information contained in the application that the requirements for a permit have been met the City Clerk shall issue the permit.

b. Renewal of Permit. A permittee shall apply to renew his permit every twelve (12) months.

c. Denial, suspension, revocation non-renewal. The Mayor, or Mayor's designee, may deny, suspend, revoke, or decline to renew any permit issued for any of the following grounds:

1. False statements on any application or other information or report required by this section to be given by the applicants;
2. Failure to pay any application, penalty, re inspection or reinstatement fee required by this section or city council resolution;
3. Failure to correct deficiencies noted in abatement notices in the time specified in the notice;

4. Failure to comply with the provisions of an approved mitigation/remediation plan by the City County;
5. Failure to comply with any provision of this Chapter.

d. Notification. A decision to revoke, suspend, deny or not renew a permit shall be in writing, delivered by ordinary mail or in person to the address indicated on the application. The notification shall specify reasons for the action.

e. Effect of revocation, etc.. When an application for a permit is denied, or when a permit is revoked, the applicant may not re-apply for a new permit for a period of 1 year from the date of the denial or revocation.

f. Appeals. No permit may be denied, suspended, revoked, or not renewed without notice and an opportunity to be heard is given the applicant or holder of the permit. In any instance where the Mayor or Mayor's designee has denied, revoked, suspended, or not renewed a permit, the applicant or holder of said permit may appeal the decision to the City Council within ten (10) business days of receipt by the applicant or holder of the permit of the notice of the decision. The applicant or holder of the permit will be given an opportunity for a hearing. The decision of the City Council hearing the appeal, or any decision by the Mayor or Mayor's designee which is not appealed in accordance to this Chapter shall be deemed final action.

4-1A-4 NUMBER AND TYPE OF CHICKENS ALLOWED.

- a) The maximum number of chickens allowed is six (6) per tract of land.
- b) Only female chickens (hens) are allowed.
- c) In no case shall a permit be granted for greater than six (6) chickens.

4-1A-5 TRACT OF LAND ALLOWED.

Permits will be granted only for tracts of land located in residential districts as identified in the Code of Ordinances for the City of Andrew.

4-1A-6 NON-COMMERCIAL USE ONLY.

A permit shall not allow the permittee to engage in chicken breeding or fertilizer production for commercial purposes.

4-1A-7 ENCLOSURES:

- a) Chickens must be kept in an enclosure of *sturdy wire fencing* at all times. Chickens shall be secured within a henhouse or chicken tractor during non-daylight hours.
- b) Enclosures must be kept in a clean, dry, odor-free, neat and sanitary condition at all times.

c) Henhouses, chicken tractors and chicken pens must provide adequate ventilation and adequate sun and shade and must be impermeable to rodents, wild birds and predators, including dogs and cats.

d) Henhouse and chicken tractors.

1. Henhouses and chicken tractors shall be designed to provide safe and healthy living conditions for the chickens with a minimum of four (4) square feet per bird while minimizing adverse impacts to other residents in the neighborhood.

a. A henhouse or chicken tractor shall be enclosed on all sides and shall have a roof and doors. Access doors must be able to be shut and locked at night. Opening windows and vents must be covered with predator and bird proof wire of less than one (1) inch openings.

b. The materials used in making a henhouse or chicken tractor shall be uniform for each element of the structure such that the walls are made of the same material, the roof has the same shingles or other covering, and any windows or openings are constructed using the same materials. The use of scrap, waste board, sheet metal, or similar materials is prohibited. Henhouses and chicken tractors shall be well maintained.

2. Henhouses, chicken tractors and chicken pens shall only be located in the rear yard required by Andrew Municipal Code (Title VI, 6-9-4), unless the setback requirements cannot be met, in which case they may be kept in other yard but within the required setbacks.

3. Henhouses, chicken tractors and chicken pens must be located at least **fifteen (15)** feet from the property line and at least **twenty-five (25) feet** from any adjacent residential dwelling, church, school or place of business.

4-1A-8 ODOR AND NOISE IMPACTS.

a. Odors from chickens, chicken manure or other chicken related substances shall not be perceptible beyond the boundaries of the permitted tract of land.

b. Noise from chickens shall not be loud enough beyond the boundaries of the permitted tract of land at the property boundaries to disturb persons of reasonable sensitivity.

4-1A-9 PREDATORS, RODENTS, INSECTS AND PARASITES.

The Permittee shall take necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites. Chickens found to be infested with insects and parasites that may result in unhealthy conditions to human

habitation may be removed by *a person designated by the Mayor with the assistance of City Police, if necessary.*

4-1A-10 FEED AND WATER.

Chickens shall be provided with access to feed and clean water at all times. The feed and water shall be unavailable to rodents, wild birds and predators.

4-1A-11 WASTE STORAGE AND REMOVAL.

The henhouse, chicken tractor, chicken pen and surrounding area must be kept free from trash and accumulated droppings. Uneaten feed shall be removed in a timely manner.

4-1A-12 CHICKENS AT LARGE.

a. The Permittee shall not allow the Permittee's chickens to roam off the permitted tract of land. No dog or cat or other domesticated animal which kills a chicken off the permitted tract of land will, for that reason alone, not be considered a dangerous or aggressive animal or the city's responsibility to enforce its animal control provisions.

4-1A-13 UNLAWFUL ACTS.

a. It shall be unlawful for any person to keep chickens in violation of any provision of this Chapter or any other provision of the Andrew Municipal Code.

b. It shall be unlawful for any owner, renter or lease holder of property to allow chickens to be kept on the property in violation of the provisions of this article

c. No person shall keep chickens inside a single family dwelling unit, multi family dwelling unit(s) or rental unit.

d. No person shall slaughter any chickens within the City of Andrew.

e. No person shall keep a rooster.

f. No person shall keep chickens on a vacant or uninhabited tract of land.

4-1A-14 NUISANCES.

SECTION 1. Any violation of the terms of this Chapter that constitutes a health hazard or that interferes with the use or enjoyment of neighboring property is a nuisance and may be abated under the general nuisance abatement provision of Andrew Municipal Code **Title III Community Protection, Chapter 2 Nuisances.**

SECTION 2. Each section, paragraph, sentence, clause, and provision of this Ordinance is separable, and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance nor any part thereof other than that affected by such decision.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage and publication as provided by law.

SECTION 4. The changes as provided in this Ordinance shall be made a part of the replacement pages of the Municipal Code, City of Andrew, Iowa, and made a part of said Code as provided by law.

SECTION 5. All ordinances or parts of ordinances in conflict with any provision of this Ordinance are hereby repealed.

4-1A-15 SEVERABILITY CLAUSE: If any section, provision or part of the ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

WHEN EFFECTIVE. This ordinance shall be in full force and effect from and after its final passage, approval and publication as provided by law.

(Ord. #154, Passed October 8, 2013)

**TITLE V HUMAN DEVELOPMENT - EDUCATION AND CULTURE
CHAPTER 1 LIBRARY SERVICES**

- | | | | |
|-------|--|-------|----------------------------|
| 5-1-1 | Purpose | 5-1-4 | Expenditures of City Funds |
| 5-1-2 | Authorization to establish
A City Library | 5-1-5 | Reports |
| 5-1-3 | Location | 5-1-6 | Reimbursement |

5-1-1 PURPOSE: The purpose of this ordinance is to authorize the establishment of a free public library for the City.

5-1-2 AUTHORIZATION: The City hereby authorizes the Andrew Public Library, Inc., hereafter referred to as the "Library" to establish a free public library for the City to be independently operated by a Board of Directors established under the Articles of Incorporation and the By-Laws of the Andrew Public Library, Inc.

5-1-3 LOCATION: The City hereby authorizes the Andrew Public Library, Inc. to be located in the Andrew City Hall. The City retains all control and supervision of the room and City fixtures used in the Library's operations.

5-1-4 EXPENDITURES OF CITY FUNDS: All expenditures from money appropriated by the City Council from the general fund for the Library shall be paid for only upon request from the Library's Board of Directors and signed by its president and secretary and approved the City Council.

5-1-5 REPORTS: The Library board shall make a report to the city council monthly. This report shall contain information regarding the attendance of the library, the amount of any money expended in the maintenance of the library facilities, and any further information requested by the council.

5-1-6 REIMBURSEMENT: Due to the limitations available by the Library, the City will reimburse any resident of the City for one-half the cost of membership at any other City library in Jackson County upon presentation of a receipt for such cost.

(Ord 146 , passed 5/11/2010)

TITLE V HUMAN DEVELOPMENT - EDUCATION AND CULTURE

CHAPTER 2 PARKS & RECREATION

5-2-1

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 1 MANUFACTURED HOMES/ MOBILE HOMES AND MANUFACTURED HOME PARKS/ MOBILE HOME PARKS

6-1-1	Purpose	6-1-11	Existing parks
6-1-2	Definitions	6-1-12	Permitted Uses
6-1-3	Location outside a licensed park	6-1-13	Damaged or dilapidated homes
6-1-4	Special permit for location outside A licensed park	6-1-14	Construction/Alterations
6-1-5	Requirements for special permit	6-1-15	Responsibilities of park owner (management)
6-1-6	Emergency and temporary parking	6-1-16	Responsibilities of park residents
6-1-7	Non-conforming mobile homes	6-1-17	Violations and penalty
6-1-8	Penalty		
6-1-9	License, application, and issuance		
6-1-10	Requirements for licensed parks		

6-1-1 PURPOSE:

The purpose of this chapter is to establish standards and regulations governing manufactured homes and mobile homes and to establish standards for the development and operation of residential manufactured home parks and mobile home parks. The standards are intended to provide for diverse housing opportunities while promoting neighborhood enhancement and minimizing conflicts with the designated Fire Limit Area.

6-1-2 DEFINITIONS:

Hereinafter the term home or homes shall refer to manufactured homes and/or mobile homes and the term park or parks shall refer to manufactured home parks and/or mobile home parks defined as follows:

1. "Manufactured Home" is a factory-built structure built under authority of [42U.S.C.*5403](#), is required by federal law to display a seal from the United States Department of Housing and Urban Development, and was constructed on or after June 15, 1976. If a manufactured home is placed in a manufactured home park or mobile home park, the home must be titled and is subject to the manufactured home square foot tax.
2. "Mobile Home" means any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons.
3. "Manufactured Home Park" or "Mobile Home Park" means any site, lot, field, or tract of land upon which two or more occupied mobile homes or manufactured homes, or a combination of any of these homes, are placed, either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicle, or enclosure

used or intended for use as part of the equipment of such mobile home park. The term "manufactured home park: or "mobile home park" shall not be construed to include manufactured homes, mobile homes, buildings, tents or other structures temporarily maintained by an individual, educational institution, or company on their own premises and used exclusively to house their own labor or students.

4. "Manufactured Home Site (Lot)" or "Mobile Home Site (Lot)" means a plot of ground within a Manufactured Home Park or Mobile Home Park designated for the accommodation of one manufactured home or mobile home.

5. "Person" means any individual, firm, corporation, partnership or association.

6. "Management" means Mobile Home Park Owner or designated person responsible for management of park.

6-1-3 LOCATION OF MOBILE HOMES OUTSIDE A MANUFACTURED HOME PARK OR MOBILE HOME PARK:

It shall be unlawful for any person, firm, or corporation to park any home on a street, alley, highway, or public place, or on any private land within the City of Andrew.

However, mobile homes designated as trailers and/or campers and registered as a motor vehicle in Iowa, while not being used, may be stored by any person on private property owned or rented by him or, with their consent; but such mobile homes (trailers/campers) may not be stored in front yards. If parked or stored in a side yard, the mobile homes (trailers/campers) must occupy the owners drive way or written permission from adjoining property owners to the side yard must be obtained by the mobile homes (trailers/campers) owner.

6-1-4 SPECIAL PERMITS FOR LOCATION OF MANUFACTURED HOMES OR MOBILE HOMES OUTSIDE MANUFACTURED OR MOBILE HOME PARKS:

The City Council, upon application of a manufactured home or mobile home owner, may, upon 4/5 vote of the entire council, issue special permits for the location of a manufactured home or mobile home to be located for a limited time on premises outside mobile home parks after a public hearing as provided in Section 6-9-5 of the Code. The City Council may issue such special permits when it appears that location within local manufactured home or mobile home parks is impracticable or impossible and public health, safety, and welfare interests will not be seriously affected by granting the permit and the **requirements of Section 6-1-5 have been met.** Special permits shall not be granted for periods in excess of one (1) year but upon expiration of a special permit reapplication may be made.

1. Application for a special permit or renewal thereof shall be made to the City and should contain or be accompanied by:
 - a. Name and address of applicant.
 - b. Legal description of the property where home will be located.
 - c. The name of the owner of the premises where the home will be located and written approval from the owner of the premises, if other

than the applicant.

d. Drawing of plan showing the following:

- (1) location of the mobile home on the site..including lot size and measurements from abutting lot lines and public streets
- (2) roadways and driveways, either existing or proposed
- (3) a description of sanitation facilities contained within the mobile home and those connections available to City water and sewer.

2. The application for a permit should be accompanied by a fee of \$25.00.

3. Manufactured home and mobile home permits shall expire annually from their dates of issuance and may, upon 4/5 vote of the entire council, be renewed for additional period of one year after a public hearing as provided in Section 6-9-5 of the Code.

6-1-5 REQUIREMENTS FOR SPECIAL PERMITS (UNDER SECTION 6-1-4):

1. Location: The home shall be located in the Restricted Residential District of the City of Andrew.

2. Site size. Site size shall be a minimum of 45' wide and contain a minimum of 4000 square feet.

3. Anchoring/Tie-Down. Home shall be anchored or tied-down when the mobile home is placed upon the site and shall remain connected until the home is removed from the lot.

4. Skirting. Each home shall be skirted within thirty (30) days after placement. The skirting shall be done by completely enclosing the open area under the home and made of plastic, fiberglass or other comparable noncombustible material and shall be of a permanent color or painted to match the appropriate home so as to enhance the general appearance thereof. Areas enclosed by such skirting shall be maintained and kept free of rodents and fire hazards. Storage under homes is prohibited.

5. Parking. Home site shall provide for two parking spaces for off street parking.

6. Utilities: Connection to city water and sewer.

7. Inspection: Wrecked, damaged or dilapidated mobile homes shall not be allowed to be located in a manufactured home park or mobile home park or upon any premises in the City. Therefore, before being located, all homes must be inspected by the Mayor or designated person(s) to determine if a home is damaged or dilapidated to a point which makes it unfit for human occupancy. Such homes are hereby declared to be a public nuisance. If such a determination is made, they shall notify the licensee or landowner and the owner of the home in writing that such public nuisance exists, giving the findings upon which the determination is based, and shall state the required repairs needed to deem the home as a safe, sanitary and

wholesome condition for occupancy within a reasonable time before it can be located in the City.

6-1-6 EMERGENCY AND TEMPORARY PARKING. Emergency or temporary parking of mobile homes upon the streets, alleys, or highways, or any other public or private place for a period not in excess of forty-eight (48) hours shall not constitute a violation of Section 6-1-3, but such parking shall be subject to any prohibitions or regulations contained in other ordinances of this city.

6-1-7 NON-CONFORMING MOBILE HOMES.

1. Manufactured homes or mobile homes in existence at the time of the adoption of Ordinance No. 148 (passed 10/09/07) and which were not located in a licensed manufactured home park or mobile home park or subdivision complying with this chapter, are hereby declared to be non-conforming.

2. Manufactured homes or mobile homes declared to be non-conforming as a result of the passage of Ordinance No. 148 shall be and are hereby permitted to remain in their present location for so long as the ownership of said mobile home shall remain unchanged, or until such time as said mobile home is moved to another location, whether on the same lot or otherwise.

3. Manufactured homes or mobile homes declared as non-conforming shall not be enlarged, extended, reconstructed, substituted or structurally altered. If such manufactured home or mobile home is damaged to an extent of more than 50 percent of its replacement value, or the manufactured home or mobile home is removed from its present location, it shall not thereafter be restored or placed in other than a licensed manufactured home park or mobile home park or mobile home subdivision. If the non-conforming use of a manufactured home or mobile home is discontinued for a period of one year, the manufactured home or mobile home must thereafter comply with the provisions of this chapter.

6-1-8 PENALTY. Anyone violating any of the provision of this chapter shall, upon conviction, be subject to a municipal infraction carrying a civil penalty as provided in Title I (General Provisions), (Chapter 3 – Penalty).

6-1-9 LICENSE FOR A MANUFACTURED HOME OR MOBILE HOME PARK;
APPLICATION AND ISSUANCE.

1. It shall be unlawful for any person to establish or operate upon property owned or controlled by them within the City of Andrew, a manufactured home or mobile home park without having first secured a license from the City.

2. The application for such license or the renewal thereof shall be filed with the city clerk and shall be accompanied by a fee of \$25.00.

3. The application for a license or a renewal thereof shall be made on forms furnished by the city clerk and shall include the following information:

- a) The name and address of all owners and developers of the proposed park.;
- b) Legal description of the property upon which the park is or will be located;
- c) A drawing showing the location and size of all lots (sites), storage areas, parking sites (both existing & proposed);
- d) Measurements from abutting lot lines and public streets;
- e) Roadways and driveways (existing & proposed);
- f) Location of water, sewer, gas/electrical hookups, and garbage and refuse pickup (both existing & proposed);
- g) Detailed description of proposed maintenance procedures and grounds supervision;
- h) Details of staging and timing of construction program whether or not the entire area will be developed or updates completed.
- j) Details of compliance with the requirements of Section 6-1-10.

Park licenses shall expire December 31st of each year from their dates of issuance and may be renewed for additional periods of one year.

6-1-10 REQUIREMENTS FOR MANUFACTURED HOME OR MOBILE HOME PARKS:

1. Set backs. All homes shall be set back at least 15' from City curbs and 5' from all lot lines which are not abutting a public street right-of-way or private drive. The 5' from lot lines is intended to be a landscaped open area and parking of vehicles, and accessory use shall not be allowed with the exception of one accessory storage building as required in this chapter. No fences or wall will be constructed without City approval.
2. Lot size. Each home lot (site) shall be a minimum of width of 35' and minimum depth of 115'.
3. Each home shall be anchored with tie-downs in compliance with the requirement of the State of Iowa (661-322.11), when the mobile home is placed upon the lot and shall remain connected until the home is removed from the lot.
4. On the corner lot on which a front or side yard is required, no wall, fence, sign, or other structure or no plant growth of a type which would interfere with traffic visibility across the corner shall be permitted.
5. Skirting. Each home shall be skirted within thirty (30) days after placement. The skirting shall be done by completely enclosing the open area under the home and made of plastic, fiberglass or other comparable noncombustible material and shall be of a permanent color or painted to match the appropriate home so as to enhance the general appearance thereof. Areas enclosed by such skirting shall be maintained and kept free of rodents and fire hazards. Storage under homes is prohibited.
6. Parking. Each home lot (site) shall provide for two parking spaces for off street

parking. Parking spaces shall be hard surfaced in concrete, Portland cement, or gravel designated to accommodate normal traffic.

7. Utilities:

- (a) Each site must have connections available to city water and sewer and a source of fuel for heating or other purposes.
- (b) The park must have at least one meter used to register use of city water.
- (c) The owner of the park shall pay all required sewer and utility connections fees and monthly utility charges to the City of Andrew.
- (d) All utility lines shall be underground, except those essential for street or other lighting purpose.
- (e) There shall be no obstructions impeding the inspection of plumbing, electrical facilities, utilities, or other related equipment.
- (e) Garbage, waste and trash disposal plans must be approved by the City Council.
- (f) All plumbing, electrical, and gas connections shall be in accordance with the ordinances of the City of Andrew and the requirements of the state plumbing, electrical and building codes and the regulations of the state board of health.

8. Accessory Storage Buildings. A storage building shall be provided by the park owner or home owner for each home located in the park and shall be constructed and attached to a permanent foundation. Accessory storage buildings shall be placed at least three (3) feet from the rear line of each site and not closer than three (3) feet to any mobile home and must be available within 60 days of the homes placement.

9. Inspection: Before being located in a park, all homes must be inspected by the City Council or designated persons to determine if a home is damaged or dilapidated to a point which makes it unfit for human occupancy. Such homes are hereby declared to be a public nuisance. Whenever this determination is made, they shall notify the licensee or landowner and the owner of the home in writing that such public nuisance exists, giving the findings upon which the determination is based, and shall state the required repairs needed to deem the home as a safe, sanitary and wholesome condition for occupancy within a reasonable time before it can be located in the park.

6-1-11 EXISTING MANUFACTURED HOME PARKS AND MOBILE HOME PARKS: The City of Andrew hereby designates as a lawful residential home park any premises within the City limits that meets all of the requirements set forth in 6-1-10; provided that the premises met the requirements on or before January 1, 2010.

6-1-12 PERMITTED USES.

A home located in a manufactured home park or mobile home park may be used for purpose of personal residence only.

Manufactured home parks and mobile home parks are classified as residential homes and

location of recreational mobile homes (trailers/campers) on the premises of a park is prohibited.

6-1-13 DAMAGED OR DILAPIDATED MOBILE HOMES.

Wrecked, damaged or dilapidated mobile homes shall not be allowed to be located in a manufactured home park or mobile home park or upon any premises in the City. The **Mayor or an inspector(s) designated by the City Council** shall determine if a home is damaged or dilapidated to a point which makes it unfit for human occupancy. Such homes are hereby declared to be a public nuisance. Whenever the Mayor or designated Inspector(s) so determines, they shall notify the licensee or landowner and the owner of the home in writing that such public nuisance exists within the park or on lands owned by him, giving the findings upon which the determination is based, and shall order such home removed from the park or site or repaired to a safe, sanitary and wholesome condition of occupancy within a reasonable time. The licensee or landowner and the owner of the home may appeal such order to the City Council using the procedure specified in the Nuisance Chapter of the Code of Ordinances.

6-1-14 CONSTRUCTION OR ALTERATION OF ATTACHMENTS AND ACCESSORY STRUCTURES.

Except as otherwise provided in this chapter, no person shall construct, alter, add to or alter any structure, attachment or building in a park or on a site without written permission from the City. Construction on or addition or alteration to the exterior of a home shall be of the same type of construction and materials as the home affected. This section shall not apply to the addition of awnings, antennas to homes. Accessory structures on sites shall comply with all setback, side yard and rear yard requirements for homes.

6-1-15 RESPONSIBILITIES OF MANUFACTURED HOME PARK OR MOBILE HOME PARK OWNER (MANAGEMENT).

1. The Management of a park shall provide the City with an updated registration list of all park occupants which shows the names and addresses of all owners and occupants of each home for contact purpose in the event of fire, explosion, severe storm damage or other emergency. Said registration list shall be updated and kept current by said Management whenever any information on the registration list changes or is no longer current or is requested by the City Council.
2. The Management shall supervise the placement of each mobile home on its site, including stability and installing all utility connections.
3. The Management shall notify park residents of the provisions of this chapter and inform them of their duties and responsibilities.
4. The Management shall require every home to have watertight, rodent proof containers for the deposit of garbage and refuse and shall provide for a sanitary location for garbage and recycled materials to be stored for easy access or make arrangements for a refuse dumpster to be located in a location approved by the City.

5. The Management shall be responsible to see that homes, grounds, and structures are maintained and free of debris and meet all requirements of city ordinances.

6-1-16 RESPONSIBILITIES OF MANUFACTURED HOME PARKS OR MOBILE HOME PARKS RESIDENTS.

1. Home owners or occupants shall comply with all applicable requirements and regulations of this chapter and shall maintain their homes, structures and site in good repair and in clean and sanitary condition.

2. Home owners or occupants shall not conduct in any home or any park any business or engage in any other activity which is restricted by City Ordinance (Title VI, Chapter 9..Restricted Residence District).

3. No person shall erect or place upon any site any permanent or temporary structure intended to be used for dwelling purposes or in connection with any site, except as specifically authorized by this chapter.

6-1-17 VIOLATIONS AND PENALTY.

Manufactured home parks, mobile home parks, and park residents shall comply with all ordinances of the City of Andrew. Violation of any ordinance or any provisions of this chapter shall be a nuisance which may be abated or enjoined by the city.

Anyone violating any of the provision of this chapter shall, upon conviction, be subject to a municipal infraction carrying a civil penalty as provided in Title I (General Provisions), (Chapter 3 – Penalty).

(Ordinance #148, Passed 10/09/2007)
(Amended 10/13/2009)

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 2 UTILITIES - SANITARY SEWER SYSTEM

6-2-1	Definitions	6-2-5	Rates
6-2-2	Prohibited Act and Use of Public Sewers Required	6-2-6	Protection from Damage
6-2-3	Building Sewers and Connections	6-2-7	Powers and Authority of Inspectors
6-2-4	Use of Public Sewers		

6-2-1 DEFINITIONS. The following definition of terms to be used in this Ordinance shall obtain:

1. "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 water as may be present.

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

3. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by the City Council.

4. "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.

5. "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm surface and ground waters are not intentionally admitted.

6. "Storm Sewer" or "Storm Drain" shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

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

8. "Industrial Wastes" shall mean the liquid wastes from industrial processes as distinct from sanitary sewage.

9. "Garbage" shall mean solid wastes from the preparation, cooking and dispensing of food, and from the handling, storage, and sale of produce.

10. "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing public Sewers, with no particle greater than 1/2 inch in any dimension.

11. "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning 5 feet outside the inner face of the building wall. (IAC 567-69-3(1))

12. "Building Sewer" shall mean the extensions from the building drain to the public sewer or other place of disposal. (IAC 567-69.3(1))

13. "B.O.D." (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in 5 days at 20 C., expressed in parts per million by weight.

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

15. "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.

16. "Contributor" shall mean any person responsible for the projection of sewage or industrial wastes which is directly or indirectly discharged into the City's sanitary sewer system.

17. "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

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

19. "Sludge" 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 more than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation.

6-2-2 PROHIBITED ACTS AND USE OF PUBLIC SEWERS REQUIRED.

1. It shall be unlawful for any person to 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. It shall be unlawful for any person to connect a roof downspout, exterior foundation drain, areaway drain, or other source of surface run-off or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a utility sewer.

3. It shall be unlawful for any person to open or enter any manhole of the sewer system, except by authority of the City Council or designated person.

4. It shall be unlawful for any person to place, deposit, or permit to be deposited in an insanitary manner upon public or private property within the City or in any area under the jurisdiction of said City any human or animal excrement, garbage, or other objectionable waste.

5. It shall be unlawful to discharge to any natural outlet within the City or in any area under the jurisdiction of said City any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance. (Iowa Code, Sec 364.12(3)(f))

6. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault septic tank, cesspool, or other facility intended or used for the disposal of sewage.

7. The owner of all houses, buildings or properties used for human occupancy, employment, recreation, or other purpose, 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 sewer **or combined sewer of the City**, is hereby required at such owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance within ninety (90) days after date of official notice to do so, provided that said public sanitary sewer as within one hundred and fifty feet (150') of the property line. **Billing for sanitary sewer service shall begin the date of official notice to connect to the public sewer.**

(Iowa Code, Sec. 364-12(3)(f))

8. Whenever any such connection is ordered and the person owning the real estate shall fail to make the connection within the time fixed by the Council, the Council shall cause such connection to be made, and shall assess against the property for which such connection is made, the cost and expense thereof.

a. Whenever the Council shall cause such connection to be made, the person having charge of the making of the same shall make a return of the actual cost and expense thereof to the Council at its first regular meeting thereafter, giving a detailed statement and the description of the property, and the names of the owners of the same, and the amount of cost and expense for making said connection.

b. Upon the making of the return as prescribed in subsection 8.a. above, it shall be the duty of the City Clerk to give notice to all whom it may concern, by publication as provided by Iowa law, that the cost and expense will be assessed against the property for which such connection has been made by the City, and will be acted upon at the first regular meeting of the Council thereafter, and that any objections thereto will be heard at the Council meeting.

c. After hearing objections, if there be any made, and making such alteration in the assessment as the Council may deem just, the Council shall make the assessment; thereupon the City Clerk shall give a certified copy of the

assessment to the Treasurer; and it shall be the duty of the person owning the property so assessed to pay the assessment within thirty (30) days after the levy of the assessment. At the expiration of thirty (30) days, the Treasurer shall report those having failed to pay, whereupon the City Clerk shall certify said assessment, if there are any delinquent thereon, to the County Auditor to be collected and paid over to the County Treasurer in the same manner as other taxes.

6-2-3 BUILDING SEWERS AND CONNECTIONS.

1. No unauthorized person shall uncover, make any connection with, or opening into, use, alter, or disturb, and public sewer or appurtenance thereof without first obtaining a written permit from the City Clerk Treasurer.

2. There shall be two (2) classes of building sewer permits: (1) for residential and commercial service, and (2) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the City Council.

3. All costs and expense-incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

4. A separate and independent building sewer shall be installed for every building.

5. Old building sewers may be used in connection with new buildings only when they are found on examination and test by a representative of the City to meet all requirements of this ordinance. **The City Council may require that the old sewer be excavated for the purpose of facilitating inspection. No old cesspool or septic tank shall be connected to any portion of a building sewer that is also connected to the public sewer. Cesspools and septic tanks shall be located, and drained in a manner approved by the City Council and removed or filled with sand, crushed rock or any other solid material approved by the City Council, except as exempted by the Council.**

6. All building sewers shall be constructed in accordance with applicable portions of the last published (State Plumbing Code of Iowa), and applicable specifications of the American Society for Testing and Materials (ASTM).

a. Water service lines and building sewers shall be separated ten feet (10') horizontally throughout their length. Where conditions render such separation infeasible, sewer and water pipe may be laid in the same trench provided that the water pipe shall be laid on a bench or on solidly tampered backfill at least twelve inches (12") above the top of the building sewer throughout its entire length.

b. If the sewer is to be installed in filled or unstable ground, the building sewer shall be cast iron soil pipe, except that non-metallic material may be accepted if laid on a suitable concrete cradle as approved by the City.

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

d. The size and slope of the building sewer shall meet the approval of the City and in no event shall the diameter be less than four inches (4") and the slope less than one-eighth inch (1/8") per foot. For six inch (6") building sewer, the slope shall not be less than one sixteenth inch (1/16") per foot. Slopes to provide at least 2 feet per second velocity at one-half full are recommended, where a 4" sewer has at least 1.4 feet slope per 100 feet of sewer and a 6" sewer has at least 0.63 feet slope per 100 feet of sewer.

e. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the City. Pipe laying and backfill shall be performed in accordance with A.S.T.M. Specification C-12-19. **Building sewers shall be laid straight at uniform grade between connections or fittings. Where the floor of the trench is of hard or rocky material, the trench shall be excavated to four inches below the pipe and brought back to the proper grade with crushed stone or similar material so as to provide a firm foundation and uniform support for the building sewer line. Backfilling shall be placed in layers and solidly tamped or packed up to two feet above the pipe. No** backfill shall be placed until the work has been inspected by the City.

f. Cleanouts shall be provided for each change in direction or grade if the change exceeds 45 degrees and at least every 100 feet.

7. Wherever possible, the building sewer shall be brought to the building at an elevation below the basement floor. The depth shall be sufficient to afford protection from frost. Changes in direction shall be made only with properly curved pipe and fittings. 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.**

8. **A grease trap meeting the requirements of this Code shall be installed at the owners expense in the waste line leading from sinks, drains, and other fixtures or equipment in the following establishments: restaurants, cafes, lunch counters, cafeterias, bars, taverns and clubs, hotel, hospital, school kitchens, or other establishments where food is prepared for distribution to the public or is prepared for sale or for compensation. A grease trap shall be installed in any other building at which grease or oil may be introduced into the drainage or sewage system in quantities that can effect line stoppage or hinder sewage treatment or private sewage disposal. A grease trap is not required for individual dwelling units or of any private living quarters. A grease trap required by this section shall be installed and its operation and maintenance shall be according to the requirements of Chapter 10 and Appendix H of the Uniform Plumbing Code 1994 as adopted by the**

Iowa Building Code Commissioner and as that code may from time to time be amended by the Iowa Building Code Commissioner.

The use of enzymes to clean or flush a grease trap is prohibited and any means of cleaning a grease trap other than the means required by this ordinance is prohibited.

9. The applicant for the building sewer permit shall notify the City Clerk Treasurer when the building sewer for inspection and connection to the public sewer connection shall be made under the supervision of a representative of the City.

10. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalk, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

11. The City shall, in no event, be held responsible for claims made against it by reason of the breaking of any mains or service pipes, or by reason of any other interruption of the service caused by the breaking of machinery or stoppage for necessary repairs; and no person shall be entitled to damages nor have any portion of a payment refunded for any interruption.

12. The premises receiving sanitary sewer service, shall at all reasonable hours, be subject to inspection by duly authorized personnel of the City.

13. The Owner of the property served by a building sewer shall be responsible for the operation, maintenance, repair, blockage, surface replacement, and any damage resulting from operation, maintenance repair and blockage of said building sewer, from the point of connection with the building drain to the Public Sewer. If the operation, maintenance, repair, and/or blockage, requires street removal, the owner will be responsible for removal and disposal of all excavation materials and shall be responsible for placement and proper compaction of imported crushed stone backfill and surface replacement. The City must approve and authorize the contractor and specifications of removal and replacement of said street before the work is started. The City must approve all work completed.

14. Abatement of Violations. Construction or maintenance of building sewer lines whether located upon the private property of any owner or in the public right-of-way, which construction or maintenance is in violation of any of the requirements of this chapter, shall be corrected, at the owner's expense, within thirty (30) days after date of official notice from the City Council of such violation. If not made within such time the Council shall, in addition to the other penalties herein provided, have the right to finish and correct the work and assess the cost thereof to the property owner. Such assessment shall be collected with and in the same manner as general property taxes. (Code of Iowa, Sec. 364.12 (3))

6-2-4 USE OF PUBLIC SEWERS.

1. No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, **including interior and exterior foundation drains, uncontaminated** cooling water or unpolluted industrial process waters to any sanitary sewer. **Applications may be cancelled and/or sewer service discontinued by the City for any violation of any rule, regulation or condition of service, and especially for any of the following reasons:**

a. **Misrepresentation is the application as to the property or fixtures to be serviced by the sanitary sewer system**

b. **Non-Payment of bills.**

c. **Improper or imperfect service pipes and fixtures, or failure to keep same in suitable state of repair.**

2. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the City. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the City to a storm sewer, combined sewer or natural outlet.

3. Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

a. Any liquid or vapor having a temperature higher than 150°.

b. Any water or waste which may contain more than (100) part per million, by weight, of fat, oil or grease.

c. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.

d. Any garbage that has not been properly shredded. **The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower or greater shall be subject to the review and approval of the City Council.**

e. Solid or viscous substances in quantities of such size capable of causing obstruction to the flow of 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, plastic, 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.

f. Any waters or wastes having a lower pH than (5.5) or higher than (10.0), or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewerage works.

g. Any waters or wastes containing a toxic or poisonous solids, liquids or gasses 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 or create a 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 utility sewer.

h. Any waters or wastes containing suspended solids such as, but not limited to grease or oil, whether emulsified or not, which may solidify or become viscous and can effect line stoppage or interfere with the proper operation of the sewage works and cause extensive repairs.

i. Any noxious or malodorous gas or substance capable of creating a public nuisance

4. Grease, oil, **sludge** and sand interceptors shall be **installed at gas and service stations, convenience stores, car washes, garages, and other facilities by the owner at his expense** when, in the opinion of the City Council, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, and other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the City and shall be located as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which when bolted in place shall be gas tight and watertight.

5. Where installed, all grease, oil, sludge and sand interceptors shall be maintained by the owner at the owner's expense and shall be kept in continuously efficient operation at all times.

6. The admission into the public sewers of any waters or wastes having (a) a 5-day Biochemical Oxygen Demand greater than (300) parts per million by weight, or (b) containing more than (350) parts per million by weight of suspended solids, or (c) containing any quantity of substances having the characteristics described in Section 6-2-4(3), or (d) having an average daily flow greater than (2%) of the average daily sewage flow of the City, shall be subject to the review and approval of the City Council. Where necessary in the opinion of the City Council the owner shall provide at his own expense, such preliminary treatment as may be necessary to, (a) reduce the Biochemical Oxygen Demand to (300) parts per million and the suspended solids to (350) parts per million weight, or (b) reduce objectionable characteristics or constituents to within the maximum limits provided for in Section 6-2-4(3), or (c) control the quantities and rates of discharge of such waters or wastes. Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Iowa State Department of Health, and no construction of such facilities shall be commenced until said approvals are obtained in writing.

7. Where preliminary treatment facilities are provided for any water or wastes, they shall be maintained continuously in satisfactory and effective operation, by the owner at their expense.

8. When required by the City Council, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manholes, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the City Council. 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.

9. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in Sections 6-2-4(3) and 6-2-4(6) shall be determined in accordance with "Standard Methods for the Examination of Water and Sewer", and shall be determined at the control manhole provided for in Section 6-2-4(8), 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.

10. No statement contained in this article shall be construed as to preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefore by the industrial concern.

6-2-5 RATES.

1. There shall be and there is hereby established a sewer service charge for use of and for the service supplied by the municipality sanitary sewer system of the City of Andrew, based upon the amount and rate of water consumed monthly as follows:

a. **A Base Fee of \$19.00 per month for each service connection to the system; plus,**

b. **\$1.75/1000 gallons of water used**

(passed 8/12/08)

In no case shall the minimum service charge be less than **\$19.00 monthly**, which is necessary to retire the indebtedness, operating and maintenance, and reserve necessary for maintaining the sanitary sewer facility. (passed 8/12/08)

Customers of the sanitary sewer facility, who are not also customers of the municipal water system, shall pay a minimum charge of **\$19.00 monthly**.

(passed 8/12/08)

The City shall have the right to negotiate separate contracts to supply sewer service to exceptional water users, including but not limited to non-meter users and large users. Such contracts must be approved by the Council before becoming effective.

2. Bills for the rates and charges are herein established by the City and shall be sent **monthly**. All bills shall be payable on the **25th day of the month** following the period of service and shall be paid at the office of the Clerk of the City. If any charge for the service of the system shall not be paid by the 25th day of the month in which it shall become due and payable, a charge of ten percent (**10%**) of the amount of the bill shall be added thereto and collected therewith. If any bills for the service of the sewer system shall remain unpaid after 30 days following the rendition of the bill therefore, the water supply for the lot, parcel of land of premises affected shall be cut off and shall not be turned on again except on payment in full of the delinquent charges therefore.

3. The service charges for sanitary sewer service to customers not being supplied water by the municipal water system will be due and payable on the 25th day of the month following the period of service.

4. Applications for sewer service shall be filed with the City Clerk-Treasurer upon a form to be supplied by the City. The application shall state the name of the applicant and the premises to be served. All applications filed after the commencement of the operation of the system shall be accompanied by a fee of **\$300.00**, payable to the Clerk of the City, for the connection charge.

5. The owner of the premises served and the occupant thereof and the user of the sanitary sewer service shall be jointly and severally liable for the sewer service provided said premises. **A deposit of \$50.00 shall be required from all tenants**. The deposit shall be applied to any bill for sewer service delinquent more than thirty days. Upon the

disconnection of the sewer service, any balance of such deposit shall be returned to the applicant without interest. The Council shall have the authority to require a deposit from tenants equal to the estimated bill of the tenant for two (2) billing periods.

(Ord. 123, Passed September 8, 1987)

6. It is hereby made the duty of the City Clerk-Treasurer to render bills for sewer service and all other charges in connection therewith and to collect all moneys due therefrom.

7. All sewer charges levied pursuant to this ordinance constitute a lien upon the premises charged therewith and if the same are not paid within sixty days after due date, the charges shall be certified to the Auditor of Jackson County who shall place the same on the tax duplicate and the charges or penalties allowed by law shall be collectible as other municipal taxes.

8. All revenue and money derived from the operation of the sewer system shall be paid to and held by the City Clerk-Treasurer separate and apart from all other funds of the City and all of said sums and all other funds and moneys incident to the operation of said system, as may be delivered to the City Clerk-Treasurer, shall be deposited in a separate fund designated as the "Sanitary Sewer Fund Account" and said City Clerk-Treasurer shall administer said fund in every respect in a manner provided by the Code of Iowa and all other laws pertaining thereto.

9. The City Clerk-Treasurer shall establish a proper system of accounts and shall keep proper records, book and accounts in which complete and correct entries shall be made of all transactions relative to the sewer system; and at regular annual intervals the City Council shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the sewer system.

10. The City reserves the right to request a sum be placed on deposit with the City for the purpose of establishing or maintaining any customer's credit. Such deposit shall not exceed the estimated bill for two (2) billing periods.

(Ord. 124, Passed September 8, 1987)

6-2-6 PROTECTION FROM DAMAGE. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the municipal sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

6-2-7 POWERS AND AUTHORITY OF INSPECTORS. Duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter upon all properties for the purposes of inspection, observation, measurement, sampling, and testing, in accordance with the provisions of this ordinance.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 3 RESERVED

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 4 UTILITIES - WATER SYSTEM

6-4-1	Connection to Water System	6-4-19	Water for Construction Purposes
6-4-2	Application for Service	6-4-20	Interruption of Service
6-4-3	Water Rates	6-4-21	City Responsibility for Interrupted Service
6-4-4	Liability for Water Service; Deposit	6-4-22	Boilers and Pressure Vessels
6-4-5	City Clerk-Treasurer's Duties	6-4-23	Inspection of Water Service
6-4-6	Waterworks Fund	6-4-24	Special Terms and Conditions
6-4-7	Accounting	6-4-25	Permit for Connection to System
6-4-8	Connection to Water System	6-4-26	Standards for Lines and Appurtenances
6-4-9	Property Owner Responsibility	6-4-27	Loss or Damages to Persons or Property
6-4-10	Condition of Service	6-4-28	Sale of Water Prohibited
6-4-11	Customer to Discontinue Service	6-4-29	Easement
6-4-12	Delivery of Bill or Notice	6-4-30	Extension of Water Lines
6-4-13	Due Date, Reading Meters	6-4-31	Refusal to Provide Service
6-4-14	Discontinuing Service, Fees	6-4-32	Amendment to Rules
6-4-15	Deposit	6-4-33	Appeal to City Council
6-4-16	Responsibility for Water Meters		
6-4-17	Testing Water Meters		
6-4-18	Procedure When Meter Ceases to Register		

6-4-1 CONNECTION TO WATER SYSTEM. The owner of all houses, buildings or structures used for human occupancy, employment, recreation or other purposes, situated within the City of Andrew 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 water main or service line of the Municipal Waterworks System of the City is hereby required to connect such building, house or other structure to the Municipal Waterworks System within sixty (60) days after the date of official notice to do so, provided that the property line of the property on which such building, house or structure is located is within one hundred feet (100') of such water main or service line.

6-4-2 APPLICATION FOR SERVICE. Applications for water service to a building, house or other structure shall be filed with the City Clerk-Treasurer upon a form to be supplied by the City and such applications will be unassignable by the customer. The application shall state the name of the applicant and the premises to be served. All applications filed after the commencement of the operation of the Municipal Waterworks System shall be accompanied by a permit and inspection fee of **\$10.00**, payable to the Clerk of the City and shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the inspector. If no application for water service is filed within the time periods required for connection to the Municipal Waterworks System imposed by Section 6-4-1 above, the City may by motion order the

connection to be made and bill the owner of said building, house or structure for the fee thereof.

6-4-3 WATER RATES. There shall be and there are hereby established rates and charges for the use of and for the service supplied monthly by the Municipal Waterworks System of the City of Andrew:

Rates based upon the meter readings of the amount of water consumed as follows:

1. A Base Fee of \$19.00 per month for each service connection to the system; plus,
2. \$3.50/1000 gallon of water used.

Also

3. A monthly \$5.00 Tower Reserve Fee for each service connection to the system.

(Ordinance #156... 3/10/15)

The City shall have the right to negotiate separate contracts to supply water to exceptional users, including but not limited to non-metered users and large users. Such contracts must be approved by the Council before becoming effective.

6-4-4 LIABILITY FOR WATER SERVICE; DEPOSIT. **The owner of the building or premises served and the occupant thereof and the user of the water service shall be jointly and severally liable for the water services provided said building.** A deposit of not less than \$50.00 shall be required from all tenants. Such deposit shall be applied to any bill for water service delinquent more than thirty (30) days. **The Council shall have the authority to require a deposit from tenants equal to the estimated bill of the tenant for two (2) billing periods.**

6-4-5 CITY CLERK DUTIES. It is hereby made the duty of the Clerk to render bills for water service and all other charges in connection herewith and to collect all moneys due therefrom.

6-4-6 WATERWORKS FUND. All revenues and moneys derived from the operation of the water system shall be paid to and held by the Clerk separate and apart from all other funds of the City and all of said sums and all other funds and moneys incident to the operation of said system as may be delivered to the Clerk shall be deposited in a separate fund designated the "**Water Fund Account**" and said Clerk shall administer said fund in every respect in a manner provided by the Code of Iowa and all other laws pertaining thereto.

6-4-7 ACCOUNTING. The Clerk shall establish a proper system of accounts and shall keep proper records, books and accounts in which complete and correct entries shall be made of all transactions relative to the water system and at regular annual intervals the City Council shall cause to be made an audit by an independent audit concern of the

books to show the receipts and disbursements of the water system.

6-4-8 CONNECTION TO WATER SYSTEM. All taps and connections to the mains of the City shall be made by and/or under the direction and supervision of waterworks personnel and constructed in accordance with the provisions of this ordinance.

6-4-9 PROPERTY OWNER RESPONSIBILITY. The property owner shall install and maintain at the property owner's expense that portion of the service from the main to owner's premises, including the necessary tap, fittings, shut-off valve and a stop and waste cock at the-end of the house side of the property owner's service. The minimum earth cover of the customer's service shall be five (5) feet. The City shall determine the size and kind of service to be installed.

6-4-10 CONDITION OF SERVICE. Application may be canceled and/or water service discontinued by the City for any violation of any rule, regulation or condition of service, and especially 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 to the supplies or additional use to be made of water.
3. Resale or giving away of water.
4. Waste or misuse of water due to improper or imperfect service pipes, and/or fixtures, or failure to keep same in suitable state of repair.
5. Tampering with meter, meter seat, service, or valves, or permitting such tampering by others.
6. Connection, cross-connection, or permitting same, of any separate water supply to premises which receive water from the City.
7. Non-payment of bills.

6-4-11 CUSTOMER TO DISCONTINUE SERVICE. A customer may discontinue water service to the customer's premises for periods in which the house, building or other structure so services is not used for human occupancy, employment, recreation or other purposes. Any customer desiring to discontinue the water service to their premises for this reason must give notice of discontinuance in writing at the Clerk's office, otherwise, the customer shall remain liable for all water used and service rendered by the City until said notice is received by the City.

6-4-12 DELIVERY OF BILL OR NOTICE. Bills and notices relating to the conduct of the business of the City will be mailed to the customer at the address listed on the application, unless a change of address has been filled on writing with the Clerk; and the

City shall not otherwise be responsible for delivery of any bill or notice, nor will the customer be excused from nonpayment of a bill or from any performance required in said notice.

6-4-13 DUE DATE, READING METERS.

1. Bills for the rates and charges are herein established by the City and shall be sent **monthly**. All bills shall be **payable on the 25th day of the month following the period of service** and shall be paid at the office of the Clerk of the City. If any charge for the service of the system shall not be paid by the 25th day of the month in which it shall become due and payable, a charge of **ten percent (10%)** of the amount of the bill shall be added thereto and collected therewith. **If any bills for the service of the water system shall remain unpaid after 30 days following the rendition of the bill therefore, the water supply for the lot, parcel of land of premises affected shall be cut off and shall not be turned on again except on payment in full of the delinquent charges therefore.**

2. Meters will be read **monthly**.

6-4-14 DISCONTINUING SERVICE, FEES.

1. If any account is not paid within thirty days from the end of any given period, the service to such owner or person so supplied with the utility shall be discontinued after the following procedures have been complied with:

a. The City Clerk-Treasurer shall send a disconnect or discontinuance notice by posting at address of the disconnect or by ordinary mail providing the following notice to customers: "You are advised that you may request a hearing on this matter to the City Clerk-Treasurer by noon on the day preceding the scheduled shut-off date or discontinuance of service."

b. When a hearing is requested by a customer, the Mayor or the Mayor's designee shall conduct a hearing within two (2) days following the request. The customer shall have the right to present evidence or propose a payment plan. The decision of the Mayor is final.

2. If service is discontinued for nonpayment of fees and charges, or for the violation of any Ordinance, a fee of **\$100.00** shall be paid to the City Clerk-Treasurer in addition to the rates or charges then due before such service is restored. If any such service charge is not paid within sixty (60) days from the date it is due, the same shall constitute a lien upon the premises served by said municipal system, which said lien shall be collected in the same manner as **taxes**.

(Code of Iowa, Sec. 384.84(2))
Ordinance #139 passed 9/14/1999

6-4-15 DEPOSIT. The City reserves the right to request a sum be placed on deposit with the City for purpose of establishing or maintaining any customer's credit. Such deposit shall not exceed the estimated bill for two (2) billing periods.

6-4-16 RESPONSIBILITY FOR WATER METERS. All meters shall be installed, maintained and renewed by and at the expense of the City; provided however, any customer whose meter is damaged by freezing shall pay for the repair and replacement of such meter. The City also reserves the right to determine the size and type of meter used.

6-4-17 TESTING WATER METERS. Upon the written request of any customer, the meter serving said customer shall be tested by the City. Such test will be made without charge to the customer if the meter is found to be inaccurate; otherwise charge of **four dollars (\$4.00)** will be made. The meter shall be considered accurate if the test indicates accuracy within the limits of 2%.

6-4-18 PROCEDURE WHEN METER CEASES TO REGISTER. Where a meter has ceased to register, or meter reading could not be obtained, the quantity of water consumed for billing purpose will be based upon an average of the prior six (6) months consumption, and the conditions of water service prevailing during the period in which the meter failed to register.

6-4-19 WATER FOR CONSTRUCTION PURPOSES. Water for building or construction purposes will be furnished by meter measurement, only after suitable deposit has been made, the minimum deposit being ten dollars (\$10.00); and the amount to be determined by the City depending upon the size of the construction work contemplated; and all water for building or construction purposes, as set forth in the permit, must pass through one and the same meter.

Water so supplied 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 or into or through a ditch or trench and all use of water by other than 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.

6-4-20 INTERRUPTION OF SERVICE. The City shall make all reasonable efforts to eliminate interruption of service, and when such interruptions occur will endeavor to re-establish service with the shortest possible delay. Whenever the service is interrupted for the purpose of working on the distribution system or the station equipment, all customers affected by such interruption will be notified in advance whenever it is possible to do so.

6-4-21 CITY RESPONSIBILITY FOR INTERRUPTED SERVICE. The City shall in no event be held responsible for claim made against it by reason of the breaking of any mains or service pipe, or by reason of any other interruption of the supply of water caused by the breaking of machinery or stoppage for necessary repairs; and no person shall be entitled to damages nor have any portion of a payment refunded for any interruption of service

which in the opinion of the City may be deemed necessary.

6-4-22 BOILERS AND PRESSURE VESSELS. Customers having boilers and/or pressure vessels receiving a supply of water from the City must have a check valve on the water supply line and a vacuum valve on the streamline to prevent collapse in case the water supply from the City is discontinued or interrupted for any reason, with or without notice.

6-4-23 INSPECTION OF WATER SERVICE. The premises receiving a supply of water and all service lines, meter and fixtures, including any and all fixtures within the said premises shall at all reasonable hours be subject to inspection by duly authorized employees of the City.

6-4-24 SPECIAL TERMS AND CONDITIONS. Special terms and conditions may be made where water is used by the City or community for public purposes such as fire extinguishment, public parks, etc.

6-4-25 PERMIT FOR CONNECTION TO SYSTEM. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb the waterworks or appurtenances thereof without first obtaining a written permit from the Clerk. Before a permit may be issued, the person applying for such permit shall have made a written application therefor providing that such person will perform faithfully all work with due care and skill, and in accordance with the laws, rules and regulations established under the authority or any ordinances of the City pertaining to plumbing, waterworks or appurtenances. This application shall state that the person 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 on their part in connection with plumbing, waterworks or appurtenances as prescribed in this ordinance.

6-4-26 STANDARDS FOR LINES AND APPURTENANCES. Service lines and appurtenances shall be constructed of either of the following materials and in accordance with this ordinance and/or the State Plumbing Code:

- a. Flexible Polyethylene Plastic - commercial standards CS 255-63, National Sanitation Foundation approved and stamped as published by United States Department of Commerce minimum rating 160 psi, minimum size 3/4 inch I.D.
- b. 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.
- c. Acrylonitrile-Buctaciene-Styrene - commercial standards 254-63, National Sanitation Foundation approved and stamped.
- d. Copper-ASTM specifications B-88 for type K seamless annealed.

However, all service lines from the main to the curb stop shall be type K copper.

6-4-27 LOSS OR DAMAGE TO PERSONS ON PROPERTY. If any loss or damage to the property of the City or any accident or injury to persons or property is caused by or results from the negligence or wrongful act of the customer, member of the customer's household, their agent or employee, the cost of the necessary repairs or replacements shall be paid by the customer to the City and any liability otherwise resulting shall be that of the customer.

6-4-28 SALE OF WATER PROHIBITED. Water furnished by the City may be used for domestic consumption by the customer, members of his household, and employees only. The customer shall not sell or give the water to any other person.

6-4-29 EASEMENT. Each customer shall grant or convey, or shall cause to be granted or conveyed to the City a permanent easement and right of way across any property owned or controlled by the customer wherever said easement or right of way is necessary for the municipal water facilities and lines, so as to be able to furnish service to the customer.

6-4-30 EXTENSION OF WATER LINES. The City will construct extensions to its water lines to points within its service area but the City shall not be required to make such installations unless the customer pays to the City the entire cost of the installation.

All line extensions shall be evidenced by a contract signed by the City and the person advancing funds for said extension, but each contract shall be null and void unless approved by the Farmers Home Administration and other governing bodies.

If refund of the advance is to be made, the following method shall apply: 20% of the total gross revenue of water sales per year for each service connected to the new extension described in the agreement, for a period not to exceed five years, provided that the aggregate payments do not exceed the total amount deposited.

No refund shall be made from any revenue received from any lines leading up to or beyond the particular line extension covered by contract.

All decisions in connection with the manner of installation of any extension and maintenance thereof shall remain in the exclusive control of the City and such extension shall be the property of the City and no other person shall have any right, title or interest therein.

6-4-31 REFUSAL TO PROVIDE SERVICE. The City may refuse service to persons, not presently customers, when in the opinion of the City the capacity of the facilities will not permit such service.

6-4-32 AMENDMENT TO RULES. These rules may be changed or amended.

6-4-33 APPEAL TO CITY COUNCIL. Complaints may be made to the operator of the system and may be appealed to the City Council within ten (10) days.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 5 UTILITIES - SOLID WASTE

6-5-1	Purpose	6-5-4	Collection and Disposal Fees
6-5-2	Definitions	6-5-5	Manner of Payment
6-5-3	Collection	6-5-6	Failure to Pay

6-5-1 PURPOSE. The purpose of this chapter is to provide a sanitary disposal project for the final disposition of solid wastes, and, thereby, to protect the citizens of this City from such hazards to their health, safety and welfare that result from the uncontrolled disposal.

6-5-2 DEFINITIONS. For use in this chapter, the following terms are defined:

1. The term "agency" shall mean the Jackson County Sanitary Disposal Agency.
2. The term "hazardous materials" shall include explosive materials; materials contaminated by infectious or contagious disease; fly ash or other fine or powdery material; and other material which may present a special hazard to sanitary landfill personnel, equipment or to the public.
3. The term "owner" whenever used in this ordinance shall, in addition to the record titleholder, include any person residing in, renting, leasing, occupying, operating or transacting business in any premises, and as between such parties the duties, responsibilities, liabilities, and obligations hereinafter imposed shall be joint and several.
4. The term "person" shall mean an individual, firm, partnership, domestic or foreign corporation, company, association, trust or other legal entity, and includes a trustee, receiver, assignee or similar representative thereof, but does not include a governmental body.
5. The term "residential premises" shall mean single family dwellings and any multiple family dwelling up to and including four (4) separate family quarters. Garden type apartments and row type housing units shall be considered residential premises regardless of the total number of such apartments or units which may be included in a given housing development.
6. The term "sanitary disposal" shall mean a method of treating and handling solid waste so that it does not produce a hazard to the public health or safety and create a nuisance.
7. The term "sanitary disposal project" shall mean all facilities and appurtenances

including all real and personal property connected with such facilities, which are acquired, purchased, constructed, reconstructed, equipped, improved, extended, maintained or operated to facilitate the final disposition of solid waste without creating a significant hazard to the public health or safety, and which are approved by the executive director of the Department of Environmental Quality.

8. The term "sanitary landfill" shall mean a method of disposing of refuse on land by utilizing the principles of engineering to confine the refuse to the smallest practical area, to reduce it to the smallest practical volume and to cover it with a layer of earth at the conclusion of each day's operation or at such more frequent intervals as may be necessary so that no nuisance or hazard to the public health is created.

9. The term "site" shall mean any location, place or tract of land used for collection, storage, conversion, utilization, incineration or burial of solid wastes.

10. The term "solid waste" shall mean garbage, refuse, rubbish, and other similar discarded solid or semi-solid materials, including but not limited to such materials resulting from industrial, commercial, agricultural and domestic activities. Solid waste may include vehicles.

11. The term "solid waste collection" shall mean the gathering of solid waste from public and private places.

12. The term "solid waste transportation" shall mean the conveying of solid waste from one place to another by means of vehicle, rail car, water vessel, conveyor or other means.

6-5-3 COLLECTION.

1. Accumulations hazardous to health. It shall be unlawful for any person to permit to accumulate on any premises, improved or vacant, or on any public place, such quantities of solid waste, either in containers or not, that shall constitute a health or sanitation hazard.

2. Accumulations hazardous to property. It shall be unlawful for any person to permit to accumulate quantities of solid waste within or close to any building, unless the same is stored in containers in such manner as not to create a health or fire hazard.

3. Protection Required. No person shall haul any solid wastes upon the streets, alleys or public places of the City in any manner except in a vehicle or container so equipped as to prevent the blowing or leakage or dropping off of any of the contents on the public streets or ways of the City or private property therein.

If the City of Andrew, by its council elects to permit the collection of all garbage and rubbish other than by contract, the council may issue permits to applicants upon the payment of a **ten dollar (\$10.00) permit fee**. Each permit shall expire in one year from the date of issuance. The council may establish regulations necessary to protect the

public health which each permit holder must obey. Upon the holder's failure to comply with the rules established or the provisions of the chapter, the council may revoke the permit.

4. Necessity of permit. No person shall collect garbage or rubbish except their own unless authorized by contract or permit.

5. Refuse other than garbage and rubbish. Each person shall dispose of all refuse, other than garbage and rubbish, accumulating on any premises that person owns or occupies, before it becomes a nuisance. It does become a nuisance, the local board of health will deal with it as provided in the Iowa Code.

6-5-4 COLLECTION AND DISPOSAL FEES. The collection and disposal of refuse as provided in this chapter 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:

1. Fees for the use of the Jackson County landfill for each household, industrial, commercial or business establishment shall be **\$ 6.00 monthly** (for garbage & recyclable material).

2. Fees for the collection of garbage or rubbish shall be according to the following schedule.

a. One or two family houses shall be charged **\$10.00** monthly per family.

b. Apartments with separate water meters shall be charged **\$10.00 monthly per meter**.

c. Apartments in which water is furnished by the owner through a central water meter to three or more apartments shall be considered a commercial enterprise and charged **\$10.00 per apartment**.

d. Fees for industrial, commercial or business establishments shall be by individual contracts based on the quantity and the number of pickups per week.

3. The above fees may be increased or decreased at any time **by resolution** of the City Council and shall at all times be sufficient to cover all such costs to the City.

6-5-5 MANNER OF PAYMENT: The fees shall be billed **monthly** in advance, together with water and sewer bills, and if not paid by the **twenty-fifth (25th)** of the month in which the bill is rendered it shall be considered delinquent.

6-5-6 FAILURE TO PAY: The City shall have a lien upon the property served or eligible to be served, in accordance with this chapter, for all delinquent charges. The City Clerk-Treasurer shall certify all delinquent charges to the County Treasurer for collection with and in the same manner as property taxes and to establish property liens.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 5A UTILITIES - RECYCLABLE MATERIAL

6-5A-1 Purpose	6-5A-7 Protection of Recyclable Materials
6-5A-2 Definitions	6-5A-8 Compensation
6-5A-3 Properly-Prepared Recyclables	6-5A-9 Recycling Center
6-5A-4 Scope of Service	6-5A-10 Optional Collection
6-5A-5 Replacement of Recycling Containers	6-5A-11 Collection Fees
6-5A-6 Transportation of Recyclable Material	6-5A-12 Manner of Payment
	6-5A-13 Failure to Pay

6-5A-1 PURPOSE. The purpose of this chapter is to provide the service of curbside service to dispose of recyclable material for the citizens of this City; prolong the life of our county landfill; to help keep disposal costs as low as possible; and to save energy, natural resources and raw materials.

6-5A-2 DEFINITIONS.

1. "Recyclable Materials". The technical ability of a material to be reused in manufacture with the requirement that a recycling collection, processing and market system be in place and economically functioning in order for a material to be recyclable for the purpose of this agreement. Recyclable materials (as defined herein) are itemized as newspaper, glass bottles and containers, aluminum and tin cans, plastic containers with a #1 or #2 inside the recycling symbol. Any other materials that the parties may hereinafter agree to add or delete from the list of recyclables to be collected must be agreed to in writing.

2. "Recycling Containers". A plastic container stamped with the City logo and a registration number, purchased by the City and distributed by the City for a fee to all residential, industrial and commercial locations receiving curbside service.

6-5A-3 PROPERLY-PREPARED RECYCLABLES.

1. Newspaper

*ONLY newspapers and newspaper inserts.

*NO magazines, junk mail, catalogs, phone books, or slick or shiny ads and coupons.

*Newspapers should be bundled and placed in a plastic bag in the bottom of the recycle container or beside it.

2. Other Paper:

*All types of clean paper and junk mail should be placed in a bag by itself.

*NO paper towels, tissues and wax coated paper.

- *Corrugated cardboard should be bundled separately.
- *NO wax-coated boxes such as milk cartons and cereal boxes.

3. Glass Containers:

- *ONLY bottles and jars of clear, brown and green glass.
- *Everything should be rinsed and free of visible food debris.
- *Caps or lids must be removed.
- *Labels can be left on.
- *NO pyrex, window glass, mirrors, ceramics, china, or light bulbs.

4. Cans, Foil, Etc.

- *Aluminum and tin cans, foil, pie pans, etc.
- *Crushing cans is desirable and recommended.
- *Labels must be removed from tin cans.
- *Aluminum cans should be rinsed and free of visible food debris.

5. Plastic Containers:

- *Any plastic container with a #1 or #2 inside the recycling symbol.
- *All containers should be rinsed and free of food debris.
- *NO plastic wraps, bread wrappers, prescription drug bottles.
- *Plastic containers may be crushed and bundled or tied in a bunch and attached to the recycle container.

6-5A-4 SCOPE OF SERVICE. The Contractor shall collect and remove all recyclables placed in or adjacent to recycling containers at the curbside on public streets, from all residential dwelling units and businesses receiving curbside solid waste collection service in the City. **Contractor shall furnish all labor and equipment required to perform curbside collection of recyclables.** Collection will be done on a scheduled basis according to the City in agreement with the Contractor.

The City shall purchase and deliver for a fee one recycling container, the design of which shall be determined by the City, to each residential dwelling, industrial and commercial unit receiving solid waste curbside service in the City. Industrial and commercial locations have the option of receiving a recycle container or renting a dumpster or other receptacle to meet their needs. Requests for exemption and other arrangements must be presented in writing and agreed upon by the City Council.

6-5A-5 REPLACEMENT OF RECYCLING CONTAINERS.

The City agrees that the City will provide replacement recycling containers for a fee when notified by a user or the Contractor that a recycling container is damaged or missing.

If the Contractor is at fault, the Contractor must notify the City promptly and the City will replace the container seeking reimbursement from the Contractor for the replacement container.

If the user is at fault (i.e., a "lost" container, damaged container) or a container is stolen, a replacement container will be provided by the City and the user will be required to pay the City for the replacement container.

Users of recycle containers will notify the City upon evacuation of the premises serviced by the container and will be reimbursed for the container upon return of the container in useable condition.

Residents moving into a new home within the City will contact the City for a recycling container.

6-5A-6 TRANSPORTATION OF RECYCLABLE MATERIALS. The Contractor shall transport the collected recyclables to an approved recycling center. The Contractor shall be responsible for the proper disposal of all recyclables upon pick-up from residences, industries and commercial locations and shall be responsible for the sale of such recyclable materials.

6-5A-7 PROTECTION OF RECYCLABLE MATERIALS. The City agrees to take such steps as may be reasonably practical to protect the Contractor's ownership and the City's interest in all recyclables placed at the curbside for collection by Contractor under the terms of this Agreement.

6-5A-8 COMPENSATION. All revenue collected from the sale of the recyclables shall be the property of the Contractor.

6-5A-9 RECYCLING CENTER. The Contractor shall select a recycling processing center. The recycling center shall accept all recyclables as defined herein. All recyclables collected from the residential dwelling units shall be processed at the curb. Title to the recyclables brought to the recycling center shall be with Contractor and Contractor shall have the responsibility for the sale of such recyclables.

6-5A-10 OPTIONAL COLLECTION. It is optional whether industrial and commercial locations elect to use the Contractor's curbside service and may deliver their own recyclables to a recycling center. However, this service is made available through City contract and will be billed to each residence, industrial and commercial locations using City water. The only exception to this policy will be industrial and commercial locations granted exemption by the City Council.

6-5A-11 COLLECTION FEES. The collection and disposal of recyclables as provided in this chapter 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:

1. Fees for the collection of recyclables shall be included with the fees stated in Ordinance Title VI, Chapter 5 (6-5-4) for Collection and Disposal Fees unless otherwise stated in this ordinance.

2. The above fees may be increased or decreased at any time by resolution of the City Council and shall at all times be sufficient to cover all such costs to the City.

6-5A-12 MANNER OF PAYMENT. The fees shall be billed monthly, **in advance**, together with water and sewer bills, and if not paid by the twenty-fifth of the month in which the bill is rendered, it shall be considered delinquent.

6-5A-13 FAILURE TO PAY. The City shall have a lien upon the property served or eligible to be served, in accordance with this chapter, for all delinquent charges. The City Clerk-Treasurer shall certify all delinquent charges to the County Treasurer for collection with and in the same manner as property taxes and to establish property liens.

(Ordinance 128, Passed February 12, 1991)

TITLE VI PHYSICAL ENVIRONMENT
CHAPTER 5B UTILITIES - YARD WASTE

- 6-5B-1 Definitions
- 6-5B-2 Separation

6-5B-1 DEFINITIONS.

1. "Yard Waste" means organic debris (e.g. grass clippings, leaves, tree limbs, bark, branches, flowers, etc.) which is produced as part of yard and garden development and maintenance.

2. "Degradable Bags" means bags obtained from the collection agent or from local recycle centers.

6-5B-2 SEPARATION OF YARD WASTE REQUIRED. All yard waste shall be separated by the owner or occupant from all other garbage and refuse accumulated on the premises and shall be composted on the premises or placed in degradable bags and set out for collection by the contracted collection agent. Yard waste may also be delivered by City residents to a site designated by the City upon approval of said resident's request by the City Council.

(Ordinance 129, Passed June 3 , 1991)

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 6 STREET CUTS AND EXCAVATIONS

6-6-1	Improvement of Streets: Underground Pipes	6-6-4	Liability Insurance
6-6-2	Permit Required	6-6-5	Refilling: Paving
6-6-3	Application for Permit	6-6-6	Disposal of Property
		6-6-7	Lien

6-6-1 IMPROVEMENT OF STREETS: UNDERGROUND PIPES. Whenever any portion of any street, highway, avenue or alley in the City is ordered paved or otherwise improved by the Council, it shall be the duty of every person to take notice of such order and forthwith and before any such portion of any street, highway, avenue or alley is improved, to make all excavations necessary for laying water or sewer pipes or any other desirable underground services, in any portion of the street, highway, avenue or alley so ordered improved.

6-6-2 PERMIT REQUIRED. No person shall dig, excavate, set post or stakes or in any manner break up any improved or unimproved street, highway, avenue or alley including that portion between the travelled portion and the property line, in the City unless such person first shall have obtained a permit therefore from the City as hereinafter provided. Rural mailboxes may be placed, only upon approval of the City Council at a regular or special meeting. This section shall not apply to any public utility including its authorized employees or agents, when engaged in construction, reconstruction or maintenance of its facilities. However, such utilities are not exempt from public or private liability as required in Sections 6-6-4 and 6-6-7.

6-6-3 APPLICATION FOR PERMIT. Any person desiring a permit shall make application for the same to the office of the clerk-treasurer stating the place, extent and purpose of such excavation, when the same will be made, and that such person will allow the City to recover the cost and expense incurred by such person in back filling any such excavation and restoring the street, highway, avenue or alley at the place which the excavation was made to its condition prior to such excavation. The City may require a deposit in sufficient amount to cover such costs and expense.

6-6-4 LIABILITY INSURANCE. The City may grant a permit, without cost, to any person making application as aforesaid to dig or excavate in any street, highway, avenue or alley of the City; provided such person shall first show proof of liability insurance with limits of \$25,000 for death or injury to each person and with limits of \$100,000 for each occurrence, and with limits of \$10,000 for property damage, subject to the approval of the City, conditioned that such person shall make such excavation and accomplish the object thereof with all possible dispatch, and report to the City as soon as the excavation is completed and the object thereof attained, and to save the City harmless of any damages occasioned by such digging or excavation; and provided, further, that no permit to dig or excavate in the improved streets, highway, avenue or alley of the City shall be granted by the City when the ground is frozen to a depth of twelve (12") or more, unless in case of

extreme emergency.

6-6-5 REFILLING: PAVING. All the work of refilling such excavation may be done by the City at its option and all work of replacing the paving and restoring the street, highway, avenue or alley to its condition prior to any digging or excavation therein shall be done by the City.

6-6-6 DISPOSAL OF PROPERTY. No person excavating earth or stone in any public street, highway, avenue or alley belonging to the City, or any other public place, under contract, without permission from the City, shall sell, or in any other way dispose of the stone and earth so excavated, and any person violating this provision shall pay the City three (3) times the value of such property to be recovered by action of debt in favor of the City.

6-6-7 LIEN. It shall be the duty of the City, upon being notified of any digging or excavating having been completed, to cause, without delay, the paving to be replaced, and the street restored as fully as possible to its former condition, and to keep an accurate account of the expenses incurred by it in such work, and to demand the payment for such expense from the person holding such permit, and if not paid to proceed to collect the same, and with further provision that such refilling and replacing, when done by the obligor, shall remain in good condition and not settle or become uneven for a period of one (1) year after the acceptance of the same.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 7 SUBDIVISION REGULATIONS

GENERAL PROVISIONS

- 6-7-1 Short Title
- 6-7-2 Purpose
- 6-7-3 Application
- 6-7-4 Recording of Plat

DEFINITIONS

- 6-7-5 Terms Defined

IMPROVEMENTS

- 6-7-6 Improvements Required
- 6-7-7 Inspection
- 6-7-8 Minimum Improvements
- 6-7-9 Completion of Improvements
- 6-7-10 Performance Bond

MINIMUM STANDARDS FOR THE DESIGN OF SUBDIVISIONS

- 6-7-11 Minimum Standards

PROCEDURES AND SUBMISSION REQUIREMENTS FOR PLATS

- 6-7-12 Procedures and Submission Requirements for Plats
- 6-7-13 Pre-Application Conference
- 6-7-14 Sketch Plan Required
- 6-7-15 Presentation to City Council
- 6-7-16 Subdivision Classified
- 6-7-17 Plats Required
- 6-7-18 Requirements of Preliminary Plat
- 6-7-19 Referral of Preliminary Plat
- 6-7-20 Action by the City Engineer
- 6-7-21 Action by the Governing Body
- 6-7-22 Final Plat
- 6-7-23 Referral Final Plat
- 6-7-24 Requirements of the Final Plat
- 6-7-25 Final Plat Attachments
- 6-7-26 Action by the Governing Body

OTHER PROVISIONS

- 6-7-27 Variances
- 6-7-28 Chain Subdividing
- 6-7-29 Extraterritorial Review

GENERAL PROVISIONS

6-7-1 **SHORT TITLE.** This chapter shall be known and may be cited as "The City of Andrew, Iowa, Subdivision Control Ordinance."

6-7-2 **PURPOSE.** The purpose of this ordinance is to provide minimum standards for the design, development and improvement of all new subdivisions and resubdivisions of land, so that existing developments will be protected, and so that adequate provisions are made for public facilities and services, and so that growth occurs in an orderly manner, and to promote the public health, safety and general welfare of the citizens of the City of Andrew, Iowa.

6-7-3 **APPLICATION.** Every owner who divides of any original parcel of land, forty (40) acres or part thereof, entered of record in the office of the County Recorder as a single lot, parcel or tract on or before the effective date of these regulations (January 1, 1997) into

three or more lots, parcels, or tracts for the purpose, whether immediate or future, of laying out an addition, subdivision, building lot or lots, acreage or suburban lots, transfer of ownership or building development within the City within one (1) mile of the corporate limits of the City; 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.

6-7-4 RECORDING OF PLAT. No subdivision plat, resubdivision plat or street dedication within the City of Andrew, Iowa, within one (1) mile of the corporate limits of the City as recorded in the office of the County Recorder and filed with the County Auditor, as provided in Section 354.9, Code of Iowa, shall be filed for record with the County Recorder, or recorded by the County Recorder, until a final plat of such subdivision, resubdivision, or street dedication has been reviewed and approved in accordance with the provisions of this ordinance.

Upon the approval of the final plat by the Governing Body, it shall be the duty of the subdivider to immediately file such plat with the County Auditor and County Recorder, as required by law. Such approval shall be revokable after thirty (30) days, unless such plat has been duly recorded and evidence thereof filed with the City Clerk-Treasurer within such thirty (30) days.

DEFINITIONS

6-7-5 TERMS DEFINED. For the purposes of this ordinance, certain words herein shall be defined as and interpreted as follows. Words used in the present tense shall include the future, the singular shall include the plural, the plural shall include the singular, the term "shall" is always mandatory, and the term "may" is permissive.

1. "Acquisition Plat" means the graphical representation of the division of land or rights in land, created as the result of a conveyance or condemnation for right-of-way purposes by an agency of the government or other persons having the power of eminent domain.

2. "Aliquot Part" means a fractional part of a section within the United States public land survey system. Only the fractional parts one-half, one-quarter, one-half of one-quarter, or one-quarter of one quarter shall be considered an aliquot part of a section.

3. "Alley" means public property dedicated to public use primarily for vehicular access to the back or side of properties otherwise abutting on a street.

4. "Auditor's Plat" means a subdivision plat required by either the Auditor or the Assessor, prepared by a surveyor under the direction of the auditor.

5. "Block" means an area of land within a subdivision that is entirely bounded by streets, railroad rights-of-way, rivers, tracts of public land, or the boundary of the subdivision.

6. "Building Lines" means a line on a plat between which line and public right-of-way no building or structures may be erected.

7. "City Engineer" means the professional engineer registered in the State of Iowa designated as City Engineer by the Governing Body or other hiring authority.

8. "Comprehensive Plan" means the general plan for the development of the community, that may be titled master plan, comprehensive plan or some other title, which plan has been adopted by the Governing Body. Such "Comprehensive Plan" shall include any part of such plan separately adopted, and any amendment to such plan or parts thereof.

9. "Conveyance" means an instrument filed with a Recorder as evidence of the transfer of title to land, including any form of deed or contract.

10. "Cul-de-Sac" means a street having one end connecting to another street, and the other end terminated by a vehicular turn around.

11. "Division" means dividing a tract or parcel of land into two parcels of land by conveyance or for tax purposes. The conveyance of an easement, other than public highway easement, shall not be considered a division for the purpose of this chapter.

12. "Easement" means an authorization by a property owner for another to use a designated part of said owner's property for a specified purpose.

13. "Flood Hazard Area" means any area subject to flooding by a one percent (1%) probability flood, otherwise referred to as a one hundred (100) year flood; as designated by the Iowa Department of Natural Resources or the Federal Emergency Management Agency.

14. "Floodway" means the channel of a river or other watercourse and the adjacent lands that must be reserved in order to discharge the waters of a one hundred (100) year flood without cumulatively raising the waterway surface elevation more than one (1) foot.

15. "Forty-Acre Aliquot Part" means one-quarter of one-quarter of a section.

16. "Governing Body" means the City Council of the City of Andrew, Iowa.

17. "Government Lot" means a tract, within a section, that is normally described by a lot number as represented and identified on the township plat of the United States public land survey system.

18. "Improvements" means changes to land necessary to prepare it for building sites including but not limited to grading, filling, street paving, curb paving, sidewalks, walk ways, water mains, sewers, drainageways, and other public works and appurtenances.

19. "Lot" means a tract of land represented and identified by number or letter designation on an official plat.

20. "Lot, Corner". The term "corner lot" means a lot situated at the intersection of two streets.

21. "Lot, Double Frontage". The term "double frontage lot" means any lot that is not a corner lot that abuts two streets.

22. "Metes and Bounds Description" means 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 of the land.

23. "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 offices of the Recorder, Auditor, and Assessor.

24. "Original Parcel" means forty acres or part thereof entered of record in the office of the County Recorder as a single lot or parcel on or before (January 1, 1997).

25. "Owner" means the legal entity holding title to the property being subdivided, or such representative or agent as is fully empowered to act on its behalf.

26. "Parcel" means a part of a tract of land.

27. "Performance Bond" means a surety bond or cash deposit made out to the City of Andrew, Iowa, in an amount equal to the full cost of the improvements which are required by this ordinance, said cost estimated by the City and said surety bond or cash bond being legally sufficient to secure to the City that the said improvements will be constructed in accordance with this ordinance.

28. "Permanent Real Estate Index Number" means a unique number or combination of numbers assigned to a parcel of land pursuant to Section 441.29 of the Code of Iowa.

29. "Plat" means a map drawing, or chart on which a subdivider's plan for the subdivision of land is presented, that said subdivider submits for approval and intends, in final form, to record.

30. "Plats Officer" means the individual assigned the duty to administer this ordinance by the Governing Body or other appointing authority.

31. "Plat of Survey" means the graphical representation of a survey of one or more parcels of land, including a complete and accurate description of each parcel within the plat, prepared by a registered land surveyor.

32. "Proprietor" means a person who has a recorded interest in land, including a person selling or buying land pursuant to a contract, but excluding persons holding mortgage, easement, or lien interest.

33. "Resubdivision" means any subdivision of land that has previously been included in a recorded plat. In appropriate context it may be a verb referring to the act of preparing a plat of previously subdivided land.

34. "Street" means public property, not an alley, intended for vehicular circulation. In appropriate context the term "street" may refer to the right-of-way bounded by the property lines of such public property, or may refer to the paving installed within such right-of-way.

35. "Street, Arterial" means a street primarily intended to carry traffic from one part of the City to another, and not intended to provide access to abutting property.

36. "Street, Collector" means a street primarily designed to connect smaller areas of the community, and to carry traffic from local streets to arterial streets.

37. "Street, Local" means a street primarily designed to provide access to abutting property.

38. "Subdivider" means the owner of the property being subdivided, or such other person or entity empowered to act on the owner's behalf.

39. "Subdivision" means the accumulative effect of dividing an original lot, tract, or parcel of land, as of (January 1 1997) into three (3) or more lots for the purpose of immediate or future sale or transfer for development purposes excluding public roadways, public utility extensions, and land taken by condemnation. The term includes a resubdivision or replatting. When appropriate to the context, the word may relate to the process of subdividing or the land subdivided.

Any person not in compliance with the provisions of the subdivision definition at the time of its effective date (January 1, 1997), shall not be required to comply with such provisions unless or until a new division, re-subdivision or replatting occurs following that effective date.

40. "Subdivision Plat" means the graphical representation of the subdivision of land, prepared by a registered land surveyor, having a number or letter designation for each lot within the plat and succinct name or title that is unique for the county where the land is located.

41. "Surveyor" means a registered land surveyor who engages in the practice of land surveying pursuant to Chapter 114 of the Code of Iowa.

42. "Tract" means an aliquot part of a section, a lot within an official plat, or a government lot.

43. "Utilities" means systems for the distribution or collection of water, gas, electricity,

wastewater, and storm water.

IMPROVEMENTS

6-7-6 IMPROVEMENTS REQUIRED. The subdivider shall, at said subdivider's expense, install and construct all improvements required by this ordinance. All required improvements shall be installed and constructed in accordance with the design standards established for such improvements by the City, and as shown on the approved preliminary plat.

6-7-7 INSPECTION. All improvements shall be inspected to insure compliance with the requirements of this ordinance. The cost of such inspection shall be borne by the subdivider and shall be the actual cost of the inspection to the City.

6-7-8 MINIMUM IMPROVEMENTS. The improvements set forth below shall be considered the minimum improvements necessary to protect the public health, safety and welfare.

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 Governing Body after receiving the report and recommendations of the City Engineer.

2. Roadways. All roadways shall be surfaced with asphaltic concrete over a crushed stone base as the Governing Body 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 Governing Body after receiving the report and recommendations of the City Engineer. Newly constructed curbs and gutters shall comply with the Americans With Disabilities Guidelines (ADAAG).

4. Sidewalks. Sidewalks shall be required by the governing body if they are considered necessary for the general welfare and safety of the community. Sidewalks shall be constructed to the grade approved by the governing body and all construction, repair, and maintenance of sidewalks shall comply with Americans with Disabilities Guidelines (ADAAG).

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 standards, procedures 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 as required to make the sewer accessible to each lot in the subdivision. Sanitary sewers shall be stubbed into each lot. Sewer systems shall be approved by the Governing Body and the State Department of Health and the

construction subject to the supervision of the City engineer.

b. Where sanitary sewers are not available, other facilities, as approved by the Governing Body and the State Department of Health must be provided for the adequate disposal of sanitary wastes.

c. Adequate provisions shall be made for the disposal of storm waters, subject to the approval of the Governing Body and to the supervision of the City engineer.

6-7-9 COMPLETION OF IMPROVEMENTS. Before the Governing Body shall approve the final plat, all of the foregoing improvements shall be constructed and accepted by formal resolution of the Governing Body. Before passage of said resolution of acceptance, the City engineer shall report that said improvements meet all City specifications and ordinances or other City requirements, and the agreements between subdivider and the City.

6-7-10 PERFORMANCE BOND. The completion requirement may be waived in whole or in part if the subdivider will post a performance bond with the Governing Body 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.

MINIMUM STANDARDS FOR THE DESIGN OF SUBDIVISIONS

6-7-11 MINIMUM STANDARDS. The following standards shall be considered the minimum standards necessary to protect the public health, safety, and general welfare.

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 streets.

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 Governing Body to meet a particular situation where topographical or other conditions made continuance or conformance to existing streets impracticable.

2. Acreage subdivisions.

a. Where the plat submitted covers only a part of the subdivider's plat, a sketch of the prospective future system of the unsubmitted 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 system 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.

c. Subdivisions showing unplatted strips or private streets controlling access to public ways will not receive approval.

3. Local streets.

a. Local 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 (100) feet. 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 Governing Body may require marginal access streets, reverse frontage with screen planting contained in a nonaccess 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 or limited access highway right-of-way, the Governing Body 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. 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 Governing Body 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 platted 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 Governing Body shall determine for special cases.

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 Governing Body may deem it necessary. The Governing Body may permit comparable cutoffs or chords in place of rounded corners.

8. Street names. Streets that are in alignment with others already existing and named 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 Governing Body.

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 shall be less than one-half (1/2) of one (1) percent.

10. Alleys.

a. Alleys shall be provided in commercial and industrial districts, except that the Governing Body 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 movements.

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 Governing Body.

11. Blocks.

a. No block may be more than one thousand three hundred twenty (1,320) feet or less than five hundred (500) feet in length between the center lines of intersecting streets, except where, in the opinion of the Governing Body, extraordinary conditions unquestionably justify a departure from these limits.

b. In blocks over seven hundred (700) feet in length, the Governing Body 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.

(1) Residential lots where not served by public sewer shall not be less than eighty (80) feet wide nor 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 ten (10) 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 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 shall be shown on all lots within the platted area. The Governing Body may require building lines in accordance with the needs of each

subdivision.

14. Easements.

a. Easement 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 watercourse, 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 watercourse, 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 Governing Body. The markers shall be of such material, size and length as may be approved by the Governing Body.

PROCEDURES AND SUBMISSION REQUIREMENTS FOR PLATS.

6-7-12 PROCEDURES AND SUBMISSION REQUIREMENTS FOR PLATS. In obtaining final approval of a proposed subdivision by the Governing Body, the subdivider and owner shall submit a plat in accordance with the requirements hereafter set forth and install improvements or provide a performance bond.

6-7-13 PRE-APPLICATION CONFERENCE. Whenever a subdivision located within the platting jurisdiction of the City is proposed, the owner and subdivider shall schedule a preapplication conference with the City Clerk-Treasurer. The conference should be attended by the City Clerk-Treasurer and such other City or utility representatives as is deemed desirable; and by the owner and said owner's engineer and/or planner, as deemed desirable.

The purpose of such conference shall be to acquaint the City with the proposed subdivision, and to acquaint the subdivider with the requirements, procedures, and any special problems relating to the proposed subdivision.

6-7-14 SKETCH PLAN REQUIRED. For the pre-application conference, the subdivider shall provide a map or sketch showing the location of the subdivision, the general location of any proposed streets and other improvements, and the general layout and arrangement of intended land uses, in relation to the surrounding area.

6-7-15 PRESENTATION TO CITY COUNCIL. The subdivider may present the sketch plan to the Governing Body for review, prior to incurring significant costs preparing the preliminary or final plat.

6-7-16 SUBDIVISION CLASSIFIED. Any proposed subdivision or resubdivision shall be classified as minor subdivision or a major subdivision.

1. Minor Subdivision. Means any subdivision that contains not more than four (4) lots fronting on an existing street and that does not require construction of any public improvements, and that does not adversely affect the remainder of the parcel shall be classified as a minor plat.

2. Major Subdivision. Any subdivision that, in the opinion of the Governing Body, does not for any reason meet the definition of a minor subdivision, shall be classified as a major subdivision.

6-7-17 PLATS REQUIRED. In order to secure approval of a proposed subdivision, the owner and subdivider of any major subdivision shall comply with the requirements for a preliminary plat and the requirements for a final plat. The owner and subdivider of a minor subdivision or an auditor's plat may elect to omit the submission of a preliminary plat.

6-7-18 REQUIREMENTS OF PRELIMINARY PLAT. The subdivider shall prepare and file with the City Clerk-Treasurer four (4) 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, bearing angles, and references to section, townships and range lines or corners.
3. Present and proposed streets, alleys and sidewalks, with their 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 limitation.
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 which 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) percent and at vertical intervals of not more than five (5) feet if the general slope is ten (10) percent or greater, unless the City Council waives this requirement.

6-7-19 REFERRAL OF PRELIMINARY PLAT. The City Clerk-Treasurer shall forthwith refer two (2) copies of the preliminary plat to the City Engineer and (2) copies to the Governing Body.

6-7-20 ACTION BY THE CITY ENGINEER. The City Engineer shall carefully examine said preliminary plat as to its compliance with Section 354.8 of the Code of Iowa and the laws and regulations of the City of Andrew, Iowa, the existing street system, and good engineering practices, and shall, as soon as possible, submit the City engineer's findings in duplicate to the Governing Body together with one (1) copy of the plat received.

6-7-21 ACTION BY THE GOVERNING BODY. The Governing Body shall, upon receiving the report of the City Engineer, as soon as possible, but not more than thirty (30) days thereafter, consider said report, negotiate with the subdivider on changes deemed advisable and the kind and extent of improvements to be made by the subdivider, and pass upon the preliminary plat as originally submitted or modified. If the Governing Body does not act within thirty (30) days, the preliminary plat shall be deemed to be approved, provided, however, that the subdivider 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 Governing Body or disapproval of the plat, it shall give its reasons therefor 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 Governing Body shall express its approval as "Conditional Approval" and state the conditions of such approval, if any.

3. The action of the Governing Body shall be noted on two (2) copies of the preliminary plat, referenced and attached to any conditions determined. One (1) copy shall be returned to the subdivider and the other copy retained by the Governing Body.

4. The "Conditional Approval" by the Governing Body shall not constitute final

acceptance of the addition or subdivision by the City but an authorization to proceed with preparation of the final plat.

6-7-22 FINAL PLAT. The final plat shall conform substantially to the preliminary plat as approved, and, if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which the subdivider proposes to record and develop at the time, provided, however, that such portion conforms to all requirements of these regulations.

6-7-23 REFERRAL FINAL PLAT. The subdivider shall, within twelve (12) months of the "Conditional Approval" of the preliminary plat by the Governing Body prepare and file four (4) copies of the final plat and other required documents with the City Clerk-Treasurer as hereafter set forth, and upon the subdivider's failure to do so within the time specified, the "Conditional Approval" of the preliminary plat shall be null and void unless an extension of times is applied for and granted by the Governing Body. Upon receipt of the final plat and other required documents, the City Clerk-Treasurer shall transmit two (2) copies of the final plat to the Governing Body for its recommendations and approval.

Except for a final plat for a minor subdivision or an auditor's plat as set forth herein, no final plat shall be considered by the Governing Body until and unless a preliminary plat for the area included in the proposed final plat has been approved and has not expired and become void as set forth above.

At its discretion the Governing Body may refer the final plat to the City Engineer pursuant to the procedure established in Section 6-7-18.

6-7-24 REQUIREMENTS OF THE FINAL PLAT. The final plat shall conform to the requirements of chapter 355, Code of Iowa, and 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 linen. 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, streets and alleys. These should be exact and complete to include all distances, radii, arc, chords, 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 U.S., county or other official bench marks.
5. The signature and acknowledgement of the subdivision land owner and the subdivision land owner's spouse.

6. A sealed certification of the accuracy of the plat and that the plat conforms to Section 354.8 of the Code of Iowa by the professional engineer or land surveyor who drew the final plat.

6-7-25 FINAL PLAT ATTACHMENTS. 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 the owner's 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 acknowledgements of deeds.
3. A complete abstract of title and an attorney's opinion showing that the fee title to the subdivision land is in the owner's name and that the land is free from encumbrances other than those secured by an encumbrance bond.
4. A certificate from the County Treasurer that the subdivision land is free from taxes.
5. A certificate from the Clerk of District Court that the subdivision land is free from all judgments, attachments, mechanics or other liens of record in the clerk's office.
6. A certificate from the County Recorder that the title in fee is in the owner's name and that it is free from encumbrances other than those secured by an encumbrance bond.
7. A certificate of dedication of streets and other public property.
8. A statement of restrictions of all types that run with the land and become covenants in the deeds of lots.
9. Resolution and certificate for approval by the Governing Body and for signatures of the Mayor and Clerk.
10. Profiles, typical cross sections, 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.
11. A certificate by the City Clerk-Treasurer 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 Clerk-Treasurer, or that the Governing Body has agreed that the City will provide the necessary improvements and installations and assess the costs against the subdivider or future property owners in the subdivision.
12. The encumbrance bond, if any, as specified in Sections 354.11 and 354.12, Code of Iowa.

6-7-26 ACTION BY THE GOVERNING BODY. Upon receipt of the plat, but not more than sixty (60) days following submission of the final plat to the Clerk as stated in Section 6-7-23 the Governing Body shall either approve or disapprove the final plat.

1. In the event that said plat is disapproved by the Governing Body, such disapproval shall be expressed 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 Governing Body shall accept the same.

3. The passage of a resolution by the Governing Body 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 Jackson, County, Iowa, and shall file satisfactory evidence of such recording before the City shall recognize the plat as being in full force and effect.

OTHER PROVISIONS

6-7-27 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 subdivider, because of unusual topography or other conditions, the Governing Body may vary, modify or waive the requirements so that substantial justice may be done and the public interest secure. Provided, however, that such variance, modification or waiver will not have the effect of nullifying the intent and purpose of this ordinance. Such variances and waivers may be granted only by the affirmative vote of three-fourths (3/4) of the members of the Governing Body.

6-7-28 CHAIN SUBDIVIDING. No more than two building permits for each separate tract existing at the effective date of this ordinance shall be issued unless the tract has been platted in accordance with this ordinance; except that this provision shall not limit the number of building permits that may be issued for accessory buildings as may be defined by the restricted residence district ordinance or additions or improvements to a main or accessory building already legally located upon said tract.

6-7-29 EXTRATERRITORIAL REVIEW. Procedures for certifying approval of subdivisions in the extraterritorial area of the City shall be the same as those established for other subdivisions with the City unless waived by the Governing Body.

TITLE VI PHYSICAL ENVIRONMENT
CHAPTER 8 SIDEWALK REGULATIONS

6-8-1	Purpose	6-8-10	Permits for Construction or Removal
6-8-2	Definitions	6-8-11	Failure to Obtain Permit; Remedies
6-8-3	Cleaning, Snow, Ice, and Accumulations	6-8-12	Inspection and Approval
6-8-4	Maintenance Responsibility	6-8-13	Barricades and Warning Lights
6-8-5	Liability of Abutting Owner	6-8-14	Interference with Sidewalk Improvements
6-8-6	Ordering Sidewalk Improvements	6-8-15	Special Assessments for Construction and Repair
6-8-7	Repairing Defective Sidewalks	6-8-16	Notice of Assessment for Repair or Cleaning Costs
6-8-8	Notice of Inability to Repair or Barricade	6-8-17	Hearing and Assessment
6-8-9	Standard Sidewalk Specifications	6-8-18	Billing and Certifying to County
		6-8-19	ADAAG Compliance.

6-8-1 PURPOSE. The purpose of this chapter is to improve and maintain sidewalks in a safe condition, to require owners of abutting property to maintain, repair, replace, construct or reconstruct sidewalks.

6-8-2 DEFINITIONS. As used in this chapter, the following terms have these meanings:

1. Defective Sidewalk. Any public sidewalk exhibiting one or more of the following characteristics:

- a. vertical separations equal to three-fourths (3/4) inch or more.
- b. horizontal separations equal to three-fourths (3/4) inch or more.
- c. holes or depressions equal to three-fourths (3/4) inch or more and at least four (4) inches in diameter.
- d. spalling over fifty (50) percent of the surface of a single square of the sidewalk with one or more depressions equal to one-half (1/2) inch or more.
- e. spalling over less than fifty (50) percent of a single square of the sidewalk with one or more depressions equal to three-fourths (3/4) inch or more.
- f. a single square of sidewalk cracked in such a manner that no part thereof has

a piece greater than one square foot.

g. a sidewalk with any part thereof missing to the full depth.

h. a change from design or construction grade equal to or greater than three-fourths (3/4) inch per foot.

2. Sidewalk Improvements. The construction, reconstruction, repair, replacement, or removal of a public sidewalk or the excavating, filling, or depositing of material in the public right-of-way in connection therewith.

3. Owner. The person owning the fee title or the contract purchaser for purposes of notification required herein. For all other purposes, "owner" shall include the lessee, or person in possession.

6-8-3 CLEANING SNOW, ICE, AND ACCUMULATIONS. It shall be the duty of the owner to keep sidewalks abutting the owner's property clear of the natural accumulations of snow or ice. If the owner fails to do so within twenty four (24) hours after deposit of accumulation, the Mayor may have the natural accumulations of snow or ice removed without notice to the property owner. The Mayor shall give the Council an itemized and verified statement of the removal costs and a legal description of the property at the next regular Council meeting. The costs shall be reviewed by the Council, and if found correct, shall be assessed against the property as taxes. The City Clerk-Treasurer shall be directed to certify the costs to the County Auditor for collection as provided in Section 364.12 of the Code of Iowa.

6-8-4 MAINTENANCE RESPONSIBILITY. The abutting property owner or owners shall be responsible for the repair, replacement or reconstruction of all broken or defective sidewalks to a safe condition and to maintain in a safe condition all sidewalks in the abutting street right-of-way.

6-8-5 LIABILITY OF ABUTTING OWNER. As provided in Section 364.14, Code of Iowa, in the event the owner of property abutting any public sidewalk fails or refuses to perform any act required of them by this ordinance and in the event an action is brought against the City for personal injuries alleged to have been caused by a defect in or the condition of said sidewalk, the City may notify in writing the said abutting owner that it claims the injury was caused by their negligence and/or their failure to repair the defect or eliminate the condition complained of. The notice shall state the pendency of the action, the name of the plaintiff, the name and location of the court where the action is pending, a brief statement of the alleged facts from which the cause arose, that the City believes that the person notified is liable to it for any judgment rendered against the City, and asking the person to appear and defend.

A judgment obtained in the suit is conclusive in any action by the City against any person so notified, as to the existence of the defect or condition or other cause of the injury or damage, as to the liability of the City to the plaintiff in the first named action, and as to the amount of the damage or injury. The City may maintain an action against the person

notified to recover the amount of the judgment together with all the expenses incurred by the City in the suit.

6-8-6 ORDERING SIDEWALK IMPROVEMENTS. The City Council may order the construction, reconstruction, repair, or replacement of permanent sidewalks upon any street or court. Notice of this order shall be sent to the owner by certified mail. The notice shall include the fact that the owner may request a hearing by the Council within fifteen (15) days or receipt of the notice.

6-8-7 REPAIRING DEFECTIVE SIDEWALKS. It shall be the duty of the abutting property owner at any time, or upon receipt of thirty (30) days' notice from the City, to repair, replace, or reconstruct all broken or defective sidewalks in the abutting street right-of-way. If, after the expiration of the thirty (30) days as provided in the notice, the required work has not been done or is not in the process of completion, the Mayor shall order the work to proceed to repair, replace, or reconstruct the sidewalk. Upon completion of the work, the Mayor shall submit to the Council an itemized and verified statement of expenditures for material and labor, and the legal description of the property abutting the sidewalk on which work has been performed. These costs shall be assessed to the property as taxes. The City Clerk-Treasurer shall be directed to certify the costs to the County Auditor for collection as provided in Section 364.12 of the Code of Iowa.

6-8-8 NOTICE OF INABILITY TO REPAIR OR BARRICADE. It shall be the duty of the owner of the property abutting the sidewalk, or of the contractor or agent of the owner, to notify the City immediately in the event the owner is unable to make necessary sidewalk improvements or to install or erect warnings and barricades as required by this chapter.

6-8-9 STANDARD SIDEWALK SPECIFICATIONS. Sidewalks constructed, repaired, or replaced under the provisions of this chapter shall be of the following construction and meet the following standards:

1. Portland cement concrete shall be the only material used in the construction and repair of sidewalks unless otherwise authorized by the City Council.

2. Sidewalks shall be on one-course construction.

3. Concrete may be placed directly on compact and well-drained soil. Where soil is not well drained, a four (4) inch sub-base of compact, clean, coarse gravel, sand, or cinders shall be laid.

4. All sidewalks shall be constructed to the grade approved by the governing body and comply with the Americans with Disabilities Guidelines (ADAAG).

5. Residential sidewalks shall be at least four (4) feet wide, or match existing sidewalks, and four (4) inches thick, and each section shall be no more than four (4) feet in length. In the central business district, sidewalks shall extend from the property line to the curb unless the Council shall establish a different distance due to the circumstances. Each section shall be four (4) inches thick and no more than six (6) feet in length and

width. All driveway areas shall not be less than six (6) inches in thickness.

6. Residential sidewalks shall be located with the inner edge (edge nearest the abutting private property) on the property line, unless the Council shall establish a different distance due to the circumstances.

7. All elevations of sidewalks are to be established by the City Council on a case-by-case basis.

8. All sidewalks shall slope at least one-quarter (1/4) inch per foot toward the curb, but in no event more than one-half (1/2) inch per foot toward the curb.

9. All sidewalks shall have a steel trowel finish followed by a "broom" or a "wood float" finish.

10. Ramps for the handicapped. There shall not be less than two (2) curb cuts or ramps per lineal block which shall be located on or near the cross-walks at intersections. Each curb cut or ramp shall be at least thirty (30) inches wide, shall be sloped at not greater than one inch of rise per twelve (12) inches lineal distance, except that a slope no greater than one inch of rise per eight (8) inches lineal distance may be used where necessary, shall have a nonskid surface, and shall otherwise be so constructed as to allow reasonable access to the crosswalk for physically handicapped persons using the sidewalk.

11. All sidewalk improvements on public property, whether performed by the owner of the abutting property or by the City, shall be performed in accordance with the standard sidewalk specifications set forth in this chapter.

6-8-10 PERMITS FOR CONSTRUCTION OR REMOVAL. No person shall make any sidewalk improvements unless such person shall obtain a permit from the City Clerk-Treasurer. The permit shall state that the person will comply with the ordinances of the City and with the specifications for sidewalks adopted by the City. The permit also shall state that the work will be done under the direction and approval of the City Council. A copy thereof, with the application, shall be filed and preserved in the office of the City Clerk-Treasurer. The cost of a permit shall be as follows: Residential Areas \$5.00; Fire Limits Area \$10.00. The permit shall state when the work is to be commenced and when the work is to be completed. The time of completion for the sidewalk improvements may be extended by the City Council. All permits for sidewalk improvements not ordered by resolution of the City Council shall be issued in compliance with this chapter. The City Council may withhold the issuance of any permit for any sidewalk improvements for a sufficient period to determine the necessity for the proposed improvements or when weather conditions will adversely affect the sidewalk improvements.

6-8-11 FAILURE TO OBTAIN PERMIT; REMEDIES. Whenever any sidewalk improvements are made that do not conform to the provisions of this chapter and with the specifications, or when any sidewalk improvements are made without a permit, the Mayor shall serve notice to obtain a permit upon the property owner and upon the contractor doing the work. If the sidewalk is in the course of construction, the notice shall order the

work to stop until a permit is obtained and the work is corrected to comply with the specifications. If the sidewalk work has been completed, the owner shall obtain a permit immediately and perform any needed corrections within five (5) days from receipt of the permit. If the owner fails to comply with this notice, the Mayor shall have the work completed and the costs assessed to the property owner as provided in this chapter.

6-8-12 INSPECTION AND APPROVAL. Upon final completion, the Superintendent of Public Works shall inspect the work and may order corrections if the work does not meet specifications. When the work does meet all requirements of this chapter, the specifications, and the permit, the Superintendent of Public Works shall indicate this on both copies of the permit.

6-8-13 BARRICADES AND WARNING LIGHTS. Proper warning lights and barricades shall be placed to protect persons from materials, equipment, and dangerous conditions. Placement and maintenance of adequate warnings is the responsibility of the constructor, the owner, and the lessee of the property.

6-8-14 INTERFERENCE WITH SIDEWALK IMPROVEMENTS. No person shall knowingly or willfully drive any vehicle upon any portion of any sidewalk or approach thereto while it is in the process of being improved, or upon any portion of any completed sidewalk or approach thereto, or shall remove or destroy any part or all of any sidewalk or approach thereto, or shall remove, destroy, mar, or deface any sidewalk at any time or destroy, mar, remove, or deface any notice or warning device provided by this chapter.

6-8-15 SPECIAL ASSESSMENTS FOR CONSTRUCTION AND REPAIR. The City Council may assess the cost of initial construction, improvements, and/or repair of sidewalks in the City according to the special assessment procedures established in Chapter 384, division IV, Code of Iowa.

6-8-16 NOTICE OF ASSESSMENT FOR REPAIR OR CLEANING COSTS. When the Mayor submits a bill for sidewalk improvements or for removal of accumulations as provided in this chapter, the City Clerk-Treasurer shall send a notice of such facts to the owner of the abutting property. The notice may be given either by personal service or by certified mail to the last known address of the owner. The notice shall contain a statement of the work performed, the cost of the work that is being assessed, a description of the property affected, and the fact that the person may pay the amount assessed within thirty (30) days without interest or penalty. The notice also shall indicate that the person may object to such assessment and given the place and time at which Council will hear such objections. The time set for hearing shall be at least fifteen (15) days after the service or mailing of the notice.

6-8-17 HEARING AND ASSESSMENT. At the time and place designed in the Notice, the Council shall consider all objections to the assessment, correct all errors or omissions, and adopt a corrected list as the amounts to be assessed against the property.

6-8-18 BILLING AND CERTIFYING TO COUNTY. Thirty (30) days after the Council's decision, the City Clerk-Treasurer shall certify any unpaid amounts to the County Auditor.

The unpaid assessments shall constitute a lien against the property and shall be collected by the County Treasurer in the same manner as other taxes. Any assessment that exceeds \$100 may be paid in installments as set by Council, not exceeding ten, in the same manner and at the same interest rates as for special assessments under Chapter 384, division IV, Code of Iowa. No interest shall be charged for assessments, or parts thereof, paid within thirty (30) days of the time the Council determined the final amounts.

6-8-19 ADAAG Compliance. All construction, repair, and maintenance of sidewalks shall comply with Americans with Disabilities Guidelines (ADAAG).

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 9 RESTRICTED RESIDENCE DISTRICT

6-9-1	'R-1' Restricted Residential District	6-9-5	Roof
6-9-2	Use Regulations	6-9-6	Public Hearings
6-9-3	Permit Required	6-9-7	Fee Required
6-9-4	Yard Regulations	6-9-8	Action to Abate

6-9-1 'R-1' RESTRICTED RESIDENTIAL DISTRICT. All of the area within the corporate limits of the City of Andrew, Iowa, shall be considered within the 'R-1' Restricted Residential District, except all the area within the fire limits area as designated by ordinance Title III, Chapter 5, Section 1.

6-9-2 USE REGULATIONS.

1. Use Regulations: A building or premises shall be used only for the following purposes:

- a. Farming
- b. Single family dwellings.
- c. Two (2) family dwellings.
- d. Churches.
- e. Public buildings, parks, playgrounds, and community centers.
- f. Public schools, elementary and high schools.
- g. Home occupations.
- h. Temporary building, the uses of which are incidental to construction operations or sale of lots during development being conducted on the same or adjoining tract or subdivision and which shall be removed upon completion or abandonment of such construction or upon the expiration of two (2) years from the time of erection of such temporary building, whichever is sooner.
- i. Temporary signs pertaining to the lease, hire or sale of a building or premises on which the sign is located.
- j. Accessory buildings and uses including, but not limited to, accessory private garages, swimming pools, home barbecue grills, customary church bulletin boards or identification signs not exceeding thirty square feet (30 sq. ft.) in area for permitted public and semi-public uses, accessory storage, and accessory off street parking and loading space.

- k. Mobile Homes, upon four fifths (4/5) vote of the entire council, after conducting a public hearing as provided in Section 6-9-6 of this ordinance.
- l. Multiple-family dwellings containing either three or four dwelling units.
(Ord #138, passed 1998)

2. Exceptions to 'R-1' Use Regulations. After a public hearing as provided in Section 6-9-6, the Council may, upon a four fifths (4/5) vote of the entire Council, issue a permit for any use not permitted in Section 6-9-2(1).

6-9-3 PERMIT REQUIRED. It shall be unlawful to erect, construct, reconstruct, alter or move into or from any building within the Restricted Residential District, except by obtaining a permit from the City Council, issued at a regular or special meeting two weeks (2) after complete plans and specifications have been filed in the office of the City Clerk-Treasurer. All work activity allowed under grant of permit shall be completed within one (1) year following issuance of the permit. If the work is not complete, the applicant must obtain a new permit from the City Council.

6-9-4 YARD REGULATIONS.

- 1. Yard Regulations. The yard regulations for the Restricted Residential District are as follows:
 - a. Front Yard. There shall be a front yard of not less than thirty feet (30').
 - b. Side Yard. There shall be a side yard on each side of a lot of not less than seven feet (7').
 - c. Rear Yard. There shall be a rear yard of not less than thirty feet (30').
- 2. Minimum Lot Area.
 - a. A lot occupied as a single family dwelling shall contain not less than seven thousand two hundred square feet (7,200 sq. ft.); and shall be not less than sixty feet (60') feet in width.
 - b. A lot occupied by a two family dwelling shall contain not less than nine thousand square feet (9,000 sq. ft.), and shall be not less than seventy-five feet (75') in width.
 - c. A lot occupied by a three or four family dwelling shall contain not less than one thousand eight hundred square feet (1,800 sq. ft.) per dwelling unit, and shall be not less than seventy-five feet (75') in width.
(Ord #138, passed 1998)
 - d. A lot having an area or width less than herein required and which was recorded under separate ownership from adjoining lots as of August 8, 1978, may be occupied by a single family dwelling or by any other nonresidential use permitted by this Ordinance.

3. Variances to Lot Area. Variances to the yard and area regulations of this section may be permitted by an affirmative vote of four-fifths (4/5) of the entire Council after conducting a public hearing as provided in Section 6-9-6.

6-9-5 ROOF. All roofs shall be constructed or repaired with approved fire resistant materials

6-9-6 PUBLIC HEARINGS.

1. When nonconforming uses of lots or buildings or variances in yard and area regulations are requested, the City Council shall conduct a public hearing. Notices of said hearing shall be posted in three public places designated in this code not less than two (2) weeks prior to said hearing and the council shall notify the owners, or their agents, of all lots within two hundred (200) feet of the boundaries of the lot that is to be used for a non-conforming use.

.6-9-7 FEE REQUIRED. A fee of \$20.00 shall accompany each application if a hearing is required. A fee of \$15 shall accompany each application if a hearing is not required.

6-9-8 ACTION TO ABATE. Any building or structure erected, reconstructed, altered, or repaired in violation of the provisions of this Ordinance shall be deemed unlawful and a nuisance and shall be abated as per City Ordinance Title III Community Protection, Chapter 2 Nuisances.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 10 USE REGULATIONS IN FIRE LIMITS AREA

6-10-1 Use Regulations

6-10-3 Area Regulations

6-10-2 Parking Regulations

6-10-4 Special Permit

6-10-1 USE REGULATIONS. A building or premises in the fire limits area as designated by ordinance shall be used only for the following purposes:

1. Any use permitted in the Restricted Residential District.
2. Multiple dwellings.
3. Boarding and lodging houses.
4. Private clubs and lodges.
5. Hospitals, nursing homes, clinics and educational, philanthropic or religious institutions.
6. Automobile parking lots.
7. Dressmaking, tailoring, shoe repairing, repair of household appliances and bicycles, dry cleaning and pressing, and bakery with sale of bakery products on the premises and other uses of a similar character.
8. Farm implements, sale or repair.
9. Funeral homes or mortuaries.
10. Hotels and motels.
11. Offices and office buildings.
12. Public garages and automobile repair shops.
13. Personal service uses including barber shops, banks, beauty parlors, photographic or artist's studios, messengers, taxicabs, newspaper or telegraphic service stations, dry cleaning receiving stations, restaurants, and other personal service uses of a similar character.
14. Retail stores, including florist shops and greenhouses in connection with such shops, but there shall be no slaughtering of animals or poultry on the premises of any retail store.

15. Self-service laundries and dry cleaning establishments.
16. Filling stations.
17. Theaters, drive-in theaters and assembly halls.
18. Hospitals or clinics for small animals, dogs, cats, birds and the like.
19. Wholesale merchandising or storage warehouses.
20. General service and repair establishments including dyeing or cleaning works or laundry, plumbing and heating, printing, painting, upholstering or tinsmithing.
21. Outdoor advertising sign or structure.
22. Accessory buildings and uses.

6-10-2 PARKING REGULATIONS. Offstreet parking spaces shall be provided in accordance with the requirements for specific uses set out in Chapter 6-11 of this Code.

6-10-3 AREA REGULATIONS.

1. Yard Regulations. The yard regulations are as follows:
 - a. Front Yard. There shall be a front yard of not less than two feet (2').
 - b. Side Yard. No side yard required, except where abutting a Restricted Residential District in which event a side yard of not less than seven feet (7') shall be provided.
 - c. Rear Yard. There shall be a rear yard of two feet (2') except where abutting a Restricted Residential District in which event a rear yard of not less than thirty feet (30') shall be provided.
 - d. Variances to Yard Areas. Variances to the yard regulations of this section may be permitted by an affirmative vote of four-fifths (4/5) of the entire City Council, after conducting a public hearing as provided in Section 6-10-4 of this Chapter.

6-10-4 SPECIAL PERMIT. By a four-fifths (4/5) affirmative vote of the entire Council, the City Council may, by special permit, after public hearing before the Council, with notice of said hearing to be posted in three public places designated in this Code not less than two (2) weeks prior to said hearing and with notice to be also given to the owners, or their agents, of all the lots within five hundred feet (500') of the boundaries of the lot for which the special permit is requested, and subject to such reasonable conditions and

protective restrictions as are deemed necessary, authorize the following special uses in the fire limits area.

1. Bowling alleys, dance halls or skating rinks.
2. Greenhouse or nursery.
3. Hospital, clinic or institution not primarily for the mentally ill or those with contagious diseases, provided that less than forty percent (40%) of the total land area is occupied by buildings.
4. Nursery school.
5. Commercial radio tower or broadcasting station.
6. Riding stable.

TITLE VI PHYSICAL ENVIRONMENT
CHAPTER 11 PARKING REGULATIONS

6-11-1 Parking Regulations

6-11-1 PARKING REGULATIONS. No building shall be erected or enlarged to the extent of increasing the floor area by as much as fifty percent (50%) or changed in use unless there is provided on the lot space for the parking of automobiles or trucks in accordance with the following minimum requirements.

1. Bowling Alley: Five parking spaces for each alley.
2. Business, Professional or Public Office Buildings: Three parking spaces plus one additional parking space for each four hundred square feet (400 sq. ft.) of floor area over one thousand square feet (1,000 sq. ft.).
3. Church: One parking space for each eight seats in the main auditorium.
4. School: One parking space for each eight seats in the main auditorium or three spaces for each classroom, whichever is greater.
5. Community Center, Library, Museum or Art Gallery: Ten parking spaces plus one additional space for each three hundred square feet (300 sq. ft.) in excess of two thousand square feet (2,000 sq. ft.).
7. Dwellings: Two parking spaces for each dwelling unit. In the restricted residence district, multiple-family dwelling parking spaces shall be located in the rear yard. Within the designated fire limits area, parking spaces may be located in any yard.
(Ord #138, passed 1998)
8. Retail Store, Personal Service Establishment, Restaurants, Cafe, Studio, Bank, Medical or Dental Clinic: One parking space for each two hundred square feet (200 sq. ft.) of floor area.
9. Rooming or Lodging House: One parking space for each two sleeping rooms.
10. Night Club and Dance Halls: One parking space for each forty-five square feet (45 sq. ft.) of floor area or one parking space or parking spaces equal to one-third of the stated capacity of the establishment, whichever is greater.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 12 NUMBERING OF BUILDINGS

6-12-1 Buildings to be Numbered
6-12-2 Numbering System
6-12-3 Mandatory Numbering

6-12-4 Type of Numbers, Size
6-12-5 Enforcement

6-12-1 BUILDINGS TO BE NUMBERED. All buildings now or hereafter erected within the City limits shall be assigned numbers and the owners notified of the assigned number. The owners shall cause the numbers to be placed and maintained on their property.

6-12-2 NUMBERING SYSTEM. Numbers shall be assigned in accordance with the system developed by the City Council. The system consists of two and three digit numbering. The even numbers shall be on the right hand side of all streets and the odd numbers shall be on the left hand side of all streets starting at a center point, that being the intersection of Main and Calhoun Streets.

6-12-3 MANDATORY NUMBERING. The placing of numbers is mandatory effective September 1, 1992.

6-12-4 TYPE OF NUMBERS, SIZE. The numbers shall be conspicuously displayed on the portion of the building or premise which faces the street. All numbers shall be of durable substance, clearly legible and the numerals shall be not less than five inches in height.

6-12-5 ENFORCEMENT. If numbers meeting the requirements of this ordinance have not been placed on each building, the City shall cause individual notice to be given to the owner of buildings not numbered, requiring compliance within a reasonable time set in the notice, and if not completed by such time the City shall cause proper numbers to be installed and the reasonable cost of the installation billed to such owner.

(Ordinance 130, Passed June 9, 1992)

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 13 TREE TRIMMING AND PLANTING

6-13-1 Permit

6-13-3 Planting

6-13-2 Liability Insurance

6-13-1 PERMIT. No person, firm or corporation shall engage in the business of removing, cutting or trimming of trees in the City of Andrew without first obtaining a permit therefore. Such permit shall be issued by the City Clerk-Treasurer and shall be renewed annually.

This section shall not apply to:

1. The United States of America, the State of Iowa, any county, municipality or political subdivision in this State, any department, bureau or agency of any of the foregoing or any official representative of any of the foregoing in the pursuit of their official duties.

2. Any person with reference to tree or trees on their own premises;

3. Any individual performing labor or services on or in connection with trees at the direction and under the personal supervision of a tree trimmer who has obtained a permit while in the performance of such functions;

4. Any public utility, including its authorized employees and agents, when engaged in tree trimming and/or tree removal for the purpose of line clearance, and in order to insure the continuity of utility service to the public;

6-13-2 LIABILITY INSURANCE. Any person, firm or corporation, before engaging in the business or occupation of removing, cutting or trimming trees in the City of Andrew shall deposit with the Clerk a policy of liability insurance with reliable insurance company authorized to do business in the State of Iowa with limits of \$100,000 for death or injury to each person and with limits of \$100,000 for each occurrence, and with limits in the amount of \$100,000 for property damage other than that of the person, firm or corporation thus insured.

6-13-3 PLANTING. The planting of trees between the curb and sidewalk is hereby prohibited.

TITLE VI PHYSICAL ENVIRONMENT
CHAPTER 14 MOWING OF PROPERTIES

6-14-1 Purpose	6-14-4 Method of Service & Billing
6-14-2 Definitions	6-14-5 Repealer
6-14-3 Mowing of Properties	6-14-6 Severability Clause
6-14-4 Penalty	

6-14-1 PURPOSE. The purpose of this chapter is to protect the health, safety, and welfare of the citizens by establishing regulations for mowing of properties located within the City of Andrew.

6-14-2 DEFINITIONS:

1. Vegetation is defined as grasses and weeds.

6-14-3 MOWING OF PROPERTIES. Owners of real property within the City of Andrew are required to maintain all property outside the lot and property lines and inside the curb lines (edge of pavement) upon the public streets. Any parcel of real property within the City of Andrew, whether vacated or non-vacated, is required to be mowed any time the vegetation reaches a height of more than **six (6) inches** in the months of May, June, July, August, September and October of each year.

6-14-2 PENALTY. If vegetation reaches a height of more than 6 inches it may be mowed by the City or their agents, and a charge of **\$200.00** for such mowing will be charged to the property owner. Any property owners who fail to mow their properties, thus allowing the same to be mowed by the City or their agents, and who do not provide payment for the mowing as required, will be assessed by the City for such costs, which will be collected in the same manner as general property taxes.

6-14-3 METHOD OF SERVICE AND BILLING. Annual publication of this ordinance will serve as notice to property owners with additional notice given at the City Council's discretion. Any billing for mowing done by the City or their agents are to be sent by regular mail and are payable within 30 days of billing date.

6-14-4 REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

6-14-5 SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

6-14-6 WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

(Ordinance #160..5/9/2017)

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 15 FENCES, WALLS, AND HEDGES

6-15-1 Construction Material	6-15-5 Other Requirements
6-15-2 Location & Height Restrictions	6-15-6 Permit Required
6-15-3 Setback from Property Line	6-15-7 Application for Permit
6-15-4 Other Restrictions	6/15-8 Non-Conforming Fences

6-15-1 Construction Material:

Fences, wall, and hedges shall be constructed of material commonly used for landscape fencing, such as masonry block, lumber, chain link, PVC/resin, or natural plantings, but shall not include corrugated sheet metal, barbed wire, salvage material or be electrified unless otherwise allowed.

6-15-2 Location Restrictions & Height Restrictions:

1. No fence shall be permitted in any front yard.
2. No continuous planting over three feet in height shall be maintained on any front yard.
3. No fence shall be placed on any lot or tract outside the surveyed lot lines of the property.
4. No fence or continuous planting shall be permitted within thirty feet of any corner lot street line intersection which would impair the sight distance of the operator of a motor vehicle.
5. Fences, walls, or hedges up to 6' high may be erected on those parts of a lot that are as far back or further back from a street than the main building.
6. In the case of retaining walls supporting embankments, the above requirements shall apply only to the part of wall above the ground surface of the retained embankment.

6-15-3 Setback from property line:

1. Fences must be set back at least 2 feet from any lot line (with the exception as described in the following paragraph.).
2. Fences may be placed upon the true property line adjoining properties provided a signed document is presented to the City Council at the time of application for a building permit. This document should be an agreement by both adjoining property owners that the fence will be placed on the property line and that there is no objection to the placement thereof and duly recorded at the Courthouse, at the Jackson County Recorder's Office. Upon sale of the properties involved, it will be the responsibility of the seller to inform the buyer that the fence is upon the property line and was agreed to at the time of the erection. If no agreement can be reached between adjoining property owners, then the fence will be erected no closer than 2 feet from the property line in question.

6-15-4 Other Restrictions:

1. The frame of a fence, including posts and supports, shall be placed on the inside of the fence. Fencing shall be constructed with the finished side facing outward.
2. No fence shall cause an unsafe condition to pedestrian or vehicular traffic, by obscuring the visibility available to vehicles exiting a driveway.
3. No fence shall damage adjacent property by obstructing views, inhibiting solar access, or hindering ventilation.

6-15-5 Other Requirements:

1. Permits are required for all fences proposed for construction.
2. Iowa One Call shall be contacted at least two days prior to any digging or excavation, in order to locate underground utilities.
3. Proof of lot line location shall be provided by the property owner, or his representative, prior to receiving a permit for installing a fence along a lot line.

6-15-6 Permit Required:

It shall be unlawful to erect, construct, reconstruct, alter or move any fence, except by obtaining a permit from the City Council, issued at a regular or special meeting two weeks (2) after complete plans and specifications have been filed in the office of the City Clerk-Treasurer. All work activity allowed under permit shall be completed within one (1) year following issuance of the permit. If the work is not complete, the applicant must obtain a new permit from the City Council.

6-15-7 Application for Permit

Any person desiring to secure a permit shall make and file with the City Clerk an application (form provided by the City) in writing at least 2 weeks prior to the monthly or special Council meeting, with all information required completed. Said application shall be signed by the applicant and submitted with a fee of fifteen dollars (\$15.00).

6-15-8 Non-Conforming Fences:

The lawful use of a fence existing at the effective date of this ordinance may be continued, although such fence does not conform to the provisions set forth in this ordinance. Any extension or alteration of an existing non-conforming fence must meet the provision of this ordinance, as for new fences.

(Ordinance 146-1, passed 5/11/10)

CHAPTER 17 ADULT ENTERTAINMENT BUSINESS

6-17-1	Statement of Purpose	6-17-5	Special Limitations
6-17-2	Definitions	6-17-6	Repealer
6-17-3	Conditional Use Permit	6-17-7	Severability Clause
6-17-4	Location Restrictions	6-17-8	Effective Date

6-17-1 STATEMENT OF PURPOSE. The City Council of the City of Andrew finds That adult entertainment businesses located with the corporate city limits or within two (2) miles of the corporate city limits, require special zoning considerations in order to protect and preserve the health, safety and welfare of the citizens of the City of Andrew and to preserve the real property values and character of the neighborhoods within the corporate city limits, and within two (2) miles of the corporate city limits, of the City of Andrew.

6-17-2 DEFINITIONS. The following words and phrases as used in this Chapter shall be construed as defined in this Section:

1. Adult entertainment business shall include all of the following:
 - A. Adult theatre means any establishment, entity or premises in which the emphasis is on the observation of nude or semi-nude performances, whether the performers receive compensation or not, that regularly features person who appear nude or semi-nude for members of the public, patrons or private members, where such performances are held, conducted, operated or maintained for profit, directly or indirectly. Adult theatre includes, without limitation, any premises physically arranged and used as such whether advertised or represented as an adult entertainment studio, exotic dance studio, encounter studio, sensitivity studio, cabaret, gentlemen's club, or other similar form of adult entertainment.
 - B. Adult bookstore means an establishment having as a significant portion of its stock in trade books, films, magazines and other periodicals which are distinguished or characterized by an emphasis on matters depicting or describing sex acts or specified anatomical areas.
 - C. Adult motel means a motel wherein material is presented which is distinguished or characterized by an emphasis on depicting or describing sex acts or specified anatomical areas.
 - D. Adult motion picture arcade means any establishment to which the public is permitted or invited wherein coin operated or slug operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguishes or characterized by an emphasis on matters

depicting or describing sex acts or specified anatomical areas.

- E. Adult motion picture theater means an enclosed building used for presenting material distinguished or characterized by an emphasis on matter depicting or describing sex acts or specified anatomical areas for observation by patrons therein.
- F. Sexual encounter center means any business, agency or person who, for any form of consideration or gratuity, provides a place where three or more persons, not all members of the same family, may congregate, assemble or associate for the purpose of engaging in sex acts or exposing specified anatomical areas.
- G. Sex acts and specified anatomical areas. For purposes of the subsections (B) through (F) of this definition, the terms “sex acts” and “specified anatomical areas” mean as follows:

- i. Sex acts means any sexual contact, actual or simulated, either natural deviate, between two or more persons, or between a person and an animal, by penetration of the penis into the vagina or anus, or by contact between the mouth or tongue and genitalia or anus , or by contact between a finger of one person and the genitalia of another person or by use of artificial sexual organs or substitute therefor in contact with the genitalia or anus.

- ii. Specified anatomical areas include the following: Human genitals, public region, buttocks, and female breasts below a point immediately above the top of the areola.

- 2. OPERATOR means any person, partnership, company, limited liability company, corporation or other recognized form of legal entity that operates, conducts, maintains, manages, and/or owns an adult entertainment business.

6-17-3 CONDITIONAL USE PERSMIT. The use of land in the R-1 Restricted Residential District {Title VI Physical Environment Chapter 9 Restricted Residence District} and the “Fire Limits” {Title III Community Protection Chapter 5 Fire Limits} is subject to certain use regulations that do not include adult entertainment businesses as either a principal permitted use or a permitted accessory use. A conditional use permit is required for the use of premises in the R-1 Restricted Residential District and the Fire Limits as an adult entertainment business and for the sale of alcoholic liquor, wine or beer. The City Council shall grant such a conditional use permit only where the adult entertainment business, when operated in conformance with the Chapter, satisfies the following criteria:

- 1. The business conforms with the conditions set forth in Section 6-17-4 of this Chapter.
- 2. The proposed location, design, construction and operation of the adult

entertainment business adequately safeguards the health, safety and general welfare of person residing in the adjoining or surrounding residential area.

3. The adult entertainment business is sufficiently separated from the adjoining residential area by distance, landscaping, walls or structures to prevent any noise, vibration or light generated by the adult entertainment business from having a significant detrimental impact upon the adjoin resident uses.
4. The adult entertainment business will not unduly increase congestion on the streets in the adjoin residential area.
5. The operation of the adult entertainment business will not constitute a nuisance.
6. Any parking area provided for the use of customers of the adult entertainment business shall be illuminated at any intensity of at least one footcandle of light on the parking surface at all times. The entire site shall be landscaped and illuminated so as to minimize hiding places for possible criminal activity.
7. The adult entertainment business shall have no outside speakers or exterior amplified sound.
8. The conditional use permit is subject to amendment or revocation if the operation of the adult entertainment business become a nuisance or exhibits a pattern of violating the conditions set forth in the conditional use permit.
9. If the mayor, determines at any time that the operation of such an adult entertainment business exhibits a pattern of violating the conditions set forth in the conditional use permit, the mayor may make written request to the City Council to reconsider the issuance of the conditional use permit for such adult entertainment business. A copy of such written request and notice of the hearing before the City Council on such request shall be provided to the operator of such adult entertainment business at least 30 days in advance of the hearing and shall also be provided to all owners of record of real property situate within 250 feet of the building in which the adult entertainment business is located. The mayor pro tem shall act as the presiding officer at the hearing. Testimony and evidence may be adduced at the hearing from witnesses presented by the operator and from witness presented on behalf of the City. At the conclusion of such hearing, if the City Council finds that the operation of such adult entertainment business exhibits a pattern of violating the conditions set forth in the conditional use permit, then the City Council may amend or revoke the conditional use permit.

The decision of the City Council to amend or revoke the conditional use permit shall be set forth in writing and shall include the facts and rational upon which the decision is based. The written decision of the City Council shall be delivered to the City Clerk within 30 days from the close of the hearing. The City Clerk shall mail a copy of the written decision of the City Council to the operator within 7 working days from the date the written decision is filed with the City Clerk. The

written decision of the City Council shall be kept on file in the office of the City Clerk and shall be a public record. The written decision of the City Council shall be final.

6-17-4 LOCATION RESTRICTIONS. The following restrictions shall apply to all adult entertainment businesses:

1. No Operator shall cause or permit the establishment of any adult entertainment business as defined in Section 6-17-2, within 750 feet from another such adult entertainment establishment, any public or private school, church, synagogue, mosque, temple or other place of worship, public park, public playground, public plaza, public library, public museum, registered day care center, nursery school, or within 1000 feet of any residential dwelling or rental unit. Measurement shall be taken on a direct line of such adult entertainment establishment to the point on the property line of such other adult entertainment establishment, public or private school, church, synagogue, mosque, temple or other place of worship, public park, public playground, public plaza, public library, public museum, registered day care center, nursery school, residential dwelling or rental unit.
2. The establishment of an adult entertainment business shall include the opening of such business as a new business, the relocation of such business, or he conversion of an existing business location to any of the uses described in Section 6-17-2.
3. All building openings, doorways, entries, windows, and all similar forms of structural opening shall b constructed, located, covered, or screened in such a manner as to prevent a view into the interior of such building from any pedestrian sidewalk, walkway, street or other public or semipublic area.
4. No merchandise sold by or activities conducted by or within an adult entertainment business shall be visible from any point outside the building in which the adult entertainment business is located.
5. There shall be no signage, words, lettering, photographs, silhouette, drawing, or pictorial representations of any kind that depict or show sex acts and specified anatomical areas on the exterior of the building in which the adult entertainment business is located.

6-17-5 SPECIAL LIMITATIONS. The sale of alcoholic liquor, wine and beer in an adult entertainment business is subject to the provisions of City of Andrew Code of Ordinances Title II, Chapter 9 Beer and Liquor License.

6-17-6 REPEALER. All ordinances in conflict with the provisions of this Ordinance are hereby repealed.

6-17-7 SEVERABILITY CLAUSE. If any section, provision or part of this Ordinance

shall be adjudged invalid or unconstitutional such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

6-17-8 EFFECTIVE DATE. This Ordinance shall be in effect after final passage, approval and publication as provided by law.

Ordinance Passed & Approved 5/10/2016