

# FARLEY CODE OF ORDINANCES

## 2020

State legislation at any time can be enacted that would change the current law as adopted in your City Code. ECIA has no duty or responsibility to keep you updated on law changes. However, ECIA will make every attempt to notify you when legislative changes occur that have an impact on your City Code. It is the municipality's responsibility to either repeal or amend the ordinances impacted by the legislative changes. ECIA advises you to have your City Attorney review your City Code and the legislative changes that occur after the date of the City's last codification. ECIA cannot provide legal advice

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**CODIFIED BY: EAST CENTRAL INTERGOVERNMENTAL  
ASSOCIATION  
7600 COMMERCE PARK  
DUBUQUE, IOWA 52002**

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## TITLE I GENERAL PROVISIONS

### CHAPTER 1 GENERAL PROVISIONS

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

1. "Building" means any man-made structure permanently affixed to the ground.  
(ECIA Model Code Amended in 2011)
2. "City" means the City of Farley, 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;
3. "Clerk" means Clerk-Treasurer.
4. "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;
5. "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;
6. "County" means the County of Dubuque, Iowa;
7. "Delegation of Authority" means whenever a provision appears requiring an officer of the City to do some act or make certain inspections, it is to be construed to authorize the officer to designate, delegate and authorize subordinates to perform the required act or make the required inspection unless the terms of the provision or section designate otherwise.  
(ECIA Model Code Amended in 2010)

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 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, any other legal entity, or the manager, lessee, agent, servant, officer, or employee of any of them;
18. "Personal property" includes money, goods, chattels, 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. "Writing" and "Written" include printed, typewritten, or 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 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 \_\_\_\_\_ Municipal Code of 20\_\_ constituting this Municipal Code, and shall include proper references to chapter and section to maintain the orderly codification of the Ordinances.

(Code of Iowa, Sec. 380.2)

1-1-6 SEVERABILITY. If any section, provision or part of the City Code or any subsequent ordinance is adjudged invalid or unconstitutional, such adjudication will not affect the validity of the City Code as a whole or any section provision, or part thereof not adjudged invalid or unconstitutional.

1-1-7 CATCHLINES, TITLES, HEADINGS AND NOTES. The catchlines of the several sections of this City Code printed in boldface type as well as the titles, headings, chapter heads, section and subsection heads or titles, editor's notes, cross-references and State law references, unless set out in the body of the section itself, contained in this City Code, do not constitute any part of the law, and are intended merely to indicate, explain, supplement or clarify the contents of a section.

(ECIA Model Code Amended in 2010)

1-1-8 AMENDMENTS TO CITY CODE, EFFECT OF NEW ORDINANCES, AMENDATORY LANGUAGE.

1. All ordinances passed subsequent to this Code which amend, repeal or in any way affect this City Code may be numbered in accordance with the numbering system of this City Code and printed for inclusion herein. When subsequent ordinances repeal any chapter, section, or subsection or any portion thereof, such repealed portions may be excluded from this City Code by omission from reprinted pages. The subsequent ordinances as numbered and printed, or omitted in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time as this City Code and subsequent ordinances numbered or omitted are readopted as a new Code of Ordinances.

2. Amendments to any of the provisions of this City Code may be made by amending such provisions by specific reference to the section or subsection number of this City Code in substantially the following language: "That section \_\_\_\_\_ of the Code of Ordinances, City of \_\_\_\_\_, Iowa is hereby amended to read as follows:..." The new provisions shall then be set out in full as desired.

3. In the event a new section not heretofore existing in this City Code is to be added, the following language may be used: "That the Code of ordinances, City of \_\_\_\_\_, Iowa, is hereby amended by adding a section, to be numbered \_\_\_\_\_, which said section reads as follows: ..." The new section shall then be set out in full as desired.

(ECIA Model Code Amended in 2010)

## **TITLE I GENERAL PROVISIONS**

### **CHAPTER 2 RIGHT OF ENTRY**

#### 1-2-1 Right of Entry

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

## TITLE I GENERAL PROVISIONS

### CHAPTER 3 PENALTY

1-3-1	General Penalty	1-3-4	Administrative Penalty – Notice of Violation
1-3-2	Civil Penalty -Municipal Infraction		
1-3-3	Scheduled Fines		

**1-3-1 GENERAL PENALTY.** The doing of any act prohibited or declared to be unlawful, an offense, or a misdemeanor by the City Code or any Ordinance or Code herein adopted by reference, or the omission or failure to perform any act or duty required by this City Code or any Ordinance or Code or any Ordinance or Code herein adopted by reference is, unless another penalty is specified, punishable in accordance with Iowa Code Section 903.1(1)(a). **No violation of the City Code shall subject an individual to incarceration.**

Code of Iowa, Sec. 903.1(1)(a)  
(ECIA Model Code Amended in 2008)  
(ECIA Model Code Amended in 2009)  
(ECIA Model Code Amended in 2010)  
**(ECIA Model Code Amended in 2020)**

**1-3-2 CIVIL PENALTY - MUNICIPAL INFRACTION.**  
(Code of Iowa, Sec. 364.22)

1. Definitions.

a. Municipal Infraction. Except those provisions specifically provided under state law as a felony, an aggravated misdemeanor, or a serious misdemeanor or a simple misdemeanor under Chapters 687 through 747 of the Iowa Code, the doing of any act prohibited or declared to be unlawful, an offense or a misdemeanor by the Code of Ordinances City of Farley, 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 Farley, 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 Farley.

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

2. Violations, Penalties, and Alternative Relief.

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

#### Schedule of Civil Penalties

First offense: Not more than seven hundred fifty dollars (\$750.00).

Repeat Offense: Not more than one thousand dollars (\$1,000.00)  
(ECIA Model Code Amended in 2010)

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

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

### 3. Civil Citations

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

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

c. The original of the citation shall be sent to the Clerk of the district court. If the infraction involves real property a copy of the citation shall be filed with the County Treasurer.  
(ECIA Model Code Amended in 2011)

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.

4. Seeking a civil penalty as authorized in Section 364.22, Code of Iowa, does not preclude the City from seeking alternative relief from the court in the same action. Such relief may include the imposition of a civil penalty by entry of a personal judgment against the defendant, directing that the payment of the civil penalty be suspended or deferred under conditions imposed by the court, ordering the defendant to abate or cease the violation or authorizing the City to abate or correct the violation, or ordering that the City's cost for abatement or correction of the violation be entered as a personal judgment against the defendant or assessed against the property where the violation occurred, or both. If a defendant willfully violates the terms of an order imposed by the court, the failure is contempt.

5. This section does not preclude a peace officer from issuing a criminal citation for violation of a City Code or regulation if criminal penalties are also provided for the violation, nor does it preclude or limit the authority of the City to enforce the provisions of the Code of Ordinances by criminal sanctions or other lawful means. Each day that a violation occurs or is permitted to exist by the defendant constitutes a separate offense. The violation of any provision of this Code of Ordinances or any regulation promulgated thereunder shall also constitute a simple misdemeanor punishable by a fine of **not less than \$65.00 but not to exceed \$625.00. No violation of the City Code shall subject an individual to incarceration. A simple misdemeanor criminal charge filed pursuant to this Code of Ordinances shall only subject an individual to a monetary fine.**

(ECIA Model Code Amended in 2017)

(ECIA Model Code Amended in 2020)

(ECIA Model Code Amended in 2017)

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.

1-3-4 ADMINISTRATIVE PENALTY – NOTICE OF VIOLATION. Municipal infractions may be initially brought upon simple notice of violation and if the person charged admits the violation, upon payment of the penalty to the city and the performance of any other act required by law to be performed, such person shall not be further prosecuted or assessed any costs or other expenses for such violation, and the city shall retain all penalties thus collected. Where a municipal infraction is not admitted upon simple notice by the person charged or where the person charged fails to perform any other act required to be performed, or both, a civil citation seeking a penalty for a municipal infraction, with or without additional relief, may be initially filed in the court. This section does not impose a duty to initially charge all municipal infractions upon simple notice of violation.

## TITLE I GENERAL PROVISIONS

### CHAPTER 4 PROCEDURE FOR HEARINGS BY THE CITY COUNCIL

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

#### 1-4-1 PURPOSE AND INTENT.

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

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

#### 1-4-2 GENERAL.

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

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

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

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

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

#### 1-4-3 FORM OF NOTICE OF HEARING.

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

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

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

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

#### 1-4-5 CONDUCT OF HEARING.

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

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

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

4. Admissibility of evidence. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely upon in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this state.

5. Exclusion of evidence. Irrelevant and unduly repetitious evidence shall be excluded.

6. Rights of parties. Each party shall have these rights, among others:

- a. To call and examine witnesses on any matter relevant to the issues of the hearing;
- b. To introduce documentary and physical evidence;
- c. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
- d. To impeach any witness regardless of which party first called the witness to testify;
- e. To rebut the evidence against the party; and

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

7. Official notice.

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

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

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

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

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

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

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

1-4-6 METHOD AND FORM OF DECISION.

1. Hearings before the City Council where a contested case is heard before the City Council, no member thereof who did not hear the evidence or 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.

## TITLE II POLICY AND ADMINISTRATION

### CHAPTER 1 CITY CHARTER

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

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

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

(Code of Iowa, Sec. 372.4)

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

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

(Code of Iowa, Sec. 372.4)

(Code of Iowa, Sec. 376.2)

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

(Code of Iowa, Sec. 372.4)

(Code of Iowa, Sec. 376.2)

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

(Code of Iowa, Sec. 372.1)

## TITLE II POLICY AND ADMINISTRATION

### CHAPTER 2 APPOINTMENT AND QUALIFICATIONS OF MUNICIPAL OFFICERS

2-2-1	Creation of Appointive Officers	2-2-6	Surety
2-2-2	Appointment of Officers	2-2-7	Blanket Position Bond
2-2-3	Terms of Appointive Officers	2-2-8	Bonds Filed
2-2-4	Vacancies in Offices	2-2-9	Boards and Commissions
2-2-5	Bonds Required		

2-2-1 CREATION OF APPOINTIVE OFFICERS. There are hereby created the following appointive officers: Clerk, Police Chief, Attorney, Superintendent or Director of Public Works, Fire Chief and Building Inspector.

(Ord. 2015-01 – Oct. 15 Supp.)

2-2-2 APPOINTMENT OF OFFICERS. The Mayor shall appoint a Mayor Pro Tempore and shall appoint and may dismiss the Police Chief with the consent of a majority of the City Council.

Fire Chiefs shall be elected for terms of two (2) years, or more, by the members of the volunteer Fire Department, with the approval of the City Council.

(Ord. 2015-01 – Oct. 15 Supp.)

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

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

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

2-2-4 VACANCIES IN OFFICES. Vacancies shall be filled in accordance with state law.

(Ord. 2015-01 – Oct. 15 Supp.)

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 Clerk, except that the Clerk's bond shall be filed with the Mayor.

(Code of Iowa, Sec. 64.23)

#### 2-2-9 BOARDS AND COMMISSIONS.

1. Membership and Sections. Membership and selections of members of boards and commissions shall be as specified in this Chapter or the Code of Iowa. Any committee, board, or commission so established shall cease to exist upon the accomplishment of the special purpose for which it was created, or when abolished by a majority vote of the City Council or as specified in the Code of Iowa.

2. Residency Requirement: No person shall be appointed or reappointed to a committee, board, or commission or ad hoc committee created by such committee, board, or commission unless such person is, at the time of such appointment or reappointment, a resident of the City, and any person so appointed or reappointed shall maintain such residency during the term of the appointment or reappointment. Any member of a committee, board, or commission or ad hoc committee created by such committee, board, or commission who fails to maintain such residency shall be deemed removed as of the date of such change of residency, any provision in this Code to the contrary notwithstanding.

3. Removal of Members of Boards and Commissions: The City Council may remove any member of any board or commission, which it has established.

4. Cities are reminded that boards and commissions must be gender balanced and in accordance with state law.

(Ord. 2015-01 – Oct. 15 Supp.)

## TITLE II POLICY AND ADMINISTRATION

### CHAPTER 3 POWERS AND DUTIES OF MUNICIPAL OFFICERS

2-3-1	General Duties	2-3-8	Powers and Duties of the City Attorney
2-3-2	Books and Records	2-3-9	Reserved
2-3-3	Deposits of Municipal Funds	2-3-10	Powers and Duties of the Superintendent of Public Works
2-3-4	Transfer of Records and Property To Successor	2-3-11	Powers and Duties of the Fire Chief
2-3-5	Powers and Duties of the Mayor		
2-3-6	Powers and Duties of the Clerk		
2-3-7	Powers and Duties of the Police Chief		

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

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

2-3-2 BOOKS AND RECORDS. All books and records required to be kept by law or Ordinance shall be open to inspection by the public upon request, except records required to be confidential by state or federal law.

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

2-3-3 DEPOSITS OF MUNICIPAL FUNDS. Prior to the fifth day of each month, each office or department shall deposit all funds collected on behalf of the municipality during the preceding month. The officer responsible for the deposit of funds shall take such funds to the City Clerk, together with receipts indicating the sources of the funds.

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

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

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

(Code of Iowa, Section 372.14(1))

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

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

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

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

(Code of Iowa. Sec. 380.6)

(ECIA Model Code Amended in 2008)

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 appoint, employ or discharge from employment officers or employees without the approval of

the City Council. 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 Police Chief.

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

1. The Clerk 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. The clerk must publish minutes within fifteen (15) days of the city council meeting.

(Ord. 2015-01 – Oct. 15 Supp.)

2. The Clerk 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 Clerk shall cause to be published either the entire text or a summary of all Ordinances and amendments enacted by the City. "Summary" shall mean a narrative description of the terms and conditions of an Ordinance setting forth the main points of the Ordinance in a manner calculated to inform the public in a clear and understandable manner the meaning of the Ordinance and which shall provide the public with sufficient notice to conform to the desired conduct required by the Ordinance. The description shall include the title of the Ordinance, an accurate and intelligible abstract or synopsis of the essential elements of the Ordinance, a statement that the description is a summary, the location and the normal business hours of the office where the Ordinance may be inspected, when the Ordinance becomes effective, and the full text of any provisions imposing fines, penalties, forfeitures, fees, or taxes. Legal descriptions of property set

forth in Ordinances shall be described in full, provided that maps or charts may be substituted for legal descriptions when they contain sufficient detail to clearly define the area with which the Ordinance is concerned. The narrative description shall be written in a clear and coherent manner and shall, to the extent possible, avoid the use of technical or legal terms not generally familiar to the public. When necessary to use technical or legal terms not generally familiar to the public, the narrative description shall include definitions of those terms.

The Clerk shall authenticate all such measures except motions with said Clerk's signature, certifying the time and place of publication when required.

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

4. The Clerk shall maintain copies of all effective City Ordinances and codes for public review.

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

5. The Clerk 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 Clerk 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 Clerk shall be the chief accounting officer of the City.

8. The Clerk 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 Clerk 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 Clerk 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 Clerk shall balance all funds with the bank statement at the end of each month.

12. The Clerk shall prepare the annual public report, 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 Clerk shall maintain all City records as required by law.  
(Code of Iowa, Sec. 372.13(3) and (5))

14. The Clerk 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 Clerk 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 Clerk shall furnish upon request to any municipal officer a copy of any record, paper or public document under the Clerk's control **as it may be necessary to such officer in the discharge of the duties of the municipal officer. The Clerk shall furnish a copy of any record, paper or public document under the control of the Clerk, which is not a "confidential record" as defined under Iowa Code Section 22.7, to any citizen when requested upon payment of the fee set by City Council resolution. The Clerk shall, under the direction of the Mayor or other authorized officer, affix the seal of the municipal** 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)  
(ECIA Model Code Amended in 2020)

17. The Clerk shall attend all meetings of committees, boards and commissions of the City. The Clerk shall record and preserve a correct record of the proceedings of such meetings.

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

18. The Clerk shall keep and file all communications and petitions directed to the City Council or to the City generally. The Clerk 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 Clerk 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 Clerk 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 Clerk shall preserve a complete record of every City election, regular or special and perform duties required by law or Ordinance of the City Clerk in regard to elections.

(Code of Iowa, Sec. 376.4)

22. The Clerk shall draw all warrants/checks for the City upon the vote of the City Council.

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

23. The Clerk 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 Clerk 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 Clerk shall bill and collect all charges, rents or fees due the City for utility and other services, and give a receipt therefor.

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

26. Annually, the Clerk shall prepare and submit to the City Council an itemized budget of revenues and expenditures.

(Code of Iowa, Sec. 384.16)

27. The Clerk shall keep the record of each fund separate.

(Code of Iowa, Sec. 372.13(4) and 384.85)

28. The Clerk shall keep an accurate record for all money or securities received by the Clerk on behalf of the municipality and specify date, from whom, and for what purposes received.

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

29. The Clerk shall prepare a receipt in duplicate for all funds received. The Clerk shall give the original to the party delivering the funds, and retain the duplicate.

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

30. The Clerk shall keep a separate account of all money received by the Clerk for special assessments.

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

31. The Clerk shall, immediately upon receipt of monies to be held in the Clerk'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 CHIEF. The duties of the Police Chief shall be as follows:

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

1. A Police Chief may but is not required to wear a uniform or wear a badge that is in plain view.

(Ord. 2015-01 – Oct. 15 Supp.)

2. The Police Chief shall assist prosecutors in prosecuting any persons for the violation of an Ordinance by gathering all the facts and circumstances surrounding the case.

3. The Police Chief shall be sergeant-at-arms of the Council chamber when requested by the City Council.

4. The Police Chief shall report to the City Council upon activities as Police Chief when requested.

5. The Police Chief 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.

6. The Police Chief shall have charge of the City jail when such is provided and of all persons held therein. The Police Chief shall execute all orders of the court referring to the jail. The Police Chief shall feed and shelter persons jailed in the usual manner and as required by law. When no City jail is provided, the Police Chief shall make arrangements to convey any persons requiring detention to the County jail as provided by law and agreements with the County.

7. The Police Chief shall, whenever any person is bound over to the district court, convey the prisoner to the County jail.

8. The Police Chief shall execute all lawful orders of any board or commission established by the City Council.

9. The Police Chief shall be in command of all officers appointed for police work and be responsible for the care, maintenance and use of all vehicles and equipment for the department.

10. The Police Chief shall appoint one or more assistant Police Chiefs, who may perform the Police Chief's duties and who shall be members of the police force, with the approval of the city council.

(Ord. 2015-01 – Oct. 15 Supp.)

11. The Police Chief shall make such rules, not in conflict with the provisions of this Ordinance, as needed for the detailed operation of the police department, subject to the approval of the City Council. Such rules shall cover off-duty and on-duty conduct and activity of members,

the wearing and care of the uniform, the use and practice with side arms and other police weapons, the use of police radio and other communications, attendance at training meetings and such other matters as the Police Chief determines to be necessary for the operation of the police department. The Police Chief shall see that the discipline and conduct of the department conforms to rules of the department. In the event of an emergency the Police Chief may make temporary rules for the protection of the health, safety, and welfare of the City and its citizens until due consideration by the City Council may be had.

12. The Police Chief shall, when requested, aid other municipal officers in the execution of their official duties.

13. The Police Chief shall report all motor vehicle accidents the police department investigates in the regular course of duty to the Iowa Department of Public Safety as provided by law.

14. The Police Chief shall keep a record of all arrests made in the City by police officers. The Police Chief shall record whether said arrest was made under provisions of the laws of the State of Iowa or Ordinances of the City. The record shall show the offense for which arrest was made, who made the arrest, and the disposition made of the charge.

At least every year the Police Chief shall review and determine the current status of all Iowa arrests reported, which are at least one year old with no disposition data. Any Iowa arrest recorded within a computer data storage system which has no disposition data after four years shall be removed unless there is an outstanding arrest warrant or detainer on such charge.

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. Upon request, the City Attorney shall attend regular meetings 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, however, if directed by the City Council, appear to defend any municipal officer or employee in any cause of action arising out of or in the course of the performance of the duties of his or her office or employment.

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

9. The City Attorney shall make a written report to the City Council and interested department heads of the defects in all contracts, documents, authorized power of any City officer, and Ordinances submitted to said City Attorney or coming under said City Attorney's notice.

10. The City Attorney shall, upon request, after due examination, offer a written opinion on and recommend alterations pertaining to contracts involving the City before they become binding upon the City or are published.

2-3-9 RESERVED.

2-3-10 POWERS AND DUTIES OF THE SUPERINTENDENT OF PUBLIC WORKS. The duties of the Superintendent of public works shall be as follows:

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

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

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

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

The Superintendent shall impound vehicles at the owner's expense when any vehicle is left parked in violation of a ban on parking during a snow emergency as proclaimed by the Mayor.

(Ord. 2014-02 – Oct. 15 Supp.)

4. The Superintendent shall compile and maintain written records of the purchases, accomplishments, disposition of equipment and manpower, an up-to-date inventory, and activities contemplated by the street department. The Superintendent shall make monthly oral and written reports of the activities of the department to the Mayor on or before the first day of each month.

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

2-3-11 POWERS AND DUTIES OF THE FIRE CHIEF. The duties of the Fire Chief shall be as follows:

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

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

2. The Fire Chief shall enforce all rules and regulations established by the City Council for the conduct of the affairs of the fire department.

3. The Fire Chief shall exercise and have full control over the disposition of all fire apparatus, tools, equipment and other property used by or belonging to the fire department.

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

5. The Fire Chief shall make monthly written reports on or before the fifth day of each month to the Mayor and City Council concerning the general status and efficiency of the fire department, the number of alarms answered during the month previous, and additional information that may be requested by the Mayor or the City Council. The Fire Chief shall compile an annual report based upon the records maintained by the fire department and summarizing the activities of the fire department for the year. This report shall be filed with the Mayor. The annual report shall also contain recommendations for the improvement of the department.

6. The Fire Chief shall enforce all Ordinances and, where enabled, state laws regulating the following:

a. Fire prevention.

- b. Maintenance and use of fire escapes.
- c. The investigation of the cause, origin and circumstances of fires.
- d. The means and adequacy of exits in case of fire from halls, theatres, churches, hospitals, asylums, lodging houses, schools, factories and all other buildings in which the public congregates for any purpose.
- e. The installation and maintenance of private fire alarm systems and fire extinguishing equipment.

7. The Fire Chief shall have the right of entry into any building or premises within the Fire Chief's jurisdiction at a reasonable time and after reasonable notice to the occupant or owner. The Fire Chief shall there conduct such investigation or inspection that the Fire Chief considers necessary in light of state law, regulations or Ordinance.

8. The Fire Chief shall make such recommendations to owners, occupants, caretakers or managers of buildings necessary to eliminate fire hazards.

9. The Fire Chief shall, at the request of the State Fire Marshal, and as provided by law, aid said Marshal in the performance of the Marshal's duties by investigating, preventing and reporting data pertaining to fires.

2-3-12 **POWERS AND DUTIES OF THE BUILDING INSPECTOR.** The building inspector shall make inspections to the extent necessary to issue building permits and enforce the zoning ordinance.

**TITLE II POLICY AND ADMINISTRATION**

**CHAPTER 4 SALARIES OF MUNICIPAL OFFICERS**

- |       |                |       |                         |
|-------|----------------|-------|-------------------------|
| 2-4-1 | Council Member | 2-4-4 | Other Officers          |
| 2-4-2 | Mayor          | 2-4-5 | Transportation Expenses |
| 2-4-3 | Mayor Pro Tem  |       |                         |

2-4-1 COUNCIL MEMBER. The salaries of each City Council member shall be \$30.00 for each meeting of the City Council in the city or out of the city, to be paid quarterly.  
(Code of Iowa, Sec. 372.13(8))

2-4-2 MAYOR. The Mayor shall receive an annual salary of \$1,200. In addition the Mayor shall be paid \$30.00 per meeting, in the city or out of the city, to be paid quarterly.  
(Code of Iowa, Sec. 372.13(8))

2-4-3 MAYOR PRO TEM. If the Mayor Pro Tem performs the duties of the Mayor during the Mayor's absence or disability for a continuous period of fifteen days or more, the Mayor Pro Tem may be paid for that period the compensation determined by the City Council, based upon the Mayor Pro Tem's performance of the mayor's duties and upon the compensation of the mayor.  
(Code of Iowa, Sec. 372.13(8))

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

2-4-5 TRANSPORTATION EXPENSES. In addition to their respective salary, municipal officers shall be reimbursed for out of city meetings or conferences at a rate allowed by the Code of Iowa and approved by the City Council.

## TITLE II POLICY AND ADMINISTRATION

### CHAPTER 5 CITY FINANCE

2-5-1	Operating Budget Preparation	2-5-8	Budget Officer
2-5-2	Budget Amendment	2-5-9	Expenditures
2-5-3	Budget Protest	2-5-10	Authorizations to Expend
2-5-4	Accounts and Programs	2-5-11	Accounting
2-5-5	Annual Report	2-5-12	Budget Accounts
2-5-6	Council Transfers	2-5-13	Contingency Accounts
2-5-7	Administrative Transfers		

2-5-1 OPERATING BUDGET PREPARATION. The annual operating budget of the City shall be prepared in accordance with the following:

1. Proposal Prepared. The budget officer is responsible for preparation of the annual budget detail, for review by the Mayor and Council and adoption by the Council in accordance with directives of the Mayor and Council.

2. Boards and Commissions. All boards, commissions, and other administrative agencies of the City that are authorized to prepare and administer budgets must submit their budget proposals to the finance officer for inclusion in the proposed City budget at such time and in such form as required by the Council.

3. Submission to Council. The finance officer shall submit the completed budget proposal to the Council each year at such time as directed by the Council.

4. Resolution Establishing Maximum Property Tax Dollars. The Council shall adopt a resolution establishing the total maximum property tax dollars that may be certified for levy that includes taxes for City government purposes under Code of Iowa Section 384.1, for the City's trust and agency fund under Code of Iowa Section 384.6, Subsection 1, for the City's emergency fund under Code of Iowa Section 384.8, and for the levies authorized under Code of Iowa Section 384.12, Subsections 8, 10, 11, 12, 13, 17, and 21, but excluding additions approved at election under Code of Iowa Section 384.12, Subsection 19.

(Code of Iowa, Sec. 384.15A)

a. The Council shall set a time and place for a public hearing on the resolution before the date for adoption of the resolution and shall publish notice of the hearing not less than 10 nor more than 20 days prior to the hearing in a newspaper published at least once weekly and having general circulation in the City.

b. If the City has an internet site, the notice shall also be posted and clearly identified on the City's internet site for public viewing beginning on the date of the newspaper publication or public posting, as applicable. Additionally, if the City maintains a social media account on one or more social media applications, the public hearing notice or an electronic link to the public hearing notice shall be posted on each such account on the same day as the publication of the notice. All of the following shall be included in the notice:

1) The sum of the current fiscal year's actual property taxes certified for levy under the levies specified in this subsection and the current fiscal year's combined property tax levy rate for such amount that is applicable to taxable property in the City other than property used and assessed for agricultural or horticultural purposes.

2) The effective tax rate calculated using the sum of the current fiscal year's actual property taxes certified for levy under the levies specified in this subsection, applicable to taxable property in the City other than property used and assessed for agricultural or horticultural purposes.

3) The sum of the proposed maximum property tax dollars that may be certified for levy for the budget year under the levies specified in this subsection and the proposed combined property tax levy rate for such amount applicable to taxable property in the City other than property used and assessed for agricultural or horticultural purposes.

4) If the proposed maximum property tax dollars specified under Subparagraph (3) exceed the current fiscal year's actual property tax dollars certified for levy specified in Subparagraph (1), a statement of the major reasons for the increase.

Proof of publication shall be filed with and preserved by the County Auditor. The Department of Management shall prescribe the form for the public hearing notice for cities and the form for the resolution to be adopted by the Council under Paragraph c of this subsection.

c. At the public hearing, the Council shall receive oral or written objections from any resident or property owner of the City. After all objections have been received and considered, the Council may decrease, but not increase, the proposed maximum property tax dollar amount for inclusion in the resolution and shall adopt the resolution and file the resolution with the County Auditor as required under Code of Iowa Section 384.16, Subsection 3.

d. If the sum of the maximum property tax dollars for the budget year specified in the resolution under the levies specified in this subsection exceeds 102 percent of the sum of the current fiscal year's actual property taxes certified for levy under the levies specified in this subsection, the Council shall be required to adopt the resolution by a two-thirds majority of the membership of the Council.

e. If the City has an internet site, in addition to filing the resolution with the Auditor under Code of Iowa Section 384.16, Subsection 3, the adopted resolution shall be posted and clearly identified on the City's internet site for public viewing within 10 days of approval by the

Council. The posted resolution for a budget year shall continue to be accessible for public viewing on the internet site along with resolutions posted for all subsequent budget years.

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

6. Notice of Hearing. Following, and not until adoption of the resolution required under Subsection 4 of this section, the Council shall set a time and place for public hearing on the budget to be held before March 31 and shall publish notice of the hearing not less than 10 nor more than 20 days before the hearing. A summary of the proposed budget and a description of the procedure for protesting the City budget under Section 384.19 of the Code of Iowa, in the form prescribed by the Director of the Department of Management, shall be included in the notice. Proof of publication of the notice under this subsection and a copy of the resolution adopted under Subsection 4 of this section must be filed with the County Auditor.

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

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

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

8. Adoption and Certification. After the hearing, the Council shall adopt, by resolution, a budget for at least the next fiscal year and the Clerk shall certify the necessary tax levy for the next fiscal year to the County Auditor and the County Board of Supervisors. The tax levy certified may be less than, but not more than, the amount estimated in the proposed budget submitted at the final hearing or the applicable amount specified in the resolution adopted under Subsection 4 of this section. Two copies each of the detailed budget as adopted and of the tax certificate must be transmitted to the County Auditor.

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

(Ord. 2019-09, Passed October 7, 2019)

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

(Code of Iowa, Sec. 384.18)

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

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

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

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

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

2-5-3 BUDGET PROTEST. In the event of a budget protest, the procedure is governed by the Iowa Code.

(Ord. 2015-01 – Oct. 15 Supp.)

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 determines that one or more appropriation accounts need added authorizations to meet required expenditures therein the City Clerk shall inform the City Council or if the City Council upon its own investigation so determines, and another account within the same programs has an appropriation in excess of foreseeable needs, or, in the case of a clear emergency or unforeseeable need, the contingency account has an unexpended appropriation which alone or with the other accounts can provide the needed appropriations, the City Council shall set forth by resolution the reductions and increases in the appropriations and the reason for such transfers. Upon the passage of the resolution and approval by the Mayor, as provided by law for resolutions, the City Clerk shall cause the transfers to be set

out in full in the minutes and be included in the published proceedings of the City Council. Thereupon the Clerk, and where applicable, the City 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. This provision is covered by both the Iowa Code and the Iowa Administrative Code.

(Ord. 2015-01 – Oct. 15 Supp.)

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

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

2-5-9 EXPENDITURES. No expenditure shall be authorized by any City officer or employee except as herein provided. All purchases of services, supplies and equipment shall be made only after issuance of a purchase order and no invoice shall be accepted unless authorized by such an order. Purchases not exceeding ten dollars (\$10.00) may be made by those officials authorized by the City Council but only on issuance of a spot purchase order in writing signed by the authorized officer. The council can determine purchases in an amount other than \$10.00 as the council may desire. A copy of such spot purchase order must be delivered to the Clerk within twenty-four (24) hours, weekends, and holidays excepted. All other purchases shall be valid only if a purchase order has been given in writing and signed by the Clerk. Purchases from petty cash shall be excepted.

(Ord. 2015-01 – Oct. 15 Supp.)

2-5-10 AUTHORIZATIONS TO EXPEND. All purchase orders other than those excepted herein shall be authorized by the City budget officer after determining whether the purchase, if a major item, has been authorized by the budget or other City Council approval. The Clerk shall then determine whether a purchase order may be issued by checking the availability of an appropriation sufficient to pay for such a purchase. A purchase order may be issued only if there is an appropriation sufficient for the purchase and for other anticipated or budgeted purposes. If no adequate appropriation is available for the expenditure contemplated the Clerk shall not issue a purchase order until a budget amendment to transfer of appropriation is made in accordance with power delegated by City Council and within the limits set by law and the City Council. The Clerk shall draw a warrant/check only upon an invoice received, or progress billing for a public improvement, supported by a purchase order and a signed receipt or other certification indicating the material has been delivered of the quality and in the quantities indicated or the services have been performed satisfactorily to the extent invoiced.

2-5-11 ACCOUNTING. The Clerk shall set up and maintain books of original entry to provide a chronological record of cash received and disbursed through all receipts given and warrants written, which receipts and warrants shall be prenumbered, in accordance with modern, accepted methods, and the requirement of the state. The Clerk shall keep a general ledger controlling all cash transactions, budgetary accounts and recording unappropriated surpluses. Warrants/checks shall be signed by the City Clerk or Deputy Clerk and the Mayor or Mayor Pro Tempore.

(Code of Iowa, Sec. 384.20)

2-5-12 BUDGET ACCOUNTS. The Clerk shall set up such individual accounts to record receipts by source and expenditures by program and purpose as will provide adequate information and control for budgetary purposes as planned and approved by the City Council. Each individual account shall be maintained within its proper fund as required by City Council order or State law and shall be so kept that receipts can be immediately and directly compared with specific estimates and expenditures can be related to the appropriation which authorized it. No expenditure shall be posted except to the appropriation for the function and purpose for which the expense was incurred.

(Code of Iowa, Sec. 384.20)

2-5-13 CONTINGENCY ACCOUNTS. Whenever the City Council shall have budgeted for a contingency account the Clerk shall set up in the accounting records but the Clerk shall not charge any claim to a contingency account. Said contingency accounts may be drawn upon only by City Council resolution directing a transfer to a specific purpose account within its fund and then only upon compelling evidence of an unexpected and unforeseeable need or emergency.

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

(ECIA Model Code Amended in 2020)

## TITLE II POLICY AND ADMINISTRATION

### CHAPTER 6 POSTING

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

2-6-1 PURPOSE. The City of Farley, 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:

U.S. Post Office  
City Hall  
Dubuque County Library: Farley Branch

The City Clerk is hereby directed to promptly post notices of elections, Ordinances, and amendments, and the City Clerk shall note the first date of such posting on the official copy of the Ordinances and in the official Ordinance book immediately following the Ordinance.

(Ord. 2015-01 – Oct. 15 Supp.)  
(Ord. 2018-11, Passed September 4, 2018)  
(Ord. 2019-08, Passed August 19, 2019)

2-6-3 REMOVAL UNLAWFUL. It shall be unlawful for any person other than the City Clerk to remove any public notice. Any unlawful removal of a public notice or posting shall not affect the validity of the Ordinance or action taken.

## TITLE II POLICY AND ADMINISTRATION

### CHAPTER 7 PLANNING & ZONING COMMISSION

2-7-1	Commission Created	2-7-4	Vacancies
2-7-2	Membership	2-7-5	Duties and Powers
2-7-3	Term of Office		

2-7-1 COMMISSION CREATED. That under and by virtue of the authority conferred by Chapters 373 and 414 of the Code of Iowa, a City Planning & Zoning Commission is hereby created and established.

2-7-2 MEMBERSHIP. That a City Planning & Zoning Commission, consisting of seven (7) members, who shall be citizens of Farley and qualified by knowledge or experience to act in matters pertaining to the development of a city plan and who shall not hold any elective office in the municipal government, shall be appointed by the Mayor, subject to the approval of the City Council.

2-7-3 TERM OF OFFICE. The term of office of the members of said Commission shall be five (5) years.

2-7-4 VACANCIES. If any vacancy shall exist on said Commission caused by resignation, or otherwise, the Mayor shall appoint a successor for the residue of said term, subject to the approval of the City Council.

2-7-5 DUTIES AND POWERS.

1. The City Planning & Zoning Commission shall choose annually at its first regular meeting one of its members to act as Chairperson of this Commission and another as Vice-Chairperson, who shall perform all the duties of the Chairperson during that person's absence or disability.

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

3. With approval of the City Council, it shall cause to be made such surveys, studies, maps, plans, or charts of the whole or any portion of such municipality or of any land outside thereof, which in the opinion of the Commission bears relation to a comprehensive plan and shall bring to the attention of the Council and may publish its studies and recommendations.

4. All plans, plats, or re-plats of subdivision or resub divisions of land embraced in said municipality or adjacent thereto, laid out in lots or plats with the streets, alleys, or other portions of the same intended to be dedicated to the public in such municipality, shall first be submitted to

the City Planning & Zoning Commission and its recommendations obtained before approval by the City Council.

5. No request for zoning district boundary amendment shall be finally approved by the municipality, unless such request shall first have been submitted to the City Planning & Zoning Commission and its recommendations obtained before approval by the City Council.

6. For the purpose of making a comprehensive plan for the physical development of the municipality, the City Planning & Zoning Commission shall make careful and comprehensive studies of present conditions and future growth of the municipality and with due regard to its relation to neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the municipality and its environs which will, in accordance with the present and future needs, best promote health, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development.

7. Before adopting a comprehensive plan as referred to in the preceding paragraph, or any part of it, or any substantial amendment thereof, the Commission shall hold at least one public hearing thereon, notice of the time of which shall be given by one publication in a newspaper of general circulation in the City of Farley not less than seven nor more than twenty days before the date of hearing. The adoption of the plan or part or amendment thereof shall be by resolution of the Commission carried by the affirmative vote of not less than two-thirds of the members of the Commission. After adoption of said plan by the Commission, an attested copy shall be certified to the Council of the City of Farley and the Council may approve the same, and when said plan or any modification or amendment thereof shall receive the approval of the Council, the said plan until subsequently modified or amended as hereinbefore authorized shall constitute the official city plan.

8. When such comprehensive plan as hereinbefore provided has been adopted no substantial amendment or modification thereof shall be made without such proposed change first being referred to the City Planning & Zoning Commission, for its recommendations. If this Commission disapproves the proposed change, it may be adopted by the City Council only by the affirmative vote of at least three-fourths of the members of the said City Council.

## TITLE II POLICY AND ADMINISTRATION

### CHAPTER 8 PARK BOARD

2-8-1 Park Board Created	2-8-5 Organization
2-8-2 Composition. Appointment	2-8-6 Powers and Duties
2-8-3 Terms. Filling of Vacancies	2-8-7 Reports
2-8-4 Compensation	2-8-8 Regulatory Authority

2-8-1 **PARK BOARD CREATED.** A Park Board is hereby created to advise the city council and provide leadership, organization, structure and planning for Farley's city parks.

2-8-2 **COMPOSITION. APPOINTMENT.** The Board is composed of nine members, none of who hold any elected position in city government. Initial members will be appointed by the council. Thereafter, appointments to the Board will be made through an application process with final approval by the council. (Ord. 2015-03 – Oct. 15 Supp.)

2-8-3 **TERMS. FILLING OF VACANCIES.** The term of office of the members of the Board are staggered in three (3) and four (4) year terms. The terms are staggered so that three or four members are appointed each year. Terms shall begin February 1. Vacancies occurring on the Board caused by resignation or otherwise shall be filled for the unexpired term in the same manner as original appointments.

2-8-4 **COMPENSATION.** All members of the Board shall serve without compensation.

2-8-5 **ORGANIZATION.** The powers and duties of the Board shall be exercised by the Board. A majority of the Board members shall constitute a quorum for the purpose of conducting business and exercising the powers of the Board, and for all other purposes. Action may be taken by the Board upon a vote of a majority of the Board members present, unless in any case the rules or regulations adopted by the Board require a larger number. The Board elects its President, Vice President, Secretary, and Treasurer every year from among the Board members.

2-8-6 **POWERS AND DUTIES.** The Board shall have the following powers and duties:

1. To determine the Board's mission and purpose.
2. To oversee the operation of the city parks within Farley in cooperation with the Mayor, council, city staff and relevant organizations, subject to the limitation of expenditures set forth in the annual budget.
3. To submit a complete annual budget of all anticipated fiscal year expenditures and revenues. Capitol improvement with the recommendations of the Board and city staff shall be subject to final approval by the council.

4. Designated members of the Board shall order the supplies as established by the Board.

2-8-7 REPORTS. Board meetings will abide by the Iowa Open Meetings Law and will be open to the public. Notice of meeting and agenda are to be posted at least 24 hours in advance of meeting. The minutes of the Board's previous meeting shall be filed with the city clerk by the Board secretary and the treasurer's report from the Board's previous meeting will be filed with the clerk by the Board treasurer and forwarded to the council and be available for public viewing. Included in the minutes will be attendance and actions taken.

2-8-8 REGULATORY AUTHORITY. The Board shall have the power to make rules and regulations for the use of the park, subject to the approval of the rules by the council. Such rules shall either be posted on the facility or otherwise publicized in a manner to provide adequate notice to the using public.

(Title II, Ch. 8 – Ord. 2010-04 – Oct. 15 Supp.)

## TITLE III COMMUNITY PROTECTION

### CHAPTER 1 OFFENSES

3-1-1	Violations of Chapter	3-1-5	Public Safety and Health
3-1-2	Public Peace	3-1-6	Public Property
3-1-3	Public Morals	3-1-7	Firearms and Weapons Prohibited
3-1-4	Streets		in City Buildings

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

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

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

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

2. Make unusually loud or excessive noise which results in the disturbance of the peace and the public quiet of a neighborhood.

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

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

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

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

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

5. Without lawful authority or order of authority, disturb any lawful assembly or meeting of persons by conduct intended to disrupt the meeting or assembly.

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

6. Without authority, obstruct any street, sidewalk, highway or other public way.

(Code of Iowa, Sec. 723.4(7))

7. Without authority, solicit contributions, distribute literature, or otherwise peddle or sell goods and services within the traveled portion of any roadway.

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

3-1-3 PUBLIC MORALS.

1. Indecent exposure. It shall be unlawful for any person to expose such person's genitals, pubes, female nipples, or buttocks to a person other than the person's spouse, or who commits a sex act in the presence or view of a third person, if the person does so to arouse or satisfy the sexual desires of either party and the person knows, or reasonably should know, that the act is offensive to the viewer.

(Code of Iowa, Sec. 709.9)

2. Public Urination/Defecation. It shall be unlawful for any person to urinate or defecate in a public place, other than a structure equipped with a toilet and/or urinal, in the presence of or in view of another person if the person knows, or reasonably should know, that such behavior would be offensive to a reasonable person.

(ECIA Model Code Amended in 2020)

3-1-4 STREETS.

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

(Code of Iowa, Sec. 716.5)

2. Obstructing or defacing streets. No person shall obstruct, deface, or injure any public road in any manner by breaking up, plowing or digging within the boundary lines thereof, without permission 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. Upon failure by the abutting property owner to perform the action required under this subsection within a reasonable time, the City may perform the required action and assess the costs against the abutting property.

(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. It is unlawful for any person to throw, push, or place or cause to be thrown, pushed, or placed, any ice or snow from private property, sidewalks, or driveways onto the traveled way of a street or alley so as to obstruct gutters, or impede the passage of vehicles upon the street or alley

or to create a hazardous condition therein; except where, in the clearing of large commercial drives in the business district it is absolutely necessary to move the snow onto the street or alley temporarily, such accumulation shall be removed promptly by the property owner or agent. Arrangements for the prompt removal of such accumulations shall be made prior to moving the snow.

6. 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 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.

7. Mailboxes Damaged During Snow Removal. All mailboxes shall be installed to comply with the USPS guidelines and constructed to withhold snow removal efforts by the City. USPS guidelines recommend 41” to 45” between the road surface to the bottom of the mailbox and the mailbox placed 6” to 8” from the back of the curb. The City will repair damage to mailboxes as a result of direct contact of City equipment and the mailbox only, but only in the event the mailbox was installed in compliance with the USPS guidelines. Any necessary replacement or repair of a mailbox will be made with reasonably similar materials and construction in relation to the original mailbox, but in no event shall such reasonable cost of repair or replacement exceed \$50.00.

(Ord. 2018-02, Passed March 5, 2018)

### 3-1-5 PUBLIC SAFETY AND HEALTH.

1. Expectorating. No person shall expectorate on the ground or in any structure within the City limits.

(Code of Iowa, Sec. 364.1)

2. 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 know or has reason to know to be washed into the storm sewer and clog the storm sewer, or any substance know or reason to know to injure any person, animal or vehicle.

(Ord. 2015-01 – Oct. 15 Supp.)

3. Carrying a concealed weapon. It shall be unlawful for any person to carry under such person's clothes or concealed about their person or to be found in possession of any slingshot, knuckles of metal or other material, air gun or any other weapon other than a knife, unless licensed by the Iowa Department of Public Safety or having in possession a valid permit from the County Sheriff.

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

5. Stench bombs. No person shall throw, drop, pour, explode, deposit, release, discharge or expose any stench bomb or tear bomb, or any liquid, gaseous or solid substance or matter of

any kind that is injurious to persons or property, or that is nauseous, sickening, irritating or offensive to any of the senses in, on or about a theater, restaurant, car, structure, place of business, or amusement, or any place of public assemblage, or attempt to do any of these acts, or prepare or possess such devices or materials with intent to do any of these acts. This provision shall not apply to duly constituted police, military authorities, or peace officers in the discharge of their duties, or to licensed physicians, nurses, pharmacists and other similar persons licensed under the laws of this State; nor to any established place of business or home having tear gas installed as a protection against burglary, robbery or holdup, nor to any bank or other messenger carrying funds or other valuables.

6. Discharging firearms and fireworks.

(Code of Iowa, Sec. 727.2)

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

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

c. The City Council may, upon application in writing, grant a permit for the operation of a firing range in which the discharge of firearms for training, recreational or competitive events would be allowed upon showing that the range would be under the direction of a competent organization, group or individual.

d. In the interest of public health and safety and at such times as approved by the 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. Nothing herein shall be construed to prohibit the use of blank cartridges for a show or the theatre, or for signal purposes in athletic sports or by railroads, or trucks, for signal purposes, or by a recognized military organization and provided further that nothing in this section shall apply to any substance or composition prepared and used for medicinal or fumigation purposes.

7. Possession of Fireworks.

a. Definition. The term "fireworks" includes any explosive composition, or combination of explosives, substances or articles prepared for the purpose of producing a visible or audible effect by combustion, explosion or detonation and includes blank cartridges, firecrackers, torpedoes, sky rockets, Roman Candles or other fireworks of like construction and fireworks containing any explosive or flammable compound, or other device containing any explosive substance. The term "fireworks" does not include gold star-producing sparklers on wires

that contain no magnesium or chlorate or perchlorate, flitter sparklers in paper tubes that do not exceed 1/8 inch in diameter, toy snakes that contain no mercury, or caps used in cap pistols.

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

c. Prohibition. No person shall possess fireworks except as provided in this Chapter.

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

(Code of Iowa, Sec. 727.3)

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

(Code of Iowa, Sec. 718.2)

10. Harassment of City Employees.

a. It shall be unlawful for any person to willfully prevent, resist or obstruct or attempt to prevent, resist or obstruct any City employee from the performance of any official duty.

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

11. Antenna and radio wires. No person shall allow, locate or maintain any antenna wires, antenna supports, radio wires or television wires to exist over any street, alley, highway, sidewalk or public property.

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

12. Barbed wire. No person shall install, allow to be installed or use barbed wire without the consent of the City Council.

(Code of Iowa, Sec. 364.1)

13. Playing in streets. No person shall coast, sled or play games on streets or highways except in areas blocked off by the Chief of Police for such purposes.

(Code of Iowa, Sec. 364.12)

14. Littering Prohibited.

a. As used in this Code, “discard” means to place, cause to be placed, throw, deposit or drop, and “litter” means any garbage, rubbish, trash, refuse, waste material and yard waste.

b. No person shall discard any litter within the City of Farley, except as provided and approved by the City of Farley, by collecting and discarding such litter in approved areas or approved receptacles.

c. It is unlawful for any person to deposit or place any garbage, rubbish, trash, refuse, waste material or yard waste in any street, alley, lane, public place, private property, or body of water within the City.

d. It is unlawful to place garbage, refuse or yard waste on the private property of another, or into another garbage, refuse or yard waste containers for the purpose of being hauled away.

e. It is unlawful to permit garbage, yard waste or refuse to remain for more than ten (10) days on private property that is under one’s ownership, possession or control. Yard waste may be retained more than ten (10) days if composting is being completed.

f. Notwithstanding the above provisions, garbage, refuse or yard waste may be placed on the untraveled portions of streets, alleys, lanes, public places or on private property to be hauled away, provided the garbage, refuse or yard waste is kept in place in the manner prescribed in this Code.

(ECIA Model Code Amended in 2017)

3-1-6 PUBLIC PROPERTY.

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

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

2. Injuring new pavement. No person shall injure new pavement in any street, alley or sidewalk by willfully driving, walking or making marks on such pavement.

(Ord. 2015-01 – Oct. 15 Supp.)

3. Destroying park equipment. No person shall destroy or injure any property or equipment in public swimming pools, playgrounds or parks by willfully defacing, breaking, damaging, mutilating or cutting.

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

4. Injury to public library books or property. No person shall willfully 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.

(Ord. 2015-01 – Oct. 15 Supp.)

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

(Code of Iowa, Sec. 716.1)

6. Injury to gravestones or property in cemetery. No person shall willfully 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 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.

(Ord. 2015-01 – Oct. 15 Supp.)

7. 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)

8. Injury to city ambulance or paramedic apparatus. No person shall willfully destroy or injure any ambulance or paramedic unit, equipment or other things used to administer medical care.

(Code of Iowa, Sec. 716.1)

9. 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, except by written authorization of the Mayor.

(Code of Iowa, Sec. 716.1)

10. Injury to roads, railways, and other utilities. No person shall 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 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.

(Ord. 2015-01 – Oct. 15 Supp.)

11. Tapping into Utility Transmission Cables. No person shall connect to any transmission cable without first obtaining permission from the owner of the cable.

(Code of Iowa, Sec. 727.8)

12. 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)

3-1-7 FIREARMS AND WEAPONS PROHIBITED IN CITY BUILDINGS. No person shall possess any weapon or firearm in City buildings that are owned, leased, or otherwise occupied by the City of Farley, Iowa.

The term “firearm” includes any device or instrument designed to propel, or used in the propulsion of any bullet, shot, pellet, slug, BB, dart, or other projectile by the action of an explosive, or by mechanical or electrical means, which, within or connected to the device or instrument and adopts the definition of weapons found in Section 724.1 and Section 724.4 of the Iowa Code.

(Ord. 2011-01 – Oct. 15 Supp.)

## TITLE III COMMUNITY PROTECTION

### CHAPTER 2 NUISANCES

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

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

1. The term "nuisance" means whatever is injurious to health, indecent, or unreasonably offensive to the senses or an obstacle to the free use of property, so as essentially to unreasonably interfere with the comfortable enjoyment of life or property. The lists of nuisances is not an exclusive or exhausted list and 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 police. The following are declared to be nuisances:

(Ord. 2015-01 – Oct. 15 Supp.)

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

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

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

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

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

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

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

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

e. The obstructing or encumbering by fences, buildings, or otherwise the public roads, private ways, streets, alleys, commons, landing places, or burying grounds.

(Code of Iowa, Sec. 657.2(5))

f. Houses of ill fame, kept for the purpose of prostitution and lewdness, gambling houses, or houses resorted to for the use of controlled substances 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. Any object or structure hereafter erected within 1,000 feet of the limits of any municipal or regularly established airport or landing place, which may endanger or obstruct aerial navigation, including take-off and landing.

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

j. 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, unless it be in a building of fire resistant construction.

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

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

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

l. Weeds. Any condition relating to weeds which is described as a nuisance in the Farley Municipal Code of Ordinances or under state law. Dense growth of all weeds, grasses, vines, brush, or other vegetation in the City so as to constitute a health, safety, or fire hazard including any City owned property between the abutting property line and the street right-of-way. Any condition related to weeds described or defined as a nuisance under the Code of Iowa or the City Municipal Code.

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

(ECIA Model Code Amended in 2017)

m. Trees infected with Dutch elm disease.

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

n. Reserved.

o. 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)

p. 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)

q. Causing or suffering any refuse, garbage, obnoxious substances, hazardous wastes, junk or salvage materials to be collected or to remain in any place to the prejudice to others; causing or suffering any refuse, garbage, obnoxious substances, hazardous wastes, junk or salvage materials or other offensive or disagreeable substances to be thrown, left or deposited in or upon any street, avenue, alley, sidewalk, park, public square, public enclosure, lot, vacant or occupied, or upon any pond or pool of water; except for compost piles established and maintained with written permission from the Dubuque County Public Health Department and junk or salvage materials property stored in accordance with the Farley Municipal Code;

r. Diseased or damaged trees or shrubs. Any dead, diseased or damaged trees or shrubs, which may harbor insects or diseased pests or diseases injurious to other trees or shrubs or any healthy tree which is in such a state of deterioration that any part of such tree may fall and damage property or cause injury to persons.

s. Any ditch, drain or water course which is now or hereafter may be constructed so as to prevent surface water and overflow water from adjacent lands entering or draining into and through the same; any storm water detention basis not maintained in an appropriate manner so as to allow its proper function.

t. Stagnant water standing on any property, any property, container or material kept in such condition that water can accumulate and stagnate.

u. Reserved.

v. Infestations of vermin such as rats, mice, skunks, snakes, starlings, pigeons, bees, wasps, cockroaches or flies.

w. Facilities for the storage or processing of sewage, such as privies, vaults, sewers, private drains, septic tanks, cesspools and drainage fields, which have failed or do not function property or which are overflowing, leaking or emanating odors; septic tanks, cisterns and cesspools which are abandoned or no longer in use unless they are empty and cleaned with clean fill; an evolved cesspools or septic tank which does not comply with the Dubuque County Department of Health regulation.

x. Unoccupied buildings or unoccupied portions of buildings which are unsecured.

y. Dangerous buildings or structures.

z. Abandoned buildings.

aa. Any hazardous thing or condition on property which may contribute to injury of any person present on the property; hazards include, but are not limited to, open holes, open wells, open foundation, dangerous trees or limbs, abandoned and unsecured refrigerators or trapping devices.

bb. The storage, parking, leaving or permitting the storage, parking or leaving of any inoperable or obsolete vehicle upon private property within the City for a period in excess of 48 hours, unless exempted herein. This section shall not apply to any vehicle enclosed within a building on private property or to any vehicle held in connection with a legal junk yard or automobile or truck-oriented use operated in the appropriate zone and in compliance with the Farley Municipal Code of Ordinances.

cc. All junk yard or salvage operations except those permitted by ordinance and operating in full compliance with the Farley Municipal Code of Ordinances.

dd. The open burning of trash, refuse, garbage, junk or salvage materials, yard waste, leaves and tree trimmings shall be prohibited within the City limits, provided, however, the City Council may designate up to three weekends each year to allow City residents to burn leaves and tree trimmings in accordance with the City's Open Burning Policy. Outdoor cooking or burning of wood is permitted if performed in a container constructed of steel, brick or masonry and the fire is no larger than two feet in diameter. Additional open burning may be permitted upon written request, only with the special permission of the City Council provided the burning is in compliance with Open Burning Policy guidelines established by the City in consultation with the Fire Department.

ee. Any accumulations of ice, water and snow on public sidewalks, or the failure to remove said accumulations within 48 hours after the creation of such accumulations exist, shall constitute a nuisance and shall be abated pursuant to the provisions specified in the Farley Municipal Code of Ordinances.

ff. Reserved.

gg. Any nuisance described as such or declared by Chapter 657 of the Code of Iowa.

hh. The sounding of any horn or other signaling device on any vehicle on any street, public or private place within the City, except as a danger warning, which makes a loud or harsh sound to the disturbance or annoyance of any person and can be plainly audible at a distance of 50 feet.

ii. The use of amplified sound creating a disturbance or annoyance to others and can be plainly heard 50 feet from the source of the amplified sound.

jj. Yelling, shouting, hooting, whistling or singing at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in the vicinity.

kk. The erection, excavation, demolition, alteration, repair or construction of any building or other property between the hours of 9:00 p.m. and 7:00 a.m., except in the case of an emergency of a public health and safety nature, with the approval of the City.

ll. No person shall obstruct, deface, destroy or injure any public right-of-way in any manner by breaking up, plowing or digging within the right-of-way without City permission.

mm. No person shall throw or deposit on any public or private property any glass bottle, glass, nails, tacks, wire, cans, trash, garbage, rubbish, litter or any other debris or like substance which may injure or damage any person, animal or vehicle or which may annoy, injure or become dangerous to the health, comfort or property of individuals or the public.

nn. Reserved.

oo. Causing or suffering any refuse, garbage, obnoxious substances, hazardous wastes, junk or salvage materials to be collected or to remain in any place that prejudices others.

pp. Causing or suffering any refuse, garbage, obnoxious substances, hazardous wastes, junk or salvage materials or other offensive or disagreeable substances to be thrown, left or deposited in or upon any street, alley, avenue, sidewalk, park, public square, public enclosure, lot, vacant or occupied.

qq. The storage of any appliances, scrap metal, indoor furniture, broken furniture, used building material, unstacked wood, broken toys, broken bicycles and tricycles, bathroom fixtures and similar objects visible from the public right-of-way or adjoining property.

rr. Pools

ss. Pipes, lumber, drywall, flooring, roofing shingles and other building material left on the property visible from the public right-of-way or adjoining property for a period of time exceeding 72 hours.

tt. Rusty, deteriorated, dilapidated or unusable play equipment visible from any adjoining property.

uu. Dilapidated dwelling units exhibiting peeling paint, untreated wood, broken gutters, broken windows, dry rot, missing banisters, railings and spindles, broken doors and the like creating an eyesore and offending members of the public.

(ECIA Model Code Amended in 2017)

(This is not an exclusive or exhaustive list of possible nuisances. The Council must decide what is needed and appropriate for its community.)

ECIA Model Code Amended in 2020)

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 hereby prohibited, and a nuisance may be abated by criminal citation, municipal infraction or as otherwise provided in this Ordinance or Code of Iowa.

(Code of Iowa, Sec. 657.3)

(ECIA Model Code Amended in 2017)

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

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

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

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

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

3. The numbering of buildings.

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

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

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

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

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

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

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

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

3-2-4 NOTICE TO ABATE NUISANCE OR CONDITION. Whenever the Mayor or other authorized municipal officer finds that a nuisance or other condition exists which is listed in Section 3, the Mayor or officer shall cause to be served upon the property owner as shown by the records of the County Auditor a written notice to abate the nuisance within a reasonable time after notice. Notice to abate the nuisance or condition may be given by notification and not personal service.

(Ord. 2015-01 – Oct. 15 Supp.)

3-2-5 CONTENTS OF NOTICE TO ABATE. The notice to abate shall contain:  
(Code of Iowa, Sec. 364.12(3)(h))

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

3-2-6 METHOD OF SERVICE. The notice may be served by regular mail, certified mail, or personal service to the property owner as shown by the records of the County Auditor.  
(Ord. 2015-01 – Oct. 15 Supp.)

3-2-7 REQUEST FOR HEARING AND APPEAL. Any person ordered to abate a nuisance or condition may have a hearing with the officer ordering the abatement as to whether a nuisance or prohibited condition exists. A request for a hearing must be made in writing and delivered to the officer/employee ordering the abatement within seven (7) working days of the receipt of the notice or the right to a hearing shall be waived. If an appeal is not filed as set forth herein, it will be conclusively presumed that a nuisance or prohibited condition exists and it must be abated as ordered.

At the conclusion of the hearing, the hearing officer shall render a written decision as to whether a nuisance or prohibited condition exists. If the officer finds that a nuisance or prohibited condition exists, the officer must order it abated within an additional time which must be reasonable under the circumstances. The property owner may appeal this decision by filing written notice with the City Clerk within five (5) calendar days of the decision. This appeal shall be heard 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 time reasonable under the circumstances.

(ECIA Model Code Amended in 2017)

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

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

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

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

3-2-10 COLLECTION OF COST OF ABATEMENT. The Clerk shall mail a statement of the total expense incurred to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within one month, the City Clerk shall certify the costs to the County Treasurer 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, commercial or industrial building found to be abandoned and a public nuisance and take title to the property for the public purpose of disposing of the property under Chapter 657A by conveying the property to a private individual for rehabilitation or for demolition and construction of housing.

(Code of Iowa, Sec. 364.12A, 657A.1, 657A.10a)

(ECIA Model Code Amended in 2014)

(ECIA Model Code Amended in 2017)

## TITLE III COMMUNITY PROTECTION

### CHAPTER 3 TRAFFIC CODE

- |       |                                            |        |                                                                               |
|-------|--------------------------------------------|--------|-------------------------------------------------------------------------------|
| 3-3-1 | Short Title                                | 3-3-15 | Authority to Designate One-Way Streets and Alleys                             |
| 3-3-2 | Definitions                                | 3-3-16 | One-Way Streets and Alleys                                                    |
| 3-3-3 | Traffic Accident Reports                   | 3-3-17 | Authority to Restrict Direction of Movement on Streets During Certain Periods |
| 3-3-4 | Police Department to Submit Annual Reports |        |                                                                               |

#### ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS

- |       |                                                                |        |                               |
|-------|----------------------------------------------------------------|--------|-------------------------------|
| 3-3-5 | Authority of Police and Fire Department Officials              | 3-3-18 | Through Highways              |
| 3-3-6 | Required Obedience to Provisions of this Chapter and State Law | 3-3-19 | Authority to Erect Stop Signs |

#### TRAFFIC CONTROL DEVICES

- |       |                                                                            |        |                                 |
|-------|----------------------------------------------------------------------------|--------|---------------------------------|
| 3-3-7 | Authority to Install Traffic-Control Devices                               | 3-3-20 | Reserved                        |
| 3-3-8 | Chief of Police to Designate Crosswalks, Establish, and Mark Traffic Lanes | 3-3-21 | Stop When Traffic Is Obstructed |
| 3-3-9 | Play Streets                                                               | 3-3-22 | School Stops                    |

#### SPEED REGULATIONS

- |        |                                              |        |                                                                |
|--------|----------------------------------------------|--------|----------------------------------------------------------------|
| 3-3-10 | Changing State Speed Limits in Certain Zones | 3-3-23 | Stops at Intersecting Through Highways and Other Intersections |
|--------|----------------------------------------------|--------|----------------------------------------------------------------|

#### TURNING MOVEMENTS

- |        |                                          |        |                     |
|--------|------------------------------------------|--------|---------------------|
| 3-3-11 | Turning Markers, Buttons and Signs       | 3-3-24 | Prohibited Crossing |
| 3-3-12 | Authority to Place Restricted Turn Signs | 3-3-25 | Pedestrians on Left |
| 3-3-13 | Obedience to No-Turn Signs               |        |                     |
| 3-3-14 | "U" Turns                                |        |                     |

#### ONE-WAY STREETS AND ALLEYS

#### SPECIAL STOPS REQUIRED

- |        |                                                                |
|--------|----------------------------------------------------------------|
| 3-3-18 | Through Highways                                               |
| 3-3-19 | Authority to Erect Stop Signs                                  |
| 3-3-20 | Reserved                                                       |
| 3-3-21 | Stop When Traffic Is Obstructed                                |
| 3-3-22 | School Stops                                                   |
| 3-3-23 | Stops at Intersecting Through Highways and Other Intersections |

#### PEDESTRIANS' RIGHTS AND DUTIES

- |        |                     |
|--------|---------------------|
| 3-3-24 | Prohibited Crossing |
| 3-3-25 | Pedestrians on Left |

#### METHOD OF PARKING

- |        |                                                              |
|--------|--------------------------------------------------------------|
| 3-3-26 | Standing or Parking Close To Curb                            |
| 3-3-27 | Standing or Parking on the Left-Hand Side of One-Way Streets |
| 3-3-28 | Signs or Markings Indicating Angle Parking                   |
| 3-3-29 | Obedience to Angle Parking Signs or Markings                 |

#### STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES

- |        |                                                              |
|--------|--------------------------------------------------------------|
| 3-3-30 | Stopping, Standing or Parking Prohibited in Specified Places |
| 3-3-31 | City Council Resolution                                      |

- 3-3-32 Authority to Paint Curbs and Erect Signs Prohibiting Standing or Parking
- 3-3-33 Authority to Impound Vehicles

STOPPING, STANDING OR PARKING

- 3-3-34 Parking Signs Required
- 3-3-35 Parking During Snow Emergency
- 3-3-36 All-Night Parking Prohibited
- 3-3-37 Truck Parking Limited
- 3-3-38 Persons with Disabilities Parking
- 3-3-39 Trailers

MISCELLANEOUS DRIVING RULES

- 3-3-40 Vehicles Not to be Driven on Sidewalks
- 3-3-41 Clinging to Vehicles
- 3-3-42 Parking for Certain Purposes Prohibited
- 3-3-43 Driving Through Funeral or Other Procession
- 3-3-44 Drivers in a Procession
- 3-3-45 Funeral Processions to be Identified
- 3-3-46 Load Restrictions Upon Vehicles Using Certain Streets
- 3-3-47 Truck Routes
- 3-3-48 Vehicular Noise
- 3-3-49 Engine and Compression Brakes

BICYCLE REGULATIONS

- 3-3-50 Definitions
- 3-3-51 Traffic Code Applies to Persons Riding Bicycles
- 3-3-52 Riding on Bicycles
- 3-3-53 Riding on Roadways and Bicycle Paths
- 3-3-54 Speed
- 3-3-55 Emerging from Alley or Driveway

- 3-3-56 Carrying Articles
- 3-3-57 Parking
- 3-3-58 Riding on Sidewalks
- 3-3-59 Lamps and Other Equipment on Bicycles

SNOWMOBILES

- 3-3-60 Snowmobile Definitions
- 3-3-61 Permitted Areas of Operation
- 3-3-62 Regulations
- 3-3-63 Equipment Required
- 3-3-64 Unattended Vehicles
- 3-3-65 Restriction of Operation
- 3-3-66 Traffic Regulation

OFF-ROAD VEHICLES

- 3-3-67 Definitions
- 3-3-68 Operation of All-Terrain Vehicles
- 3-3-69 Permit Required
- 3-3-70 Negligence
- 3-3-71 Accident Report

GOLF CARTS

- 3-3-72 Definitions
- 3-3-73 Operation of Golf Carts

PENALTIES AND PROCEDURES

- 3-3-74 Notice of Fine Placed on Illegally Parked Vehicle
- 3-3-75 Presumption in Reference to Illegal Parking
- 3-3-76 Local Parking Fines
- 3-3-77 Failure to Pay Parking Citations

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

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

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

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

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

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

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

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

3-3-3 TRAFFIC ACCIDENT REPORTS. The driver of a vehicle involved in an accident within the limits of this City shall file a report as and when required by the Iowa Department of Transportation. A copy of this report shall be filed with the Chief of Police. 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.  
(Code of Iowa, Sec. 321.266)

3-3-4 POLICE DEPARTMENT TO SUBMIT ANNUAL REPORTS. The Police Chief 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 through or in the immediate vicinity.

(Code of Iowa, Sec. 321.229)

3-3-6 REQUIRED OBEDIENCE TO PROVISIONS OF THIS CHAPTER AND STATE LAW. Any person who shall willfully fail or refuse to comply with any lawful order of a 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. 321.98 Operation without registration.
2. 321.180 Violations of instruction permit limitations.
3. 321.193 Violation of conditions of restricted license.
4. 321.194 Violation of conditions of minor's school license.
5. 321.216 Unlawful use of license.
6. 321.218 Driving without a valid license (as to simple misdemeanor offenses only).
7. 321.219 Permitting unauthorized minor to drive.
8. 321.220 Permitting unauthorized person to drive.
9. 321.229 Failure to comply with lawful order of peace officer.
10. 321.231 Failure of driver of emergency vehicle to exercise caution while on emergency run (stop signs and signals).
11. 321.232 Radar jamming devices.
12. 321.234 Failure to observe seating requirements.
13. 321.236 (Parking) Violation of local ordinance (not a state offense).
14. 321.256 Failure to obey traffic control device.

15. 321.257 Failure to obey or yield to pedestrian or to official traffic control signal.
16. 321.260 Unlawful possession of, or interference with traffic control device.
17. 321.264 Striking unattended vehicle.
18. 321.265 Striking fixtures upon a highway.
19. 321.275 Motorcycle and motorized bicycles violations.
20. 321.277 Reckless driving.
21. 321.278 Drag racing prohibited.
22. 321.285 Speed restrictions.
  - A. Reduce a thirty-five (35) mph speed limit on First Street South to the Southerly corporate limits to a twenty-five (25) mph speed limit.  
(Ord. 2014-01 – Oct. 15 Supp.)
23. 321.286 Truck speed limits (highway).
24. 321.287 Bus speed limits (highway).
25. 321.288 Failure to maintain control.
26. 321.294 Failure to maintain minimum speed when directed by officer.
27. 321.295 Excessive speed on bridge.
28. 321.297 Driving on wrong side of two-way highway.
29. 321.298 Failure to yield half of roadway upon meeting vehicle.
30. 321.299 Passing on wrong side.
31. 321.303 Unsafe passing.
32. 321.304 Unlawful passing.
33. 321.305 Violating one-way traffic designation.

34. 321.306 Improper use of lanes.
35. 321.307 Following too closely.
36. 321.308 Following too closely (trucks and towing vehicles).
37. 321.309 Failure to use approved drawbar.
38. 321.310 Unlawful towing of four-wheeled trailer.
39. 321.311 Turning from improper lane.
40. 321.312 Making U-turn on curve or hill.
41. 321.313 Unsafe starting of a stopped vehicle.
42. 321.314 Unsafe turn or failure to give signal.
43. 321.315 Failure to give continuous turn signal.
44. 321.316 Failure to signal stop or rapid deceleration.
45. 321.317 Signal light requirements; see equipment violation.
46. 321.318 Incorrect hand signal.
47. 321.319 Failure to yield to vehicle on right.
48. 321.320 Failure to yield upon left turn.
49. 321.321 Failure to yield upon entering through highway.
50. 321.322 Failure to obey stop or yield sign.
51. 321.323 Unsafe backing on highway.
52. 321.324 Failure to yield to emergency vehicle.
53. 321.325 Pedestrian disobeying traffic control signal.
54. 321.326 Pedestrian walking on wrong side of highway.
55. 321.327 Pedestrian right-of-way.

56. 321.328 Pedestrian failing to use crosswalk.
57. 321.329 Vehicle failing to yield to pedestrian.
58. 321.331 Soliciting ride from within roadway.
59. 321.332 Unlawful use of white cane.
60. 321.333 Failure to yield to blind person.
61. 321.340 Driving in or through safety zone.
62. 321.341 Failure to properly stop at railroad crossing.
63. 321.342 Failure to obey stop sign at railroad crossing.
64. 321.343 Failure to stop certain cargo or passenger vehicle at railroad crossing.
65. 321.344 Unlawful movement of construction equipment across railroad track.
66. 321.353 Unsafe entry into sidewalk or roadway.
67. 321.354 Stopping on traveled part of highway.
68. 321.358 Stopping, standing, or parking where prohibited.
69. 321.360 Prohibited parking in front of certain buildings.
70. 321.361 Parking too far from curb/angular parking.
71. 321.362 Parking without stopping engine and setting brake.
72. 321.363 Driving with obstructed view or control.
73. 321.365 Coasting upon downgrade.
74. 321.366 Improper use of median, curb, or controlled access facility.
75. 321.367 Failure to maintain distance fire-fighting vehicle.
76. 321.368 Crossing unprotected fire hose.

77. 321.369 Putting debris on highway/roadway.
78. 321.370 Removing injurious material.
79. 321.371 Clearing up wrecks.
80. 321.372 School bus provisions.
81. 321.377 Excessive speed of school bus.
82. 321.381 Driving or towing unsafe vehicle.
83. 321.382 Operating underpowered vehicle.
84. 321.383 Failure to display reflective device on slow-moving vehicles.
85. 321.384 Failure to use headlamps when required.
86. 321.385 Insufficient number of headlamps.
87. 321.386 Insufficient number of headlamps-motorcycles and motorized bicycles.
88. 321.387 Improper rear lamp.
89. 321.388 Improper registration plate lamp.
90. 321.389 Improper rear reflector.
91. 321.390 Reflector requirements.
92. 321.391 Improper type of reflector.
93. 321.392 Improper clearance lighting on truck or trailer.
94. 321.393 Lighting device color and mounting.
95. 321.394 No lamp or flag on rear-projecting load.
96. 321.395 Parking on certain roadways without parking lights.
97. 321.397 Improper light on bicycle.
98. 321.398 Improper light on other vehicle.

- 99. 321.402 Improper use of spotlight.
- 100. 321.403 Improper use of auxiliary driving lights.
- 101. 321.404 Improper brake light.
- 102. 321.408 Back-up lamps.
- 103. 321.409 Improperly adjusted headlamps.
- 104. 321.415 Failure to dim.
- 105. 321.419 Improper headlighting when night driving.
- 106. 321.420 Excessive number of driving lights.
- 107. 321.422 Lights of improper color-front or rear.
- 108. 321.423 Special light/signal provision.
- 109. 321.430 Defective braking equipment.
- 110. 321.431 Brake performance ability.
- 111. 321.432 Defective audible warning device.
- 112. 321.433 Unauthorized use of emergency audible warning devices on motor vehicle.
- 113. 321.434 Use of siren or whistle on bicycle.
- 114. 321.436 Defective or unauthorized muffler system.
- 115. 321.437 Mirrors.
- 116. 321.438 Windshields.
- 117. 321.439 Defective windshield wiper.
- 118. 321.440 Defective tires.
- 119. 321.441 Unauthorized use of metal tire or track.
- 120. 321.442 Unauthorized use of metal projection on wheels.

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

(ECIA Model Code Amended in 2008)

#### TRAFFIC CONTROL DEVICES

3-3-7 AUTHORITY TO INSTALL TRAFFIC-CONTROL DEVICES. The Chief of Police 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 Chief of Police 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 at the time the traffic control device is placed or erected.

(Ord. 2015-01 – Oct. 15 Supp.)

3-3-8 CHIEF OF POLICE TO DESIGNATE CROSSWALKS, ESTABLISH, AND MARK TRAFFIC LANES. The Chief of Police is hereby authorized:

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

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

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

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

#### SPEED REGULATIONS

3-3-10 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:

**Just checking if you have any. There are none identified in your current code.**

1. Increased speed limit:

2. Lower speed limit:

(Code of Iowa, Sec. 321.290)

#### TURNING MOVEMENTS

3-3-11 TURNING MARKERS, BUTTONS AND SIGNS. The Chief of Police may cause markers, buttons, or signs to be placed within or adjacent to intersections, and thereby require and direct, as traffic conditions require, that a different course from that specified by the State law be traveled by vehicles turning at intersections, and when markers, buttons, or signs are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by the markers, buttons, or signs, including right-hand turns at intersections with automatic traffic signals.  
(Code of Iowa, Sec. 321.311)

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

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

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

#### ONE-WAY STREETS AND ALLEYS

3-3-15 AUTHORITY TO DESIGNATE ONE-WAY STREETS AND ALLEYS. Whenever any traffic Code of this City designates any one-way street or alley the Chief of Police 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:

Heading east into municipal parking lot off 1<sup>st</sup> Street between 1<sup>st</sup> and 2<sup>nd</sup> Avenue.  
(Amended during 2021 codification)

3-3-17 AUTHORITY TO RESTRICT DIRECTION OF MOVEMENT ON STREETS DURING CERTAIN PERIODS. The Chief of Police 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 Chief of Police 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:

None.

### SPECIAL STOPS REQUIRED

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

First Street N & 1st Street S  
First Avenue W & 1st Ave. E  
4th Avenue E to 4th Street NE  
4th Street NE to 7th Avenue North E  
7th Avenue W to First Street N  
7th Street NW  
Old Highway 20 to New Highway 20  
Third Avenue SW and SE

(Code of Iowa, Sec. 321.345 and 321.350)

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 Chief of Police 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 RESERVED.

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.

3-3-23 STOPS AND YIELDS AT INTERSECTING THROUGH STREETS AND OTHER INTERSECTIONS. At the intersections of through streets and at intersections upon streets other

than through streets, where, because of heavy cross-traffic or other traffic conditions, particular hazard exists, the Police Department shall cause to be erected stop or yield signs at every such place required by ordinance, and all persons, drivers and pedestrians, shall stop at such places per ordinance, stopping vehicles at either the clearly marked stop line or before entering the crosswalk or intersection.

1. Stop signs.

a. Stop signs to be placed at all places where streets intersect the described through streets.

b. West and East sides of Third Avenue NW where it intersects with Seventh Street, will require all vehicles driving in an East or West direction on Third Avenue NW to stop at the Seventh Street intersection.

c. West and East sides of Fifth Avenue NE where it intersects with Second Street NE, will require all traffic going in an East and West direction on Fifth Avenue NE to stop at the intersection of Second Street NE; a stop sign facing south at 3rd Avenue NW and 7th Street NW.

d. Northwest corner and southwest corner of the intersection of 4th Street NW and 2nd Avenue NW in Farley, Dubuque County, Iowa, to make it mandatory for all motorists driving in a northerly or southerly direction to make a complete and full stop at the intersection of 4th Street NW and 2nd Avenue NW.

e. Stop sign facing south at 6th Street SE and 1st Avenue E; a stop sign facing east at 2nd Avenue NW and 7th Street NW, on the north end of Brown's subdivision; a stop sign facing south at 3rd Avenue NW and 7th Street NW.

f. Second Avenue SE and Third Street SE; which stop sign shall be placed at the northwest corner of said intersection and will require all traffic from Third Avenue SE, to stop prior to proceeding onto Second Avenue SE.

g. The intersection of Third Street NE and Fourth Street NE is hereby designated a four-way stop intersection.

h. Third Street NW where it intersects with Second Avenue NW, which will require all persons traveling on Third Street NW to stop.

i. Third Street NW and Second Avenue NW, which will require all persons traveling by motor vehicle on Second Avenue NW, to stop for all traffic on Third Street NW.

j. Fourth Avenue NE, requiring all vehicles driving in an easterly or westerly direction to stop at the intersection of Third Street NE. A stop sign shall be erected facing west on the SW

corner of the intersection and a stop sign shall be erected facing east on the NE corner of the intersection.

k. All vehicles driving in a westerly direction on Lake Front Drive shall stop at First Street South.

(Ord. 2014-06 – Oct. 15 Supp.)

l. All vehicles driving in a northerly direction on Frentress Drive shall stop at Lake Front Drive.

(Ord. 2018-07, Passed April 2, 2018)

m. All vehicles driving in an easterly direction on 11th Avenue NW to stop at Jamesmeier Road.

(Ord. 2018-12, Passed November 5, 2018)

n. All vehicles driving in a northerly direction on 4th Street SW to stop at 3rd Avenue SW.

(Ord. 2019-07, Passed August 5, 2019)

2. Yield Signs to be Placed as Follows:

a. Yield sign facing east at Railroad Avenue NW and Jamesmeier Road; and a yield sign facing north at 3rd Avenue NW and 5th Street NW.

b. Yield signs at both the Southeast point and the Northwest point of the intersection of Second Street SE and Second Avenue SE, each erected so as to be directed to northerly and southerly traffic on such Second Street SE, which yield sign shall make it mandatory for all motorists driving in either northerly or southerly directions on Second Street SE into the intersection of Second Avenue SE to yield all the right of ways to traffic on said Second Avenue SE, and to comply with all other obligations under Iowa law related to such yield signs.

c. Yield signs on Second Street NE, requiring all vehicles driving in a northerly or southerly direction to yield to oncoming traffic at the intersection of Fourth Avenue NE. A yield sign shall be erected facing south on the SE corner of the intersection and a yield sign shall be erected facing north on the NW corner of the intersection.

d. Yield signs on Sixth Avenue NE, requiring all vehicles driving in an easterly or westerly direction to yield to oncoming traffic at the intersection of Second Street NE; on Third Street NE, requiring all vehicles driving in a northerly or southerly direction to yield to oncoming traffic at the intersection of Sixth Avenue NE; on Second Avenue SE, requiring all vehicles driving easterly or westerly direction to yield to oncoming traffic at the intersection of Fourth Street SE; on Fifth Street SE, requiring all vehicles driving in a northerly or southerly direction to yield to oncoming traffic at the intersection of Second Avenue SE.

## PEDESTRIANS' RIGHTS AND DUTIES

3-3-24 PROHIBITED CROSSING. Pedestrians crossing a street in the business district shall cross in the crosswalks only.

(Code of Iowa, Sec. 321.327)

3-3-25 PEDESTRIANS ON LEFT. Where sidewalks are provided it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway. Where sidewalks are not provided pedestrians at all times when walking on or along a roadway, shall walk on the left side of the roadway.

(Code of Iowa, Sec. 321.326)

## METHOD OF PARKING

3-3-26 STANDING OR PARKING CLOSE TO CURB. No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the right-hand wheels of the vehicle within eighteen inches of the curb or edge of the roadway except as provided in the case of angle parking and vehicles parked on the left-hand side of one-way streets.

(Code of Iowa, Sec. 321.361)

3-3-27 STANDING OR PARKING ON THE LEFT-HAND SIDE OF ONE-WAY STREETS. No person shall stand or park a vehicle on the left-hand side of a one-way street other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the left-hand wheels of the vehicle within eighteen inches of the curb or edge of the roadway except as provided in the case of angle parking.

(Code of Iowa, Sec. 321.361)

3-3-28 SIGNS OR MARKINGS INDICATING ANGLE PARKING. The Chief of Police, 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.

(Code of Iowa, Sec. 321.361)

3-3-29 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. These are:

South side of 2nd Avenue from 2nd Street SE to 3rd Street SE  
East side of the south half of 2nd Street SE  
North side of 1st Ave. West between 3rd and 4th Streets

## STOPPING, STANDING, OR PARKING PROHIBITED IN SPECIFIED PLACES

3-3-30 STOPPING, STANDING, OR PARKING PROHIBITED IN SPECIFIED PLACES. No person shall stop, stand or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control device, in any of the following places:

(Code of Iowa, Sec. 321.358)

1. On a sidewalk.
2. In front of a public or private driveway.
3. Within an intersection.
4. Within five (5) feet of either side of the point on the curb nearest to a fire hydrant.
5. On a crosswalk.
6. Within ten (10) feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of the roadway.
7. Within fifty (50) feet of the nearest rail of a railroad crossing, except when parked parallel with such rail and not exhibiting a red light.
8. Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance when properly 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.

16. Repealed by Ord. 2010-06 – Oct. 15 Supp.

17. On Fourth Avenue NW, the north side only.

18. On First Avenue West extending from 7th Street to Highway 20.

19. On the west side of First Street South between the south edge of the south driveway of Casey's Convenience Store and the north edge of the north driveway of Casey's.

20. The east side of First Street South between the south edge of the south driveway of Casey's Convenience Store and the north edge of the north driveway of Casey's.

21. In the area adjacent to the westerly 24 feet (in length) of curbing north of alley on 1st Street North lying between 1st Avenue West and 2nd Avenue NW, except such prohibition shall not, at any time, apply to vehicles occupied or operated by disabled persons so as to qualify under state regulations for "handicapped parking."

(Ord. 2015-02 – Oct. 15 Supp.)

22. On First Avenue East extending from Fifth Street to the easterly corporate limits on the south side of the street.

(Ord. 2016-04, Passed October 3, 2016)

3-3-31 CITY COUNCIL RESOLUTION. In any other areas designated by City Council Resolution(s) to be restricted to parking for vehicles occupied or operated by handicapped persons as such parking area regulations are set by State Law; except such parking shall be permissible by vehicles authorized under Iowa law to use such handicapped parking spaces and such restriction(s) shall only apply if such restricted parking area(s) is clearly marked as such per 3-3-29 of this code.

(Ord. 2015-02 – Oct. 15 Supp.)

3-3-32 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 Chief of Police may cause curbings 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 Chief of Police, to paint any curbing, sidewalk or street with yellow or orange colored paint or to erect "no parking" signs.

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

3-3-33 AUTHORITY TO IMPOUND VEHICLES. Members of the police department are authorized to remove, or cause to be removed, a vehicle from a street, public alley, or highway to

the nearest garage or other place of safety, or to a garage designated or maintained by the police department, or otherwise maintained by the City, under the following circumstances:

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

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

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

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

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

#### STOPPING, STANDING OR PARKING

3-3-34 **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 Police Chief to erect appropriate signs giving notice thereof and the regulations shall not be effective unless signs are erected and in place at the time of any alleged offense. When signs are erected giving notice thereof, no person shall disobey the restrictions stated on such signs.

(Code of Iowa, Sec. 321.236)

3-3-35 **PARKING DURING SNOW EMERGENCY.** No person shall park, abandon, or leave unattended any vehicle on any public street, alley, or City-owned off-street parking area during any snow emergency proclaimed by the Mayor unless the snow has been removed or plowed from said street, alley or parking area and the snow has ceased to fall. A snow emergency parking ban shall continue from its proclamation through the duration of the snow or ice storm and the forty-eight-hour period after cessation of the storm except as above provided upon streets which have been fully opened.

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

(Code of Iowa, Sec. 321.236)

3-3-36 ALL-NIGHT PARKING PROHIBITED. No person, except physicians or other persons on emergency calls, shall park a vehicle on any street marked to prohibit all night parking and giving notice thereof, for a period of time longer than thirty minutes between the hours of 2 a.m. and 5 a.m. of any day.

3-3-37 TRUCK PARKING LIMITED. It shall be unlawful, in addition to any other restrictions or limitations set out in other sections of this Municipal Code, for any person in control of a semi-tractor truck of any dimensions or any truck trailer exceeding 25 feet in length or 8 feet in width or both, to park, or allow to be parked, any such described truck or trailer within the roadway right of ways of the following within the City limits:

1. Anywhere within the entire length of First Avenue, both east and west, also known as “Old Highway 20”;
2. At any location within one (1) city block (i.e., 264 feet) of any portion of the roadway right of way of First Avenue, both east and west;
3. The City Council of the City of Farley, Iowa, hereby disallows truck parking on 2nd Avenue NW between 1st Street N and 2nd Street NW.
4. All trucks bearing weight stickers of 3 tons or more.
5. All livestock and poultry carrying vehicles.

3-3-38 PERSONS WITH DISABILITIES PARKING. The following locations have been designated as Persons with Disabilities Parking:

- Three (3) parking spaces on the north side of Memorial Hall 202 First Street NW.
- Two (2) parking spaces on the south side in the city parking lot First Street SE.

The following regulations shall apply to the establishment and use of persons with disabilities parking spaces:

1. Establishment. Persons with disabilities parking spaces shall be established and designated in accordance with Chapter 321L of the Code of Iowa and Administrative Code 661-18. No unauthorized person shall establish any on street persons with disabilities parking space without first obtaining council approval.
2. Improper Use. The following uses of persons with disabilities parking space located on either public or private property that constitute improper use of a persons with disabilities parking permit, which is a violation of this Code of Ordinances:

(Code of Iowa, Sec 321L.4)

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

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

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

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

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

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

(3-33-35A – Ord. 2010-06 – Oct. 15 Supp.)

**3-3-39 TRAILERS. Semi-trailers, livestock trailers, and trailers exceeding fifteen (15) feet in length shall not be parked on City streets or right-of-way or on private property used for a residential purpose within the City.**

**(ECIA Model Code Amended in 2020)**

## MISCELLANEOUS DRIVING RULES

3-3-40 VEHICLES NOT TO BE DRIVEN ON SIDEWALKS. The driver of a vehicle shall not drive upon or within any sidewalk area.

3-3-41 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.

3-3-42 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.

3-3-43 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.

3-3-44 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.

3-3-45 FUNERAL PROCESSIONS TO BE IDENTIFIED. A funeral procession composed of vehicles shall be identified as such by the display upon the outside of each vehicle of a pennant or other identifying insignia or by such other method as may be determined and designated by the police department.

3-3-46 LOAD RESTRICTIONS UPON VEHICLES USING CERTAIN STREETS - RESERVED.

(Amended during 2021 codification)

3-3-47 TRUCK ROUTES.

1. Every motor vehicle licensed for five tons or more, having no fixed terminal within the City or making no scheduled or definite stops within the City for the purpose of loading or unloading, with the exception of emergency vehicles, parade routes, and City-contracted service providers, shall travel over or upon the following streets within the City and none other:

1st Street S, 1st Street N, 1st Avenue E, 1st Avenue W, 3rd Avenue NE, 7th Avenue NE, 4th Street NE, Railroad Avenue, 5th Street NW only between Railroad Avenue and 3rd Ave NW, 3rd Avenue NW, 2nd Avenue NW only between 1st Street N and 3rd Street NW, Jamesmeier Road, and 9th Avenue NW.

(Ord. 2019-05, Passed July 15, 2019)

2. Any motor vehicle licensed for five tons or more, 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.

#### 3-3-48 VEHICULAR NOISE.

1. It shall be unlawful for any person to make, continue or cause any disturbing, excessive or offensive noise which results in discomfort or annoyance to any reasonable person of normal sensitivity by means of radio, compact disk player, stereo, speakers, cassette tape player or similar sound device in a motor vehicle.

2. The operation of any radio, compact disk player, stereo, speakers, cassette tape player or similar sound device in such a manner so as to be audible at a distance of two hundred (200') from the motor vehicle shall constitute evidence of a prima facie violation of this section.

#### 3-3-49 ENGINE AND COMPRESSION BRAKES.

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

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

### BICYCLE REGULATIONS

3-3-50 DEFINITIONS. For the purpose of this Chapter the following terms are defined:

1. "Bicycles" shall mean either of the following:

a. A device having two wheels and having at least one saddle or seat for the use of a rider which is propelled by human power.

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

(Code of Iowa, Sec. 321.1)

(ECIA Model Code Amended in 2008)

3-3-51 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.

3-3-52 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.

3-3-53 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 (2) 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.

3-3-54 SPEED. No person shall operate a bicycle at a speed greater than is reasonable and prudent under existing conditions.

3-3-55 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.

3-3-56 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.

3-3-57 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.

3-3-58 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.

3-3-59 LAMPS AND OTHER EQUIPMENT ON BICYCLES. Every bicycle when in use at nighttime shall be equipped with a lamp on the front that emits a white light visible from a distance of at least 500 feet to the front and with a red reflector on the rear of a type that is visible from all distances from 50 feet to 300 feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector.

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

## SNOWMOBILES

3-3-60 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.

3-3-61 PERMITTED AREAS OF OPERATION. Snowmobiles will be allowed to operate in the City as follows:

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.

3-3-62 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.

3-3-63 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 operating condition and at least one headlight and one taillight in good operating condition.

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.

3-3-64 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.

3-3-65 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.

3-3-66 TRAFFIC REGULATION. Each person operating a snowmobile shall strictly observe all traffic signs and signals and all other traffic rules and regulations applicable thereto, and shall obey the orders and directions of any police officer of the City authorized to direct or regulate traffic.

## OFF-ROAD VEHICLES

3-3-67 DEFINITION. All-terrain vehicle (ATV) means a motor vehicle designed to travel on three or more wheels and designed primarily for off road recreational use. All terrain-vehicle includes off road utility vehicles as defined in section 321I.1, but does not include farm tractors or equipment, construction equipment, forestry vehicles or lawn equipment and grounds maintenance vehicles.

3-3-68 OPERATION OF ALL-TERRAIN VEHICLES. The operation of all-terrain vehicles (ATV) is governed by Iowa Code 321.234A (included in this section for reference) and 321I. All-terrain vehicles may be operated within the city limits in compliance with the following: A person operating an all-terrain vehicle on a city street shall have a valid driver's license, be at least 18 years in age, registered with the county and shall be operated at speeds of no more than twenty five miles per hour with operation only on the streets from sunrise to sunset. No ATV is allowed on a City sidewalk.

Equipment:

1. Any ATV for which a City of Farley permit is issued shall be equipped with a muffler, headlight, taillight, and brakes.

3-3-69 PERMIT REQUIRED. Each all-terrain vehicle (ATV) operated on city streets shall have attached to the right rear of the all-terrain vehicle (ATV) a permit obtained from the Police Department at an annual fee of \$10.00. The application for the permit shall set forth the owner of the all-terrain vehicle (ATV) has liability insurance covering the all-terrain vehicle in the same limits required of automobiles by Chapter 321 of the Code of Iowa. The permit may be revoked by action of the council.

Exceptions:

1. An ATV can be used between sunset and sunrise on a City street and a City sidewalk if it is equipped with a snow blade or snowplow and is actively moving or removing snow.

2. Any City Employee or Fire/EMS Department personnel do not require a special permit while performing their duties.

3. The use of an ATV has been granted a special event permit for use between sunset and sunrise, which permit has been granted related to a City Park associated/sponsored league or event of City associated/sponsored special event. All special event permits must be granted, agreed and accepted as a special event by the Farley Police Department at least five (5) days prior to the event. This special event permit must be displayed on the ATV at all times during use relative to the special event. Note: In the unlikely event the police chief is not available during the preceding five days, a permit may be approved or declined by the Mayor or Mayor pro-tempore.

3-3-70 NEGLIGENCE. The owner and operator of an ATV, an off-road motorcycle, or an off-road utility vehicle is liable for any injury or damage occasioned by the negligent operation of the ATV, off-road motorcycle, or off-road utility or snowmobile. The owner of an ATV, an off-road

motorcycle, or an off-road utility vehicle shall be liable for any such injury or damage only if the owner was the operator of the ATV, off-road motorcycle, or off-road utility vehicle at the time the injury or damage occurred or if the operator had the owner's consent to operate the ATV, off-road motorcycle, or off-road utility vehicle at the time the injury or damage occurred.

3-3-71 ACCIDENT REPORTS. Whenever an ATV, off-road motorcycle, or off-road utility vehicle is involved in an accident resulting in injury or death to anyone or property damage amounting to one thousand dollars (\$1,000.00) or more, either the operator or someone acting for the operator shall immediately notify a law enforcement officer and shall file an accident report, in accordance with State law.

#### Violation and Penalty

1. Any person guilty of violating the provisions herein shall be guilty of a misdemeanor and shall be subject to a Municipal civil infraction and fine of Twenty dollars (\$20.00).

2. Any person guilty of violating this ordinance two (2) times in a twelve (12) month period shall be subject to a Municipal civil infraction and fine of Fifty dollars (\$50.00) and revocation of City permit for a period of Two (2) months.

3. Any person guilty of violating this ordinance three (3) times in a twelve (12) month period shall be subject to a Municipal civil infraction and fine of One-hundred dollars (\$100.00) and revocation of City permit for a period of one (1) year from third (3rd) violation date.

When otherwise unable to identify the violation of any provision of this chapter, law enforcement officers may assume the burden to be on the owner of the permit for said violation.

(Ord. 2016-09, Passed December 19, 2016)

#### GOLF CARTS

3-3-72 DEFINITIONS. For use in this ordinance "golf cart" is defined as a motorized 4-wheeled vehicle designed to transport person(s) on a golf course.

3-3-73 OPERATION OF GOLF CARTS. Golf carts may be operated on City streets by persons possessing a valid driver's license and minimum of sixteen (16) years of age. A golf cart shall not be operated upon a City street which is a primary road extension, i.e. State or Federal highway (including, but not limited to, 1st Street and 1st Avenue), but shall be allowed to cross over a City street which is a primary road extension through the City. The golf cart shall be equipped with adequate brakes, headlights, taillights, a slow moving vehicle sign, and a bicycle safety flag minimum of five (5) feet from ground level. The golf cart shall be operated only on the streets from sunrise to sunset. Golf carts operated on City streets need not be registered under Chapter 321 of the Code of Iowa. No Golf carts shall be operated on any street at a speed in excess of twenty-five (25) miles per hour.

### Exceptions:

1. The use of a Golf Cart has been granted a special event permit for use between sunset and sunrise, whose permit has been granted related to a City Park associated/sponsored league or an event sponsored or associated with the City or a non-profit association. All special event permits must be granted, agreed and accepted as a special event at the sole discretion of the Chief of the Farley Police Department at least five (5) days prior to the event. This special event permit must be displayed on the Golf Cart at all times during use relative to the special event. The owner of the permit shall also have an approved Strobe or Flashing light attached to top of Golf Cart that the City has issued to them for the special event. Note: It shall be understood that there shall be no cost for a special permit. There shall be a limited number of permits issued or approved, so approvals are granted on a first come basis. In the unlikely event the police chief is not available during the preceding five days; a permit may be approved or declined by the Mayor or Mayor pro-tempore. Appealing a decision by the police chief can only be heard by the city council prior to the event, and only during regular council sessions.

### Permit Required:

1. Each golf cart operated on city streets shall have attached to the right rear of the golf cart a permit obtained from the Police Department at an annual fee of \$10.00. The application for the permit shall set forth the owner of the golf cart has liability insurance covering the golf cart in the same limits required of automobiles by Chapter 321 of the Code of Iowa. The permit may be revoked by action of the council. Any golf cart driven on any city highway without a permit is guilty of a criminal misdemeanor according to Iowa Code 321.247. Any golf cart used exclusively for the use of the City of Farley, its fire, or EMS department, or other non-profit within the city limits shall be approved without cost.

2. Riding on Golf Carts. A person operating a golf cart shall not ride other than on a permanent regular seat attached thereto. No golf cart shall be used to carry more persons at one time than the number for which it is designed and equipped.

### Violation and Penalty

1. Any person guilty of violating the provisions herein shall be guilty of a misdemeanor and shall be subject to a Municipal civil infraction and fine of twenty dollars (\$20.00).

2. Any person guilty of violating this ordinance two (2) times in a twelve (12) month period shall be subject to a Municipal civil infraction and fine of Fifty dollars (\$50.00) and revocation of City permit for a period of Two (2) months.

3. Any person guilty of violating this ordinance three (3) times in a twelve (12) month period shall be subject to a Municipal civil infraction and fine of One-hundred dollars (\$100.00) and revocation of City permit for a period of one (1) year from third (3rd) violation date.

When otherwise unable to identify the violator/driver of any provision of this chapter, law enforcement officers may assume the burden to be on the owner of the permit for said violation.

(Sec. 3-3-69 – Ord. 2011-05 – Oct. 15 Supp.)

(Ord. 2016-08, Passed December 19, 2016)

(Ord. 2017-06, Passed August 22, 2017)

## PENALTIES AND PROCEDURE

3-3-74 NOTICE OF FINE 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 notice of parking fine giving the registration number, and other identifying information to such vehicle in a conspicuous place and directing the driver of the vehicle to appear within thirty days, or to pay the local scheduled fine.

3-3-75 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.

**This is listed in the list above, but wasn't in the body of your current code. Do you know what the fines should be? Wade?**

3-3-76 LOCAL PARKING FINES. Scheduled fines as follows are established, payable by mail or in person at the City Clerk's office within thirty days of the violation, for the following parking violations:

		Penalty After <u>30 Days</u>
1. Overtime parking	\$	\$
2. Prohibited parking	\$	\$
3. No parking zone	\$	\$
4. Blocking alley	\$	\$
5. Illegal parking	\$	\$
6. Street cleaning	\$	\$
7. Snow removal ban	\$	\$
8. Persons with disabilities parking	\$ 200.00	\$

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

3-3-77 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 thirty (30) 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 the penalty is not paid within 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 RAILROAD REGULATION

3-4-1	Definitions	3-4-4	Street Crossing Obstructions
3-4-2	Warning Signals	3-4-5	Maintenance of Crossings
3-4-3	Street Crossing Signs and Devices	3-4-6	Flying Switches

3-4-1 DEFINITIONS. For use in this chapter, the following terms are defined as follows:

1. The term "railroad train" shall mean an engine or locomotive with or without cars, coupled thereto, operated on rails.

(Code of Iowa, Sec. 321.1(58))

2. The term "operator" shall mean any individual, partnership, corporation or other association that owns, operates, drives or controls a railroad train.

3-4-2 WARNING SIGNALS. Operators shall sound a bell at least 1,000 feet before a street crossing is reached and shall ring the bell continuously until the crossing is passed. Operators also shall sound a whistle at least 1,000 feet before reaching every intersection of the track and street, sidewalk, alley or similar public crossing within the City limits, unless such crossing is protected by a mechanical warning device or flagman as required under Section 3-4-5 of this chapter.

(Code of Iowa, Sec. 327G.13)

3-4-3 STREET CROSSING SIGNS AND DEVICES. Operators shall erect and maintain nonmechanical warning signs on both sides of the tracks at each intersection of the tracks and a street, sidewalk, alley or similar public crossing within the City limits, except where some mechanical sign, signal, device, or gate or flagman is required by resolution of the Council. Such non-mechanical signs shall be of a height and size, and utilize such lettering as to give adequate warning of such crossing. Whenever the City Council shall deem it necessary for the safety and convenience of the public that some mechanical sign, signal, device or gate should be erected and maintained, flagman stationed at any street or other public crossing, the City Council, by resolution, shall order and direct the railroad company or companies concerned to erect and maintain such sign, signal, device, or gate or to station a flagman at such crossing at the expense of such company or companies. Any required flagman shall be stationed at such crossing during the periods of time of each day that the City Council shall designate. The resolution shall specify the street or other public crossing at which the sign, signal, device or gate shall be erected or flagman stationed. After the resolution has been adopted, a copy shall be served the railroad company or companies with a notice of the time limit for compliance. In complying, Chapter 327G of the Code of Iowa shall prevail.

(Code of Iowa, Sec. 327G.15)

3-4-4 STREET CROSSING OBSTRUCTIONS. A railroad corporation or its employees shall not operate a train in such a manner as to prevent vehicular use of a highway, street, or alley for a period of time in excess of ten minutes except in any of the following circumstances:

(Code of Iowa, Sec. 327G.32)

1. When necessary to comply with signals affecting the safety of the movement of trains.
2. When necessary to avoid striking an object or person on the track.
3. When the train is disabled.
4. When necessary to comply with governmental safety regulations including, but not limited to, speed Ordinances and speed regulations.

An employee is not guilty of a violation if the employee's action was necessary to comply with the direct order or instructions of a railroad corporation or its supervisors. Guilt is then with the railroad corporation.

3-4-5 MAINTENANCE OF CROSSINGS. Operators shall construct and maintain good, sufficient and safe crossings over any street traversed by their rails.

(Code of Iowa, Sec. 327G.15)

3-4-6 FLYING SWITCHES. No operator shall cause any railroad car or cars, unattached to any engine, to be propelled across any intersection of the tracks and a street, alley, sidewalk or similar public crossing, for the purpose of making a flying switch unless some employee of the railroad shall be stationed at the intersection to give warning of such car's or cars' approach.

## TITLE III COMMUNITY PROTECTION

### CHAPTER 5 FIRE PROTECTION

3-5-1	Establishment and Purpose	3-5-4	Worker's Compensation and Hospitalization Insurance
3-5-2	Volunteer Fire Fighters	3-5-5	Liability Insurance
3-5-3	Fire Fighter's Duties	3-5-6	Fires Outside City Limits

3-5-1 ESTABLISHMENT AND PURPOSE. A volunteer fire department is hereby established to prevent and extinguish fires and to protect lives and property against fires, to promote fire prevention and fire safety, and to answer all emergency calls for which there is no other established agency.

(Code of Iowa, Sec. 364.16)

3-5-2 VOLUNTEER FIRE FIGHTERS.

1. **Volunteer Fire Fighters.** Individuals residing within the response territory of the Farley Fire Department, being set forth and enforced by Dubuque County and the Dubuque County Fire Fighter's Association, who are at least eighteen (18) years of age, shall be appointed to serve as a volunteer fire fighter. Prior to appointment as a volunteer fire fighter and every four years thereafter a volunteer fire fighter must pass a medical physical examination.

2. **Non-Resident Fire Fighters.** Any person not residing within the response territory of the Farley Fire Department, being set forth and enforced by Dubuque County and the Dubuque County Fire Fighter's Association, who are at least eighteen (18) years of age, and are employed within the response territory may be appointed as a volunteer fire fighter. Such non-resident fire fighters will be listed as an associate member and must meet and comply with all other requirements of a volunteer fire fighter, including training and medical physical examinations.

(Ord. 2016-03, Passed August 15, 2016)

3-5-3 FIRE FIGHTER'S DUTIES. When called by the Fire Chief, all fire fighters shall report for duty immediately in the manner directed by the Fire Chief. All fire fighters shall be subject to call at any time. Fire Fighters shall obey strictly the commands of any other fire fighter who has been appointed by the Fire Chief to be in command temporarily. Fire fighters shall report for training as ordered by the Fire Chief.

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

3-5-4 WORKER'S COMPENSATION AND HOSPITALIZATION INSURANCE. The City Council shall contract to insure the City against liability for worker's compensation and against statutory liability for the costs of hospitalization, nursing, and medical attention for volunteer fire fighters. All volunteer fire fighters shall be covered by the contract.

3-5-5 LIABILITY INSURANCE. The City Council shall contract to insure against liability of the City or members of the department for injuries, death or property damage arising out of and resulting from the performance of departmental duties.

3-5-6 FIRES OUTSIDE CITY LIMITS. The department shall answer calls to fires and other emergencies outside the City limits if the Fire Chief determines that such emergency exists and that such action will not endanger persons and property within the City limits or pursuant to an agreement with the County or Township.

(Code of Iowa, Sec. 364.16)

**TITLE III COMMUNITY PROTECTION**

**CHAPTER 6 CURFEW FOR MINORS**

(Chapter repealed by Ord. 2015-01 – Oct. 15 Supp.)

## TITLE III COMMUNITY PROTECTION

### CHAPTER 7 SOLICITORS, TRANSIENT MERCHANTS, AND MOBILE FOOD UNITS

3-7-1	Purpose	3-7-5	Unlawful Acts
3-7-2	Definitions	3-7-6	Suspension or Revocation of License
3-7-3	Solicitor and Transient Merchant Regulations and Requirements	3-7-7	Penalty
3-7-4	Mobile Food Units		

3-7-1 PURPOSE. The purpose of this chapter is to protect residents against fraud, protect them from intrusion into the privacy of their homes, and to ensure the safety of the residents by licensing and regulating solicitors and mobile food units.

#### 3-7-2 DEFINITIONS.

1. Approved Event. A larger event, such as a farmers market, music festival, or similar activity that has been approved by the City through a public property special event permit, a temporary use permit (on private property) or a block party permit. An approved event would also include events within a City Park with the approval of the City Clerk or their designee.

2. Catered Event. For the purposes of this title, any event where a business or entity has requested the mobile food unit to provide food for a targeted audience and which the food is served to the customers within a building, structure, or facility and not directly from the mobile food unit, or where the business or entity requesting the service is paying for the food in a single lump sum payment rather than individual patrons paying for their food themselves.

3. Catering Business. A business, social or home catering service providing food and incidental services for a social affair, event, or for a private dwelling, which does not engage in the sale of food or beverage to individually paying patrons.

4. Door Hanger. A solicitor whose business is limited to hanging information on residence doors.

5. Mobile Food Unit. Any type of annually licensed food establishment that is a readily movable vehicle (on wheels), that is self-propelled (driven), or can be pulled or pushed to a location and used for the vending of food or beverage items to the public.

6. Mobile Food Unit Classification. The type of mobile food unit based upon the type of menu items being served and preparation and storage requirements for the defined menu items based upon the Iowa Department of Inspections and Appeals Mobile Food Unit Guide.

7. Mobile Food Vendor. A person engaged in the business of selling food or beverages from a mobile food unit.

8. Person. Natural persons, corporations, firms, and organizations of any description, whether acting in person or through agents, employees, or other persons.

9. Push Cart. A non-self-propelled mobile food unit that is pushed or pulled by the mobile food vendor to a location and serves a limited offering of food or beverage items.

10. Solicitor. Any person who initiates or attempts to initiate personal contact with other persons at or near residences or businesses, including upon private driveways, parking lots, or public sidewalks in an apparent effort to solicit or attempt to solicit monies or orders for goods, services, subscriptions, or merchandise to be delivered immediately or at a future date.

11. State Licensing Level Classification. The Iowa Department of Inspections and Appeals has established four classification levels for mobile food vendors that will be referenced as a part of this chapter. There are more requirements for each of the levels, but in general the levels are as follows:

a. Class I – Non-refrigerated vending units that serve only intact, non-potentially hazardous commercially prepackaged food and beverages. Examples include chips, crackers, cookies, soda, and sweets in manufacturer’s packaging.

b. Class II – Refrigerated or Hot vending units that serve potentially and non-potentially hazardous commercially prepackaged foods from an approved source. Examples include packaged sandwiches, ice cream bars, individually wrapped and cooked hot dogs. No cooking is allowed as part of a Class II unit.

c. Class III – Units that serve potentially and non-potentially hazardous packaged food and unpackaged foods with limited assembly. These units are limited to pre-cooked foods from an approved source that may be reheated on the unit. Examples include pushcart operations, packaged salads, hot dogs, shaved ice.

d. Class IV – Units that serve potentially and non-potentially hazardous foods that are prepared, cooked, cooled or reheated and assembled on the unit. Examples include self-contained mobile food units, food trucks and any units that are capable of preparing and producing food items from pre-cooked and/or raw products (meat, fish, poultry, plant foods, and dairy products) to finished product for consumption.

12. Transient Merchant. Any person who engages in a temporary or itinerant merchandising business selling direct to the public from a temporary location or structure through a temporary association with a local property owner or business owner. The term “transient merchant” does not include mobile food vendors.

3-7-3 SOLICITOR AND TRANSIENT MERCHANT REGULATIONS AND REQUIREMENTS. Any person defined in Section 3-7-2 of this chapter as a “solicitor” or “transient merchant” shall comply with the following requirements:

1. License Required. Any solicitor or transient merchant must procure a license as provided for herein. The term “person” as used herein includes natural persons, corporations, firms, and organizations of any description, whether acting in person or through agents, employers, or other persons.

2. Application for License. An application in writing shall be filed with the Clerk for a solicitor or transient merchant license under this chapter. Such application shall set forth the applicant’s name, permanent address, local address and business address, if any. The application shall also set forth the applicant’s employer, if any, and the employer’s address, the nature of the applicant’s business, the last three (3) places where such business was conducted and the length of time sought to be covered by the license. The applicant and each individual who is to be working for or on behalf of the applicant shall submit a copy of his or her state issued photo ID or photo driver’s license, to be retained by the Clerk, and a report of criminal history obtained from the Iowa Department of Public Safety.

3. License Fee. Each individual who is to be working for or on behalf of the applicant is required to pay the license fee. A license fee in the following amount shall be paid to the Clerk, by the applicant, prior to the issuance of any license to cover the cost of issuance and policing during the licensing period:

a. All Solicitors and Transient Merchants Except Door Hangers

- 1) 1 day permit: \$20
- 2) 1 week permit (7 contiguous days): \$100

b. Door Hangers

- 1) 1 week permit (7 contiguous days): \$30

4. Bond Required. Each applicant for a license required by this chapter shall, before the license is issued to the applicant, file with the Clerk a personal surety bond in the amount of one thousand dollars (\$1,000.00), conditioned that the applicant shall comply with and observe the terms and conditions of all provisions of this code of ordinances relating to solicitors and transient merchants, and will pay all costs, fines, and penalties incurred on account of the applicant’s failure to observe such provisions and will pay all damages resulting to any person or by reason of such applicant’s actions in violation of such terms and conditions. Notwithstanding the foregoing, solicitors whose business is limited to hanging information on residence doorknobs shall not be required to file a personal surety bond.

5. License Issued. Upon receiving an application for a license, with an appropriate bond attached thereto, if the City Clerk and Police Chief are satisfied that the statements and representations contained in the application are true, that the applicant meets all of the requirements of this chapter, and has authority to do business in the State of Iowa, the Clerk will issue to the applicant a license. A license is valid only for the period of time and at the location and place described in the application. In the case of a qualified applicant proposing to conduct business or to sell from more than one location, the Clerk must issue a separate license for each location.

6. Display of License. Each person licensed under this chapter shall keep such license in possession at all times while doing business in the City and shall, upon the request of prospective customers, exhibit the license as evidence of compliance with all written requirements of this chapter.

7. Character of Applicant.

a. Evidence of Good Character and Business Responsibility: In order to be considered for a license, the applicant shall provide in addition to the application required under section 3-7-3 of this chapter:

1) The names, addresses, and phone numbers of at least two (2) residents of the City of Farley who are not the applicant's employer, coworker, agent, or relative (within 2 separations) and will certify as to the applicant's good character and business responsibility; or

2) In the alternative, the applicant shall provide other available evidence which attests to the good character and business responsibility of the applicant as will enable an investigator to properly evaluate such reputation and business responsibility.

b. Investigation: Upon receipt of the complete application as required by Section 3-7-3 of this chapter and either the information required under subsection "a-1)" or "a-2)" of this section the Police Chief or designee shall investigate the applicant as deemed necessary for the protection of the public health, safety, welfare and good.

c. Unsatisfactory Character and Business Responsibility: If, as a result of such investigation, the applicant's character and business responsibility are found to be unsatisfactory such that would harm the public good, the Police Chief may endorse on such application disapproval and state reasons for disapproval and return the application to the Clerk who shall notify the applicant in writing that the application has been disapproved, state the reasons for denial, and the applicant's right to appeal under subsection "e" of this section.

d. Satisfactory Character and Business Responsibility: If, as a result of such investigation, the applicant's character and business responsibility are found to be satisfactory, the Police Chief may endorse approval on the application and shall return the application to the Clerk and the license may be issued under section 3-7-3(5) of this chapter.

e. Right to Appeal: Any applicant whose application for license was disapproved as under subsection 7 of this section may appeal to the City Council at its next regularly scheduled meeting by filing with the Clerk a written request for an appeal to the City Council at least seven (7) days prior to the meeting. As a result of this appeal, the City Council may affirm, modify, or reverse the decision of the Clerk not to issue the license. If the application for license is denied, the application is not eligible for issuance of a license under this chapter for a period of one year from the date of notification the license application was disapproved, was served in person or deposited in U.S. mail.

8. License Not Transferrable. Licenses issued under the provisions of this chapter are not transferrable in any situation and are to be applicable only to the person filing the application, for the period stated and approved in the license.

9. Hours to Do Business. All solicitor and transient merchant licenses shall provide that said licenses are in force and effect only between the following hours: Monday through Saturday, nine o'clock (9:00) AM to seven o'clock (7:00) PM. No soliciting or merchandising shall occur on Sundays or nationally recognized holidays. Any person found to be acting as a solicitor or transient merchant without a license, shall also be limited to these hours.

10. Solicitor and Transient Merchant Exemptions.

a. Government Officers: Officers and employees of the United States, the State of Iowa, or any subdivision or agency thereof, while in the performance of their official duties.

b. Public Utilities: Representatives of any public utility lawfully doing business in the City, while acting in such capacity.

c. Route Salespersons: Route Salespersons who call routinely on customers on a regular basis or on an established route.

d. Charitable Organizations: Any organization which is acting under the authority of Chapter 504 of the Code of Iowa, which has obtained tax exempt status under Section 501(c)(3) of the Internal Revenue Code, and if requested by the City to do so, provide documentation of 501(c)(3) status to the City.

e. Resale or Institutional Use: Persons customarily calling on businesses or institutions for the purpose of selling products for resale or institutional use.

f. Nationally Recognized Nonprofit Organizations: Members of any Dubuque County area Boy Scout, Girl Scout, Camp Fire, 4-H Club, FFA and similar nationally recognized nonprofit organizations, if the sales are to benefit the organization in its recognized operation and/or programs.

g. Community Improvement or Benefit: Persons making door-to-door sales for the purpose of a community improvement or benefit, approved by the City Council, on behalf of nonprofit, tax exempt organizations.

h. School Students: Students representing Dubuque County area public and/or parochial schools conducting projects sponsored by organizations and recognized by such schools.

i. Youth Sports Organizations: Dubuque County area youth sports organizations.

j. Exercising Constitutional Rights: Persons going from house-to-house, door-to-door, business-to-business, street-to-street, or place-to-place where the activity is for the purpose of exercising that person's state or federal constitutional rights such as freedom of speech, press, and religion. This exemption may be lost if the person's exercise of these constitutional rights are merely incidental to a commercial activity.

### 3-7-4 MOBILE FOOD UNITS.

1. Mobile Food Unit Licensing. It shall be unlawful for any person to engage in the sale of food or beverages to the public from a temporary or mobile facility within the corporate limits of the City of Farley without first obtaining a mobile food unit license from the City, in addition to any other state, federal, or county permits, certifications, and licenses.

a. A mobile food unit license is either a daily license or an annual license that expires on December 31 each year and must be renewed prior to the first event after that date.

b. Each mobile food unit shall be licensed separately. No license transfer is allowed.

c. Although certain activities may be exempt from the licensing requirements of this chapter, any food service to the public in the City of Farley is expected to comply with all other local, county and state requirements for health inspections, licensing, safety and fire code requirements.

d. The following shall be exempt from this requirement:

1) Catering businesses.

2) Grilling and food preparation activities of brick and mortar establishments on the establishments' premises for immediate consumption by patrons or employees.

3) Concession stands associated with sports or recreational venues that have been approved as part of a site plan or permitted conditional use permit for the venue.

2. License/Inspection Fee(s). At the time of the submittal of a license application, the applicant shall pay to the Clerk the applicable fee in addition to any applicable inspection fee(s).

a. The amount of the license and applicable inspection fee(s) shall be determined in accordance with an established fee schedule, which fee schedule may be modified from time-to-time with City Council approval.

b. Any licensee who surrenders their license prior to the date of expiration shall not be entitled to a refund of any portion of the fee.

### 3. Mobile Food Unit Licensing Application.

a. Application requests shall be filed with the Clerk. No application request shall be accepted for filing and processing unless it conforms to the requirements of this title. This would include a complete and true application, all of the required materials and information prescribed, and is accompanied by the appropriate fees.

b. Unless otherwise provided herein, applications must be submitted not less than five (5) calendar days prior to the proposed start date of the mobile food unit activities. The City reserves the right to reject any applications that have not been timely submitted to the City.

c. Receiving approval of a mobile food unit license from the City shall not preclude, supersede, circumvent, or waive the applicant's responsibility to obtain any additional permits, licenses, and approvals for other applicable local, state, and federal regulations.

d. Application shall be made on a form provided by the City and shall include:

- 1) Full name of the applicant.
- 2) Applicant's contact information including mailing address, phone numbers and e-mail address.
- 3) State Health Inspection Certificate with the classification level of the state license.
- 4) Description of the kitchen facilities, cooking facilities, preparation area, safety features (such as, but not limited to suppression system) of the mobile food unit.
- 5) Photographs of the mobile food unit from the front, side and back.
- 6) Make, model, and year of the vehicle to be used and the license plate number.
- 7) Overall size of vehicle; length and width.
- 8) Fee.

e. Character of Applicant. Upon receipt of the complete application as required by this chapter, the Police Chief or a designee shall investigate the applicant as deemed necessary for the protection of the public health, safety, welfare, and good.

1) Unsatisfactory Character and Business Responsibility. If, as a result of such investigation, the applicant's character and business responsibility are found to be unsatisfactory such that would harm the public good, the Police Chief may endorse on such application disapproval and state reasons for disapproval and return the application to the Clerk who shall notify the applicant in writing that the application has been disapproved, state the reasons for the denial, and the applicant's right to appeal under subsection "iii" of this section.

2) Satisfactory Character and Business Responsibility. If, as a result of such investigation, the applicant's character and business responsibility are found to be satisfactory, the Police Chief may endorse approval on the application and shall return the application to the Clerk and the license may be issued.

3) Right to Appeal. Any applicant whose application for license was disapproved as under subsection "1)" of this section may appeal to the City Council at its next regularly scheduled meeting by filing with the Clerk a written request for an appeal to the City Council at least seven (7) days prior to the meeting. As a result of this appeal, the City Council may affirm, modify or reverse the decision of the clerk not to issue the license. If the application for license is denied, the applicant is not eligible for the issuance of a license under this chapter for a period of one year from the date notification the license application was disapproved, was serve in person or deposited in U.S. mail.

f. Applications Deemed Withdrawn: Any application received shall be deemed withdrawn if it has been held in abeyance, awaiting the submittal of additional requested information from the applicant, and if the applicant has not communicated in writing with the City and made reasonable progress within thirty (30) days from the last written notification from the City to the applicant. The application fee is nonrefundable. Any application deemed withdrawn shall require submission of a new application and fees to begin a new review and approval process.

g. Issuance of License: Upon completion of the review process and a determination of compliance with the applicable regulations, the Clerk will issue a mobile food unit license.

h. Modification of License After Issuance: Should the mobile food vendor change the food or beverage being offered during the term of an issued license; the Clerk shall be notified in writing.

4. Mobile Food Units on Public Property. No mobile food unit may be operated on public property except as part of an approved event under a Public Property Special Event Permit issued by the Clerk. Requests for authorization to vend within a City Park or greenway (not as part of a City permitted Public Property Special Event) maybe submitted no less than five (5) days and no more than fifteen (15) days prior to the requested day of vending.

5. Unattended Mobile Food Unit. No mobile food unit shall be left unattended or stored on any site overnight, unless that property is under the ownership or control of (by way of a lease or other contractual agreement) the operator of the unit and is being done so in compliance with all other City Code requirements or the mobile food unit is a participant in a multiple (contiguous) day, City permitted, Public Property Special Event. Any mobile food unit found unattended shall be considered in violation of these regulations and subject to license revocation, municipal infraction, towing, and any other action legally allowed.

6. Music and Soundmaking Devices. The use of music or sound making devices as part of a mobile food unit shall be prohibited.

7. Mobile Food Unit Performance Standards. Persons conducting business from a mobile food unit must do so in compliance with the following standards:

a. The mobile food vendor must obtain expressed written consent of the property owner or lessee to use the property on which they propose to operate. The written consent must be kept in the unit at all time that the unit is on the property. Written consent does not excuse or permit the violation of any other imposable regulations.

b. The operator of the mobile food unit shall display their City license in full view of the public in or on the unit.

c. Mobile food units shall only be allowed on non-residential properties, except in the case of an approved residential block party or private catering arrangement, so long as it is in compliance with all other City Code requirements related to residential property.

d. Mobile food units that are within three hundred (300) feet of a residentially zoned property, shall be limited to hours of operation between nine o'clock (9:00) AM and seven o'clock (7:00) PM Sunday through Thursday and nine o'clock (9:00) AM and ten o'clock (10:00) PM on Fridays and Saturdays.

e. A mobile food unit operating on non-residential property (excluding those operating as part of a City permitted Public Property Special Event) shall be limited to hours of operation between nine o'clock (9:00) AM and seven o'clock (7:00) PM Sunday through Thursday and nine o'clock (9:00) AM and one o'clock (1:00) AM on Fridays and Saturdays.

f. Arriving in advance of the authorized hours of operation and/or departing after the authorized hours of operation shall be prohibited.

g. A mobile food unit operating on non-residential property as part of a City permitted Public Property Special Event may only do so during the granted time period for the event.

h. Mobile food units must maintain a minimum separation between units of fifteen (15) feet.

i. Mobile food unit operation is not a generally acceptable use of a non-residential parking lot and may only be allowed if doing so does not diminish the usable number of parking spots within the lot to below the minimum threshold needed as established by the City site plan for the property. It is the joint responsibility of the Property owner or lessee and mobile food unit owner to ensure that this provision is not violated. Exceptions to this rule may be applied for by way of a City approved temporary site plan amendment.

j. Mobile food units shall serve patrons which are on foot only; no drive-up service to the unit itself shall be provided or allowed.

k. The mobile food unit must be located on a paved surface, unless approved as part of a Public Property Special Event Permit or through a temporary site plan amendment.

l. No mobile food unit may be located on a vacant property or lot with a vacant building. Exceptions to this rule may be granted by City Staff after a review of the particular property and the vendor has been able to make arrangements to ensure safe and sanitary conditions. This would include but is not limited to: employee access to restrooms, adequate access for fire and police personnel/vehicles, and that the site in general is free from hazards or dangerous conditions.

m. No mobile food unit may operate within one hundred (100) feet of a permanent restaurant or business offering food or beverage services unless they receive expressed written consent of the restaurant or business owner.

n. All mobile food units shall maintain a minimum separation from buildings, five (5) feet for State IA Class I and II units and fifteen (15) feet for State IA Class III and IV units, as measured to the closest building element including awnings or canopies, tents or membrane structures. Location of the food unit shall not impede pedestrians entering or exiting a building.

o. The window or area where a patron orders and receives their purchase shall be located so as to not require a patron to stand, or create a line that may cause pedestrians to be in the public right-of-way, vehicle travel lane, including parking lot drive aisles, or similar situation that may create a potential safety hazard. Adequate safe space for patrons waiting for their order must be available on the property where the mobile food unit is located.

p. With the exception of pushcarts as allowed herein, no mobile food unit shall be placed on a public or private sidewalk. Pushcarts may locate on or adjacent to a private sidewalk or public sidewalk only as part of an approved Public Property Special Event Permit. However, a minimum forty-eight (48) inch open walkway must be maintained for passing pedestrians. The placement of the pushcart shall be in such a manner so as to minimize encroachment into the forty-eight (48) inch walkway by patrons waiting in line for service from the pushcart.

q. Signs are limited to those that are attached to the exterior of the mobile unit and must be mounted flat against the unit and not project more than six (6) inches from the exterior of the

unit. No freestanding signs, banners, flags, or similar items are allowed. Off-premise signs directing patrons to the mobile food unit are prohibited.

r. During business hours, the mobile food vendor shall provide a trash receptacle for use by customers.

s. The mobile food vendor shall keep the area around the mobile food unit clear of litter and debris at all times.

t. All mobile food units shall be located in such a manner as to not create a safety hazard, such as blocking emergency access to buildings and the site, obstructing access to fire hydrants, impeding entering and exiting from a building, creating a visual impediment for the motoring public at drive entrances, intersections, pedestrian crossings, or similar movement and access.

8. Property Owner/Lessee Responsibility. By allowing the mobile food unit on their property, the property owner or lessee jointly and severally with the vendor are responsible for compliance with the Chapter and to ensure the safety of pedestrians and access of emergency vehicles to and around the site. Failure to do so could result in the property owner or lessee being party to any enforcement actions or penalties allowed by law.

### 3-7-5 UNLAWFUL ACTS.

1. Fraudulent Representation/Harassment. No licensee shall falsely or fraudulently misrepresent the quality, character, or quantity of any article, item, or commodity offered for sale, or sell any unwholesome or tainted food or foodstuffs. No licensee shall harass, intimidate, coerce, or threaten any individual to induce a sale.

2. Failure of any applicant to maintain the appropriate county, state and federal licenses and permits, during the term of the local license or permits shall be considered an unlawful act and subject to revocation or any other penalties available to the City.

### 3-7-6 SUSPENSION OR REVOCATION OF LICENSE.

1. Any license issued under the provisions of this chapter may be suspended or revoked by the City as follows:

a. Grounds – the Clerk or Clerk’s designee may suspend or revoke any license issued under this chapter, for any of, but not limited to the following reasons:

1) The licensee has made fraudulent statements in his/her application for the license or in the conduct of his/her business.

2) The licensee has violated this chapter or any other chapter of this code or has otherwise conducted his/her business in an unlawful manner.

3) The licensee has conducted his/her business in such a manner as to endanger the public welfare, safety, order, or morals.

4) The Clerk has received and investigated three (3) or more found complaints during the licensed period related to the manner in which the licensee is conducting business.

b. Notice of Suspension or Revocation; Right to Appeal: The Clerk or Clerk's designee shall cause notice of the license revocation to be served in person by a City official or by mail to the licensee's local address, which notice shall specify the reason(s) for such action, at which time operations of the licensee must cease within the corporate limits of the City of Farley. The licensee may appeal the revocation of the license to the City Council at its next regularly scheduled meeting by filing with the Clerk a written request for an appeal to the City Council at least seven (7) days prior to the meeting. The City Council may affirm, modify or reverse the decision of the clerk to revoke such license. If a license is revoked, no refund of any license fee paid shall be made. Upon the revocation of a license, the licensee is not eligible for the issuance of a new license under this chapter for a period of one year from the date the license revocation is served in person or deposited in the U.S. mail.

3-7-7 PENALTY. Unless another penalty is expressly provided by this chapter for any particular provision or section, violations of this chapter are simple misdemeanors subject to a fine of not more than five hundred dollars (\$500.00) and may also be punishable as municipal infractions subject to a civil penalty as set forth in Title I, Chapter 3 of this code. Each day a municipal infraction occurs and/or is permitted to exist constitutes a separate offense. Police officers, code enforcement officers, and the Police Chief's designees shall have the authority to issue citations for violations of this chapter, and shall have the discretion to enforce this chapter as either a simple misdemeanor or municipal infraction.

(Ord. 2019-06, Passed July 15, 2019)  
(Amended during 2021 codification)

**TITLE III COMMUNITY PROTECTION**

**CHAPTER 8 RESERVED**

## **TITLE III COMMUNITY PROTECTION**

### **CHAPTER 9 ALCOHOLIC BEVERAGES**

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

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

(Code of Iowa, Sec. 364.1)

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

1. 123.2 and 123.3 General Prohibition and Definitions
2. 123.18 Favors From Licensee or Permittee
3. 123.22 State Monopoly
4. 123.28 Open Alcoholic Beverage Containers
5. 123.30 Liquor Control Licenses - Classes
6. 123.31 Application Contents
7. 123.33 Records
8. 123.34 Expiration - License or Permit
9. 123.35 Simplified Renewal Procedure
10. 123.36 Liquor Fees - Sunday Sales
11. 123.38 Nature of Permit or License - Surrender - Transfer
12. 123.39 Suspension or Revocation of License or Permit - Civil Penalty
13. 123.40 Effect of Revocation

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

## TITLE III COMMUNITY PROTECTION

### CHAPTER 10 JUNK AND ABANDONED VEHICLES

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

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. 364.1)

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

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

(Code of Iowa, Sec. 321.89(1)(b))

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

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

4. A "junk vehicle" means any vehicle without current license plates or which has any one of the following characteristics:

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

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

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

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

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

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

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

### 3-10-3 REMOVAL OF ABANDONED VEHICLES.

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

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

3. When a vehicle is taken into custody and impounded under the provisions of this chapter, the Chief of Police or Mayor if the Chief of Police is unavailable, shall maintain a record of the

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

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

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

### 3-10-4 NOTIFICATION OF OWNERS AND LIENHOLDERS.

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

- a. Describe the year, make, model, and serial number of the vehicle.
- b. Describe the personal property found in the vehicle.
- c. Describe the location of the facility where the vehicle is being held.
- d. Inform the persons receiving notice:

(1) of their right to reclaim the vehicle and personal property within ten days after the effective date of the notice;

(2) that the right can be exercised upon payment of all towing, preservation, notice, and storage charges resulting from placing the vehicle in custody;

(3) that failure of the owner or lienholders to exercise their right to reclaim the vehicle within the reclaiming period shall be deemed a waiver by the owner and all lienholders of all right, title, claim, and interest in the vehicle;

(4) that failure to reclaim the vehicle is deemed consent to the sale of the vehicle at a public auction or disposal of the vehicle to a demolisher.

e. State that any person claiming rightful possession of the vehicle or personal property who disputes the planned disposition of the vehicle or personal property by the Chief of Police or

the assessment of fees and charges provided by this chapter may request a hearing to contest these matters in accordance with the provisions of Section 3-10-6.

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

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

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

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

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

3. Notice by one publication in one newspaper of general circulation in the area where the vehicle was abandoned shall be sufficient to meet the requirements of this chapter. The published notice may contain multiple listings of abandoned vehicles but shall be published within the same time requirements and shall contain the same information as prescribed for mailed notice in this section. Published notice shall be used if:

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

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

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

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

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

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

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

### 3-10-5 IMPOUNDMENT FEES AND BOND.

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

- a. an impoundment fee
- b. towing charges
- c. preservation charges
- d. storage charges
- e. notice charges

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

2. The amount of the charges specified in 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 Section 3-10-5(1)

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

### 3-10-6 HEARING PROCEDURES.

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

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

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

3-10-9 NOTICE TO ABATE.

1. Whenever the Chief of Police or Mayor if the Chief of Police is unavailable, shall find a junk vehicle placed or stored on private property within the City in violation of Section 3-10-8, the Chief of Police shall notify, by certified mail with five days' return receipt, the following persons:

- a. the owner of the property.
- b. the occupant of the property.

2. The notice to abate shall:

- a. describe, to the extent possible, the year, make, model, and color of the vehicle.
- b. describe the location of the vehicle.
- c. state that the vehicle constitutes a nuisance under the provisions of this chapter.
- d. state that the owner of the property shall remove or repair the said junk vehicle within ten days.

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

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

3-10-11 COLLECTION OF COST OF ABATEMENT. The Clerk shall mail a statement of the total expense incurred to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within one month, the Clerk shall certify the costs to the County Treasurer and the costs shall then be collected with, and in the same manner, as general property taxes.

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

3-10-12 EXCEPTIONS. This chapter shall not apply to the following:

1. A vehicle in an enclosed building.
2. A vehicle on the premises of a business enterprise operated in a district properly zoned therefor, as authorized under the Zoning Ordinance or restricted residence district of this City, when necessary to the operation of said business enterprise.

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

3-10-13 INTERFERENCE WITH ENFORCEMENT. No person shall interfere in any way with the enforcement provision of this chapter.

**TITLE III COMMUNITY PROTECTION**

**CHAPTER 11 RESERVED**

## TITLE III COMMUNITY PROTECTION

### CHAPTER 13 PROPERTY MAINTENANCE

3-13-1	Purpose	3-13-6	Notice and Posting
3-13-2	Enforcement Officer	3-13-7	Vehicles
3-13-3	Unsafe Structures and Equipment	3-13-8	Violations, Penalties, and Remedies
3-13-4	Unfit or Unlawful Structures	3-13-9	Construction of this Ordinance
3-13-5	Maintenance of the Exterior of Structures		

3-13-1 PURPOSE. This Chapter establishes the minimum requirements for the initial and continued occupancy and use of all structures and premises, but does not replace or modify requirements otherwise established by other ordinances/chapters of this Code, which may be additional, alternative, or more stringent than the requirements set forth herein, for the construction, repair, alteration, or use of structures, equipment, or facilities.

#### 3-13-2 ENFORCEMENT OFFICER.

1. It shall be the duty and responsibility of the appointed Ordinance Enforcement Officer ("Officer") to enforce the provisions of this Ordinance as herein provided. The Officer or Officers shall be appointed by the Mayor with the consent of the City Council, and may be City Police Officers whose police credentials shall constitute credentials of this office.

2. The Officer shall have the following powers and duties:

a. To enforce all the provisions of this Ordinance relative to the maintenance of structures and premises, except as may otherwise be specifically provided for herein or by other Ordinances.

b. To issue all necessary notices and orders to abate illegal or unsafe conditions in order to ensure compliance with this Ordinance's requirements for the safety, health, and general welfare of the public.

c. To enter any non-residential structure at any reasonable time for the purpose of making inspections and performing duties under this Ordinance when there is sufficient exterior evidence of deterioration or neglect to warrant interior inspection.

d. To enter and conduct interior inspection of residential property or structures for the purpose of determining the question of condemnation only upon application to, and issuance of an order by, a court of competent jurisdiction authorizing such entry. 148

e. To seek from a court of competent jurisdiction an order for an owner, occupant, or other person in charge of premises to cease and desist in refusing, impeding, inhibiting, or obstructing the free access by the Officer to any part of a structure wherein inspection is sought.

3. Every occupant of a non-residential structure or a premises shall give the owner, the owner's agent or employee, access to any part of such structure, or its premises, at reasonable times for the purpose of making inspections and such repairs as are necessary to comply with the provisions of this Ordinance.

4. The Officer or said Officer's authorized representative shall disclose proper credentials of said Officer's respective office for the purpose of entering into any structure for the purpose of inspecting any and all buildings and premises in the performance of said Officer's duties pursuant to this Ordinance.

5. Inspection of all premises, the issuance of notices and orders resulting from such inspections and the enforcement of this Ordinance shall be the responsibility of the Officer. However, if in the opinion of the Officer initiating an inspection under this Ordinance, said Officer deems it necessary or desirable to have inspections by other departments or Officers of the City of Farley, the Officer shall make reasonable effort to arrange for the coordination of such additional inspections so as to minimize the number of visits by inspectors. The Officer shall confer with the other departments conducting inspections for the purpose of eliminating conflicting orders or citations before any are issued. No department conducting such inspections shall delay the issuance of any emergency orders that it determines must be issued for the purpose of conducting such a conference with other departments.

### 3-13-3 UNSAFE STRUCTURES AND EQUIPMENT.

1. When any structure or part thereof is determined by the Officer to be unsafe, or when a structure or part thereof is found unfit for human occupancy or use, or is found to be unlawful, it may be condemned pursuant to the provisions of this Ordinance and shall be posted with appropriate notice and vacated. It shall not be reoccupied without approval of the Officer. Unsafe equipment located within a structure shall also be posted with appropriate notice and placed out of service upon posting.

2. An unsafe structure is one in which all or part thereof is determined by the Officer to be dangerous to life, health, property or the safety of the public, which includes its occupants, because it is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation that it may partially or completely collapse.

3. Equipment includes any boiler, heating unit, elevator, moving stairway, 149 electrical wiring or device, air conditioning system, flammable liquid container or other type of equipment located within a structure or premises. Such equipment is unsafe when it is in such disrepair or condition that it is determined by the Officer to be a hazard to life, health, property, or safety of the public or the occupants of the structure or premises wherein the equipment is situated. Unsafe

equipment may contribute to, or be the cause of, a finding that the structure wherein it is situated is unsafe or unfit for human occupancy or use.

### 3-13-4 UNFIT OR UNLAWFUL STRUCTURES.

1. A structure is unfit for human occupancy or use whenever the Officer finds that it is unsafe, unlawful, or because of the degree in which it lacks maintenance or is in disrepair, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks proper ventilation, illumination, sanitary or heating facilities or other essential equipment required by this or any other ordinances. Furthermore, a structure may be unfit for human occupancy if its location constitutes a hazard to its occupants or to the public.

2. An unlawful structure is one found in whole or in part to be occupied by more persons than is permitted by the ordinances of the City of Farley or by State Code. An unlawful structure is also one which was determined to have been erected, altered or occupied contrary to the ordinances of the City of Farley.

3. If any structure or part thereof, is vacant and unfit for human habitation, occupancy or use but is not in danger of structural collapse, the Officer shall post a placard of condemnation of the premises and shall order the structure closed up so it will not be an attractive nuisance to the public. Upon failure of owner to close up the premises within the time specified in the order, the Officer shall cause the structure to be closed through any available public agency or by contract or arrangement with private persons or contractors. The cost for closing the structure shall be charged against the real estate upon which the structure is located and shall constitute a lien on such real estate upon certification to County Auditor, Clerk of Court, or other appropriate County or State Official.

### 3-13-5 MAINTENANCE OF THE EXTERIOR OF STRUCTURES.

1. The provisions of this section and subsequent sections shall govern the minimum conditions for maintenance of the exterior of property, premises and structures. Premises shall comply with the conditions herein prescribed insofar as they are applicable.

2. The owner of the premises or structure shall maintain the property in compliance with the requirements set forth herein. A person shall not occupy, as owner-occupant, or lease to another for occupancy or use, premises, or structures that do not comply with the requirements of this Ordinance.

3. All vacant structures and vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause blight or to adversely affect the public health and safety.

4. All exterior property areas and premises shall be maintained in a clean, safe, and sanitary condition free from any accumulation of rubbish or garbage. Storage of material must at

all times be enclosed or screened from adjoining property and from public view so as not to be visible from adjoining property or from a public street.

5. The owner, manager, or operator of every establishment producing garbage, vegetable wastes or other putrescible materials shall provide, and at all times cause to be used, leak-proof containers having close-fitting covers for storage of such materials until such-time as they are removed from the premises for disposal. The storage containers shall be located behind or to the sides of a building. All storage containers that are greater than one yard in size located in commercial areas shall be screened from residential areas and residential streets so they are not visible. All storage containers that are greater than four yards in size located in residential areas shall be screened from view so as not to be visible from open areas.

6. All premises shall be graded and maintained in such manner so as to prevent the accumulation of stagnant water thereon.

7. All loading and delivery areas, automobile service stations and drive-in food establishments shall be paved with bituminous, concrete or equivalent surfacing and shall be free from dirt and other litter. The paved areas of such establishments shall be kept in good repair. Exterior lighting of commercial establishments shall be installed in such a manner so as to avoid illumination of residential areas as much as possible.

8. An owner or manager of a structure or of property shall be responsible for the extermination of insects, rats, vermin, or other pests in all exterior areas of the premises except that the occupant of a single family dwelling shall be responsible for such extermination in the exterior areas of the premises. Whenever infestation exists in the shared or public parts of a premises or structure that is not a single family dwelling, extermination shall be the responsibility of the owner, manager, or operator of the premises or structure.

9. All sidewalks, steps, driveways, parking spaces and similar paved areas privately owned but used by the public shall be free from mud and other debris. If any sidewalk or driveway, or portion thereof, by virtue of its state of disrepair shall constitute a danger to public health and safety, the sidewalk or driveway, or portion thereof, shall be repaired or replaced.

10. All areas shall be kept free from weeds or wild plant growth. Lawns shall not exceed eight inches in height.

11. All open storage yards and open storage areas shall be completely obscured from view from surrounding property by a solid screen fence not less than six feet in height.

12. No person shall construct, maintain, or operate pipes, ducts, conductors, fans, or blowers in such a manner so as to discharge gases, steam vapor, hot air, grease, smoke, odors, or other gaseous or particulate wastes directly upon abutting or adjacent public or private property belonging to another.

13. All accessory structures, including detached garages, fences, and walls shall be maintained structurally sound and in compliance with the requirements for exterior structures set forth herein.

14. The exterior of a structure or building shall be maintained structurally sound and sanitary so as not to pose a threat to the health and safety of the occupants or other members of the public and shall be maintained so as to protect the occupants from the elements.

15. All supporting structural members of all structures and buildings shall be kept structurally sound, free of deterioration and maintained so as to be capable of safely bearing the dead and live loads located with such buildings and structures.

16. Every foundation, exterior wall, roof, and all other exterior surfaces shall be maintained in a workmanlike state of maintenance and repair.

17. All foundation walls shall be maintained so as to carry the safe design and support the operating dead and live loads of the building or structure. The foundations shall be maintained plumb and free from open cracks and breaks and be kept in a state of repair so as not to be detrimental to individual safety and welfare of citizens.

18. All exterior walls shall be free of holes, breaks, cracks, loose or rotting boards or timbers, and shall be free of any other conditions of disrepair that might admit rain, dampness or wind to the interior portions of the walls or to the occupied spaces within a building. All exterior surface materials, including wood, composition, or metal siding shall be maintained weatherproof and shall be properly surface coated where necessary in order to prevent deterioration.

19. Roofs of all buildings and other structures shall be structurally sound, and shall not have defects that might admit moisture. Roof drainage shall be such so as to prevent rain water and other types of moisture from causing dampness in the walls or the interior portions of any building or structure.

20. All cornices, entablatures, belt courses, corbels, terracotta trim, wall facings, and similar decorative features shall be maintained in good repair and shall be properly anchored to a building or structure so as to be in a safe condition.

21. All canopies, marquees, signs, metal awnings, fire escapes, standpipes, gutters and downspouts, exhaust ducts and similar overhang extensions shall be maintained in good repair and be properly anchored so as to be kept in a safe and secure condition. They shall be protected from the elements and against decay and rust by the periodic application of a weather-coating material such as paint or by application of other protective treatment material.

22. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe, sound, and in a good state of repair. All exposed surfaces of metal

or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or by treatment of a similar substance.

23. Every stairs, stairway, porch, balcony, and all appurtenances attached thereto, shall be so constructed and maintained so as to be safe to use and capable of supporting the loads of which it is subjected. They shall be kept in a sound condition and in good repair.

24. Every window, door, and frame shall be constructed and maintained in such relation to the adjacent wall constructions so as to prevent rain and other types of moisture and wind from penetrating the interior of the dwelling or structure.

25. Every window sash shall be treated with approved glazing materials and shall be free of cracks and holes.

26. Every occupant of a structure, building, or part thereof, shall keep that portion of the structure or premises, which said occupant occupies in a clean and sanitary condition. Every owner, manager or operator of a building containing two or more dwelling units shall maintain, in a clean and sanitary condition, the shared or public areas of the building.

27. Every occupant of a structure or building shall dispose of all rubbish in a clean and sanitary manner by placing it in rubbish containers equipped with tightfitting covers.

28. Every occupant of a structure or part thereof shall dispose of garbage in a clean and sanitary manner by placing it in garbage disposal facilities, or, if such facilities are not available, by removing all non-burnable matter and securely wrapping such garbage and placing it in tight garbage storage containers or by disposing of the garbage in such a manner as may be approved by other ordinances.

29. Rubbish and garbage shall not be placed on the front property line for pick-up 153 by the disposal service more than 24 hours prior to the time such pick-up will occur.

30. Every building shall be supplied with an approved garbage disposal facility, such as a mechanical sink grinder to be located within each dwelling unit, or with approved outside garbage can or cans as required by this Ordinance. Such facilities shall be sufficient to meet the needs of the occupants.

31. Every structure shall be equipped with approved containers and covers for storage of rubbish and the owner, operator, manager or agent in control of such a building shall be responsible for the removal of such rubbish.

32. The owner or occupant of a non-residential structure, or part thereof, shall keep the equipment and fixtures located therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use, operation, and maintenance of such equipment and fixtures.

### 3-13-6 NOTICES AND POSTING.

1. Whenever the Officer determines there has been a violation of this Ordinance or has reasonable grounds to believe that a violation has occurred, or whenever the Officer has condemned a structure or equipment under the provisions of this Ordinance, notice shall be given to the owner or the person or persons responsible in the manner as prescribed below. If the Officer has condemned the property or part thereof, said Officer shall give notice to the owner and the occupants of said Officer's intent to post the property, to order equipment out of service and that the occupants vacate the premises. Such notice shall:

- a. Be in writing;
- b. Include a description of the real estate sufficient for identification (which may be a street address, and specific unit if applicable);
- c. Include a statement of the reason or reasons why it is being posted;
- d. Include a correction order allowing a definite but reasonable time for the repairs and improvements required to bring the structure into compliance with the provisions of this Ordinance and other applicable Ordinances; such time shall not exceed seven days and may be less. The Officer, or said Officer's designated representative, may, at said Officer's discretion, issue a citation in lieu of a notice in the form of an ordinance violation citation, informing the person or persons of the violation and requesting of them to correct the violation and make payment in an amount as set forth in 3-13- 8(2) herein. The Officer may also, at said Officer's discretion, file a misdemeanor or municipal infraction citation for the first violation or upon subsequent violations of this Ordinance.

2. Service of the notice required in the previous 3-13-6 shall be deemed to be properly served upon such owner if a copy is delivered to the owner personally or by leaving a copy of the notice at the usual place of the owner's abode with someone residing there of adult age who shall be informed of the contents of the notice. Notice can also be served by certified or registered mail, return receipt requested, addressed to the owner at said owner's last known address. In addition to the forms of service specified above, notice when the structure is condemned must also include a posting copy of the notice in a conspicuous place in or about the structure affected by such notice and at least one publication of such notice in a local newspaper of general circulation within the City of Farley.

3. When a condemnation order is served on an occupant other than the owner or person responsible for such compliance, a reasonable time to vacate the property after non-compliance shall be allowed and stated in the order. Owners or persons responsible for compliance, however, must vacate at the time set as a deadline for correction of defects if there is a failure of compliance. Time shall not exceed 14 days.

4. When the condemnation notice required under the provision of this Ordinance has been given and time allowed for repairs has expired without compliance, the Officer must post on the premises or structure or parts thereof, or on defective equipment, a placard bearing the words: CONDEMNED AS UNFIT FOR HUMAN OCCUPANCY OR USE. A statement of the penalties provided for any occupancy or use or for removing the placard shall be noted on that placard. The owner, or the person or persons responsible for the correction of violations, shall remove said owner, or the person or persons from the property for failure to comply with the correction order in the time specified. However, other occupants of the property shall be given a reasonable amount of time thereafter to vacate, not to exceed 14 days.

5. No person shall occupy a posted premises or structure or part thereof, or shall use posted equipment, and no owner or person responsible for the premises shall let anyone occupy a posted premises.

6. The Officer shall remove the condemnation card whenever the defect or defects upon which the condemnation and posting action were based have been eliminated. Any person who defaces or removes a condemnation card without the approval of the Officer shall be subject to the penalties provided for herein.

7. Whenever an Officer finds that an emergency exists on any premises, or in any structure or part thereof, or on any defective equipment that requires immediate action to protect the public's health and safety or the health and safety of the occupants therein, the Officer shall, with proper notice and service in accordance with the provisions stated herein, issue an order reciting the existence of such an emergency and requiring the vacating of the premises or such action taken as the 155 code Officer deems necessary to meet such an emergency.

Notwithstanding other provisions of this Ordinance to the contrary, such order shall be effective immediately and the premises or equipment involved shall be posted immediately upon service of the order. A copy of that order shall be delivered to the mayor and members of the City Council immediately after it is issued. Persons affected shall have the right to a review hearing within 3 days of written request for same delivered to the City Clerk, reviewed by the Farley City Council.

### 3-13-7 VEHICLES.

1. A junk vehicle is any vehicle that is without a current valid license plate or is in a rusted, wrecked, discharged, dismantled, partly dismantled, inoperative, or abandoned condition. A junk vehicle is also a motor vehicle from which, for a period of at least seven days, the engine, wheels, or other parts have been removed, or on which the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own motor power. A junk vehicle shall be classified as to its condition in one of the two following categories:

a. Restorable: The junk vehicle that is in a condition whereby repairs to it could be made to place it in operating condition without exceeding its estimated value when repaired. One such restorable vehicle shall be allowed on a lot located in a residential area provided that it is enclosed within a garage structure.

b. Wreck: A junk vehicle in such a condition that it is economically unsound to restore it to operating condition considering the costs of repairs to be made, age of the vehicle, market value of the vehicle if it were restored or, if in the opinion of the Officer, said Officer determines that such a classification for the vehicle is warranted. A wreck shall not be allowed or be stored on any parcel within a designated residential area.

2. All junk vehicles, whether on public or private property and in view of the general public, are hereby declared a nuisance.

3. After ten days from the issuance of a citation, members of the Police Department may enter upon public or private property and remove any junk vehicle, or parts thereof, for the purpose of disposing same. The cost for such removal shall be paid by the owner of the property. However, nothing in this subsection shall apply to any motor vehicle that is kept within a building, nor does this subsection apply to operable historic vehicles over 25 years of age, or to a motor vehicle on the premises of a place of business engaged in the wrecking or junking of motor vehicles.

4. The offering for sale of two or more motor vehicles at the same time on private property located within a residentially zoned area is prohibited. At no time and 156 under no circumstances is the offering for sale of a junk vehicle, or the sale of vehicle parts, permitted in open areas on private property unless the property upon which it is situated is licensed by the City of Farley to permit such sale. For the purpose of this subsection, a "For Sale" sign posted upon or adjacent to a motor vehicle constitutes an offering for sale and is prohibited unless specifically allowed herein.

5. Except as permitted by this Ordinance, it shall be unlawful to offer for sale any vehicle at any location unless the location is licensed by the City of Farley to permit such a sale. The owner of the vehicle; as well as the owner of the property upon which it is located, shall be liable for any violations of this Ordinance.

6. Unless otherwise provided for herein, all unregistered, inoperable or junk motor vehicles shall be garaged when in a residential district.

7. Unless otherwise provided for herein, no motor vehicle that is in a state of major disassembly, disrepair, or which is being stripped or dismantled shall be permitted on any property located within a residential or anon-residential district unless the property is licensed for such use. The major repair or demolition of motor vehicles shall not be permitted in residential areas.

8. All licensed vehicles parked in a residential area shall be parked on a surface of gravel, blacktop, or asphalt or within a garage. No more than two licensed vehicles may be parked in rear or side yards of residential areas when this rule is adhered to. The parking area shall at all times be kept free of weeds and all foliage.

9. Supplementing, and superseding where applicable, other parking regulations of the Farley Code, including Title III, Chapter 3, no school buses, industrial or commercial vehicles of any type exceeding seven (7) feet in height, recreational vehicles of any type, trailers of any type, or other trucks exceeding any weight, height, or width limitations of any section of this Code (of any particulars) shall be parked on or within any street or alley right-of-way, and such vehicles shall not be parked within clearly delineated driveways if such block, or substantially impair, safe and adequate visibility for pedestrians and vehicular traffic (not limited to visibility at intersections), EXCEPT temporary parking for deliveries or towing vehicles shall be permitted where "off street" parking is not practicable if not otherwise in violation of this Code.

10. All provisions of this Ordinance shall apply to trailers and towable vehicles.

### 3-13-8 VIOLATIONS; PENALTIES, AND REMEDIE

1. It shall be unlawful for any person, firm, or corporation to erect, construct, alter, extend, repair, remove, demolish, use or occupy any structure or equipment regulated by this Ordinance when such conduct is contrary to or in conflict with or in violation of any of the provisions stated herein.

2. When the Officer issues an ordinance violation citation in lieu of a notice, misdemeanor citation or municipal infraction citation, the following penalties shall be assessed and paid for each offense (separate offense for each day of violation):

a. \$25.00 shall be assessed and paid if payment is made within 10 days of issuance of the citation.

b. \$50.00 shall be due and payable after 10 days of the issuance of the citation.

3. In case any violation order is not promptly complied with, the Officer may request the City Council to direct the City's legal representative to institute a municipal infraction or other appropriate action or proceeding in a court of competent jurisdiction to collect the penalties provided for in 3-11-8(2) above. The Officer may ask the City Council to authorize the City's legal representative to proceed against the person responsible for the violation for the purpose of ordering that person:

a. To restrain, correct, or remove the violation or refrain from any further work at that structure;

b. To restrain or correct the erection, installation, or alteration of such structures;  
Ordinance; or

c. To require the removal of work in violation of any provision of this

d. To prevent the occupation or use of the structure, or part thereof erected, constructed, installed or altered in violation of, or not in compliance with, the provisions of this Ordinance, or which is in violation of a plan or specification of which an approval, permit or certificate was issued by the City of Farley.

4. The Officer may recommend to the City Council that it direct the owner of the premises upon which is located any structure or part thereof, which in the Officer's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary, or otherwise unfit for human habitation, occupancy, or use, to raze and remove such structure or part thereof. Furthermore, the City Council may direct the owner of a premises to repair, make safe and make sanitary such a structure if it can be repaired or to raze and remove such structure at the owner's option. The City Council may also direct the owner of the premises to demolish a structure where there has been a cessation of normal construction of the structure for a period of more than two years and the unfinished structure is so deteriorated that it warrants demolition.

5. The order from the City Council shall specify a time in which the owner shall comply therewith and specify repairs, if any, to be made. It shall be served on the owner of record, or an agent where an agent is in charge of the building, and upon the holder of any encumbrance of record in the manner provided for service of original notice by a court of record. If the owner or a holder of the encumbrance of record cannot be found, the order may be served by posting it on the main entrance of the building and by publishing it once a week for three successive weeks in a newspaper of general circulation within the City of Farley. Costs of service/publication shall be reimbursed by owner to City or constitute a lien (3-11- 4(3)). Extension of time to comply with an order of repair or demolition issued by the City Council may be requested by the owner from the City Council by filing such requests with the City Clerk within five days of receipt by the owner of the notice of repair or demolition.

6. In the event the owner of the premises fails to comply with the order of the City Council, the City Council may direct the City Attorney to commence court proceedings in accordance with State and City Law to authorize the demolition or repair of the structure.

7. When any structure has been razed and removed, the City Council, or its designated officer under a contract or arrangement for removal, may sell the salvageable and valuable materials at the highest price obtainable. The net proceeds of such a sale, after deducting the expenses of such razing and removal, shall be promptly remitted to the City Clerk with a report of such a sale or transaction, including the items of expense and the amount deducted for the benefit of any person, firm, or corporation entitled to reimbursement for such expenses. The report to be submitted shall so state if there are no sale proceeds remaining to be remitted.

### 3-13-9 CONSTRUCTION OF THIS ORDINANCE.

1. Any repair, alteration, or replacement of a structure or structural elements or equipment in a building that may be required by the provisions of this Ordinance shall be done in accordance with the applicable sections of the building code, electrical code, plumbing code or other applicable code or ordinance of the City of Farley.
2. The provisions of this Ordinance shall not be utilized or construed to permit the abridgement or violation of the zoning ordinances of the City of Farley.
3. Specific provisions of this Ordinance take precedence over and prevail over any other provisions of other ordinances in conflict herewith.
4. This Ordinance shall be construed liberally and justly to ensure public health, safety, and welfare insofar as they are affected by the maintenance of structure and premises.
5. The provisions of this Ordinance shall not be construed to prevent the enforcement of other ordinances or regulations that prescribed standards other than those provided for herein.
6. The provisions of this Ordinance shall not be deemed to abolish or impair existing remedies of the City of Farley, or its officers or agencies, relating to the removal or demolition of any building that is deemed to be dangerous, unsafe, and unsanitary.

## TITLE III COMMUNITY PROTECTION

### CHAPTER 14 AIR POLLUTION

3-14-1	Definitions	3-14-4	Incinerators
3-14-2	Open Burning	3-14-5	Nuisance
3-14-3	Exemptions		

3-14-1 DEFINITION OF TERMS. For the purpose of this chapter the following words shall have the meanings given:

1. Backyard burning. The burning of rubbish originating on the premises by individuals domiciled on the premises.
2. Chimney or stacks. Any flue, conduit, or duct permitting the discharge or passage of air contaminants into the open air, or constructed or arranged for this purpose.
3. Garbage. All solid and semi-solid putrescible and non-putrescible animal and vegetable wastes resulting from the handling, preparing, cooking, storing, and serving of food or of material intended for use as food, but excluding recognized industrial byproducts.
4. Open burning. Any burning of combustible materials wherein the products of combustion are emitted into the open air without passing through a chimney or stack.
5. Refuse. Garbage, rubbish, and all other putrescible and non-putrescible wastes, except sewage and water-carried trade waters.
6. Rubbish. All waste materials of non-putrescible nature.
7. Salvage Operations. Any business, industry, or trade engaged wholly or in part in salvaging or reclaiming any product or materials, including, but not limited to, chemicals, drums, metals, motor vehicles, or shipping containers.
8. Trade wastes. All solid or liquid material or rubbish resulting from building operations, construction, or the conduct of any business, industry, or trade, including, but not limited to, chemicals, cinders, grease, paint, plastic products, and other forms of liquid or solid waste materials.

3-14-2 OPEN BURNING. No person shall allow, cause or permit open burning of refuse, including trade wastes, nor shall said person conduct a salvage operation by open burning except where a variance has been granted by the air pollution control authority of the State of Iowa. No person shall burn garbage except in approved incinerators so maintained and operated as to prevent the emission of objectionable odors.

3-14-3 EXEMPTIONS. The conditions listed below are exempted from these rules and regulations:

1. Cooking of Food. Open fires used only for the cooking of food for human consumption, or for recreational purposes, except for the premises of permanent commercial establishments.

2. Premise Fires. Backyard burning, not including garbage, at dwellings of four (4) family units or less. Unless otherwise provided by ordinance or regulation, fires for the open burning of plant material grown on the premise or deposited thereon by the elements shall be permitted.

3. Diseased Trees. The burning of diseased trees. However, when the burning of diseased trees causes air pollution, it shall be subject to state authorities requiring relocation of the burning operations.

4. Disaster Rubbish. The open burning of rubbish produced during community disasters in cases where an officially declared emergency condition exists.

5. Flare Stacks. Flare stacks for the combustion of waste gases.

6. Training Fires. Fires set for the purpose of bona fide instruction and training of public or industrial employees in the methods of fighting fires.

7. Clearing and Grubbing Rubbish. The open burning of combustible materials produced in clearing, grubbing, and construction operations, provided that such burning shall be limited to areas located at least one-fourth (1/4) mile from any inhabited building.

3-14-4 INCINERATORS. Equipment or facilities for enclosed burning of refuse shall have a stack adequate to maintain a draft sufficient for efficient combustion and the stack shall have a screen sufficiently fine to prevent ejection of particles of burning material. Such installations shall not be installed until approved by the superintendent of public works. Such equipment and facilities shall be maintained and operated so that no objectionable smoke or odor shall result.

3-14-5 NUISANCE. Any condition which fails to comply with the health standards set forth in the aforementioned ordinance is declared to be a nuisance and may be abated in the manner set by ordinance for nuisances. Each day a violation occurs shall constitute a separate violation.

## TITLE III COMMUNITY PROTECTION

### CHAPTER 15 ADULT ENTERTAINMENT

3-15-1	Purpose	3-15-8	Prohibited Employment of Minors
3-15-2	Definitions	3-15-9	Illegal Activities on Premises
3-15-3	Location of Facilities	3-15-10	Inspection
3-15-4	Exterior Display	3-15-11	License and Permit Fees
3-15-5	Viewing Area	3-15-12	Facilities License Required
3-15-6	Adult News Racks	3-15-13	Employee Permit
3-15-7	Display of License		

3-15-1 PURPOSE. It is recognized that adult entertainment facilities have certain objectionable side effects which render these facilities incompatible with residential and family-oriented uses, when the adult facilities are located directly adjacent to such uses. This chapter seeks to ensure that residential and family-oriented uses and adult entertainment facilities will be located in separate and compatible locations.

3-15-2 DEFINITIONS. The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1. Adult Entertainment Facilities includes but is not limited to the following:

a. Adult bookstore means an establishment having as the primary portion of its stock in trade, books, magazines and other periodicals which are substantially devoted to the depiction of specified sexual activities and specified anatomical areas.

b. Adult business means any business or establishment where a specified sexual activity or specified anatomical area is displayed.

c. Adult motel means a motel or similar establishment offering public accommodations for any form of consideration which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

d. Adult movie theatre means any theatre, arcade or similar establishment where and enclosed building or open air facility is used for presenting material in the form of motion picture film, video tape or similar means which is substantially devoted to the depiction of specified sexual activities and specified anatomical areas, for observation by persons therein.

e. Adult news rack means any coin-operated machine or device which 172 dispenses material substantially devoted to the depiction of specified sexual activities and specified anatomical areas.

f. Adult nightclub means any club, cabaret, nightclub, bar, restaurant or similar establishment where an enclosed building or open air facility is used for live performances which are characterized by the exposure of specified sexual activities and specified anatomical areas, for the observation by persons therein.

g. Adult entertainment cabaret means a public or private establishment that is licensed to serve food and/or alcoholic beverages, which features topless dancers, strippers, male or female impersonators or similar entertainers.

h. Body shop or model studio means any public or private establishment which describes itself as a body shop or model studio; or where, for any form of consideration or gratuity, figure models who display "specified anatomical areas" are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity, or where for any form of consideration or gratuity, nude and seminude dancing, readings, counseling sessions, body painting and other activities that present materials distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" are provided for observation by or communication to persons paying such consideration or gratuity.

2. Specified anatomical area means less than completely and opaquely covered human genitalia, mature human buttocks, and a mature human breast below a point immediately above the top of the areola; and human male genitals in a discernibly turgid state — even if completely and opaquely covered.

3. Specified sexual activities means any of the following conditions:

- a. Human genitals in a state of sexual stimulation or arousal.
- b. Acts or representations of acts of human masturbation, sexual intercourse or sodomy, bestiality, oral copulation or flagellation.
- c. Fondling or erotic touching of human genitals, pubic region, buttock or female breast.
- d. Minors engaged in a prohibited sexual act or simulation of a prohibited sexual act.
- e. Excretory functions as part of or in connection with any activities set 173 forth in Subsections (A) through (D) of this definition.

### 3-15-3 LOCATION OF FACILITIES.

1. Prohibited Locations. An Adult oriented establishment shall be permitted only in the I-1 District. No person, whether as principal or agent, clerk or employee, either alone or for any other person, or as an officer of any corporation, or otherwise, shall place, maintain, own or operate any Adult Entertainment Facilities in the following locations:

a. In any residential area of the City, including upon any sidewalk abutting upon such residential area.

b. Within 2,000 feet of any residentially zoned or used property, or any property designated on the City's Comprehensive Plan as residentially oriented.

c. Within 2,000 feet of any parcel of real property upon which is located any of the following facilities:

(1) An elementary school, junior high, or senior high school.

(2) A church, which conducts religious programs.

(3) Park or recreational facilities operated and improved by the City, County, County Conservation Board or State.

(4) Federal, State, County, City or special district governmental offices.

(5) Supermarket or convenience market primarily engaged in the sale of food or fuel.

(6) Restaurant, fast-food or food establishment catering to family trade.

d. Within 2,000 feet of any other adult entertainment facility, as defined herein. For the purpose of this section, adult news rack means a single coinoperated device and not a machine with a double or triple dispensing capacity.

2. Measurement of Distance. The distance between any two adult entertainment facilities shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of each business. The distance between any adult entertainment facilities and any religious institution, school or public park, government office, supermarket, restaurant or any property designated for residential use or used for residential purposes shall be measured in a straight line, without regard for intervening structures, from the closest property line of the religious institution, school, public park, government office, supermarket, restaurant or property designated for residential use or used for residential purposes.

3. Permitted Areas. Adult Entertainment Facilities must be a permitted use in accordance with the provisions of the Zoning Code.

3-15-4 EXTERIOR DISPLAY. No adult entertainment facility shall be conducted in any manner that permits the observation of any material depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" by display, decoration, sign, show window or other opening from any public way or from any property not licensed as an adult entertainment facility. Furthermore, all on-site signage shall conform to all restrictions defined in the City of Farley Code of Ordinances.

3-15-5 VIEWING AREA.

1. It is unlawful to maintain, operate, or manage or permit to be maintained, operated or managed any adult theatre or arcade in which the viewing areas are not viewable from a continuous main aisle or are obscured by curtain, door, wall or other enclosure. For the purpose of this section, viewing area means the area where the patron or customer would ordinarily be positioned while watching the performance, picture show, or film.

2. It is unlawful for more than one (1) person at a time to occupy any individually partitioned viewing area or booth.

3. It is unlawful to create, maintain, or permit to be maintained any holes or other openings between any two booths or individual viewing areas for the purpose of providing viewing or physical access between the booth or individual viewing areas.

4. The opening to the viewing area shall be from the main aisle.

3-15-6 ADULT NEWS RACKS.

1. Identification of News Racks. The owners of adult news racks shall have their names, addresses and telephone numbers clearly visible on each news rack located within the City. If the identification is not clearly visible, it shall be grounds for immediate impoundment of the news rack by the City.

2. Nonconforming Uses. The provisions of this Code of Ordinances dealing with nonconforming uses are not applicable to the location of adult news racks existing on the effective date of the ordinance codified in this Chapter, but thereafter the location of adult news racks shall be subject to the provisions of this Code of Ordinances.

3. Impoundment. Any police officer or enforcement officer of the City may impound an adult news rack found in violation of this Chapter after the following actions:

a. A notice of violation has been affixed to the adult news rack stating the section of this Chapter, which has been violated, and stating that the adult news rack will be impounded if the violation is not abated within seven (7) days.

b. A notice of violation has been sent by certified mail, return receipt requested, to the owner of the adult news rack as identified on the news rack, if readable, stating the section of this chapter which has been violated and stating that the adult news rack will be impounded if the violation is not abated within seven (7) days.

c. The violation has not been abated within seven (7) days after the posting of the notice of violation or the mailing of the certified letter, whichever occurs later.

4. Redemption after Impoundment. The person who provides sufficient proof of ownership of such adult news rack may have such news rack, together with all moneys, if any, impounded, returned upon application to the Police Department or other enforcement officer, unless the adult news rack is being retained as evidence for Court.

5 Minimal Distance Violations. It is recognized that adult news racks may be jostled or inadvertently moved minor distance by third persons with a resulting violation of the provisions of Section 3-15-3.

Notwithstanding any other provision of this chapter, such minimal distance violation, not exceeding five (5) feet, shall not be constitute a violation of this Chapter, and the City's Police Department or other enforcement officer shall notify the owner of the adult news rack by certified, return receipt requested, mail of the minimal distance requirements. Notwithstanding the provisions of the Section, all adult news racks shall comply with the encroachment permit provisions of the Code of Ordinances.

#### 3-15-7 DISPLAY OF LICENSE.

1 Every licensee shall display a valid license in a conspicuous place within the adult entertainment facility so that the same may be readily seen by persons entering the premises.

2. All persons required under this Ordinance to obtain an adult entertainment employee permit pursuant to this Ordinance must display on request during the hours of operation of such business and identification card provided by the City Police Department containing the legal name and date of birth of the employee.

3-15-8 PROHIBITED EMPLOYMENT OF MINORS. It shall be unlawful for any adult use licensee or his manager or employee to employ in any capacity within the adult entertainment facility any person who is not at least twenty-one (21) years of age.

3-15-9 ILLEGAL ACTIVITIES ON PREMISES. No licensee or any officer, associate, member, representative, agent, or employee of such licensee shall engage in any activity or conduct or permit any other person to engage in any activity or conduct in or about the licensed premises which is prohibited by any ordinance of the city or law of the state or the United States.

#### 3-15-10 INSPECTION.

1. An applicant or licensee shall permit the mayor, the Police Department, Fire Department, or any other designated agents to inspect the premises of the adult entertainment facility for the purpose of ensuring compliance with the law at any time it is occupied or open for business.

2. A person who operates an adult entertainment facility or his agent or employee violates this Ordinance for refusing to permit such lawful inspection of the premises at any time it is occupied or open for business.

### 3-15-11 LICENSE AND PERMIT FEES.

1. Adult Entertainment Facility License. The license fee for an adult entertainment facility establishment shall be one thousand five hundred dollars (\$1,500.00) per year, or any part hereof.

2. Employee Permit. The permit fee for any persons purporting to engage in the providing of goods or services to the public in connection with the adult entertainment facility shall be two hundred and fifty dollars (\$250.00) per year, or any part thereof.

3. Payment of Fees; Refunds. All fees are payable to the City Clerk's Office upon application and are nonrefundable.

### 3-15-12 FACILITIES LICENSE REQUIRED.

1. Adult Entertainment Facility License Required. It shall be unlawful for any person to engage in, conduct, or carry on, or to permit to be engaged in, conducted, or carried on, in or upon any premises in the City, the operation of an adult entertainment facility, without first having obtained a separate license from the City.

2. Application for an Adult Entertainment Facility License. Any person desiring a license to operate an adult entertainment facility shall file a written application with the City Clerk's Office on a form to be furnished by the City Clerk's Office. The applicant shall accompany the application with a tender of the correct license fee, as provided in 3-15-11 and shall, in addition, furnish the following personal information concerning the manager or other person principally in charge of the operation of the business:

a. Name, complete residence address and residence telephone number, including area code.

b. Written proof of age consisting of a birth certificate.

c. Height, weight, and color of hair and color of eyes.

d. Authorization for the City, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application regarding the applicant's request for a license.

e. The applicant shall keep and maintain liability insurance in an amount of at least one million dollars (\$1,000,000.00) and shall provide evidence of such insurance upon application for or renewal of each license.

f. Written declaration by the applicant, under penalty of perjury, that the information contained in the application is true and correct, with such declaration being duly dated and signed at the City Clerk's Office.

### 3. Approval of Application.

a. Upon receiving the application for an adult entertainment facility license, the mayor and/or designated agent shall preliminarily review the application and shall within fourteen (14) days refer the copies of such application to the Police Department, Fire Department, Zoning Department or any other designated agents.

b. These officials and/or designated agents shall within thirty (30) days inspect the premises proposed to be operated as an adult entertainment facility or, in case of the Police Department, conduct a background investigation of the applicant and all such officials shall make recommendations to the mayor and/or designated agent concerning the premises' and the applicant's compliance with the matters coming within the jurisdiction of the aforesaid officials and/or designated agents.

c. Within ten (10) days of receiving the recommendation of the aforesaid officials and/or designated agents, the mayor and/or designated agent will render his/her approval or denial of the application to the City Council. The City Council must give final approval prior to any issuance or denial of license.

4. Issuance or Denial of Adult Entertainment Facility License. The mayor and/or designated agent shall issue an adult entertainment license within ninety (90) days unless:

a. The correct license fee has not been tendered to the City and, in the case of a check or bank draft, honored with payment upon presentation.

b. The operation, as proposed by the applicant, if permitted would not comply with all applicable laws, including, but not limited to, the City's zoning, building, and health regulations.

c. The applicant has knowingly made any false, misleading, or fraudulent statement of fact in the application for the permit or in any document required by the City in connection therewith.

d. The applicant has operated an adult entertainment facility and has had a license denied, revoked, or suspended for any of the causes set forth in Subsections (a) through (c) of this Section by the City or any other State or local agency.

e. The applicant principally in charge of the operation of the business is under twenty-one years (21) of age.

f. The applicant is a person who is not of good moral character and reputation in the community in which he/she resides.

g. The applicant has been convicted of any the following offenses, unless upon investigation the mayor and/or designated agent finds that such convictions occurred at least ten years (10) prior to the date of the application, that the applicant has had no subsequent convictions and has shown evidence of rehabilitation sufficient to warrant the public trust

(1) A felony under federal laws or the laws of this or any other state.

(2) Prostitution, soliciting for a prostitute, pandering, keeping a place of prostitution, patronizing a prostitute, pimping, obscenity, selling harmful material or having a tie in the sale of obscene publications to distributors, under the laws of this state or equivalent 179 laws or codes of the United States or any other state or city, or any other crime or misdemeanor opposed to decency and morality.

h. The City Council has denied the license.

#### 5. License Administration.

##### a. Term of License.

(1) Each license shall be issued for one year beginning January 1 and said license will expire on December 31 after it was issued and may be renewed only by making application as provided in this Ordinance. Application for renewal shall be made to the City Clerk at least thirty days (30) before the expiration date and when made less than thirty days (30) before the expiration date, the expiration of the license will not be affected.

(2) If the mayor and/or designated agent deny renewal of a license, the applicant shall not be issued a license for one year (1) from-the date of denial. If, subsequent to denial, the mayor and/or designated agent find that the basis for denial of the license has been corrected or abated, the applicant may be granted a license.

##### b. Suspension.

(1) The mayor and/or designated agent may suspend a license for a period not to exceed ninety (90) days if, after a hearing pursuant to Subsection (5)(F) hereof, it determines that a licensee or an employee of a licensee:

- A. Violated or is not in compliance with any section of this article;
- B. Refused to allow an inspection of the adult entertainment facility premises as authorized by this Article; and/or,
- C. Knowingly permitted gambling by any person on the adult entertainment facility premises.

(2) If the licensee or an employee of the licensee has been found guilty in a court of law or under the City's code hearing procedures, of a violation of this Ordinance, no hearing is necessary prior to suspension of the license under this Subsection. 180.

c. Revocation.

(1) The mayor and/or designated agent shall revoke a license without a hearing provided by Subsection (5)(F) hereof, if a cause of suspension in Subsection (5)(B) above occurs and the license has been suspended within the preceding twelve (12) months, or if the licensee is convicted of any specified criminal activity.

(2) The mayor and/or designated agent shall revoke a license if it determines, after such a hearing, that a licensee or an employee of a licensee:

- A. Gave false or misleading information in the material submitted during the application process;
- B. Has knowingly allowed possession, use or sale of controlled substances on the premises;
- C. Has knowingly allowed prostitution on the premises;
- D. Knowingly operated the adult use during a period of time when the licensee's license was suspended;
- E. Has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation or other sex act to occur in or on the licensee premises;
- F. Is delinquent in payment to the city, county, or state for any taxes or fees past due;

G. Has knowingly or intentionally facilitated another in the commission of the offense of public indecency.

(3) If the mayor and/or designated agent revoke a license, the revocation shall continue for one year (1) and the licensee shall not be issued an adult entertainment facility license for one year (1) from the date the revocation became effective. If subsequent to revocation, the mayor and/or designated agent find that the factual basis for the revocation did not occur, the applicant may be granted a license.

(4) After denial of an application, or denial or a renewal of an application, or suspension or a revocation of any license, the applicant or licensee may seek prompt judicial review of such action in any court of competent jurisdiction.

d. Transfer of License. A licensee shall not transfer his/her license to another nor shall a licensee operate an adult entertainment facility under the authority of a license at any place other than the address on the license.

e. Business Records. The mayor and/or designated agent may direct an adult entertainment facility establishment to file a verified report with the City showing the licensee's gross receipts and amounts paid to employees during the preceding calendar year. In addition, all adult entertainment facilities shall maintain and retain for a period of five (5) years the names, addresses and ages of all persons employed, including independent contractors, by the licensee.

f. Hearing. Upon a written allegation that licensee has violated any provision of this Article, the licensed premises shall immediately suspend all business pending a hearing conducted by the mayor and/or designated agent upon seven (7) days notice to the licensee; provided, however, that no hearing shall occur later than fifteen (15) days from the date of suspension of business operations.

6. Adult Entertainment Facilities – Restrictions. All dancing and other performances shall occur on a stage intended for that purpose which is separate and apart from the general public and unobstructed from all horizontal views within the building. No dancing or other performances shall occur closer than three (3) feet to any patron. In addition, no performer shall fondle, caress or otherwise touch any patron and no patron shall fondle, caress or otherwise touch any performer. No patron shall directly pay or give any gratuity to any performer and no performer shall solicit any pay or gratuity from any patron. Gratuities may be indirectly given to performers by placing the gratuity on the stage.

7. Hours of Operation. No adult entertainment facility shall be open for business between 1:00 AM and 1:00 PM, seven (7) days per week.

8. Restrooms. Separate male and female restrooms shall be provided for and used by Adult Entertainment establishment employees and performers, and shall be separate from the restrooms provided for and used by Adult Entertainment establishment patrons. This requirement shall not

apply to an Adult Entertainment establishment that neither has live entertainment nor provides prepared food or allows beverages other than sealed non alcoholic beverages intended for individual retail sales.

9. Alcohol Prohibition. No Adult Entertainment establishment may serve or permit the consumption of alcoholic liquor, wine, or beer in the Adult Entertainment establishment. No Adult Entertainment establishment patron, employee, or performer may consume alcoholic liquor, wine, or beer in the Adult Entertainment establishment.

### 3-13-13 EMPLOYEE PERMIT.

#### 1. Required; Application; Issuance; Term.

a. Any person, including but not limited to a licensee and a performer, who actually engages in the providing of goods or services to the public in connection with the adult entertainment facility shall file an application for an adult entertainment employee permit with the Police Department upon a form provided by the Police Department and shall tender the correct permit fee, as provided in Section 3-13-11 to the City Clerk who shall issue a receipt which shall be attached to the application filed with the Police Department.

b. The application for an adult entertainment employee permit shall contain substantially the same information as the application for an adult entertainment facility license under Section 3-13-12 of this Ordinance, except for personal information concerning the manager or other person principally in charge of the operation of the business and the keeping and maintenance of liability insurance.

c. The mayor, police chief, and/or designated agents may issue an adult entertainment employee permit within fourteen days (14) following the application; unless there is a finding that the applicant would not have been eligible for an adult entertainment permit under the terms of Section 3-13- 12(4) of this Ordinance.

d. Every adult entertainment employee permit issued pursuant to this Section will terminate at the expiration of one (1) year from the date of its issuance and/or from the date the employee is no longer employed with the adult entertainment facility licensee, which ever comes first unless sooner revoked.

#### 2. Revocation or Suspension.

a. Any adult entertainment employee permit may be revoked or suspended by the mayor and/or designated agent if the mayor and/or designated agent shall find the following:

(1) That the permittee has violated any of the provisions of this Ordinance regulating adult entertainment facilities.

(2) The permittee has knowingly furnished false or misleading information or withheld relevant information on any application for any license or permit required by this Ordinance or knowingly caused or suffered another to furnish or withhold such information on his/her behalf.

b. Any adult entertainment employee permit shall be revoked by the mayor and/or designated agent if the mayor and/or designated agent shall find that the permittee has committed any of the offenses listed in Section 3-13-12(4) of this Ordinance.

c. The mayor and/or designated agent in revoking or suspending an adult entertainment employee permit shall give the permit holder written notice specifying the grounds therefore. Such person may within ten (10) days of such revocation or suspension file a written request with the mayor and/or designated agent for a public hearing before the mayor and/or designated agent at which time the permittee may present evidence bearing upon the question.

d. The mayor and/or designated agent may conduct such hearing concurrently with a hearing pursuant to Section 3-13-12(5) of this Ordinance for the adult entertainment facility license, unless it shall appear that such a joint hearing would prejudice the rights of the licensee or the permittee involved.

3. Licensee's Duty to Ensure Employees have Permits. It shall be the responsibility of the licensee for the adult entertainment facility or the employer of any persons purporting to engage in the providing of goods or services to the public in connection with the adult entertainment facility to ensure that each such person shall first have obtained a valid adult entertainment employee permit pursuant to this Ordinance.

4. Transfer of Permit. A permittee shall not transfer a permit to another nor shall a permittee operate under the authority of a permit at any place other than the address on the application.

5. Employee Permit Restrictions. All permittees must be fully clothed while off the dance floor and/or stage and while amongst the patrons. Furthermore, all permittees must wear no less than G- strings and pasties while on the dance floor and/or on the stage. PASTIES are not to be seen through.

## TITLE IV MENTAL AND PHYSICAL HEALTH

### CHAPTER 1 ANIMAL CONTROL

4-1-1	Definitions	4-1-20	Fee for Duplicate
4-1-2	Abandonment of Animals	4-1-22	Consent Implied
4-1-3	Adequate Care	4-1-23	Impoundment and Redemption
4-1-4	Running at Large	4-1-24	Disposition of Animals
4-1-5	Nuisance	4-1-25	Definitions
4-1-6	Unauthorized Release of Animals	4-1-26	Keeping of Dangerous Animals Prohibited
4-1-7	Harboring a Vicious Animal	4-1-27	Dangerous Animals Exceptions
4-1-8	Female Dogs in Heat	4-1-28	Seizure, Impoundment, and Disposition of Dangerous Animals
4-1-9	Directing Dog with Malicious Intent	4-1-29	Definition of Potentially Vicious Dog
4-1-10	Use of Dog in Illegal Activity	4-1-30	Procedure for Declaration of Potentially Vicious Dog
4-1-11	License Required	4-1-31	Notification of Status of Potentially Vicious Dog
4-1-12	Vaccination Required	4-1-32	Exception
4-1-13	Report of Bites	4-1-33	Disposition of Potentially Vicious Dog
4-1-14	Quarantine of Animals	4-1-34	Disposition of Diseased and Injured Animals
4-1-15	Issuing Licenses		
4-1-16	Application		
4-1-17	License Fee		
4-1-18	Expiration; Renewal; Delinquent Fee		
4-1-19	License Not Transferable		

4-1-1 DEFINITIONS. Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

1. Abandoned Animal.

a. An animal whose owner has left it for more than 24 hours without making reasonable arrangements to provide for its proper care, sustenance, shelter, and veterinary care.

b. An animal released without vesting possession in any other person or any animal not being provided with adequate care.

2. Adequate Care. The provision of normal and prudent attention to the needs of an animal, to include, but not be limited to, adequate heat, ventilation, sanitary shelter, wholesome food, water, and veterinary attention in order to maintain an animal in a state of good health.

3. "Animal" means any animal, other than a dangerous animal, that is owned or kept by a person.
4. "Animal Control Agency" means any public or private agency delegated authority by the City to enforce portions of this ordinance; or any public or private agency designated by the City as its animal control agent.
5. "Animal Control Officer" means a designated employee of the Animal Control Agency or designated City employee.
6. "At Large" means any animal found off the premises of the owner. A dog or cat shall not be deemed at large if:
  - a. The animal is on the property of another with permission of the property owner or lessee, or on public lands in accordance with existing laws and is accompanied by the owner or keeper; or
  - b. The animal is on a leash or similar restraint and is under the control of the owner/keeper, or is off leash but under the direct supervision of the owner/keeper and is obedient to that responsible person's command and that person has in the person's possession a leash or similar restraint; or
  - c. The animal is confined within a secure enclosure; or
  - d. Restrained within an enclosed motor vehicle or by crate or leash of sufficient strength and appropriate length to keep the dog or cat within the motor vehicle; or
  - e. The animal is engaged in sanctioned exhibitions or obedience classes, field trials, or other recognized dog competition.
7. "Companion Cat" means a domesticated cat raised to live in or about the habitation of humans and is dependent on people for food and shelter.
8. "Dog" means both male and female animals of the canine species.
9. "Keeper" means any person other than the owner keeping, sheltering, having control or custody of or harboring a cat or dog.
10. "Kennel" shall refer to a place or establishment where dogs or cats are kept or raised for the purpose of breeding, boarding, training, racing at a licensed pari-mutuel track, exchanged or offered for sale to the general public and which are kept under constant restraint.

11. "Neutered" shall refer to a surgical procedure that has been performed on a dog or a cat that renders it incapable of siring or bearing offspring.

12. "Nuisance" means that a dog or cat shall be considered a nuisance if it:

a. Damages, soils, defiles, or defecates on property other than the owner's unless such waste is immediately removed and properly disposed of by the owner; or

b. Causes unsanitary, dangerous, or offensive conditions; or

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

13. "Owner" means any person confining, harboring, maintaining, owning, or sheltering an animal.

14. "Provocation" means threatening, teasing, or striking an animal or threatening, or striking the animal's owner either on or off the animal owner's property.

15. "Reclaimed" means notice by the owner to the Animal Control Agency of ownership of an impounded animal.

16. "Redemption" means payment of the impoundment fee to the Animal Control Agency for the fee assessed for animal impoundment.

17. Vicious animal. A vicious cat or dog is deemed so when it shall have attacked or bitten any person or other domestic animal without provocation and has a history of aggressive or menacing behavior or when an attack or bite results in serious bodily injury.

18. Unsanitary Conditions. When animal occupied space is not free from health hazards including excessive animal waste, overcrowding of animals, or other conditions that endanger the animal's health. This definition does not include a condition resulting from any customary and reasonable practice pursuant to farming or Animal Husbandry.

4-1-2 ABANDONMENT OF ANIMALS. It shall be unlawful for the owner or keeper of any animal to abandon it.

4-1-3 ADEQUATE CARE. It shall be unlawful for the owner or keeper of an animal to fail to provide adequate care. Violation of this provision may result in the impoundment of such animals, and the owner/keeper will be responsible for all costs associated for the boarding and/or veterinary care provided.

4-1-4 RUNNING AT LARGE. It shall be unlawful for any owner or keeper to permit or allow an animal to run at large.

4-1-5 NUISANCE. It shall be unlawful for any owner or keeper to permit a dog or cat to commit a nuisance.

4-1-6 UNAUTHORIZED RELEASE OF ANIMALS.

1. It shall be unlawful for a person to provoke or attack an animal owned by another person except when such action is deemed necessary to protect persons or their property from the animal.

2. No person, except the owner of an animal or his/her authorized agent, shall open any gates, bars, doors, fences, partition, or any portion of a kennel, etc., for the purpose of enabling the animal to leave such premises.

4-1-7 HARBORING A VICIOUS ANIMAL. It shall be unlawful for any person or persons to harbor or keep a vicious animal within the City. **An animal is deemed to be vicious when it has attacked, injured, or bitten any person without provocation or has exhibited the propensity to attack, injure, or bite persons or other domesticated animals, unprovoked, and such propensity is known to the owner or to reasonably have been known to the owner thereof.**

1. **An animal is deemed vicious under the following circumstances:**

a. **Has bitten or clawed a person without provocation on two separate occasions within a twelve (12) month period.**

b. **Did bite or claw a person, without provocation, causing injuries above the shoulders of a person.**

c. **Has attacked any domestic animal, without provocation, on more than two (2) separate occasions during the life of the animal.**

d. **Has killed any domestic animal, without provocation, while off the property of the attacking animal's owner.**

e. **Has bitten another animal or human, without provocation, that causes a fracture, skin puncture, laceration, cut, or injury to the other animal or human.**

**(ECIA Model Code Amended in 2020)**

4-1-8 FEMALE DOGS IN HEAT. It shall be unlawful for any owner or keeper to allow a female dog in heat to run at large or to so confine such dog as to attract male dogs to the area and by their presence cause a nuisance.

4-1-9 DIRECTING DOG WITH MALICIOUS INTENT. No person shall direct, encourage, cause, allow, or otherwise aid or assist any dog to threaten, charge at, intimidate, bite, harass, menace, or attack any person.

4-1-10 USE OF DOG IN ILLEGAL ACTIVITY. No person shall keep, maintain, control, or retain custody of any dog in conjunction with, or for the purpose, whether in whole or in part, of aiding, abetting, or conducting illegal activity or committing any crime.

4-1-11 LICENSE REQUIRED. No person shall keep a dog or cat in the City of Farley unless such dog or cat is licensed by the City as provided in this article. This section shall not apply to veterinary clinics.

4-1-12 VACCINATION REQUIRED.

1. Every owner of a dog or cat shall obtain a rabies vaccination.

2. Dogs and cats shall be vaccinated against rabies by a licensed veterinarian with a vaccine approved by the Iowa Department of Agriculture and administered in accordance with the following schedule:

Class of Animal - Dogs

Age At Primary Vaccination (Months) - 3 Booster - One year later, triennially thereafter

Class of Animal – Cat

Age at Primary Vaccination (Months) - 3

Booster - Annually or one year later, Approved 3 year vaccine may be substituted triennially thereafter

It shall be unlawful for the owner or keeper of any ferret to keep or maintain such animal unless a licensed veterinarian vaccinates the ferret against rabies with a vaccine licensed for the use in ferrets and administered in accordance with the following schedule:

Class of Animal - Ferret

Age at Primary Vaccination Booster (Months) - 3 Booster – Annually, Inactivated nervous tissue vaccine may only be used in accordance with the rules of the Iowa State Department of Agriculture.

A copy of the official rabies vaccination certificate approved by the Iowa State Department of Agriculture shall be a condition precedent to the issuance of any license authorized by this Article.

4-1-13 REPORT OF BITES. It shall be the duty of the owner or keeper of any companion cat, dog, or other domesticated animal that has attacked, bitten, or caused any skin abrasion upon any person to report such incident to the animal control officer.

4-1-14 QUARANTINE OF ANIMALS.

1. An owner or keeper whose animal is suspected of having rabies or other disease communicable to humans, or which has bitten a person shall place the animal in isolation under quarantine under the direction of the Animal Control Officer for ten (10) days. In the event the animal has had a current rabies vaccination, and a current city license, the Animal Control Officer may authorize the owner to quarantine the animal at the owner's home. In the event the animal has not had a current rabies vaccination, or if it is unknown whether the vaccination is current and evidence is not produced satisfactory to the Animal Control Officer that the vaccination is current, if there is no current city license, or for any other reason that the Animal Control Officer so determines, the animal shall be quarantined at the Dubuque Humane Society or a licensed veterinary hospital. The owner shall pay all costs of such confinement. To be eligible for confinement at home the following must be met:

a. The animal must have a current city license, if the animal is three (3) months of age or older;

b. The animal must not have been running at large at the time of the bite;

c. The animal has not previously bitten any person;

d. The owner or keeper must have the animal examined by a veterinarian, licensed in the State of Iowa, who shall certify that the animal appears to be free of rabies or any other zoonosis. Such examination and certification must be completed at the beginning of the 10-day confinement and must be repeated on the 10th day.

e. The owner or keeper must demonstrate to the satisfaction of the Animal Control Officer that the owner or keeper has the proper facilities and the ability to adequately and properly confine the animal to the owner or keeper's home or property during the quarantine period.

f. The owner or keeper must agree to immediately notify the Animal Control Officer of any changes in the animal's health or disposition, to allow representatives of the health services division to enter upon the property and to examine the animal at any time and to immediately take the animal to a licensed veterinarian for examination at any time when directed by the Animal Control Officer.

g. The owner or keeper must agree to promptly pay all costs of veterinarian examinations during the quarantine period.

h. The owner or keeper must further agree to immediately surrender the animal at any time the Animal Control Officer determines that the home quarantine should be terminated, or at any time that any provisions or conditions of home quarantine are violated, in which event the animal shall be put in the custody of a licensed veterinarian of the State of Iowa in the County of Dubuque for the remainder of the quarantine period.

i. If the Animal Control Officer determines at any time that home confinement is not appropriate for the animal, quarantine at a veterinary hospital shall be ordered.

2. Unvaccinated dogs or cats exposed to a rabid animal should be euthanized immediately. If the owner is unwilling to have this done the animal should be placed in strict isolation for six (6) months and revaccinated one (1) month before being released. Animals with expired vaccinations will be evaluated on a case-by-case basis. Dogs or cats that are currently vaccinated should be revaccinated immediately, kept in the owner's or keeper's control, and observed for 45 days.

3. When an animal that has bitten is suspected of rabies, the Animal Control Officer may order the animal to be euthanized and tested for the presence of rabies virus.

4. If an undomesticated or wild animal such as a skunk, bat, fox, raccoon, or other carnivore bites a person, whether or not the animal's owner or keeper is known, the animal shall be humanely destroyed and examined for rabies immediately.

4-1-15 ISSUING LICENSES. The Police Department is designated as the official agent of the City for the purpose of issuing City dog and cat licenses and collecting fees.

4-1-16 APPLICATION. The owner shall make application for a license at the office of the City Clerk or Farley Police Department. The forms shall give the name, address, and social security number of the owner, the sex and description of the dog or cat, and if known, its breed and age. In the event of a change of ownership, owner change of address, change of ownership or death of the pet, the license holder shall notify the Farley Police Department of such change. All dogs and cats must be licensed at three (3) months of age.

4-1-17 LICENSE FEE. The license fee per calendar year, or fraction thereof, for each cat or dog license shall be five dollars (\$5.00). With proof of a three year rabies vaccination, a three year license may be obtained for fifteen dollars (\$15.00).

4-1-18 EXPIRATION; RENEWAL; DELINQUENT FEE. All dog or cat licenses issued under this division shall expire on December 31 of the year in which issued and shall become delinquent on March of the year due. A penalty of ten dollars (\$10.00) shall be added to the required license fee for each delinquent dog or cat license.

4-1-19 LICENSE NOT TRANSFERABLE. A license issued for any dog or cat shall not be transferred to another dog or cat.

4-1-20 TAGS TO BE ATTACHED.

1. The applicant for a dog or cat license, upon procurement of the license, shall securely attach the license tag to a collar or harness, and this collar or harness, with the tag attached, shall at all times be kept on the dog or cat.

2. Every dog or cat, which is outside of the owner's dwelling and not wearing a collar with a valid City license tag attached to the collar, shall not be deemed property.

4-1-21 FEE FOR DUPLICATE. The fee for a duplicate license for either a dog or cat shall be two dollars fifty cents (\$2.50).

4-1-22 CONSENT IMPLIED. The application for and the receipt of a license as required in this division shall include an implied consent by the owner to permit an inspection of both real and personal property under the owner's control for the purpose of carrying out the provisions of this article relating to the harborage of vicious animals, or to the control of rabies outbreak, or relating to the provisions of law relative to the prohibition of cruelty to animals.

4-1-23 IMPOUNDMENT AND REDEMPTION.

1. Any animal found at large shall be subject to seizure and impoundment in a place provided by the City.

2. Any Animal Control Officer or Police Officer in the City, while on duty, who finds an animal in a motor vehicle under such conditions as may endanger the health or well-being of such animal due to heat, cold, lack of food or drink, or such other circumstances as may be reasonably expected to cause suffering, disability, or death, is authorized to use reasonable force to remove the animal from the vehicle.

3. Notice of the removal of the animal to the owner, disposition of the animal, and charges for the cost of care and shelter shall be made as expeditiously as possible.

4. An officer who seizes an animal pursuant to this section is not liable for any action arising out of the taking or humane destruction of the animal.

5. Redemption: Except as otherwise provided, the possession of any animal seized or impounded pursuant to this Article may be obtained by the owner by paying an impoundment fee of five dollars (\$5.00), plus the separate daily fee of five dollars (\$5.00) for keeping such dog or cat each day or fraction thereof during the time that such animal is impounded. Upon the second subsequent impoundment of the same animal within three hundred sixty five (365) days, an impoundment fee of ten dollars (\$10.00) shall be assessed, plus the separate daily fee of five dollars (\$5.00) for keeping such animal each day or fraction thereof during the time that said animal is impounded.

6. Upon proper identification the owner may redeem an unlicensed dog or cat seized or impounded pursuant to this Article only after paying the license fee in addition to the charges required by subsection 5 above.

4-1-24 DISPOSITION OF ANIMALS.

1. If the owner is unknown an impounded animal shall be kept a minimum of three (3) business days (Monday-Friday, except holidays), and thereafter may be adopted or humanely destroyed.

2. If the owner of a licensed dog or cat has not reclaimed and redeemed an impounded animal within three (3) business days, the impounded animal will be placed at the Dubuque Humane Society.

4-1-25 DEFINITIONS. Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms shall, for the purpose of this Article, have the following meanings:

#### DANGEROUS ANIMAL.

1. Any animal that is of a wild nature or disposition, and that is capable of killing, inflicting serious injury upon, or causing disease among humans or domestic animals and having known tendencies as a species to do so; or

2. Any animal(s) declared to be dangerous by the Animal Control Officer or the City designee; or

3. The following animals shall be deemed to be dangerous animals per se:

a. Lions, tigers, jaguars, leopards, cougars, lynx, and bobcats;

b. Wolves, coyotes, and foxes;

c. Badgers, wolverines, weasels, skunks, and mink;

d. Raccoons;

e. Bears;

f. Monkeys and chimpanzees;

g. Alligators and crocodiles;

h. Scorpions;

i. Snakes that are venomous or of the family Boidae;

j. Gila monsters; and

k. Reserved.

(Amended during 2021 codification)

~~l. Any crossbreed of such animals that have similar characteristics of the animals specified above.~~

(ECIA Model Code Amended in 2020)

4. It is unlawful for any person to shelter or harbor for any purpose any livestock animals. Livestock animals include, but are not limited to, horses, cows, chickens, ducks, pigs, pot belly pigs, goats, mules, sheep, and geese.

4-1-26 KEEPING OF DANGEROUS ANIMALS PROHIBITED. No person shall keep, shelter, or harbor for any purpose within the City a dangerous animal except as provided in section 27 of this Article.

4-1-27 DANGEROUS ANIMALS EXCEPTIONS. The prohibition contained in section 26 of this Article shall not apply to the keeping of dangerous animals in the following circumstances:

1. The keeping of dangerous animals for exhibition to the public by a bona fide traveling circus, carnival, exhibit, or show licensed to perform in the City.

2. The keeping of dangerous animals in a bona fide, licensed veterinary hospital for treatment.

3. The provisions of this Article shall not apply to domestic dogs or cats.

4-1-28 SEIZURE, IMPOUNDMENT, AND DISPOSITION OF DANGEROUS ANIMALS.

1. The Animal Control Officer shall give a written order by personal service, substituted service, or certified mail, to any owner or keeper of a dangerous animal to either:

a. Remove the animal from the City, or

b. Humanely euthanize the animal within three (3) days of receipt of the order.

c. The order to remove a dangerous animal issued by the Animal Control Officer may be appealed to the City Council. To appeal such order, written notice of appeal stating the grounds for the appeal must be filed with the City Clerk within three (3) days after receipt of the order and notice to remove the dangerous animal. Failure to file such written notice of appeal shall constitute a waiver of the right to appeal the order of the Animal Control Officer.

d. The hearing on the appeal shall be within fourteen (14) days of filing of the notice of appeal with the City Clerk. The hearing may be continued for good cause.

e. After such hearing, the City Council may affirm or reverse the order of the Animal Control Officer. Such determination shall be contained in a written decision and shall be filed with the City Clerk within three (3) days after the hearing, or any continued session thereof.

f. If the City Council affirms the action of the Animal Control Officer, the City Council shall order in its written decision that the person owning or keeping such dangerous animal remove such animal from the City, permanently place such animal with an organization or group allowed to possess dangerous animals, or destroy it. The decision and order shall immediately be served upon the person in the same manner as the notice of removal.

g. If the order of the Animal Control Officer is not appealed and is not complied with within three (3) days of its issuance, the Animal Control Officer or the Animal Control Officer's designee is authorized to seize and impound such dangerous animal. If the written decision of the City Council is not complied with within three (3) days of this issuance, the Animal Control Officer or the Animal Control Officer's designee is authorized to seize and impound such dangerous animal. An animal so seized shall be impounded for a period of seven (7) days.

h. If at the end of the impoundment period, the person against whom the decision and order of the Animal Control Officer or City Council was issued has not petitioned the Dubuque County District Court for review of said order, the Animal Control Officer shall cause the animal to be disposed of by sale, permanently place such animal with an organization or group allowed to possess dangerous animals, or destroy such animal in a humane manner.

4-1-29 DEFINITION OF POTENTIALLY VICIOUS DOG. A potentially vicious dog is a dog that:

1. When unprovoked, on two (2) separate occasions, has engaged in any behavior that has required a defensive action by any person to prevent bodily injury when the person and dog were off the property of the owner or keeper of the dog.
2. When unprovoked, has attacked or bitten a person.
3. When unprovoked, has inflicted a serious injury or caused the death of a domestic dog or cat, other than the property of the owner or keeper.
4. When unprovoked, chases or approaches a person or domestic dog or cat other than the property of the owner or keeper, in a menacing fashion threatening to attack.

4-1-30 PROCEDURE FOR DECLARATION OF POTENTIALLY VICIOUS DOG.

1. The Animal Control Officer may find and declare a dog potentially vicious based upon the following:
  - a. The written complaint of a citizen that the dog has acted viciously.

- b. Dog bite reports filed with the Police Department.
- c. Actions of the dog witnessed by any Animal Control Officer or Law Enforcement Officer.
- d. Other substantial evidence.

2. The declaration of a potentially vicious dog shall be in writing and shall be served on the owner in one of the following methods: personally, substituted service, or by certified mail to the owner at the owner's last known address, or if the owner cannot be served personally or by mail, by publication in a newspaper of general circulation in the City.

3. The declaration shall state:

- a. The description of the dog.
- b. The name and address of the owner of the dog, if known.
- c. The whereabouts of the dog, if not in the custody of the owner.
- d. The facts upon which the declaration of potentially vicious dog is based.
- e. The owner's right to a hearing if the owner objects to the declaration.
- f. The restrictions placed upon the dog as a result of the declaration of potentially vicious dog.
- g. The penalties for a violation of such restrictions.

4. The owner may object to the declaration of potentially vicious dog by requesting a hearing before the City Council by submitting a written request to the Animal Control Officer within ten (10) days of the date of mailing of the declaration, or within ten (10) days of the publication of the declaration.

a. If the City Council finds that there is insufficient evidence to support the declaration, it shall be rescinded, and the restrictions imposed thereby annulled.

b. If the City Council finds sufficient evidence to support the declaration, the Animal Control Officer shall provide the owner with written notice of such determination within five (5) working days after the hearing.

c. Prior to the hearing, the owner shall confine the dog in a fenced enclosure on the owner's premises. It shall be unlawful for the owner of the potentially vicious dog to allow or

permit such dog to go beyond the premises of the owner unless such dog is securely leashed and humanely muzzled or otherwise securely restrained.

d. If it is determined by the Animal Control Officer or law enforcement officer that probable cause exists to believe the dog in question poses an immediate threat to public safety, then the Animal Control Officer or Law Enforcement Officer may seize and impound the dog pending the hearing to be held pursuant to this Article. The owner or keeper of the dog shall be liable to the city where the dog is impounded for the costs and expenses of keeping the animal if the animal is later determined to be potentially vicious. When an animal has been impounded and it is not contrary to public safety, the Animal Control Officer shall permit the animal to be confined at the owner's expense in a health services department, approved kennel, or veterinary facility.

4-1-31 NOTIFICATION OF STATUS OF POTENTIALLY VICIOUS DOG. The owner shall immediately notify the Farley Police Department when a dog has been classified as potentially vicious:

1. Is loose or unconfined.
2. Has bitten a human being or attacked another animal.
3. Is sold or given away, or dies.
4. Is moved to another address.

Prior to a potentially vicious dog being sold or given away, the owner shall provide the name, address, and telephone number of the new owner to the Farley Police Department. The new owner shall comply with all the requirements of this chapter.

4-1-32 EXCEPTIONS.

1. No dog may be declared potentially vicious if:
  - a. Any injury or damage was sustained by a person who, at the time of the injury or damage was sustained, was committing a willful trespass or other tort upon premises occupied by the owner or keeper of the dog, or was teasing, tormenting, abusing, or assaulting the dog, or was committing or attempting to commit a crime.
  - b. The dog was protecting or defending a person within the immediate vicinity of the dog from an unjustified attack or assault.
  - c. The injury or damage was sustained by a person or a domestic animal, which at the time of the injury or damage was sustained, was provoking the dog.

4-1-33 DISPOSITION OF POTENTIALLY VICIOUS DOG.

1. A potentially vicious dog shall be properly licensed and vaccinated. The potentially vicious designation shall be included in the registration records of the dog. The City may charge a potentially vicious dog fee in addition to the regular licensing fee to provide for the increased costs of maintaining the records of the dog. Any additional fee will be set by the City Council.

2. A dog that has been declared potentially vicious must be neutered and proof provided to the Farley Police Department within 30 days of the declaration.

3. A potentially vicious dog, while on the owner's property, shall at all times be kept indoors or in a securely fenced yard from which the dog cannot escape and into which children cannot trespass. A potentially vicious dog may be off the owner's premises only if restrained by a substantial leash, of appropriate length, and if the dog is under the control of a responsible adult and is humanely muzzled.

4. If a potentially vicious dog dies, or is sold, transferred, or permanently removed from the City, the owner of the dog shall notify the Farley Police Department of the changed condition and new location of the dog in writing within two (2) working days.

5. If at any time after the dog has been declared potentially vicious, it is determined by the Animal Control Officer or law enforcement officer that probable cause exists to believe the dog in question poses an immediate threat to public safety, then the Animal Control Officer or Law Enforcement Officer may seize and impound the dog pending the hearing to be held pursuant to this Article. The owner or keeper of the dog shall be liable to the City where the dog is impounded for the costs and expenses of the impoundment.

4-1-34 DISPOSITION OF DISEASED AND INURED ANIMALS. The Animal Control Officer may have a diseased or injured animal found at large euthanized or impounded. Impounded animals that contract disease or diseases may be euthanized. If the applicable time periods set out in section 30 have not expired, an animal shall not be euthanized unless it is first examined by a licensed veterinarian and the veterinarian determines that euthanization is required. If the owner of the animal is known or determined, every reasonable effort will be made to notify the owner before euthanizing. If contacted, the owner's request regarding the disposition of the animal will be honored unless the Animal Control Officer determines it is inhumane to the animal.

## TITLE V HUMAN DEVELOPMENT - EDUCATION AND CULTURE

### CHAPTER 1 LIBRARY SERVICES

Section 392.5, Iowa Code, provides that the Library Board is to continue to function in the same manner until altered or discontinued. No unilateral changes may be made by the Library Board or City Council as to the Library Board composition, the manner of selection, or duties. Consult your City Attorney before making changes to the City's Library Ordinance.

Editor's Note: The Council may retain the power to hire, discharge, set salaries, expend funds unless the library board was in existence prior to July 1, 1972. (See Sections 5-1-5(4), 5-1-5(5), 5-1-5(9) and 5-1-8.

Any proposal to alter the composition, manner of selection, or charge of a library board, or to replace it with an alternate form of administrative agency, is subject to the approval of the voters of the City. See Code of Iowa, Sec. 392.5

(ECIA Model Code Amended in 2020)

## TITLE V HUMAN DEVELOPMENT - EDUCATION AND CULTURE

### CHAPTER 2 PARKS

5-2-1	Purpose	5-2-6	Bicycles
5-2-2	Closing Time	5-2-7	Littering
5-2-3	Camping	5-2-8	Animals
5-2-4	Speed Limit	5-2-9	Glass Containers
5-2-5	Limiting Certain Vehicles & Animals	5-2-10	Vehicles
		5-2-11	Traffic Laws

5-2-1 PURPOSE. The purpose of this ordinance is to regulate, and establish rules regarding the Farley Park.

5-1-2 CLOSING TIME. The park shall be closed from 12:00 a.m. until 6:00 a.m., with the exception of special regulated activities sponsored by the City or some private organization. It shall be illegal to be in the park when it is closed.

5-1-3 CAMPING. No camping will be allowed within the limits of the park at any time.

5-1-4 SPEED LIMIT. No vehicle shall travel at a speed in excess of 10 mph.

5-1-5 LIMITATION REGARDING VEHICLES AND ANIMALS. Horses, horse-drawn vehicles, go-carts, and snow mobiles shall not be permitted within the confines of the park, unless special permission is granted by the park board of the City of Farley.

5-1-6 BICYCLES. Bicycles shall be allowed within the confines of the park, but bicycles shall not be permitted on the baseball diamond.

5-1-7 LITTERING. No person shall throw, deposit, place or leave, in any park or parkway, any paper, rubbish, waste, or refuse of any kind; but same shall be deposited in the receptacles therein provided for.

5-1-8 ANIMALS. No person shall be permitted to bring into any park, any animal unless it shall be attached to a leash. No animals shall be permitted to run at large in the park. The owner shall pay the fees outlined in Title IV.

5-1-9 GLASS CONTAINERS. No person shall be allowed to sell or distribute beverages of any kind in glass containers within the confines of the park.

5-1-10 VEHICLES. All vehicles must travel on and remain on the traveled roadway or designated parking area.

5-1-11 TRAFFIC LAWS. No person in a park or parkway shall fail to comply with all applicable

provisions of the motor vehicle laws of the State of Iowa in regard to equipment 212 and operation of motor vehicles, together with such regulations as are contained in the City ordinances.

## TITLE VI PHYSICAL ENVIRONMENT

### CHAPTER 1 MOBILE HOME REGULATION

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

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

1. “Factory-built structure” means any structure which is, wholly or in substantial part, made, fabricated, formed, or assembled in manufacturing facilities for installation, or assembly and installation, on a building site. “Factory-built structure” includes the terms “mobile home,” “manufactured home”, and “modular home.”

(Code of Iowa, Sec. 103A.3(8)  
(ECIA Model Code Amended in 2010)

2. “Manufactured home” means a factory-built structure built under authority of 42 U.S.C. Section 5403, that 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.

(Code of Iowa, Sec. 435.1(3))  
(ECIA Model Code Amended in 2010)

3. “Mobile home” means any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but shall also include any such vehicle with motive power not registered as a motor vehicle in Iowa. Mobile homes were constructed before June 15, 1976.

(Code of Iowa, Sec. 435.1(5))

4. “Mobile home park” means a site, lot, field, or tract of land upon which three or more mobile homes or manufactured homes, or a combination of any of these homes, are placed on developed spaces and operated as a for-profit enterprise with water, sewer or septic, and electrical services available.

(Code of Iowa, Sec. 435.1(6))

5. “Modular home” means a factory-built structure which is manufactured to be used as a place of human habitation, is constructed to comply with the Iowa State Building Code for modular factory-built structures.

(Code of Iowa, Sec. 435.1(7))

(ECIA Model Code Amended in 2010)

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

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

1. A statement concerning the practicability of location within a local mobile home park.
2. A description of sanitation facilities contained within the mobile home and those facilities available at the proposed location.
3. A statement of the desired duration of the special permit.

6-1-4 EMERGENCY AND TEMPORARY PARKING. Emergency or temporary parking of mobile homes upon the streets, alleys, or highways, or any other public or private place for a period not in excess of seven days shall not constitute a violation of 6-1-2, but such parking shall be subject to any prohibitions or regulations contained in other Ordinances of this City.

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

6-1-6 BUILDING REQUIREMENTS. All mobile homes, modular homes and factory built homes as defined in the Iowa Code located outside a mobile home park shall comply with all Ordinances relating to residences or homes in the community and shall be affixed to a permanent perimeter foundation unless it is incompatible with the structural design of the home. Any home located outside a mobile home park on the date this ordinance takes effect shall be exempt from the permanent foundation requirement. (The effective date of this Ordinance is/was                     ).\* **We could use the date the code is adopted.**

(Code of Iowa, Sec. 435.26)

6-1-7 MOBILE HOME HOOKUPS. A mobile home dealer or an employee of a mobile home dealer may perform water, gas, electrical, and other utility service connections in a mobile home

space, or within ten feet of such space, located in a mobile home park, and the dealer or an employee of the dealer may install a tie-down system on a mobile home located in a mobile home park. The connections are subject to inspection and approval by city officials and the mobile home dealer shall pay an inspection fee of \$        . No additional permits shall be required.  
(Code of Iowa, Sec. 322B.3)

\*Editor's note. The section in parenthesis should be included at the time the section is first adopted and not during a recodification. In other words, do not add this language to Ordinances already in effect unless you know the exact date the chapter went into effect.

## TITLE VI PHYSICAL ENVIRONMENT

### CHAPTER 2 UTILITIES - SANITARY SYSTEM

6-2-1	Definitions	6-2-5	Use of the Public Sewers
6-2-2	Use of Public Sewers Required	6-2-6	Protection from Damage
6-2-3	Private Sewage Disposal	6-2-7	Powers and Authority to Inspectors
6-2-4	Building Sewers and Connections	6-2-8	Penalties

6-2-1 DEFINITIONS. Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

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

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

(IAC 567-69.3(1))

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

(IAC 567-69.3(1))

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

5. "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sales of produce.

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

7. "Natural Outlet" shall mean any outlet into watercourse, pond, ditch, or other body of surface or groundwater.

8. "Person" shall mean any individual, firm, company, association, society, corporation, or group.

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

10. "Properly Shredded Garbage" shall mean the waste from the preparation, cooking, dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

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

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

13. "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.

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

15. "Sewage Works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

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

17. "Slug" shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation.

18. "Storm Drain" (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes other than unpolluted cooling water.

19. "Superintendent" shall mean the Superintendent of Public Utilities of the City of Farley or the Superintendent's authorized deputy, agent, or representative.

20. "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.

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

#### 6-2-2 USE OF PUBLIC SEWERS REQUIRED.

1. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on 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.

2. It shall be unlawful to discharge to any natural outlet within the City, or in any area under the jurisdiction of said City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.

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

3. 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.

4. The owner of any house, building, or property used for human occupancy, employment, recreation, or other purposes, situated within the City and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer 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, provided that said public sewer is within one hundred fifty (150) feet of the property line. Billing for sanitary sewer service shall begin the date of official notice to connect to the public sewer.

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

(IAC 567-69.3(3))

### 6-2-3 PRIVATE SEWAGE DISPOSAL.

1. Where a public sanitary or combined sewer is not available under the provision of Section 6-2-2(4), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this section.

2. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Superintendent. A permit and inspection fee of \$25.00 shall be paid to the City at the time the application is filed.

3. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. The Superintendent shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 72 hours of the receipt of notice by the Superintendent.

4. The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Natural Resources of the State of Iowa

and the County Health Department. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 15,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

5. At such times as a public sewer becomes available to a property served by a private sewage disposal system, as provided in 6-2-2(4), a direct connection shall be made to the public sewer in compliance with this Ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

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

6. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.

7. No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the County Health Officer.

8. When a public sewer becomes available, the building sewer shall be connected at the building owner's expense, to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

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

#### 6-2-4 BUILDING SEWERS AND CONNECTIONS.

1. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.

2. There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or the owner's 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 Superintendent. A permit and inspection fee of \$5.00 for a residential or commercial building sewer permit and \$15.00 for an industrial building sewer permit shall be paid to the City at the time the application is filed.

Before a permit may be issued for excavating for plumbing in any public street, way or alley, the person applying for such permit shall have executed unto the City of Farley and deposited with the City Clerk a corporate surety in the sum of five thousand dollars (\$5,000.00) conditioned that the applicant will perform faithfully all work with due care and skill, and in accordance with the laws, rules and regulations established under the authority of any Ordinances of the City of Farley pertaining to plumbing. This bond shall state that the person will indemnify and save harmless the City of Farley and the owner of the premises against all damages, costs, expenses, outlay and claims of every nature and kind arising out of unskillfulness or negligence on the applicant's part in connection with plumbing or excavating for plumbing as prescribed in this Ordinance. Such

bond shall remain in force and must be executed for a period of two (2) years except that on such expiration it shall remain in force as to all penalties, claims and demands that may have accrued thereunder prior to such expiration.

3. All cost 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 provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

5. Old building sewers may be used in connection with new building sewers only when they are found, upon examination and testing by the Superintendent, to meet all requirements of this Ordinance. The Superintendent 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 Superintendent and removed or filled with sand, crushed rock or any other solid material approved by the Superintendent, except as exempted by the Superintendent.

6. The building sewer shall be constructed in accordance with applicable portions of the last published (State Plumbing Code of Iowa), applicable specifications of the American Society for Testing and Materials (ASTM) and applicable portions of the Water Pollution Control Federation (WPCF) Manual of Practice No. 9."

a. Each connection to the public sewer shall be made to the fittings designated for that property. If a fitting in the public sewer is not available for the designated property, the connection shall then be made under the direct supervision of the Superintendent. Connections to the public sewer not made to an existing wye or tee shall be made by a hole cutter or careful chisel cutting. The connection shall be rendered water and gas tight, by use of rubber gaskets. The building sewer shall not protrude into the public sewer.

b. All building sewers shall be constructed of the following materials conforming to the indicated standards:

Vitrified Clay Pipe VCP

(1) Pipe and Fittings - ASTM C-700 "Standard Specification or Vitrified Clay Pipe, Extra Strength, Standard Strength and Perforated."

(2) Coupling and Joints - ASTM C-425 "Standard Specification for Compression Joints for Vitrified Clay Pipe and Fittings".

#### Extra Heavy Cast Iron Soil Pipe

(1) Pipe and Fittings - ASTM A-74 "Standard Specification for Cast Iron Soil Pipe and Fittings."

(2) Joints - ASTM C-564 "Standard Specification for Rubber Gaskets for Cast Iron Soil Pipe and Fittings."

#### Polyvinyl Chloride (PVC)

Polyvinyl Chloride (PVC) and joints shall be installed according to the manufacturers' recommendations and shall conform to:

(1) Pipe - A.S.T.M. D-3034, "Type P.S.M. Poly (PVC) and Fittings."

Minimum wall thickness:

4" - 0.125"

6" - 0.180"

8" - 0.240"

10" - 0.300"

(2) Joints - A.S.T.M. D-1869, A.S.T.M. D-1312, "Flexible Elastomeric Seals."

c. No building sewer for residential or commercial buildings shall be less than four inches in diameter. No building sewer for industries or multiple dwellings shall be less than six inches in diameter.

d. Unless otherwise authorized, all building sewers shall have a grade of not less than one - eighth (1/8) inch per foot. A grade of one-fourth (1/4) inch per foot shall be used wherever practical.

e. All excavation shall be open trench work unless authorized by the Superintendent. The foundation in the trench shall be formed to prevent any subsequent settlement of the pipes. If the foundation is good firm earth, the earth shall be pared or molded to give a full support to the lower quadrant of each pipe. Bell holes shall be dug. 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 gravel, coarse sand 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. Back-filling shall not be done until final

inspection is made by the Superintendent. Building sewers shall be laid straight at uniform grade between connections or fittings.

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. Whenever 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. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the said Superintendent. Pipe laying and backfill shall be performed in accordance with A.S.T.M. Specification (Designation C12). No backfill shall be placed until the work has been inspected by the Superintendent or the Superintendent's representative. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

8. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

9. The connection of the building sewer into the public sewer shall conform to the requirements of the Plumbing Code or other applicable rules and regulations of the City, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

10. Each and every part of the building sewer shall be inspected and approved by the Superintendent before being concealed or back-filled. The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or the Superintendent's representative.

11. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

12. 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.

13. The premises receiving sanitary sewer service, shall at all reasonable hours, be subject to inspection by duly authorized personnel of the City.

14. 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.

#### 6-2-5 USE OF THE PUBLIC SEWERS.

1. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, 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. Misrepresented in 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. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm sewer, combined sewer, or natural outlet.

3. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

a. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

b. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) mg/l as CN in the wastes as discharged to the public sewer.

c. Any waters or wastes having a ph lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

d. 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, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

e. Any water or wastes having (1) a 5-day bio-chemical oxygen demand greater than 300 parts per million by weight, or (2) containing more than 350 parts per million by weight, or suspended solids, or (3) having an average daily flow greater than 2 percent of the average sewage flow of the City, shall be subject to the review of the Superintendent. Where necessary in the opinion of the Superintendent, the owner shall provide at the owner's expense, such preliminary treatment as may be necessary to (1) reduce the biochemical oxygen demand to 300 parts per million by weight, or (2) reduce the suspended solids to 350 parts per million by weight, or (3) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent and no construction of such facilities shall be commenced until said approvals are obtained in writing.

4. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming an opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

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

b. Any water or wastes containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150 F) (0 and 65 C).

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

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

e. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances, or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.

f. Any waters or wastes containing phenols or other taste-or-odor-producing substances, -in such concentrations exceeding limits which may be established by the Superintendent as necessary after treatment of the composite sewage, to meet with requirements of the State, Federal, or other public agencies with jurisdiction for such discharge to the receiving waters.

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

h. Any waters or wastes having a pH in excess of 9.5.

i. Materials which exert or cause:

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

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

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

(4) Unusual volume of flow or concentration of waters constituting "slugs" as defined herein.

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

5. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in 6-2-5(4), and which in the judgment of the Superintendent, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

a. Reject the wastes,

- b. Require pretreatment to an acceptable condition for discharge to the public sewers.
- c. Require control over the quantities and rates of discharge, and/or
- d. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provision of 6-2-5(10) of this article.

If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent, and subject to the requirements of all applicable codes, Ordinances, and laws.

6. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or 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 Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.

7. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense.

8. When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at the owner's expense, and shall be maintained by the owner so as to be safe and accessible at all times.

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

10. No statement contained in this article shall be construed as 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.

#### 6-2-6 PROTECTION FROM DAMAGE.

1. 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 sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

(Code of Iowa, Sec. 716.1)

#### 6-2-7 POWERS AND AUTHORITY TO INSPECTORS.

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

2. While performing the necessary work on private properties referred to in 6-2-7(1), the Superintendent or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against loss or damage to its property by the City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 6-2-5(8).

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

#### 6-2-8 PENALTIES.

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

2. Any person violating any of the provisions of this Ordinance is liable to the City for any expense, loss, or damage occasioned the City by reason of such violations.

Footnote: See 384.38(3) concerning establishing districts and connection fees (H.F. 2343, 1994 legislative session).

## TITLE VI PHYSICAL ENVIRONMENT

### CHAPTER 3 UTILITIES - WATER SYSTEM

6-3-1	Enforcement/Purposes	6-3-15	Service Cut Off
6-3-2	Definition of Terms	6-3-16	Breaks in Service of Fixtures
6-3-3	Service Connections	6-3-17	Abandoned Service Pipes
6-3-4	Mandatory Connections	6-3-18	Rights to Shut Off Water
6-3-5	Permit	6-3-19	Responsibility in Turning on Water
6-3-6	Application for Water Service Connections	6-3-20	Discontinue Use of Water
6-3-7	Water Supply Control	6-3-21	Water Meters
6-3-8	Making the Connection	6-3-22	Unnecessary Waste
6-3-9	Excavations	6-3-23	Owners to Protect Meters
6-3-10	Inspection and Approval	6-3-24	Other Supply Than City Water
6-3-11	Completion by the City	6-3-25	Inspection of Meters, Pipes and Fixtures
6-3-12	Meter Accuracy and Test	6-3-26	Fire Hydrants Not to be Used
6-3-13	Service Pipes Not to be Laid Across Private Property	6-3-27	Water Works Property
6-3-14	Separate Connections		

From the ECIA Code Attorney regarding new sections in 2017: “These are not specifically per state code. Most of these are things that cities should be doing already. The idea is to keep the system orderly, in good repair and provide easy access to the service lines if needed.”

#### 6-3-1 ENFORCEMENT/PURPOSES.

1. The purposes of this ordinance are to prescribe the procedure to be followed in making private connections with the municipal water system, to establish regulations governing the connections thereto and prescribing rates for services therefrom.

2. The Superintendent of public works shall supervise the installation of water service pipes and their connections to the water main and enforce all regulations pertaining to water services in this City in accordance with this chapter. This chapter shall apply to all replacements of existing service pipes as well as to new ones. The City Council shall make such rules, not in conflict with the provisions of this chapter, as needed for the detailed operation of the waterworks. In the event of an emergency the Superintendent may make temporary rules for the protection of the system until due consideration by the City Council may be had.

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

#### 6-3-2 DEFINITION OF TERMS.

1. In this ordinance the words Water Works of City shall mean the City of Farley acting through its qualified officers or employees.

2. A water main shall be defined as any pipe laid by the City of Farley or agents thereof in streets, alleys or other grounds, which shall be a portion of the water distribution system of the City and which shall be intended to be tapped in the prescribed way for water service pipes to the consumer.

3. A service pipe shall be defined as that water pipe line laid from a water main into the premises to be served with water. The service pipe shall include the corporation cock, lead-in pipe, curb stop box, and shut off, and all valves and pipes inside the building through which water passes before it reaches the water meter. A service line includes any line or pipe that leaves the water main regardless of the number of structures or properties the service line may ultimately serve.

4. A consumer shall be any person using water furnished by the City of Farley, Iowa.

#### 6-3-3 SERVICE CONNECTIONS.

1. The laying of all service connections and pipes, installation of any water service, setting of water service fixtures in streets, public grounds and in premises to be served by the City water, shall be made by a plumber licensed by the State of Iowa.

2. A residential, commercial or industrial property located within the City on a street, alley or right-of-way must connect to the City water system, provided the water main is located within 300 feet of the property line.

3. When the consumer tears down any structure that was connected to City water service, the consumer is responsible to disconnect the water service at the water main.

4. When an existing water service is abandoned or a service is renewed with a new tap in the main, all abandoned connections with the water main shall be turned off at the corporation stop and made absolutely watertight.

5. The installation of any water service line or pipe and any connection with the water system shall comply with all pertinent and applicable provisions, whether regulatory, procedural or enforcement provisions, of this Code or the International Plumbing Code which is hereby adopted by this reference.

6. No more than one house, building or premises shall be supplied from one tap, unless special written permission is obtained from the Public Works Director and provision is made so that each house, building or premises may be shut off independently of the other.

7. All costs and expenses incident to the installation, connection, disconnection or maintenance of the water service line from the main to the building served shall be borne by the property owner.

6-3-4 MANDATORY CONNECTIONS. All residences and business establishments within the City limits intended or used for human habitation, occupancy or use shall be connected to the public water supply if it is reasonably available and if the building is not furnished with pure and wholesome water from some other source.

1. Water System Installation. The municipality shall install and maintain at its expense water mains and required support and supply equipment. The customer shall install and maintain at their expense service from the main to the point of usage, including necessary tap, fittings, valves, curb stop and waste cock at the end of the house side of his/her services.

(Ord. 2010-03 – Oct. 15 Supp.)

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

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

#### 6-3-6 APPLICATION FOR WATER SERVICE CONNECTIONS.

1. Taps or connections to the water mains shall be made by only authorized City employees of the City of Farley, upon request for service by the property owner. An access fee of \$125.00 must accompany each application for single-family residential and \$250.00 for commercial and all other residential uses and \$500.00 for industrial uses.

2. The City reserves the right to render services in connection with furnishing water, such as installing and maintaining water service connection, repairing leaks, etc., at prices and terms to be determined, charges will be made at the actual cost of labor and material, plus ten percent (10%) for overhead expenses.

(ECIA Model Code Amended in 2017)

6-3-7 WATER SUPPLY CONTROL. The plumber who makes the connection to the municipal water system shall install a main shut-off valve of the inverted key type on the water-service pipe near the curb with a suitable lock of a pattern approved by the Superintendent. The shut-off valve shall be covered with a heavy metal cover having the letter "W" marked thereon, visible and even with the pavement or ground.

The plumber also shall install a shut-off valve and waste cock on every service pipe inside the building near the entrance of the water-service pipe into the building; this must be located so that the water can be shut off conveniently and the pipes drained. Where one service pipe is installed to supply more than one customer, there shall be separate shut-off valves inside the building for each customer so that service to one customer can be shut off without interfering with service to the others.

The plumber making said installation or connection shall be licensed by the city or state.

1. Water System Maintenance. If city personnel find that service connection has become defective or leaks the city may give written notice to the owner of the property describing the defect and directing the owner to repair same. If property owner neglects notice, the city may complete work and bill owner for work complete and/or assess property owner for charges incurred.

(Ord. 2010-03 – Oct. 15 Supp.)

6-3-8 MAKING THE CONNECTION. Any connection with the municipal water system must be made under the direct supervision of the Superintendent or the Superintendent's authorized assistant. All taps in the water main must be at least (12) inches apart and on the side and near the top and not in any case within 18 inches of the hub.

1. Water Service Requirements. All service water pipes from the main to the curb shall be three-quarters inch or one inch type K copper pipe or plastic pipe 200 PSI (CTS) with tracer wire approved for water service, solder and flux can be no more than 0.2% lead. Pipes, pipe fittings, plumbing fittings and fixtures are to have not more than a weighted average of .025% lead when used with respect to the wetted surface and shall be connected at the main with three-fourth inch minimum corporation cock and terminated by three-fourth inch minimum curb cock with waste drain. Every service pipe must be laid by waving in such a manner as to prevent rupture by settlement. Stop box must be two and one-half inch Buffalo pattern curb box and rod. Mains shall be tapped on the top and in no case within twenty inches of the bell. All service pipes must be laid as such under the surface of the ground as the main pipe is in the street, and in all cases to be protected so as to prevent rupture by freezing.

(Ord. 2014-05 – Oct. 15 Supp.)

6-3-9 EXCAVATIONS.

1. Excavations to do work under this Ordinance shall be dug so as to occasion the least possible inconvenience to the public and to provide for the passage of water along the gutter. All such excavations shall have proper barricades at all times, and warning lights placed from one-half hour before sunset to one-half hour after sunrise. In refilling the excavation the earth must be laid in layers and each layer tamped thoroughly to prevent settlement, and this work, and any street, sidewalk, pavement or other public property that is affected, must be restored to as good a condition as it was previous to the excavation. The plumber must maintain the affected area in

good repair to the satisfaction of the City Council for three months after refilling. All water service pipes must be laid so as to prevent rupture by settlement of freezing. No excavation shall be made within six (6) feet of any laid water or sewer pipe while the ground is frozen, and no water or sewer pipe shall be exposed to frost, except by special written permission of the Superintendent.

2. Before any permit to excavate in any street for making or repairing, a water connection is granted, the applicant including all plumbers shall have on file with the City Clerk an affidavit of their insurance in the amount of \$ [REDACTED] of liability approved by the Mayor and City Clerk conditioned upon the faithful observance of all ordinances of the municipality and that the municipality will be saved harmless from all suits and damages for negligence in maintaining barricades for the protection of persons lawfully using the streets.

6-3-10 INSPECTION AND APPROVAL. All water-service pipes and their connections to the municipal water system must be inspected and approved in writing by the Superintendent before they are covered, and the Superintendent shall keep a record of such approvals. If the Superintendent refuses to approve the work, the plumber or owner must proceed immediately to correct the work so that it will meet with the Superintendent's approval. Every person who uses or intends to use the municipal water system shall permit the Superintendent or the Superintendent's authorized assistants to enter the premises to inspect and make necessary alterations or repairs at all reasonable hours and on proof of authority.

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

6-3-11 COMPLETION BY THE CITY. Should any excavation be left open or partly refilled for twenty-four (24) hours after the water-service pipe is installed and connected with the municipal water system, or should the work be improperly done, the Superintendent shall have the right to finish or correct the work, and the City Council shall assess the costs to the property owner or the plumber. If the plumber is assessed, the plumber must pay the costs before the plumber can receive another permit, and the plumber's bond required by the Plumbing Ordinance shall be security for the assessment. If the property owner is assessed, such assessment shall be collected with and in the same manner as general property taxes.

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

6-3-12 METER ACCURACY AND TEST. All water shall be supplied through meters that accurately measure the amount of water supplied to any building. The Superintendent or the Superintendent's assistant shall make a test of the accuracy of any water meter at any time when requested in writing. If it is found that such meter overruns to the extent of two (2) percent or more, the cost of the tests shall be paid by the City and a refund shall be made to the customer for overcharges collected since the last known date of accuracy but not for longer than thirty (3) months. If the meter is found to be accurate or slow less than two (2) percent fast, the patron shall pay the reasonable costs of the tests.

Compulsory Check. Every meter shall be removed from service periodically and thoroughly tested for accuracy. Any meter found inaccurate beyond a tolerance of one and one half (1.5) percent shall not be returned to service until properly adjusted.

6-3-13 SERVICE PIPES NOT TO BE LAID ACROSS PRIVATE PROPERTY. No consumer shall be permitted to conduct water pipes across lots or buildings to adjoining premises, but all service pipes shall be laid on streets, alleys, or public grounds to the premises to be served, and entered the building nearest the main.

6-3-14 SEPARATE CONNECTIONS. There shall be separate service pipes laid from the main to each dwelling or unit being served. Such service pipe shall be laid in a straight line at right angles to the water main, and connections made within two lines drawn parallel to the sides of the building to be served and not more than ten feet outside of these sides. In all cases each building served must have an independent service shut off. Apartment buildings may have one (1) service line into the apartment building; however, the line must be split once in the building for each apartment. The owner of the apartment building must provide the City with access to the water line shutoff twenty-four (24) hours a day.

6-3-15 SERVICE CUT OFF.

1. A curb stop and shut off for controlling the supply of water to consumers shall be placed on every service. When connections are made in streets or alleys the stop box shall be placed less than twelve (12) inches inside the sidewalk or sidewalk line on City property; and when made in alleys, it shall be placed within the area located twelve (12) inches outside of the lot lines. The cover of said stop box shall be maintained at the same height as the sidewalk or the surrounding ground. Where area walls or curb lines prevent the location of the stop box and shut off at the point indicated, they shall be placed immediately within the area wall or curb line. All stop boxes must be set on a line drawn at right angles to the main through the service corporation or connection in the main.

2. Every service pipe must also have a stop and waste placed in the building within two (2) feet of the point where the pipe enters the building. Said stop must have a handle or wrench attached to turn the same, and be kept in working order at all times so that the water supply may be shut off by the occupant of the premises.

3. The outside shut off and stop box shall be under the sole control of the City and no one except an employee or person specially authorized by the City Council shall open the cover of such box, or turn on or off the water. Provided, however, that approved plumbers may turn off or on the water for testing plumbing or making repairs, but whenever so used to shut off must be left closed if found closed, and open if found open, by the plumber who uses it.

4. The stop box in every service must be kept flush with the surrounding ground or surface, and must be visible from the sidewalk. The curb box and shut off must be kept in good condition and ready for use at all times by the owner. Should the owner neglect to maintain such box and shut off in proper condition to be used, and if the stop box is found to be filled up, or the stop box or shut off found to be out of repair at any time, the City shall have the right to clean or repair the same when needed without giving notice, and charge the cost thereof to the owner, and if payment

is refused, the payment thereof may be enforced in the same manner as that provided in the case of delinquent water bills.

5. There shall be installed a shut-off valve on every service pipe inside the building, as close to the entrance of the pipe, within the building, as possible and so located that the water can be shut off conveniently. Where one service pipe supplies more than one customer within the building, there shall be separate valves for each customer so that service may be shut off for one without interfering with service to the others. The interior valves shall be placed on the customer side of the meter within one (1) foot of the meter. This will be required for all new construction and plumbing service upgrades.

6-3-16 BREAKS IN SERVICE OF FIXTURES. The City shall not be held responsible by reason of the breaking of any service pipe or water coil, or for failure in the supply of water.

6-3-17 ABANDONED SERVICE PIPES. If a service pipe or connection, which is not being used, is found to be leaking, the City may without notice, repair or turn off the same, and charge the expense thereof to the owner of the property last served by this connection.

6-3-18 RIGHT TO SHUT OFF WATER.

1. The City reserves the right to at any time, when necessary, without notice, to shut the water off its mains for the purpose of making repairs or extensions or for other purposes, and no claims shall be made against the City by reason of the breakage of any service pipe or service cock or from any other damage that may result from shutting off water for repairing, laying, or relaying mains, hydrants or other connections. The City may give notice of shutting off water if conditions are such that it is possible to do so.

2. When water is shut off for making repairs in premises having water heating coils in heaters, consumers should turn off the water at the basement shut off and open a faucet in the hot water pipe and leave it open until water is turned on, in order to protect piping and fixtures from excessive pressures from hot water or steam.

6-3-19 RESPONSIBILITY IN TURNING ON WATER. In turning on water the city shall not be responsible for any damage that may occur by reason of improper fixtures, open or improper connections, or from any other cause.

6-3-20 DISCONTINUE USE OF WATER. Owners or consumers desiring to discontinue the use of water shall give notice thereof in writing to the City who shall then cause the water to be turned off and the meter removed. A service charge of Twenty-five Dollars (\$25.00) shall be made to shut off and reconnect the service. Water rents or charges for services shall be made until notice is given. When water service is discontinued, all water rentals for such service shall become due and payable. No service will be reconnected or turned back on until all past due fees and charges are paid in full. If for any reason, a meter is removed from a house temporarily because of an

owner's absence or danger of the meter freezing, a charge of Twenty-five Dollars (\$25.00) shall be made to cover the cost of removing and reconnecting the meter.

#### 6-3-21 WATER METERS.

1. The City shall provide one (1) water meter per service line. All water meters furnished to the customers shall be metered. All meters shall be set and installed by a plumber licensed through the State of Iowa, at the owner's expense, at a suitable location in the piping system for same. Meters shall be placed on service pipe not to exceed two (2) feet from the location in the wall or floor where such pipe enters the premises. All meters shall be fitted with an outside reader.

In the event a meter larger than that required for a single-family residence is needed, the full cost of such larger meter shall be paid by the customer requesting or needing such larger meter. The cost of the meter shall be paid to the City, by the property owner or customer, prior to the installation of the meter.

2. The piping system shall be so constructed and the meters placed so that all water supplied by the City to be used in or about the premises shall pass through the water meter, and the owner of the premises shall be responsible for compliance with this provision of this Ordinance, and he or she shall be liable for the payment for water used in violation of this Ordinance. The first offense for violating this provision will be a fine of up to Five Hundred Dollars (\$500.00). For each subsequent offense, a civil penalty of up to Seven Hundred Fifty Dollars (\$750.00) shall be imposed. The amount of such water used shall be determined by the City, but in every case where City water is used in violation hereof, the water bill shall be increased not less than one and a half (1½) times the average monthly usage.

3. There shall be a stop and waste between the meter and the wall, and a suitable place provided for the meter so as to keep it safe and clean and readily accessible at all times to the meter reader and inspectors of the City. All valves and fittings necessary to comply with these requirements and to provide connection to the meter, except a coupling or flange at each end of the meter, shall be provided by the owner of the premises to be served. In case that two or more meters are desired for measuring water to two different tenants in the same building from one service connection, they shall be so placed that neither of the meters shall measure water which has passed through another one.

4. All newly installed meters or meters replaced after the effective date of these Ordinances must be installed on the exterior of the building serviced, or be fitted with an outside reader, and be accessible for reading without entering the premises.

6-3-22 UNNECESSARY WASTE. The City reserves the right to prohibit the use of water for yard sprinklers or large consumers of water, when in the judgment of the City, the public welfare requires such action. The City shall adopt a resolution setting forth the basis for the moratorium and the length of time the moratorium will be in effect. Violation of the City prohibition will be a simple misdemeanor enforceable by municipal infraction or criminal citation.

### 6-3-23 OWNERS TO PROTECT METERS.

1. The owners or occupants of premises where a meter is installed shall be held responsible for its care and protection from freezing or hot water and from other injury or interference from any person or persons. In case of any injury to the meter, or in case of its stoppage or imperfect working, he or she shall give immediate notice to the City. In all cases where water meters are broken or damaged by negligence of owners or occupants of the premises, or by freezing, hot water, or other injuries except ordinary wear the necessary repairs to the meter shall be made by the City and the cost of such repairs shall be paid for by such owner or occupant, and in case payment thereof is neglected or refused, the cost of such repairs shall be added to the consumer's water bill and payment thereof enforced as provided for delinquent water bills. Damaged meters may be repaired by the City without first giving notice thereof to the owners of the premises where such meter is located.

2. No one shall in any way interfere with the proper registration of water meters, and no one except as authorized by the City shall break a seal of a meter, provided, however, that the City may grant written permission to approved plumbers in cases of emergency to break a water meter seal. The owner of the property may be charged a civil penalty of up to Five Hundred Dollars (\$500.00) for the first offense and up to a Seven Hundred Fifty Dollar (\$750.00) civil penalty for each subsequent violation of this section.

3. Wherever a water meter is installed on a water service in the premises that are to be remodeled, removed or destroyed, or where the service is discontinued so that the water meter is no longer needed, the owner of such meter, and free access to such meter shall be provided at least twenty-four hours after such notice is given so that the meter may be removed. The owner of the premises shall be held responsible for the meter until such written notice is given. If the meter is covered or lost, he or she shall be required to pay to the City a sum equal to the fair, reasonable market value thereof. The replacement cost thereof is presumed to be its fair reasonable market value.

6-3-24 OTHER SUPPLY THAN CITY WATER. On premises where water is supplied from two (2) sources, the City water being one of them, the piping system the City water must be entirely separated from that of the other source.

6-3-25 INSPECTION OF METERS, PIPES AND FIXTURES. The City shall be permitted at all reasonable hours to enter the premises or buildings of consumers for the purpose of reading meters and to examine the water pipes and fixtures and the manner in which water is used. The City reserves the right to set or remove a meter whenever it is deemed advisable to do so. Refusal on the part of the owner, consumer or occupant of any premises served with City water to permit an employee of the City to enter such premises at any reasonable hour for reading the water meter or inspecting water pipes and fixtures shall be sufficient cause to forthwith discontinue the water service at such premises.

6-3-26 FIRE HYDRANTS NOT TO BE USED. No person, save and except members of the Fire Department of the City of Farley, Iowa, or employees of the City acting in regular performance of their duties, shall open any hydrant belonging to the City at any time without a permit in writing signed by an authorized City Official.

6-3-27 WATER WORKS PROPERTY. It shall be unlawful to break, injure, mar, or deface, interfere with or disturb any building, machinery apparatus, fixtures attachments or appurtenance of the water works, or any hydrant, stop cock box, or commit any act tending to obstruct or impair the intended use of any of the above mentioned property, without permission of the City Council or excepting cases herein otherwise provided by Ordinance.

(ECIA Model Code Amended in 2017)

## TITLE VI PHYSICAL ENVIRONMENT

### CHAPTER 4 UTILITIES - REFUSE COLLECTION

6-4-1	Definitions	6-4-7	Burning of Refuse
6-4-2	Duty to Provide Cans	6-4-8	Refuse Other Than Garbage
6-4-3	Administration	6-4-9	Sanitary Landfill
6-4-4	Storage	6-4-10	Unit Based Pricing
6-4-5	Collections	6-4-11	Anti-Scavenging
6-4-6	Necessity of Permits		

6-4-1 DEFINITIONS. For use in this chapter, the following terms are defined as follows:

1. "Refuse". Includes all garbage, rubbish, ashes, or other substances offensive to sight or smell, dangerous to the public health or detrimental to the best interests of the community except dead animals not killed for food.

2. "Garbage". Includes all animal, fruit, vegetable, and other refuse resulting from the preparation of food and drink.

3. "Rubbish". Includes all other refuse not falling within the term "garbage" except those objects too large to be placed in cans.

4. "Cart". Means a container for the storage of garbage, refuse, rubbish or recycling, which is:

a. Provided by the service provider.

b. With a capacity of either sixty-five (65) or ninety-five (95) gallons for garbage, refuse and rubbish, and sixty-five (65) gallon for recycling.

(Ord. 2015-04 – Oct. 15 Supp.)

6-4-2 DUTY TO PROVIDE CARTS. Each person shall be provided one sixty-five (65) or ninety-five (95) gallon cart by the service provider for refuse, garbage and rubbish and one sixty-five (65) gallon cart for recycling. Such carts shall be kept covered and reasonably clean at all times. The carts shall be in a position readily accessible to the service provider.

(Ord. 2015-04 – Oct. 15 Supp.)

6-4-3 ADMINISTRATION. Administration of this chapter shall be by the City-Clerk-Treasurer, or such employee designated by the City Clerk-Treasurer.

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

6-4-4 STORAGE. All refuse, garbage, rubbish and recycling must be drained and that accumulated from dwellings must be wrapped placed in the cart.

(Ord. 2015-04 – Oct. 15 Supp.)

6-4-5 COLLECTIONS. All garbage and rubbish shall be taken from dwellings at least once each week and from public establishments as frequently as the City Council may require.

All cans for garbage and rubbish shall be kept as provided in the rules and regulations for collection of refuse.

6-4-6 NECESSITY OF PERMIT. No person shall collect garbage or rubbish except such person's unless otherwise by contract or permit approved by the City Council and issued by the Clerk.

In the event any business, firm, or corporation may elect to dispose of refuse or waste matter as may accumulate on any premises, property, or location, the same may be done provided that such disposal and transporting of any refuse or waste matter complies with the provisions of this chapter, is approved by the City and a permit issued by the Clerk.

6-4-7 BURNING OF REFUSE.

1. It shall be unlawful for any person to burn or incinerate any garbage, rubbish, or refuse within the City except by permission of the City Council.

2. This section shall not apply to any incinerator operated under a license granted by the City or any burning conducted under the direction of the fire department for training purposes.

3. This section shall not apply to outdoor cooking appliances used for residential recreational purposes using commonly acceptable fuels.

6-4-8 REFUSE OTHER THAN GARBAGE. Each person shall dispose of all refuse other than garbage and rubbish accumulation on the premises such person owns or occupies before it becomes a nuisance. If it does become a nuisance, it shall be subject to provisions of Title III, Chapter 2 of this Code.

6-4-9 SANITARY LANDFILL. The City Council by resolution may designate a sanitary landfill and establish reasonable rules and regulations necessary to control its use by the public and make charge for the use thereof.

6-4-10 UNIT BASED PRICING. The collection of garbage, refuse, rubbish or recycling are declared to be beneficial to the property served and there shall be levied and collected fees thereof in accordance with the following:

1. Fees. The fees for collection and disposal service, used or available, for each residential premises and for each dwelling unit of a multiple-family dwelling, shall be as established between a contract between the City and the collector.

(Ord. 2015-04 – Oct. 15 Supp.)

**6-4-11 ANTI-SCAVENGING. It shall be a violation of this Code for any person to sort through, scavenge or remove any garbage, waste, refuse, rubbish or recycling material that has been placed in a designated garbage or recycling container. Unauthorized collection, removal or scavenging of material placed in a garbage or recycling container shall be a violation of this Code and punishable as set forth in the Municipal Code.**

**(ECIA Model Code Amended in 2017)**

## TITLE VI PHYSICAL ENVIRONMENT

### CHAPTER 5 UTILITIES - BILLING CHARGES

6-5-1	Utility Defined		Rates
6-5-2	Districts	6-5-10	Rate of Sewer Rent and Manner of Payment
6-5-3	Disposition of Fees and Charges		
6-5-4	Billing, Penalty	6-5-11	Sanitary Sewer Rent from Premises with Private Water Systems
6-5-5	Discontinuing Services, Fees		
6-5-6	Residential Rental Property	6-5-12	Lien for Non Payment
6-5-7	Customer Guarantee Deposits	6-5-13	Lien Exemption
6-5-8	Water	6-5-14	Lien Notice
6-5-9	Refuse and Recycling Collection		

6-5-1 UTILITY DEFINED. For use in this chapter, utility is the sewer, water, and refuse collection systems operated by the City.

6-5-2 DISTRICTS. There shall be one sewer and water district which encompasses all of the City of Farley, Iowa.

6-5-3 DISPOSITION OF FEES AND CHARGES. All money received under this chapter shall be deposited in the City treasury not later than the last day of the month in which it was received and a written report of the amount and source of the fees and charges shall be on file with the City Clerk.

6-5-4 BILLING, PENALTY. Bills for the rates and charges as herein established shall be sent monthly. All bills shall be payable on the last day of the month following the period of service and shall be paid at the office of the City Clerk. If any charge for the service of the system shall not be paid by the 15th day of the month after it became due and payable, a charge of ten per cent (10%) of the amount of the bill shall be added thereto and collected therewith. When the 15th day falls on a Saturday, Sunday, or holiday observed by the City of Farley, the City Clerk shall accept payment on the next business day without penalty. If any bills remain unpaid fourteen (14) days following the due date, service for the lot, parcel of land or premises affected may, after notice and hearing, be cut off in the manner described in Section 6-5-5 and shall not be restored except upon satisfactory payment of the delinquent charges. A \$20.00 fee shall be charged for each check returned unpaid by a financial institution and each notice of insufficient funds associated with automatic withdrawal.

(Ord. 2017-01, Passed April 3, 2017)

6-5-5 DISCONTINUING SERVICE, FEES.

1. If any account is not paid within fourteen (14) 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 shall send a disconnect or discontinuance notice by ordinary mail providing the following notice to account holders: "You are advised that you may request a hearing on this matter to the City Clerk by noon on the day preceding the scheduled shut-off date or discontinuance of service."

(1) The City of Farley shall charge a \$15.00 fee for posting a 24-hour water service notice on an account holder's door for non-payment of utilities after a disconnect notice has been mailed to the account holder.

(2) If the account holder is a tenant, and if the owner or landlord of the property or premises has made a written request for notice, the notice shall also be given to the owner or landlord.

b. When a hearing is requested by an account holder/landlord, the Mayor or the Mayor's designee shall conduct a hearing within two (2) days following the request. The account holder/landlord shall have the right to present evidence or propose a payment plan. The decision of the Mayor is final.

2. **Reactivation Fees.** If water service is discontinued for non-payment of fees and charges, or for the violation of any Ordinance, the property owner shall pay a fee of \$25.00 to the City Clerk in addition to the rates or charges then due before such service is restored.

3. A lien shall not be certified to the County Treasurer for collection unless thirty (30) days prior written notice by ordinary mail of the intent to certify a lien is given to the account holder of the delinquent account. If the account holder is a tenant, and if the owner or property lessor of the property has made a written request for notice, the notice shall also be given to the owner or landlord of the property.

4. If the property in which there are delinquent utilities owing is sold before the City certifies the lien to the County Treasurer, the City may certify the delinquent utilities against another property located in this state owned by the delinquent account holder.

(Ord. 2017-01, Passed April 3, 2017)

#### 6-5-6 RESIDENTIAL RENTAL PROPERTY.

1. Residential rental property where a charge for water service is separately metered and paid directly to the City by the tenant is exempt from a lien for delinquent charges associated with such water service if the landlord/owner gives written notice to the City that the property is a residential rental property and that the tenant is liable for the water charges. The written notice provided by the landlord/owner shall contain the name of the tenant responsible for the charges,

address of the property that tenant is to occupy, and the date that the occupancy begins. A change in tenant shall require a new written notice to be given to the City within thirty business days of the change in tenant. A change in ownership of the residential rental property shall require written notice to be given to the City within thirty business days of the completion of the change of ownership. Under such circumstances, the City may, in its discretion, require a deposit not exceeding the usual cost of ninety days of water service to be paid to the City, which deposit shall be returned when the tenant identified moves from the rental property and the water service charges are paid in full.

2. The lien exemption for rental property does not apply to charges for repairs to a water service if the repair charges become delinquent.

3. Residential rental property where charges for water service are not separately metered, and where charges for water service are calculated based upon one or more shared meter(s) for a residential dwelling of two or more units shall be paid by the owner/landlord of the rental property.

4. For residential rental property where charges for water service are based on and calculated by one water meter thus a shared meter for a dwelling of two or more housing units shall be paid by the owner of the property. Residential rental property where charges for water service are based on one water meter per dwelling housing unit may be paid by owner of the property or directly by the tenant.

(Ord. 2012-03 – Oct. 15 Supp.)

(Ord. 2017-01, Passed April 3, 2017)

6-5-7 CUSTOMER GUARANTEE DEPOSITS. Customer deposits shall be required of all customers who are tenants, or others having no established credit record, and of those who have an unacceptable credit record or who have a prior record of failure to pay water bills rendered. Such deposit shall be equal to the estimated typical bill for the type of use contracted for, and be set to the nearest five (\$5.00) dollars. Deposits of customers having established acceptable credit records for three (3) years shall have their deposits returned. An occurrence or recurrence of a bad payment record may be the occasion for the City Clerk to require a new or larger deposit for the continuation of service.

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

When one tenant leaves a rental unit the billing account shall be put in the landlord's name until such time as the City receives a utility deposit from the new tenant.

#### 6-5-8 WATER.

1. Water Rates. Effective for billings made on or after July 1, 2018, water services shall be furnished by the City of Farley to its utility customers as follows:

The minimum charge for the water utility fund shall be \$14.66 monthly and include the first 667 gallons. Each and every gallon thereafter shall be billed at \$2.93 per thousand gallons.

All water utility account customers will also be billed \$21.00 monthly for the radium treatment water quality project.

(Sec. 6-5-8 – Ord. 2014-07 – Oct. 15 Supp.)  
(Ord. 2016-02, Passed May 2, 2016)  
(Ord. 2018-03, Passed April 16, 2018)  
(Ord. 2018-09, Passed August 20, 2018)

2. Bulk Water Sales. Any bulk-water sales will require a 48-hour minimum notice to be scheduled when an authorized city official is available to open the hydrant. All sales will be subject to a \$50 connection fee and a \$50 disconnection fee. Each and every gallon shall be billed at \$0.00550 per gallon.

(Ord. 2016-05, Passed December 5, 2016)

6-5-9 REFUSE AND RECYCLING COLLECTION RATES. There shall be collected by the city for its services in collecting garbage and acceptable recyclables the following mandatory fees:

1. Residence Fee. For each household with alley or curb pickup, \$13.57 per month for one garbage or rubbish collection each week and one recycling collection on a biweekly basis. Each additional container must have a \$1.00 garbage tag attached and shall not exceed forty (40) pounds. Garbage tags are available at City Hall during regular business hours. Refuse and recycling will be billed monthly.

2. Commercial Rate. Rates for commercial establishments shall be established by the City Council.

(Code of Iowa, Sec. 384.84(1))  
(Ord. 2016-01, Passed February 15, 2016)  
(Ord. 2017-02, Passed April 17, 2017)  
(Ord. 2018-04, Passed April 16, 2018)  
(Ord. 2019-04, Passed April 1, 2019)

6-5-10 SANITARY SEWER RATES. Effective for billings made on or after July 1, 2018, sewer services shall be furnished by the City of Farley to its utility customers as follows:

The minimum charge shall be \$20.00 monthly and include the first 667 gallons of water used. Each and every gallon thereafter shall be billed at \$3.58 per thousand gallons, based on water usage.

(Sec. 6-5-10 – Ord. 2014-08 – Oct. 15 Supp.)  
(Ord. 2018-05, Passed April 16, 2018)

6-5-11 SANITARY SEWER RENT FROM PREMISES WITH PRIVATE WATER SYSTEMS. Users of the municipal sewer system in relation to lots, parcels of real estate, of buildings not connected to or using the municipal water system so that a computation based on gallons used is not available, shall be charged \$35.00 monthly.

(Ord. 2018-05, Passed April 16, 2018)

Footnote: See Code of Iowa, Sec. 384.38(3) concerning establishing districts and connection fees.

**Do you do these next three?**

6-5-12 LIEN FOR NONPAYMENT. The owner of the premises served and any lessee or tenant thereof shall be jointly and severally liable for water service charges to the premises. Water service charges remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

6-5-13 LIEN EXEMPTION. The lien for nonpayment shall not apply to a residential rental property where water service is separately metered and the rates or charges for the water service are paid directly to the City by the tenant, if the landlord gives written notice to the City that the property is residential rental property and that the tenant is liable for rates or charges. The City may require a deposit not exceeding the usual cost of ninety (90) days of water service be paid to the City. The landlord's written notice shall contain the name of the tenant responsible for the charges, the address of the rental property and the date of occupancy. A change in tenant shall require a new written notice to be given to the City within thirty (30) business days of the change in tenant. When the tenant moves from the rental property, the City shall refund the deposit to the tenant if the water service charges are paid in full. A change in the ownership of the residential rental property shall require written notice of such change to be given to the City within ten (10) business days of the completion of the change of ownership. The lien exemption does not apply to delinquent charges for repairs to the water service.

6-5-14 LIEN NOTICE. A lien for delinquent water service charges shall not be certified to the County Treasurer unless prior written notice of intent to certify a lien is given to the customer in whose name the delinquent charges were incurred. If the customer is a tenant and if the owner or landlord of the property or premises has made a written request for notice, the notice shall also be given to the owner or landlord. The notice shall be sent to the appropriate persons by ordinary mail, not less than thirty (30) days prior to certification of the lien to the County Treasurer.

## TITLE VI PHYSICAL ENVIRONMENT

### CHAPTER 6 STREET CUTS AND EXCAVATIONS

6-6-1	Excavation Permit Required	6-6-4	Safety Measures
6-6-2	Application for Permit	6-6-5	Backfilling and Restoration
6-6-3	Permit Fees	6-6-6	Rules and Regulations

6-6-1 EXCAVATION PERMIT REQUIRED. Excavating within the right-of-way of public streets and alleys, and of public grounds, and the cutting of surfacing or paving of the traveled way therein, shall not be done by any person, firm, association, or corporation without obtaining a permit from the City Clerk.

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

6-6-2 APPLICATION FOR PERMIT. No person shall commence excavation in any public street or public ground until that person has applied to the City Clerk for an excavation permit. Such application shall indicate the location of the excavation, the name and address of the applicant who is to do the work, whether public liability insurance is in force, and that the applicant has checked the underground map of all utilities, and other owners of underground facilities, and that the applicant has notified those persons or companies of the time that excavation will commence. The making of an application shall be deemed notice to the City of the plan to cut the street surfacing or pavements, and to obstruct the public way. Such permits shall not be valid until six hours after receipt unless the Clerk waives this requirement.

In an emergency, authorized persons or companies may commence excavations provided that they shall have made a reasonable effort to inform the City and the utilities whose underground utilities might be involved in any way, and those involved in the excavation shall make written application at the earliest practicable moment. The Clerk may provide on the form for the certification that the applicant has notified all utilities and other parties required by this Ordinance.

6-6-3 PERMIT FEES. The permit fee shall be \$ [REDACTED] for the cost of each inspection. A single excavation shall be deemed to constitute all the digging necessary for a single connection, or a cut for installing a main not exceeding 100 feet in length. An additional fee of \$ [REDACTED] shall be required for every additional 100 feet, or major fraction thereof, of main excavation. All fees are doubled if excavation commences before a permit is obtained.

6-6-4 SAFETY MEASURES. Any person, firm, or corporation cutting a pavement or surfacing or excavating in the streets shall erect suitable barricades, maintain warning lights from sunset to sunrise each night, and take such other precautions as necessary for the safety of the public, whether vehicles or pedestrians. Vehicles, equipment, materials, excavated material, and similar items shall likewise be protected by lights and warning devices, such as traffic cones, flags,

etc. Where traffic conditions warrant, the party excavating may be required to provide flagmen, if in the judgment of the Chief of Police the public safety requires it. Compliance with City Ordinances and regulations shall not be deemed to waive the requirements that the party excavating shall comply with all the requirements of the labor safety laws and the rules of the Iowa Department of Labor, nor shall any failure be deemed a responsibility of the City.

6-6-5 BACKFILLING AND RESTORATION. Any person excavating in the streets shall be responsible for the backfilling of the excavation in accordance with City specifications and the restoration of the pavement or surfacing to as good a condition as that existing prior to the excavation. If any excavator fails to backfill or restore the pavement or surfacing properly within forty-eight hours of the completion of the underground work, the City reserves the right to backfill and resurface or install new paving and charge the cost thereof to the party excavating. If any backfilling or pavement or surfacing restoration is not in accordance with the City specifications, the [REDACTED] is authorized to remove such material as is necessary and to backfill and restore the pavement or surfacing properly.

6-6-6 RULES AND REGULATIONS. The City Council may by resolution establish such rules and regulations for the manner of making cuts and related matters involving excavations.

## 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 Amendment
- 6-7-5 Recording of Plat
- 6-7-6 Fees Established
- 6-7-7 Penalties
- 6-7-8 Building Permit to be Denied

#### DEFINITIONS

- 6-7-9 Terms Defined

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- 6-7-11 Inspection
- 6-7-12 Minimum Improvements
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- 6-7-15 Alternative Systems for Sewer or Water

#### MINIMUM STANDARDS FOR THE DESIGN OF SUBDIVISIONS

- 6-7-16 Standards Prescribed
- 6-7-17 Land Suitability
- 6-7-18 Lands Subject to Flooding
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- 6-7-20 Construction Standards for Improvements
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#### PROCEDURES AND SUBMISSION REQUIREMENTS FOR PLATS

- 6-7-25 Pre-Application Conference
- 6-7-26 Sketch Plan Required
- 6-7-27 Presentation to Planning Commission or Governing Body
- 6-7-28 Subdivision Classified
- 6-7-29 Plats Required
- 6-7-30 Requirements of the Preliminary Plat
- 6-7-31 Procedures for Review of Preliminary Plats
- 6-7-32 Duration of Approval of Preliminary Plat
- 6-7-33 Authorization to Install Improvements
- 6-7-34 Completion and Acceptance of Improvements
- 6-7-35 Performance Bond Permitted
- 6-7-36 Requirement of the Final Plat
- 6-7-37 Attachments to the Final Plat
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#### OTHER PROVISIONS

- 6-7-39 Variances
- 6-7-40 Extraterritorial Review Agreement

## GENERAL PROVISIONS

6-7-1 **SHORT TITLE.** This ordinance shall be known as the "Subdivision Ordinance" of the City of Farley, Iowa.

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 re-subdivisions of land, so that existing land uses will be protected, and so that adequate provisions are made for public facilities and services, and so that growth occurs in an orderly manner, consistent with the Comprehensive Plan, and to promote the public health, safety and general welfare of the citizens of the City of Farley, Iowa.

(Code of Iowa, Sec. 354.1 and 364.1)

6-7-3 **APPLICATION.** Every owner who divides 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 (June 6, 1994) 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 or within two (2) miles 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.

(Code of Iowa, Sec. 354.9)

6-7-4 **AMENDMENT.** When necessary to further its purpose, this ordinance shall be amended in accordance with the text amendment procedure for the Zoning Ordinance by the Planning Commission and the Governing Body.

6-7-5 **RECORDING OF PLAT.** No subdivision plat, resubdivision plat or street dedication within the City of Farley, Iowa, or within two (2) miles 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 revocable after thirty (30) days, unless such plat has been duly recorded and evidence thereof filed with the City Clerk within such thirty (30) days.

(Code of Iowa, Sec. 354.9)

6-7-6 **FEES ESTABLISHED.** The Governing Body shall, from time to time establish by resolution, fees for the review of plats. No plat for any subdivision or resubdivision shall be considered filed with the City Clerk, unless and until said plat is accompanied by the fee, as established by resolution of the Governing Body, and as required by this ordinance.

6-7-7 PENALTIES. Any person who shall dispose of or offer for sale any lot or lots within the area of jurisdiction of this ordinance, until the plat thereof has been approved by the Governing Body, and recorded as required by law, shall forfeit and pay one hundred dollars (\$100.00) for each lot or part of lot sold, disposed of or offered for sale. Nothing contained herein shall in any way limit the City's right to any other remedies available to the City for the enforcement of this ordinance.

6-7-8 BUILDING PERMIT TO BE DENIED. No building permit shall be issued for construction on any lot, parcel, or tract, where a subdivision is required by this ordinance, unless and until a final plat of such subdivision has been approved and recorded in accordance with this ordinance, and until the improvements required by this ordinance have been accepted by the City.

## DEFINITIONS

6-7-9 TERMS DEFINED. For the purposes of this ordinance, certain words herein shall be defined as and interpreted as follows. Words used in this 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.

(Code of Iowa, Sec. 354.2(1))

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.

(Code of Iowa, Sec. 354.2(2))

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.

(Code of Iowa, Sec. 354.2(3))

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.

(Code of Iowa, Sec. 354.2(5))

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.

(Code of Iowa, Sec. 354.2(6) and 355.1(2))

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.

(Code of Iowa, Sec. 354.2(7))

16. "Governing Body" means the City Council of the City of Farley, Iowa.

(Code of Iowa, Sec. 354.2(8))

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.

(Code of Iowa, Sec. 354.2(9) and 355.1(3))

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.

(Code of Iowa, Sec. 354.2(10))

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.

(Code of Iowa, Sec. 354.2(11))

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.

(Code of Iowa, Sec. 354.2(12))

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 (date of original subdivision ordinance).

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.

(Code of Iowa, Sec. 354.2(13))

27. "Performance Bond" means a surety bond or cash deposit made out to the City of Farley, 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.

(Code of Iowa, Sec. 354.2(14))

29. "Planning Commission" means the appointed commission designated by the Governing Body for the purpose of this ordinance, and may also be the Zoning Commission, in which case such commission shall be known as the Planning and Zoning Commission.

30. "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.

31. "Plats Officer" means the individual assigned the duty to administer this ordinance by the Governing Body or other appointing authority.

32. "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.

(Code of Iowa, Sec. 354.2(15) and 355.1(9))

33. "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.

(Code of Iowa, Sec. 354.2(16))

34. "Re-subdivision" 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.

35. "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.

36. "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.

37. "Street, Collector" means a street primarily designed to connect smaller areas of the community, and to carry traffic from local streets to arterial streets.

38. "Street, Local" means a street primarily designed to provide access to abutting property.

39. "Subdivider" means the owner of the property being subdivided, or such other person or entity empowered to act on the owner's behalf.

40. "Subdivision" means the accumulative effect of dividing an original lot, tract, or parcel of land, as of (June 6, 1994), 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 re-subdivision or re-platting. 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 (June 6, 1994), shall not be required to comply with such provisions unless or until a new division, re-subdivision or re-platting occurs following that effective date.

(Code of Iowa, Sec. 354.2(17) and 355.1(10))

41. "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 a succinct name or title that is unique for the county where the land is located.

(Code of Iowa, Sec. 354.2(18) and 355.1(11))

42. "Surveyor" means a registered land surveyor who engages in the practice of land surveying pursuant to Chapter 542B of the Code of Iowa.

(Code of Iowa, Sec. 354.2(19) and 355.1(12))

43. "Tract" means an aliquot part of a section, a lot within an official plat, or a government lot.

(Code of Iowa, Sec. 354.2(20))

44. "Utilities" means systems for the distribution or collection of water, gas, electricity, wastewater, and storm water.

## IMPROVEMENTS

6-7-10 IMPROVEMENTS REQUIRED. The subdivider shall, at 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.

6-7-11 INSPECTION. All improvements shall be inspected to ensure 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.

6-7-12 MINIMUM IMPROVEMENTS. The improvements set forth below shall be considered the minimum improvements necessary to protect the public health, safety and welfare.

(Code of Iowa, Sec. 364.1)

1. Streets. The subdivider of land being subdivided shall provide the grading of the entire street right-of-way, alley or public place and provide appropriate paving, including curb and gutter on all streets. All streets or alleys shall be of such width and shall be so constructed as to meet the standards of the City. Under some circumstances the City may require, as a condition for approval of the plat, dedication and improvement of a street having a width greater than necessary to meet the needs of the platted area, but necessary to complete the City street system as it relates to both the area being platted and other areas. In such event, the City will pay the subdivider the difference

in cost of improving the wider street and the street width reasonable to meet the foreseeable needs of the subdivision taken alone. The streets shall, upon final approval and acceptance by the City, become the property of the City.

2. Sanitary Sewer System. The subdivider of the land being platted shall make adequate provision for the disposal of sanitary sewage from the platted area with due regard being given to present or reasonably foreseeable needs. There shall be constructed, at the subdivider's expense, a sanitary sewer system including all necessary pumping stations, pumping equipment, sewer access holes, and all other necessary or desirable appurtenances to provide for the discharge of sanitary sewage from all lots or parcels of land within the platted area to a connection with the City's sanitary sewers. The sanitary sewer system shall be constructed in accordance with the plans and specifications of the City and at the sewer grades as established by the City.

Under some circumstances the City may require, as a condition for approval of the plat, installation of a sanitary sewer that is larger than necessary to meet the needs of the platted area, but necessary to complete the City sanitary sewer system as it relates to both the area being platted and other areas. In such event, the City will pay the subdivider the difference in cost of pipe and installation between the larger sewer and the diameter of sewer reasonable to meet the foreseeable needs of the area.

The above mentioned facilities for the collection and disposal of sanitary sewage from the platted area shall, upon final approval and acceptance by the City, become the property of the City.

3. Storm Sewer System. The subdivider of land being platted shall install and construct a storm sewer system adequate to serve the area, including anticipated extension of use to serve additional areas. The storm sewer system shall be constructed in accordance with plans and specifications of the City and at sewer grades established by the City.

Under some circumstances the City may require, as a condition for approval of the plat, installation of a storm sewer system that is larger than necessary to meet the needs of the platted area, but necessary to complete the city storm sewer system as it relates to both the area being platted and other areas. In such event, the City will pay the subdivider the difference in cost of pipe and installation between the larger sewer and the diameter of sewer reasonable to meet the foreseeable needs of the area.

The sewers shall, upon inspection, approval and acceptance by the City, become the property of the City. In the storm sewer design phase, consideration shall be given to alternatives and principles of storm water management, or the provisions of a storm water management plan if such plan has been adopted by the City.

4. Water Main System. The subdivider of land being platted shall install and construct a water main system to adequately serve all lots or parcels of land within the platted area, with due regard to the present and reasonably foreseeable needs of the entire area, and shall connect the same to the City's existing water mains.

Under some circumstances the City may require, as a condition for approval of the plat, installation of a water main that is larger than necessary to meet the needs of the platted area, but necessary to complete the City water distribution system as it relates to both the area being platted and other areas. In such event the City will pay the subdivider the difference in cost of pipe and installation between the larger water main and the diameter of water main reasonable to meet the foreseeable needs of the area.

The water mains shall, upon inspection, approval, and acceptance by the City, become the property of the City.

5. Other Improvements. The owner and subdivider of the land being platted shall be responsible for the installation of sidewalks within the street area; the installation of walkways as necessary; grading, seeding or sodding of all lots; the planting of any required trees in the parking area; the installation of street signs, and the provision of street lighting. All such improvements shall be under the direction of the City Engineer or director of the electric utility, as appropriate.

#### 6-7-13 EASEMENTS REQUIRED.

1. Public Utilities. Where alleys are not provided, or where otherwise required by the present or future placement of public utilities, easements of not less than ten (10) feet in width shall be granted by the owner along rear, and where necessary, along side lot lines for public utility requirements. Except where prohibited by topography, such easements shall be centered on lot lines. Easements of greater width may be required along lot lines, or across, lots when necessary for the placement and maintenance of utilities. No buildings or structures, except as necessary for utilities, shall be permitted on such easements.

2. Easements Along Streams and Watercourses. Wherever any stream or surface watercourse is located in an area that is being subdivided, the subdivider shall, at said subdivider's expense, make adequate provisions for the proper drainage of surface water and shall provide and dedicate to the City an easement along said stream or watercourse as necessary for the proper maintenance of the watercourse, and as approved by the City.

6-7-14 MAINTENANCE BOND REQUIRED. The owner and subdivider of the land being platted shall be required to provide to the City, proper maintenance bonds satisfactory to the City, so as to insure that for a period of one (1) year from the date of acceptance of any improvement, the owner and subdivider shall be responsible to maintain such improvement in good repair.

6-7-15 ALTERNATIVE SYSTEMS FOR SEWER OR WATER. Where connection to the City sewer or water system cannot reasonably be made the City may approve alternate facilities for the distribution of water or the collection and disposal of sanitary wastes. Such alternate systems shall be designed to fully protect the public health safety and welfare, and shall meet all requirements of state, county, or other applicable health regulations. Prior to granting approval of such alternate systems, the City shall require that the owner and subdivider provide to the City a waiver of

assessment protest or such other legally binding documents necessary to protect the City from the expense of the subsequent installation of sewer or water facilities.

#### MINIMUM STANDARDS FOR THE DESIGN OF SUBDIVISIONS

6-7-16 STANDARDS PRESCRIBED. The standards set forth in this ordinance shall be considered the minimum standards necessary to protect the public health, safety, and general welfare.

(Code of Iowa, Sec. 364.1)

6-7-17 LAND SUITABILITY. No land shall be subdivided that is found to be unsuitable for subdividing by reason of flooding, ponding, poor drainage, adverse soil conditions, adverse geological formations, unsatisfactory topography or other conditions likely to be harmful to the public health, safety or general welfare, unless such unsuitable conditions are corrected to the satisfaction of the City.

If land is found to be unsuitable for subdivision for any of the reasons cited in this Section, the Governing Body shall state its reasons in writing and afford the subdivider an opportunity to present data regarding such unsuitability. Thereafter, the Governing Body may reaffirm, modify or withdraw its determination regarding such unsuitability.

6-7-18 LANDS SUBJECT TO FLOODING. No subdivision containing land located in a floodway or a flood hazard area shall be approved by the City without the approval of the Iowa Department of Natural Resources. No lot shall be located so as to include land located within a floodway or flood hazard area unless the lot is of such size and shape that it will contain a buildable area not within the floodway or flood hazard area, suitable for development as allowed by the Zoning Ordinance for the zone in which the lot is located.

Land located within a flood hazard area or a floodway may be included within a plat as follows, subject to the approval of the City:

1. Included within individual lots in the subdivision, subject to the limitations of this Section.
2. Reserved as open space for recreation use by all owners of lots in the subdivision, with an appropriate legal instrument, approved by the City, providing for its care and maintenance by such owners.
3. If acceptable to the City, dedicated to the City as public open space for recreation or flood control purposes.

6-7-19 PLAT TO CONFORM TO COMPREHENSIVE PLAN. The arrangement, character, extent, width, grade and location of all streets and the general nature and extent of the lots and uses proposed shall conform to the Comprehensive Plan of the City, provided such plan has been

adopted by the City; and shall conform to such other plans, including but not limited to a Major Street Plan, a Sanitary Sewer System Plan, or a Parks and Open Space Plan, provided such plan has been adopted by the City.

(Code of Iowa, Sec. 354.8)

6-7-20 CONSTRUCTION STANDARDS FOR IMPROVEMENTS. In addition to the Standards set forth in this ordinance, the City Engineer shall from time to time prepare, and the Governing Body shall from time to time adopt by resolution, technical standards for public improvements. Such technical standards for public improvements shall contain the minimum acceptable specifications for the construction of public improvements. Such technical standards may vary for classes of improvements, giving due regard to the classification of streets or other improvements, and the extent and character of the area served by the improvements.

Upon adoption by the Governing Body by resolution, such technical standards for public improvements shall have such force and effect as if they were fully set forth herein.

6-7-21 STREET STANDARDS. The following standards shall apply to all streets to be located within the subdivision:

1. Streets shall provide for the continuation of arterial and collector streets from adjoining platted areas, and the extension of such streets into adjoining unplatted areas. Where a plat encompasses the location for an arterial or collector street proposed in the Comprehensive Plan or the Street Plan, the plat shall provide for such street.

2. Street grades shall align to existing streets, and all grades for streets shall be as approved by the City.

3. Arterial streets shall be located so as to not require direct access from the arterial street to abutting lots.

4. Street right-of-way widths and pavement widths shall be as specified in the Comprehensive Plan, the Streets Plan, or technical standards for public improvements.

5. Half-streets are prohibited, except, where an existing platted half-street abuts the subdivision, a platted half-street to complete the street shall be required.

6. Local streets should be designed to discourage through traffic while safely connecting to collector or arterial streets.

7. Street jogs with centerline offsets of less than one hundred twenty five feet shall be prohibited, except where topography, or other physical conditions make such jogs unavoidable.

8. Streets shall intersect as nearly at right angles as possible; and no street shall intersect any other street at less than sixty (60) degrees.

9. At intersections of major streets, and otherwise as necessary, lot corners abutting the intersection shall be rounded with a radius sufficient to provide necessary space within the right-of-way for sidewalks, traffic control devices, and other necessary improvements without encroachment onto the corner lots.

10. Dead end streets are prohibited, except where a street is planned to continue past the subdivider's property, a temporary dead end may be allowed.

11. Streets that connect with other streets, or loop streets, are preferable for maintenance, fire protection, and circulation, but cul-de-sacs may be permitted. Cul-de-sacs should not be longer than is necessary given local conditions.

12. In general, alleys shall be permitted in residential areas and required in commercial areas with normal street frontage. Dead end alleys are prohibited, unless provided with a turn-around with a minimum right-of-way diameter of one hundred (100) feet.

13. When a tract is subdivided into larger than normal lots or parcels, such lots or parcels shall be so arranged as to permit the logical location and opening of future streets and appropriate resubdivision with provision for adequate utility connections for such resubdivision. Easements for the future openings and extensions for such streets or utilities may, at the discretion of the Governing Body, be made a requirement of the plat.

14. Streets that are or will become extensions of existing streets shall be given the same name as the existing streets. New street names shall not be the same or sound similar to existing street names. All street names shall be at the approval of the Governing Body.

15. Private streets, not dedicated to the City, shall be avoided. The Governing Body may approve a private street where unusual conditions make a private street desirable, provided adequate covenants or other legal documents ensure that the City will not have or need to assume any maintenance or other responsibility for such street.

6-7-22 BLOCK AND LOT STANDARDS. The following standards shall apply to the layout of blocks and lots in all subdivisions, and to the extent possible, in all resubdivisions:

1. No residential block shall be longer than thirteen hundred (1,300) feet or shorter than three hundred (300) feet measured from street line to street line. The width of blocks should be arranged so as to allow two tiers of lots, with utility easement.

2. In blocks over seven hundred (700) feet in length, the Governing Body may require a public way or an easement at least ten (10) feet in width, at or near the center of the block, for use by pedestrians.

3. The size and shape of blocks or lots intended for commercial or industrial use shall be adequate to provide for the use intended, and to meet the parking, loading, and other requirements for such uses contained in the zoning ordinance.

4. Lot arrangement and design shall be such that all lots will provide satisfactory building sites, properly related to topography and surrounding land uses.

5. The size and shape of all lots shall comply with all requirements of the Zoning Ordinance for the zone in which the lot is located.

6. All lots shall abut a public street, or upon an approved private street, with a minimum frontage of at least thirty-five (35) feet measured as a straight line between the two front lot corners.

7. Unless unavoidable, lots shall not front, or have direct access to arterial streets. Where unavoidable, lots shall be so arranged as to minimize the number of access points.

8. All lot lines shall be at right angles to straight street lines or radial to curved street lines, except where, in the judgment of the Governing Body, a variation to this provision will provide a better street and lot layout.

9. Corner lots shall have sufficient extra width to permit the required front yard setback as specified in the zoning ordinance, oriented to either street.

10. Reversed frontage lots are prohibited. Double frontage lots shall only be permitted where abutting a major street and a minor street, and such lots shall front only on the minor street.

11. Any lot not to be served by a sanitary sewage system shall have sufficient area to allow for a satisfactory drain field. No subdivision to be served by septic systems shall be approved by the Governing Body until percolation tests have been performed and the results of said tests have been provided to, and reported on, by the City Engineer.

6-7-23 PARKS AND OPEN SPACE. All residential subdivisions should be so designed as to meet the neighborhood park and open space needs of their residents. Such needs may be met by dedication and acceptance of public park land and/or by reservation by covenant of private open space, provided, there shall exist sufficient covenants, running with the land, to insure adequate maintenance by the property owners benefiting from such open space.

6-7-24 PARKS AND SCHOOL SITES RESERVED. When a tract being subdivided includes lands proposed to be parks or school sites in the Comprehensive Plan or other official plan of the City, the subdivider shall indicate such areas on the plat.

(Code of Iowa, Sec. 354.6(2))

1. Proposed park sites shall be reserved for three (3) years, giving the City or other authorized public agency the option to purchase the land at the appraised raw land value prior to

the subdivision as established by a certified land appraiser. The purchase price shall also include one-half (1/2) of the cost for grading and paving, including curbs, of the portion of any streets that are contiguous to the site and any taxes and interest incurred by the subdivider between the date of reservation and date of purchase by the public agency. Should the park site not be purchased within three (3) years, the subdivider may then amend the final plat.

2. Proposed school sites shall be reserved for three (3) years, giving the appropriate school district the option to purchase the land at the appraised raw land value prior to the subdivision as established by a certified land appraiser. The purchase price shall also include one-half (1/2) of the cost for grading and paving, including curbs, of the portion of any streets that are contiguous to the site and any taxes and interest incurred by the subdivider between the date of reservation and date of purchase by the school district. Should the school sites not be purchased within three (3) years, the subdivider may then amend the final plat.

## PROCEDURES AND SUBMISSION REQUIREMENTS FOR PLATS

6-7-25 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 Plats Officer. The conference should be attended by the Plats Officer and such other City or Utility representative 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.

6-7-26 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.

6-7-27 PRESENTATION TO PLANNING COMMISSION OR GOVERNING BODY. The subdivider may present the sketch plan to the Planning Commission and Governing Body for review, prior to incurring significant costs preparing the preliminary or final plat.

6-7-28 SUBDIVISION CLASSIFIED. Any proposed subdivision or resubdivision shall be classified as minor subdivision or a major subdivision.

1. Minor Subdivision. 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 subdivision.

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.

6-7-29 PLATS REQUIRED. In order to secure approval of a proposed subdivision, the owner and subdivider shall submit to the City, plats and other information as required by this ordinance. 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.

(Code of Iowa, Sec. 354.6)

6-7-30 REQUIREMENTS OF THE PRELIMINARY PLAT. The subdivider shall prepare and file with the City Clerk two copies of the preliminary plat, drawn at a scale of one inch equals one hundred feet (1" = 100') or larger. Sheet size shall not exceed twenty-four inches by thirty-six inches (24" x 36"). Where more than one sheet is required, the sheets shall show the number of the sheet and the total number of sheets in the plat, and match lines indicating where other sheets adjoin.

The preliminary plat shall be clearly marked "Preliminary Plat" and shall show, or have attached thereto, the following:

1. Title, scale, north point and date.

(Code of Iowa, Sec. 355.8(6))

2. Proposed name of the subdivision that shall not duplicate or resemble existing subdivision names in the county. The Plats Officer shall verify with the County Auditor that the proposed subdivision name is not duplicating an existing subdivision name in the county.

(Code of Iowa, Sec. 354.6(2) and 355.8(5))

3. The name and address of the owner and the name, address and profession of the person preparing the plan.

4. A key map showing the general location of the proposed subdivision in relation to surrounding development.

5. The names and locations of adjacent subdivisions and the names of record owners and location of adjoining parcels of unplatted land. A list of all owners of record of property located within two hundred (200) feet of the subdivision boundary shall be attached.

(Code of Iowa, Sec. 355.8(18))

6. The location of property lines, streets and alleys, easements, buildings, utilities, watercourses, tree masses, and other existing features affecting the plat.

7. Existing and proposed zoning of the proposed subdivision and adjoining property.

8. 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.

9. The legal description of the area being platted.

10. The boundary of the area being platted, shown as a dark line, with the approximate length of boundary lines and the approximate location of the property in reference to known section lines.

11. The layout, numbers and approximate dimensions of proposed lots.

12. The location, width and dimensions of all streets and alleys proposed to be dedicated for public use.

13. The proposed names for all streets in the area being platted. The Plats Officer shall verify that the proposed street names do not duplicate existing street names in the City unless such names are a continuation of an existing street.

14. Present and proposed utility systems, including sanitary and storm sewers, other drainage facilities, water lines, gas mains, electric utilities, and other facilities.

15. Proposed easements, showing locations, widths, purposes and limitations.

16. Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds, or other public, semi-public or community purposes, or shown for such purpose in the Comprehensive Plan or other adopted plans.

17. A general summary description of any protective covenants or private restrictions to be incorporated in the final plat.

18. Any other pertinent information, as necessary.

19. The fee, as required by this ordinance.

#### 6-7-31 PROCEDURES FOR REVIEW OF PRELIMINARY PLATS.

1. The City Clerk, upon receipt of two copies of the preliminary plat, shall file one copy in the records of the City, shall retain one copy for public inspection, and shall forward the remaining copies of the plat to the Plats Officer.

2. The Plats Officer shall provide copies of the plat to the City Engineer, and such other persons as necessary to review the plat; and shall schedule the plat for consideration by the Planning Commission.

3. The Planning Commission shall examine the plat and the report of the City Engineer, and such other information as it deems necessary or desirable, to ascertain whether the plat conforms to the ordinances of the City, and conforms to the Comprehensive Plan and other duly adopted plans of the City. The Planning Commission shall, within forty-five (45) days of the filing of the plat with the City Clerk, forward a report and recommendation regarding the plat to the Governing Body. If such recommendation is to disapprove or modify the plat, the reasons therefor shall be set forth in writing in the report, and a copy of the report and recommendation shall be provided to the applicant.

4. The Governing Body shall examine the plat, the report of the City Engineer, the report of the Planning Commission, and such other information as it deems necessary or desirable. Upon such examination, the Governing Body shall ascertain whether the plat conforms to the ordinances and standards of the City, conforms to the Comprehensive Plan and other duly adopted plans of the City, and will be conducive to the orderly growth and development of the City; in order to protect the public health, safety, and welfare. Following such examination, the Governing Body may approve, subject to conditions, or disapprove the plat. If the decision of the Governing Body is to disapprove the plat, or to approve the plat subject to conditions, the reasons therefor shall be set forth in writing in the official records of the Governing Body, and such decisions shall be provided to the applicant. Action on the preliminary plat by the Governing Body shall be taken within sixty (60) days of the filing of the plat with the City Clerk.

6-7-32 DURATION OF APPROVAL OF PRELIMINARY PLAT. The approval of a preliminary plat by the Governing Body shall be valid for a period of one (1) year from the date of such approval; after which such approval shall be void, and the subdivider shall take no action requiring the precedent approval of a preliminary plat except upon application for and approval of an extension of such period of validity, by the Governing Body.

6-7-33 AUTHORIZATION TO INSTALL IMPROVEMENTS. The approval of the preliminary plat shall constitute authorization by the Governing Body for the installation of improvements as required by this ordinance, and as shown on the preliminary plat; provided no such improvement shall be constructed or installed until and unless the plans, profiles, cross sections, and specifications for the construction of such improvement have been submitted to, and approved in writing by, the City Engineer.

6-7-34 COMPLETION AND ACCEPTANCE OF IMPROVEMENTS. Before the Governing Body will approve the final plat, all of the foregoing improvements shall be constructed and accepted by formal resolution of the City Council. Before passage of said resolution of acceptance, the City Engineer shall report that said improvements meet all City specifications and ordinances or other City requirements, and the agreements between the subdivider and the City.

6-7-35 PERFORMANCE BOND PERMITTED. In lieu of the requirement that improvements be completed prior to the approval of a final plat, the subdivider may post a performance bond with the City, guaranteeing that improvements not completed shall be completed within a period

of two (2) years from the date of approval of such final plat; but such approval of the plat shall not constitute final acceptance of any improvements to be constructed. Improvements will be accepted only after their construction has been completed.

6-7-36 REQUIREMENT OF THE FINAL PLAT. The subdivider shall, within one (1) year from the date of approval of the preliminary plat, unless such time period has been extended, prepare and file with the City Clerk, two copies of the final plat and required attachments, as set forth in this ordinance. 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.

The final plat shall be drawn at a scale of one inch equals one hundred feet (1" = 100') or larger. Sheet size shall be no greater than eighteen inches by twenty-four inches (18" x 24") nor smaller than eight and one-half inches by eleven inches (8 1/2" x 11") and shall be of a size acceptable to the County Auditor. If more than one sheet is used, each sheet shall clearly show the number of the sheet, the total number of sheets included in the plat, and match lines indicating where other sheets adjoin.

The final plat shall be clearly marked "Final Plat" and show the following:

1. The name of the subdivision.  
(Code of Iowa, Sec. 354.6(2) and 355.8(5))
2. Name and address of the owner and subdivider.
3. Scale, and a graphic bar scale, north arrow and date on each sheet.  
(Code of Iowa, Sec. 355.8(4) and (6))
4. All monuments to be of record, as required by Chapter 355, Code of Iowa.  
(Code of Iowa, Sec. 355.8(7))
5. Sufficient survey data to positively describe the bounds of every lot, block, street, easement, or other area shown on the plat, as well as the outer boundaries of the subdivided lands.  
(Code of Iowa, Sec. 355.8(12))
6. All distance, bearing, curve, and other survey data, as required by Chapter 355, Code of Iowa.  
(Code of Iowa, Sec. 355.8)
7. All adjoining properties shall be identified, and where such adjoining properties are a part of a recorded subdivision, the name of that subdivision shall be shown. If the subdivision platted is a resubdivision of a part or the whole of a previously recorded subdivision, sufficient ties shall be shown to controlling lines appearing on the earlier plat to permit an overlay to be

made. Resubdivision shall be labeled as such in a subtitle following the name of the subdivision wherever the name appears on the plat.

(Code of Iowa, Sec. 355.8(18))

8. Street names and clear designation of public alleys.

(Code of Iowa, Sec. 354.6(2))

9. Block and lot numbers.

(Code of Iowa, Sec. 354.6(2))

10. Accurate dimensions for any property to be dedicated or reserved for public use, and the purpose for which such property is dedicated or reserved for public use.

(Code of Iowa, Sec. 354.6(2))

11. The purpose of any easement shown on the plat shall be confined to only those easements pertaining to public utilities including gas, power, telephone, cable television, water, sewer; easements for trails, bikeways, ingress and egress; and such drainage easements as are deemed necessary for the orderly development of the land encompassed within the plat.

(Code of Iowa, Sec. 355.8(19))

12. All interior excepted parcels, clearly indicated and labeled, "not a part of this plat".

13. A strip of land shall not be reserved by the subdivider unless the land is of sufficient size and shape to be of some practical use or service as determined by the Governing Body.

(Code of Iowa, Sec. 354.6(2))

14. The minimum unadjusted acceptable error of closure for all subdivision boundaries shall be 1:10,000 and shall be 1:5,000 for any individual lot.

(Code of Iowa, Sec. 355.8(15))

15. A statement by a registered land surveyor that the plat conforms to Section 409A.8 of the Code of Iowa, was prepared by the surveyor or under the surveyor's direct personal supervision, signed and dated by the surveyor and bearing the surveyor's Iowa registration number or seal, and a sealed certification of the accuracy of the plat by the registered land surveyor who drew the plat.

(Code of Iowa, Sec. 355.8(21))

6-7-37 ATTACHMENTS TO THE FINAL PLAT. The following shall be attached to and accompany any final plat:

1. A certificate by the owner and said owner's spouse, if any, that the subdivision is with their 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.

(Code of Iowa, Sec. 354.11(1))

2. 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.

(Code of Iowa, Sec. 354.11(3))

3. A certificate from the County Treasurer that the subdivision land is free from unpaid taxes.

(Code of Iowa, Sec. 354.11(5))

4. A certificate from the Clerk of the District Court that the subdivision land is free from all judgements, attachments, or mechanics or other liens of record in said Clerk of District Court's office.

5. A certificate from the County Recorder that the title in fee is in the owner and that it is free from encumbrances other than those secured by an encumbrance bond.

(Code of Iowa, Sec. 354.11(2))

6. The encumbrance bond, if any, as specified in Sections 354.11 and 354.12, Code of Iowa.

(Code of Iowa, Sec. 354.11(2) and 354.12)

7. A statement of restrictions of all types that run with the land and become covenants in the deeds of lots.

8. A certificate by the City Engineer that all required improvements have been satisfactorily completed in accordance with the construction plans as approved and in substantial compliance with the approved preliminary plat. Prior to such certification, "as built" plans for all improvements shall have been provided to the City Engineer. In lieu thereof, the City Clerk may certify that a performance bond guaranteeing completion has been approved by the City Attorney and filed with the Clerk, or that the Governing Body has agreed that the City will provide the necessary improvements and installations and assess the costs against the subdivider of future property owners in the subdivision.

9. Where the improvements have been installed, a resolution accepting and approving such improvements along with the maintenance bond required by this ordinance.

10. If private streets or other private improvements have been approved, an agreement in the form of a covenant running with the land, in a form approved by the City Attorney, providing for the construction or reconstruction of any improvements to meet City standards, and the assessment of all costs to the property owners in the event of annexation and dedication and acceptance, shall be required.

11. A resolution and certificate for approval by the Council and for signatures of the Mayor and Clerk.

(Code of Iowa, Sec. 354.11(4))

12. The applicable fee, if any.

#### 6-7-38 PROCEDURES FOR THE REVIEW OF FINAL PLATS.

1. The City Clerk, upon receipt of two copies of the final plat, shall file one copy in the records of the City, shall retain one copy for the public inspection, and shall forward the remaining copies to the Plats Officer.

2. The Plats Officer shall provide copies of the plat to the City Engineer, and such other persons as are necessary to review the plat; and shall schedule the plat for review by the Governing Body.

3. The Plats Officer and the City Engineer shall examine the plat as to its compliance with Section 409A.8 of the Code of Iowa, the ordinances and standards of the City, and its conformance with the preliminary plat; and shall set forth their findings in writing. A copy of the findings shall be provided to the subdivider.

4. If the plat is found to substantially conform to the preliminary plat as approved, the final plat shall be forwarded to the Governing Body for review. If the plat is found not to conform to the preliminary plat, it shall be referred to the Planning Commission for review, prior to review by the Governing Body. The Planning Commission shall then review the plat and shall forward a written recommendation thereon to the Governing Body within forty-five (45) days of the filing of the plat with the City Clerk. If the recommendation is to disapprove the plat, or to require modification of the plat, the reasons therefor shall be set forth in writing, and a copy of the recommendation shall be provided to the subdivider.

5. Upon receipt of the plat and written reports thereon, the Governing Body shall review the plat and attachments thereto. If the plat is found to conform to the ordinances and standards of the City and the Comprehensive Plan and other duly adopted plans, all as of the date of approval of the preliminary plat, and is found to substantially conform to the preliminary plat, the Governing Body shall approve the plat, and shall cause its approval to be entered on the plat as required by law.

6. Action on the final plat by the Governing Body shall be taken within sixty (60) days of the date of filing of the plat with the City Clerk. If the action is to disapprove the plat, the reasons therefore shall be set forth in the official records of the Governing Body and such decision shall be provided to the subdivider.

#### OTHER PROVISIONS

6-7-39 VARIANCES. Where, in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements 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 secured, provided, however, that such variance modification or waiver will not have the effect of nullifying the intent and purpose of this ordinance. In no case shall any variance or modification be more than minimum easing of the requirements as necessary to eliminate the hardship. In so granting a variance, the Governing Body may impose such additional conditions as are necessary to secure substantially the objectives of the requirements so varied, modified, or waived.

6-7-40 EXTRATERRITORIAL REVIEW AGREEMENT. The City may negotiate an extraterritorial review agreement between the City of Farley and Dubuque County for the standards and conditions applied by the City for review and approval of a subdivision as provided in Section 354.9 of the Code of Iowa.

The City of Farley shall apply the same standards and conditions for review and approval of a subdivision in the extraterritorial review area as established in Section 6-7-3 of the City of Farley Municipal Code.

The City of Farley may, by resolution, waive its right to review the subdivision or waive the requirement of any of its standards or conditions for approval of the subdivision in the extraterritorial area after a recommendation to do so from the Planning Commission. Such resolution shall be certified and recorded with the plat.

Procedures for certifying approval of subdivisions in the extraterritorial area of the City shall be the same as those established for other subdivisions within the City unless waived by the Governing Body.

(Code of Iowa, Sec. 354.8 and 354.9)

## TITLE VI PHYSICAL ENVIRONMENT

### CHAPTER 8 SIDEWALK REGULATIONS

6-8-1	Purpose	6-8-11	Failure to Obtain Permit; Remedies
6-8-2	Definitions	6-8-12	Inspection and Approval
6-8-3	Cleaning Snow, Ice, and Accumulations	6-8-13	Barricades and Warning Lights
6-8-4	Sidewalk Maintenance and Repair Responsibility/Liability and Indemnification	6-8-14	Interference with Sidewalk Improvements
6-8-5	Liability of Abutting Owner	6-8-15	Special Assessments for Construction and Repair
6-8-6	Ordering Sidewalk Improvements	6-8-16	Notice of Assessment for Repair or Cleaning Costs
6-8-7	Repairing Defective Sidewalks	6-8-17	Hearing and Assessment
6-8-8	Notice of Inability to Repair or Barricade	6-8-18	Billing and Certifying to County
6-8-9	Standard Sidewalk Specifications	6-8-19	ADAAG Compliance
6-8-10	Permits for Construction or Removal		

6-8-1 PURPOSE. The purpose of this chapter is to improve and maintain sidewalks in a safe condition, to require owners of abutting property to maintain, repair, replace, construct or reconstruct sidewalks.

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 shall be directed to certify the costs to the County Treasurer for collection as provided in Section 364.12 of the Code of Iowa.

(Code of Iowa, Sec. 364.12(2b) and (2e))

6-8-4 SIDEWALK MAINTENANCE AND REPAIR RESPONSIBILITY/LIABILITY AND INDEMNIFICATION. The owner of any lot or parcel thereof abutting upon any sidewalk on the city streets and courts in the city shall be responsible for the repair, replacement or reconstruction of all sidewalks and to maintain said sidewalks in a state of good repair, free from cracks, separations, holes, defects and unevenness so that the sidewalks do not become a safety hazard.

The owner of any lot or parcel thereof abutting upon any sidewalk on the city streets and courts in the city who fails to repair and maintain said sidewalks shall be liable to any person injured, and property damage incurred, as a result of such failure and shall further save, defend, indemnify and hold harmless the City of Farley from and against any claim arising out of the failure to maintain and repair said sidewalk.”

(Ord. 2016-07, Passed December 19, 2016)

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.

(Code of Iowa, Sec. 364.14)

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 shall be directed to certify the costs to the County Treasurer for collection as provided in Section 364.12 of the Code of Iowa.

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

6-8-8 NOTICE OF INABILITY TO REPAIR OR BARRICADE. It shall be the duty of the owner of the property abutting the sidewalk, or of the contractor or agent of the owner, to notify the City immediately in the event the owner is unable to make necessary sidewalk improvements or to install or erect warnings and barricades as required by this chapter.

6-8-9 STANDARD SIDEWALK SPECIFICATIONS. Sidewalks constructed, repaired, or replaced under the provisions of this chapter shall be of the following construction and meet the following standards:

1. Portland cement concrete shall be the only material used in the construction and repair of sidewalks unless otherwise authorized by the City Council.

2. Sidewalks shall be on one-course construction.

3. Concrete may be placed directly on compact and well-drained soil. Where soil is not well drained, a four (4) inch sub-base of compact, clean, coarse gravel, sand, or cinders shall be laid. The adequacy of the soil drainage is to be determined by the Superintendent of Public Works.

4. The sidewalk bed shall be graded to the established grade.

5. Residential sidewalks shall be at least four (4) feet wide, or match existing sidewalks, and four (4) inches thick, and each section shall be no more than four (4) feet in length. In the central business district, sidewalks shall extend from the property line to the curb unless the 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 with assistance from the Superintendent of Public Works on a case-by-case basis.

8. All sidewalks shall slope at least one-quarter (1/4) inch per foot toward the curb, but in no event more than one-half (1/2) inch per foot toward the curb.

9. All sidewalks shall have a steel trowel finish followed by a "broom" or a "wood float" finish.

10. Ramps for the disabled. There shall not be less than two (2) curb cuts or ramps per lineal block which shall be located on or near the cross-walks at intersections. Each curb cut or ramp shall be at least thirty (30) inches wide, shall be sloped at not greater than one inch of rise per twelve (12) inches lineal distance, except that a slope no greater than one inch of rise per eight (8) inches lineal distance may be used where necessary, shall have a nonskid surface, and shall otherwise be so constructed as to allow reasonable access to the crosswalk for physically disabled persons using the sidewalk.

(Code of Iowa, Sec. 216C.9)

11. All sidewalk improvements on public property, whether performed by the owner of the abutting property or by the City, shall be performed under the supervision and inspection of the City Superintendent of Public Works, and in accordance with the standard sidewalk specifications set forth in this chapter.

6-8-10 PERMITS FOR CONSTRUCTION OR REMOVAL. No person shall make any sidewalk improvements unless such person shall obtain a permit from the City Clerk. The permit

shall state that the person will comply with the Ordinances of the City and with the specifications for sidewalks adopted by the City. The permit also shall state that the work will be done under the direction and approval of the City Superintendent of Public Works. All such permits shall be issued without charge and a copy thereof, with the application, shall be filed and preserved in the office of the City Clerk. The permit shall state when the work is to be commenced and when the work is to be completed. The time of completion for the sidewalk improvements may be extended by the City Council. All permits for sidewalk improvements not ordered by resolution of the City Council shall be issued in compliance with this chapter. The City Council may withhold the issuance of any permit for any sidewalk improvements for a sufficient period to determine the necessity for the proposed improvements or when weather conditions will adversely affect the sidewalk improvements.

6-8-11 FAILURE TO OBTAIN PERMIT; REMEDIES. Whenever any sidewalk improvements are made that do not conform to the provisions of this chapter and with the specifications, or when any sidewalk improvements are made without a permit, the Mayor shall serve notice to obtain a permit upon the property owner and upon the contractor doing the work. If the sidewalk is in the course of construction, the notice shall order the work to stop until a permit is obtained and the work is corrected to comply with the specifications. If the sidewalk work has been completed, the owner shall obtain a permit immediately and perform any needed corrections within five (5) days from receipt of the permit. If the owner fails to comply with this notice, the Mayor shall have the work completed and the costs assessed to the property owner as provided in this chapter.

6-8-12 INSPECTION AND APPROVAL. Upon final completion, the 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.

(Code of Iowa, Sec. 384.38)

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 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.

(Code of Iowa, Sec. 384.50)

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.

(Code of Iowa, Sec. 384.51)

6-8-18 BILLING AND CERTIFYING TO COUNTY. Thirty (30) days after the Council's decision, the City Clerk shall certify any unpaid amounts to the County Treasurer. 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.

(Code of Iowa, Sec. 384.60)

6-8-19 ADAAG COMPLIANCE. All construction, repair, and maintenance of sidewalks shall comply with Americans with Disabilities Guidelines (ADAAG)

(ECIA Model Code Amended in 2011)

## TITLE VI PHYSICAL ENVIRONMENT

### CHAPTER 9 FARLEY 2016 HOUSING URBAN REVITALIZATION AREA

#### 6-9-1 Legal Description

6-9-1 LEGAL DESCRIPTION. In accordance with the Act and in consideration of the recitations set out in the preamble hereof, the area formed by contiguous real estate parcels with a legal description as follows:

*Certain real property situated in the City of Farley, ' Dubuque County, State of Iowa bearing Dubuque County Property Tax Parcel Identification Number 1318126022 as of November 1, 2016, and more particularly described as Lot 2 Koopmann Court Plat 2*

is hereby designated as the Farley 2016 Housing Urban Revitalization Area.

**(Ord. 2016-06, Passed December 19, 2016)**

**TITLE VI PHYSICAL ENVIRONMENT**

**CHAPTER 10 RESERVED**

**TITLE VI PHYSICAL ENVIRONMENT**

**CHAPTER 11 - RESERVED**

## TITLE VI PHYSICAL ENVIRONMENT

### CHAPTER 12 ACCESSORY BUILDINGS AND STRUCTURES

6-12-1	Timing	6-12-5	Rear Yard
6-12-2	Permit	6-12-6	Number of Accessory Buildings
6-12-3	Location	6-12-7	Materials
6-12-4	Height	6-12-8	Principal Structures

**This is an optional chapter; do you want it? You don't have anything currently addressing this.**

6-12-1 TIMING. No accessory building or structure shall be erected on the property more than ninety (90) days prior to the time of completion of the principal structure or use.

6-12-2 PERMIT. A building permit must be issued prior to construction of any accessory building or structure.

6-12-3 LOCATION. Accessory buildings and structures, other than a private garage, shall be limited to twelve (12) feet in height for sidewalls, and no part of the structure shall be closer than five (5) feet from the principal structure or property line, or as set forth in the Zoning Ordinance for property setbacks.

6-12-4 HEIGHT. A private garage or accessory building or structure may not be taller than the principal structure.

6-12-5 REAR YARD. No accessory building or structure shall be erected in any yard other than the rear yard, and the structure shall occupy less than 30 percent of the required rear yard, except for a private garage, which may occupy up to 50 percent of the required rear yard. But in no event shall more than 30 percent of the rear yard be occupied by garage, accessory building or structure.

6-12-6 NUMBER OF ACCESSORY BUILDINGS. Only one (1) accessory building or structure, in addition to one (1) private garage, is permitted per lot. Private garages must meet the minimum principal structure front yard and side yard setback requirements.

6-12-7 MATERIALS. Accessory buildings and structures and garages shall be constructed of materials comparable to the principal structure and shall be of a matching or complementary color.

6-12-8 PRINCIPAL STRUCTURES. Only one (1) principal structure may be constructed, located or erected on a single lot in any district within the City. No garage or accessory use or building may be located on a property that does not have a conforming principal structure in existence.

**(ECIA Model Code Amended in 2017)**

## TITLE VI PHYSICAL ENVIRONMENT

### CHAPTER 13 TREES

6-13-1	Short Title	6-13-5	Removal of Trees Infected with Dutch Elm Disease
6-13-2	City Forester	6-13-6	Mutilation of Trees
6-13-3	Duties of City Forester		
6-13-4	Duties of Private Owners		

6-13-1 SHORT TITLE. This chapter shall be known and may be cited as the “Farley Tree Ordinance.”

6-13-2 CITY FORESTER.

1. The Council shall designate a person to act as City Forester.

2. The City Forester shall have jurisdiction over all trees and other plantings on the street right of way within the City in order to provide orderly tree planting, to protect the health of all trees from disease, and to require trees and plantings to be maintained in a manner not dangerous to public safety.

6-13-3 DUTIES OF CITY FORESTER. The City Forester shall have the authority and duty to prevent the indiscriminate trimming or removal of trees or plants within street right of way. The City Forester shall regulate new planting of trees or other plantings in the right of way in accordance with street tree planting regulations approved by the Council and on file in the office of the Clerk-Treasurer. The City Forester shall order private persons to comply with duties placed upon them by this chapter. The City Forester shall supervise all work by city employees or contractors in the trimming, preservation, planting, or removal of trees or other plantings in the right of way.

6-13-4 DUTIES OF PRIVATE OWNERS. It shall be the duty of any person growing a tree or other plantings on private property abutting on streets or public places:

1. To trim trees or plantings so that they shall not cause a hazard to the public or block public walks or ways or interfere with property lighting of public streets or places. The minimum clearance of any overhanging portion shall be eight (8) feet over walks and fourteen (14) feet above the surface of the traveled portion of the street.

2. To not plant any tree or other planting on private property that would cause a public nuisance or danger.

3. To not plant trees or other plantings on corner lots adjacent to an alley in the area bounded by the street or alley lines of such lots and a line joining points along 266 said street or alley lines twenty-five (25) feet from the point of intersection of the right of way lines.

4. To not plant any tree closer than four (4) feet to the sidewalk line or alley right of way line.

5. To treat in an accepted manner or remove any tree or plant diseased or insect ridden as to constitute a hazard to other trees and especially those dangerous to trees or plants in public streets or places.

6. To not plant any of the following species: Cottonwood (unless cotton less), cotton-bearing poplar, or box-elder.

6-13-5 REMOVAL OF TREES INFECTED WITH DUTCH ELM DISEASE. In accordance with Section 364.12, Code of Iowa, any owner occupant or person in charge of any property shall remove at that person's expense any tree, brush, wood, or debris infected with Dutch elm disease found thereon when so notified by the City Forester. The City Forester shall cause to be mailed to such owner, occupant, or person written notice that they may appear before the City Council at an appointed time not less than fourteen (14) days from the date of mailing to show cause why said tree, brush, wood, or debris should not be declared a public nuisance. At said meeting, the Council may resolve and declare the same to be a public nuisance and may order its removal by said owner, occupant, or person. In the event said owner, occupant, or person fails to comply with the resolution and order of the Council to so remove said public nuisance, the City Forester shall cause said public nuisance to be removed and shall submit the costs incident to said services and removal to the Council, which shall certify the same to the County Auditor for collection with and in the same manner as general property taxes.

6-13-6 MUTILATION OF TREES. No person shall willfully damage, cut, carve, pick the seeds of, or injure the bark of any tree or plant on the streets or public places of the City. Tree trimming shall be done in accordance with good practice and the regulations of the City.

## TITLE VI PHYSICAL ENVIRONMENT

### CHAPTER 14 URBAN RENEWAL

6-14-1	Purpose	Urban Renewal Area
6-14-2	Definitions	Addition
6-14-3	Provisions for Divisions of Taxes	

#### NOVEMBER 2017 ADDITION

#### DECEMBER 2015 ADDITION

6-14-4	Purpose	6-14-13	Purpose
6-14-5	Definitions	6-14-14	Definitions
6-14-6	Provisions for Division of Taxes Levied on Taxable Property in the Tax Increment District	6-14-15	Provisions for Division of Taxes Levied on Taxable Property in the Tax Increment Financing District Addition

#### DECEMBER 2017 ADDITION

#### APRIL 2018 ADDITION

6-14-7	Purpose	6-14-16	Purpose
6-14-8	Definitions	6-14-17	Definitions
6-14-9	Provisions for Division of Taxes Levied on Taxable Property in the Urban Renewal Area.	6-14-18	Provisions for Division of Taxes Levied on Taxable Property in the 2018 Urban Renewal Area Addition

#### JULY 2017 ADDITION

#### FEBRUARY 2019 DELETION

6-14-10	Purpose	6-14-19	Purpose
6-14-11	Definitions	6-14-20	Definitions
6-14-12	Provisions for Division of Taxes Levied on Taxable Property in the 2017	6-14-21	Deleted Property

6-14-1 PURPOSE. The purpose of this ordinance is to provide for the division of taxes levied on the taxable property in Urban Renewal Areas of the City of Farley, Iowa, each year by and for the benefit of the state, city, county, school districts, or other taxing districts after the effective date of this ordinance in order to create a special fund to pay the principal of and interest on loans, moneys advanced to or indebtedness, including bonds proposed to be issued by the City of Farley to finance projects in such areas.

6-14-2 DEFINITIONS. For use within this ordinance the following terms shall have the following meanings:

1. "City" shall mean the City of Farley, Iowa.

2. “County” shall mean the County of Dubuque, Iowa.

3. “Urban Renewal Areas” shall mean the “Farley Industrial Area Economic Development District #1”, “Farley Industrial Area Economic Development District #2”, and “Farley Urban Renewal #3”, the boundaries of which are set out below, such areas having been identified in the Urban Renewal Plans approved by the City Council:

#### FARLEY INDUSTRIAL AREA ECONOMIC DEVELOPMENT DISTRICT #1

Block 21, Lot 5, 6, & 7 of Block 22, Lot 5, 6, 7 & 8 of Block 23, Lot 2, 3 & 4 of Block 33, W 1.9 ac – S 18 ac, and all vacated streets and alleys.

Block 17, Block 18, Block 19, Block 20, Lot 1, 2, 3 & 4 of Block 22, Lot 1, 2, 3 & 4 of Block 23, Lot 2, 3, 4, 5, 6 & 7 of Block 24, Lot 1 of the SE ¼ of the NE ¼ of Section 12, and all vacated streets and alleys.

#### KLUESNER/KLUESNER/PERFECTION OIL PROPERTY

Arquitt Place Lot 2 of 1;  
Arquitt Place Lot 2 excepting highway;  
Part of Lot 2 between the old and new Highway 20 – McMahon’s Place;  
Lot 1 of Kluesner Commercial Sub  
Lot 2 of Kluesner Commercial Sub 310  
Lot 3 of Kluesner Commercial Sub  
Lot 1 through 8 – Block 39, and Lot 1 of 4 – Block 40 and east half vacated Douglas Street.

#### FARLEY INDUSTRIAL AREA ECONOMIC DEVELOPMENT DISTRICT #2

Lot 1 of Drexler Place is Sections 12 and 13, in the City of Farley, Iowa.

#### SIMMONS PROPERTY

Lot 2 of the SW ¼ of the SE ¼ and Lot 1 of the W ½ of the NE ¼, Section 12, T88N, R2W, Dodge Township, in the City of Farley.

#### MAROLF, NADERMANN, BDK PROPERTIES AND DB&T PROPERTY

Marlof Sub Lot 1  
Till Sub Lot 1  
Till Sub Lot 2  
Till Sub Lot 3  
Lot 1 & 2 of DB&T Place

## KLUESNER PROPERTY

Part NW – NW, see metes and bounds description, Book 145 at Page 91, Tract A, lying inside city limits, Section 18.

Part of the NW  $\frac{1}{4}$  of Section 18, Township 88 North, Range 1 West of Th 5<sup>th</sup> P.M. (see metes and bounds description in Book 145, at Page 91, Tract A).

All that part of Simon's Place No. 1, which lies within the NE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 13, T88N, R2W, of the 5th P.M., in Dubuque County, Iowa (being those parts of the former Lot 1, Lot 2, and Lot 3 of the NE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 13, T88N, R2W, and including the adjacent right of way of the now relocated "Olde Farley Road") 311

## FARLEY URBAN RENEWAL AREA #3

Lots E and F and Lots 1 through 13 of Block 2 and Lot D of the South Lake Subdivision in the City of Farley, Dubuque County, Iowa.

Lot 1 of Kelchen's 2nd Subdivision; Lot 4 and 13 of Block 2 of South Lake Subdivision; Lot 1 of 2 of 1 of the Northeast Quarter of the Northeast Quarter; and part of Lot 1 of 1 of the Northwest Quarter of the Northeast Quarter; all of which are located in Section 18, T88N, R1W of the 5th P.M., Dubuque County, Iowa.

A parcel of land located in Lot 1 of Lot 1 of the NW  $\frac{1}{4}$  NE  $\frac{1}{4}$  and in Lot 1 of Lot 2 of Lot 1 of the NE  $\frac{1}{4}$  NE  $\frac{1}{4}$  of Section 18, T88N, R1W of the 5th P.M., in the City of Farley, Dubuque County, Iowa, as shown on the Right of Way Plat, Exhibit "A-3", attached hereto and by reference made a part hereof.

A parcel of land described as follows:

Commencing at the N  $\frac{1}{4}$  Corner of said Sec. 18; thence 50°55' W, 1317.5 ft. along the west line of said NW  $\frac{1}{4}$  NE  $\frac{1}{4}$  to the south line thereof; thence S89°18'E, 359.9 ft., along said south line, also the south corporation line of the City of Farley, to the Point of Beginning; thence N49°11'E, 140.3 ft.; thence N64°44'E, 249.9 ft., thence N68°22  $\frac{1}{2}$ ' E, 645 ft.; then N60°15  $\frac{1}{4}$ ' E, 300.0 ft. thence N52°57' E, 152.3 ft.; thence easterly 357.1 ft. along a 389.7 ft. radius curve, concave southerly, and having a chord bearing N63°55  $\frac{3}{4}$ ' E, 357.0 ft. to a point on the east line of Lot 1 of Lot 2 of Lot 1 of said NE  $\frac{1}{4}$  NE  $\frac{1}{4}$ ; thence 60°42  $\frac{3}{4}$ ' W, 133.7 ft. along said east line thence S61°52' W, 290.9 ft.; thence S71°53  $\frac{1}{4}$ ' W, 151.8 ft.; thence S60°15  $\frac{1}{4}$ ' W, 250.0 ft.; thence S55°10  $\frac{1}{4}$ ' W, 354.0 ft.; thence S57°37  $\frac{1}{2}$ ' W, 363.2 ft. to a point on the south line of said NW  $\frac{1}{4}$  NE  $\frac{1}{4}$ ; thence N89°18' W, 418.0 ft., along said south line to the Point of Beginning; containing 5.27 acres, more or less.

Lots A, B, C, D & lots 1 thru 31 of Block 1, South Lake Subdivisions in the City of Farley, Iowa.

#### FARLEY URBAN RENEWAL AREA #4

Lot A, Lot B, and Lot 3 in Farley Industrial Park No. 6; Lot A, Lot B, Lot 1, Lot 2, Lot 3, Lot 4 and Lot 5 in Farley Industrial Park No. 8; and Lot J in South Lake Subdivision No. 2, all the City of Farley, Dubuque County, Iowa.

6-14-3 PROVISIONS FOR DIVISION OF TAXES. The taxes levied on the taxable property in the Urban Renewal Area each year by and for the benefit of the State of Iowa, the City, the County, and any school district or other taxing district in which an Urban Renewal Area is located, shall be divided as follows:

1. That portion of the taxes that would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed valued of the taxable property in an Urban Renewal Area, as shown on the assessment roll as of January 1, of the calendar year preceding the first year in which the City Clerk certifies to the County Auditor the amount of loans, advances, indebtedness, or bonds payable from the division of property tax revenue and the amount of revenue needed to retire debt as a result of projects financed in the area, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid.

2. That portion of the taxes each year in excess of such amount shall be allocated to and when collected be paid into a special fund of the City to pay debt incurred by the City to finance or refinance, in whole or in part, projects in an Urban Renewal Area, and to provide assistance for low and moderate income family housing, except that taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing valuation of the taxable property in an Urban Renewal Area exceeds the total assessed value of the taxable property in such area as shown by the assessment roll referred to in subsection (1) of this section, all of the taxes levied and collected upon the taxable property in an Urban Renewal Area shall be paid into the funds for the respective taxing districts as taxes by or for said taxing district in the same manner as all other property taxes. When such debt has been fully paid, all money thereafter received from taxes upon the taxable property in an Urban Renewal Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

3. The portion of taxes mentioned in subsection (2) of this section and the special fund into which that portion shall be paid may be irrevocably pledged by the City for the payment of the principal and interest on loans, advances, bonds issued under the authority of Section 403.9(1) of the Code of Iowa, or indebtedness incurred by the City to finance or refinance in whole or in part projects in the Urban Renewal Area.

4. As used in this section, the word "taxes" includes but is not limited to, all levies on an ad

volume basis upon land or real property.

5. The Urban Renewal Areas as defined in 6-11-2 are separate and distinct noncontiguous areas and are therefore separate taxing districts. For purpose of implementing 6-11-3 it is understood that incremental tax revenue generated by 313 development can only be used to pay for improvements in the district that generated the incremental tax revenue. It cannot be apportioned to any other district unless they are made contiguous.

#### DECEMBER 2015 ADDITION

6-14-4 PURPOSE. The purpose of this ordinance is to provide for the division of taxes levied on certain taxable property in the December, 2015 Addition to the Farley Consolidated Industrial/Commercial Urban Renewal Areas of the City of Farley, Iowa, each year by and for the benefit of the state, city, county, school districts or other taxing districts after the effective date of this ordinance in order to create a special fund to pay the principal of and interest on loans, moneys advanced to or indebtedness, including bonds proposed to be issued by the City of Farley to finance projects in the area.

6-14-5 DEFINITIONS. For use within this ordinance the following terms shall have the following meanings:

1. "City" shall mean the City of Farley, Iowa. "County" shall mean Dubuque County, Iowa.

2. "Tax Increment District" shall mean the following described taxable property which is a portion of the December, 2015 Addition to the Farley Consolidated Industrial/Commercial Urban Renewal Areas of the City of Farley, Iowa, which was designated as urban renewal territory by action of the City Council on the 21st day of December, 2015:

3. Certain property situated in the City of Farley, County of Dubuque, State of Iowa legally described as follows:

*Certain real property situated in the City of Farley, County of Dubuque, State of Iowa bearing Dubuque County Property Tax Identification Parcel Number 1212277013 as of December 1, 2015.*

4. "Urban Renewal Areas" shall mean the entirety of the Farley Consolidated Industrial/Commercial Urban Renewal Areas as amended from time to time.

6-14-6 PROVISIONS FOR DIVISION OF TAXES LEVIED ON TAXABLE PROPERTY IN THE TAX INCREMENT DISTRICT. After the effective date of this ordinance, the taxes levied on the taxable property in the Tax Increment District each year by and for the benefit of the State of Iowa, the City, the County and any school district or other taxing district in which the Tax Increment District is located, shall be divided as follows:

1. That portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the Tax Increment District, as shown on the assessment roll as of January 1 of

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

2. That portion of the taxes each year in excess of such amounts shall be allocated to and when collected be paid into a special fund of the City to pay the principal of and interest on loans, moneys advanced to or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.9(1) of the Code of Iowa, incurred by the City to finance or refinance, in whole or in part, projects in the Urban Renewal Areas, and to provide assistance for low and moderate-income family housing as provided in Section 403.22, except that taxes for the regular and voter-approved physical plant and equipment levy of a school district imposed pursuant to Section 298.2 of the Code of Iowa, taxes for the instructional support program of a school district imposed pursuant to Section 257.19 of the Code of Iowa, and taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this ordinance. Unless and until the total assessed valuation of the taxable property in the Tax Increment District exceeds the total assessed value of the taxable property in such area as shown by the assessment roll referred to in subsection (a) of this section, all of the taxes levied and collected upon the taxable property in the Tax Increment District shall be paid into the funds for the respective taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes. When such loans, advances, indebtedness, and bonds, if any, and interest thereon, have been paid, all money

thereafter received from taxes upon the taxable property in the Tax Increment District shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

3. the portion of taxes mentioned in subsection (b) of this section and the special fund into which that portion shall be paid may be irrevocably pledged by the City for the payment of the principal and interest on loans, advances, bonds issued under the authority of Section 403.9(1) of the Code of Iowa, or indebtedness incurred by the City to finance or refinance in whole or in part projects in the Urban Renewal Areas.

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

(Ord. 2015-07, Passed December 21, 2015)

MAY 2017 ADDITION

6-14-7 PURPOSE. The purpose of this ordinance is to provide for the division of taxes levied on the taxable property in the 2017 Wildcat Housing Urban Renewal Area, each year by and for the benefit of the state, city, county, school districts or other taxing districts after the effective date of this ordinance in order to create a special fund to pay the principal of and interest on loans, moneys advanced to or indebtedness, including bonds proposed to be issued by the City to finance projects in such area.

6-14-8 DEFINITIONS. For use within this ordinance the following terms shall have the following meanings:

1. "City" shall mean the City of Farley, Iowa.
2. "County" shall mean Dubuque County, Iowa.
3. "Urban Renewal Area" shall mean the real property situated in the 2017 Wildcat Housing Urban Renewal Area, the boundaries of which are set out below, such property having been identified in the Urban Renewal Plan approved by the City Council by resolution adopted on May 1, 2017:

*Certain real property situated in the City of Farley, Dubuque County, State of Iowa described as follows:*

*Lot 1 of Lot 1 of Lehmann's Second Subdivision in the Southeast Quarter of the Southeast Quarter of section 7. Township 88 North, Range 1 West of the 5th P.M., City of Farley, Dubuque County, Iowa.*

6-14-9 PROVISIONS FOR DIVISION OF TAXES LEVIED ON TAXABLE PROPERTY IN THE URBAN RENEWAL AREA. After the effective date of this ordinance, the taxes levied on the taxable property in the Urban Renewal Area each year by and for the benefit of the State of Iowa, the City, the County and any school district or other taxing district in which the Urban Renewal Area is located, shall be divided as follows:

1. That portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the Urban Renewal Area, as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which the City certifies to the County Auditor the amount of loans, advances, indebtedness, or bonds payable from the special fund referred to in paragraph 2. below, shall be allocated to and when collected be paid into the Fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid. For the purpose of allocating taxes levied by or for any taxing district which did not include the territory in the Urban Renewal Area on the effective date of this ordinance, but to which the territory has been annexed or otherwise included after the effective date, the assessment roll applicable to property in the annexed territory as of January 1 of the calendar year preceding the effective date of the ordinance which amends the plan for the Urban Renewal Area to include

the annexed area, shall be used in determining the assessed valuation of the taxable property in the annexed area.

2. That portion of the taxes each year in excess of such amounts shall be allocated to and when collected be paid into a special fund of the City to pay the principal of and interest on loans, moneys advanced to or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.9(1), of the Code of Iowa, incurred by the City to finance or refinance, in whole or in part, projects in the Urban Renewal Area, and to provide assistance for low and moderate-income family housing as provided in Section 403.22, except that taxes for the regular and voter-approved physical plant and equipment levy of a school district imposed pursuant to Section 298.2 of the Code of Iowa, taxes for the instructional support levy program of a school district imposed pursuant to Section 257.19 of the Code of Iowa, and taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this ordinance. Unless and until the total assessed valuation of the taxable property in the Urban Renewal Area exceeds the total assessed value of the taxable property in such area as shown by the assessment roll referred to in subsection (a) of this section, all of the taxes levied and collected upon the taxable property in the Urban Renewal Area shall be paid into the funds for the respective taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes. When such loans, advances, indebtedness, and bonds, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the Urban Renewal Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

3. The portion of taxes mentioned in subsection (b) of this section and the special fund into which that portion shall be paid may be irrevocably pledged by the City for the payment of the principal and interest on loans, advances, bonds issued under the authority of Section 403.9(1) of the Code of Iowa, or indebtedness incurred by the City to finance or refinance in whole or in part projects in the Urban Renewal Area.

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

(Ord. 2017-03, Passed May 1, 2017)

### **JULY 2017 ADDITION**

6-14-10 Purpose. The purpose of this ordinance is to provide for the division of taxes levied on the taxable property in the July, 2017 Addition to the Farley Consolidated Industrial/Commercial Urban Renewal Areas of the City of Farley, Iowa, each year by and for the benefit of the state, city, county, school districts or other taxing districts after the effective date of this ordinance in order to create a special fund to pay the principal of and interest on loans, moneys advanced to or indebtedness, including bonds proposed to be issued by the City of Farley to finance projects in such area.

6-14-11 DEFINITIONS. For use within this ordinance the following terms shall have the

following meanings:

1. “City” shall mean the City of Farley, Iowa. “County” shall mean Dubuque County, Iowa.

2. “2017 Urban Renewal Area Addition” shall mean the July, 2017 Addition to the Farley Consolidated Industrial/Commercial Urban Renewal Areas of the City, the legal description of which is set out below, approved by the City Council by resolution adopted on the 10<sup>th</sup> day of July, 2017:

*Certain real property situated in the City of Farley, Dubuque County, State of Iowa more particularly described as follows:*

*Lot 2 and Lot B of Farley Industrial Park #8 and Lots 1 to 4, inclusive, of Farley Industrial Park #9 all to the City of Farley, Dubuque County, Iowa.*

3. “Urban Renewal Area” shall mean the entirety of the Farley Consolidated Industrial/Commercial Urban Renewal Areas as amended from time to time.

6-14-12 PROVISIONS FOR DIVISION OF TAXES LEVIED ON TAXABLE PROPERTY IN THE 2017 URBAN RENEWAL AREA ADDITION. After the effective date of this ordinance, the taxes levied on the taxable property in the 2017 Urban Renewal Area Addition each year by and for the benefit of the State of Iowa, the City, the County and any school district or other taxing district in which the 2017 Urban Renewal Area Addition is located, shall be divided as follows:

1. That portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the 2017 Urban Renewal Area Addition, as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which the City certifies to the County Auditor the amount of loans, advances, indebtedness, or bonds payable from the special fund referred to in paragraph (b) below, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid. For the purpose of allocating taxes levied by or for any taxing district which did not include the territory in the 2017 Urban Renewal Area Addition on the effective date of this ordinance, but to which the territory has been annexed or otherwise included after the effective date, the assessment roll applicable to property in the annexed territory as of January 1 of the calendar year preceding the effective date of the ordinance which amends the plan for the 2017 Urban Renewal Area Addition to include the annexed area, shall be used in determining the assessed valuation of the taxable property in the annexed area.

2. That portion of the taxes each year in excess of such amounts shall be allocated to and when collected be paid into a special fund of the City to pay the principal of and interest on loans, moneys advanced to or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.9(1), of the Code of Iowa, incurred by the City to finance or refinance, in whole or in part, projects in the Urban Renewal Area , and to provide

assistance for low and moderate-income family housing as provided in Section 403.22, except that taxes for the regular and voter-approved physical plant and equipment levy of a school district imposed pursuant to Section 298.2 of the Code of Iowa, taxes for the instructional support program levy of a school district imposed pursuant to Section 257.19 of the Code of Iowa and taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this ordinance. Unless and until the total assessed valuation of the taxable property in the 2017 Urban Renewal Area Addition exceeds the total assessed value of the taxable property in such area as shown by the assessment roll referred to in subsection (a) of this section, all of the taxes levied and collected upon the taxable property in the 2017 Urban Renewal Area Addition shall be paid into the funds for the respective taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes. When such loans, advances, indebtedness, and bonds, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the Urban Renewal Area Addition shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

3. The portion of taxes mentioned in subsection (b) of this section and the special fund into which that portion shall be paid may be irrevocably pledged by the City for the payment of the principal and interest on loans, advances, bonds issued under the authority of Section 403.9(1) of the Code of Iowa, or indebtedness incurred by the City to finance or refinance in whole or in part projects in the Urban Renewal Area.

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

(Ord. 2017-05, Passed July 10, 2017)

#### NOVEMBER 2017 ADDITION

6-14-13 PURPOSE. The purpose of this ordinance is to provide for the division of taxes levied on certain taxable property in the Farley Urban Renewal Area No. 3 of the City of Farley, Iowa, each year by and for the benefit of the state, city, county, school districts or other taxing districts after the effective date of this ordinance in order to create a special fund to pay the principal of and interest on loans, moneys advanced to or indebtedness, including bonds proposed to be issued by the City of Farley to finance projects in such area.

6-14-14 DEFINITIONS. For use within the remainder of this ordinance the following terms shall have the following meanings:

1. “City” shall mean the City of Farley, Iowa.
2. “County” shall mean Dubuque County, Iowa.
3. “Tax Increment Financing District Addition” shall mean certain real property situated in the Farley Urban Renewal Area No. 3, legally described as follows:

Certain real property situated in the City of Farley, Dubuque County, State of Iowa more particularly described as follows:

1318230003 LOT 19 BLOCK 1 SOUTH LAKE SUB #2  
1318230002 LOT 20 BLOCK 1 SOUTH LAKE SUB #2  
1318230004 LOT 21 BLOCK 1 SOUTH LAKE SUB #2  
1318230005 LOT 22 BLOCK 1 SOUTH LAKE SUB #2  
1318230010 LOT 23 & 24 BLOCK 1 SOUTH LAKE SUB #2  
1318230008 LOT 25 BLOCK 1 SOUTH LAKE SUB #2  
1318229003 LOT 3 BLOCK 5 SOUTH LAKE SUB #2  
1318229002 LOT 2 BLOCK 5 SOUTH LAKE SUB #2  
1318229001 LOT 1 BLOCK 5 SOUTH LAKE SUB #2  
1318228001 LOT 9 BLOCK 3 SOUTH LAKE SUB #2  
1318228002 LOT 10 BLOCK 3 SOUTH LAKE SUB #2  
1318228003 LOT 11 BLOCK 3 SOUTH LAKE SUB #2  
1318228004 LOT 12 BLOCK 3 SOUTH LAKE SUB #2  
1318228005 LOT 13 BLOCK 3 SOUTH LAKE SUB #2  
1318227006 LOT 8 BLOCK 2 SOUTH LAKE SUB #2  
1318227007 LOT 9 BLOCK 2 SOUTH LAKE SUB #2  
1318227008 LOT 10 BLOCK 2 SOUTH LAKE SUB #2  
1318227009 LOT 11 BLOCK 2 SOUTH LAKE SUB #2

4. "Urban Renewal Area" shall mean the entirety of the Farley Urban Renewal Area No. 3 as amended from time to time.

6-14-15 PROVISIONS FOR DIVISION OF TAXES LEVIED ON TAXABLE PROPERTY IN THE TAX INCREMENT FINANCING DISTRICT ADDITION. After the effective date of this ordinance, the taxes levied on the taxable property in the Tax Increment Financing District Addition each year by and for the benefit of the State of Iowa, the City, the County and any school district or other taxing district in which the Tax Increment Financing District Addition is located, shall be divided as follows:

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

January 1 of the calendar year preceding the effective date of the ordinance which amends the plan for the Tax Increment Financing District Addition to include the annexed area, shall be used in determining the assessed valuation of the taxable property in the annexed area.

2. That portion of the taxes each year in excess of such amounts shall be allocated to and when collected be paid into a special fund of the City to pay the principal of and interest on loans, moneys advanced to or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.9(1), of the Code of Iowa, incurred by the City to finance or refinance, in whole or in part, projects in the Urban Renewal Area , and to provide assistance for low and moderate-income family housing as provided in Section 403.22, except that taxes for the regular and voter-approved physical plant and equipment levy of a school district imposed pursuant to Section 298.2 of the Code of Iowa, taxes for the instructional support program levy of a school district imposed pursuant to Section 257.19 of the Code of Iowa and taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this ordinance. Unless and until the total assessed valuation of the taxable property in the Tax Increment Financing District Addition exceeds the total assessed value of the taxable property in such area as shown by the assessment roll referred to in subsection (a) of this section, all of the taxes levied and collected upon the taxable property in the Tax Increment Financing District Addition shall be paid into the funds for the respective taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes. When such loans, advances, indebtedness, and bonds, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the Tax Increment Financing District Addition shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

3. The portion of taxes mentioned in subsection (b) of this section and the special fund into which that portion shall be paid may be irrevocably pledged by the City for the payment of the principal and interest on loans, advances, bonds issued under the authority of Section 403.9(1) of the Code of Iowa, or indebtedness incurred by the City to finance or refinance in whole or in part projects in the Urban Renewal Area.

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

(Ord. 2017-07, Passed November 20, 2017)

#### APRIL 2018 ADDITION

6-14-16 PURPOSE. The purpose of this ordinance is to provide for the division of taxes levied on the taxable property in the April, 2018 Addition to the Farley Consolidated Industrial/Commercial Urban Renewal Areas of the City of Farley, Iowa, each year by and for the benefit of the state, city, county, school districts or other taxing districts after the effective date of this ordinance in order to create a special fund to pay the principal of and interest on loans, moneys advanced to or indebtedness, including bonds proposed to be issued by the City of Farley to finance projects in such area.

6-14-17 DEFINITIONS. For use within this ordinance the following terms shall have the following meanings:

1. "City" shall mean the City of Farley, Iowa. "County" shall mean Dubuque County, Iowa.
2. "2018 Urban Renewal Area Addition" shall mean the April, 2018 Addition to the Farley Consolidated Industrial/Commercial Urban Renewal Areas of the City, the legal description of which is set out below, approved by the City Council by resolution adopted on the 2nd day of April, 2018:

Certain real property situated in the City of Farley, Dubuque County, State of Iowa more particularly described as follows:

Lot 2 Farley Industrial Park No. 7

3. "Urban Renewal Areas" shall mean the entirety of the Farley Consolidated Industrial/Commercial Urban Renewal Areas as amended from time to time.

6-14-18 PROVISIONS FOR DIVISION OF TAXES LEVIED ON TAXABLE PROPERTY IN THE 2018 URBAN RENEWAL AREA ADDITION. After the effective date of this ordinance, the taxes levied on the taxable property in the 2018 Urban Renewal Area Addition each year by and for the benefit of the State of Iowa, the City, the County and any school district or other taxing district in which the 2018 Urban Renewal Area Addition is located, shall be divided as follows:

1. That portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the 2018 Urban Renewal Area Addition, as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which the City certifies to the County Auditor the amount of loans, advances, indebtedness, or bonds payable from the special fund referred to in paragraph b) below, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid. For the purpose of allocating taxes levied by or for any taxing district which did not include the territory in the 2018 Urban Renewal Area Addition on the effective date of this ordinance, but to which the territory has been annexed or otherwise included after the effective date, the assessment roll applicable to property in the annexed territory as of January 1 of the calendar year preceding the effective date of the ordinance which amends the plan for the 2018 Urban Renewal Area Addition to include the annexed area, shall be used in determining the assessed valuation of the taxable property in the annexed area.

2. That portion of the taxes each year in excess of such amounts shall be allocated to and when collected be paid into a special fund of the City to pay the principal of and interest on loans, moneys advanced to or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.9(1), of the Code of Iowa, incurred by the City to

finance or refinance, in whole or in part, projects in the Urban Renewal Areas, and to provide assistance for low and moderate-income family housing as provided in Section 403.22, except that taxes for the regular and voter-approved physical plant and equipment levy of a school district imposed pursuant to Section 298.2 of the Code of Iowa, taxes for the instructional support program levy of a school district imposed pursuant to Section 257.19 of the Code of Iowa and taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this ordinance. Unless and until the total assessed valuation of the taxable property in the 2018 Urban Renewal Area Addition exceeds the total assessed value of the taxable property in such area as shown by the assessment roll referred to in subsection (a) of this section, all of the taxes levied and collected upon the taxable property in the 2018 Urban Renewal Area Addition shall be paid into the funds for the respective taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes. When such loans, advances, indebtedness, and bonds, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the 2018 Urban Renewal Area Addition shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

3. The portion of taxes mentioned in subsection (b) of this section and the special fund into which that portion shall be paid may be irrevocably pledged by the City for the payment of the principal and interest on loans, advances, bonds issued under the authority of Section 403.9(1) of the Code of Iowa, or indebtedness incurred by the City to finance or refinance in whole or in part projects in the Urban Renewal Areas.

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

(Ord. 2018-08, Passed April 2, 2018)

6-14-19 PURPOSE. The purpose of this ordinance is to delete certain property from the tax increment financing district for the Farley Consolidated Industrial/Commercial Urban Renewal Areas.

6-14-20 DEFINITIONS. For use within this ordinance the following terms shall have the following meanings:

1. “Deleted Property” shall mean the following real property situated in the City of Farley, Dubuque County, State of Iowa, more particularly described as follows:

Lot 2 of Farley Industrial Park No. 7.

6-14-21 DELETED PROPERTY. The Deleted Property is hereby removed from the tax increment financing district for the Farley Consolidated Industrial/Commercial Urban Renewal Areas. No division of property tax revenues as provided under Section 403.19 of the Code of Iowa shall be done with respect to the Deleted Property without further action by the City Council.

(Ord. 2018-01, Passed February 19, 2018)



## TITLE VI PHYSICAL ENVIRONMENT

### CHAPTER 15 INDUSTRIAL PROPERTY TAX EXEMPTION

6-15-1	Definitions	6-15-4	Limitation on Tax Exemption
6-15-2	Amount of Exemption	6-15-5	Duration
6-15-3	Application		

#### 6-15-1 DEFINITIONS.

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

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

3. Warehouse. Warehouse means a building or structure used as a public warehouse for the storage of goods pursuant to Code of Iowa Chapter 554.7, article 7, except that it does not mean a building or structure used primarily to store raw agricultural products or from which goods are sold at retail.

4. Distribution Center. Distribution Center does not mean a building or structure used primarily to store raw agricultural products, used primarily by a manufacturer to store goods to be used in the manufacturing process, used primarily for the storage of petroleum products, or used for the retail sale of goods.

6-15-2 AMOUNT OF EXEMPTION. The actual value added to industrial real estate for the reasons specified in the Section is eligible to receive a partial exemption from taxation for a period of five (5) years. "Actual value added" as used in this section means the actual value added as of the first of the year for which the exemption is received. The amount of actual value added, which

is eligible to be exempt from taxation shall be as follows: 318

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

However, the granting of the exemption under this section for new construction constituting complete replacement of an existing building or structure shall not result in the assessed value of the industrial real estate being reduced below the assessed value of the industrial real estate before the start of the new construction added.

6-15-3 APPLICATION. An application shall be filed for each project resulting in actual value added for which an exemption is claimed. The application for exemption shall be filed by the owner of the property with the County Assessor by February first of the assessment year in which the value added is first assessed for taxation. Applications for the exemption shall be made on forms prescribed by the Director of Revenue and shall contain information pertaining to the nature of the improvement, its cost and other information deemed necessary by the Director of Revenue. A person may submit a proposal to the City Council of the City to receive prior approval for eligibility for a tax exemption on new construction. The City Council, by ordinance, may give its prior approval of a tax exemption for new construction if the new construction is in conformance with the zoning plans for the City. The prior approval shall also be subject to the hearing requirements of the section. Such prior approval shall not entitle the owner to exemption from taxation until the new construction has been completed and found to be qualified real estate. However, if the tax exemption for new construction is not approved, the person may submit an amended proposal to the City Council to approve or reject.

6-15-4 LIMITATION ON TAX EXEMPTION. A property tax exemption under this section shall not be granted if the property, for which the exemption is claimed, has received any other property tax exemption authorized by law.

6-15-5 DURATION. When in the opinion of the City Council continuation of the exemption granted in this section ceases to be of benefit to the City, the City Council may repeal this ordinance, but all existing exemptions shall continue until their expiration.

## TITLE VI PHYSICAL ENVIRONMENT

### CHAPTER 16 TAX ABATEMENT SCHEDULE

6-16-1 Eligibility	6-16-4 Tax Abatement Schedule
6-16-2 Application	6-16-5 State Code Incorporated
6-16-3 City Council Action on Application	6-16-6 Existing Tax Exemptions

6-16-1 ELIGIBILITY. All new construction of property after December 5, 2011 assessed and zoned as commercial property shall be eligible for a tax exemption. Only the value of new construction, the value of the remodeling, or incremental improvements qualify for tax abatement.

6-16-2 APPLICATION. Application for exemption under this ordinance shall be filed by the owner of the property with the City at the time a building permit is applied for. The application shall be in the form of the nature of the improvement, its costs, and the estimated date of completion.

6-16-3 CITY COUNCIL ACTION ON APPLICATION. The City Council reserves the right to approve or deny any application. Applications are also subject to the county assessor's review. The City shall forward for review all approved applications to the county assessor by March 1 of each year. Applications for exemption for succeeding years on approved projects shall not be required. The exemption is part of the revitalization plan of the City of Farley.

(Ord. 2014-04 – Oct. 15 Supp.)

6-16-4 TAX ABATEMENT SCHEDULE. Approved properties shall have a tax abatement as follows: a) One hundred percent tax abatement the first year. b) Ninety percent the second year and with a decreasing ten percent in each ensuing year for a period of 8 years.

6-16-5 STATE CODE INCORPORATED. Chapter 404 of the Iowa Code is hereby incorporated by reference.

6-16-6 EXISTING TAX EXEMPTIONS. A property previously approved for a tax exemption shall not be affected by this ordinance.

(Title VI, Ch. 11 – Ord. 2012-01 – Oct. 15 Supp.)

## TITLE VI PHYSICAL ENVIRONMENT

### CHAPTER 17 STORM WATER MANAGEMENT

6-17-1	Title	6-17-14	Applicability
6-17-2	Purpose	6-17-15	Performance Standards
6-17-3	Definitions	6-17-16	Management Practices
6-17-4	Administration	6-17-17	Post-construction Stormwater Management and Water Quality Protection
6-17-5	Manual		
6-17-6	Manual Defined		
6-17-7	Local Modifications to County Manual	6-17-18	Additional Performance Standards Regarding Water Discharged onto other Property and City Storm Sewers
6-17-8	Hydrologic Methods		
6-17-9	Fees		
6-17-10	Enforcement and Penalties	6-17-19	Construction Site Erosion Control
6-17-11	The National Pollutant Discharge Elimination System	6-17-20	Post-construction Stormwater Management and Water Quality Protection
6-17-12	Manual		
6-17-13	Implementing Stormwater Management		

6-17-1 TITLE. An Ordinance establishing standards for the quantity and quality of water that runs off land under construction in the City of Farley. 329

6-17-2 PURPOSE. The purpose of this Ordinance is to help protect Farley's quality of life by reducing the negative impacts of sediment, rainfall, melting snow and other water runoff.

6-17-3 DEFINITIONS. For the purpose of this Ordinance all words shall carry their customary meanings, except where specifically defined herein. The use of the present tense shall include the past and future tenses, and the future the present; the word "shall" is mandatory, while the word "may" is permissive; the singular number shall include the plural and the plural the singular.

1. "Best management practice" (or "BMP") means structural and non-structural measures, practices, techniques or devices employed to avoid or minimize sediment or other pollutants carried in runoff.

2. "Bioretention" means a storm water infiltration device consisting of an excavated area that is backfilled with an engineered soil, covered with a mulch layer and planted with a diversity of woody or herbaceous vegetation.

3. "Channel Protection Volume" (CPv) is the volume of runoff produced from a 1-year, 24 hour design storm on a post-development site, which is detained for an extended period of time (24 hours or more).

4. “Design storm” means hypothetical depth of rainfall that would occur for the stated return frequency (i.e. once every 2 years or 10 years), duration (i.e. 216.10. hours) and timing of distribution (i.e. type II). All values are based on the historical rainfall records for the area.

5. “Detention basin” means a stormwater management facility designed to protect against flooding and, in some cases, downstream erosion by storing water for a limited period of a time. Detention basins do not retain a significant permanent pool of water between runoff events.

6. “Directly connected impervious area” means an impervious surface that is directly connected to a storm sewer or water of the state via an impervious flow path.

7. “Development” means construction of buildings, other structures, impervious surfaces, and/or soil disturbance to the extent that peak runoff rates and volumes are increased, in a location where no such features currently exist.

8. “Erosion” means the process of detachment, transport and deposition of soil, sediment or rock fragments by action of water, wind, ice or gravity.

9. “Erosion control plan” means a written description and detailed site plan of best management practices designed to meet the requirements of this ordinance submitted by the applicant for review and approval by Dubuque County.

10. “Extreme Flood Protection (Qf)” means the controlling of post-development runoff 100-year peak flows to prevent flood damage from large storm events, maintain the boundaries of the pre-development 100-year Federal Emergency Management Agency (FEMA) and/or locally designated floodplain, and protect the physical integrity of BMP control structures.

11. “Floodplain” means a flat or nearly flat land adjacent to a stream or river that experiences occasional or periodic flooding.

12. “Groundwater recharge” means a hydrologic process where water moves downward from surface water to groundwater.

13. “Hotspot land use” means a site that produces higher concentrations of trace metals, hydrocarbons or other priority pollutants than are normally found in urban stormwater runoff. Examples of hotspots include gas stations, vehicle service and maintenance areas, salvage yards, material storage sites, garbage transfer facilities, and commercial parking lots with high intensity use.

14. “Hydrologic soil group (HSG)” has the meaning used in the runoff calculation methodology promulgated by the United States Natural Resources Conservation Service Engineering Field Manual for Conservation Practices.

15. “Hydrology” means the study of the movement, distribution, and quality of water throughout the Earth.

16. “Impervious surface” means an area that releases all or a large portion of the precipitation that falls on it, except for frozen soil. Conventional rooftops and asphalt or concrete sidewalks, driveways, parking lots and streets are typical examples of impervious surfaces. For purposes of this manual, typical gravel driveways and other examples listed shall be considered impervious unless specifically designed to encourage infiltration or storage of runoff.

17. “Infiltration” means the entry of precipitation or runoff into or through the soil.

18. “Intermittent Stream” means a stream that only flows for part of the year.

19 “Karst features” means an area or surficial geologic feature subject to bedrock dissolution so that it is likely to provide a conduit to groundwater, and may include caves, enlarged fractures, mine features, exposed bedrock surfaces, sinkholes, springs, seeps or swallets.

20. “Land disturbing activity” (or “disturbance”) means any man-made alteration of the land surface that may result in a change in the topography or existing vegetative or nonvegetative soil cover, or may expose soil and lead to an increase in soil erosion and movement of sediment. Land disturbing activity includes clearing and grubbing for future land development, excavating, filling, grading, building construction or demolition, and pit trench dewatering.

21. “Ordinary high water mark (OHWM)” means the highest level reached by a body of water that has been maintained for a sufficient period of time to leave evidence on the landscape.

22. “Overbank Flood Protection (Qp)” means the controlling of post-development runoff peak flows to prevent an increase in the frequency and magnitude of out of bank flooding generated by development (e.g., flow events that exceed the bank full capacity of the channel and therefore must spill over into the floodplain).

23. “Peak flow” means the maximum rate at which a unit volume of storm water is discharged.

24. “Perennial Stream” means a stream that has continuous flow in parts of its bed all year-round during years of normal rainfall.

25 “Post-development condition” means the extent and distribution of land cover types anticipated to occur under conditions of full development that will influence rainfall, runoff and infiltration.

26. “Pre-development condition” means the extent and distribution of land cover types present before the initiation of land development activity.

27. “Pre-settlement condition” means the extent and distribution of land cover types likely present before European settlement.

28. “Rain garden” means a depression area, designed and constructed as a landscape feature, that is used to improve water quality and enhance infiltration.

29. “Recharge Volume (Rev)” means the volume of rainfall that is captured on a post-development site and directed through the soil to the groundwater table.

30. “Redevelopment” means any construction, alteration, or improvement performed on sites where the existing site is already predominantly developed.

31. “Regional storm water management facility” means a storm water management facility for an entire drainage area or watershed, including future land development activities within the watershed, serving multiple developments and/or land owners. 332

32. “Retention basin” means a stormwater management facility designed to prevent flooding, erosion and improve water quality in adjacent waters by temporarily storing water for an extended period of a time and in addition generally retains a significant permanent pool of water between runoff events.

33. “Runoff” means water from rain, snow or ice melt, or dewatering that moves over the land surface via sheet or channelized flow.

34. “Sediment” means solid earth material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity or ice, and has come to rest on the earth’s surface at a different site.

35. “Runoff curve number (RCN)” has the meaning used in the runoff calculation methodology promulgated by the United States Natural Resources Conservation Service Technical Release 55, “Urban Hydrology for Small Watersheds” (commonly known as TR-55).

36. “Site” means the entire area included in the legal description of which the land disturbing or land development activity will occur.

37. “Stabilized” means that all land disturbing activities are completed and that a uniform, perennial vegetative cover has been established over the entire surface with a density of at least 70%, or other surfacing material is in place and the risk of further soil erosion is minimal, as determined Dubuque County.

38. “Storm drainage system” means a publicly-owned facility by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

39. “Stormwater” has the same meaning as the term “runoff.”

40. “Surface waters” means all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems and other surface water or groundwater, natural or artificial, public or private, within Dubuque County.

41. “Time of concentration (Tc)” means the time needed for water to flow from the most remote point in a watershed to the watershed outlet. It is a function of topography, geology and land use within the watershed.

42. “Volumetric Runoff Coefficient (Rv)” means the fraction of rainfall during small storm events that becomes runoff, and can be determined by the methodologies described by Scheuler (1987) or Pitt (1994).

43. “Water Quality Volume (WQv)” is the storage needed to capture and treat the runoff from 90% of the average annual rainfall. In numerical terms, it is equivalent to the rainfall depth in inches multiplied by the volumetric runoff coefficient (Rv) for the site, and the site drainage area.

44. “Wetlands” means an area where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions.

6-17-4 ADMINISTRATION. The Erosion and Sediment Control and Stormwater Ordinance shall be administered by the City by the Mayor and Director of Public Works. Said administration shall be under the terms and provisions of the Dubuque County Erosion and Sediment Control and Stormwater Management Manual. Said document shall hereafter be referred to as the Dubuque County Manual for purposes of this Ordinance.

6-17-5 MANUAL. The City of Farley adopts the Dubuque County Erosion and Sediment Control and Stormwater Management Manual in force as of the date this Ordinance is adopted. The City may adopt revised versions of the Dubuque County Manual by resolution of the City Council.

6-17-6 MANUAL DEFINED. Where reference is made in this Ordinance to the Dubuque County Manual, such reference shall refer to the Dubuque County Manual as modified by the City of Farley.

6-17-7 LOCAL MODIFICATIONS TO COUNTY MANUAL. Cognizant of differences between Dubuque County and the City of Farley, the City may adopt changes to the Dubuque County Erosion and Sediment Control and Stormwater Management Manual. Such changes shall be made by a duly adopted resolution of the City Council.

6-17-8 HYDROLOGIC METHODS. This Ordinance adopts the accepted hydraulic methods referred to in Section 1.1(B) of the Dubuque County Manual.

6-17-9 FEES. Fees are set by the City of Farley are as follows:

1. For any one site with one acre or more of disturbed area, a deposit of \$285.00 plus \$100.00 per acre for every acre or portion of an acre over one acres shall be remitted to the City Clerk with the permit application.

2. The City shall engage a consultant, to be selected solely by the City, to review the permit and make a report to the City Council. The permit applicant shall be responsible for reimbursement to the City of all consultant costs plus reasonable expenses incurred in reviewing the permit. Additionally, the City shall collect \$50.00 per permit application to cover administrative fees.

3. Any costs due over the amount held on deposit by the City Clerk shall be remitted to the City Clerk prior to construction beginning. Excess funds on deposit with the City shall be refunded to the applicant on the City's next regular payment processing cycle.

6-17-10 ENFORCEMENT AND PENALTIES. The City of Farley will work with other local governments for consistent enforcement of the County minimum standards. The Dubuque County Manual requires builders, developers and other site planners to submit erosion and sediment control and stormwater management plans. If a site is not in compliance with its plan as determined by inspection, a stop work order may be issued and the City may issue a municipal infraction or levy a fine. A violation by any person of any provision of this Ordinance, including the commencing, constructing, causing or permitting the commencement of any land-disturbing activity without submittals as described within this Ordinance and the Dubuque County Manual, will be subject to abatement, a stop work order, municipal infraction, and/or a fine of \$750.00. The City may order compliance by written notice of violation setting forth the time within which remediation or restoration must be completed and that if the person fails to complete such remediation or restoration within such time, the City shall cause such remediation or restoration work to be done and the person shall be liable for such costs. The City may issue an order to stop all construction activities on any property where land-disturbing activity is being conducted until conditions of non-compliance are corrected. Construction activity, other than that which is required to correct a condition of non-compliance, prior to the correction and the conditions of noncompliance, shall constitute a further violation.

6-17-11 THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES). This Ordinance specifically adopts the National Pollutant Discharge Elimination System (NPDES) permit requirements as outlined in paragraph 1.1(f) of the Dubuque County Manual.

6-17-12 MANUAL. The Dubuque County Erosion and Sediment Control and Stormwater Management Manual shall be available for inspection and/or copying during regular business hours at City Hall.

6-17-13 IMPLEMENTING STORMWATER MANAGEMENT. In order to effectively implement good stormwater management, certain techniques shall be utilized. These techniques are detailed in Section 1.2 of the Dubuque County Manual and, in order of priority are as follows:

1. Identify and avoid sensitive areas.
2. Minimize impervious surfaces.
3. Utilize low-impact development (LID) and conservation subdivision design.
4. Watershed-wide planning for stormwater management.

6-17-14 APPLICABILITY. Construction site erosion plans and permits are required under any of the conditions listed under Section 1.3(A)(1) of the Dubuque County Manual.

6-17-15 PERFORMANCE STANDARDS. Acceptable soil loss limits are established at Section 1.3(A)(2) of the Dubuque County Manual.

6-17-16 MANAGEMENT PRACTICES. The City of Farley hereby adopts by reference the guide to managing erosion on construction sites developed by the Iowa Department of Natural Resources and detailed under Section 1(3)(A)(3) of the Dubuque County Manual.

6-17-17 POST-CONSTRUCTION STORMWATER MANAGEMENT AND WATER QUALITY PROTECTION. The City of Farley hereby adopts in total Section 1.3(B)(1)(2)(3) of the Dubuque County Manual relating to the applicability, performance standards and management practice for stormwater management and water quality protection.

6-17-18 ADDITIONAL PERFORMANCE STANDARDS REGARDING WATER DISCHARGED ONTO OTHER PROPERTY AND CITY STORM SEWERS. No landowner or tenant shall cause or allow surface water, subsurface water or other water from any source to be drained, discharged or cast upon or into public property or the private property of another by any device or other means which alters the natural direction or volume of water in such a manner as to cause erosion, subsidence, loss of lateral support or other interference with or impairment of the lawful use and enjoyment of such property. Devices shall be terminated at a minimum of five (5) feet from the side property line and ten (10) feet from the front and rear property lines if the slope of the yard is less than 3:1. When the slope of the yard is greater than 3:1, devices shall be terminated at a minimum of five (5) feet from the side property line and ten (10) feet from the front and rear property lines before the top of the slope.

6-17-19 CONSTRUCTION SITE EROSION CONTROL. The City of Farley hereby adopts Section 1(4)(A) of the Dubuque County Manual relating to construction site erosion control.

6-17-20 POST-CONSTRUCTION STORMWATER MANAGEMENT AND WATER QUALITY PROTECTION. The City of Farley hereby adopts Section 1(4)(B) of the Dubuque

County Manual relating to post-construction stormwater management and water quality protection.

(Title VI, Ch. 13 – Ord. 2013-01 – Oct. 15 Supp.)

## TITLE VI PHYSICAL ENVIRONMENT

### CHAPTER 18 FLOODPLAIN MANAGEMENT

6-18-1	Statutory Authority, Findings of Fact and Purpose	6-18-5	Nonconforming Uses
6-18-2	General Provisions	6-18-6	Penalties for Violation
6-18-3	Floodplain Management Standards	6-18-7	Amendments
6-18-4	Administration	6-18-8	Definitions

#### 6-18-1 STATUTORY AUTHORITY, FINDINGS OF FACT AND PURPOSE.

1. The Legislature of the State of Iowa has in Chapter 364, Code of Iowa, as amended, delegated the power to cities to exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges and property of the City or of its residents, and to preserve and improve the peace, safety, health, welfare, comfort and convenience of its residents.

#### 2. Findings of Fact.

a. The flood hazard areas of the City of Farley are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare of the community.

#### b. These flood losses, hazards, and related adverse effects are caused by:

1) The occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being inadequately elevated or otherwise protected from flooding and

2) The cumulative effect of obstructions on the floodplain causing increases in flood heights and velocities.

3. Statement of Purpose. It is the purpose of this Ordinance to protect and preserve the rights, privileges and property of the City of Farley and its residents and to preserve and improve the peace, safety, health, welfare, and comfort and convenience of its residents by minimizing those flood losses described in (SECTION 6-18-1(1)(a)) of this Ordinance with provisions designed to:

a. Restrict or prohibit uses which are dangerous to health, safety or property in times of flood or which cause excessive increases in flood heights or velocities.

b. Require that uses vulnerable to floods, including public facilities which serve such uses, be protected against flood damage at the time of initial construction or substantial improvement.

c. Protect individuals from buying lands which may not be suited for intended purposes because of flood hazard.

d. Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

## 6-18-2 GENERAL PROVISIONS.

1. Lands to Which Ordinance Apply. The provisions of this Ordinance shall apply to all areas having special flood hazards within the jurisdiction of the City of Farley purpose of this Ordinance, the special flood hazard areas are those areas designated as Zone A on the Flood Insurance Rate Map (FIRM) for Dubuque County and Incorporated Areas, City of Farley Panel 0285E, dated, October 18, 2011 which is hereby adopted and made a part of this Ordinance.

2. Rules for Interpretation of Flood Hazard Boundaries. The boundaries of the Special Flood Hazard areas shall be determined by scaling distances on the official Flood Insurance Rate Map. When an interpretation is needed as to the exact location of a boundary, the Mayor shall make the necessary interpretation. The City Council shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the City of Farley in the enforcement or administration of this Ordinance.

3. Compliance. No structure or land shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations which apply to uses within the jurisdiction of this Ordinance.

4. Abrogation and Greater Restrictions. It is not intended by this Ordinance to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provision of this Ordinance shall prevail. All other ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.

5. Interpretation. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State statutes.

6. Warning and Disclaimer of Liability. The standards required by this Ordinance are considered reasonable for regulatory purposes. This Ordinance does not imply that areas outside the designated special flood hazard areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the City of Farley or any officer or employee

thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made there under.

7. Severability. If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

6-18-3 FLOODPLAIN MANAGEMENT STANDARDS. All uses must be consistent with the need to minimize flood damage and meet the following applicable performance standards. Where 100-year flood data has not been provided on the Flood Insurance Rate Map, the Iowa Department of Natural Resources shall be contacted to compute such data. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination.

1. All development within the special flood hazard areas shall:
  - a. Be consistent with the need to minimize flood damage.
  - b. Use construction methods and practices that will minimize flood damage.
  - c. Use construction materials and utility equipment that are resistant to flood damage.
  - d. Obtain all other necessary permits from federal, state and local governmental agencies including approval when required from the Iowa Department of Natural Resources.

2. Residential buildings – All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one (1) foot above the 100-year flood level. Construction shall be upon compacted fill which shall, at all points, be no lower than 1.0 ft. above the 100-year flood level and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers) may be allowed subject to favorable consideration by the City Council, where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding. All new residential structures shall be provided with a means of access which will be passable by wheeled vehicles during the 100-year flood.

3. Non-residential buildings – All new or substantially improved non-residential buildings shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the 100-year flood level, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 100-year flood; and that the structure, below the 100-year flood level is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation

(in relation to North American Vertical Datum 1988) to which any structures are floodproofed shall be maintained by the Administrator.

4. All new and substantially improved structures:

a. Fully enclosed areas below the “lowest floor” (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:

1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

2) The bottom of all openings shall be no higher than one foot above grade.

3) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

Such areas shall be used solely for parking of vehicles, building access and low damage potential storage.

b. New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

c. New and substantially improved structures must be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

5. Factory-built homes:

a. All factory-built homes, including those placed in existing factory-built home parks or subdivisions shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one (1) foot above the 100-year flood level.

b. All factory-built homes, including those placed in existing factory-built home parks or subdivisions shall be anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

6. Utility and Sanitary Systems:

a. On-site waste disposal and water supply systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.

b. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters. Wastewater treatment facilities (other than on-site systems) shall be provided with a level of flood protection equal to or greater than one (1) foot above the 100-year flood elevation.

c. New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities (other than on-site systems) shall be provided with a level of protection equal to or greater than one (1) foot above the 100-year flood elevation.

d. Utilities such as gas or electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.

7. Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one (1) foot above the 100-year flood level. Other material and equipment must either be similarly elevated or (i) not be subject to major flood damage and be anchored to prevent movement due to flood waters or (ii) be readily removable from the area within the time available after flood warning.

8. Flood control structural works such as levees, flood walls, etc. shall provide, at a minimum, protection from a 100-year flood with a minimum of 3 ft. of design freeboard and shall provide for adequate interior drainage. In addition; the Department of Natural Resources shall approve structural flood control works.

9. Watercourse alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, the Department of Natural Resources must approve such alterations or relocations.

10. Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals (including the installation of public utilities) shall meet the applicable performance standards of this Ordinance.

Subdivision proposals intended for residential use shall provide all lots with a means of access which will be passable by wheeled vehicles during the 100-year flood. Proposals for subdivisions greater than five (5) acres or fifty (50) lots (whichever is less) shall include 100-year flood elevation data for those areas located within the Special Flood Hazard Area.

11. Accessory Structures.

a. Detached garages, sheds, and similar structures accessory to a residential use are exempt from the 100-year flood elevation requirements where the following criteria are satisfied.

1) The structure shall not be used for human habitation.

2) The structure shall be designed to have low flood damage potential.

3) The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.

4) The structure shall be firmly anchored to prevent flotation which may result in damage to other structures.

5) The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one foot above the 100-year flood level.

b. Exemption from the 100-year flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

## 12. Recreational Vehicles

a. Recreational vehicles are exempt from the requirements of (SECTION 6-18-3(5)) of this Ordinance regarding anchoring and elevation of factory-built homes when the following criteria are satisfied.

1) The recreational vehicle shall be located on the site for less than 180 consecutive days, and,

2) The recreational vehicle must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system and is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

b. Recreational vehicles that are located on the site for more than 180 consecutive days or are not ready for highway use must satisfy requirements of (SECTION 6-18-3(5)) of this Ordinance regarding anchoring and elevation of factory-built homes.

13. Pipeline river and stream crossings shall be buried in the streambed and banks, or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering.

## 6-18-4 ADMINISTRATION.

### 1. Appointment, Duties and Responsibilities of Floodplain Administrator.

a. The Mayor is hereby appointed to implement and administer the provisions of this Ordinance and will herein be referred to as the Administrator.

b. Duties of the Administrator shall include, but not necessarily be limited to the following:

1) Review all floodplain development permit applications to assure that the provisions of this Ordinance will be satisfied.

2) Review floodplain development applications to assure that all necessary permits have been obtained from federal, state and local governmental agencies including approval when required from the Department of Natural Resources for floodplain construction.

3) Record and maintain a record of the elevation (in relation to North American Vertical Datum 1988) of the lowest floor (including basement) of all new or substantially improved structures in the special flood hazard area.

4) Record and maintain a record of the elevation (in relation to North American Vertical Datum 1988) to which all new or substantially improved structures have been floodproofed.

5) Notify adjacent communities/counties and the Department of Natural Resources prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications to the Federal Emergency Management Agency.

6) Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this Ordinance.

## 2. Floodplain Development Permit.

a. Permit Required – A Floodplain Development Permit issued by the Administrator shall be secured prior to any floodplain development (any manmade change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, excavation or drilling operations), including the placement of factory-built homes.

b. Application for Permit – Application shall be made on forms furnished by the Administrator and shall include the following:

1) Description of the work to be covered by the permit for which application is to be made.

2) Description of the land on which the proposed work is to be done (i.e., lot, block, track, street address or similar description) that will readily identify and locate the work to be done.

3) Indication of the use or occupancy for which the proposed work is intended.

4) Elevation of the 100-year flood.

5) Elevation (in relation to North American Vertical Datum 1988) of the lowest floor (including basement) of buildings or of the level to which a building is to be floodproofed.

6) For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements.

7) Such other information as the Administrator deems reasonably necessary (e.g., drawings or a site plan) for the purpose of this Ordinance.

c. Action on Permit Application – The Administrator shall, within a reasonable time, make a determination as to whether the proposed floodplain development meets the applicable standards of this Ordinance and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefore. The Administrator shall not issue permits for variances except as directed by the City Council.

d. Construction and Use to be as Provided in Application and Plans – Floodplain Development Permits based on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance. The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that the finished fill, building floor elevations, floodproofing, or other flood protection measures were accomplished in compliance with the provisions of this Ordinance, prior to the use or occupancy of any structure.

### 3. Variance.

a. The City Council may authorize upon request in specific cases such variances from the terms of this Ordinance that will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship.

1) Variances granted must meet the following applicable standards: (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local codes or ordinances.

2) Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

3) In cases where the variance involves a lower level of flood protection for buildings than what is ordinarily required by this Ordinance, the applicant shall be notified in writing over the signature of the Administrator that: (i) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance and such construction amounts as high as \$25 for \$100 of insurance coverage and, (ii) such construction increases risks to life and property.

b. Factors Upon Which the Decision of the Council Shall be Based – In passing upon applications for Variances, the Council shall consider all relevant factors specified in other sections of this Ordinance and:

1) The danger to life and property due to increased flood heights or velocities caused by encroachments.

2) The danger that materials may be swept on to other land or downstream to the injury of others.

3) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.

4) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

5) The importance of the services provided by the proposed facility to the City.

6) The requirements of the facility for a floodplain location.

7) The availability of alternative locations not subject to flooding for the proposed use.

8) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

9) The relationship of the proposed use to the comprehensive plan and floodplain management program for the area. 349

10) The safety of access to the property in times of flood for ordinary and emergency vehicles.

11) The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.

12) The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities (sewer, gas, electrical and water systems), facilities, streets and bridges.

13) Such other factors which are relevant to the purpose of this Ordinance.

c. Conditions Attached to Variances – Upon consideration of the factors listed above, the Board may attach such conditions to the granting of variances as it deems necessary to further the purpose of this Ordinance. Such conditions may include, but not necessarily be limited to:

1) Modification of waste disposal and water supply facilities.

2) Limitation of periods of use and operation.

3) Imposition of operational controls, sureties, and deed restrictions.

4) Requirements for construction of channel modifications, dikes, levees, and other protective measures, provided such are approved by the Department of Natural Resources and are deemed the only practical alternative to achieving the purpose of this Ordinance.

5) Floodproofing measures.

#### 6-18-5 NONCONFORMING USES.

1. A structure or the use of a structure or premises which was lawful before the passage or amendment of this Ordinance, but which is not in conformity with the provisions of this Ordinance, may be continued subject to the following conditions:

a. If such use is discontinued for six (6) consecutive months, any future use of the building premises shall conform to this Ordinance.

b. Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.

2. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty (50) percent of the market value of the structure before the damage occurred, unless it is reconstructed in conformity with the provisions of this Ordinance. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building or safety codes or regulations or the cost of any alteration of a structure 350 listed on the National Register of Historic Places, provided that the alteration shall not preclude its continued designation.

**6-18-6 PENALTIES FOR VIOLATION. Violations of the provisions of this Ordinance or failure to comply with any of the requirements shall constitute a misdemeanor. Any person who**

violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500.00 five hundred dollars. Nothing herein contained prevent the City of Farley from taking such other lawful action as is necessary to prevent or remedy violation.  
(Amended during 2021 codification)

6-18-7 AMENDMENTS. The regulations and standards set forth in this Ordinance may from time to time be amended, supplemented, changed, or repealed. No amendment, supplement, change, or modification shall be undertaken without prior approval of the Department of Natural Resources.

6-18-8 DEFINITIONS. Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.

1. BASE FLOOD – The flood having one (1) percent chance of being equaled or exceeded in any given year. (See 100-year flood).

2. BASEMENT – Any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see “lowest floor.”

3. DEVELOPMENT – Any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials. “Development” does not include “minor projects” or “routine maintenance of existing buildings and facilities” as defined in this section. It also does not include gardening, plowing, and similar practices that do not involve filling, grading.

4. EXISTING CONSTRUCTION – Any structure for which the “start of construction” commenced before the effective date of the first floodplain management regulations adopted by the community. May also be referred to as “existing structure.”

5. EXISTING FACTORY-BUILT HOME PARK OR SUBDIVISION – A factory built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management regulations adopted by the community.

6. EXPANSION OF EXISTING FACTORY-BUILT HOME PARK OR SUBDIVISION – The preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

7. FACTORY-BUILT HOME – Any structure, designed for residential use which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for

installation or assembly and installation, on a building site. For the purpose of this Ordinance factory-built homes include mobile homes, manufactured homes, and modular homes: and also include “recreational vehicles” which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.

8. FACTORY-BUILT HOME PARK – A parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.

9. FLOOD – A general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.

10. FLOOD ELEVATION – The elevation floodwaters would reach at a particular site during the occurrence of a specific flood. For instance, the 100-year flood elevation is the elevation of flood waters related to the occurrence of the 100-year flood.

11. FLOOD INSURANCE RATE MAP (FIRM) – The official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.

12. FLOODPLAIN – Any land area susceptible to being inundated by water as a result of a flood.

13. FLOODPLAIN MANAGEMENT – An overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of floodplains, including but not limited to emergency preparedness plans, flood control works, floodproofing and floodplain management regulations.

14. FLOODPROOFING – Any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.

15. FLOODWAY – The channel of a river or stream and those portions of the floodplains adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one (1) foot.

16. FLOODWAY FRINGE – Those portions of the floodplain, other than the floodway, which can be filled, leveed, or otherwise obstructed without causing substantially higher flood levels or flow velocities.

17. HISTORIC STRUCTURE – Any structure that is:

a. Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing of the National Register;

b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,

d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by either (i) an approved state program as determined by the Secretary of the Interior or (ii) directly by the Secretary of the Interior in states without approved programs.

18. **LOWEST FLOOR** – The floor of the lowest enclosed area in a building including a basement except when all the following criteria are met:

a. The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of (SECTION 6-14-3(D)(1)) of this Ordinance and

b. The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking or storage, and

c. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the 100-year flood level, and

d. The enclosed area is not a “basement” as defined in this section. In cases where the lowest enclosed area satisfies criteria a, b, c, and d above, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria above.

19. **MINOR PROJECTS** – Small development activities (except for filling, grading and excavating) valued at less than \$500.

20. **NEW CONSTRUCTION** – (new buildings, factory-built home parks) – Those structures or development for which the start of construction commenced on or after the effective date of the first floodplain management regulations adopted by the community.

21. **NEW FACTORY-BUILT HOME PARK OR SUBDIVISION** – A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed

on or after the effective date of the first floodplain management regulations adopted by the community.

22. ONE HUNDRED (100) YEAR FLOOD – A flood, the magnitude of which has a one (1) percent chance of being equaled or exceeded in any given year or which, on the average, will be equaled or exceeded a least once every one hundred (100) years.

23. RECREATIONAL VEHICLE - A vehicle which is:

- a. Built on a single chassis;
- b. Four hundred (400) square feet or less when measured at the largest horizontal projection;
- c. Designed to be self-propelled or permanently towable by a light duty truck; and
- d. Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

24. ROUTINE MAINTENANCE OF EXISTING BUILDINGS AND FACILITIES – Repairs necessary to keep a structure in a safe and habitable condition that do not trigger a building permit, provided they are not associated with a general improvement of the structure or repair of a damaged structure. Such repairs include:

- a. Normal maintenance of structures such as re-roofing, replacing roofing tiles and replacing siding;
- b. Exterior and interior painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work;
- c. Basement sealing;
- d. Repairing or replacing damaged or broken window panes;
- e. Repairing plumbing systems, electrical systems, heating or air conditioning systems and repairing wells or septic systems.

25. SPECIAL FLOOD HAZARD AREA – The land within a community subject to the “100-year flood.” This land is identified as Zone A on the community's Flood Insurance Rate Map.

26. START OF CONSTRUCTION – Includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement, was within 180 days of the permit date. The actual start means either the first placement or permanent construction of a

structure on a site, such as pouring of a slab or footings, the installation of pile, the construction of columns, or any work beyond the stage of excavation; or the placement of a factory-built home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

27. STRUCTURE – Anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factory built homes, storage tanks, and other similar uses.

28. SUBSTANTIAL DAMAGE – Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred. (Substantial damage also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.)

29. SUBSTANTIAL IMPROVEMENT – Any improvement to a structure which satisfies either of the following criteria:

a. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (i) before the “start of construction” of the improvement, or (ii) if the structure has been "substantially damaged" and is being restored, before the damage occurred.

The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions. The term also does not include any alteration of an “historic structure,” provided the alteration will not preclude the structure's designation as an "historic structure".

b. Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed on or after the effective date of the first floodplain management regulations adopted by the community shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.

30. VARIANCE – A grant of relief by a community from the terms of the floodplain management regulations.

31. VIOLATION – The failure of a structure or other development to be fully compliant with the community's floodplain management regulations

(Title VI, Ch. 14 – Ord. 2011-04 – Oct. 15 Supp.)

## TITLE VI PHYSICAL ENVIRONMENT

### CHAPTER 19 SHORT-TERM RENTAL PROPERTIES

6-19-1	Purpose and Applicability	6-19-9	Signage
6-19-2	Definitions	6-19-10	Advertising
6-19-3	License Required	6-19-11	Notice
6-19-4	Application	6-19-12	Initial Complaints
6-19-5	License Term	6-19-13	Formal Complaints and Revocation
6-19-6	Local Agent Required	6-19-14	Violation and Penalty
6-19-7	Health and Safety Concerns		
6-19-8	Parking		

#### 6-19-1 PURPOSE AND APPLICABILITY.

1. The purpose of this Chapter is to establish comprehensive licensing regulations to safeguard the public health, safety, and welfare by regulating and controlling the use, occupancy, location, and maintenance of short-term rental properties in the City.

2. This Chapter shall apply to short-term rental property only, as defined herein. This Chapter shall not apply to the furnishing of lodging services in hotels, motels, lodges, or bed and breakfast establishments, or to properties with long-term leases.

3. This Chapter shall not supersede or affect any private conditions, covenants, or restrictions application to a short-term rental property.

#### 6-19-2 DEFINITIONS. For purposes of this Chapter, the following terms shall have the following meanings:

1. Owner. The record owner of a residential dwelling unit in the City who intends to lease or leases the unit as short-term rental property.

2. Lease. An agreement or act by which an owner gives to a tenant, for valuable consideration, possession and use of property or a portion thereof for a definite term, at the end of which term the owner has an absolute right to retake control and use of the property.

3. Residential Dwelling Unit. A building or group of rooms with kitchen facilities designed or used as a dwelling by a family as an independent housekeeping unit, excluding the following if serviced by a full-time on-site property manager: accommodation unit, bed and breakfast, employee housing unit, or lodge dwelling unit.

4. Short-Term Rental Property. A residential dwelling unit, or any room therein, available for lease for a term of less than thirty (30) consecutive days.

6-19-3 LICENSE REQUIRED. A valid license is required for each short-term rental property in the City.

6-19-4 APPLICATION.

1. At least thirty (30) days prior to any advertising for or lease of a short-term rental property, the owner shall file a written application for a short-term rental license with the City Clerk or designee, on forms supplied by the City. The application shall not be deemed complete until all required information is submitted.

2. The application fee shall be \$50 per property per year.

3. If the proposed short-term rental property is located within a multiplex, the application shall include a copy of a written notice provided by the owner to the last known address of the record owner of the adjoining residential dwelling unit(s). The written notice shall include a copy of the completed application, and shall be sent by first-class United States mail at least seven (7) days prior to the filing of the application.

4. No license shall be issued without an affidavit, signed by the owner under penalty of perjury, certifying that the short-term rental property is in habitable condition and complies with the health and safety standards set forth in Section 6-19-7.

5. Within thirty (30) days of receipt of a complete application for a short-term rental license, if the City Clerk or designee finds that the application complies with this Chapter, the City Clerk or designee shall issue a short-term rental license. The license shall be issued in the name of the owner, and shall not be transferrable.

6-19-5 LICENSE TERM.

1. A short-term rental license shall expire on December 31 of each calendar year, or when title of the short-term rental property transfers to a new owner, whichever occurs first. Each change in ownership of a short-term rental property shall require a new license.

2. An application for renewal of a short-term rental license shall be submitted at least thirty (30) days prior to expiration of the existing license.

6-19-6 LOCAL AGENT REQUIRED. Each owner shall appoint a natural person who remains within a sixty (60) minute distance of the short-term rental property and is available 24 hours per day, 7 days per week, to serve as the local agent for the short-term rental property. The owner shall notify the City Clerk or designee in writing of the appointment of a local agent within five (5) days of such appointment or medication of any such appointment.

6-19-7 HEALTH AND SAFETY CONCERNS. Each short-term rental property shall comply with all of the following standards, at a minimum, at all times while the property is being leased:

1. Buildings, structures or rooms shall not be used for purposes other than those for which they were designed or intended.

2. Roofs, floors, walls, foundations, ceilings, stairs, handrails, guardrails, doors, porches, all other structural components, and all appurtenances thereto shall be capable of resisting any and all forces and loads to which they may be normally subjected, and shall be kept in sound condition and in good repair.

3. Smoke detectors, carbon monoxide detectors, and fire extinguishers shall be installed and operable, and all wood-burning fireplaces and stoves shall be cleaned on an annual basis.

4. An operable toilet, sink, and either a bathtub or shower shall be located within the same building, and every room containing a toilet or bathtub/shower shall be completely enclosed by walls, doors, or windows that will afford sufficient privacy.

5. There shall be a sufficient number of trash receptacles to accommodate all trash generated by those occupying the short-term rental property.

6. All pets shall be subject to Title IV, Chapter 1 of this Code.

6-19-8 PARKING. Parking shall comply with all applicable provisions of this Code. All vehicles shall be parked in designated parking areas, complaint with section 3-3-28 of this Code.

6-19-9 SIGNAGE. An owner shall post a sign conspicuously inside the short-term rental property. The sign shall include the local agent's current contact information, the owner's current contact information, the street address of the short-term rental property, and the short-term rental license number.

6-19-10 ADVERTISING. All advertising for a short-term rental property shall include the short-term rental license number, immediately following the description of the short-term rental property.

6-19-11 NOTICE. Any notice required by the Chapter to be given to an owner is sufficient if sent by first-class mail to the address provided by the owner on the most recent license or renewal application. Notice given to the local agent, by first-class mail to the address provided by the owner, shall also be sufficient to satisfy any required notice to the owner under this Chapter.

6-19-12 INITIAL COMPLAINTS. Initial complaints concerning a short-term rental property shall be directed to the local agent. The local agent shall resolve the issue that was the subject of the complaint within sixty (60) minutes, including visiting the site if necessary.

6-19-13 FORMAL COMPLAINTS AND REVOCATION.

1. If an initial complaint is not resolved, a formal complaint may be filed with the City Clerk or designee, on forms provided by the City. The formal complaint shall describe in detail the violation(s) of this Chapter alleged to have occurred on the short-term rental property. Within three (3) days of receipt of such a complaint, the City shall provide a copy of the formal complaint to the owner. Formal complaints shall be signed by an individual and subject to public inspection; no anonymous formal complaints shall be accepted.

2. If there are three (3) or more formal complaints issued for the same short-term rental property within any consecutive twelve-month period, the City Clerk or designee may revoke the license for that short-term rental property upon written notice to the owner. The City Clerk or designee may also revoke any short-term rental license that was issued in error. The City shall notify an owner, in writing, of any revocation and the reasons therefor.

3. The owner may appeal any revocation by filing a written appeal with the City Clerk or designee within ten (10) days of the date of the revocation notice. In the written appeal, the owner shall describe the reason for the appeal, and may request a hearing before the City Clerk or designee. The hearing shall be informal, and may be conducted in person or by telephone, at the discretion of the City Clerk or designee. At the hearing, the owner shall have the opportunity to be heard on the revocation. Within ten (10) days of the hearing, the City Clerk or designee shall either uphold or reverse the revocation, in writing. The decision of the City Clerk or designee shall be final.

4. For a minimum of two (2) years following revocation of a short-term rental license, the City shall not accept an application for a new license for the same short-term rental property, unless the ownership of the short-term rental property has transferred and a real estate transfer tax has been paid for such transfer. Following such two-year period, a new short-term rental license shall only be issued for short-term rental property within a duplex if the record owner of the adjoining residential dwelling unit consents in writing to the issuance of such license.

#### 6-19-14 VIOLATION AND PENALTY.

1. It is unlawful for any owner, local agent, or occupant of a short-term rental property to violate any provision of this Chapter or any other applicable provision of this Code.

2. In addition to any revocation proceedings pursuant to Title VI, Chapter 19, Section 12, violations of this Chapter shall be subject to the penalties set forth in Title I, Chapter 3, Section 2 of this Code. Each separate act in violation of this Chapter, and each and every day or portion thereof during which any separate act in violation of this Chapter is committed, continued, or permitted, shall be deemed a separate offense. Any remedies provided for in this Chapter shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

(Ord. 2018-10, Passed August 20, 2018)

**OPTIONAL ORDINANCES**

**TITLE II POLICY AND ADMINISTRATION**

**CHAPTER 7 CITY ELECTIONS**

2-7-1	Purpose	2-7-6	Filing, Presumption, Withdrawals, Objections
2-7-2	Nominating Method to be Used	2-7-7	Persons Elected
2-7-3	Nominations by Petition	2-7-8	Reserved
2-7-4	Adding Name by Petition		
2-7-5	Preparation of Petition		

2-7-1 PURPOSE. The purpose of this chapter is to designate the method by which candidates for elective municipal offices in the City shall be nominated and elected.

2-7-2 NOMINATING METHOD TO BE USED. All candidates for elective municipal offices shall be nominated under the provisions of Chapter 45 of the Code of Iowa.  
(Code of Iowa, Sec. 376.3)

2-7-3 NOMINATIONS BY PETITION. Nominations for elective municipal offices of the City may be made by nomination paper or papers signed by not less than ten eligible electors, residents of the City.  
(Code of Iowa, Sec. 45.1)

2-7-4 ADDING NAME BY PETITION. The name of a candidate placed upon the ballot by any other method than by petition shall not be added by petition for the same office.  
(Code of Iowa, Sec. 45.2)

2-7-5 PREPARATION OF PETITION. Each eligible elector shall add to the signature the elector's residence address, and date of signing. The person whose nomination is proposed by the petition may not sign it. Before filing said petition, there shall be endorsed thereon or attached thereto an affidavit executed by the candidate, which affidavit shall contain:

1. Name and Residence. The name and residence (including street and number, if any) of said nominee, and the office to which nominated.
2. Name on Ballot. A request that the name of the nominee be printed upon the official ballot for the election.
3. Eligibility. A statement that the nominee is eligible to be a candidate for the office and if elected will qualify as such officer.

4. Organization Statement. A statement, in the form required by Iowa law, concerning the organization of the candidate's committee.

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

(Code of Iowa, Sec. 45.5)

2-7-6 FILING, PRESUMPTION, WITHDRAWALS, OBJECTIONS. The time and place of filing nomination petitions, the presumption of validity thereof, the right of a candidate so nominated to withdraw and the effect of such withdrawal, and the right to object to the legal sufficiency of such petitions, or to the eligibility of the candidate, shall be governed by the appropriate provisions of Chapter 44 of the Code of Iowa.

2-7-7 PERSONS ELECTED. The candidates who receive the greatest number of votes for each office on the ballot are elected, to the extent necessary to fill the positions open.

2-7-8 RESERVED.

## TITLE II POLICY AND ADMINISTRATION

### CHAPTER 8 POLICE DEPARTMENT

**Do you think you need this? It is not in your current code.**

2-8-1	Department Established	2-8-7	Police Chief; Duties
2-8-2	Organization	2-8-8	Departmental Rules
2-8-3	Peace Officer Qualifications	2-8-9	Summoning Aid
2-8-4	Required Training	2-8-10	Taking Weapons
2-8-5	Compensation	2-8-11	Contract Law Enforcement
2-8-6	Peace Officers Appointed		

2-8-1 DEPARTMENT ESTABLISHED. The Police Department of the City is established to provide for the preservation of peace and enforcement of law and ordinances within the corporate limits of the City.

2-8-2 ORGANIZATION. The department consists of the Police Chief and such other law enforcement officers and personnel, whether full or part-time, as may be authorized by the City Council.

2-8-3 PEACE OFFICER QUALIFICATIONS. In no case shall any person be selected or appointed as a law enforcement officer unless such person meets the minimum qualification standards established by the Iowa Law Enforcement Academy.

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

2-8-4 REQUIRED TRAINING. All peace officers shall have received the minimum training required by law at an approved law enforcement training school within one year of employment. Peace officers shall also meet the minimum in-service training as required by law.

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

2-8-5 COMPENSATION. Members of the department are designated by rank and receive such compensation as shall be determined by resolution of the City Council.

2-8-6 PEACE OFFICERS APPOINTED. The Mayor with the consent of a majority of the City Council shall appoint the Police Chief. The Police Chief shall appoint, subject to the approval of the Mayor, the other members of the department.

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

2-8-7 POLICE CHIEF; DUTIES. The Police Chief has the following powers and duties subject to the approval of the City Council.

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

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

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

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

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

(Code of Iowa, Sec. 321.266)

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

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

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

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

9. Reports. Compile and submit to the Mayor and City Council an annual report as well as such other reports as may be requested by the Mayor or City Council.

10. Command. Be in command of all officers appointed for police work and be responsible for the care, maintenance and use of all vehicles, equipment and materials of the department.

2-8-8 DEPARTMENTAL RULES. The Police Chief shall establish such rules, not in conflict with the Code of Ordinances, and subject to the approval of the City Council, as may be necessary for the operation of the department.

2-8-9 SUMMONING AID. Any peace officer making a legal arrest may orally summon as many persons as the officer reasonably finds necessary to aid the officer in making the arrest.

(Code of Iowa, Sec. 804.17)

2-8-10 TAKING WEAPONS. Any person who makes an arrest may take from the person arrested all items which are capable of causing bodily harm which the arrested person may have within such person's control to be disposed of according to law.

(Code of Iowa, Sec. 804.18)

2-8-11 CONTRACT LAW ENFORCEMENT. In lieu of the appointment of a Police Chief by the Mayor, the City Council may contract with the County Sheriff or any other qualified lawful

entity to provide law enforcement services within the City and in such event the Sheriff or such other entity shall have and exercise the powers and duties of the Police Chief as provided herein.  
(Code of Iowa, Sec. 28E.30)

## TITLE II POLICY AND ADMINISTRATION

### CHAPTER 9 CITY COUNCIL

2-9-1 Powers and Duties  
2-9-2 Exercise of Power

2-9-3 Meetings

2-9-1 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. 364.2(1) & 384.95 through 384.102)

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))

2-9-2 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)

(Amended in 2008)

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 repassage 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 repassage, 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))

2-9-3 MEETINGS. Procedures for giving notice of meetings of the City Council and other provisions regarding the conduct of City Council meetings are contained in Section 5.06 of this Code of Ordinances. Additional particulars relating to City Council meetings are the following:

1. Regular Meetings. The regular meetings of the City Council are on the 1<sup>st</sup> and 3<sup>rd</sup> Wednesdays of each month at six o'clock (6:00) p.m. in the City Council Chambers at City Hall. If such day falls on a legal holiday or Christmas Eve, the meeting is held on such different day or time as determined by the City Council.

2. Special Meetings. Special meetings shall be held upon call of the Mayor or upon the written request of a majority of the members of the 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))

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

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

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

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

5. 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.

## **TITLE III COMMUNITY PROTECTION**

### **CHAPTER 11 DRUG PARAPHERNALIA**

3-11-1 Definitions

3-11-3 Prohibition

3-11-2 Exemption

3-11-1 **DEFINITIONS.** As used in this Section, "drug paraphernalia" means all equipment, products, or materials of any kind used or attempted to be used in combination with a controlled substance, except those items used in combination with the lawful use of a controlled substance, to knowingly or intentionally and primarily do any of the following:

1. Manufacture a controlled substance.
2. Inject, ingest, inhale, or otherwise introduce into the human body a controlled substance.
3. Test the strength, effectiveness, or purity of a controlled substance.
4. Enhance the effect of a controlled substance.

(Code of Iowa, Sec. 124.414)

3-11-2 **EXEMPTION.** "Drug paraphernalia" does not include hypodermic needles or syringes if manufactured, delivered, sold, or possessed for a lawful purpose.

(Code of Iowa, Sec. 124.414)

3-11-3 **PROHIBITION.** It is unlawful for any person to knowingly or intentionally manufacture, deliver, sell, or possess drug paraphernalia.

(Code of Iowa, Sec. 124.414)

## TITLE III COMMUNITY PROTECTION

### CHAPTER 12 FIREWORKS ORDINANCE

3-12-1	Definitions	3-12-6	Permits Required
3-12-2	Violations	3-12-7	Seizure of Fireworks
3-12-3	Prohibitions	3-12-8	Emergency
3-12-4	Sale of Consumer Fireworks		
3-12-5	Restrictions on the Use of Consumer Fireworks		

3-12-1 DEFINITIONS. The following words, terms, and phrases, when used in this Article, shall have the meaning as set forth in this section, except where the context clearly indicates a different meaning:

1. "Consumer Fireworks" includes First-Class Consumer Fireworks and Second-Class Consumer Fireworks as those terms are defined in Section 100.19 and Chapter 727 of the Iowa Code. Consumer Fireworks do not include Novelties enumerated in Chapter 3 of the American Pyrotechnics Association's Standard 87-1 or Display Fireworks enumerated in Chapter 4 of the American Pyrotechnics Association's Standard 87-1.

2. "Display Fireworks" include any explosive composition, or combination of explosive substances, or article prepared for the purpose of providing a visible or audible effect by combustion, explosion, deflagration, or detonation, and includes fireworks containing any explosive or flammable compound, or other device containing any explosive substance. Display Fireworks does not include Novelties or Consumer Fireworks enumerated in Chapter 3 of the American Pyrotechnics Association's Standard 87-1.

3. "Fireworks" means Consumer Fireworks and Display Fireworks. Fireworks does not include Novelties as defined in American Pyrotechnics Association's Standard 87-1, Chapter 3, and that comply with the labeling regulations promulgated by the United States Consumer Products Safety Commission.

3-12-2 VIOLATIONS.

1. Any person who fails to perform an act required by the provisions of this Chapter, or who commits an act prohibited by the provisions of this Chapter, shall be guilty of a simple misdemeanor punishable by a fine or punishable as a municipal infraction civil penalty as set forth in this Code.

2. A person may be prosecuted under the public nuisance provisions set forth in this Code and/or any other remedy available at law, to address any failure to perform an act required by the

provisions of this Chapter or any action prohibited by the provisions of this Code of Ordinances or Code of Iowa.

3. A person who sells Consumer Fireworks to a person who is less than eighteen (18) years of age commits a simple misdemeanor, punishable by a fine of not less than \$250.00.

4. A person who is less than eighteen (18) years of age who purchases Consumer Fireworks commits a simple misdemeanor, punishable by a fine of not less than \$250.00.

5. A person who uses or explodes Consumer Fireworks in violation of this Article commits a simple misdemeanor, punishable by a fine of \$250.00.

6. A person who uses or explodes Display Fireworks while the use of such device is in violation of this Article commits a simple misdemeanor, punishable by a fine of not less than \$250.00.

7. A person who is less than eighteen (18) years of age who uses or explodes Consumer Fireworks or Display Fireworks commits a simple misdemeanor, punishable by a fine of not less than \$250.00.

### 3-12-3 PROHIBITIONS.

1. It shall be unlawful to manufacture fireworks within the City limits.

2. It shall be unlawful to sell Display Fireworks within the City limits.

3. It shall be unlawful for a person to possess, use or explode Display Fireworks, except in possession of and in compliance with all requirements of a permit issued by the City under this Ordinance.

### 3-12-4 SALE OF CONSUMER FIREWORKS.

1. It shall be unlawful for a person to offer for sale, expose for sale, or sell Consumer Fireworks, unless the person is a retailer or community group as defined in Chapter 100, Iowa Code, and possesses and complies with all requirements of a Consumer Fireworks seller license issued by the State Fire Marshall.

2. Consumer Fireworks may only be sold during the dates and times as established by the Iowa Code.

3. Consumer Fireworks may only be sold in zoning districts within the City that permit retail sales. Fireworks may not be sold on public property or within a residential zoning district.

### 3-12-5 RESTRICTIONS ON THE USE OF CONSUMER FIREWORKS.

1. A person shall not use or explode Consumer Fireworks on days other than June/July \_\_\_\_\_ through July \_\_\_\_\_ and December \_\_\_\_\_ through January \_\_\_\_\_ of each year, all dates inclusive.

2. A person shall not use or explode Consumer Fireworks at times other than between the hours of \_\_\_\_\_ a.m./p.m. and \_\_\_\_\_ p.m.

3. A person shall not use Consumer Fireworks on real property other than that person's real property or on the real property of a person who has consented to the use of Consumer Fireworks on that property.

4. Persons using or exploding Consumer Fireworks must be at least eighteen (18) years of age or older.

5. Persons using or exploding Consumer Fireworks are prohibited from being under the influence of alcohol or other drugs or a combination of such substances, while having a blood alcohol concentration of .08 or more or while having any amount of a controlled substance in the person's body.

6. Any use or explosion of Consumer Fireworks must be more than \_\_\_\_\_ feet/yards from an assisted living facility, nursing home, hospital, retirement home, or hospice.

7. Any use or explosion of Display Fireworks must be more than \_\_\_\_\_ feet/yards from an assisted living facility, nursing home, hospital, retirement home, or hospice.

8. No use or explosion of Consumer Fireworks is allowed on any public property, including parks, cemeteries, public rights-of-way, public parking lots, or sidewalks.

9. A person who violates this subsection commits a simple misdemeanor.

### 3-12-6 PERMITS REQUIRED.

1. A permit must be obtained from the City in order to use or explode Display Fireworks. In order to obtain a permit, the applicant must comply with City permitting and insurance requirements.

2. Application for a permit must be made, in writing, and filed at the Office of the City Clerk, at least \_\_\_\_\_ (\_\_\_\_\_) days in advance of the proposed display.

### 3-12-7 SEIZURE OF FIREWORKS.

1. The Fire Chief may seize, take, remove, or cause to be removed, at the expense of the owner, all Consumer Fireworks or Display Fireworks, offered or exposed for sale, used, stored, possessed, or held in violation of this Chapter.

3-12-8 EMERGENCY.

1. When, in the opinion of the Fire Chief, weather and soil conditions create a safety emergency so that the use of Consumer Fireworks and/or Display Fireworks creates a danger to the public or property, the Fire Chief may suspend, cancel, or prohibit the use of Consumer Fireworks and/or Display Fireworks.

(ECIA Model Code Amended in 2017)

**TITLE VI PHYSICAL ENVIRONMENT**

**CHAPTER 11 NUMBERING OF BUILDINGS**

- |        |                          |        |                       |
|--------|--------------------------|--------|-----------------------|
| 6-11-1 | Buildings to be Numbered | 6-11-4 | Type of Numbers, Size |
| 6-11-2 | Numbering System         | 6-11-5 | Enforcement           |
| 6-11-3 | Mandatory Numbering      |        |                       |

6-11-1 **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.

6-11-2 **NUMBERING SYSTEM.** Numbers shall be assigned in accordance with the system developed by the City Council. The system consists of three-digit numbering. The even numbers shall be on the west and north sides of all streets and the odd numbers shall be on the east and south sides of all streets.

6-11-3 **MANDATORY NUMBERING.** The placing of numbers is mandatory effective                     .

6-11-4 **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.

6-11-5 **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.

## TITLE VI PHYSICAL ENVIRONMENT

### CHAPTER 12 BUILDING PERMITS

6-12-1	Purpose	6-12-10	Rear Yard Requirements
6-12-2	Structure Defined	6-12-11	Special Requirements for Residences
6-12-3	Permit Required	6-12-12	Variances
6-12-4	Application	6-12-13	Fences
6-12-5	Fees	6-12-14	Curb Cuts
6-12-6	Plans Required	6-12-15	Authority of City Council
6-12-7	Location of Structure	6-12-16	Permit Issued
6-12-8	Front Yard Requirements	6-12-17	Limitations on Permit
6-12-9	Side Yard Requirements		

6-12-1 PURPOSE. The purpose of this Chapter is to provide the City Council notice of the type of structure, the kind of construction, the location of any structure to be erected or added within the corporation, the location of any structure on any specific lot within the corporation and to provide reasonable rules for the erection, reconstruction, altering and repair of all kinds of structures.

6-12-2 STRUCTURE DEFINED. Anything constructed or erected with a fixed location on the ground that protrudes above the ground or surface level of a parcel of property. Structures include, but are not limited to, buildings, walls, fences, billboards, aboveground storage tanks, and similar uses.

6-12-3 PERMIT REQUIRED. No structure shall be erected, reconstructed, altered or added to without first securing a permit from the City Council.

6-12-4 APPLICATION. All requests for a building permit shall be submitted to the City Clerk on forms supplied by the City and accompanied with the appropriate fee for such permit.

6-12-5 FEES. There shall be a permit fee of \_\_\_\_\_ for such permit. The fee for an expedited permit shall be \_\_\_\_\_. Any person commencing construction without a permit shall pay a permit fee of \_\_\_\_\_. If a permit is rejected the fee shall be returned to the applicant.

6-12-6 PLANS REQUIRED. Plans and specifications of any proposed structure shall be filed with the application for the permit.

6-12-7 LOCATION OF STRUCTURE. A complete showing and description of the real estate involved and the location of the structure on the real estate shall be filed with the application. The perimeter of the structure shall be staked prior to submitting an application.

6-12-8 FRONT YARD REQUIREMENTS. There shall be a front yard of not less than twenty (20) feet, except as follows:

1. Where a structure is to be erected on a parcel of land that is within one hundred (100) feet of existing structures on both sides, the minimum front yard shall be a line drawn between the closest front corners of the adjacent structures on the two sides, or

2. Where a structure is to be erected on a parcel of land that is one hundred (100) feet of an existing structure on one side only within the same block, such structure may be erected as close to the street as a line drawn from the closest front corner of that structure to a point twenty (20) feet back from the front lot line measured at the center of the lot on which the proposed structure is to be erected.

3. Where lots have a double frontage, the front yard as required herein shall be provided on both streets.

6-12-9 SIDE YARD REQUIREMENTS. No building shall be erected closer than five (5) feet to either side lot line, except in the business district where no side yard is required.

6-12-10 REAR YARD REQUIREMENTS. There shall be a rear yard provided for each structure of not less than thirty (30) feet or twenty percent (20%) of the depth of the lot, whichever amount is smaller, except in the business district where no rear yard is required.

6-12-11 SPECIAL REQUIREMENTS FOR RESIDENCES. Any structure which is to be a residence for living shall meet the following special requirements.

1. A residence shall have a minimum of 1,000 square feet of livable space on the main floor.

2. All residences shall have a permanent perimeter foundation constructed of cement, concrete blocks with mortar or other permanent material approved by the City Council. All foundations shall have footings that extend below the frost line.

6-12-12 VARIANCES. The city council may grant a variance to sections 6-12-8, 6-12-9, and 6-12-10 where the setback requirements would cause a hardship on the property owner.

6-12-13 FENCES. No setback requirements shall be applicable to the construction of a fence.

6-12-14 CURB CUTS. No curb cut shall be constructed or permitted without first obtaining a building permit.

6-12-15 AUTHORITY OF CITY COUNCIL. The City Council shall have full authority to accept or reject any plans and specifications submitted.

6-12-16 PERMIT ISSUED. Permits shall be issued by the City Clerk in duplicate, one copy for the applicant and one copy to be retained in the City records.

6-12-17 LIMITATIONS ON PERMIT. In the event that construction covered by a permit is not initiated and underway within one year from the date of issuance of a permit, such permit shall be deemed void and of no effect. All permits shall expire and be void twelve (12) months after issuance by the City Clerk. If construction is not completed a new application and fee must be submitted.

Editor's Note: If this Ordinance is adopted be sure that the provisions of this Ordinance are consistent with the provisions of the Restricted Residence Ordinance if the City has one. Specifically, the set back and permit fee requirements should be reviewed.

## TITLE VI PHYSICAL ENVIRONMENT

### CHAPTER 13 PORTABLE STORAGE CONTAINERS

6-13-1	Definitions	6-13-5	Stacking
6-13-2	Residential Property	6-13-6	Good Repair
6-13-3	Commercial Property	6-13-7	Compliance
6-13-4	Industrial Property		

6-13-1 DEFINITION. “Portable storage container” is defined as a container fabricated for the purpose of transporting freight or goods on a truck, railroad, railcar, or ship, including cargo containers, steel cargo containers, shipping containers, freight containers, portable storage containers, cargo boxes, sea vans, or storage units that are placed on private property and used for storage of clothing, equipment, goods, household or office fixtures, furnishings, construction materials, and merchandise.

#### 6-13-2 RESIDENTIAL PROPERTY.

1. The use of portable storage containers on a property used for residential purposes is prohibited, except for the following uses:

a. A portable storage container may be used on a residential property when a building permit has been issued for construction of a residential unit on that parcel. The portable storage container shall be allowed to remain on the residential parcel during construction only. The portable storage container must be removed within ten (10) days after completion of the construction project or expiration of the building permit.

b. Portable storage containers shall not impede traffic or pedestrians. No portable storage container shall be located in a fire lane, public utility easement, or on public right-of-way, including streets, sidewalks, and parking strips.

#### 6-13-3 COMMERCIAL PROPERTY.

1. Portable storage containers are prohibited on a property used for commercial purposes, except as follows:

a. Portable storage containers may be used for shipping and receiving merchandise and goods, provided that the storage container does not remain on the property for more than five (5) business days.

b. Portable storage containers may be used for storing merchandise or goods sold or used at the commercial property on which it is located, provided that the portable storage container

is in an area that is not visible from any public street and is not in any designated parking areas, fire lane, or public right-of-way.

c. Portable storage containers may be used for construction or remodeling purposes when a building permit has been issued for construction on the commercial property. The portable storage container must be removed within ten (10) days after final building inspection or after the building permit has expired.

#### 6-13-4 INDUSTRIAL PROPERTY.

1. The use of a portable storage container is permissible on an industrial/manufacturing property, provided the portable storage container is not stored on public right-of-way, in a fire lane, in the front of the property, or in any area visible from a public street.

2. No portable storage container shall be placed or located in any aisle or driving lane, fire lane, public utility easement, or public right-of-way, including streets, sidewalks, and parking.

6-13-5 STACKING. Portable storage containers may not be stacked on top of one another, and stacking of any other materials on top of or around any storage containers shall be prohibited in all districts.

#### 6-13-6 GOOD REPAIR.

1. Portable storage containers must be kept in good repair and be secured against unauthorized entry and comply with any state and local health regulations.

2. A portable storage container is not in a state of good repair when it is incapable of being moved intact, contains holes in the container due to damage or rust, cannot be secured against unauthorized entry, or has become infested with vermin, insects, or other pests.

3. A portable storage container that has deteriorated and is no longer in a state of good repair must be removed immediately.

#### 6-13-6 RESIDENTIAL USE.

1. A portable storage container may not be used as a dwelling or living quarters.

2. A portable storage container may not be used for camping, cooking, or recreational purposes in any district.

6-13-7 COMPLIANCE. A portable storage container existing on any property in the city on the date of final passage of this ordinance shall either be removed from the property or brought into compliance with the provisions of this ordinance within thirty (30) days of the ordinance's effective date.

**(ECIA Model Code Amended in 2020)**

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## TITLE VI PHYSICAL ENVIRONMENT

### CHAPTER 14 RECREATIONAL VEHICLE/TRAVEL TRAILER RESIDENCE

6-14-1 Definitions

6-14-2 Occupancy

6-14-1 DEFINITIONS.

1. A “recreational vehicle” is defined as:

- a. A factory-built vehicular structure, not certified as a manufactured home;
- b. Designed only for recreational use and not as a primary residence or for permanent occupancy;
- c. Any vehicle which is self-propelled;
- d. Built and certified in accordance with either the NFPA1192-15, standard for recreational vehicles, or ANSI A119.5-15, recreational park trailer standard.

6-14-2 OCCUPANCY.

1. No recreational vehicle or travel trailer shall be used as a permanent residence or occupied for more than ten (10) days in any twelve (12) month period within the city.
2. Occupancy of a recreational vehicle, travel trailer, or motor home is permitted for up to        days, provided the vehicle or trailer is located within an approved campground or travel park within the city.

**(ECIA Model Code Amended in 2020)**