



City of Grand Junction

Code of Ordinances

Adopted December 11, 2017



Prepared by Region XII Council of Governments
1009 East Anthony Street, Carroll, IA 51401 | Phone (712) 792-9914 | Fax (712) 792-1751

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TITLE I GENERAL PROVISIONS

CHAPTER 1 GENERAL PROVISIONS

1-1-1	Definitions	1-1-7	Catchlines, Titles, Headings and Notes
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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.
2. "City" means the City of Grand Junction, 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 Greene, 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.
(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 Grand Junction Municipal Code of 2017 constituting this

Municipal Code, and shall include proper references to chapter and section to maintain the orderly codification of the Ordinances.

(Code of Iowa, Sec. 380.2)

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.

(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 Grand Junction, 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 Grand Junction, 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.

(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
1-3-2 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).

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

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 Grand Junction, 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 Grand Junction, 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 Grand Junction.

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)
(Amended during 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.

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

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

(8) The legal description of the affected property, if applicable.

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

TITLE I GENERAL PROVISIONS

CHAPTER 4 PROCEDURE FOR HEARINGS BY THE CITY COUNCIL

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

1-4-1 PURPOSE AND INTENT.

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

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

1-4-2 GENERAL.

1. Record. 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 Grand Junction 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 Grand Junction, Iowa.

2-1-2 FORM OF GOVERNMENT. The form of government of the City of Grand Junction, 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 Grand Junction, 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 four years, staggered, beginning with the year 1994.

(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, Attorney, Superintendent of Public Works and Fire Chief (Director).

2-2-2 APPOINTMENT OF OFFICERS. The Mayor shall appoint a Mayor Pro Tempore.

The City Council shall appoint the first Fire Chief of the volunteer fire department for a term of two (2) years. Future Fire Chiefs shall be elected for terms of two (2) years by the members of the volunteer Fire Department, with the approval of the City Council.

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 in appointive office shall be filled in accordance with State law.

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. Gender Balance: Boards and commissions shall be gender balanced in accordance with Section 69.16A (Iowa Code).

TITLE II POLICY AND ADMINISTRATION

CHAPTER 3 POWERS AND DUTIES OF MUNICIPAL OFFICERS

2-3-1	General Duties	2-3-7	Powers and Duties of the City Attorney
2-3-2	Books and Records		
2-3-3	Deposits of Municipal Funds	2-3-8	Powers and Duties of the Superintendent of Public Works
2-3-4	Transfer of Records and Property To Successor	2-3-9	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		

2-3-1 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)

(Amended during 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 appoint the following officials, with City Council approval:

- a. Attorney;
- b. Parks and Recreation Commission;
- c. Utility Board;
- d. Board of Adjustment

10. 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.

11. 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.

12. 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.

13. 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 Mayor or the Mayor's designee.

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, within fifteen (15) days of the City Council meeting. The statement shall further include a list of all claims allowed, a summary of all receipts and the gross amount of the claims.

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

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 when it may be necessary to such officer in the discharge of the Clerk's duty. The Clerk shall furnish a copy 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 corporation to those public documents or instruments which by Ordinance are required to be attested by the affixing of the seal.

(Code of Iowa, Sec. 380.7(4), Sec. 22.2 and 22.7)

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

(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 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.

2-3-8 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.

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.

2-3-9 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.

TITLE II POLICY AND ADMINISTRATION

CHAPTER 4 SALARIES OF MUNICIPAL OFFICERS

2-4-1 Council Member
2-4-2 Mayor

2-4-3 Mayor Pro Tem
2-4-4 Other Officers

2-4-1 COUNCIL MEMBER. The salaries of each City Council member shall be \$20.00 for each meeting of the City Council.

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

2-4-2 MAYOR. The Mayor shall receive an annual salary of \$1,200 to be paid in equal quarterly installments.

(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))

TITLE II POLICY AND ADMINISTRATION

CHAPTER 5 CITY FINANCE

2-5-1	Budget Adoption	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 BUDGET ADOPTION. Annually, the City shall prepare and adopt a budget, and shall certify taxes as follows:

(Code of Iowa, Sec. 384.16)

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

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

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

2. Not less than twenty days before the date that the budget must be certified to the County Auditor and not less than ten days before the date set for hearing, the Clerk shall provide a sufficient number of copies of the budget to meet reasonable demands of taxpayers, and have them available for distribution at the offices of the Mayor and Clerk and at the City library, if any, or at three places designated by Ordinance for posting notices.

(Amended in 2012) [Code of Iowa, Sec. 384.16(2)]

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

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

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

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

(Code of Iowa, Sec. 384.19)

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

The City shall keep accounts which show an accurate and detailed statement of all public funds collected, received, or expended for any City purpose, by any City officer, employee, or other person, and which show the receipt, use, and disposition of all City property. Public monies may not be expended or encumbered except under an annual or continuing appropriation.

(Code of Iowa, Sec. 384.20)

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

(Code of Iowa, Sec. 384.22)

2-5-6 COUNCIL TRANSFERS. When the City Clerk 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. The City Clerk shall have power to make transfers within a single activity between objects of expenditures within activities without prior City Council approval.

The City Clerk shall have the power to make transfers between activities, or between sub-programs without prior City Council approval to meet expenditures which exceed estimates or are unforeseen but necessary to carry out City Council directives or to maintain a necessary service and provide the required appropriation balance. Such transfers shall not exceed 10% at any one time of the activity's annual appropriation which is increased or decreased. However, when a given transfer, considering all previous transfers to or from any activity to exceed by ten percent greater

or ten percent less than the original appropriation, it shall be presented to the City Council as a resolution including all such administrative transfers to date in the fiscal year for consideration and passage as presented, or as amended by the City Council.

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

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) (or an amount determined by City Council) 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. 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.

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 two of the following: City Clerk, Mayor or other authorized signatures.

(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.

TITLE II POLICY AND ADMINISTRATION

CHAPTER 6 POSTING

2-6-1 Publication

2-6-1 PUBLICATION. Public notices shall be posted in the Jefferson Herald.

TITLE II POLICY AND ADMINISTRATION

CHAPTER 7 CITY ELECTIONS

2-7-1	Purpose	2-7-6	Filing, Presumption, Withdrawals,
2-7-2	Nominating Method to be Used		Objections
2-7-3	Nominations by Petition	2-7-7	Persons Elected
2-7-4	Adding Name by Petition	2-7-8	Primary and Runoff Abolished
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 PRIMARY AND RUNOFF ABOLISHED. The Council has adopted Chapters 44 and 45 of the Code of Iowa for conducting elections and in accordance with Section 376.6(2), Code of Iowa, no primary or runoff election will be conducted for City offices.

TITLE II POLICY AND ADMINISTRATION

CHAPTER 8 CITY COUNCIL

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

2-8-3 Meeting

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

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

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

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

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

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

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

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

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

5. Contracts. The City Council shall make or authorize the making of all contracts, and no contract shall bind or be obligatory upon the City unless either made by ordinance or resolution adopted by the City Council, or reduced to writing and approved by the City Council, or expressly authorized by ordinance or resolution adopted by the City Council.

(Code of Iowa, Sec. 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.

7. Appointments. The City Council shall appoint the following officials:

- a. Library Board;
- b. City Clerk;
- c. Public Works Director;

d. Planning and Zoning Commission

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

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

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

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

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

1. Approved Action by the City Council. Passage of an ordinance, amendment, or resolution requires an affirmative vote of not less than a majority of the City Council members. A motion to spend public funds in excess of twenty five thousand dollars (\$25,000) on any one project, or a motion to accept public improvements and facilities upon their completion also requires an affirmative vote of not less than a majority of the City Council members. Each Council member's vote on an ordinance, amendment or resolution must be recorded.

(Code of Iowa, Sec. 380.4)

(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))

2-8-3 MEETINGS. Procedures for giving notice of meetings of the City Council and other provisions regarding the conduct of City Council meetings are contained in this section of this Code of Ordinances. Additional particulars relating to City Council meetings are the following:

1. Regular Meetings. The City Council shall have meetings on the second Monday of the month with the time set by resolution of the Council.

2. Special Meetings. Special meetings shall be held upon call of the Mayor or upon the written request of a majority of the members of the 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 1 OFFENSES

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

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

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

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

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

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

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

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))

8. Knowingly and publicly use the flag of the United States in such manner as to show disrespect for the flag as a symbol of the United States, with the intent or reasonable expectation that such use will provoke or encourage another to commit a public offense.

(Code of Iowa, Sec. 723.4 2(6))

3-1-3 PUBLIC MORALS. Indecent exposure. It shall be unlawful for any person to expose such person's genitals, pubes, female nipples, or buttocks to another or to urinate or defecate in public or in view of the public.

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.

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. Putting debris on streets and sidewalks. No person shall throw or deposit on any street or sidewalk any glass bottle, glass, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, or

any other debris, or any other substance, which the person knows or has reason to know may injure any person, animal or vehicle.

(Code of Iowa, Sec. 321.369)

3. Carrying a concealed weapon. It shall be unlawful for any person to carry under such person's clothes or concealed about their person or to be found in possession of any slingshot, knuckles of metal or other material, air gun or any other weapon other than a knife, 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. Fireworks.

a. Definition. For purposes of this section, definitions are enumerated in the Iowa Code section 727.2, which definitions are incorporated herein by reference.

(Code of Iowa, Sec. 727.2)

b. Sales - General Requirements.

(1) Prior to any person engaging in the sale of consumer fireworks, the following shall be provided to the fire chief:

A. License: Proof of valid license issued from the state fire marshal.

B. Liability Insurance: Proof of liability insurance separate from the building property insurance specifically showing coverage of fireworks sales for an aggregate amount of \$2,000,000.

C. Fire Inspection: Any property, building, or premise whether it be permanent or temporary, intended for the sale of consumer fireworks shall have an initial fire inspection

completed by the fire chief prior to engaging in the sale of consumer fireworks. The fire chief or their designee shall cause an annual inspection to occur meeting the requirements of the National Fire Protection Code 1124 (2006 edition). Inspection Costs shall be assessed as follows:

i. Permanent Structure where fireworks are sold - Annual inspection fee of \$100.

ii. Temporary or Non-Brick or Mortar Building where fireworks are sold - Annual inspection fee of \$200.

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

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

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

(3) Safety Requirements: The following safety requirements shall be adopted for all locations where consumer fireworks are sold:

A. All transportation, storage, and sales of consumer fireworks shall conform to the safety standards set forth by the National Fire Protection Code 1124 (2006 Edition), including but not limited to, those standards concerning separation distance requirements and aggregate weight limits.

B. There shall be no more than 1000 lbs of 1.4G consumer fireworks on site at any temporary structure sales location.

C. Any permanent structure used primarily for the purpose of consumer fireworks sales shall be located 35 feet from a property line, public roadway, alley, or highway; and 70 feet from an inhabited building.

D. Any temporary structure having between 500 and 1000 pounds of total aggregate weight of DOT 1.4 class consumer fireworks shall be located 55 feet from a property line, public roadway, alley, or highway; and 110 feet from an inhabited building.

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

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

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

F. All electrical wiring shall meet NFPA 70 National Electrical Code. Permanent structures or buildings used primarily for consumer fireworks sales shall meet wiring requirements for a hazardous location, including covered light fixtures to avoid sparks upon failure or damage to lights.

G. Locations shall maintain a 48-inch clear aisles between consumer fireworks display shelves.

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

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

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

K. All doors used as service doors outside the view of a clerk shall be locked to prevent unauthorized persons from entering the building unnoticed. If doors are approved exit doors as part of the two approved exits needed, they shall be operable without special tools, keys, or knowledge. Delayed or alarmed egress doors are permitted so long as release is activated within 8 seconds.

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

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

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

O. Consumer fireworks sales shall only be allowed in areas zoned for commercial use.

P. Any person engaged in consumer firework sales in any other zone other than commercial zoned areas shall not be approved for sales within the city limits.

Q. No person shall sell a DOT 1.4 class consumer firework to a person under the age of 18.

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

c. Fireworks - Discharging General Requirements.

(1) No person under the age of 18 shall discharge a DOT 1.4 class consumer firework without parental supervision.

(2) A person shall only discharge a consumer fireworks device on real property they own or on property where consent has been given. Novelties, including snakes, sparklers, or caps, can be discharged on a public place so long as all trash, wrappers, and wires are properly disposed of.

(3) Consumer fireworks shall not be discharged by persons showing visible signs of, or determined to be, intoxicated or under the influence of a drug or narcotic.

(4) Any person discharging a consumer fireworks device assumes all responsibility for its operation and the consequences thereof. No person shall discharge a consumer fireworks device in a reckless manner or manner likely to cause death, injury, fire, or property damage.

(5) No person shall discharge a consumer fireworks device outside the following dates and hours:

A. June 1 thru July 8 from the hours of 9am until 10pm. Exception: discharge hours are extended to 11 pm on July 4th only.

B. December 10 thru January 3 from the hours of 9am until 10pm. Exception: discharge hours are extended to 12:30am on January 1.

(6) It shall be unlawful to alter, remove, or discharge components of a consumer fireworks device from its intended method of discharging.

(7) Sky lantern open flame devices are not permitted to be released within the city limits, except if tethered by a retrievable rope so long as the person discharging has control over the sky lantern.

(8) The City may, upon application in writing, grant a permit for the display of display fireworks on public property by a City agency, fair associations, amusement parks and other organizations or groups of individuals approved by City authorities when such display fireworks display will be handled by a competent operator. No permit shall be granted hereunder unless the operator or sponsoring organization has filed with the City evidence of insurance in the following amounts:

A. Personal Injury: \$250,000 per person.

B. Property Damage: \$50,000.

C. Total Exposure: \$1,000,000.

d. Violations. All violations of any provisions of this Chapter are hereby declared simple misdemeanors and/or municipal infractions. Violations may be prosecuted as either a misdemeanor criminal offense or a municipal infraction at the sole discretion of the fire chief or peace officer. Fines shall be set by resolution of the City Council. Violations of this chapter shall be reported to the state fire marshal.

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

7. 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)

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

(Code of Iowa, Sec. 718.2)

9. 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.

10. 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))

11. 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)

12. Playing in streets. No person shall coast, sled or play games on streets or highways except in areas blocked off by the Mayor or Mayor's designee for such purposes.

(Code of Iowa, Sec. 364.12)

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.

(Code of Iowa, 364.12(2))

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

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

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

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 or recklessly destroy, mutilate, deface, injure or remove any tomb, vault, monument, gravestone or other structure placed in any public or private cemetery, or any fences, railing or other work for the protection, ornamentation of said cemetery, or of any tomb, vault, monument or gravestone, or other structure aforesaid, on any cemetery lot within such cemetery, or willfully and maliciously destroy, cut, break or injure any tree, shrub, plant or lawn within the limits of said cemetery, or drive outside of said avenues and roads, and over the grass or graves of said cemetery.

(Code of Iowa, Sec. 716.1)

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.

(Code of Iowa, Sec. 716.1)

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)

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 following are declared to be nuisances:

(Code of Iowa, Sec. 657.1)

a. The erecting, continuing, or using any building or other place for the exercise of any trade, employment, or manufacture, which by occasioning noxious 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))

(This is not an exclusive or exhaustive list of possible nuisances.)

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. Pools of stagnant water.

j. 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))

k. 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))

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

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

m. 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.

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

n. Trees infected with disease.

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

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

p. 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)

q. 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)

r. All diseased animals running at large.

s. Television or radio interference. Operation or use by any person of any electrical device that causes interference with normal radio or normal television reception.

t. All wires which are strung less than sixteen (16) feet above the surface of the ground excepting clotheslines, and excepting wires strung by enfranchised public utilities, which enfranchised public utilities shall, in all instances when stringing wires comply with the standards established by the proper federal and state regulatory agencies.

u. All explosives and inflammable liquids and other dangerous substances stored in any manner or in any amount than that provided by ordinance.

v. All unnecessary noises and annoying vibrations.

w. The operation of any sound equipment, machine, or amplifier, amplifying sounds, music, or talking of any kind within the City of Grand Junction, Iowa, whether the same be located upon mobile equipment or permanently located. The Mayor may issue a permit under such reasonable restrictions as he or she may prescribe to permit and limit the use of such equipment so as not to interfere with the comfortable enjoyment of life or property by residents of the City of Grand Junction, Iowa.

x. Gambling devices, slot machines, and punch boards.

y. Any violation of the Ordinance of the City of Grand Junction, Iowa, designated as a misdemeanor in which a continuing offense can only be cured through abatement as a nuisance.

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

(Code of Iowa, Sec. 364.1)

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

(Code of Iowa, Sec. 657.3)

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

1. The removal of diseased trees or dead wood, but not diseased trees and dead wood outside the lot and property lines and inside the curb lines upon the public street.
(Code of Iowa, Sec. 364.12(3)(b))

2. The removal, repair, or dismantling of dangerous buildings or structures.
(Code of Iowa, Sec. 364.12(3)(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 notify the property owner as shown by the records of the County Auditor to abate the nuisance within a reasonable time after notice.
(Code of Iowa, Sec. 364.12(3)(h))

3-2-5 CONTENTS OF NOTICE TO ABATE. The notice to abate shall contain:
(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 sent by regular mail or personal service to the property owner as shown by the records of the County Auditor.

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

3-2-7 REQUEST FOR HEARING 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 ordering the abatement within the time stated in the notice, or it will be conclusively presumed that a nuisance or prohibited condition exists and it must be abated as ordered.

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. An appeal from this decision may be had by immediately filing a written notice with the hearing officer. 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.

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 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)

TITLE III COMMUNITY PROTECTION

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- 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 Mayor or Mayor's designee. 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 SHERIFF'S DEPARTMENT TO SUBMIT ANNUAL REPORTS. The Sheriff 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 threat 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:

321.98	Operation without registration.
321.180	Violations of instruction permit limitations.
321.193	Violation of conditions of restricted license.
321.194	Violation of conditions of minor's school license.
321.216	Unlawful use of license.
321.218	Driving without a valid license (as to simple misdemeanor offenses only).
321.219	Permitting unauthorized minor to drive.
321.220	Permitting unauthorized person to drive.
321.229	Failure to comply with lawful order of peace officer.
321.231	Failure of driver of emergency vehicle to exercise caution while on emergency run (stop signs and signals).
321.232	Radar jamming devices.
321.234	Failure to observe seating requirements.
321.236	(Parking) Violation of local ordinance (not a state offense).
321.256	Failure to obey traffic control device.
321.257	Failure to obey or yield to pedestrian or to official traffic control signal.
321.260	Unlawful possession of, or interference with traffic control device.
321.264	Striking unattended vehicle.
321.265	Striking fixtures upon a highway.
321.275	Motorcycle and motorized bicycles violations.
321.277	Reckless driving.
321.278	Drag racing prohibited.
321.285	Speed restrictions.
321.286	Truck speed limits (highway).
321.287	Bus speed limits (highway).
321.288	Failure to maintain control.
321.294	Failure to maintain minimum speed when directed by officer.
321.295	Excessive speed on bridge.
321.297	Driving on wrong side of two-way highway.
321.298	Failure to yield half of roadway upon meeting vehicle.
321.299	Passing on wrong side.
321.303	Unsafe passing.

321.304	Unlawful passing.
321.305	Violating one-way traffic designation.
321.306	Improper use of lanes.
321.307	Following too closely.
321.308	Following too closely (trucks and towing vehicles).
321.309	Failure to use approved drawbar.
321.310	Unlawful towing of four-wheeled trailer.
321.311	Turning from improper lane.
321.312	Making U-turn on curve or hill.
321.313	Unsafe starting of a stopped vehicle.
321.314	Unsafe turn or failure to give signal.
321.315	Failure to give continuous turn signal.
321.316	Failure to signal stop or rapid deceleration.
321.317	Signal light requirements; see equipment violation.
321.318	Incorrect hand signal.
321.319	Failure to yield to vehicle on right.
321.320	Failure to yield upon left turn.
321.321	Failure to yield upon entering through highway.
321.322	Failure to obey stop or yield sign.
321.323	Unsafe backing on highway.
321.324	Failure to yield to emergency vehicle.
321.325	Pedestrian disobeying traffic control signal.
321.326	Pedestrian walking on wrong side of highway.
321.327	Pedestrian right-of-way.
321.328	Pedestrian failing to use crosswalk.
321.329	Vehicle failing to yield to pedestrian.
321.331	Soliciting ride from within roadway.
321.332	Unlawful use of white cane.
321.333	Failure to yield to blind person.
321.340	Driving in or through safety zone.
321.341	Failure to properly stop at railroad crossing.
321.342	Failure to obey stop sign at railroad crossing.
321.343	Failure to stop certain cargo or passenger vehicle at railroad crossing.
321.344	Unlawful movement of construction equipment across railroad track.
321.353	Unsafe entry into sidewalk or roadway.
321.354	Stopping on traveled part of highway.
321.358	Stopping, standing, or parking where prohibited.
321.360	Prohibited parking in front of certain buildings.
321.361	Parking too far from curb/angular parking.
321.362	Parking without stopping engine and setting brake.
321.363	Driving with obstructed view or control.
321.365	Coasting upon downgrade.
321.366	Improper use of median, curb, or controlled access facility.
321.367	Failure to maintain distance fire-fighting vehicle.

321.368	Crossing unprotected fire hose.
321.369	Putting debris on highway/roadway.
321.370	Removing injurious material.
321.371	Clearing up wrecks.
321.372	School bus provisions.
321.377	Excessive speed of school bus.
321.381	Driving or towing unsafe vehicle.
321.382	Operating underpowered vehicle.
321.383	Failure to display reflective device on slow-moving vehicles.
321.384	Failure to use headlamps when required.
321.385	Insufficient number of headlamps.
321.386	Insufficient number of headlamps-motorcycles and motorized bicycles.
321.387	Improper rear lamp.
321.388	Improper registration plate lamp.
321.389	Improper rear reflector.
321.390	Reflector requirements.
321.391	Improper type of reflector.
321.392	Improper clearance lighting on truck or trailer.
321.393	Lighting device color and mounting.
321.394	No lamp or flag on rear-projecting load.
321.395	Parking on certain roadways without parking lights.
321.397	Improper light on bicycle.
321.398	Improper light on other vehicle.
321.402	Improper use of spotlight.
321.403	Improper use of auxiliary driving lights.
321.404	Improper brake light.
321.408	Back-up lamps.
321.409	Improperly adjusted headlamps.
321.415	Failure to dim.
321.419	Improper headlighting when night driving.
321.420	Excessive number of driving lights.
321.422	Lights of improper color-front or rear.
321.423	Special light/signal provision.
321.430	Defective braking equipment.
321.431	Brake performance ability.
321.432	Defective audible warning device.
321.433	Unauthorized use of emergency audible warning devices on motor vehicle.
321.434	Use of siren or whistle on bicycle.
321.436	Defective or unauthorized muffler system.
321.437	Mirrors.
321.438	Windshields.
321.439	Defective windshield wiper.
321.440	Defective tires.
321.441	Unauthorized use of metal tire or track.

321.442	Unauthorized use of metal projection on wheels.
321.444	Failure to use safety glass.
321.445	Failure to maintain or use safety belts.
321.446	Failure to secure child.
321.449	Special regulations.
321.450	Hazardous materials.
321.454	Width and length violations.
321.455	Excessive side projection of load – passenger vehicle.
321.456	Excessive height.
321.457	Excessive length.
321.458	Excessive projection from front of vehicle.
321.459	Excessive weight – dual axels (each over 2000 lb. over).
321.460	Spilling loads on highways.
321.461	Excessive tow-bar length.
321.462	Failure to use required towing equipment.
321.463	Maximum gross weight.
321.466	Gross weight in excess of registered gross weight (for each 2000 lb. over).

TRAFFIC CONTROL DEVICES

3-3-7 **AUTHORITY TO INSTALL TRAFFIC-CONTROL DEVICES.** The Mayor or Mayor's designee 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 Public Works Department 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 control device is placed or erected.

(Code of Iowa, Sec. 321.255 and 321.256)

3-3-8 **MAYOR TO DESIGNATE CROSSWALKS, ESTABLISH, AND MARK TRAFFIC LANES.** The Mayor or Mayor's designee 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 Mayor or Mayor's designee 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:

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 Mayor or Mayor's designee 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 Mayor or Mayor's designee 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 Mayor or Mayor's designee 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:

3-3-17 AUTHORITY TO RESTRICT DIRECTION OF MOVEMENT ON STREETS DURING CERTAIN PERIODS. The Mayor or Mayor's designee 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 Mayor or Mayor's designee may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the center line of the roadway.

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

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

SPECIAL STOPS REQUIRED

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

(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 Mayor or Mayor's designee

to cause to be placed and maintained a stop sign on each and every street intersecting through highway except as modified in the case of intersecting through highways.

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

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

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

PEDESTRIANS' RIGHTS AND DUTIES

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

(Code of Iowa, Sec. 321.327)

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

(Code of Iowa, Sec. 321.326)

METHOD OF PARKING

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

(Code of Iowa, Sec. 321.361)

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

left-hand wheels of the vehicle within eighteen inches of the curb or edge of the roadway except as provided in the case of angle parking.

(Code of Iowa, Sec. 321.361)

3-3-27 SIGNS OR MARKINGS INDICATING ANGLE PARKING. The Mayor or Mayor's designee, 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)

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

STOPPING, STANDING, OR PARKING PROHIBITED IN SPECIFIED PLACES

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

(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.

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

3-3-31 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

3-3-32 **PARKING SIGNS REQUIRED.** Whenever by this or any other chapter of this City Code any parking time limit is imposed or parking is prohibited on designated streets or portions of streets it shall be the duty of the Mayor or Mayor's designee 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)

3-3-33 **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.

Annual publication/posting of this ordinance in the local newspaper in early November every winter will serve as notice to property owners.

(Code of Iowa, Sec. 321.236)

3-3-34 **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.

3-3-35 **TRUCK PARKING LIMITED.** Truck parking is limited as follows:

1. Business District: Excepting only when such vehicles are actually engaged in the delivery or receiving of merchandise or cargo, no person shall park or leave unattended such vehicle on any street within the business district. When actually receiving or delivering

merchandise or cargo such vehicle shall be stopped or parked in a manner which will not interfere with other traffic.

2. Livestock. No livestock vehicle shall be parked on any street, alley or highway for a period of time of more than thirty minutes.

MISCELLANEOUS DRIVING RULES

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

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

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

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

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

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

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

3-3-42 LOAD RESTRICTIONS UPON VEHICLES USING CERTAIN STREETS. When signs are erected giving notice thereof, no person shall operate any vehicle licensed in excess of the amounts specified on the signs at any time upon any of the following streets within the City and none other:

3-3-43 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, shall travel over or upon the following streets within the City and none other:

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.

3-3-44 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.

3-3-45 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

3-3-46 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)

(Amended in 2008)

3-3-47 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.

3-3-48 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.

3-3-49 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.

3-3-50 SPEED. No person shall operate a bicycle at a speed greater than is reasonable and prudent under existing conditions.

3-3-51 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.

3-3-52 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.

3-3-53 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.

3-3-54 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.

3-3-55 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

3-3-56 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.

3-3-57 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.

3-3-58 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.

3-3-59 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.

3-3-60 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.

3-3-61 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.

3-3-62 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

3-13-63 PURPOSE. The purpose of this Chapter is to regulate the operation of all-terrain vehicles, and golf carts within the City.

3-13-64 DEFINITIONS. For use in this Chapter the following terms are defined:

1. "All-terrain vehicle" or "ATV" shall mean a motorized flotation-tire vehicle with not less than three (3) low pressure tires, but not more than six (6) low pressure tires, or a two wheeled, off-road motorcycle, that is limited in engine displacement to less than eight hundred (800) cubic centimeters and in total dry weight to less than eight hundred fifty (850) pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control. Two-wheeled, off-road motorcycles shall be considered all-terrain vehicles only for the purpose of titling and registration. An operator of a two-wheeled, off-road motorcycle is exempt from the safety instruction and certification program requirements of Section 321I.24 and 21I.25 of the Code of Iowa.

(Code of Iowa, Sec. 321I.1(1))

2. "Operate" shall be defined as the exercise of physical control over the speed or direction of or to physically manipulate or activate any of the controls of a golf cart or ATV necessary to put it in motion.

3. "Operation" shall be defined as the exercise of physical control over or physical manipulation or activation of any of the controls of a golf cart or ATV necessary to put it in motion.

3-13-65 GENERAL REGULATIONS. Within the City of Grand Junction, no person shall operate a, golf cart or ATV:

1. In a manner that violates the laws of the Code of Iowa, Chapter 321I or the ordinances of the City of Grand Junction.

2. On any private property without obtaining written permission of the property owner. Immediate members of the owner's family are exempt from this requirement.

3. On any public place except as otherwise permitted under this ordinance.

4. In any manner so as to create loud, unnecessary or unusual noise so as to disturb or otherwise interfere with the peace and quiet of any other person.

5. On the shoulders or in the drainage ditches of public streets and highways.

6. At a rate of speed greater than reasonable or proper under all surrounding circumstances.

7. In any careless way so as to endanger the operator, any other person, or any property of another.

8. Without a functioning or sufficient muffler.

9. On a public street or highway unless the operator has a valid operator's license and the vehicle is licensed by and meets the equipment requirements of the State of Iowa. ATVs may be operated on streets only in accordance with Section 321.234A of the Code of Iowa or on such streets as may be designated by resolution of the City Council for the sport of driving ATVs.

(Code of Iowa, Sec. 321I.10[1& 2A])

10. So as to cause the unnecessary or unusual circulation of dust or dirt particles which annoys, disturbs, injures, or endangers the comfort, health, peace, or safety of others, or which results in a loss of the privacy, quietude, and serenity to which the owners and users of land are rightfully entitled.

11. On a lot or parcel of land less than one (1) acre in size.

12. So as to tow any person or property behind it.

13. On Snowmobile Trails. ATVs shall not be operated on snowmobile trails except where designated.

(Code of Iowa, Sec. 321I.10[3])

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

(Code of Iowa, Sec. 321I.14[h])

15. On Parks and Other City Land. ATVs shall not be operated in any park, playground or upon any other property owned by the City without the express permission of the City.

16. On Sidewalk or Parking. ATVs shall not be operated upon the public sidewalk or that portion of the street located between the curb line and the sidewalk or property line commonly referred to as the "parking."

(Code of Iowa 321I.13)

17. Without Lighting after Darkness. Every all-terrain vehicle operated during the hours of darkness shall display a lighted headlamp and tail lamp.

(Code of Iowa 321I.13)

3-3-66 EXCEPTIONS.

1. Public Events. The provisions herein may be specifically suspended for the limited purpose of special events, attractions, festivals and exhibits (collectively referred to as a "Public Event"), upon written permission from the Mayor. Any person or organization desiring to obtain such permission shall provide a written request to the Mayor detailing information related to the Public Event, including the date, time, duration, description of the use of the golf cart or ATV in the Public Event, the number of such vehicles to be used, and the name, address and telephone number for the primary contact of the individual or organization. Upon demand by the Mayor, the person or organization requesting permission from the Mayor shall provide proof of insurance in a sufficient amount, as determined solely by the Mayor, based upon the proposed Public Event.

2. ATVs - Commercial Purpose. The operation of an ATV exclusively for commercial purposes shall be allowed. The plowing or clearing of snow shall be deemed to be a commercial purpose.

3-3-67 RESERVED

3-3-68 RESERVED

3-3-69 RESERVED

GOLF CARTS

3-3-70 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.

3-3-71 OPERATION OF GOLF CARTS. Operating golf carts on City streets is allowed in accordance with the following rules for operation and restrictions set forth in this Chapter.

3-3-72 RULES OF OPERATION. The following rules shall apply to the operation of golf carts within the City limits:

1. Golf carts may only be operated on City streets by persons possessing a valid motor vehicle license;

2. Any golf cart operated on the City's streets shall be equipped with a slow moving vehicle sign, a bicycle safety flag and be equipped with adequate brakes;

3. Golf carts shall only be operated on City streets from sunrise to sunset; and

4. Golf carts shall not be subject to the registration provisions of Chapter 321 of the Code of Iowa.

5. Golf carts shall not be operated upon the public sidewalk, nor shall they be operated upon that portion of the street located between the curb line and the sidewalk or property line, referred to as the "parking" except for purposes of crossing a public street upon which operation is authorized by this Chapter.

6. Golf carts shall not be operated within the grounds of any City park unless written permission has been granted by the Mayor.

7. All golf cart riders shall remain seated at all times and be in a designated seat.

8. In order to be operated on City streets, all golf carts shall be registered with the city and must bear a current sticker evidencing such registration.

9. Golf cart registrations must be made on forms specified by the city and submitted to the City Clerk. The annual registration fee shall be in the amount of \$15.00. Registration stickers are not transferable from one cart to another.

10. Golf cart registration shall be effective from the date of registration through the following December 31st; all registrations shall be renewed by January 1st of each year.

11. The operation of an unregistered golf cart upon a city street, or other violations of this ordinance, shall be a simple misdemeanor. The owner of a golf cart shall be liable and may be charged with any offense committed by a minor operator of the owner's cart.

PENALTIES AND PROCEDURE

3-3-73 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.

3-3-74 PRESUMPTION IN REFERENCE TO ILLEGAL PARKING. In any prosecution charging a violation of any parking Ordinance or State law governing the standing, stopping, or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such Ordinance or law, together with proof that the defendant named in the complaint was at the time of such parking violation the registered owner of such vehicle, shall constitute prima facie evidence that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which such violation occurred.

3-3-75 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	\$25.00	\$32.50
2. Prohibited parking	\$25.00	\$32.50
3. No parking zone	\$25.00	\$32.50
4. Blocking alley	\$25.00	\$32.50
5. Illegal parking	\$25.00	\$32.50
6. Street cleaning	\$25.00	\$32.50
7. Snow removal ban	\$25.00	\$32.50
8. Persons with disabilities parking	\$ 200.00	\$200.00
(Code of Iowa, Sec. 321L.4(2))		

3-3-76 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 JUNK AND ABANDONED VEHICLES

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

3-4-1 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. 3641.1)

3-4-2 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 Mayor or Mayor's designee and has not been reclaimed for a period of ten days; or

e. Any vehicle parked on the street determined by the Mayor or Mayor's designee 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 which has a missing or broken component or structural part, including but not limited to: windshield or window glass, fender, door, door handle, bumper, hood, steering wheel, driver's seat, trunk, trunk handle, fuel tank, tail pipe, two or more wheels, engine, drive shaft, differential, battery, generator or alternator or other component part of an electrical stem, or any component or structural part;

b. Any vehicle used for general storage purposes, or for the harboring, keeping, caging or otherwise as a dwelling for animals of any kind;

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

d. Any vehicle which contains gasoline or any other flammable fuel not contained in the vehicle's fuel cell as installed by the manufacturer of the vehicle; or

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.

3-4-3 REMOVAL OF ABANDONED VEHICLES.

1. The Mayor or Mayor's designee may, without prior notice or hearing, remove and impound any abandoned vehicle as defined in section 3-4-2 (1). The Mayor or Mayor's designee 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 Mayor or Mayor's designee 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.

3-4-4 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 Mayor or Mayor's designee 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 Mayor or Mayor's designee for 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 3-4-6.

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 3-4-5.

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

2. The owner, lienholders or any person receiving notice may, by written request received by the Mayor or Mayor's designee 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))

3-4-5 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 Mayor or Mayor's designee 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 3-4-4 (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 3-4-5(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.

3-4-6 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))

3-4-7 AUCTION OR DISPOSAL OF ABANDONED VEHICLES. The Mayor or Mayor's designee shall follow the procedures in State law for the auction or disposal of abandoned vehicles.

(Code of Iowa, Sec. 321.89(4))

3-4-8 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 Grand Junction, 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.

3-4-9 NOTICE TO ABATE.

1. Whenever the Mayor or Mayor's designee shall find a junk vehicle placed or stored on private property within the City in violation of Section 3-4-8, the Mayor or Mayor's designee 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.

3-4-10 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))

3-4-11 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))

3-4-12 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.

3-4-13 INTERFERENCE WITH ENFORCEMENT. No person shall interfere in any way with the enforcement provision of this chapter.

3-4-14 STORAGE OF VEHICLES. In as much as it is found that the storage of vehicles, which are not deemed to be junk vehicles, out of doors can detract from the beneficial use and enjoyment of neighboring properties, certain special regulations are established as follows:

1. No person shall keep, store or display one or more vehicles out of doors on property zoned for residential use, or permit the parking out of doors of a vehicle on residentially zoned property under their ownership, possession or control for more than fifteen (15) days without movement and use of said vehicle as an operating vehicle.

2. No person shall store or display one or more vehicles out of doors on property zoned for commercial use, or permit the parking out of doors of a vehicle on commercially zoned property under their ownership, possession or control for more than one year without movement and use of said vehicle as an operating vehicle.

3. The provisions of subsection (2) notwithstanding the keeping, parking or storage, out of doors, of any wrecked or demolished vehicle, or vehicle stripped for parts, at the same commercially zoned site for more than one hundred eighty days is prohibited.

4. The following shall be exempt from the regulations of this section:

a. Vehicles kept in a garage or other enclosed structure.

b. Vehicles kept in commercial automobile salvage yards lawfully established and existing prior to January 1, 2013.

c. A “motor home”, pickup truck with camper top, converted bus or van, or similar recreational vehicle, which is operable and currently licensed for operation on the public highways.

d. A vehicle currently licensed for operation on the public highways and lawfully parked off the streets while the owner or other person in lawful possession and control thereof, if a resident of this city, is out of the city for more than fifteen (15) days but not more than ninety days.

TITLE III COMMUNITY PROTECTION

CHAPTER 5 RENTAL CODE

3-5-1	Purpose	3-5-10	Minimum Standards for Rental Units
3-5-2	Scope	3-5-11	Minimum Standards for Rental Units Fire Safety
3-5-3	Definitions	3-5-12	Notice of Violation
3-5-4	Conflicts	3-5-13	Re-inspection Authority
3-5-5	Rental Property Restricted	3-5-14	Emergency Order
3-5-6	Rental Property Inspections	3-5-15	Violation
3-5-7	Fees	3-5-16	Reconsideration
3-5-8	Court Order Available	3-5-17	Appeal to Appeals Board
3-5-9	Rental Procedures		

3-5-1 PURPOSE. The purpose of this chapter is to protect and promote the health, safety and welfare of those persons renting residential property as well as the general public. This will be accomplished by establishing reasonable minimum requirements for residential rental property within the City limits. The Crime Free Multi-Housing Program is intended to help prevent crime and protect the value of property and the safety of our community.

3-5-2 SCOPE. The provisions of this chapter apply to all residential rental property within the City limits, used or intended to be used for human occupancy. The following residential structures are exempt from these rules:

1. owner-occupied single family dwellings; as long as said unit is occupied by individuals that fit the definition of “family” set forth below;
2. hotels, motels;
3. state-licensed health and custodial facilities;
4. other residential occupancies specifically regulated by state or federal authority;
5. fraternity and sorority houses

3-5-3 DEFINITIONS. The following definitions apply to the interpretation and enforcement of this chapter:

1. “Acceptable” or “approved” means substantial compliance with the provisions of this chapter

2. “Accessory structure” means a detached structure which is not used or intended to be used for living or sleeping by human occupants.
3. “Appeal Board”- Is the Zoning Board of Adjustment for the City of Grand Junction.
4. “Basement” means a story having more than one-half (1/2) of its height below grade, which may, or may not be considered habitable space.
5. “Cellar” means a story having more than one-half (1/2) of its height below grade. Cellar means a space below the first or main floor used or intended to be used for storage or a location for heating equipment and is not considered habitable space.
6. “Complaint Inspection”- as stated in Sections 3-5-10 and 3-5-11.
7. “Compliance Officer” means the Building Official/ Fire Chief or designee.
8. “Dwelling” means a structure that contains one or more dwelling units used, intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes.
9. “Dwelling unit” means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.
10. “Egress” means an arrangement of exit routes to provide a means of exit from buildings and/or premises.
11. “Extermination” means the control and elimination of insects, rodents or other pests by eliminating their harboring places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping or by any other recognized and legal pest elimination method approved by the Compliance Officer.
12. “Family” means a person living alone, or any of the following groups living together in a dwelling or dwelling unit and sharing common living, sleeping, cooking, and eating facilities:
 - a. Any number of people related by blood, marriage, adoption, guardianship or other duly-authorized custodial relationship;
 - b. Three unrelated people;
 - c. Two unrelated people and any children related to either of them;
 - d. Not more than eight people who are:
 - i. Residents of a “Family Home” as defined in Section 414.22 of the Iowa code and this ordinance; or

(ii) “Handicapped” as defined in the Fair Housing Act, 42 U.S.C. Section 3602 (h) and this ordinance. This definition does not include those persons currently illegally using or addicted to a “controlled substance” as defined in the Controlled Substances Act, 21 U.S.C. Section 802 (6). (i)

e. Exceptions - The definition of a “Family” does not include:

(1). Any society, club, fraternity, sorority, association, lodge, combine, federation, or like organization;

(2). Any group of individuals whose association is temporary or seasonal in nature; and

(3). Any group of individuals who are in a group living arrangement as a result of criminal offenses.

13. “Garbage” means the animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food and also means combustible waste material. Garbage also includes paper, rags, cartons, boxes, wood, rubber, and other combustible materials.

14. “Habitable room” means a room or enclosed floor space within a dwelling unit used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, toilet rooms, pantries, laundries, foyers, communicating corridors, closets, storage spaces, stairways and cellars.

15. “Infestation” means the presence within or around a dwelling of any insects, rodents or other pests in such quantities as would be considered unsanitary.

16. “Kitchen” means a habitable room used or intended to be used for cooking or the preparation of meals.

17. “Kitchen sink” means a basin for washing utensils used for cooking, eating and drinking, located in a kitchen and connected to both hot and cold waterlines and properly connected to a sanitary sewer system.

18. “Lavatory” means a hand washing basin which is connected to both hot and cold water lines and properly connected to a sanitary sewer system which is separate and distinct from a kitchen sink.

19. “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 street 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.

20. “Occupant” means any person, including owner or operator, living in, sleeping in and/or cooking in or having actual possession of a dwelling unit.

21. “Owner” means any person who has custody and/or control of any dwelling or dwelling unit by virtue of a contractual interest in or legal or equitable title to the dwelling or dwelling unit. Owner also means any person who has custody and/or control of any dwelling or dwelling unit as a guardian.

22. “Placard” means a display document showing that the unit for which it is issued has been determined to be unfit for human habitation.

23. “Plumbing” means and includes any and all of the following supplied facilities and equipment: water pipes; garbage disposal units; waste pipes; toilets; sinks; lavatories; bathtubs; shower baths; water heating devices; catch basins; drains; vents and any other similar supplied fixtures, together with all connections to water and sewer lines.

24. “Privacy” means the existence of conditions which will permit a person or persons to carry out an activity commenced without interruption or interference by unwanted persons.

25. “Registration” means notification provided to the Compliance Officer through paper forms or online website submittal that provides owner information of a rental unit and payment of the associated registration fee (see schedule of fees).

26. “Rental Permit” A rental permit shall be a document indicating compliance with the Rental Code at the time of issuance and shall be valid for a specified period of time. The document shall be transferable from one owner or operator to another at any time prior to its expiration, termination or revocation upon formal notification provided by the new owner to the Compliance Officer.

27. “Substandard” means that it does not comply with any building, electrical, plumbing or mechanical code as adopted by the City of Grand Junction.

28. “Self-Inspection Form” Shall be that form approved by the Compliance Officer and may be modified or changed as said official designates.

29. “Temporary housing” means any tent, trailer, motor home or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to other structures or to any utility system on the same premises for more than thirty (30) days.

30. “Toilets” means a water closet with a bowl and trap made in one piece, which is of such shape and form, and which holds a sufficient quantity of water so that no fecal matter will collect on the surface of the bowl and which is equipped with a flushing rim or flushing rims.

3-5-4 CONFLICTS. In case where the provisions of this chapter are found to be in conflict with provisions of any zoning, building, fire, safety or health ordinance or code of the City, the provision which establishes the higher standards for the promotion and protection of the health and safety of the people shall prevail. In cases where the provisions of this chapter are found to be in conflict with the provisions of any ordinance or code of the City which establish lower standards

for the promotion and protection of health and safety, the provision of this chapter shall be deemed to prevail, and such ordinances or codes are hereby declared to be repealed to the extent that they may be found in conflict with this chapter.

3-5-5 RENTAL PROPERTY RESTRICTED. No owner or any other person shall rent or allow another person to occupy any dwelling or dwelling unit unless the following are met:

1. The premises must be clean, sanitary, and fit for human occupancy as required by this chapter and applicable State statutes.
2. The owner shall have completed the Annual Self Inspection Report on the form approved by the Compliance Officer. That Annual Report shall be accompanied with any owner information changes and associated fees paid annually.
3. The premises must be registered and a current Rental Permit has been issued for the dwelling.
4. Landlord Education Assistance Program. All property owners, or designated property managers, who have rental property are encouraged to attend the Landlord Education Assistance Program (Crime Free Multi-Housing Program) and pay associated fees (see Schedule of Fees).
5. Lead-based Paint. The state of Iowa requires that all rental property owners inform their tenants of lead based paint that exists in the unit being rented. For more information on this requirement please contact the Greene County Health Department.
6. Said occupancy complies with the definition of “family” set forth above. If the occupancy is contrary to the definition of “family” then the Rental Permit shall not be valid for that dwelling or dwelling unit.

3-5-6 RENTAL PROPERTY INSPECTIONS. Rental properties are required to meet minimum standards established by the Rental Code. To ensure compliance with minimum standards, all rental property in the City will be inspected on a regular basis by the Compliance Officer or their designee. An inspection fee will be charged based upon the number of dwelling units and the frequency of the inspection. The frequency and schedule of inspections shall be:

1. Property owners will be notified of the scheduled inspection date at least 30 days in advance. Property owners may re-schedule inspections when a scheduling conflict exists. Cancellations and reschedules must be requested five (5) working days prior to the scheduled inspection and cancellations made less than five (5) working days prior to the scheduled inspection may be assessed a fee per the schedule of fees.
 - a. The appropriate authority is hereby authorized and directed to request entrance to inspect all dwellings, dwelling units and surrounding premises thereof, subject to the provisions of this chapter, between the hours of eight o’clock (8:00) a.m. and five o’clock (5:00) p.m. for the purposes of determining whether there is compliance with its provisions.

b. The appropriate authority and the owner or occupant of a dwelling or, dwelling unit subject to the provision of this chapter, may agree to an inspection by appointment any time.

2. The frequency of inspection is dependent upon the history of compliance with the Rental Code and is as follows:

a. Inspection Cycle Criteria. The period of time between regularly scheduled inspections for this Chapter are to be set with consideration of the following factors.

(1) The condition of the property at the time of the most recent inspection(s).

(2) Indications of the likelihood that the property will remain in compliance through the designated period length.

b. Regular Inspection Cycles. All properties shall be on a two (2) year inspection cycle and may be eligible for a four (4) year inspection cycle based upon the above criteria. All properties may be placed on a one (1) year inspection cycle based on inability to meet compliance standards. Newly constructed buildings will automatically be assigned to either a two or four year cycle.

c. Extended Inspection Cycles. A four year inspection cycle may be granted if:

(1) Attendance at the Landlord Education Assistance Program (Crime Free Housing).

(2) The maximum number of violations in any one (1) unit is less than six (6)

(3) The maximum average of violations per unit is less than six (6) per unit

(4). All violations (including tenant violations) are remedied by the first re-inspection

(5) All mandated certified inspection documentation as required by the International Fire Code (IFC) as adopted by the City of Grand Junction and the minimum fire standards set forth in this Chapter are presented for the property

(6) The likelihood conditions are expected to remain in compliance for the duration of a four (4) year cycle.

d. Basis for Revocation of Extended Cycle. Properties with any of the following characteristics shall lose eligibility to remain on the extended cycle. Properties having been sold, or where the management has changed, may also be assigned to a shorter cycle.

(1) Property was not in compliance at the time of re-inspection or required an extension to come into compliance.

(2) Property has had founded complaint violations which were not corrected at the time of re-inspection.

(3) The number of violations exceeded the maximum allowed during the inspection cycle.

(4) Failure to provide access to required inspection areas

(5) Failure to provide required information or the provision of false information.

(6) Failure to timely complete and file the Annual Self Inspection Report on the form adopted by the Compliance Officer.

(7) Failure to pay any fee as required by the Rental Code.

(8) Failure to register the property on an annual basis.

e. Criteria for Assignment to a One (1) Year Inspection Cycle. Properties with any of the following characteristics may be placed on the one-year cycle.

(1) Property has nine (9) or more violations in any one unit; exceeds the permissible ratio of nine (9) violations per unit; or exceeds a total of seventy-five (75) violations regardless of number of units.

(2) Property was not in compliance at the time of second reinspection, or required an extension to correct violations. (In addition, if violations are not corrected at the time of the second re-inspection, the rental license may be suspended for up to six (6) months.)

(3) Property has been tagged as substandard. (Exceptions: if the property has been damaged by fire or an act of nature it may be tagged if unfit for occupancy, but will not become subject to a shortened cycle).

(4) Property has been designated a nuisance, as defined in the City of Grand Junction Municipal Code. Or has not had a prior nuisance designation removed.

(5) Landlord failed to provide required information or provided false documentation.

(6) Founded complaint violations during the one-year cycle which are not corrected at the time of re-inspection shall remain on the one-year cycle.

f. Criteria for Graduation from a One (1) Year Inspection Cycle. All criteria must be met:

(1) Property has met requirements for two consecutive cycles of regular inspections and

(2) No founded complaints for two consecutive cycles were identified and

(3) Property has remained free of nuisance designation for a period of two consecutive cycles and

(4) At the time of inspection a statement, as required under the current International Fire Code as adopted by the City for any fossil fuel-burning heating devices was provided and conditions of the property are such that the unit, as determined by the Compliance Officer or their designee, will remain in compliance for the span of an extended cycle.

g. Complaint Inspections. Complaint inspections shall be made upon request and coordinated with the tenant making the complaint. Only after a tenant has exhausted efforts with the landlord will a complaint inspection occur. A letter will be sent to the property owner notifying them a complaint has been filed against the property.

h. Requests for Inspection.

(1) When an inspection is made at the request of the owner, an inspection fee shall be charged. (See schedule of fees)

(2) If an inspection is made at the written request of a tenant and the dwelling is found to be in noncompliance, due to an omission of the owner, such owner shall be responsible for the re-inspection.

(3) No inspection shall be conducted at the request of a tenant unless the tenant has first submitted his complaint, in writing, to the landlord, no less than four days before making such complaint to the City.

(4) If, after a written complaint by the tenant, the dwelling is found to comply, or if such noncompliance is due to conduct on the part of the tenant, the tenant shall be liable for making the dwelling compliant. The tenant will be responsible for any reinspection fees.

(5) If such costs are not paid by the tenant within thirty days from the date of billing, the City may initiate an action in law or in equity to recover the same, in which event the tenant shall be liable for reasonable attorney fees. No fee shall be charged to the owner for such inspection.

(6) In the event an inspection is initiated by the City or at the request of a person other than the owner or tenant, and if the building is found to be in noncompliance, the owner shall be liable for such re-inspection fees following work done to make the dwelling compliant.

(7) In the event that on the date of the initial inspection the building complies with the provisions of this Chapter, no fee shall be charged.

(8) In the event that on the date of inspection a dwelling fails to comply with the provisions of this Chapter, which necessitates additional inspections, the owner shall be liable for the cost of such re-inspections.

(9) All fees required under this chapter shall be paid prior to the issuance or renewal of the Rental Permit.

3-5-7 FEES. Fees for inspections of rental properties will be set forth by a Resolution of the City Council. The fee schedule will be available upon request.

3-5-8 COURT ORDER AVAILABLE. If the owner, occupant or other person in charge of a dwelling or dwelling unit fails or refuses to permit free access and entry to the structure or premises under said person's control, or any part thereof, with respect to which an inspection authorized by this chapter is sought to be made, the appropriate authority, upon a showing that probable cause exists for the inspection and for the issuance of any order directing compliance with the inspection requirements of this chapter with respect to such dwelling, dwelling unit, rooming unit, multiple dwelling or rooming house, may petition and obtain such order from a court of competent jurisdiction.

3-5-9 RENTAL PERMIT PROCEDURES

1. Application for Rental Permit. The owner or operator shall file, in duplicate, an application for rental permit with the City of Grand Junction Building Department on application forms provided by the Compliance Officer.

2. Issuance of a Rental Permit. When all provisions of the Rental Code have been complied with by the owner or operator, the City of Grand Junction Compliance Officer or designee shall issue a rental permit upon payment of permit and reinspection fees, the amount of which shall be established by resolution of the Council.

3. Extension of Rental Permit. Rental permits shall be valid through the expiration date contained thereon. However, extensions shall be granted to cover any time period between the stated expiration date and the period of time permitted by the Compliance Officer to remedy any violations cited subsequent to a maintenance inspection, provided a rental application is on file with fees paid.

4. Extension of Rental Permit. Rental permits shall be valid through the expiration date contained thereon. However, extensions shall be granted to cover any time period between the stated expiration date and the period of time permitted by the Compliance Officer to remedy any violations cited subsequent to a maintenance inspection provided a rental application is on file with fees paid.

5. Revocation of a Rental Permit. The Compliance Officer shall consider the revocation of a Rental Permit upon a finding of a violation of any provision of the Rental Code.

6. Hearing When a Rental Permit is Denied. Any person whose application for a Rental Permit has been denied may request, and shall be granted, a hearing on the matter before the Appeal Board.

7. Non-transferrable. Rental Permits are non-transferrable. If a rental property sells the new owners must register and obtain a new Rental Permit.

3-5-10 MINIMUM STANDARD FOR RENTAL UNITS.

1. Every dwelling unit shall have a kitchen room or kitchenette equipped with a working and functioning kitchen sink, containing space capable of properly accommodating a refrigerator and a stove or range with proper access terminals to utilities necessary to operate a refrigerator and a stove or range, and shall include adequate space for the storage and preparation of food.

2. Every dwelling unit shall contain the following working and functioning facilities:

a. Toilet

b. Bathtub or shower

c. Lavatory basin within or adjacent to the room containing the toilet.

3. Every dwelling unit shall be served by a properly working and functioning water heater. Said water heater shall be designed primarily to supply hot water and is equipped with automatic controls limiting water temperature to a maximum of two hundred ten degrees (210°) Fahrenheit as determined by an infrared thermometer so as to permit an adequate amount of water to be drawn at every kitchen sink, lavatory basin and bathtub or shower in the, dwelling unit.

4. Every kitchen sink, toilet, lavatory basin and bathtub or shower shall be properly connected to the City water and sanitary sewer systems.

5. Every dwelling unit shall have access directly to the outside or to a public corridor.

6. Every dwelling unit shall have at least one (1) operable window or exterior door approved for emergency egress or rescue, in addition to the main outside access door. Said windows or exterior door shall be operable from the inside to provide a full, clear opening without the use of separate tools.

7. Every dwelling unit shall have heating facilities which are installed pursuant to the codes as adopted by the City of Grand Junction as of that date and are capable of safely and adequately heating all habitable rooms, bathrooms and toilet rooms located therein, to a temperature of at least 68 degrees Fahrenheit.

8. Every habitable room shall contain at least two (2) separate floor or wall type electrical double convenience outlets which shall be situated a distance apart equivalent to at least twenty-five percent (25%) of the perimeter of the room. Every such outlet and fixture shall be properly

and safely installed. Every habitable room, toilet room, laundry room, furnace room, basement and cellar shall contain at least one (1) supplied ceiling or wall type electric light fixture or switch outlet. Every such outlet and fixture shall be properly and safely installed. Temporary wiring or extension cords shall not be used as permanent wiring.

9. In the case of a mobile home, the home shall be securely anchored by a tiedown device which distributes and transfers the load posed by the unit to appropriate ground anchors so as to resist wind overturning and sliding.

10. Every foundation, roof, floor, wall, ceiling, stair, step, elevator, handrail, guardrail, porch, sidewalk and appurtenances thereto shall be maintained in safe and sound condition and shall be capable of supporting the loads that normal use may cause to be placed thereon. Every door, door hinge, door latch and door lock shall be maintained in good and functional condition and every door, when closed, shall fit reasonably well within its frame. Every window, existing storm window, window screen, window latch, window lock and other aperture covering, including its hardware, shall be maintained in good and functional condition and shall fit reasonably well within its frame. Every interior partition, wall, floor, ceiling and other interior surface shall be maintained so as to permit it to be kept in clean and sanitary condition and where appropriate shall be capable of affording privacy.

11. All eaves, downspouts and other roof drainage equipment on the premises shall be maintained in a good state of repair and installed so as to direct rainwater away from the structure

12. Every chimney and every supplied smoke pipe shall be adequately supported, reasonably clean and maintained in a reasonably good state of repair.

13. Every means of egress shall be maintained in good condition and shall be free of obstruction at all times.

14. The electrical system of every dwelling or accessory structure shall not by reason of overloading, dilapidation, lack of insulation, improper fusing or for any other cause expose the occupants to hazards of electrical shock or fire, and every electrical outlet, switch and fixture shall be maintained in good and safe working condition. The owner or operator shall supply properly sized fuses or equivalent at the beginning of each tenant's occupancy.

15. Every supplied plumbing fixture and water and waste pipe shall be maintained in good and sanitary working condition.

16. Whenever infestation is caused by the failure of the owner to maintain a dwelling in a reasonably rodent-proof or reasonably insect-proof condition, extermination shall be the responsibility of the owner.

17. No owner shall permit occupancy of the vacant dwelling unit unless it is clean, sanitary and fit for human occupancy.

18. Every owner of a dwelling shall supply adequate facilities for the disposal of garbage which are weather-tight, watertight, rodent proof and insect proof.

3-5-11 MINIMUM STANDARDS FOR RENTAL UNITS FIRE SAFETY. The minimum standards for rental units fire safety is as follows:

1. Performance Requirements. All rental housing shall be provided with fire protection equipment as follows:

a. All charged and operable fire extinguishers must meet the requirements of applicable fire safety regulations promulgated by authorized officials of the State of Iowa in the Iowa Administrative Code. Fire extinguishers shall be subjected to required maintenance at intervals of not more than one year by a trained individual. Fire extinguishers shall be equipped with a sight gauge to indicate pressure and shall be maintained in accordance with National Fire Protection Association, Standard 10.

(1). Single Family Dwellings- All single family dwellings shall have at a minimum of one charged and operable 2-A: 10-BC rated fire 9 extinguisher located in conspicuous locations where they will be readily accessible and immediately available for use.

(2). Two Family/Duplex/Triplex- All Two Family/Duplex/Triplex dwelling units shall have at a minimum of one charged and operable 2-A: 10-BC rated fire extinguisher located in conspicuous locations where they will be readily accessible and immediately available for use; or if the dwelling unit is served by a common corridor then a minimum of one charged and operable 5 pound 2-A: 10-BC fire extinguisher shall be located at each exit, if the distance to the exit exceeds 30 feet then an extinguisher shall be placed at half the distance between the exits so as to not exceed a traveled distance of greater than 30 feet to any extinguisher.

(3). Multi-Family (More Than 3 Units)- - All Multi-Family dwelling units shall have at a minimum of one charged and operable 2-A: 10-BC rated fire extinguisher located in conspicuous locations where they will be readily accessible and immediately available for use; or if the dwelling unit is served by a common corridor then a minimum of one charged and operable 5 pound 2-A: 10-BC fire extinguisher shall be located at each exit, if the distance to the exit exceeds 30 feet then an extinguisher shall be placed at half the distance between the exits so as to not exceed a traveled distance of greater than 30 feet to any extinguisher.

b. All dwelling units shall be provided with smoke detectors as defined in the currently adopted International Fire Code. In multiple-unit dwelling there shall be smoke detectors in common hallways accessible to two or more units. Detectors shall also be located in cellars or basements when such cellars or basements are used for storage, laundry equipment or central heating units. Effective the date this Chapter is adopted and published by the City of Grand Junction, all dwelling units shall be equipped with smoke detectors. When smoke detectors are added or replaced the new smoke detectors shall be dual sensor smoke detectors as defined in Iowa Code Section 100.18 and 661 Iowa Administrative Code 210.1. Effective July 1, 2021 all smoke detectors shall be dual sensor as defined herein. c. In accordance with 661 Iowa Administrative Code 210.3(11) Smoke detectors shall be located as follows:

(1). On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of the bedrooms. Smoke detectors in these locations may be combination ionization/carbon monoxide or photoelectric/carbon monoxide.

(2). In each room used for sleeping iii. In each story within a dwelling unit, including basements but not including crawl spaces and uninhabitable attics. In dwelling unit with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower is less than one story below the upper level. All new smoke detectors are required to be a “Dual Sensor Smoke Detector” as defined in 661 Iowa Administrative Code 210.1: “Dual Sensor Smoke Detector” means a smoke detector which contains both an ionization sensor and a photoelectric sensor and which is designed to detect and trigger an alarm in response to smoke detected through either sensing device, or a smoke detector which has at least two sensors and is listed to Underwriters Laboratory Standard 10 217. Single and Multiple Station Smoke Alarms, or to another standard approved by the state fire marshal.

2. Carbon Monoxide Alarms. Effective the date this Chapter is adopted and published by the City of Grand Junction, all new registered dwelling units that have attached garages or within which fuel-fired appliances exist, shall have an approved carbon monoxide alarm installed outside of each separate sleeping area in the immediate vicinity of the bedrooms. Single station carbon monoxide alarms shall be listed as complying with UL 2034 and shall be installed in accordance with this Code and the manufacturer’s installation instructions. Dual sensor smoke detectors that have carbon monoxide and smoke detection sensors which are listed to UL 2034 and UL 217, shall be allowed.

3. Every floor above the first story used for human occupancy shall meet the exit requirements of the current International Residential Code or International Building Code. If the structure cannot meet such exit requirements because it has only one approved means of egress, fire escape stairs will be permitted to serve as part of the second approved means of egress, provided such second means of egress meets all of the following performance standards in addition to all other requirements for a means of egress: a. There must be access to the fire escape stairs from each dwelling unit on each story served by the fire escape stairs, by means of either an approved exit or an approved balcony.

4. Nothing contained in this section shall be construed to vary the provisions of the IRC or IBC requiring emergency escape or rescue windows in every sleeping room, or the provisions of sections 310-312 regarding access to dwelling units and between the various rooms of dwelling units.

5. Structural requirements.

a. Fire escape stairs must not pass in front of any building opening below the unit being served.

b. The means of activating the escape device must be accessible to the rental unit or balcony.

c. Installation of fire escape stairs must not cause a person to pass within six feet of external electrical wiring.

d. Fire escape stairways and balconies must meet the requirements of the currently adopted International Building Code.

e. Fire escape stairs must reach the ground or be equipped with counterbalanced extensions which will allow them to extend to the ground.

6. Acceptability criteria. Acceptability criteria are the same as performance and structural requirements. In addition, fire escapes must be kept clear and unobstructed and must be in good operating order.

3-5-12 NOTICE OF VIOLATION and ORDER TO CORRECT, REPAIR and COMPLY. Whenever the appropriate authority determines that any dwelling or dwelling unit or the premises surrounding the same, fails to meet the requirements set forth in this chapter or in applicable rules and regulations issued pursuant hereto, the appropriate authority shall issue a notice setting forth the alleged failures and advising the owner, tenant, occupant, operator or agent thereof that such failures must be corrected. Such notice shall:

1. Be in writing and subsequent to the inspection;
2. Set forth the alleged violations of this chapter or of the applicable rules and regulations issued pursuant hereto;
3. Describe the dwelling or dwelling unit where the violations are alleged to exist or to have been committed;
4. Provide a reasonable time, usually not in excess of seven (7) days considering the nature of the corrective work, in which to accomplish such correction;
5. Be served upon the owner, occupant, operator or agent of the dwelling or dwelling unit personally or by registered mail, return receipt requested, addressed to the last known place of residence of the owner, occupant, operator or agent. If one or more persons to whom such notice is addressed cannot be found after diligent effort to do so, service may be made upon such person or persons by posting a notice in or about the dwelling or dwelling unit or rooming unit described in the notice, or by causing such notice to be published in a newspaper of general circulation once each week for two (2) consecutive weeks.
6. Whenever an owner or tenant fails to comply with the Compliance Officer's notice to correct, repair and comply, the Compliance Officer shall, if deemed necessary, order the premises vacated. This denial to occupy order shall be personally served upon the owner and tenant or mailed to them by certified mail, with return receipt requested. The Compliance Officer's notice

to correct, repair and comply order shall be effective seven (7) days after receipt of the notice by the owner and tenant.

7. When repairs are completed properly, after a re-inspection a Rental Permit will be issued to the owner. The Rental Permit is valid until the next inspection and is transferable to a new owner. However, the certificate may be revoked if new violations occur between inspection periods and are not corrected.

3-5-13 REINSPECTION AUTHORIZED. At the end of the period of time allowed for the correction of any alleged violation, the appropriate authority may re-inspect the dwelling, dwelling unit or rooming unit described in the notice.

3-5-14 EMERGENCY ORDERS. Whenever the Compliance Officer, in the enforcement of this chapter, finds in or about a dwelling or dwelling unit conditions that pose an immediate and serious threat to the health, welfare or safety of the occupants or the general public, the Compliance Officer shall give to the owner and occupants of the premises a written order to vacate. This order shall be served personally upon the owner and tenant or by certified mail with return receipt requested to the owner and tenant. This notice shall explain each and every violation of this chapter that exists. The Compliance Officer shall post upon the dwelling or dwelling unit a placard designating the dwelling or dwelling unit has been determined unfit for human habitation. No dwelling or dwelling unit which has been placarded shall be again used for human habitation until written approval is secured from the Compliance Officer and such placard has been removed by the Compliance Officer. The Compliance Officer shall remove such placard whenever the violations have been eliminated.

3-5-15 VIOLATION. Any violation of or failure to comply with the provisions of this chapter shall be a violation of this Code of Ordinances. Each violation of or failure to comply with the provisions of this chapter shall be deemed a separate offense.

3-5-16 RECONSIDERATION.

1. Any person aggrieved by a notice or order issued pursuant to this chapter may apply for a reconsideration of such notice or order within thirty (30) days after it has been issued. The appeal is sent to the City of Grand Junction Building Department. This must indicate that the compliance officer has incorrectly interpreted a requirement of the code. The appeal must be completed on an appeal form. A filing fee will be charged as determined by the fee schedule approved by the City Council. Appellant will be notified of the hearing date, time and location upon receipt of a compliant appeal application. The appeal will be heard by the Appeal Board.

2. The appropriate authority shall set a time and place for an informal conference on the matter within ten (10) days of the receipt of such application, and shall advise the applicant in writing of such time and place.

3. At the informal conference, the applicant shall be permitted to present to one or more representatives of the appropriate authority the grounds for believing that the notice or order should be revoked or modified.

4. Within ten (10) days following the close of the informal conference, the appropriate authority shall advise the applicant whether or not the notice or order will be modified or set aside.

3-5-17 APPEAL TO APPEALS BOARD.

1. Any person aggrieved by a notice or order issuance pursuant to this chapter, or after an informal conference on reconsideration, may file a petition with the Appeal Board setting forth the reasons for contesting such notice or order. Such petition shall be filed within thirty (30) days after the notice or order is issued or thirty (30) days after the results of the informal conference on reconsideration.

2. Upon receipt of a valid petition, the Board shall grant the hearing requested and shall advise the petitioner in writing of the date, time and place of the hearing within thirty (30) days of the day on which the petition was received. If such hearing is granted, it shall occur within sixty (60) days of the date of petition therefor, and written notice thereof shall be given to the petitioner not more than thirty (30) days or less than ten (10) days prior thereto. At the hearing, the petitioner shall be given an opportunity to show cause why the notice or order should be modified or withdrawn or why the period of time permitted for compliance therewith should be extended.

3. The Board shall have the power to affirm, modify or revoke the notice or order and may grant an extension of time for the performance of any act required pursuant thereto.

TITLE III COMMUNITY PROTECTION

CHAPTER 6 DANGEROUS BUILDINGS

3-6-1	Definitions	3-6-5	Posting of Signs
3-6-2	Unsafe Buildings Declared a Nuisance	3-6-6	Abatement by Municipality
3-6-3	Notice to Owner	3-6-7	Collection of Cost of Abatement
3-6-4	Conduct of Hearing	3-6-8	Interference with Enforcement

3-6-1 DEFINITIONS. For the purpose of this chapter, the following terms are defined as follows:

1. "Unsafe building" shall mean a building that is a menace to the public health, welfare, or safety, or that is structurally unsafe, unsanitary, or not provided with adequate safe egress, or that constitutes a fire hazard, or is otherwise dangerous to human life, or that in relation to the existing use constitutes a hazard to the public health, welfare, or safety by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment.

(Code of Iowa, Sec. 657A.7)

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

An unsafe building means any structure, building, or portion thereof meeting any or all of the following criteria:

a. Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.

b. Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of twenty (20) pounds per square foot.

c. Whenever any portion thereof has cracked, warped, buckled, or settled to such an extent that walls or other structural portions have materially less resistance to winds and earthquakes than is required in the case of similar new construction.

d. Whenever the building or structure, or any portion thereof, because of (a) dilapidation, deterioration, or decay; (b) faulty construction; (c) the removal, movement or instability or any portion of the ground necessary for the purpose of supporting such building; (d) the deterioration, decay or inadequacy of its foundation; or (e) any other cause, is likely to partially or completely collapse.

e. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

f. Whenever, the exterior walls or other vertical structure members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third (1/3) of the base.

g. Whenever the building or structure, exclusive of the foundation, shows thirty-three (33) percent or more damage or deterioration of its supporting member or members, or fifty (50) percent damage or deterioration of any one of its secondary finishes such as its non-supporting members, outside walls, roof or other enclosure materials.

h. Whenever the building or structure has been so damaged by fire, wind, earthquake, or flood, or has become so dilapidated or deteriorated as to become (a) an attractive nuisance to children; (b) a harbor for vagrants, criminals, or immoral persons; or as to (c) enable persons to resort thereto for the purpose or committing unlawful or immoral acts.

i. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, including but not limited to boarded up windows, lack of electricity, or running utilities off a generator, inadequate air or sanitation facilities including but not limited to faulty sewer, or otherwise, including but not limited to no heat source or utilities, is determined by any health officer to be unsanitary, unfit for human habitation or in such condition that is likely to cause sickness or disease.

j. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the Fire Marshal or Fire Chief to be a fire hazard.

k. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.

l. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six (6) months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

2. "Enforcement officer" means the individual or agency responsible for the enforcement of this chapter. The Mayor is designated as the enforcement officer unless the Mayor appoints an alternate individual.

3. "The City" shall mean the City of Grand Junction, Iowa.

3-6-2 UNSAFE BUILDINGS DECLARED A NUISANCE. Except as hereinafter provided, it is hereby declared that unsafe buildings located within the corporate limits of the City of Grand Junction, Iowa, as defined within this chapter constitute a threat to the health and safety of the

citizens and are a nuisance within the meaning of Section 657.1 of the Code of Iowa. If any unsafe building is in violation thereof, the owner of or the person occupying the property upon which the unsafe building is located shall be liable for said violation.

3-6-3 NOTICE TO OWNER. If the enforcement officer examines a building, structure or portion thereof reported to be unsafe and finds it to be unsafe according to the definition given in this chapter, the enforcement officer shall give to the owner of such building or structure written notice stating the findings thereof. Such notice shall be served by personal service or by certified mail to the owner of record if the owner is found within the City limits, according to Section 364.12(3h) of the Code of Iowa. If the owner is not found within the City limits, such service may be made upon the owner by registered mail or certified mail. The designated period within which said owner or person in charge is required to comply with the order of the enforcement officer shall begin on the date on which the owner receives such notice. The written notice shall include the following:

1. The address of the unsafe building;
2. The date and time in which the property owner or person in charge of the building or structure is required to commence either the required repairs or improvements or demolition and removal of the building or structure or portions thereof. The required actions shall commence within forty-eight (48) hours of the notice being received or such reasonable time as the circumstances require.
3. The date on which all such work is to be completed. This shall be within ninety (90) days from the date of notice, unless otherwise stipulated by the enforcement officer; and
4. If necessary, order the building, structure, or portion thereof to be vacated forthwith and not reoccupied until the required repairs and improvements are completed, inspected and approved by the enforcement officer.
5. Notification to advise the owner that he or she may request a hearing before the Council on the notice by filing a written request for hearing within the time provided in the notice.
(Code of Iowa, Sec. 364.12(3)(h))

3-6-4 CONDUCT OF HEARING. If requested, the Council shall conduct a hearing in accordance with the following:

1. The owner shall be served with written notice specifying the date, time and place of hearing.
2. At the hearing, the owner or occupant of the property may appeal and show cause why the alleged nuisance shall not be abated.

3. The Council shall make and record findings of fact and may issue such order as it deems appropriate.

3-6-5 POSTING OF SIGNS. If a building, structure or portion thereof is deemed unsafe for entrance, the enforcement officer shall cause to be posted at each entrance to such building a notice to read: "DO NOT ENTER. UNSAFE TO OCCUPY. CITY OF GRAND JUNCTION, IOWA." Such notice shall not be removed without written permission of the enforcement officer and no person shall enter the building except for the purpose of making the required repairs or of demolishing the building.

3-6-6 ABATEMENT BY MUNICIPALITY. If the person notified to abate a nuisance or condition neglects or fails to perform an action required under this subsection as directed, the Council may order the owner of the building prosecuted as a violator of the provisions of this chapter and may perform the required action to repair, rehabilitate, or to demolish and remove the building or structure or portion thereof, 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. In the event of an emergency, the City may perform any action which may be required under this section without prior notice, and assess the costs as provided in this subsection, after notice to the property owner and hearing.

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

3-6-7 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))

3-6-8 INTERFERENCE WITH ENFORCEMENT. No person shall interfere in any way with the enforcement provision of this chapter. Interference with the enforcement of this chapter is punishable as a municipal infraction, with a fine of \$500.00 for the first offense and \$750.00 for each subsequent violation.

TITLE III COMMUNITY PROTECTION

CHAPTER 7 REGULATING PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS

3-7-1	Definitions	3-7-7	Bond Required
3-7-2	Exemptions	3-7-8	Obstruction of Pedestrian or Vehicular Traffic
3-7-3	Permits	3-7-9	Display of Permit
3-7-4	Requirements	3-7-10	Permit Not Transferable
3-7-5	Hours of Solicitation	3-7-11	Revocation of Permit
3-7-6	Consumer Protection Law		

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

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

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

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

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

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

3-7-2 EXEMPTIONS. The provisions of this chapter shall not apply to nonprofit civic, charitable, religious, or educational groups engaged in retail sale for the purposes of fund raising.

3-7-3 PERMITS. Before any person or organization engages in any of the practices defined herein, they must comply with all applicable Ordinances, and must also obtain from the City Clerk a permit in accordance with the provisions of sections 3-7-4 and 3-7-5. This permit shall extend no longer than sixty days. A fee of \$5.00 shall be paid at the time of registration to cover the cost of investigation and issuance.

(Code of Iowa, Sec. 9C.2)

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

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

3-7-5 HOURS OF SOLICITATION. No person may conduct those activities described in Section 3-7-1 except between the hours of 9:00 a.m. and 6:00 p.m. on each day, and no solicitation shall be done on Sundays or legal holidays.

3-7-6 CONSUMER PROTECTION LAW. All solicitors and peddlers shall be informed of, agree to comply with, and comply with the State law, Section 555A.3, Code of Iowa, requiring a notice of cancellation to be given in duplicate, properly filled out, to each buyer to whom such person sells a product or service and, comply with the other requirements of the law.

3-7-7 BOND REQUIRED. Before a permit under this chapter is issued, each person subject to this Ordinance shall post with the Clerk, a bond, by a surety company authorized to insure the fidelity of others in Iowa, in the amount of \$1,000 to the effect that the registrant and the surety consent to the forfeiture of the principal sum of the bond or such part thereof as may be necessary:

(1) to indemnify the City for any penalties or costs occasioned by the enforcement of this chapter, and (2) to make payment of any judgment rendered against the registrant as a result of a claim or litigation arising out of or in connection with the registrant's peddling or solicitation. The bond shall not be retired until one year from the expiration of the permit.

3-7-8 OBSTRUCTION OF PEDESTRIAN OR VEHICULAR TRAFFIC. No person, while engaged in any of the practices described in Section 3-7-1, shall block or obstruct the path of any pedestrian or vehicular traffic, or block or obstruct any way of ingress or egress to roads, buildings, or other enclosures or conveyances, including, but not limited to, vehicles, elevators, and escalators.

3-7-9 DISPLAY OF PERMIT. Each solicitor or peddler shall at all times while doing business in this City keep in his or her possession the permit provided for in Section 3-7-3 of this Chapter, and shall, upon the request of prospective customers, exhibit the permit as evidence that he or she has complied with all requirements of this Chapter. Each transient merchant shall display publicly the permit in his or her place of business.

3-7-10 PERMIT NOT TRANSFERABLE. Permits issued under the provisions of this Chapter are not transferable in any situation and are to be applicable only to the person filing the application.

3-7-11 REVOCATION OF PERMIT. The City Council after notice and hearing, may revoke any permit issued under this Ordinance where the permittee in the application for the permit or in the course of conducting his or her business has made fraudulent or incorrect statements or has violated this Ordinance or has otherwise conducted business in an unlawful manner.

TITLE III COMMUNITY PROTECTION

CHAPTER 8 CURFEW FOR MINORS

3-8-1	Preamble	3-8-4	Offenses
3-8-2	Findings and Purpose	3-8-5	Defenses
3-8-3	Definitions	3-8-6	Enforcement

3-8-1 **PREAMBLE.** The City of Grand Junction recognizes that all citizens including minors have certain inalienable rights and that among them are the rights of liberty and the pursuit of happiness. Further, all citizens including minors have the right to freedom of religion, freedom of speech, freedom of assembly, and of association. This section should be interpreted to avoid any construction that would result in the appearance of interference with the free exercise of religious worship and political association and this Ordinance shall not be construed to mean that the City intends to interfere with a minor's freedom of association for political, economic, religious, or cultural matters or association for purposes such as marches, demonstrations, picketing, or prayer vigils which are otherwise lawful and peaceful assemblies.

(Code of Iowa, Sec. 364.1)

3-8-2 **FINDINGS AND PURPOSE.** The City Council has determined that there has been an increase in juvenile violence and crime by persons under the age of 18 in the City of Grand Junction; and

Persons under the age of 18 are particularly susceptible by their lack of maturity and experience to participate in unlawful and gang-related activities and to be victims of older perpetrators of crime; and

The City of Grand Junction has an obligation to provide for the protection of minors from each other and from other persons, for the enforcement of parental control over and responsibility for children, for the protection of the general public, and for the reduction of the incidence of juvenile criminal activities.

3-8-3 **DEFINITIONS.** In this chapter:

1. Curfew hours means 10:00 p.m. until 6:00 a.m.
2. Emergency means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

3. Establishment means any privately-owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.

4. Guardian means:

- a. A person who, under court order, is the guardian of the person of a minor; or
- b. A public or private agency with whom a minor has been placed by a court.

5. Minor means any person under age 18 years of age.

6. Operator means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

7. Parent means a person who is:

- a. A biological parent, adoptive parent, or step-parent of another person; or
- b. At least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.

8. Public place means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

9. Remain means to:

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

10. Serious Bodily Injury means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss of impairment of the function of any bodily member or organ.

3-8-4 OFFENSES.

1. A minor commits an offense if the minor remains in any public place or on the premises of any establishment within the City during curfew hours.

2. A parent or guardian of a minor commits an offense if they knowingly permit, or by insufficient control allow, the minor to remain in any public place or on the premises of any establishment within the City during curfew hours.

3. The owner, operator, or any employee of an establishment commits an offense if they knowingly allow a minor to remain upon the premises of the establishment during curfew hours.

3-8-5 DEFENSES.

1. It is a defense to prosecution under this chapter that the minor was:
 - a. Accompanied by the minor's parent or guardian;
 - b. On an errand at the direction of the minor's parent or guardian, without any detour or stop;
 - c. In a motor vehicle involved in interstate travel;
 - d. Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
 - e. Involved in an emergency;
 - f. On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence;
 - g. Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the City of Grand Junction, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the City of Grand Junction, a civic organization, or another similar entity that takes responsibility for the minor;
 - h. Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or
 - i. Married or had been married.
2. It is a defense to prosecution under Subsection 3-8-4(3) that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

3-8-6 ENFORCEMENT.

1. Before taking any enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in Section 3-8-5 is present.

2. A minor who is in violation of this Ordinance shall be reunited with the minor's parent or guardian or custodian or other adult taking the place of the parent or shall be taken home by the police officers of the City of Grand Junction.

TITLE III COMMUNITY PROTECTION

CHAPTER 9 RAILROAD REGULATION

3-9-1	Definitions	3-9-4	Street Crossing Obstructions
3-9-2	Warning Signals	3-9-5	Maintenance of Crossings
3-9-3	Street Crossing Signs and Devices	3-9-6	Flying Switches

3-9-1 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.

3-9-2 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 3-9-5 of this chapter.

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

3-9-3 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)

3-9-4 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.

3-9-5 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)

3-9-6 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 10 FIRE PROTECTION

3-10-1	Establishment and Purpose	3-10-5	Liability Insurance
3-10-2	Volunteer Fire Fighters	3-10-6	Fires Outside City Limits
3-10-3	Fire Fighter's Duties	3-10-7	Approved by City Council
3-10-4	Worker's Compensation and Hospitalization Insurance	3-10-8	Compensation

3-10-1 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)

3-10-2 VOLUNTEER FIRE FIGHTERS. Residents of Grand Junction, Iowa, at least age eighteen (18) 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.

(Code of Iowa, Sec. 362.10)

3-10-3 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))

3-10-4 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.

3-10-5 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.

3-10-6 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)

3-10-7 APPROVED BY CITY COUNCIL. No person having otherwise qualified shall be appointed to the department until such appointment is submitted to and approved by a majority of the Council Members.

3-10-8 COMPENSATION. Members of the department shall be designated by rank and receive such compensation as shall be determined by resolution of the Council

TITLE III COMMUNITY PROTECTION

CHAPTER 11 ALCOHOLIC BEVERAGES

3-11-1	Purpose	3-11-3	Action by Council
3-11-2	Required Obedience to Provisions of this Chapter and State Law	3-11-4	Transfers

3-11-1 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)

3-11-2 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

3-11-3 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))

3-11-4 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 12 LIQUIFIED PROPANE TANK

3-12-1 Permits Required

3-12-3 Location of Container

3-12-2 Permit and Reports of Installations

3-12-1 **PERMITS REQUIRED.** It shall be unlawful for any person to engage in any activity for which a permit is required by this ordinance without first having obtained such permit. Permits and fees for installations shall be required for compressed and liquefied petroleum gas systems. The following fees for installation shall apply:

1. For temporary installation not exceeding 30 days:
 - Less than 500 gallons.....\$30.00
 - 500 gallons and over.....\$35.00
2. Total capacity in gallons (water capacity):
 - 150 to 500.....\$30.00
 - 501 to 1,000.....\$35.00
 - 1,001 to 18,000.....\$40.00
 - 18,001 to 30,000.....\$60.00
 - 30,001 to 60,000.....\$85.00
 - Over 60,000.....\$120.00

3-12-2 **PERMITS AND REPORTS OF INSTALLATIONS.**

1. A permit shall be obtained for each installation of liquefied petroleum gas employing a container of 150 gallons (water capacity) or more. Prior to installation of the container, the installer shall submit plans to the fire department, and if compliance with the requirements of the fire prevention code is shown by such plans, a permit shall be issued. Such plans shall include the following:

a. Name, address, and phone number of the owner of the property on which the container is to be installed.

b. Name, address, and phone number of the owner of the container to be installed.

c. A site map of the property indicating the location of the container on the property. The map should also indicate the distances the tank will be located from other tanks, important buildings, and adjacent property lines.

d. Size of container (in gallons).

2. All properties on which a liquefied petroleum gas container is located are required to

obtain an annual permit for the operation and maintenance of the container for each year after the system has been installed and approved, as required in subsection (a) of this section. The permit shall be issued by the City upon receiving an application which shall have the owner's name, address, location of tank, any changes to the original application and permit fee of five dollars (\$5.00).

3. Installers shall maintain a record of all installations for which a permit is not required by subsection 1 of this section, but not including installation of gas-burning appliances and replacing of portable cylinders, and shall have it available for inspection by the fire prevention bureau.

3-12-3 LOCATION OF CONTAINERS.

1. Underground containers for liquefied petroleum gas shall not be permitted within the corporate limits.

2. The aggregate capacity of any one installation shall not exceed 1,000 gallons of water capacity, except that in particular installations this limit may be altered at the discretion of the Fire Chief after due consideration of all factors involved. Bulk plants, gas utility plants, container charging operations, and larger amounts of storage shall be governed by approved national standards and state regulations.

3. Each individual container shall be located with respect to the nearest building or line of adjoining property in accordance with the following table:

Water Capacity per Container (gallons)	Minimum Distance to Building or Line of Adjoining Property (feet)	Distance Between Containers (feet)
Less than 125	None	None
125--250	10	None
251--500	10	3 ft.
501--2,000	25	3 ft.
2,001--30,000	50	5 ft.
30,001--70,000 70,001--90,000 90,000-120,000	75 100 125	1/4 sum of diameters of adjacent containers

If the aggregate water capacity of a multi-container installation at a consumer site is 501 gallons or greater, the minimum distance shall comply with the appropriate portion of this table, applying the aggregate capacity rather than the capacity per container. If more than one installation is made, each installation shall be separated from another installation by at least 25 feet. The minimum

distance between aboveground containers does not apply to such installations.

4. Regardless of container capacity or size, any container filled on site must be located so that the filling connection and fixed maximum liquid level gauge are at least ten (10) feet from any source of ignition (e.g., open flame, window air conditioning unit, etc.), intake to direct vented gas appliance, or intake to a mechanical ventilation system.

5. Containers installed for use shall not be stacked one above the other. Containers of 1,000 gallons or less shall be set on concrete pads of sufficient size to prevent tipping. Concrete blocks or bricks shall not be used.

6. Weeds, dry grass, and combustible materials shall be removed within ten feet of any container.

7. The minimum separation between liquefied petroleum gas containers and flammable liquid tanks shall be 20 feet, and the minimum separation between a container and the centerline of the dike shall be ten feet.

TITLE III COMMUNITY PROTECTION

CHAPTER 13 PARK REGULATIONS

3-13-1	Purpose	3-13-5	Parks Closed
3-13-2	Use of Drives Required	3-13-6	Camping Areas
3-13-3	Fires	3-13-7	Camping Refused
3-13-4	Littering	3-13-8	Alcohol Consumption

3-13-1 **PURPOSE.** The purposed of this chapter is to facilitate the enjoyment of park facilities by the general public by establishing rules and regulations governing the use of park facilities.

3-13-2 **USE OF DRIVES REQUIRED.** No person shall drive any car, cycle or other vehicle, or ride or drive any horse, in any portion of a park except upon the established drives or roadways therein or such other places as may be officially designated by the City.

3-13-3 **FIRES.** No fires shall be built, except in a place provided therefore, and such fire shall be extinguished before leaving the area unless it is to be immediately used by some other party.

3-13-4 **LITTERING.** No person shall place, deposit, or throw any waste, refuse, litter or foreign substance in any area or receptacle except those provided for that purpose.

3-13-5 **PARKS CLOSED.** NO person, except those camping in designated areas, shall enter or remain within any park between the hours of ten o'clock (10:00) p.m. and seven o'clock (7:00) a.m.

3-13-6 **CAMPING AREAS.** No person shall camp in any portion of a park except in portions prescribed or designated by the Council.

3-13-7 **CAMPING REFUSED.** The City may refuse camping privileges or rescind any and all camping privileges for cause.

3-13-8 **ALCOHOL CONSUMPTION.** No person shall consume alcohol at the city park, the pool, the City Hall, or the library.

TITLE IV MENTAL AND PHYSICAL HEALTH

CHAPTER 1 ANIMAL CONTROL

4-1-1	Definitions	4-1-8	Keeping a Vicious Animal
4-1-2	License	4-1-9	Kennels Prohibited
4-1-3	Immunization	4-1-10	Chickens Prohibited
4-1-4	At Large Prohibited	4-1-11	Feral Cat Colony
4-1-5	Animal Nuisances	4-1-12	Managed Feral Cats
4-1-6	Impounding	4-1-13	Maintaining a Feral Cat Colony
4-1-7	Dangerous Animals		

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

1. The term "dogs" shall mean animals of the canine species whether altered or not.
2. The term "at large" shall mean any licensed or unlicensed animal found off the premises of the owner and not under the control of a competent person, restrained within a motor vehicle, housed in a veterinary hospital or kennel, on a leash or "at heel" beside a competent person and obedient to that person's command.
3. The term "owner" shall mean any person owning, keeping, sheltering or harboring an animal.
4. "Kennel" means an establishment where dogs or cats in excess of two in number are bred, trained or boarded.

4-1-2 LICENSE. Every owner of a dog over the age of six (6) months shall procure a dog license from the City Clerk-Treasurer on or before the first day of January of each year. The annual license fee shall be \$5.00 per dog.

Upon payment of the license fee, and providing proof of a current vaccination against rabies, the City Clerk-Treasurer shall issue to the owner a license which shall contain the name of the owner, the owner's place of residence and a description of the dog. The City Clerk-Treasurer shall keep a duplicate of each license issued as a public record.

Upon issuance of the license, the City Clerk-Treasurer shall deliver to the owner a metal tag stamped with the number of the license and the year for which it is issued. The license tag shall be securely fastened to a collar or harness which shall be worn by the dog for which the license is issued.

Any dog found running at large without the license tag attached to its collar or harness shall be deemed unlicensed.

4-1-3 IMMUNIZATION. All dogs six (6) months or older shall be vaccinated against rabies. Before issuance of the license the owner shall furnish a veterinarian's certificate showing that the dog for which the license is sought has been vaccinated, and that the vaccination does not expire within six (6) months from the effective date of the dog license. It shall be a violation of this Ordinance for any dog to not be vaccinated against rabies. A tag showing evidence of proper vaccination shall be worn by every dog when not confined.

(Code of Iowa, Sec. 351.33)

4-1-4 AT LARGE PROHIBITED. No owner or person having custody of an animal shall permit such animal to run at large.

(Code of Iowa, Sec. 351.41)

4-1-5 ANIMAL NUISANCES. It shall be unlawful for any person to permit an animal under such person's control or within such person's custody to commit a nuisance. An animal shall be considered a nuisance if it:

1. Damages, soils, defiles or defecates on private property other than the owner's or on public walks and recreation areas unless such waste is immediately removed and properly disposed of by the owner.

2. Causes unsanitary, dangerous or offensive conditions.

3. Causes a disturbance by excessive barking or other noisemaking or chases vehicles, or molests, attacks or interferes with persons or other domestic animals.

(Code of Iowa, Sec. 657.1)

4-1-6 IMPOUNDING.

1. Any unlicensed or unvaccinated dog found at large or any licensed dog found at large in violation of Sections 4-1-3 and 4-1-4 of this chapter shall be seized and impounded, or, at the discretion of the Mayor, the owner may be served a summons to appear before a proper court to answer charges made thereunder.

2. Owners of licensed dogs shall be notified within two (2) days that upon payment of impounding fees, the dog will be returned. If the impounded licensed dogs are not recovered by their owners within seven (7) days after notice, the dogs shall be disposed of as provided in Section 717B.4 Code of Iowa.

3. Impounded unlicensed dogs may be recovered by the owner, upon proper identification, by payment of the license fee, impounding fee and boarding costs, and the costs of vaccination if vaccination is required by Section 4-1-3. If such dogs are not claimed within seven (7) days after notice, they shall be disposed of in a humane manner as directed by the City Council.

(Code of Iowa, Sec. 351.37)

4. Any animal found to have bitten a person or other animal shall be confined as directed by the Mayor.

(Code of Iowa, Sec. 351.39)

5. This section shall not apply to a law enforcement dog or horse used by the law enforcement agency, that is acting in the performance of its duties, which has bitten a person.

(Code of Iowa, Sec 351.39)

4-1-7 DANGEROUS ANIMALS.

1. Dangerous Animals Prohibited. No person shall keep, shelter, or harbor for any purpose within the City limits, a dangerous animal.

2. Definitions. A dangerous animal is:

a. Any animal which is not naturally tame or gentle, and which is of a wild nature or disposition, and which is capable of killing, inflicting serious injury upon, or causing disease among human beings or domestic animals, and having known tendencies as a species to do so.

b. The following are animals which shall be deemed to be dangerous animals per se:

(1) Lions, tigers, jaguars, leopards, cougars, lynx, and bobcats;

(2) Wolves, coyotes, and foxes;

(3) Badgers, wolverines, weasels, skunks and mink;

(4) Raccoons;

(5) Bears;

(6) Monkeys, chimpanzees, and apes;

(7) Alligators and crocodiles;

(8) Scorpions; gila monsters;

(9) Snakes that are venomous or constrictors;

(10) Livestock, including but not limited to, pigs and cows

c. Any animals declared to be dangerous by the City Council.

3. Dangerous Animals Exceptions. The keeping of dangerous animals shall not be prohibited in the following circumstances:

a. The keeping of dangerous animals in a public zoo, bona fide educational or medical institution, humane society, or museum where they are kept as live specimens for the public to view, or for the purpose of instruction, research or study, and has obtained the written approval of the City Council.

4-1-8 KEEPING A VICIOUS ANIMAL. It shall be unlawful for any person or persons to harbor or keep a vicious animal within the City. A vicious animal is deemed so when it shall have attacked or bitten any person without provocation, or when the propensity to attack or bite persons or other animals shall exist and such propensity is known or ought reasonably be known to the owner thereof.

4-1-9 KENNELS PROHIBITED. No person shall maintain a kennel within the city limits.

4-1-10 CHICKENS PROHIBITED. No person shall keep chickens, free range or otherwise, within the city limits.

4-1-11 FERAL CAT COLONY. It is unlawful for any person to maintain a feral cat colony unless the colony is a managed colony in which food, water, and shelter are provided in conjunction with the implementation of the Trap-Neuter-Return (TNR) Program as set forth in section 4-1-12 of this chapter.

4-1-12 MANAGED FERAL CATS. The animal care and control division or its designee in the City of Grand Junction, in order to encourage the stabilization of the feral cat population in the City may implement the Trap-Neuter-Return (TNR) Program as follows:

1. Live-trap any free-roaming cat in a humane manner,
2. Have the cat surgically altered, ear-notched (if feral), and vaccinated against rabies, and
3. If stray, release the cat to a humane organization for adoption or other disposition in accordance with law, or, if feral, return to a colony caretaker who will maintain the cat as part of the managed feral cat colony.

4-1-13 MAINTAINING A FERAL CAT COLONY. Feral cat colony caregivers shall:

1. Take responsibility for feeding and watering the cat colony regularly throughout the year, while ensuring that the food storage area(s) are secure from insect, rodent, and other vermin attraction and harborage.
2. Work to sterilize, vaccinate and ear-notch all adult cats that can be captured. Implanting a microchip is recommended; and

3. Remove droppings, spoiled food, and other waste from the premises as often as necessary, and at least every seven (7) days, to prevent odor, insect or rodent attraction or breeding, or any other nuisance.

4. Provide contact information in the event that complaints are received by the City of Grand Junction concerning management of the colony.

TITLE V HUMAN DEVELOPMENT - EDUCATION AND CULTURE

CHAPTER 1 LIBRARY SERVICES

5-1-1	Public Library	5-1-6	Power to Contract with Others for the Use of the Library
5-1-2	Library Trustees		
5-1-3	Qualifications of Trustees	5-1-7	Non-Resident Use of the Library
5-1-4	Organization of the Board	5-1-8	Library Accounts
5-1-5	Powers and Duties	5-1-9	Annual Report

5-1-1 PUBLIC LIBRARY. There is hereby established a free public library for the City, to be known as the Grand Junction Public Library.

5-1-2 LIBRARY TRUSTEES. The board of trustees of the Grand Junction Public Library, hereinafter referred to as the board, consists of 5 members. All board members shall be appointed by the City Council.

(Code of Iowa, Sec. 392.5)

5-1-3 QUALIFICATIONS OF TRUSTEES. All of the members of the board shall be bona fide citizens and four members must be residents of the City, one member may be from Junction township, and all shall be over the age of eighteen (18).

5-1-4 ORGANIZATION OF THE BOARD.

1. Terms of office. All appointments to the board shall be for four (4) years, except to fill vacancies. Each term shall commence on July first. Appointments shall be made every two (2) years of one-third the total number as near as possible, to stagger the terms.

(Code of Iowa Sec. 336.5)

2. Vacancies. The position of any trustee shall be declared vacant if said trustee moves permanently from the City or if said trustee is absent from six (6) consecutive regular meetings of the board, except in the case of sickness or temporary absence from the City. Vacancies in the board shall be filled by the City Council, and the new trustee shall fill out the unexpired term for which the appointment is made.

(Code of Iowa Sec. 336.6)

3. Compensation. Trustees shall receive no compensation for their services.

(Code of Iowa Sec. 336.7)

5-1-5 POWERS AND DUTIES. The board shall have and exercise the following powers and duties:

1. To meet and elect from its members a president, a secretary, and such other officers as it deems necessary.

(Code of Iowa Sec. 336.8(1))

2. To have charge, control and supervision of the public library, its appurtenances, fixtures and rooms containing the same.

(Code of Iowa Sec. 336.8(2))

3. To direct and control all the affairs of the library.

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

(Code of Iowa Sec. 336.8(3))

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

(Code of Iowa Sec. 336.8(4))

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

(Code of Iowa Sec. 336.8(5))

7. To authorize the use of the library by non-residents of the City and to fix charges therefor.

(Code of Iowa Sec. 336.8(6))

8. To make and adopt, amend, modify or repeal rules and regulations, not inconsistent with Ordinances and the law, for the care, use, government and management of the library and the business of the board, fixing and enforcing penalties for violations.

(Code of Iowa Sec. 336.8(7))

9. To have exclusive control of the expenditure of all funds allocated for library purposes by the City Council, and of all monies available by gift or otherwise for the erection of library buildings, and of all other monies belonging to the library including fines and rentals collected, under the rules of the board.

(Code of Iowa Sec. 336.8(8))

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

(Code of Iowa, Sec. 336.8(9))

11. To keep a record of its proceedings.

12. To enforce the performance of conditions of gifts, donations, devises and bequests accepted by the City. The board shall enforce performance by taking action against the City Council.

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

(Code of Iowa Sec. 336.17)

5-1-6 POWER TO CONTRACT WITH OTHERS FOR THE USE OF THE LIBRARY.

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

(Code of Iowa, Sec. 336.18(1))

2. Termination. Such a contract may be terminated at any time by mutual consent of the contracting parties. It also may be terminated by a majority vote of the electors represented by either of the contracting parties. Such a termination proposition shall be submitted to the electors by the governing body of a contracting party on a written petition of not less than five (5) percent in number of electors who voted for governor in the territory of the party at the last general election. The petition must be presented to the governing body not less than forty (40) days before the election. The proposition may be submitted at any election provided by law that is held in the territory of the party who is seeking to terminate the contract.

(Code of Iowa, Sec. 336.18(2)(a and b))

5-1-7 NON-RESIDENT USE OF THE LIBRARY. The board may authorize the use of the library by non-residents in any one or more of the following ways:

1. By lending the books or other materials of the library to non-residents on the same terms and conditions as to residents of the City, or upon payment of a special non-resident library fee.

2. By establishing depositories of library books or other materials to be loaned to non-residents.

3. By establishing bookmobiles or a traveling library so that books or other library materials may be loaned to non-residents.

4. By establishing branch libraries for lending books or other library materials to non-residents.

5. By entering into agreements with other libraries to allow lending of books or other library materials to non-residents.

5-1-8 LIBRARY ACCOUNTS. All money appropriated by the City Council from the general fund for the operation and maintenance of the library shall be set aside in an account for the library. Expenditures shall be paid for only on orders of the board, signed by its president and secretary. The warrant writing officer is the City Clerk.

5-1-9 ANNUAL REPORT. The board shall make a report to the City Council immediately after the close of the municipal fiscal year. This report shall contain statements of the condition of the library, the number of books added thereto, the number circulated, the amount of funds collected, and the amount of money expended in the maintenance of the library during the year, together with such further information required by the City Council.

TITLE V HUMAN DEVELOPMENT - EDUCATION AND CULTURE

CHAPTER 2 PARKS AND RECREATION COMMISSION

5-2-1	Purpose	5-2-6	Vacancies
5-2-2	Definitions	5-2-7	Compensation
5-2-3	Commission Members	5-2-8	Duties and Powers
5-2-4	Qualifications	5-2-9	Annual Report
5-2-5	Terms	5-2-10	Capital Expenditures

5-2-1 **PURPOSE.** The purpose of this chapter is to establish a Parks and Recreation Commission of the City to be appointed by the Mayor with the approval of the Council to provide citizen input, supervision and recommendations for the operation of the City parks, swimming pool and other recreational facilities, and to specify that Commission's duties and powers.

5-2-2 **DEFINITIONS.** The municipal swimming pool for the City shall be known as "pool." The Parks and Recreation Commission of the City shall be referred to as "Commission."

5-2-3 **COMMISSION MEMBERS.** The Commission created hereunder shall consist of five (5) members which shall include two (2) members of the Council. One of the Council members shall be chairperson as elected by the Commission. Commission members shall be appointed by the Mayor, approved by the Council.

5-2-4 **QUALIFICATIONS.** All members of the Commission shall be residents of the City and shall be eighteen (18) years of age or older.

5-2-5 **TERMS.** All appointments to the Commission shall be for one (1) year except those to fill vacancies. Each term shall commence January 1 of each year after approval by the Council and shall expire on December 31 of the same year. Nothing herein shall be construed to prohibit any member of the Commission from serving more than one term.

5-2-6 **VACANCIES.** If any Commission member moves permanently from the City or is absent from six (6) consecutive meetings of the Commission, except for sickness or vacation, his or her position on the Commission shall be deemed vacated. IN such event or in the event a member resigns, such vacancies shall be filled in the same manner as original appointment except that any person appointed to fill a vacancy shall only continue in that position until December 31 of that year.

5-2-7 **COMPENSATION.** Commission members shall receive no compensation for their services as Commission members.

5-2-8 **DUTIES AND POWERS.** The Commission shall have and shall exercise the following duties and powers:

1. **Officers.** The Commission shall meet and elect from its members a president (who shall be a Council member), a secretary and other such officers as they deem necessary.

2. Supervision. Said Commission shall have the responsibility for supervising and administering the affairs of the pool and City parks.

3. Hiring of Personnel. Said Commission shall interview positions for the pool including manager, lifeguards and other assistants together with other employees necessary for the proper management of the pool and City parks. Said Commission shall then recommend to the Council hiring of such personnel. Commission shall also recommend to the Council an amount of appropriate compensation for said employees. The Council shall make final determination as to such compensation.

4. Removal of Personnel. The Commission shall have the power to remove any employees of the pool or parks that they have supervision over by two-thirds vote of the Commission, after proper notice, opportunity for hearing and complying with the applicable provision of Iowa law.

5. Rules and Regulations. The Commission shall make, adopt, amend, modify, or repeal rules and regulations, not inconsistent with this Code of Ordinances or laws of the State for the care, use, administration and management of the pool and the parks which shall include recommendations to the Council for the price of admission to the pool or parks. Any admission charge shall be approved by the Council.

6. Expenditures. All expenditures for the pool or parks shall be approved by the Commission or by one member of the Commission designated by a majority vote of the Commission. Such approval shall be submitted to the Council for consideration and payment.

7. Record of Proceedings. The Commission shall keep a record of its meeting and its proceedings.

8. Public Meetings. All meetings of the Commission shall be open to the public and shall be preceded by a posted, written agenda.

5-2-9 ANNUAL REPORT. Annually in February of each year, the Commission shall make a written report to the Council reporting on the condition of the pool and parks, a record of admissions and season tickets sold the previous year, total expenditures during the previous year and any other information helpful to or required by the Council.

5-2-10 CAPITAL EXPENDITURES. The Commission shall from time to time report to and make recommendations to the Council for any capital expenditures for permanent improvements to the pool or parks they deem necessary.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 1 MOBILE HOME REGULATION

6-1-1	Definitions	6-1-7	Mobile Home Hookups
6-1-2	Location of Mobile Homes	6-1-8	Regulations to Which Mobile
6-1-3	Special Permits for Location of		Home Park Owners are Subject
	Mobile Homes Outside Mobile	6-1-9	Permanent Occupancy
	Home Parks	6-1-10	Mobile Home Park Area and Yard
6-1-4	Emergency and Temporary		Requirements
	Parking	6-1-11	Building Code for Mobile Homes
6-1-5	Traffic Code Applicable	6-1-12	Modular or Sectional Homes
6-1-6	Building Requirements	6-1-13	Conflict with State Laws

6-1-1 **DEFINITIONS.** For use in this Chapter the following terms are defined as follows:

1. "Mobile home" shall mean 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. A "mobile home" is not built to a mandatory building code, contains no State or federal seals, and was built before June 15, 1976.

(Code of Iowa, Sec. 435.1(5))

2. "Mobile home park" shall mean any site, lot, field or tract of land upon which three or more occupied mobile homes, manufactured homes, or modular 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))

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 one (1) year, 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; and
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, highways, or any other public or private place for a period not in excess of seven (7) 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 (except that any home located outside a mobile home park on the date this ordinance takes effect shall be exempt from the permanent foundation requirement.

(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 (10) 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 \$100. No additional permits shall be required.

(Code of Iowa, Sec. 322B.5)

6-1-8 REGULATIONS TO WHICH MOBILE HOME PARK OWNERS ARE SUBJECT. No person, firm or corporation shall establish, maintain, conduct, or operate a mobile home park within this city without first obtaining an annual license therefor from the State Department of Health. No person, firm, or corporation shall make alterations to the sanitary facilities or construct, expand, or remodel a mobile home park within this city without first obtaining a permit therefor from the State Department of Health. Said park, its facilities and the mobile homes therein shall comply with all other applicable ordinances of this city.

6-1-9 PERMANENT OCCUPANCY. A mobile home shall not be used as a permanent dwelling place or for indefinite periods of time except in a mobile home park, except those so used on December 9, 1976. Any mobile home removed from property not a mobile home park shall not be replaced by a mobile home, unless permitted by the zoning ordinance at such place.

6-1-10 MOBILE HOME PARK AREA AND YARD REQUIREMENTS. Mobile home or trailer

parks shall be designed and maintained in accordance with the following requirements:

1. Park - minimum requirements:

- a. Mobile home park area - eight (8) acres.
- b. Front Yard - (to be measured from all streets on which park abuts) fifty (50) feet.
- c. Side Yard - thirty-five (35) feet.
- d. Rear Yard - thirty-five (35) feet.
- e. Sanitary facilities - connection with the municipal power system or adequate private sewage disposal facilities.
- f. Streets - Each mobile home lot shall have direct access to a park street. The minimum roadway width of interior park streets shall be as follows:

One-way, no parking	11 feet
One-way, parking one side	18 feet
One-way, parking both sides	24 feet
Two-way, no parking	24 feet
Two-way, parking one side	27 feet
Two-way, parking both sides	34 feet

Such streets shall be surfaced with asphalt, Portland cement, or concrete according to city specifications for residential streets and maintained in good condition and lighted at night.

2. Mobile home spaces - minimum requirements:

- a. Area - fifty (50) feet by eighty (80) feet
- b. Size - four thousand (4,000) square feet
- c. Off drive parking - one (1) parking space for each "home" space
- d. One on or off street space for each two (2) such lots to accommodate guests.
- e. Front yard - fifteen (15) feet
- f. Rear yard - ten (10) feet
- g. Side yard - five (5) feet each side - with a minimum of twenty (20) feet between any two homes.

3. Sidewalks. Sidewalks shall be provided from the entrance of each trailer to the service

facilities. These walks shall be constructed of concrete.

4. Landscaping - unused area. All areas not used for access, parking, circulation, buildings and service shall be completely and permanently landscaped and the entire site maintained in good condition. A landscaped strip of land not less than ten (10) feet in width, shall be established and maintained within the trailer park along its exterior boundaries.

5. Concrete slab. Each mobile home unit shall be equipped with a concrete slab of sufficient size to support the wheels and the front parking jack. Said slab shall have a minimum horizontal dimension of eight by ten feet (8' x 10') and a minimum thickness of four (4) inches.

6. Recreational areas. There shall be provided within each mobile home an adequate site or sites for recreational use by residents. The minimum area provided for such recreation site or sites shall consist of an aggregate of one hundred square feet (100) for each mobile home space in said park. The recreation sites shall be of appropriate design and provided with appropriate equipment.

7. Length of occupancy. No mobile home or trailer shall remain in a mobile home or trailer park for a period exceeding fifteen (15) days without connection to the permanent sanitary sewer system of the park.

6-1-11 BUILDING CODE FOR MOBILE HOMES. The building official shall insure that the following installation requirements are enforced:

1. All mobile homes shall be enclosed and tied down in a manner at least equivalent to the following:

- a. Mobile homes up to 30 foot length must have two frame ties per side.
- b. Mobile homes 30 foot to 50 foot length must have three frame ties per side.
- c. Mobile homes 50 foot to 70 foot length must have four frame ties per side.
- d. Mobile homes over 70 foot length must have five frame ties per side.

e. In addition, over-the-home ties must be as close to each end as possible, with straps at stud and rafter locations.

2. Soil tests must be made to assure that the following anchors will withstand 3,750 pounds of pull per 10 feet of mobile home.

- a. Auger or dead man, 6' in diameter - arrowhead 8".
- b. Auger of arrowhead depth of 4' - dead man 5'. All augers must be screwed into the earth the full 4' depth.
- c. Anchor rod 5/8" diameter with welded eye at top must be hooked into concrete when used in dead man anchors.

d. Anchors to slabs must equal the above in pull resistance.

3. Connectors required:

a. Galvanized or stainless steel cable - 3/8" (7x7-7 wires each), or

b. Galvanized aircraft cable - 1/4" (7 x 19 - 7 strands of 19 wires each), or

c. Steel strap - 1 1/4" x .035" - galvanized, with tensioning device.

d. Cable ends secured by two 4-bolt clamps.

e. Steel rods - 5/8" with ends welded closed to form an eye.

f. Thinbuckles 5/8" drop forged - closed eyes. Other tensioning devices of similar strength approved.

4. Piers and footing required:

a. Spaced at 10' intervals on both frame rails with end ones no further than 5' from end of mobile home.

b. Footings of solid concrete 16" x 16" x 4", or

c. Piers of standard 8" x 16" solid concrete block.

d. Wood blocks used for leveling shall not exceed maximum thickness of 4". Such blocks must be of nominal 8" x 16" dimensions.

e. Other equivalent piers accepted. An adjustable screw-anchor-type column fastened to both frame rail and to a concrete pad or 4' thickness extending the length and width of the mobile home is especially recommended.

5. Patio awnings and cabana roofs:

a. Two rows of vertical support bars - spacing 12'. Second row to be down middle or at mobile home edge, anchored to concrete floor or equivalent footing.

b. Other structures on lot must be secured.

c. Tip-out rooms to be held by over-the-home tie at outer edge.

d. Clerestory roof requires over-the-home tie at end of each raised section.

6-1-12 MODULAR OR SECTIONAL HOMES. Modular or sectional homes shall not be deemed mobile homes, but must comply with the Uniform Building Code.

6-1-13 CONFLICT WITH STATE LAWS. Nothing in this ordinance or in the Uniform Building Code and the Standards for Mobile Homes, as adopted, shall be construed to be in conflict with state laws or the State Housing Code. In the event of such conflict, the state law shall prevail.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 2 LAWN HEIGHT SPECIFICATION

6-2-1	Purpose	6-2-5	Abatement Procedure
6-2-2	Definitions	6-2-6	Method of Service
6-2-3	Cutting Specifications and Standards	6-2-7	Charges and Penalty
6-2-4	Uniform Height Specifications	6-2-8	Collection of Charges

6-2-1 **PURPOSE.** The purpose of this ordinance is to beautify and preserve the appearance of the City by requiring property owners and occupants to maintain grass lawns at a uniform height within the boundaries of their property and on abutting right-of-way in order to prevent unsightly, offensive or nuisance conditions. Grass shall be cut before becoming a nuisance, a breeding place for mosquitoes or a harboring place for deposits of refuse.

6-2-2 **DEFINITIONS.** For use in this Ordinance, the following terms are defined:

1. The terms "curb, curb line or curbing" means the outer boundaries of a street at the edge of that portion of the street usually traveled by vehicular traffic.

2. The terms "cut or mow," means to mechanically maintain the growth of grass at a uniform height.

3. The term "property owner" means the contract purchaser if there is one of record, otherwise the record holder of legal title as shown by the records of the County Auditor.
(Code of Iowa, Sec. 364.12(1))

4. The term "parking" means the part of a street, avenue or highway in the City not covered by a sidewalk and lying between the lot line or property line and the curb line; or on unpaved streets, that part of the street lying between the lot line or property line and that portion of the street usually traveled by vehicular traffic.

6-2-3 CUTTING SPECIFICATIONS AND STANDARDS.

1. Every property owner shall cut, mow and maintain all grass upon the property owner's property and adjacent to the curb line or outer boundary of any street, which shall include the parking area abutting the property owner's property, to a uniform height as defined in Section 6-2-4.

2. Every property owner shall cut, mow and maintain grass adjacent to the curb line, including the parking area abutting the owner's property in such a manner so as to be in conformity with and at an even height with all other grasses growing on the remainder of the owner's property.

3. Agricultural areas are exempted from Subsections 1 and 2 herein, except for the area within one hundred (100) feet of the property line where adjoining an improved street, alley or developed property including all areas between the property line and the centerline of a street, alley or easement.

6-2-4 UNIFORM HEIGHT SPECIFICATIONS. Grass shall be cut, mowed and maintained so as not to exceed the following height specifications:

1. Developed Residential Areas not to exceed eight (7) inches.
2. Undeveloped Residential Areas not to exceed eight (7) inches.
3. Business and Industrial Areas not to exceed eight (7) inches.
4. Agricultural Areas not exempted by Section 6-2-3 not to exceed eight (7) inches.

Grass which is allowed to grow in excess of the uniform height specifications shall be deemed to be a violation of this chapter.

6-2-5 MOWING OF PROPERTIES. If the property owner does not adhere to the uniform height specifications within a reasonable time, the City or their agents may mow any property that is not cut to the specifications in this ordinance.

6-2-6 METHOD OF SERVICE. Annual publication of this ordinance in the local newspaper in early April every year will serve as notice to property owners.

6-2-7 CHARGES AND PENALTY. Any property not mowed as specified in this Ordinance, as determined by city officials, may be mowed by the City or its agents at a charge of \$75.00 per hour per person for mowing, plus any costs to repair equipment damaged by such mowing, plus a surcharge of one hundred dollars (\$100.00) will be charged to the property owner. Entry on the property by the City or its agents for the purpose of mowing under this chapter may be made without the consent of the property' owner or person in possession or control of the land. If the property owner has two or more violations of this ordinance within twelve (12) months the surcharge will be increased by twenty-five dollars (\$25.00) for each subsequent violation.

6-2-8 COLLECTION OF CHARGES. The City 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 thirty (30) days, the City Clerk shall certify the costs to the County Treasurer and they shall then be collected in the same manner as general property taxes.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 3 SIDEWALK REGULATIONS

6-3-1	Purpose	6-3-11	Failure to Obtain Permit; Remedies
6-3-2	Definitions	6-3-12	Inspection and Approval
6-3-3	Cleaning Snow, Ice, and Accumulations	6-3-13	Barricades and Warning Lights
6-3-4	Maintenance Responsibility	6-3-14	Interference with Sidewalk Improvements
6-3-5	Liability of Abutting Owner	6-3-15	Special Assessments for Construction and Repair
6-3-6	Ordering Sidewalk Improvements	6-3-16	Notice of Assessment for Repair or Cleaning Costs
6-3-7	Repairing Defective Sidewalks	6-3-17	Hearing and Assessment
6-3-8	Notice of Inability to Repair or Barricade	6-3-18	Billing and Certifying to County
6-3-9	Standard Sidewalk Specifications	6-3-19	ADAAG Compliance
6-3-10	Permits for Construction or Removal		

6-3-1 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.

6-3-2 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.

6-3-3 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))

6-3-4 MAINTENANCE RESPONSIBILITY. The abutting property owner or owners shall be responsible for the repair, replacement or reconstruction of all broken or defective sidewalks to a safe condition and to maintain in a safe condition all sidewalks in the abutting street right-of-way.

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

6-3-5 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)

6-3-6 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.

6-3-7 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))

6-3-8 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.

6-3-9 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.

6-3-10 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.

6-3-11 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.

6-3-12 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.

6-3-13 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.

6-3-14 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.

6-3-15 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)

6-3-16 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)

6-3-17 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)

6-3-18 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)

6-3-19 ADAAG COMPLIANCE. All construction, repair, and maintenance of sidewalks shall comply with Americans with Disabilities Guidelines (ADAAG).

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 4 UTILITIES - REFUSE COLLECTION

6-4-1	Definitions	6-4-6	Necessity of Permits
6-4-2	Duty to Provide Cans	6-4-7	Burning of Refuse
6-4-3	Administration	6-4-8	Refuse Other Than Garbage
6-4-4	Storage	6-4-9	Sanitary Landfill
6-4-5	Collections		

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. "Can". Means a container for the storage of garbage or rubbish, which is:

- a. Provided with a handle and tight fitting cover.
- b. Made of non-corrosive material.
- c. Water-tight.
- d. With a capacity of no more than thirty-five (35) gallons.

6-4-2 DUTY TO PROVIDE CANS. Each person shall provide cans or approved containers for the storage of garbage and rubbish accumulating on the premises owned or occupied by such owner. Such cans or containers shall be kept covered and reasonably clean at all times. The cans or containers shall be in a position readily accessible to the collector.

It shall be the duty of the owner of each household residing in a building arranged for more than one family unit to provide proper cans for garbage and rubbish.

6-4-3 ADMINISTRATION. Administration of this chapter shall be by the Superintendent of refuse, or such employee designated by the Superintendent.

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

6-4-4 STORAGE. All garbage must be drained. All rubbish shall be placed in a can except as otherwise provided.

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.

Garbage cans shall not be set out more than 24 hours before collection, and must be removed from the curb within 24 hours after collection.

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 Superintendent of refuse 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.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 5 STREET CUTS AND EXCAVATIONS

6-5-1	Excavation Permit Required	6-5-4	Safety Measures
6-5-2	Application for Permit	6-5-5	Backfilling and Restoration
6-5-3	Permit Fees	6-5-6	Rules and Regulations

6-5-1 EXCAVATION PERMIT REQUIRED. Excavating within the right-of-way of public streets and alleys, and of public grounds, and the cutting of surfacing or pavings 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))

6-5-2 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.

6-5-3 PERMIT FEES. The permit fee shall be \$15.00 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 \$15.00 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.

6-5-4 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 Mayor or Mayor's designee 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.

6-5-5 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 City is authorized to remove such material as is necessary and to backfill and restore the pavement or surfacing properly.

6-5-6 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 6 STORM WATER MANAGEMENT

6-6-1	Establishment of Storm water Drainage System District	6-6-5	Rates; compliance with bond covenants.
6-6-2	Establishment of Storm water Management Charge	6-6-6	Billing procedures-delinquent accounts, collection procedures
6-6-3	Definitions.	6-6-7	Establishment of council policy regarding expenditure of utility revenues.
6-6-4	Appeal of lot or parcel area, dwelling unit, and impervious surface calculation.	6-6-8	Penalty

6-6-1 ESTABLISHMENT OF STORMWATER DRAINAGE SYSTEM DISTRICT. Pursuant to Iowa Code §384.84(5) the entire city of Grand Junction, Iowa is hereby declared to be a "storm water drainage system district". All property within the City other than Exempt Property shall be subject to a Storm water Management Charge to pay for the operation and maintenance of the City's storm water utility system, as set forth herein.

Except as hereafter provided, every Contributor owning or occupying a single- family residential property, a multifamily residential property or a non-residential property, shall pay to the City at the office of the City's collection agent at the same time payment is made for water service, a Storm water Management Charge to be determined and billed as hereafter provide.

In the event the owner and the occupant of a particular property are not the same, the liability for payment of the Storm water Management Charge attributable to that property shall be the same as the responsibility for the water charge. The Storm water Management Charge shall be a monthly charge and shall be determined by the provisions of this Chapter and from time to time adjusted as hereafter provided. Collection of delinquent Storm water Management Charges shall be in the same manner as provided for delinquent water or sewer charges.

The Storm water Management Charge established herein, shall be applied and computed for each Contributor during the customary billing periods as to all water bills from and after July1,2014; and such charges shall thereafter be paid and collected as provided in this Chapter.

6-6-2 ESTABLISHMENT OF STORMWATER MANAGEMENT CHARGE. Pursuant to this chapter, the following types of properties shall be assessed a Storm water Management Charge as follow:

1. Residential Property.

- a. The Storm water Management Charge for each developed, single-family residential property (including individual apartment units that have their own separately-metered water service) shall be set at a base rate of \$5.00 per month.

- b. The monthly Storm water Management Charge for multifamily residential property

with a single water service shall be the base rate of \$5.00.

2. Non-Residential Property. The monthly Storm water Management Charge for non-residential property shall be the base rate of \$5.00 per month.

3. Undeveloped Property. There shall be no Storm water Management Charge for undeveloped property.

4. Commencement of Charge - New Construction. As to a newly constructed single-family, multi-family, or non-residential property, the Storm water Management Charge shall commence upon the earlier of: (a) the issuance of a certificate of occupancy for the structure; or (b) ninety days after construction is halted, even if a certificate of occupancy has not been issued for the dwelling or dwelling unit.

6-6-3 DEFINITIONS. For purposes of this chapter, the following words and phrases shall have the following definitions:

1. "Bonds" means revenue bonds, notes, loans or any other debt obligations issued or incurred to finance the Cost of Construction.

2. "City" or "the city" means the city of Grand Junction, Iowa.

3. "Collection agent" means the water billing department of the City of Grand Junction.

4. "Contributor" means any person, corporation or other entity or organization that owns real estate in the City that directly or indirectly discharges storm water, or surface or subsurface waters, to the City's storm water drainage system.

5. "Cost of Construction" means costs reasonably incurred in connection with providing capital improvements to the City's storm water drainage system or any portion thereof, including, but not limited to the costs of:

a. acquisition of all property, real or personal, and all interests in connection therewith including all rights-of-way and easements therefore;

b. physical construction, installation and testing including the costs of labor, services, materials, supplies and utility services used in connection therewith;

c. architectural, engineering, legal and other professional services;

d. insurance premiums taken out and maintained during construction, to the extent not paid for by a contractor for construction, to the extent not paid for by a contractor for construction and installation;

- e. any taxes or other charges which become due during construction;
 - f. expenses incurred by the city or on its behalf with its approval in seeking to enforce any remedy against any contractor or subcontractor in respect of any default under a contract relating to construction;
 - g. principal and interest on any bonds; and
 - h. miscellaneous expenses incidental thereto.
6. "Debt service" means the amount of money necessary annually to pay the interest on outstanding debt and pay the principal of maturing bonded debt.
7. "Developed property" means real property upon which a structure or impervious surface has been placed or constructed.
8. "Dwelling unit" means an individual residence or apartment providing living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.
9. "Equivalent Residential Unit" or "ERU" means the average square footage of impervious area per Dwelling Unit in the city. For purposes of this Chapter, an ERU shall be equivalent to two thousand eight hundred thirty three (2,833) square feet of Impervious Property.
10. "Base Storm water Utility Charge Rate" means the dollar value periodically determined as a charge for Storm Water Management services, and expressed as \$X.XX per ERU.
11. "Exempt property" means public streets, alleys and sidewalks, public and private cemeteries, and public parks, including publicly owned property used for public recreation.
12. "Extension and Replacement" means costs of extensions, additions or capital improvements to, or the renewal and replacement of capital assets of, or purchasing and installing new equipment for, the system, or land acquisition for the system and any related costs thereto, or paying extraordinary maintenance and repair, including the costs of construction, or any other expenses which are not costs of operation and maintenance or debt service.
13. "Fiscal year" means a twelve-month period commencing on the first day of July of any year, and ending on June 30th of the succeeding year.
14. "Impervious area" means hard surfaced areas which either prevent or retard the entry of water into the soil mantle, and/or causes water to runoff the surface in greater quantities or at an increased rate of flow from that present under natural conditions as undeveloped property, including, but not limited to, roofs, roof extensions, patio, porches, driveways, sidewalks, pavement (including gravel) and athletic courts.

15. "Multifamily residential property" means a residential structure containing two or more dwelling units to accommodate two or more families or groups of individuals living separately and not sharing the same living space.

16. "Non-operating revenues" refers to revenues derived from activities other than the basic operations of the storm water management system, but excluding interest income on bond proceeds and on contributed capital.

17. "Non-residential property" means any property used for (or designed for) commercial, industrial, governmental, or institutional use, including churches, hospitals, and other charitable institutions, including multi-use properties incorporating residential uses, but excluding undeveloped property and property used exclusively for agricultural purposes.

18. "Operating budget" means the annual operating budget for the storm water utility adopted by the city council for the succeeding fiscal year.

19. "Operations and maintenance expense" means the current expenses, paid or accrued, of operation, maintenance and current repair of the system, as calculated in accordance with sound accounting practice, and includes, without limiting the generality of the foregoing, insurance premiums, administrative expenses including recordkeeping, labor, executive compensation, the cost of materials and supplies used for current expenses not annually incurred, but which are such as may reasonably be expected to be incurred in accordance with sound accounting practice.

20. "Revenue" means all rates, fees, assessments, rentals or other charges or other income received by the utility, in connection with the management and operation of the system, including amounts received from the investment or deposit of money in any fund or account and any amounts contributed by the city, all as calculated in accordance with sound accounting practice.

21. "Storm water utility system" or "system" means the existing storm water management and flood protection facilities of the city and all improvements thereto which by this chapter are constituted as the property and responsibility of the City, to be operated to, among other things, control discharges and flows necessitated by rainfall events; and incorporate methods to collect, convey, store, absorb, inhabit, treat, and use or reuse water to prevent or reduce flooding, over-drainage, environmental degradation and water pollution or otherwise affect the quality and quantity of discharge from such system. This shall include such items as storm sewers, ditches, roadways, storm water intakes, creeks, ponds, and other public facilities collecting or conveying storm water.

22. "Total annual revenue requirements" refers to the total amount of revenue required in one year to meet all expenditures incurred during that year for the financing of construction and for the operation and maintenance (including administration and renewal and replacement funding) of the storm water drainage system, including facilities for the collection, transportation, and treatment of storm water, and of the flood control protection system, including river levees and

storm water pumping stations.

23. "Undeveloped property" means real property that has no structures or impervious area.

6-6-4 APPEAL. Any owner or occupant aggrieved by the initial or any subsequent determination of the Storm water Management Charge, may appeal such determination and calculation to the city council. Upon appeal, the Storm water Management Charge for the property shall be recalculated as provided herein, taking into account any additional information supplied by the appealing owner or occupant.

An appeal must be filed in writing with the City Clerk within ninety days after the billing of the Storm water Management Charge being challenged, or within ninety days of the initial billing of a property. Any adjustment of the Storm water Management Charge resulting from such appeal shall be retroactive to the date of the billing being challenged.

6-6-5 RATES; COMPLIANCE WITH BOND COVENANTS. In calculating the Storm water Management Charge, the City shall include in the budgeted expense and revenue amounts sufficient funds as will insure compliance with any and all rate covenants applicable to any outstanding bonds, notes or other obligations issued in connection with the construction and operation of the storm water utility.

For purposes of complying with any covenant relating to the issuance of additional bonds, notes or other obligation ranking on a parity with outstanding bonds issued in connection with the construction and operation of the storm water management utility, the City Council may appoint the City Clerk and the City Clerk shall, prior to council consideration of the resolution to take additional action for the issuance of such additional bonds, and with such assistance from the city's independent accountants as the City Clerk deems necessary, calculate the ERU rate necessary to produce revenues sufficient to comply with such covenant. The City Clerk shall inform the City Council of the revised ERU rate at the time that the resolution to take additional action for the issuance of such bonds is submitted to the council for its review and approval. Upon City Council approval of such resolution, the City Clerk shall publish said revised ERU rate once in a newspaper of general circulation, shall give notice thereof to contributors as required by applicable state or federal law, and shall proceed to impose and collect said rate commencing with the next available billing cycle.

6-6-6 BILLING PROCEDURES; DELINQUENT ACCOUNTS; COLLECTION PROCEDURES. The procedures for billing of the Storm water Management Charges, and for the collection of delinquent storm water management service charges, shall be as provided in Chapter 9 of this Title VI.

Contributors not currently subject to billing by the Grand Junction water department, may be directly billed for a Storm water Management Charge by the City. In such instances, the billing and collection of Storm water Management Charges shall be subject to the same rules and procedures as to delinquency in payment, certification of delinquency, and property lien as

provided in Chapter 9 of this Title VI.

6-6-7 ESTABLISHMENT OF COUNCIL POLICY REGARDING EXPENDITURE OF UTILITY REVENUES

1. That commencing on or about July 1, 2014, the City Clerk shall develop and implement a cost accounting system, capable of accurately recording and segregating charges to the system by all departments of the city, to include the cost of personnel, machinery, contract equipment and construction, supplies, depreciation, and any and all miscellaneous expenses and purchases.

2. No revenues generated by the storm water utility user fee shall be used for any purpose other than storm water-related expenses as set forth herein. Revenue from the storm water utility shall be allocated as follows:

a. At least ninety percent of the revenues of the storm water management utility shall be dedicated to operation and maintenance and capital improvements of the City's storm sewer system. Costs attributable to this area of expenditure shall include contracted pump station maintenance; activities related to current maintenance, minor reconstruction of system elements, and complete reconstruction and/or replacement; storm sewer TV crew work, but only that portion properly cost accounted to the utility; expanded and enhanced maintenance efforts to include the acquisition of new equipment and personnel; design of new capital improvements whether contracted or performed in-house; and contact capital construction.

b. Not more than ten percent to administration of the utility. Administration shall include all costs for water works billing, EPA water quality permits, and the cost of administrative personnel of all billing.

6-6-8 PENALTY. Anyone violating any of the provisions of this chapter shall upon conviction be subject to the penalties associated with a municipal infraction, in accordance with the Grand Junction City Code.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 7 LAND USE AND SUBDIVISIONS

6-7-1	Planning and Zoning Commission	6-7-21	Advertising Signs, Posters, and Bulletin Boards
6-7-2	Term of Office	6-7-22	Residential Dwelling Standards
6-7-3	Vacancies	6-7-23	Fences
6-7-4	Compensation	6-7-24	Vision and Clearance on Corner Lots
6-7-5	Powers and Duties	6-7-25	Gasoline Filling Stations
Zoning Code		6-7-26	Provisions for Automotive Parking and Loading Space
6-7-6	Title	6-7-27	Board of Adjustment
6-7-7	Establishment of Districts	6-7-28	Appeals
6-7-8	Zoning Map and Determination of Boundaries	6-7-29	Powers
6-7-9	General Provisions	6-7-30	Enforcement
6-7-10	Nonconforming Uses	6-7-31	Application for Building Permits
6-7-11	"A" District Use Regulations	6-7-32	Amendments
6-7-12	"R" District Use Regulations	6-7-33	Violations and Penalties
6-7-13	"C" District Use Regulations	Neel's Subdivision	
6-7-14	"M" District Use Regulations		
6-7-15	Front Yards	6-7-34	Legal Description of Subdivision
6-7-16	Side Yards	6-7-35	Construction and Maintenance of Public Utilities
6-7-17	Rear Yards	6-7-36	Required Improvement and Design Standards
6-7-18	Height Regulations	6-7-37	Provisions Effective
6-7-19	Density Regulations		
6-7-20	Garages and Accessory Buildings		

6-7-1 PLANNING AND ZONING COMMISSION. There shall be appointed by the Council a City Planning and Zoning Commission, hereinafter referred to as the Commission, consisting of five (5) members, who shall be residents of the City 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 City government.

(Code of Iowa, Sec. 414.6 & 392.1)

6-7-2 TERM OF OFFICE. The term of office of the members of the Commission shall be five (5) years. The terms of not more than one-third of the members will expire in any one-year.

(Code of Iowa, Sec. 392.1)

6-7-3 VACANCIES. If any vacancy exists on the Commission caused by resignation, or otherwise, a successor for the residue of the term shall be appointed in the same manner as the original appointee.

(Code of Iowa, Sec. 392.1)

6-7-4 COMPENSATION. All members of the Commission shall serve without compensation, except their actual expenses, which shall be subject to the approval of the Council.

(Code of Iowa, Sec. 392.1)

6-7-5 POWERS AND DUTIES. The Commission shall have and exercise the following powers and duties:

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 414.6)

4. Recommendations of Improvements. No statuary, memorial or work of art in a public place, and no public building, bridge, viaduct, street fixtures, public structure or appurtenances, shall be located or erected, or site therefore obtained, nor shall any permit be issued by any department of the City for the erection or location thereof until and unless the design and proposed location of any such improvement shall have been submitted to the Commission and its recommendations thereon obtained, except such requirements and recommendations shall not act as a stay upon action for any such improvement when the Commission after thirty (30) days' written notice requesting such recommendations, shall have failed to file same.

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

6. Review and Comment of Street and Park Improvements. No plan for any street, park, parkway, boulevard, traffic-way, river front, or other public improvement affecting the City plan shall be finally approved by the City or the character or location thereof determined, unless such proposal shall first have been submitted to the Commission and the Commission shall have had thirty (30) days within to file its recommendations thereon.

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

ZONING CODE

6-7-6 TITLE. This chapter shall be known and referred to as the "Zoning Code".

6-7-7 ESTABLISHMENT OF DISTRICTS. For the purpose of this chapter, the City is hereby divided into four (4) districts as follows:

"A" Agricultural District

"R" Residence District

"C" Retail District

"M" Limited Heavy Industrial District

6-7-8 ZONING MAP AND DETERMINATION OF BOUNDARIES.

1. The boundaries of the districts are shown on the zoning district map of the City which is on file in the office of the Clerk and which is designated as the "Zoning Map of Grand Junction, Iowa". The map and all notations, references and all other information shown thereon are a part of this chapter and have the same force and effect as if they were all fully described herein. The boundaries of districts may be amended from time to time, as provided in 6-7-32.

2. Where boundaries are shown as approximately following street, alley or lot lines, such

lines shall be interpreted to be the boundaries.

3. In unsubdivided property where a district boundary divides a lot, the district boundary shall be determined by the map scale.

4. Final decision of boundary shall be made by the Enforcing Officer, or the Board of Adjustment in the case of an appeal.

6-7-9 GENERAL PROVISIONS. The following provisions shall apply to all districts and all other provisions of this chapter:

1. All territory annexed to the City after the adoption of the ordinance codified by this chapter shall automatically be classed in the "a" Agricultural District until such classification shall have been changed by amendment to the Zoning Code.

2. Except as hereinafter provided, no building shall be erected, converted, enlarged, reconstructed or structurally altered; nor shall any building or land be used in the district in which it is located, except that it shall conform to the purpose or use, height limitations, yard area and density requirements and other provisions of this chapter.

3. If a building permit was granted before the enactment of the ordinance codified by this chapter and the construction started within 90 days of the effective date of said ordinance, nothing herein shall require any change in the plans, construction or designated use of any building, structure or part thereof.

4. Nothing in this chapter shall prevent the restoration to safe condition or strengthening of any part of any building or structure declared to be unsafe by the Enforcing Officer, or from complying with legal requirements of the Enforcing Officer.

5. No required yard shall be considered as providing a yard or open space for a building on any other lot. Every part of a yard shall be open to the sky, unobstructed except for accessory buildings and except as provided in 6-7-13(5) and 6-7-17(2).

6. Any person or persons aggrieved because of undue or unnecessary hardship caused by these regulations may appeal to the Board of Adjustment as provided in this chapter.

6-7-10 NONCONFORMING USES.

1. Any use, structure or building existing at the time of the passage of the ordinance codified in this chapter or in a district changed by future amendments, may be continued as provided in this section, even though not conforming to the provisions of this chapter.

2. If a nonconforming use of a building or structure is discontinued for a period of more than one year, any future use shall conform to the provisions of this chapter.

3. If a nonconforming building or structure is damaged by fire, explosion, wind, act of God or public enemy, to an extent of less than 50 percent of its fair market value, it may be restored to its previous use, if within one year of the loss. Otherwise, it shall be restored only in conformity with the provisions of this chapter.

4. A nonconforming building, structure or use shall not be rebuilt, extended or structurally altered, except when required by law or ordinance.

5. The following uses existing at the time of the passage of the ordinance codified herein are conforming: any use owned, erected or maintained by the City, County, Township or any other public agency; public and semi-public uses such as churches, parts, playgrounds, schools, community centers; railroad tracks and yards; facilities of public utility companies; and accessory buildings and uses customarily incident to any of the above.

6-7-11 "A" DISTRICT USE REGULATION. Within any "A" District, unless otherwise provided in this chapter, no building or premises shall be used and no building hereafter erected or structurally altered except for one or more of the following uses:

1. Farms, including the usual farm buildings and structures, except that poultry, livestock or fur-bearing animals shall be kept a minimum distance of 300 feet from the nearest lot in any platted section. This does not apply to the usual keeping of household pets, not for commercial gain.

2. Any use permitted in the "R" District.

3. Gardening, wood lots, orchards; horticultural nurseries and greenhouses; publicly owned or operated properties; outdoor theaters, roadside stands, golf courses, except that miniature courses or driving ranges shall be a minimum of 300 feet from the nearest lot of a platted section; radio or television towers.

6-7-12 "R" DISTRICT USE REGULATION. Within any "R" District, unless otherwise provided in this chapter, no building or premises shall be used and no building hereafter erected or structurally altered except for one or more of the following uses:

1. Dwellings of all kinds including multiple family residences and apartment houses.

2. Tourist homes; boarding and lodging houses; clubs and lodges, all noncommercial.

3. Clinics, sanitariums, dispensaries, nursing and convalescent homes; funeral parlors, charitable institutions, but not mental institutions.

4. Parks, playgrounds and community buildings operated by a public agency.

5. Public or private schools.
6. Churches, public museums and art galleries.
7. Home occupations.
8. Facilities of public utility companies; and public buildings.

9. Accessory buildings, including a private garage, either separate or part of the main building, which shall not be used as dwellings, except by household employees of the occupant of the building, nor for the conduct of a business.

10. Temporary buildings used incident to construction work, and which shall be removed upon abandonment or completion of construction. No cellar, basement or accessory building shall be occupied as living quarters.

11. Real estate signs, announcement signs and bulletin boards, as provided in 6-7-21 of this chapter.

12. No livestock or poultry shall be moved into the "R" District after the passage of the ordinance codified in this chapter, except as provided in 6-7-10 of this chapter relative to nonconforming uses.

6-7-13 "C" DISTRICT USE REGULATIONS. Within any "C" District, unless otherwise provided in this chapter, no building or premises shall be used and no building hereafter erected or structurally altered except for one or more of the following uses:

1. Any uses permitted in the "R" District, with the exception that all dwelling units in any structure shall occupy only upper levels, no street level dwelling units are permitted.

2. Any of the following or similar uses, where goods are stored, displayed for sale, or services rendered; and where nothing is fabricated, manufactured, converted or altered, except for such retail sales; and where the handling of materials, products or articles or movements of vehicular traffic across the public sidewalks will not be in such amounts as to interfere with the free, safe and continuous passage of pedestrians along such sidewalks:

a. Banks; bowling alleys; commercial dance or music schools; clubs of a commercial nature; dry cleaners employing 5 persons or less and using non-inflammable cleaning agent; furriers; restaurants and taverns; retail stores and services; indoor theaters; newspaper and printing plants; pool rooms; telephone and telegraph exchanges; electric sub-stations and gas regulating stations; parking lots.

b. Filling stations; motels; restaurants. Motels and restaurants shall be set back from the right-of-way of the service road, adjacent to the highway, a minimum distance of

50 feet.

c. Any of the following or similar uses, provided that they are not offensive in odor, dust, noise, vibration, unsanitary, electrical disturbance and similar causes: artificial flower manufacture; sales and service for agricultural implements; air conditioning; heating; automobiles; bakeries; beverage distributors; dance halls; express and baggage; fabric finishing; frozen food lockers; public and storage garages; greenhouses; laundries; laboratories; machine shops; monument sales; nursery stock sales and storage; petroleum or gasoline storage in less than tank car lots; sign manufacture; skating rinks; trailer camps; trailer sales; wholesale and jobbing houses; coal and lumber yards.

3. Manufacturing and processing, which is clearly incident to retail use, is limited to that which may be carried on in not more than 25 percent of the floor space given to retail use, and involving not more than 8 employees.

4. Signs when attached to a main building and describing the business carried on therein, as provided in 6-7-21 and provided that they meet other City ordinances.

5. Uses customarily incident to any of the above, and accessory buildings when located on the same lot.

6. Where a "C" District is surrounded on all sides by an "R" District, buildings shall have the same setback and area requirements as in the "R" District; and at least one off-street parking space shall be provided for each 300 square feet of floor space. This may include a hard surface parking area between the curb and sidewalk lines. Only goods or services shall be permitted which are clearly incident to neighborhood use, such as food stores, beauty parlors and similar uses.

6-7-14 "M" DISTRICT USE REGULATIONS. Within any "M" District, unless otherwise provided in this chapter, no building or premises shall be used and no building hereafter erected or structurally altered except for one or more of the following uses:

1. Any use permitted in the "C" District, except that no building shall hereafter be erected nor shall any existing building be converted or reconstructed for dwelling purposes, except for resident watchman or caretaker employed on the premises.

2. Any of the following or similar uses, except that before issuing a permit, the Enforcing Officer shall first refer the application to the City zoning and Planning Commission, which shall make a recommendation subject to the approval of the Council.

Auto wrecking and junk yards, provided that they are enclosed by a 6-foot fence, without advertising except for the business of the dealer, or other wise screened from unsightly view from the street; central mixing plant for concrete; asphalt, plaster, paving materials; concrete products manufacture; dog pound; grain storage; rock, gravel and cement crushing, storing,

missing or distribution; soy bean products; rag cleaning, boiler works, exterminator or insect poison manufacture, manufacture of oilcloth, linoleum, oiled or rubber goods, paint, oil, shellac, turpentine, lacquer, varnish, pyroxolin, stove or shoe polish; petroleum products, wholesale storage or distribution; yeast plant, manufacture of agricultural products; hybrid corn plant, poultry plant, but not rendering plants; distillation of bones, linseed oil meal, brewing products; or other uses which would create nuisances to existing or future dwellings within 1,000 feet of same.

3. Accessory buildings, and uses customarily incident to any of the above, when located on the same lot or parcel of land, including watchmen's and caretaker's dwellings.

6-7-15 FRONT YARDS.

1. In any "A" or "R" District, the depth of front yards shall be 20 percent or more of the depth of the lot. Such depth, except as provided in subsection 2 of this section need not exceed 50 feet in the "A" District or 30 feet in the "R" District.

2. Where 50 percent or more of the buildings on one side of the street in the same block are used exclusively for residence purposes, the front yard depth for a new or structurally altered building shall conform to the average setback of existing buildings, but in no case shall more than a 50-foot front yard depth be required.

3. No accessory building attached to the main building shall project beyond the front yard line. If separate, it shall be at least 60 feet from the front property line.

4. Lots having a double frontage require a front yard on both streets.

5. Steps, unenclosed balconies and open terraces or patios may project 10 feet into the front yard. Cornices and bay windows, 3 feet; enclosed vestibules, 4 feet, if containing no more than 40 square feet of area.

6. If the lot faces upon a half street, no portion of the front yard may be included within the future extended width of the street.

7. Dwellings in any "C" District have the same front yard requirements as those in the "R" District, except that no front yards are required for dwellings located above commercial or industrial establishments occupying the first floor.

6-7-16 SIDE YARDS.

1. In any "A" or "R" District, each lot shall have two side yards, the combined width of which shall not be less than 20 percent of the width of the lot; except that neither side yard shall have a width of less than 10 feet in the "A" District; 6 feet in the "R" District; cornices may project 3 feet into a side yard, but not steps, unenclosed balconies, open terraces or patios.

2. On corner lots, in any "A" or "R" District, the side yard adjacent to the street shall have a width of not less than 25 percent of the width of the lot, but need not exceed 25 feet. Accessory buildings, including garages, shall not project into such side yards, except that on a lot of record existing when the ordinance codified in this chapter was enacted, the buildable width of a main building need not be reduced to less than 28 feet; and a garage may project into the side yard to within 10 feet of the street side lot line in cases where this chapter cannot be reasonably complied with. In the case of reversed frontage, where a dwelling faces the side street, no accessory building shall project beyond the setback line of lots in the rear.

3. In any "A" or "R" District the side yards for a church, school, library, social center, community building, hospital, apartment house or similar structure shall have a minimum width of 10 feet. For each foot of height above 15 feet, such side yard shall be increased 4 inches in width for each foot of height. Steeples and spires shall be excluded from this requirement.

4. Side yards of dwellings in any "C" District shall have requirements similar to those of an "R" District. No side yards in the above districts are required for dwellings above commercial or industrial establishments occupying the first floor.

5. In any "C" or "M" District, no side yard is required for commercial or industrial buildings; but if adjoining an "R" District in the same block, side yard requirements are the same as for those of the adjoining district.

6-7-17 REAR YARDS.

1. In any "A" or "R" District, the depth of rear yards shall not be less than 25 percent of the depth of the lot. Such depth need not exceed 20 feet for the "R" District.

2. The projection of cornices, steps, unenclosed balconies, open terraces or patios, chimneys, vestibules, etc., may be of the same maximum distance as permitted in front yards. Fire escapes and outside stairways may project not more than 4 feet into the rear yards.

3. Rear yards of dwellings in the "C" District shall have the same requirements as those in the "R" District, except that no rear yard is required for dwellings located above commercial or industrial establishments occupying the first floor.

4. In any "C" or "M" Districts, no rear yard is required for commercial or industrial buildings, except as provided in 6-7-26 for loading and parking. Where the rear of the lot abuts an "R" District, there shall be a minimum rear yard depth of 10 feet, exclusive of an alley, and increased by 4 inches for each foot of height of the building above 15 feet.

6-7-18 HEIGHT REGULATIONS.

1. In any "A" or "R" District, no dwelling or accessory building shall exceed two and

one-half stories or 35 feet in height. In other districts, no building shall exceed four stories or 75 feet in height.

2. Buildings used for storage purposes only may exceed the maximum number of stories permitted in the district in which they are located, but shall not exceed 100 feet in height.

3. Chimneys, church steeples, cooling towers, elevator bulkheads, fire towers, stacks, tanks, water towers; radio or television towers; grain elevators and similar structures may be erected to a height in accordance with existing or hereafter adopted ordinances of the City.

6-7-19 DENSITY REGULATIONS.

1. In the "A" District, every lot or tract shall have an area of not less than one acre and a minimum width of 150 feet.

2. In the "R" District, every one- and two-family dwelling lot shall have an area of not less than 4,000 square feet and a minimum width of 40 feet. Multiple-family dwellings shall have not less than 600 square feet of lot per area per family, except that this regulation shall not apply to dormitories, rooming or lodging houses, where no cooking is done in individual rooms or apartments.

3. In any "C" District, the dwelling requirements are the same as for the "R" District, except that no lot area requirements exist for dwellings located above commercial or industrial establishments occupying the first floor.

4. Where a lot has less width or area than required, and was of record at the time of passage of the ordinance codified in this chapter, it may be used only for single-family purposes or for any other non-dwelling use permitted in the district in which it is located.

5. Minimum first floor areas of one and one-half to two and one-half story dwellings shall be 500 square feet in the "R" District. Floor areas of one-story dwellings shall be increased by 50 percent over the above.

6-7-20 GARAGES AND ACCESSORY BUILDINGS.

1. In any "A" or "R" District, accessory buildings shall not occupy more than 40 percent of a rear yard, and shall be at least 2 feet from any side or shall have the same side yard requirements as the main building. Unless a part of the main building, it shall be 60 feet or more from the front lot line and shall not project into the front yard.

2. If a detached garage faces an alley, it shall be at least 10 feet from the alley. A detached garage may be erected across a common lot line by mutual consent of the owners.

6-7-21 ADVERTISING SIGNS, POSTERS AND BULLETIN BOARDS.

1. In any district, real estate signs are permitted, advertising the sale, lease or rental of premises or buildings on which they are located. In any "A" or "R" District, they shall be at least 20 feet from the street lot line, or not more than 5 feet in front of the main building; and no more than 9 square feet in area. In the "C" and "M" Districts, they shall not exceed 20 square feet in size.

2. In any "A" or "R" District, announcements signs or bulletin boards are permitted upon the premises of a charitable, religious or public institution for its own use, provided that such signs or boards do not exceed 16 square feet in area, and are placed 20 feet or more from the street line, or not more than 5 feet in front of the main building. In the "R" or any "C" District, boarding or rooming house signs are permitted, not to exceed 9 square feet in area and located similarly to the above.

3. The total area of signs which are separate, independent and not an integral part of the building shall not exceed 24 square feet in the "C" or "M" Districts, for each business establishment.

4. Nothing in this chapter shall be construed as prohibiting the use of the regular road marking or traffic regulating signs or the regular warning signs on electric poles, or signs of warning the public where street excavating or repairing or other construction constituting a public hazard is in progress.

6-7-22 RESIDENTIAL DWELLING STANDARDS. All single-family dwelling units shall meet the following minimum standards:

1. The minimum width of a dwelling structure or principal building shall be 22 feet at the exterior dimension of 3 or more exterior walls, exclusive of attached garages, porches or other accessory structures.

2. All dwelling units including attached garages shall be placed on a permanent frost-free foundation.

3. All dwelling units shall provide for a minimum of 900 square feet of floor space.

6-7-23 FENCES. The purpose of this section pertaining to fences is to ensure the beauty and preserve the uniformity of appearance and safety of the City by regulating the direction, maintenance and removal of fences.

1. No fence shall be erected, constructed, enlarged, altered, moved, improved or demolished unless a permit pursuant to 6-7-31 has first been obtained, provided, however, no permits are required for fences having a height of 3 feet or less.

2. All fences shall have the following height restrictions: front yard, 3 feet 6 inches; rear

yard, 6 feet; side yard, 6 feet to front edge of house and 3 feet 6 inches from front of house to end of fence; corner lots, 3 feet 6 inches on corner side of house but in no event shall any fence be erected which violates 6-7-24.

3. All fences must be set back at least 2 feet from any sidewalk.

4. With any fence containing posts or rails, all posts and rails shall be installed on the property owner's side of the fence with the smooth side facing the adjoining property owner.

6-7-24 VISION AND CLEARANCE ON CORNER LOTS. On any corner lot in any "R" District, no foliage, fence, sign or other structure shall extend or be erected to a height of more than 2 feet above the elevation of the established grade at the intersection of the two street centerlines on that part of any lot which is bounded by the street lines of the two intersecting streets and a line connecting two points on said street lines 20 feet from their point of intersection.

6-7-25 GASOLINE FILLING STATIONS.

1. No gasoline filling stations shall hereafter be erected so that any pump, holder or other equipment is located within 12 feet of any street line; or any entrance or exit for vehicles within 50 feet of any entrance or exit of any previously existing assembly hall, theater, public library, church, public or private school, playground or community building, hospital, children's or old people's home, or similar institution.

2. Except in the "M" District, all inflammable liquids shall be stored when in bulk form in underground tanks, subject to such rules and regulations as may from time to time be prescribed by ordinance. Liquefied petroleum shall be stored according to City ordinance.

6-7-26 PROVISIONS FOR AUTOMOTIVE PARKING AND LOADING SPACE.

1. Dwellings shall provide parking area on the lot occupied by the main building; or garage space in the main building; or as a separate or accessory building, sufficient to accommodate one motor car for each family or dwelling unit.

2. In any "R" District, any church, school auditoriums, stadiums or other places of public assemblage erected on new sites, shall provide one off-street parking space for every ten seating capacity provided. Said parking space shall be provided on the same plot as the place of public assemblage or on a permanently reserved space within 500 feet of same.

3. Hospitals and welfare institutions shall provide at least one off-street parking space for each 1,000 square feet of floor area in said building.

4. Motels shall provide at least one off-street parking space for each individual sleeping or living unit.

5. Commercial or industrial buildings in any "C" or "M" District having a gross floor area of 2,000 square feet or more shall be provided with at least one off-street space for each 1,000 square feet of floor space either on the same tract or within 500 feet of same. Every hospital, motel, institution or commercial or industrial building having secondary access from an alley, side street or otherwise shall have one permanently maintained loading space of not less than 10 feet in width, 30 feet in length and 14 feet in height, for each 5,000 square feet of lot area upon which such building is located in the "A", "R", or "C" Districts; and for each 10,000 square feet in the "M" District. Loading space shall be arranged in such a way as not to obstruct traffic upon the public street.

6-7-27 BOARD OF ADJUSTMENT.

1. A Board of Adjustment, hereinafter referred to as the Board, is hereby established. The Board shall consist of five (5) members, each to be appointed by the mayor, subject to approval of the council, for staggered terms of five years. Vacancies shall be filled in the same manner for the unexpired term of the member whose office becomes vacant. The members of the Board shall serve without pay and be removed only for cause, upon written charges, after a public hearing. The Enforcing Officer and one member of the Planning and Zoning Commission shall be ex-officio members, who shall be non-voting members.

2. The Board shall elect its own chairperson, vice-chairperson and secretary. Such chairperson or in the absence of the chairperson, the vice-chairperson, may administer oaths and compel the attendance of witnesses.

3. The Board shall, from time to time, subject to the approval of the Council, adopt such rules and regulations as it may deem necessary to carry into effect the provisions of this chapter.

6-7-28 APPEALS. Appeals may be taken to the Board for any decision of the Enforcing Officer as provided by the Code of Iowa. The Board shall establish remainder rules and regulations.

6-7-29 POWERS. The Board shall have all powers provided for by State law.

6-7-30 ENFORCEMENT. The provisions of this chapter shall be enforced by such municipal official as may be designated by the Council

6-7-31 APPLICATION FOR BUILDING PERMITS.

1. No building permit for the erection, construction, reconstruction, conversion, alteration, enlargement, extension, raising or moving of any building or part thereof, shall be issued unless the plans, specifications and intended use conform in all respects to the provisions of this chapter.

2. Each application for a building permit shall be accompanied by a plan in duplicate, drawn to scale, showing the dimensions of the lot to be built upon; the size and location of the building or buildings to be erected, and such other information as deemed necessary for the proper enforcement of this chapter, including type of construction and estimated cost. One copy of such plans shall be returned to the owner after approval or disapproval of the project. A careful record of all such applications and plans shall be kept in the office of the Enforcing Officer. A building permit fee, in an amount established by Council resolution, shall also accompany each application.

3. Any building permit, under which no construction work has been commenced within six months after date of issue of said permit, or under which the proposed construction has not been completed within two years of the date of issue of said permit, shall expire by limitation; and no work or operation shall take place under such permit after such expiration, except as provided by the Board of Adjustment on appeal.

6-7-32 AMENDMENTS. Amendments may be made in the way prescribed by State law.

6-7-33 VIOLATIONS AND PENALTIES. Violation of this chapter shall be a misdemeanor. Upon conviction thereof any violator shall, for each offense, be fined a sum of not to exceed one hundred dollars (\$100.00) or imprisonment in jail for a term of not to exceed 30 days. Each day that a violation is permitted to exist after 10 days from the date of written notification by the Enforcing Officer, shall constitute a separate offense.

Editor's Note

The following ordinances, which have amended the Zoning Map of Grand Junction, Iowa, referred to in this chapter, have not been included as a part of this Code of Ordinances, but have been specifically saved from repeal and are in full force and effect.

Ordinance Number	Date Adopted
200	4-5-76
203	3-7-77
209	8-18-80
211	2-2-81
224	10-5-87
247	4-6-92
256	7-1-96

NEEL'S SUBDIVISION

6-7-34 LEGAL DESCRIPTION OF SUBDIVISION. The real estate described as follows has been developed as a residential district intended to meet the requirements of the Federal Housing Administration of the United States, and of the Subdivision Standards thereof:

Blocks 53, 54, 55, 59, 60 and the north 183.125 feet of Block 58, together with those parcels of land lying within said area that were formerly streets and alleys and conveyed to the adjacent

property owners by the City, all in South Grand Junction, Greene County, Iowa.

A plat of the area, described as Neel's Subdivision, South Grand Junction, Iowa, is on file in the public records of Greene County, Iowa, which plat is hereby by reference made a part hereof. The public driveway in said area, as shown on said plat, shall be designated and known as Sunset Drive.

6-7-35 CONSTRUCTION AND MAINTENANCE OF PUBLIC UTILITIES. The City shall construct and maintain in Neel's Subdivision the following:

1. A water system in accordance with the rules and regulations of the City;
2. A sewer system in accordance with the rules and regulations of the City;
3. The public thoroughfare or street designated as Sunset Drive;
4. Electric service lines and other service utilities that are now or may hereafter be installed, operated and maintained by the City.

The City and the officials thereof shall in all respects meet the requirements of the Federal Housing Administration of the United States in so far as the City is required to do so and no lien or assessment will be applied against any property affected by such installation. It is understood that the Neel Lumber Company, its heirs or assigns, agrees to hold the City free from loss by reason of any such installations.

6-7-36 REQUIRED IMPROVEMENT AND DESIGN STANDARDS.

1. All lots described in this chapter shall be known, described and used solely as residential lots, and no structure shall be erected on any residential building lot other than one detached single family dwelling not to exceed two stories in height and a one or two car garage.
2. No building shall be erected on any residential building plot nearer than 35 feet to nor farther than 45 feet from the front lot line, nor nearer than 4 feet to any side lot line. The side line restriction shall not apply to a garage located on the rear one-quarter of a lot, except that on corner lots no structure shall be permitted nearer than 8 feet to the side street line.
3. No residential lot shall be re-subdivided into building plots having less than 8,000 square feet of area or a width of less than 60 feet each, nor shall any building be erected on any residential building plot having an area of less than 8,000 square feet.
4. No trailer, basement, tent, shack, garage, barn or other outbuilding erected in the tract shall at any time be used as a residence temporarily or permanently nor shall any residence of a temporary character be permitted.

5. Title holder of each lot, vacant or improved, shall keep the lot or lots free of weeds and debris.

6. No building shall be erected on any lot unless the design and location is in harmony with existing structures and locations in the tract and does not violate any protective covenants. In any case, no dwelling shall be permitted on any lot described herein, having a ground floor square foot area less than 650 square feet in the case of a one story structure nor less than 950 square feet in the case of a one and one-half or two story structure.

7. No obnoxious or offensive trade shall be carried on upon any lot, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

8. A perpetual easement is reserved over the rear five feet of each lot for utility installation and maintenance.

6-7-37 PROVISIONS EFFECTIVE. The provisions of this chapter are to run with the land and shall be binding on all parties and all persons claiming under them until December 31, 1985, at which time said provisions shall be automatically extended for successive periods of ten years unless by a vote of the majority of the then owners of the lots it is agreed to change said provisions in whole or in part. If the parties hereto, or any of them, or their heirs or assigns shall violate or attempt to violate any of the provisions herein before December 31, 1985, it shall be lawful for any other person or persons owning any other lots in said development or subdivision to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such provisions and either to prevent him or them from so doing or to recover damages or other dues for such violation.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 8 UTILITIES - SANITARY SYSTEM

6-8-1	Definitions	6-8-5	Use of the Public Sewers
6-8-2	Use of Public Sewers Required	6-8-6	Protection from Damage
6-8-3	Private Sewage Disposal	6-8-7	Powers and Authority to Inspectors
6-8-4	Building Sewers and Connections	6-8-8	Penalties

6-8-1 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 Grand Junction 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.

6-8-2 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))

6-8-3 PRIVATE SEWAGE DISPOSAL.

1. Where a public sanitary or combined sewer is not available under the provision of Section 6-8-2(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 6-8-2(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))

6-8-4 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 Grand Junction 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 Grand Junction pertaining to plumbing. This bond shall state that the person will indemnify and save harmless the City of Grand Junction 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 for 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.

6-8-5 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 6-8-5(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 6-8-5(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.

6-8-6 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)

6-8-7 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 6-8-5(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.

6-8-8 PENALTIES.

1. Any person found to be violating any provision of this Ordinance except Section 6-8-6 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.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 9 UTILITIES - BILLING CHARGES

6-9-1	Utility Defined	6-9-8	Refuse Collection Rates
6-9-2	Districts	6-9-9	Rate of Sewer Rent and Manner of Payment
6-9-3	Disposition of Fees and Charges	6-9-10	Determination and Payment of Sewer Rent From Premises With Private Water Systems
6-9-4	Billing, Penalty		
6-9-5	Discontinuing Services, Fees		
6-9-6	Residential Rental Property		
6-9-7	Customer Guarantee Deposits		

6-9-1 UTILITY DEFINED. For use in this chapter, utility is the sewer, water, and refuse collection systems operated by the City.

6-9-2 DISTRICTS. There shall be one sewer and water district which encompasses all of the City of Grand Junction, Iowa.

6-9-3 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.

6-9-4 BILLING, PENALTY. Utility bills shall be due on the first of the month following the period for which service is billed. Payment shall be made to the City Clerk. Bills shall become delinquent after the fifteenth of the month in which due and bills paid after said day shall have added a penalty of five (5) percent of the amount of the bill for utility service. When the fifteenth falls on Saturday or Sunday, the City Clerk shall accept payment on the next office day without penalty.

(Code of Iowa, Sec. 384.84(1))

6-9-5 DISCONTINUING SERVICE, FEES.

1. If any account is not paid within thirty days from the end of any given period, the service to such owner or person so supplied with the utility shall be discontinued after the following procedures have been complied with:

a. The City Clerk shall send a disconnect or discontinuance notice by ordinary mail providing the following notice to customers: "You are advised that you may request a hearing on this matter to the City Clerk by noon on the day preceding the scheduled shut-off date or discontinuance of service."

b. When a hearing is requested by a customer, the Mayor or the Mayor's designee shall conduct a hearing within two (2) days following the request. The customer shall have the right to present evidence or propose a payment plan. The decision of the Mayor is final.

2. If service is discontinued for nonpayment of fees and charges, or for the violation of any Ordinance, a fee of \$2.50 shall be paid to the City Clerk in addition to the rates or charges then due before such service is restored. If any such service charge is not paid within sixty (60) days from the date it is due, the same shall constitute a lien upon the premises served by said municipal system, which said lien shall be collected in the same manner as taxes.

(Code of Iowa, Sec. 384.84(2))

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.

(Code of Iowa, Sec. 384.84 (3))

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 user.

(Code of Iowa, Sec. 384.84(3)(a)(3))

6-9-6 RESIDENTIAL RENTAL PROPERTY. Residential rental property where a charge for any of the services of water, sewer systems, storm water drainage systems, sewage treatment, solid waste collection, and solid waste disposal is paid directly to the City by the tenant is exempt from a lien for delinquent rates or charges associated with such services if the landlord gives written notice to the City utility that the property is residential rental property and that the tenant is liable for the rates or charges. A City utility may require a deposit not exceeding the usual cost of ninety (90) days of the services of water, sewer systems, storm water drainage systems, sewage treatment, solid waste collection, and solid waste disposal to be paid to the utility. Upon receipt, the utility or enterprise shall acknowledge the notice and deposit. A written notice shall contain the name of the tenant responsible for the charges, the address of the residential rental property that the 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 utility within thirty (30) business days of the change in tenant. When the tenant moves from the rental property, the City utility shall return the deposit, within ten days, if the charges for the services of water, sewer systems, storm water drainage systems, sewage treatment, solid waste collection, and solid waste disposal 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 utility within thirty (30) business days of the completion of the change of ownership. The lien exemption for rental property does not apply to charges for repairs related to a service of water, sewer systems, storm water drainage systems, sewage treatment, solid waste collection, and solid waste disposal if the repair charges become delinquent.

(Code of Iowa, Sec. 384.84(3)(d))

(Code of Iowa, Sec. 384.84(3)(e))

(Amended in 2012)

6-9-7 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))

6-9-8 REFUSE COLLECTION RATES. There shall be collected by the City for its services in collecting garbage and rubbish, the following mandatory fees:

1. Residence Rate. For each resident with alley or curb pickup, \$14.00 per month for one garbage or rubbish collection each week. In addition, a landfill fee of \$1.50 for each residence with alley or curb garbage pickup. In the event that alley or curb pickup for any residence is not feasible, the City Clerk is hereby empowered to enter into an agreement with such resident for any additional charge to be paid by such resident for any other location of pickup that may be agreed upon.

2. Commercial Rate. Rates for commercial establishments shall be established by the City Council.

(Code of Iowa, Sec. 384.84(1))

3. Recyclable Materials. In addition, a recycling fee of \$4.00 will be assessed for each residence with alley or curb garbage pickup

6-9-9 RATE OF SEWER RENT AND MANNER OF PAYMENT. The rate of sewer rent shall be \$4.23 per thousand gallons for each premises. The rent shall be paid with the water bill at the same time as payment of the water bill is due and under the same condition as to penalty for late payment, at the office of the City Clerk, beginning with the next payment after the enactment of this Ordinance, or, if connection has not been made, after the connection to the sewer system is made.

6-9-10 DETERMINATION AND PAYMENT OF SEWER RENT FROM PREMISES WITH PRIVATE WATER SYSTEMS. Users whose premises have a private water system shall pay a sewer rent in proportion to the water used and determined by the City Council either by an estimate agreed to by the user or by metering the water system. The rates shall be the same as provided in Section 6-9-10 applied as if a City water bill were to be paid. Rent shall be paid at the same time and place as provided in Section 6-9-9.

(Code of Iowa, Sec. 384.84(1))

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 10 PROPERTY MAINTENANCE CODE

6-10-1	Title	6-10-11	Administration
6-10-2	Unsafe Structures	6-10-12	Exterior Property Areas
6-10-3	Scope	6-10-13	Duties and Powers of the Code Official
6-10-4	Emergency Measures	6-10-14	Exterior Structure
6-10-5	Intent	6-10-15	Violations
6-10-6	Demolition	6-10-16	Handrails and Guardrails
6-10-7	Severability	6-10-17	Notices and Orders
6-10-8	Variances	6-10-18	Rubbish and Garbage
6-10-9	Applicability	6-10-19	Property Standards
6-10-10	General Maintenance Requirements		

6-10-1 TITLE. These regulations shall be known as the Property Maintenance Code of the City of Grand Junction, Iowa, hereinafter referred to as “this Code.”

6-11-2 SCOPE. The provisions of this Code shall apply to all existing residential and nonresidential structures and all existing premises in the City of Grand Junction, and constitute minimum maintenance requirements and standards for such premises and structures. This Code shall be deemed to be the “Housing Code” of the City of Grand Junction for purposes of Iowa Code §657A.10A(3)(d).

6-10-3 INTENT. This Code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare in so far as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

6-10-4 SEVERABILITY. If a section, subsection, sentence, clause or phrase of this Code is, for any reason, held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this Code.

6-10-5 APPLICABILITY.

1. General. The provisions of this Code shall apply to all matters affecting or relating to structures and premises, as set forth in Section 6-10-2. Where, in a specific case, different sections of this Code specify different requirements, the most restrictive shall govern. All structures in violation of the provisions of this Code are hereby declared to be public nuisances and shall be abated by repair or demolition in accordance with the procedures specified herein.

2. Maintenance. Except as otherwise specified herein, the owner shall be responsible for the maintenance of buildings, structures and premises. For purposes of this Code, the term "Owner" shall mean the person or entity having legal title to the property in question according to the records of the County Auditor, including the Conservator or other legal representative of any such person or entity, and the personal representative of a deceased person. In the case of a property subject to a land sale contract, the contract buyer shall be deemed to be the owner for purposes of this Code.

3. Existing Remedies. The provisions in this Code shall not be construed to abolish or impair any other remedies available to the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is abandoned, a nuisance or otherwise dangerous or unsafe.

4. Workmanship. Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this Code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions.

5. Historic Buildings. The provisions of this Code shall not be mandatory for existing buildings or structures designated as historic buildings in the discretion of the Code Official.

6. Requirements Not Covered by Code. Requirements necessary for the strength, stability or proper maintenance of an existing structure, or for the public safety, health and general welfare, not specifically covered by this Code, shall be determined by the Code Official.

6-10-6 ADMINISTRATION.

1. General. The Grand Junction Mayor shall be designated as the "Code Official" for the purposes of this Code.

2. Deputies. In accordance with the prescribed procedures of the City, the Code Official shall have the authority to retain such engineers, inspectors or other necessary technical personnel as may be necessary to carry out the requirements of this Code.

3. Liability. The Code Official or any other employee or agent charged with the enforcement of this Code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of their official duties. Any suit instituted against any person because of an act performed by that person in the lawful and good faith discharge of duties and under the provisions of this Code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings.

6-10-7 DUTIES AND POWERS OF THE CODE OFFICIAL.

1. General. The Code Official shall have primary responsibility for enforcing the provisions of this Code.

2. Rule-making Authority. The Code Official shall have authority as necessary in the interest of public health, safety and general welfare, to interpret and implement the provisions of this Code; to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions.

3. Inspections. The Code Official shall cause to be examined every structure or premises reported to be in violation of this Code, or otherwise brought to the attention of the Code Official. The Code Official is authorized to engage such experts as the Code Official deems necessary to examine and report on any structure believed to be in violation of this Code. If any such structure or premises is found to be in violation of the provisions of this Code, the Code Official shall give notice to the owner thereof in accordance with Section 6-10-9.

4. Notices and Orders. The Code Official shall issue all necessary notices or orders to ensure compliance with this Code.

5. Records. The City Clerk shall keep records of all business and activities specified by the provisions of this Code. Such records shall be retained in the official records as long as the building or structure to which such records relate remains in existence, unless otherwise provided for by other regulations.

6-10-8 VIOLATIONS.

1. Unlawful Acts. It is unlawful for the owner of any premises or structure to be in conflict with or in violation of any of the provisions of this Code.

2. Prosecution of Violation. Any person failing to comply with a notice of violation or order served in accordance with Section 6-10-9 shall be deemed guilty of a municipal infraction. If the notice of violation is not complied with, the Code Official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this Code or of any order or direction made pursuant thereto.

3. Violation Penalties. Any person who shall violate a provision of this Code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state and local laws for municipal infractions. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

4. Abatement of Violation. The imposition of the penalties herein prescribed shall not preclude the jurisdiction from instituting appropriate legal action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, or utilization of the building, structure or premises.

5. Direct Abatement by City. In the event a violation of this chapter continues unabated after notice to the owner as provided herein, in addition to any other remedies, the City may proceed to perform the necessary action to correct said violation(s). In such event, the Clerk shall notify the property owner of the total expenses incurred by the City, and if the amount shown in said notice is not paid within thirty (30) days, the Clerk shall certify those costs to the County Treasurer and such costs shall then be allocated with, and in the same manner as, general property taxes. (Ord. 2011-09– July 12 Supp.)

6-10-9 NOTICES AND ORDERS.

1. Notice to Person Responsible. Whenever the Code Official determines that there has been a violation of this Code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed herein to the owner of the subject premises. If the Code Official has knowledge of an occupant of the subject premises other than the owner, a copy of said notice shall be sent to same.

2. Form. The notice shall:

- a. Be in writing.
- b. Include a description of the real estate sufficient for identification.
- c. Include a statement of the violation or violations hereunder.
- d. Include an order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this Code.

3. Method of Service. The notice shall be deemed to be properly served if a copy thereof is:

- a. Delivered personally; or
- b. Sent by mail; and
- c. By posting a copy thereof in a conspicuous place on or about the structure that is the subject of such notice.

4. Transfer of Ownership. It is unlawful for the owner of any dwelling unit or structure upon whom a notice of violation has been served to sell, transfer, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, or lessee a true copy of any compliance order or notice of violation issued by the Code Official and shall furnish to the Code Official a signed and notarized statement from the grantee, transferee, or lessee,

acknowledging the receipt of such notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such notice of violation.

6-10-10 UNSAFE STRUCTURES.

1. General. When a structure is found by the Code Official to be unsafe, or when a structure is found unfit for human occupancy, such structure may be condemned pursuant to the provisions of this Code.

2. Unsafe Structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure because such structure is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is likely.

3. Structure Unfit for Human Occupancy. A structure is unfit for human occupancy whenever the Code Official finds that such structure is unsafe, or because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, electricity, sanitary or heating facilities or other essential utility services, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

4. Closing of Vacant Structures. If the structure is vacant and unfit for human habitation and occupancy, but does not appear to be in danger of structural collapse, the Code Official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the Code Official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

5. Notice. Whenever the Code Official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with Section 6-10-9.

6. Placarding. Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the Code Official shall post on the premises a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard. The Code Official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the Code Official shall be guilty of a misdemeanor.

7. Prohibited Occupancy. Any occupied structure condemned and placarded by the Code Official shall be vacated as ordered by the Code Official. Any person who shall occupy a placarded premises and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be guilty of a misdemeanor.

6-10-11 EMERGENCY MEASURES.

1. Imminent Danger. When, in the opinion of the Code Official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the Code Official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The Code Official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the City of Grand Junction." It is unlawful for any person to enter such structure without the permission of the City.

2. Temporary Safeguards. Notwithstanding other provisions of this Code, whenever, in the opinion of the Code Official, there is imminent danger due to an unsafe condition, the Code Official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the Code Official deems necessary to meet such emergency.

3. Closing Streets. When necessary for public safety, the Code Official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

4. Emergency Repairs. For the purposes of this section, the Code Official shall employ the necessary labor and materials to perform the required work as expeditiously as possible. Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

6-10-12 DEMOLITION.

1. General. The Code Official shall order the owner of any premises upon which is located any structure, which in the Code Official's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of

normal construction of any structure for a period of more than two years, to demolish and remove such structure.

2. Notice and Orders. All notices and orders shall comply with Section 6-10-9.

3. Failure to Comply. If the owner of a premises fails to comply with a demolition order within the time prescribed, the Code Official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons and the cost of such demolition and removal shall be charged to the owners of the premises involved, and may be levied as a special assessment against the land on which the building or structure is located, and shall be certified by the Code Official to the County Treasurer for collection in the manner provided for other taxes.

4. Salvage Materials. When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

6-10-13 VARIANCES.

1. Modification. Whenever there are practical difficulties involved in carrying out this Code, the Code Official shall have the authority to grant modification for individual cases, provided the Code Official shall first find that special individual reasons makes the strict letter of this Code impractical and the modification is in compliance with the intent and purpose of this Code and that such modification does not threaten health, life or fire safety. The details of action granting modifications shall be recorded and entered in the records.

2. Alternative Materials, Methods and Equipment. The provisions of this Code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this Code. An alternative material or method of construction shall be approved where the Code Official finds that the proposed design is satisfactory and complies with the intent of the provisions of this Code, and that the material, method or work offered is, for the purpose intended at least the equivalent of that prescribed in this Code in quality, strength, effectiveness, fire resistance, durability and safety.

6-10-14 GENERAL MAINTENANCE REQUIREMENTS.

1. Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of owners for the maintenance of premises and structures.

2. Responsibility. The owner of the premises shall maintain the structure in compliance with these requirements, except as otherwise provided for in this Code. A person shall not occupy as owner-occupant - or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter.

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

6-10-15 EXTERIOR PROPERTY AREAS.

1. General. The exterior grounds of all premises shall be maintained in a clean, safe, and sanitary condition; free from litter, rubbish, or garbage of any kind. Lawn areas (other than cultivated gardens) shall be kept mown to a height not exceeding ten (10) inches. All other vegetation shall be trimmed and maintained so as not to interfere with the use of adjoining sidewalks or public right-of-way and so as not to become a health, safety, or fire hazard.

2. Sidewalks and Driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from conditions that endanger public health or safety.

3. Rodent Harborage. All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

4. Accessory Structures. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

5. Defacement of Property. No person shall damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

6-10-16 EXTERIOR STRUCTURE.

1. General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

2. Protective Treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as

those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

3. Structural Members. All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

4. Foundation Walls. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

5. Exterior Walls. All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

6. Roofs and Drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

7. Decorative Features. All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

8. Overhang Extensions. All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weathercoating materials, such as paint or similar surface treatment.

9. Stairways, Decks, Porches and Balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

10. Chimneys and Towers. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

11. Handrails and Guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

12. Window, Skylight and Door Frames. The exterior of every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

13. Doors. All exterior doors, door assemblies and hardware shall be maintained in good condition.

14. Basement Hatchways. Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

15. Guards for Basement Windows. Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

6-10-17 HANDRAILS AND GUARDRAILS.

1. General. Every exterior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than 30 inches (762 mm) high or more than 42 inches (1067 mm) high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches (762 mm) high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

2. Exception. Guards shall not be required where exempted by the applicable building Code.

6-10-18 RUBBISH AND GARBAGE.

1. Accumulation of Rubbish or Garbage. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

2. Infestations. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

6-10-19 PROPERTY STANDARDS. All rental properties must substantially conform to the following provisions of the *International Property Maintenance Code*, 2012 as published by the International Code Council, Inc., the provisions of which are by this reference adopted and made part of this chapter.

1. Definitions of Chapter 2.

2. Section 302.5 pertaining to Rodent Harborage
3. Section 304.1.1 pertaining to Unsafe Conditions, Exterior Structure
4. Section 304.3 pertaining to Premises Identification
5. Section 304.13 pertaining to Window, Skylight and Door Frames
6. Section 304.14 pertaining to Screens for the period from April 1-November 1 in each year.
7. Section 304.15 pertaining to Doors
8. Section 304.18 pertaining to Building Security
9. Section 305 pertaining to Unsafe Conditions, Interior Structure
10. Section 306 pertaining to Unsafe Conditions, Component Serviceability
11. Section 307 pertaining to Handrails and Guardrails (but amended by requiring a handrail on exterior and interior flight of stairway having more than three rather than more than four risers)
12. Section 402.2 pertaining to Common Halls and Stairways
13. Section 403.2 pertaining to Bathrooms and Toilet Rooms
14. Section 403.5 pertaining to Clothes Dryer Exhaust
15. Section 504 pertaining to Plumbing Systems and Fixtures
16. Section 505 pertaining to Water Supply
17. Section 506.1 pertaining to Sanitary Drainage System
18. Section 506.2 pertaining to Maintenance
19. Section 602 pertaining to Heating Facilities (dates for heat being November 1 thorough April 1, inclusive)
20. Section 603 pertaining to Mechanical Equipment
21. Section 604 pertaining to Electrical Facilities
22. Section 605 pertaining to Electrical Equipment

- 23. Section 606.2 pertaining to Elevators
- 24. Section 702.1 pertaining to Means of Egress, General
- 25. Section 702.3 pertaining to Means of Egress, Locked Doors
- 26. Section 704 pertaining to Fire Protection Systems

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 11 UTILITY BOARD OF TRUSTEES

6-11-1	Purpose	6-11-6	Powers and Duties of the Board
6-11-2	Board Established	6-11-7	Control of Funds
6-11-3	Appointment of Trustees	6-11-8	Accounting
6-11-4	Compensation	6-11-9	Discriminatory Rates Illegal
6-11-5	Vacancies	6-11-10	Discontinuance of Board

6-11-1 **PURPOSE.** The purpose of this chapter is to provide for the operation of the municipally owned electric and water utilities by a board of trustees.

6-11-2 **BOARD ESTABLISHED.** Pursuant to an election held January 5, 1934, the management and control of the municipally owned electric utility was placed in the hands of a board of trustees, and pursuant to an election held December 20, 1948, the management and control of the municipally owned water utility was placed in the hands of the board of trustees.

(Code of Iowa, Sec. 388.2)

6-11-3 **APPOINTMENT OF TRUSTEES.** The Mayor shall appoint, subject to the approval of the Council, five (5) persons to serve as trustees for staggered six (6) year terms. No public officer or salaried employee of the City may serve on a utility board.

(Code of Iowa, Sec. 388.3)

6-11-4 **COMPENSATION.** The Council shall by resolution set the compensation of board members.

(Code of Iowa, Sec. 388.3)

6-11-5 **VACANCIES.** An appointment to fill a vacancy on the board of trustees shall be made in the same manner as an original appointment except that such appointment shall be for the balance of the unexpired term.

(Code of Iowa, Sec. 388.3)

6-11-6 **POWERS AND DUTIES OF THE BOARD.** The board of trustees may exercise all powers of the City in relation to the City utility, City utilities, or combined utility system it administers, with the following exceptions:

(Code of Iowa, Sec. 388.4)

Taxes, ordinances and bonds. A board may not certify taxes to be levied, pass ordinances or amendments, or issue general obligation or special assessment bonds.

(Code of Iowa, Sec. 388.4[1])

2. Property. Title to all property must be in the name of the City but the board has full control of such property subject to limitations imposed by law.

(Code of Iowa, Sec. 388.4[2])

3. Reports to Council. The board shall make a detailed annual report to the Council including a complete financial statement.

(Code of Iowa, Sec. 388.4[3])

4. Proceedings Published. Immediately following a regular or special meeting, the board secretary shall prepare and cause to be published in a newspaper of general circulation in the City a condensed statement of proceeding including a list of all claims.

(Code of Iowa, Sec. 388.4[4])

6-11-7 CONTROL OF FUNDS. The board shall control tax revenues allocated to it as well as all moneys derived from operations.

(Code of Iowa, Sec. 388.5)

6-11-8 ACCOUNTING. Utility moneys must be held in a separate utility fund, with a separate account or accounts for each utility or combined utility system.

(Code of Iowa, Sec. 388.5)

6-11-9 DISCRIMINATORY RATES ILLEGAL. A utility may not provide use or service at a discriminatory rate, except to the City or its agencies, as provided in Section 348.91, Code of Iowa.

(Code of Iowa, Sec. 388.6)

6-11-10 DISCONTINUANCE OF BOARD. A proposal, on motion of the Council or upon receipt of a valid petition, to discontinue a utility board is subject to the approval of the voters of the City, except that a board may be discontinued by resolution of the Council when the City utility, City utilities, or combined utility system it administers is disposed of or leased for a period of over five (5) years.

(Code of Iowa, Sec. 388.2).

TITLE VI PHYSICAL ENVIRONOMENT

CHAPTER 12 STREETS AND ALLEYS

USE AND MAINTENANCE

- 6-12-1 Removal of Warning Devices
- 6-12-2 Obstructing or Defacing
- 6-12-3 Pacing Debris On
- 6-12-4 Playing In
- 6-12-5 Traveling on Barricaded Street or Alley
- 6-12-6 Use for Business Purposes
- 6-12-7 Washing Vehicles
- 6-12-8 Burning Prohibited
- 6-12-9 Excavations
- 6-12-10 Maintenance of Parking or Terrace
- 6-12-11 Failure to Maintain Parking or Terrace
- 6-12-12 Dumping of Snow
- 6-12-13 Driveway Culverts

CONTROLLED ACCESS FACILITIES

- 6-12-14 Exercise of Police Power
- 6-12-15 Definition
- 6-12-16 Unlawful Use of Controlled Access Facility
- 6-12-17 Establishment
- 6-12-18 Acquisition of Right-of-Way and Access Rights

6-12-19 Parking

NAMING OF STREETS

- 6-12-20 Naming New Streets
- 6-12-21 Changing Name of Street
- 6-12-22 Recording Street Names
- 6-12-23 Official Street Name Map
- 6-12-24 Revision of Street Name Map

VACATION AND DISPOSAL

- 6-12-25 Power to Vacate
- 6-12-26 Planning and Zoning Commission
- 6-12-27 Notice of Vacation Hearing
- 6-12-28 Findings Required
- 6-12-29 Disposal of Vacated Streets or Alleys
- 6-12-30 Disposal by Gift Limited
- 6-12-31 Vacated Streets and Alleys

STREET GRADES

- 6-12-32 Established Grades
- 6-12-33 Record Maintained
- 6-12-34 Official Town Base, Datum Line
- 6-12-35 Grades of Streets and Alleys

6-12-1 REMOVAL OF WARNING DEVICES. It shall be unlawful for a person willfully to remove, throw down, destroy or carry away from any street or alley any lamp, obstruction, guard or other article or things, or extinguish any lamp or other light, erected or placed thereupon for the purpose of guarding or enclosing unsafe or dangerous places in said street or alley without the consent of the person in control thereof.

(Code of Iowa, Sec. 716.1)

6-12-2 OBSTRUCTING OR DEFACING. It shall be unlawful for any person to obstruct, deface, or injure any street or alley in any manner.

(Code of Iowa, Sec. 716.1)

6-12-3 PLACING DEBRIS ON. It shall be 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, or any other debris, or any other substance likely to injure any person, animal or vehicle.

(Code of Iowa, Sec. 321.369)

6-12-4 PLAYING IN. It shall be unlawful for any person to coast, sled or play games on streets or alleys, except in the areas blocked off by the City for such purposes.

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

6-12-5 TRAVELING ON BARRICADED STREET OR ALLEY. It shall be unlawful for any person to travel or operate any vehicle on any street or alley temporarily closed by barricades, lights, signs, or flares placed thereon by the authority or permission of any City official, police officer or member of the fire department.

6-12-6 USE FOR BUSINESS PURPOSES. It shall be unlawful to park, store or place, temporarily or permanently, any machinery or junk or any other goods, wares, and merchandise of any kind upon any street or alley for the purpose of storage, exhibition, sale or offering same for sale, without permission of the Council.

6-12-7 WASHING VEHICLES. It shall be unlawful for any person to use any public sidewalk, street or alley for the purpose of washing or cleaning any automobile, truck equipment, or any vehicle of any kind when such work is done for hire or as a business. This shall not be construed to prevent any person from washing or cleaning his own vehicle or equipment when it is lawfully parked in the street or alley.

6-12-8 BURNING PROHIBITED. No person shall burn any trash, leaves, rubbish or other combustible material in any curb and gutter or on any paved surfaced street or alley.

6-12-9 EXCAVATIONS. No person shall dig, excavate or in any manner disturb any street, parking or alley unless such person shall first obtain a permit therefore as hereinafter provided or as provided in other sections of the Code of Ordinances.

1. Application. Before such permit shall be granted, the person shall file with the City a written application. The application shall give an exact description of the property, by lot and street number, in front of or along which it is desired to excavate, state the purpose, for whom and by whom the excavation is to be made, and who will be responsible for the refilling of said excavation and restoration of the street or alley surface.

2. Public Convenience. Streets and alleys shall be opened in the manner which will cause the least inconvenience to the public and admit the uninterrupted passage of water along the gutter on the street.

3. Barricades and Lighting. Adequate barricades and warning lights meeting standards specified by the City shall be so placed as to protect the public from hazard. Any costs incurred by the City in providing or maintaining adequate barricades or warning lights shall be paid to the

City by the permit holder/property owner.

4. Insurance Required. Each applicant shall also file a certificate of insurance indicating that the applicant is carrying public liability insurance in effect for the duration of the permit covering the applicant and all agents and employees for the following minimum amounts:

Bodily Injury -- \$50,000.00 per person; \$100,000.00 per accident.

Property Damage -- \$50,000.00 per accident.

5. Restoration of Public Property. Streets, sidewalks, alleys and other public property disturbed in the course of the work shall be restored to the condition of the property prior to the commencement of the work, or in a manner satisfactory to the City, at the expense of the permit holder/property owner.

6. Inspection. All work shall be subject to inspection by the City. Backfill shall not be deemed completed, nor resurfacing of any improved street or alley surface begun, until such backfill is inspected and approved by the City. The permit holder/property owner shall provide the City with notice at least twenty-four (24) hours prior to the time when inspection of backfill is desired.

7. Completion by the City. Should any excavation in any street or alley be left open or unfinished for a period of twenty-four (24) hours or should the work be improperly done, the City has the right to finish or correct such work and the expense shall be charged to the permit holder/property owner.

8. Responsibility for Costs. All costs and expenses incident to the excavation shall be borne by the permit holder and/or property owner. The permit holder and owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by such excavation.

9. Permit Issued. Upon approval of the application and filing of the insurance certificate, a permit shall be issued. A separate permit shall be required for each excavation.

6-12-10 MAINTENANCE OF PARKING OR TERRACE. It shall be the responsibility of the abutting property owner to maintain all property outside the lot and property lines and inside the curb lines upon the public streets, except that the abutting property owner shall not be required to remove diseased trees or dead wood on the publicly owned property or right-of-way. Maintenance includes timely mowing, trimming trees and shrubs and picking up litter.

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

6-12-11 FAILURE TO MAINTAIN PARKING OR TERRANCE. If the abutting property owner does not perform an action required under the above section within a reasonable time, the City may perform the required action and assess the cost against the abutting property for collection in the same manner as a property tax.

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

6-12-12 DUMPING OF SNOW. It shall be unlawful for any person to throw, push, or place or cause to be thrown, pushed or placed, any ice or snow from private property, sidewalks, or driveways onto the traveled way of a street or alley so as to obstruct gutters, or impede the passage of vehicles upon the street or in the cleaning of large commercial drives in the business district it is absolutely necessary to move the snow onto the street or alley temporarily, such accumulation shall be removed promptly by the property owner or agent, and only after first making arrangements for such prompt removal at the owner's cost of the accumulation within a reasonably short time.

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

6-12-13 DRIVEWAY CULVERTS. The property owner shall, at the owner's expense, install any culvert deemed necessary under any driveway or any other access to the owner's property, and before installing a culvert, permission must first be obtained from the City. In the event repairs are needed at any time with respect to culverts, it shall be the responsibility of the property owner to make such repairs, and, in the event the owner fails to do so, property owner fails to reimburse the City for the cost of said repairs, the cost shall be certified to the County Treasurer and specially assessed against the property as by law provided.

CONTROLLED ACCESS FACILITIES

6-12-14 EXERCISE OF POLICE POWER. This chapter shall be deemed an exercise of the police power of the City under Chapter 306A, Code of Iowa, for the preservation of the public peace, health, safety and for the promotion of the general welfare.

(Code of Iowa, Sec. 306A.1)

6-12-15 DEFINITION. The term "controlled access facility" means a highway especially designed for through traffic, and over, from or to which owners or occupants of abutting land or other persons have only a controlled right of easement of access, light, air or view by reason of the fact that their property abuts upon such controlled access facility or for any other reason.

(Code of Iowa, Sec. 306A.2)

6-12-16 UNLAWFUL USE OF CONTROLLED ACCESS FACILITY. It shall be unlawful for any person to:

(Code of Iowa, Sec. 306A.3)

1. Cross Dividing Line. Drive a vehicle over, upon or across any curb, central dividing section, or other separation or dividing line on such controlled access facilities.

2. Turns. Make a left turn or a semicircular or U-turn except through an opening provided for that purpose in the dividing curb section, separation or line.

3. Use of Lanes. Drive any vehicle except in the proper lane provided for that purpose and

in the proper direction and to the right of the central dividing curb, separation section or line.

4. Enter Facility. Drive any vehicle into the controlled access facility from a local service road except through an opening provided for that purpose in the dividing curb or dividing section or dividing line which separates such service road from the controlled access facility property.

6-12-17 ESTABLISHMENT. There are hereby fixed and established controlled access facilities on the Primary Road System extension improvement, Project No. FN-541 Primary Road No. Iowa No. 144 within the City, described as follows:

From Sta. 21+00 to Sta. 23+90 (NCL)

regulating access to and from abutting properties along said highway all in accordance with the plans for such improvement identified as Project No. FN-541 on file in the office of the Clerk.

6-12-18 ACQUISITION OF RIGHT-OF-WAY AND ACCESS RIGHTS. The Iowa State Highway Commission is hereby authorized to acquire right-of-way and access rights by purchase or condemnation as shown on the plans for Project No. FN 1029(2) now on file in the office of the Clerk and as more specifically described as follows:

From Station 1368+72.0 to Station 1373+94.3

From Station 2000+10.4 to Station 2032+04.5

From Station 3031+06.2 to Station 3033+55.0

From Station 3038+80 right to Station 3042+82 right.

6-12-19 PARKING. Parking of any nature on said project is hereby prohibited.

NAMING OF STREETS

6-12-20 NAMING NEW STREETS. New streets shall be assigned names in accordance with the following:

Extension of Existing Street. Streets added to the City that are natural extensions of existing streets shall be assigned the name of the existing street.

Ordinance. All street names, except streets named as a part of a subdivision or platting procedure, shall be named by ordinance.

Planning and Zoning Commission. Proposed street names shall be referred to the Planning and Zoning Commission for review and recommendation.

6-12-21 CHANGING NAME OF STREET. The Council may, by ordinance, change the name of a street.

6-12-22 RECORDING STREET NAMES. Following official action naming or changing the

name of a street, the Clerk shall file a copy thereof with the County Recorder, County Auditor and County Assessor.

(Code of Iowa, Sec. 354.26)

6-12-23 OFFICIAL STREET NAME MAP. Streets within the City are named as shown on the Official Street Name Map which is hereby adopted by reference and declared to be a part of this chapter. The Official Street Name Map shall be identified by the signature of the Mayor, and bearing the seal of the City under the following words: "This is to certify that this is the Official Street Name Map referred to in Section 177.04 of the Code of Ordinances of Grand Junction, Iowa."

6-12-24 REVISION OF STREET NAME MAP. If in accordance with the provisions of this chapter, changes are made in street names, such changes shall be entered on the Official Street Name Map promptly after the amendment has been approved by the Council with an entry on the Official Street Name Map as follows: "On (date), by official action of the City Council, the following changes were made in the Official Street Name Map: (brief description)," which entry shall be signed by the Mayor and attested by the Clerk. No amendment to this chapter which involves naming or changing the name of a street shall become effective until after such change and entry has been made on said map.

VACATION AND DISPOSAL

6-12-25 POWER TO VACATE. When in the judgment of the Council, it would be in the best interest of the City to vacate a street or alley or portion thereof, the Council may do so by ordinance in accordance with the provisions of this chapter.

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

6-12-26 PLANNING AND ZONING COMMISSION. Any proposal to vacate a street or alley shall be referred by the Council to the Planning and Zoning Commission for its study and recommendation prior to further consideration by the Council. The Commission shall submit a written report including recommendations to the Council within thirty (30) days after the date the proposed vacation is referred to the Commission.

(Code of Iowa, Sec. 392.1)

6-12-27 NOTICE OF VACATION HEARING. The Council shall cause to be published a notice of public hearing of the time at which the proposal to vacate shall be considered.

6-12-28 FINDINGS REQUIRED. No street or alley, or portion thereof, shall be vacated unless the Council finds that

Public Use. The street or alley proposed to be vacated is not needed for the use of the public, and therefore, its maintenance at public expense is no longer justified.

Abutting Property. The proposed vacation will not deny owners of property abutting on the street

or alley reasonable access to their property.

(Code of Iowa, Sec. 364.15)

6-12-29 DISPOSAL OF VACATED STREETS OR ALLEYS. When in the judgment of the Council it would be in the best interest of the City to dispose of a vacated street or alley, or portion thereof, the Council may do so in accordance with the provisions of Section 364.7, Code of Iowa.

(Code of Iowa, Sec. 364.7)

6-12-30 DISPOSAL BY GIFT LIMITED. The City may not dispose of a vacated street or alley, or portion thereof, by gift except to a governmental body for a public purpose.

(Code of Iowa, Sec. 364.7(3))

6-12-31 VACATED STREETS AND ALLEYS. The following streets and alleys have been vacated, to-wit:

In the original plat of the Town of Grand Junction including subdivisions:

CENTRAL GRAND JUNCTION

The north end of Third Avenue to Lot six (6), Block four (4) and the north end of the alley to Lot twelve (12), Block five (5), in Grand Junction, Iowa.

The alley between Lot eight (8) in Block fifty-eight (58), and Lots nine (9), ten (10), eleven (11), twelve (12), thirteen (13) and fourteen (14) in Block fifty-eight (58); also the alley between Lots one (1) and eight (8) in Block fifty-eight (58), Central Grand Junction.

As much of Fourth Avenue as lies between Blocks eleven (11) and twelve (12), as much of Fifth Avenue as lies between Blocks ten (10) and eleven (11), and as much of Sixth Avenue as lies between Blocks nine (9) and ten (10). All alleys in Blocks ten (10), eleven (11) and twelve (12), Grand Junction.

All of Nineteenth Street from the southeast corner of Lot six (6) in Block twenty-four (24) running north to Park Avenue; all of Hill Avenue lying between Blocks sixteen (16) and seventeen (17); all of School Avenue lying between Blocks seventeen (17) and twenty-four (24); all the alleys running through said Blocks sixteen (16), seventeen (17) and the north half (N1/2) of Block twenty-four (24), Central Grand Junction. Said vacated streets and alleys were conveyed to George Brandsitter.

All streets and alleys lying west of Eighteenth Street and north of and including Hatton Avenue and Seventeenth Street between Blocks twenty-six (26) and twenty-seven (27) in Central Grand Junction; conveyed to O. W. Lowery and Robert Goodwin.

The alley running east and west in the West Half (w1/2) of Block eighty-two (82) Central Grand Junction; conveyed to the Independent School District of Grand Junction, Iowa.

All the streets and alleys and parts of streets and alleys lying south of the right-of-way of the Chicago and North Western Railway and east of Nineteenth Street in the Town of Grand Junction.

The alley running east and west in the West Half (w1/2) of Block seventy-eight (78) and all the alleys in Block seventy-nine (79), Central Grand Junction.

The alley lying between Lot two (2) and Lot five (5), Block seventy-one (71), Central Grand Junction, conveyed to Henry Rueter and Emma Rueter.

The alley running north and south lying between Lots four (4) and seven (7) in Block seventy-one (71), Central Grand Junction, the West Half (W1/2) conveyed to W. C. Young and Helen Young and the East Half (E1/2) conveyed to the First Presbyterian Church of Grand Junction, Iowa.

The North Half (N1/2) of that portion of the alley running east and west through Block eighty-five (85) lying between Lots six (6) and seven (7) in said Block eighty-five (85); and that part of the alley in said Block eighty-five (85) running north and south described as a strip of land ten (10) feet wide adjacent to and running along the east ends of Lots one (1) to six (6) inclusive, and extending to the center of the alley running east and west in said Block eighty-five (85), Central Grand Junction, conveyed to Fred O'Neal.

The South Half (S1/2) of that portion of the alley running east and west through Block eighty-five (85) lying between Lots six (6) and seven (7) in said Block eighty-five (85); and that part of the alley in said Block eighty-five (85) running north and south described as a strip of land ten (10) feet wide adjacent to and running along the east ends of Lots seven (7) to twelve (12) inclusive, and extending to the center of the alley running east and west in said Block eighty-five (85), Central Grand Junction, conveyed to Oscar H. Nelson and Dora E. Nelson.

The West Half (W1/2) of Nineteenth Street lying between Block seventy-six (76), Central Grand Junction and Block "B" of Watts' Second Addition and extending southward to the corporation limits of Grand Junction; Kelly Street adjacent to and running along the south side of Lot eight (8), Block seventy-six (76), Central Grand Junction; and the East Half (E1/2) of the alley running north and south through Block seventy-six (76) and extending southward to the corporation limits, all in Central Grand Junction, conveyed to Leonard J. Neel.

The alley running east and west lying between Lots one (1) and two (2) and Lot five (5); also the South Half (S1/2) of said alley lying between Lots three (3) and four (4) and said Lot five (5), all in Block sixty-four (64) Central Grand Junction, conveyed to R. M. Smith.

The North Half (N1/2) of the alley running east and west lying between Lots three (3) and four (4) and Lot five (5), in Block sixty-four (64), Central Grand Junction, conveyed to C.C. Patterson.

Kelly Street adjacent to and running along the south side of Lot four (4), Block seventy-six (76); the alley running east and west lying between Lots one (1) and two (2) and Lot three (3), Block seventy-six (76); the West Half (W1/2) of the alley running north and south through Block seventy-six (76) and extending southward to the corporation limits, all in Central Grand Junction, conveyed to John F. Gross and Marjorie W. Gross.

That portion of the alley running north and south through Block fifty-four (54), lying between Lots five (5) and nine (9) in said Block fifty-four (54), Central Grand Junction, conveyed to D.O. Vipond and Marabelle Vipond.

The West Half (W1/2) of that portion of the alley running north and south through Block fifty-three (53), lying between Lots five (5) and nine (9) in said Block fifty-three (53), Central Grand Junction, conveyed to H. A. Reimer and Lorraine Reimer.

The East Half (E1/2) of that portion of the alley running north and south through Block fifty-three (53), lying between Lots five (5) and nine (9) in said Block fifty-three (53), Central Grand Junction, conveyed to Floyd Wullenwaber.

The alley in Block sixty-one (61), Central Grand Junction, conveyed to G. C. Hillman.

A strip of land two (2) feet wide on the east side of the alley running north and south parallel with Lot thirteen (13) in the North Half (N1/2) of Block sixty-seven (67) Central Grand Junction, for additional town hall site.

A strip of land eight (8) inches wide along the east side of the alley running from Main Street to the Chicago and North Western Railway and parallel with Lot seven (7), Block fifty-nine (59), Central Grand Junction, for the benefit of I.O.O. F. Lodge No. 308.

That part of Sixteenth Street north of the alley between Blocks twenty-seven (27) and twenty-eight (28), Central Grand Junction, conveyed to Mary Lanham.

A strip of land one (1) foot wide adjacent to and running along the east side of Lot six (6), Block sixty-five (65), Central Grand Junction, conveyed to H.L. Lamb.

A strip of land ten (10) feet wide, being the east ten (10) feet of the alley adjacent to and running along the west side of Lot two (2), Block eighty-four (84) Central Grand Junction, conveyed to L.F. Neel and Mildred E. Neel.

The alley running north and south in Block fifteen (15), South Grand Junction, conveyed to O.W. Dutton.

The streets and alleys located west of Fourth Street and south of the north line of Block twenty-six (26), thirty-five (35), thirty-eight (38) and forty-seven (47), being the south line of "L" Street,

West Grand Junction conveyed to Thomas Cody.

That part of Fifteenth Street, being a strip of land thirty (30) feet wide adjacent and parallel to , running along the east side of Block fifty-six (56), Central Grand Junction conveyed to George R. Kennedy.

That portion of Kelly Street lying west of Eleventh Street between Block forty-eight (48) South Grand Junction and Block eighty-four (84), Central Grand Junction, to a line parallel with the east side of the alley that runs through Block eighty-four (84), Central Grand Junction.

The south thirty-five (35) feet of the alley running north and south lying between Lots eight (8) and sixteen (16), Block eighty-two (82), Central Grand Junction, conveyed to the Consolidated School District of Grand Junction, Iowa.

The alley running north and south through Block fifty-eight (58), Central Grand Junction, Iowa.

The East Half (E1/2) of Fifteenth Street lying adjacent and parallel to the South Half (S1/2) of Block fifty-five (55) and extending from Main Street, designated on the Town Plat as the Lincoln Highway and extending north to the alley running east and west through said Block fifty-five (55) in Central Grand Junction, Greene County, Iowa.

That portion of Fifteenth Street between Lot ten (10) of Block fifty-six (56) and Lot one (1) of Block fifty-five (55) Central Grand Junction, Iowa.

West thirty (30) feet of Fourteenth Street south of the Chicago, North Western Railroad and north of the alley running east and west in Block fifty-six (56) and fifty-seven (57) in Central Grand Junction, Iowa.

NORTH GRAND JUNCTION

That part of Nineteenth Street from the south line of Hatton Street to the south line of Lot seven (7), Block twenty-five (25), North Grand Junction.

The north and south alley between Lots one (1) and two (2) on the west and five (5) and six (6) on the east of Block twenty-five (25), North Grand Junction.

That part of Third Avenue lying between Lots seven (7) and eight (8), Block four (4) of the Original Town of Grand Junction and Lots thirteen (13) and sixteen (16) in Block fifteen (15), North Grand Junction.

All of Third Avenue and all alleys lying within the borders of Block fifteen (15) North Grand Junction.

SOUTH GRAND JUNCTION

That part of Kellogg Street lying between Blocks fifty-eight (58) and fifty-nine (59), South Grand Junction, conveyed to Neel Lumber Company.

That portion of Kelly Street lying between Lot sixteen (16), Block eighty-two (82), Central Grand Junction and Lot twelve (12), Block thirty-two (32), South Grand Junction.

All the streets and alleys south of Elizabeth Street and between the Railroad right-of-way and Eighth Street in South Grand Junction.

That strip of land thirteen (13) feet, three (3) inches wide and seventy-five (75) feet long along the south side of Kelly Street and between Thirteenth Street and Fourteenth Street; and a strip of land thirteen (13) feet, three (3) inches wide and seventy-five (75) feet long along the west side of Fourteenth Street between Kelly Street and Bennett Street, conveyed to the Consolidated School District of Grand Junction of the erection of bleachers at the ball park in Block seventeen (17) South Grand Junction.

That part of Kelly Street lying between Lot eight (8), Block eighty-two (82), Central Grand Junction and Lot thirteen (13), Block thirty-two (32), South Grand Junction and east to the west line of Lot sixteen (16), Block eighty-two (82), Central Grand Junction; also the alley in Block thirty-two (32), South Grand Junction.

That part of Herron Street running west from Eleventh Street between Blocks forty-six (46) and forty-seven (47), South Grand Junction, conveyed to Frank Griffin.

WEST GRAND JUNCTION

The alley running north and south through Block fifteen (15) lying between Lots three (3) and four (4) in said Block fifteen (15), West Grand Junction, conveyed to Halsey C. Hoover.

The streets and alleys lying within the borders of Blocks nineteen (19), twenty (20), twenty-one (21), twenty-eight (28), twenty-nine (29), thirty (30), thirty-one (31), thirty-two (32), thirty-three (33), forty (40), forty-one (41), forty-two (42), forty-three (43), forty-four (44), forty-five (45); also including the strip of land within the corporate limits of the Town of Grand Junction lying adjacent to and running along the north side of Blocks nineteen (19), thirty (30), thirty-one (31), forty-two (42) and forty-three (43), and including the strip of land within the corporate limits of the Town of Grand Junction lying adjacent to and running along the west side of Blocks forty-three (43), and forty-four (44) and forty-five (45); also the alley running north and south through Block eighteen (18); the West Half (W1/2) of Sixth Street running north and south between Blocks eighteen (18) and seven (7), and the strip of land within the corporate limits of the Town of Grand Junction lying adjacent to and running along the north side of said Block eighteen (18) and West Half (W1/2) of said portion of Sixth Street, all in West Grand Junction, conveyed to John W. Reineman.

The West Half (W1/2) of Sixth Street running along and adjacent to the east end of Lots three (3) and four (4), and the east half of the alley running along and adjacent to Lots three (3) and four (4), Block thirteen (13), West Grand Junction, conveyed to Charles Glenn and Cora Glenn.

The West Half (W1/2) of Sixth Street lying adjacent to and along the east end of Lots one (1) and (2), Block thirteen (13) lying between Lots one (1) and two (2) and seven (7) and eight (8); the West Half (W1/2) of the alley lying between Lots three (3) and four (4) and five (5) and six (6), Block thirteen (13); all of Fifth Street lying between Blocks thirteen (13) and twenty-four (24); the East Half (E1/2) of Fourth Street lying between Blocks twenty-four (24) and twenty (25); and all of the area lying within the corporate limits of said town running along the south side of Blocks thirteen (13) and twenty-four (24), beginning at the center of Fourth Street and extending to the center of Sixth Street, including that portion of Fourth, Fifth and Sixth Streets within said area, all in West Grand Junction, conveyed to Grant Grundon and Nora E. Grundon.

The East Half (E1/2) of Sixth Street running north and south between Blocks twelve (12) and thirteen (13) and that area within the corporate limits of the Town of Grand Junction, lying south of and adjacent to Lot sixteen (16), Block twelve (12), extending to the center of Sixth Street, West Grand Junction, conveyed to Charles Neal and Ilene Neal.

The West Half (W1/2) of Fourth Street lying between Blocks twenty-four (24) and twenty-five (25), and extending south to the corporate limits of West Grand Junction, conveyed to Thomas Cody.

Seventh Street lying between Blocks six (6) and seven (7); the east half of Sixth Street lying between Blocks seven (7) and eighteen (18); the alleys running north and south in said Blocks six (6) and seven (7); the strip of land between Blocks six (6) and seven (7) and the corporation limits of the Incorporated Town of Grand Junction, being a strip of land thirty (30) feet wide adjacent to and running along the north side of said Blocks six (6) and seven (7), running along the north end of said Seventh Street and running along the north end of the east half of Sixth Street, all in West Grand Junction, conveyed to Kempton Teeters and Maxine Teeters.

Fourth Street running north and south between (L) Street and the South line of (M) Street, (M) Street running east and west between Block twenty-three (23) and twenty-four (24) and the alley running north and south through Block twenty-three (23) all in West Grand Junction, Greene County, Iowa.

EASTLAND ADDITION

The east three hundred eleven and six one-hundredths (311.06) feet of Main Street, same being part of the east end of Main Street, which is sixty-five (65) feet in width; the east two hundred sixty-five (65) feet in width; the east two hundred sixty-five (265) feet of the alley running east and west through Block "C" Eastland Addition; the east three hundred five (305) feet of Hager Street; the east one hundred thirty-five (135) feet of the alley running east and west through Block "D", Eastland Addition; the east one hundred thirty-five (135) feet of Kelly Street; the forty-five

(45) foot street running north and south between Block "D" and Block "E" Eastland Addition; and the forty (40) foot street running north and south along the east side of Block "C" Eastland Addition, all in Grand Junction.

WATTS' SECOND ADDITION

The East Half (E1/2) of Nineteenth Street lying between Block seventy-six (76), Central Grand Junction and Block "B" of Watts' Second Addition and extending southward to the corporation limits of Grand Junction; Kelly Street adjacent to and running along the south side of the tract of land described as Lots nineteen (19) to thirty (30) inclusive, Block "D" Eastland Addition, and Lot six (6) in Block "B" Watts' Second Addition to Grand Junction; the alley lying between Lots one (1) to six (6) inclusive, and Lots twenty-five (25) to thirty (30), inclusive, Block "D" Eastland Addition; and the alley lying between Lot three (3) and Lot four (4), Block "B" Watts Second Addition to Grand Junction, conveyed to H. E. Wiltse.

MISCELLANEOUS

All that part of the street or strip of land platted eighty (80) feet in width running north and south and used as a public street along the east line of Lot seven (7) in the North Half of the Southwest Quarter (N1/2, SW1/4) of Section thirty-three (33), Township eighty-four (84), Range twenty-nine (29), West of the 5th P.M. Greene County, Iowa, commencing at the southeast corner of said Lot seven (7), thence extending north to the north line of the First Avenue Road or Street platted and used as a public street and highway, running east and west along the north line of said Lot seven (7) commencing at a point eighty (80) feet east of the northeast corner of said Lot seven (7), thence extending west four hundred sixty-two (462) feet, conveyed to Emma C. Brush.

All of the road running north and south along the east side of Lot twenty-eight (28) of the Southwest Quarter (SW1/4) of Section thirty-three (33) Township eighty-four (84) North, Range twenty-nine (29) West of the 5th P.M., Iowa, now owned and located within the corporate limits of the Town of Grand Junction, Iowa.

RESOLUTION 94-2 DATE 5-2-94

All of the alley running East and West and adjacent to the North side of Lot three (3) and sixteen (16) feet East of said Lot Three (3), Block Twenty-seven (27), in Central Grand Junction was conveyed to Electri-Mech, LTD.

RESOLUTION 95-12 DATE 11-7-95

The West half (W1/2) of the vacated alley running North and South adjacent to Lots One (1), Two (2), Three (3) and Four (4), Block Thirty-One (31); East half (E1/2) of the vacated North-South alley adjacent to Lot Seven (7), Block Thirty-one (31), all in Central Grand Junction was conveyed to Charles and Sue Gunn and Raymond and Julie Gunn.

RESOLUTION 95-12 DATE 11-7-95

The East half (E1/2) of vacated alley running North and South adjacent to Lot Eight (8), Block

Thirty-One (31), Central Grand Junction was conveyed to Robert E. and Gladys I. Cummings Estate.

RESOLUTION 95-12 DATE 11-7-95

The East half (E1/2) of vacated alley running North and South adjacent to Lots Five (5) and Six (6), Block Thirty-One (31), Central Grand Junction was conveyed to Harold N. and Marjorie A. Hellman.

RESOLUTION 95-10 DATE 9-5-95

All of the vacated alley running East and West between Lots Two (2) and three (3), Block Thirty-two (32), Central Grand Junction was conveyed to Timothy and Amy Cummings.

RESOLUTION 95-6 DATE 7-3-95

The West half (W1/2) of the vacated alley adjacent to Lots Two (2) and Three (3), Block Forty (40), Central Grand Junction was conveyed to Ricky E. Comer.

RESOLUTION 95-6 DATE 7-3-95

All of the vacated alley running North and South between Lots One (1) and Four (4), Block Forty (40); and the East half (E1/2) of The vacated alley adjacent to Lots Five (5) and Six (6), Block Forty (40) in Central Grand Junction was conveyed to Ronald D. and Julie Vickers.

RESOLUTION 95-7 DATE 7-3-95

The East half (E1/2) of vacated 19th Street from the North line (extended) of Lot Six (6) in the Southeast Quarter (SE1/4) of section Thirty-Three (33), Township Eighty-Four (84) North Range Twenty-nine (29) to the North line (extended) of Percival Street, Central Grand Junction, Excluding the East ten (10) feet thereof previously vacated and conveyed by the City of Grand Junction. The intent is to convey an additional twenty-five (25) feet of said vacated alley to James F. and Janice L. Gilley.

RESOLUTION 95-11 DATE 9-5-95

All of the vacated alley running North and South between Lots One (1), Two (2), Three (3), Four (4), Five (5) and Six (6) on the East and Lots Fifteen (15) and Sixteen (16) on the West, Block Twelve (12); and also that area within the corporate limits of Grand Junction, lying South of and adjacent to Lot One (1), Block Twelve (12) and also adjacent to said North-South alley in Block Twelve (12), all in West Grand Junction was conveyed to Jack Alvin and Betty Madeline Bishop.

EDITOR'S NOTE

The following ordinances, not codified herein and specifically saved from repeal, have been adopted vacating certain streets and/or alleys and remain in full force and effect.

<u>ORDINANCE NO.</u>	<u>ADOPTED</u>
199	4-5-76
204	12-5-77
208	8-18-80
225	10-5-87
228	8-21-89
248	7-6-92
252	5-3-93

STREET GRADES

6-12-32 ESTABLISHED GRADES. The grades of all streets, alleys and sidewalks, which have been heretofore established by ordinance are hereby confirmed, ratified and established as official grades.

6-12-33 RECORD MAINTAINED. The Clerk shall maintain a record of all established grades and furnish information concerning such grades upon request.

6-12-34 OFFICIAL TOWN BASE, DATUM LINE. The Official Town Base, or Datum Line, for establishing the grades of all streets and alleys within the corporation limits of the City shall be one hundred feet below the cross cut in the tip of the limestone monument marking the intersection of Elizabeth and Eleventh Streets in South Grand Junction.

6-12-35 GRADES OF STREETS AND ALLEYS. The grades of all streets and alleys named herein shall be as follows:

Percival Avenue. Elevation above datum line at:

Nineteenth Street	103.50
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Division Street. Elevation above datum line at:

Sixteenth Street	91.00
Seventeenth Street	95.70
Eighteenth Street	99.50
Nineteenth Street	100.30

Railroad Street. Elevation above datum line at:

Fourteenth Street	87.00
Fifteenth Street	87.00
Sixteenth Street	92.00
Seventeenth Street	96.50
Eighteenth Street	98.40
Nineteenth Street	100.50

Sando Street. Elevation above datum line at:

Thirteenth Street	90.00
Fourteenth Street	88.00
Fifteenth Street	87.50
Sixteenth Street	90.50
Seventeenth Street	90.00
Eighteenth Street	91.30

Main Street. Elevation above datum line at:

Fifth Street	88.50
Sixth Street	87.00
Seventh Street	86.00
Eighth Street	87.00
Ninth Street	94.00
Eleventh Street	96.70
Twelfth Street	97.40
Thirteenth Street	94.50
Fourteenth Street	89.50
Fifteenth Street	87.00
Sixteenth Street	87.50
Seventeenth Street	86.50
Eighteenth Street	88.00
Nineteenth Street	87.50

Hager Street. Elevation above datum line at:

Fifth Street	86.50
Sixth Street	87.00
Seventh Street	91.00
Eighth Street	93.00
Ninth Street	94.50
Eleventh Street	91.00
Twelfth Street	95.00

Thirteenth Street	92.00
Fourteenth Street	89.00
Fifteenth Street	88.00
Sixteenth Street	85.50
Seventeenth Street	85.00
Eighteenth Street	89.00
Nineteenth Street	84.50

Kelly Street. Elevation above datum line at:

Eighth Street	95.00
Ninth Street	97.00
Eleventh Street	88.00
Twelfth Street	86.00
Thirteenth Street	85.00
Fifteenth Street	87.50

Bennett Street. Elevation above datum line at:

Ninth Street	91.00
Eleventh Street	89.60
Twelfth Street	87.00
Thirteenth Street	84.50
Fifteenth Street	85.00

Herron Street. Elevation above datum line at:

Ninth Street	88.00
Eleventh Street	87.00
Twelfth Street	88.50
Thirteenth Street	91.00
Fourteenth Street	86.50
Fifteenth Street	87.00

Rebecca Street. Elevation above datum line at:

Ninth Street	89.00
Eleventh Street	91.00
Twelfth Street	94.50
Thirteenth Street	92.50
Fourteenth Street	91.00

Elizabeth Street. Elevation above datum line at:

Ninth Street	92.00
Eleventh Street	97.00
Twelfth Street	94.00
Thirteenth Street	94.00
Fourteenth Street	97.00

Relocated Highway No. 30.

<u>Station</u>	<u>Elevation</u>		
1368+72	1039.03		
		+0.54%	
1370+50	1039.99		
Equation Sta. $1372+94.34 = \text{Sta. } 2000+10.41$			
V.P.I. Sta. 2000+41.7	Elev. 1041.41	550' Vertical Curve	
2003+16.07	1040.24		
		-.45%	
2007+44.4	1038.30		
V.P.I. Sta. 2008+44.4	Elev. 1037.19		
		-0.664%	
2013+00	1034.82		
V.P.I. Sta. 2015+00	Elev. 1033.5	400' Vertical Curve	
2017+00	1034.28		
		+0.39%	
V.P.I. Sta. 2024+00	Elev. 1037.00	300' Vertical Curve	
2022+50	1036.42		
2025+50	1038.94		
		+1.292%	
2030+98.29	1046.02		
Equation Sta. $2032+04.53 = \text{Sta. } 3031+06.24$			
V.P.I. Sta. 1049.90	Elev. 1049.90	600' Vertical Curve	
3033+55.0	1048.00		

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 13 RECREATIONAL VEHICLES

6-13-1	Definition	6-13-5	No Business Use
6-13-2	Parking for Seasonal Use	6-13-6	Occupied Recreational Vehicles
6-13-3	Storage Parking	6-13-7	Exemption
6-13-4	Registration and Licensing		

6-13-1 **DEFINITION.** For purposes of this chapter, “Recreational Vehicle” includes: travel trailers, camping trailers, motor homes, converted trucks and buses, boats and boat trailers, snowmobile and motorcycle trailers and general purpose trailers (open or closed). The term “Recreational Vehicle” does not include a self-propelled motor vehicle regularly used for family or commercial transportation purposes.

6-13-2 **PARKING FOR SEASONAL USE.** Recreational Vehicles may be parked during a season of use on a driveway, provided that the vehicle does not block or obstruct the view of vehicles entering or leaving the property or vehicles approaching a nearby intersection. Recreational Vehicles shall not be parked on the public right-of-way between 9:00 pm and 7:00 am.

6-13-3 **STORAGE PARKING.** Recreational Vehicles which are not being regularly used or are being stored during the off season, may be stored in a side yard, or in an inconspicuous location. Recreational Vehicles shall not be stored nearer than two (2) feet to any lot line.

6-13-4 **REGISTRATION AND LICENSING.** All Recreational Vehicles which are registered with and licensed by the State of Iowa shall be kept in good repair and working condition with current license plates and registration stickers affixed. Non-operating or non-registered Recreational Vehicles stored for more than thirty (30) days shall be considered a nuisance.

6-13-5 **NO BUSINESS USE.** Recreational Vehicles shall not be used for business purposes in any zoning district.

6-13-6 **OCCUPIED RECREATIONAL VEHICLES.** Occupied Recreational Vehicles may be parked and occupied on private property no longer than seven (7) consecutive days at a time and no more than fourteen (14) days in a calendar year. Only one (1) occupied Recreational Vehicle and one (1) tent shall be allowed at one time on a residential lot. When Recreational Vehicles are occupied, the property owner shall notify the City Clerk or Zoning Officer of the period of occupancy. If complaints are received by the City arising from the occupancy of a Recreational Vehicle or tent, the City reserves the right to restrict occupancy of Recreational Vehicles or tents.

6-13-7 **EXEMPTION.** Recreational Vehicles that are stored in an enclosed structure are exempt from the provisions of this chapter.

