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TITLE I – GENERAL PROVISIONS

CHAPTER 1 – GENERAL PROVISIONS

- 1-1-1 Definitions**
- 1-1-2 Grammatical Interpretation**
- 1-1-3 Prohibited Acts Include Causing, Permitting**
- 1-1-4 Construction**
- 1-1-5 Amendment**
- 1-1-6 Severability**

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 Chillicothe, 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 Wapello, Iowa;
7. “Fiscal Year” means July 1 to June 30.
8. “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;
9. “May” confers a power;

10. “Month” means a calendar month;
11. “Must” states a requirement;
12. “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”;
13. “Or” may be read “and” and “and” may be read “or” if the sense requires it;
14. “Ordinance” means a law of the City; however, an administrative action, order or directive, may be in the form of a resolution;
15. “Owner” applied to a building or land includes any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, or the whole or part of such building or land;
16. “Person” means natural person, any other legal entity recognized by the State, or the manager, lessee, agent, servant, officer, or employee of any of them;
17. “Personal property” includes money, goods, chattels, things in action and evidences of debt;
18. “Preceding” and “following” mean next before and next after, respectively;
19. “Property” includes real and personal property;
20. “Real property” includes any interest in land;
21. “Shall” imposes a duty;
22. “Sidewalk” means that portion of a street between the curb line and the adjacent property line intended for the use of pedestrians;
23. “State” means the State of Iowa;
24. “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;
25. “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;

26. "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;
27. "Writing" and "Written" include printed, typewritten, or electronically transmitted such as facsimile or electronic mail;
28. "Year" means a calendar year;
29. 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;
30. 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.
31. The term "property owner" means the contract purchaser if there is one of record, otherwise the record holder of legal title.

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 Chillicothe Municipal Code of 2022 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.

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, authorized officials for 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 officials 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))

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 Chillicothe, 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 Chillicothe, 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 official authorized to enforce the Code of Ordinances of the City of Chillicothe.
- 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).

Second Offense – Not more than eight hundred seventy-five dollars (\$875.00).

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

- 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. {(364.22(4A(b))} (SF 434)
- d. The citation shall serve as notification that a civil offense has been committed and shall contain the following information:
 - (1) The name and address of the defendant.
 - (2) The name or description of the infraction attested to by the officer issuing the citation.
 - (3) The location and time of the infraction.
 - (4) The amount of civil penalty to be assessed or the alternative relief sought, or both.
 - (5) The manner, location, and time in which the penalty may be paid.
 - (6) The time and place of court appearance.
 - (7) The penalty for failure to appear in court.
 - (8) The legal description of the affected property, if applicable.

- 4. Seeking a civil penalty as authorized in Section 364.22, Code of Iowa, does not preclude the City from seeking alternative relief from the court in the same action. Such relief may include the imposition of a civil penalty by entry of a personal

judgment against the defendant, directing that the payment of the civil penalty be suspended or deferred under conditions imposed by the court, ordering the defendant to abate or cease the violation or authorizing the City to abate or correct the violation, or ordering that the City's cost for abatement or correction of the violation be entered as a personal judgment against the defendant or assessed against the property where the violation occurred, or both. If a defendant willfully violates the terms of an order imposed by the court, the failure is contempt.

5. This section does not preclude a peace officer from issuing a criminal citation for violation of a City Code or regulation if criminal penalties are also provided for the violation, nor does it preclude or limit the authority of the City to enforce the provisions of the Code of Ordinances by criminal sanctions or other lawful means. Each day that a violation occurs or is permitted to exist by the defendant constitutes a separate offense. The violation of any provision of this Code of Ordinances or any regulation promulgated thereunder shall also constitute a simple misdemeanor punishable by a fine of \$100.00 or by imprisonment in the county jail for a term not to exceed 30 days.

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

1-4-1 PURPOSE AND INTENT

1. It is the purpose of this article to establish an orderly, efficient, and expeditious process for evidentiary hearings before the City Council.
2. The provisions of this article shall apply to a proceeding required by constitution, statute or Ordinance to be determined by the City Council after an opportunity for an evidentiary hearing.

1-4-2 GENERAL

1. Record. A record of the entire proceedings shall be made by tape recording or by any other means of permanent recording determined to be appropriate by the City Council.
2. Reporting. The proceedings at the hearing may also be reported by a court reporter at the expense of any party.
3. Continuances. The City Council may grant continuances for good cause shown.
4. Oaths, certification. The City Council or any member thereof has the power to administer oaths and affirmations.
5. Reasonable dispatch. The City Council and its representatives shall proceed with reasonable dispatch to conclude any matter before it. Due regard shall be shown for the convenience and necessity of any parties or their representatives.

1-4-3 FORM OF NOTICE OF HEARING.

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

“You are hereby notified that an evidentiary hearing will be held before the _____
_____ City Council at _____ on the _____ day of _____,

20 ____, at the hour _____, upon the notice and order served upon you. You may be present at the hearing. You may be, but need not be, represented by counsel. You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You may request the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by filing an affidavit therefor with the City Clerk.”

1-4-4 SUBPOENAS

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

1-4-5 CONDUCT OF HEARING

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

- c. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
- d. To impeach any witness regardless of which party first called the witness to testify;
- e. To rebut the evidence against the party; and
- f. To self-representation or to be represented by anyone of the party's choice who is lawfully permitted to do so.

7. **Official notice.**

- a. What may be noticed. In reaching a decision, official notice may be taken, either before or after submission of the case for decision, of any fact which may be judicially noticed by the courts of this state or of official records of the City or its departments and Ordinances of the City.
- b. Parties to be notified. Parties present at the hearing shall be informed of the matters to be noticed, and these matters shall be noted in the record, referred to therein, or appended thereto.
- c. Opportunity to refute. Parties present at the hearing shall be given a reasonable opportunity, on request, to refute the officially noticed matters by evidence or by written or oral presentation of authority, the manner of such refutation to be determined by the City Council.

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

- a. Notice of such inspection shall be given to the parties before the inspection is made;
- b. The parties are given an opportunity to be present during the inspection; and
- c. The City Council shall state for the record, upon completion of the inspection, the material facts observed and the conclusions drawn therefrom. Each party then shall have a right to rebut or explain the matters so stated by the City Council.

1-4-6 METHOD AND FORM OF DECISION

- 1. **Hearings before the city council.** Where a contested case is heard before the City Council, no member thereof who did not hear the evidence or alternatively has not read or listened to the entire record of the proceedings shall vote on or take part in the decision. The City Council may designate a member or members to preside over

the receipt of evidence. Such member or members shall prepare findings of fact for the City Council.

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

TITLE II – POLICY AND ADMINISTRATION

CHAPTER 1 – CITY CHARTER

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

2-1-1 CHARTER

This Chapter may be cited as the Charter of the City of Chillicothe, Iowa.

2-1-2 FORM OF GOVERNMENT

The form of government of the City of Chillicothe, 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 Chillicothe, Iowa.

2-1-4 NUMBER AND TERM OF CITY COUNCIL

The City Council consists of five City Council members elected at large, elected for terms of two years.

(Code of Iowa, Sec. 372.4) (Code of Iowa, Sec. 376.2)

2-1-5 TERM OF MAYOR

The Mayor is elected for a term of two years.

(Code of Iowa, Sec. 372.4) (Code of Iowa, Sec. 376.2)

2-1-6 COPIES ON FILE

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

(Code of Iowa, Sec. 372.1)

TITLE II – POLICY AND ADMINISTRATION

CHAPTER 2 – APPOINTMENT AND QUALIFICATIONS OF MUNICIPAL OFFICERS

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

2-2-1 CREATION OF APPOINTIVE OFFICERS

There are hereby created the following appointive officers: Clerk and Attorney.

2-2-2 APPOINTMENT OF OFFICERS

The Mayor shall appoint a Mayor Pro Tempore.

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 Selections. 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 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 Commission: 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**
- 2-3-2 Books and Records**
- 2-3-3 Deposits of Municipal Funds**
- 2-3-4 Transfer of Records and Property to Successor**
- 2-3-5 Powers and Duties of the Mayor**
- 2-3-6 Powers and Duties of the Clerk**
- 2-3-8 Powers and Duties of the City Attorney**

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 (14) 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 (14) days after the date of passage, unless a subsequent effective date is provided within the Ordinance or amendment.

(Code of Iowa, Sec. 380.6)

4. The Mayor shall represent the City in all negotiations properly entered into in accordance with law or Ordinance. The Mayor shall not represent the City where this duty is specifically delegated to another officer by law or Ordinance.
5. The Mayor shall, whenever authorized by the City Council, sign all contracts on behalf of the City.
6. The Mayor shall call special meetings of the City Council when the Mayor deems such meetings necessary to the interests of the City.
7. The Mayor shall make such oral or written reports to the City Council at the first meeting of every month as referred. These reports shall concern municipal affairs generally, the municipal departments, and recommendations suitable for City Council action.
8. Immediately after taking office the Mayor shall designate one member of the City Council as Mayor pro tempore. The Mayor pro tempore shall be vice-president of the City Council. Except for the limitations otherwise provided herein, the Mayor pro tempore shall perform the duties of the Mayor in cases of absence or inability of the Mayor to perform the duties of the office. In the exercise of the duties of the office the Mayor pro tempore shall not have power to appoint, employ or discharge

from employment officers or employees without the approval of the City Council. The Mayor pro tempore shall have the right to vote as a member of the City Council.
(Code of Iowa, Sec. 372.14(3))

9. The Mayor shall, upon order of the City Council, secure for the City such specialized and professional services not already available to the City. In executing the order of the City Council the Mayor shall conduct said duties in accordance with the City Ordinance and the laws of the State of Iowa.
10. The Mayor shall sign all licenses and permits which have been granted by the City Council, except those designated by law or Ordinance to be issued by another municipal officer.
11. Upon authorization of the City Council, the Mayor shall revoke permits or licenses granted by the City Council when their terms, the Ordinances of the City, or the laws of the State of Iowa are violated by holders of said permits or licenses.
12. The Mayor shall order to be removed, at public expense, any nuisance for which no person can be found responsible and liable. This order shall be in writing. The order to remove said nuisances shall be carried out by the Police Chief.

2-3-6 POWERS AND DUTIES OF THE CLERK

The duties of the Clerk shall be as follows:

1. The Clerk shall attend all regular and special City Council meetings and prepare and publish a condensed statement of the proceedings thereof, to include the total expenditure from each City fund, 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 attend all meetings of committees, boards and commissions of the City. The Clerk shall record and preserve a correct record of the proceedings of such meetings.
(Code of Iowa, Sec. 372.13(4))
18. The Clerk shall keep and file all communications and petitions directed to the City Council or to the City generally. The Clerk shall endorse thereon the action of the City Council taken upon matters considered in such communications and petitions.
(Code of Iowa, Sec. 372.13(4))
19. The Clerk shall issue all licenses and permits approved by the City Council, and keep a record of licenses and permits issued which shall show a date of issuance, license or permit number, official receipt number, name of person to whom issued, term of license or permit, and purpose for which issued.
(Code of Iowa, Sec. 372.13(4))
20. The Clerk shall inform all persons appointed by the Mayor or City Council to offices in the municipal government of their position and the time at which they shall assume the duties of their office.
(Code of Iowa, Sec. 372.13(4))

21. The Clerk shall preserve a complete record of every City election, regular or special and perform duties required by law or Ordinance of the City Clerk in regard to elections.
(Code of Iowa, Sec. 376.4)
22. The Clerk shall draw all warrants/checks for the City upon the vote of the City Council.
(Code of Iowa, Sec. 372.13(4))
23. The Clerk shall show on every warrant/check the fund on which it is drawn and the claim to be paid.
(Code of Iowa, Sec. 372.13(4))
24. The Clerk shall keep a warrant/check record in a form approved by the City Council, showing the number, date, amount, payee's name, upon what fund drawn, and for what claim each warrant/check is issued.
(Code of Iowa, Sec. 372.13(4))
25. The Clerk shall bill and collect all charges, rents or fees due the City for utility and other services, and give a receipt therefor.
(Code of Iowa, Sec. 372.13(4))
26. Annually, the Clerk shall prepare and submit to the City Council an itemized budget of revenues and expenditures.
(Code of Iowa, Sec. 384.16)
27. The Clerk shall keep the record of each fund separate.
(Code of Iowa, Sec. 372.13(4) and 384.85)
28. The Clerk shall keep an accurate record for all money or securities received by the Clerk on behalf of the municipality and specify date, from whom, and for what purposes received.
(Code of Iowa, Sec. 372.13(4))
29. The Clerk shall prepare a receipt in duplicate for all funds received. The Clerk shall give the original to the party delivering the funds, and retain the duplicate.
(Code of Iowa, Sec. 372.13(4))
30. The Clerk shall keep a separate account of all money received by the Clerk for special assessments.
(Code of Iowa, Sec. 372.13(4))
31. The Clerk shall, immediately upon receipt of monies to be held in the Clerk's custody and belonging to the City, deposit the same in banks selected by the City Council in amounts not exceeding monetary limits authorized by the City Council.
(Code of Iowa, Sec. 372.13(4))

2-3-8 POWERS AND DUTIES OF THE CITY ATTORNEY

The duties of the City Attorney shall be as follows:

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

1. Upon request, the City Attorney shall attend regular meetings of the City Council and attend those special meetings of the City Council at which the City Attorney is required to be present.
2. The City Attorney shall, upon request, formulate drafts for contracts, forms and other writings which may be required for the use of the City.
3. The City Attorney shall keep in proper files a record of all official opinions and a docket or register of all actions prosecuted and defined by the City Attorney accompanied by all proceedings relating to said actions.
4. The City Attorney shall, upon request, give an opinion in writing upon all questions of law relating to municipal matters submitted by the City Council, the Mayor, members of the City Council individually, municipal boards or the head of any municipal department.
5. The City Attorney shall prepare those Ordinances when the City Council may desire and direct to be prepared and report to the City Council upon all Ordinances before their final passage by the City Council and publication.
6. The City Attorney shall act as Attorney for the City in all matters affecting the City's interest and appear on behalf of the City before any court, tribunal, commission or board. The City Attorney shall prosecute or defend all actions and proceedings when so requested by the Mayor or City Council.
7. The City Attorney shall, however, if directed by the City Council, appear to defend any municipal officer or employee in any cause of action arising out of or in the course of the performance of the duties of his or her office or employment.
8. The City Attorney shall sign the name of the City to all appeal bonds and to all other bonds or papers of any kind that may be essential to the prosecution of any cause in court, and when so signed the City shall be bound upon the same.
9. When directed or requested, 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.

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 for each meeting of the City Council.
(Code of Iowa, Sec. 372.13(8))

2-4-2 MAYOR

The Mayor shall be \$25 for each meeting of the City Council.
(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 (15) 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
- 2-5-2 Budget Amendment
- 2-5-4 Accounts and Programs
- 2-5-5 Annual Report
- 2-5-6 Council Transfers
- 2-5-8 Budget Officer
- 2-5-9 Expenditures
- 2-5-10 Authorizations to Expend
- 2-5-11 Accounting
- 2-5-12 Budget Accounts
- 2-5-13 Contingency Accounts

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 or re-estimated 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 (20) 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.

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

3. The City Council shall set a time and place for public hearing on the budget before the final certification date and shall publish notice before the hearing as provided by 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.

2-5-4 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))

2-5-8 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 Fifty dollars (\$50.00) (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 pre-numbered, in accordance with modern, accepted methods, and the requirement of the state. The Clerk shall keep a general ledger controlling all cash transactions, budgetary accounts and recording unappropriated surpluses. Warrants/checks shall be signed by the City Clerk and Mayor or Mayor Pro-tem.

(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.

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 – CITY ELECTIONS

- 2-6-1 Purpose**
- 2-6-2 Nominating Method to be Used**
- 2-6-3 Nominations by Petition**
- 2-6-4 Adding Name by Petition**
- 2-6-5 Preparation of Petition**
- 2-6-6 Filing, Presumption, Withdrawals, Objections**
- 2-6-7 Persons Elected**
- 2-6-8 Primary and Runoff Abolished**

2-6-1 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.

2-6-2 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)

2-6-3 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)

2-6-4 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)

2-6-5 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)

2-6-6 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.

2-6-7 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.

2-6-8 PRIMARY AND RUNOFF ABOLISHED

Removed

TITLE II – POLICY AND ADMINISTRATION

CHAPTER 7 – CITY COUNCIL

- 2-7-1 Powers and Duties
- 2-7-2 Exercise of Power
- 2-7-3 Meetings

2-7-1 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))
(Code of Iowa, Sec. 384.95 through 384.102)
6. **Employees.** The City Council shall authorize, by resolution, the number, duties, term of office and compensation of employees or officers not otherwise provided for by the State law or the Code of Ordinances.
(Code of Iowa, Sec. 372.13(4))
7. **Setting Compensation for Elected Officers.** By ordinance, the City Council shall prescribe the compensation of the Mayor, City Council members, and other elected City officers, but a change in the compensation of the Mayor does not become

effective during the term in which the change is adopted, and the City Council shall not adopt such an ordinance changing the compensation of any elected officer during the months of November and December in the year of a regular City election. A change in the compensation of City Council members becomes effective for all City Council members at the beginning of the term of the City Council members elected at the election next following the change in compensation.

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

2-7-2 EXERCISE OF POWER

The City Council shall exercise a power only by the passage of a motion, a resolution, an amendment, or an ordinance in the following manner:

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

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

(Code of Iowa, Sec. 380.4)

- 2. **Overriding Mayor’s Veto.** Within thirty (30) days after the Mayor’s veto, the City Council may re-pass 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))

2-7-3 MEETINGS

1. **Regular Meetings.** The regular meetings of the City Council are on the *second Wednesday* of each month at six o'clock (6:00) p.m. in the City Council Chambers at City Hall. If such day falls on a legal holiday or Christmas Eve, the meeting is held on such different day or time as determined by the City Council.
2. **Special Meetings.** Special meetings shall be held upon call of the Mayor or upon the written request of a majority of the members of the City Council submitted to the City Clerk. Notice of a special meeting shall specify the date, time, place and subject of the meeting and such notice shall be given personally or left at the usual place of residence of each member of the City Council. A record of the service of notice shall be maintained by the City Clerk.

(Code of Iowa, Sec. 372.13(5))
3. **Quorum.** A majority of all City Council members is a quorum.

(Code of Iowa, Sec. 372.13(1))
4. **Rules of Procedure.** The City Council shall determine its own rules and maintain records of its proceedings.

(Code of Iowa, Sec. 372.13(5))
5. **Compelling Attendance.** Any three (3) members of the City Council can compel the attendance of the absent members at any regular, adjourned or duly called meeting, by serving a written notice upon the absent members to attend at once.
6. **Notice of Meetings.** The Council shall give reasonable notice, as defined by State law, of the time, date and place of each meeting, and its tentative agenda.

(Code of Iowa, Sec. 21.4)
7. **Meetings Open.** All meetings shall be held in open session unless closed sessions are held as expressly permitted by State law.

(Code of Iowa, Sec. 21.3)
8. **Minutes.** Minutes shall be kept of all meetings showing the date, time and place, the members present, and the action taken at each meeting. The minutes shall show the results of each vote taken and the vote of each member present shall be made public.

(Code of Iowa, Sec. 21.3)

9. **Closed Session.** A closed session may be held only by affirmative vote of either two-thirds of the Council or all of the members present at the meeting and in accordance with Chapter 21 of the Iowa Code.
(Code of Iowa, Sec. 21.5)
10. **Cameras and Recorders.** The public may use cameras or recording devices at any open session.
(Code of Iowa, Sec. 21.7)
11. **Electronic Meetings.** A meeting may be conducted by electronic means only in circumstances where such a meeting in person is impossible or impractical and then only in compliance with the provisions of Chapter 21 of the Iowa Code.
(Code of Iowa, Sec. 21.8)

TITLE II – POLICY AND ADMINISTRATION

CHAPTER 8 – POLICE DEPARTMENT

2-8-1 Contract Law Enforcement

2-8-1 CONTRACT LAW ENFORCEMENT

In lieu of the appointment of a Police Chief by the Mayor, the City Council may contract with the County Sheriff or any other qualified lawful entity to provide law enforcement services within the City and in such event the Sheriff or such other entity shall have and exercise the powers and duties of the Police Chief as provided herein.

(Code of Iowa, Sec. 28E.30)

TITLE II – POLICY AND ADMINISTRATION

CHAPTER 9 – POSTING

2-9-1 Purpose

2-9-2 Listing; Length of Notice

2-9-3 Removing Notice Unlawful

2-9-1 PURPOSE

The City of Chillicothe, Iowa has a population of two hundred (200) or less as shown by the last preceding certified federal census, and Ordinances and amendments and publications of notices of elections, hearings and other official actions may be made by posting in three public places designated by the City Council. Presently those designated areas are City Hall, Post Office and Tolle Feed Services.

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

2-9-2 LISTING; LENGTH OF NOTICE

The three (3) public places where Ordinances, amendments and public notices of elections, hearings and other official actions are to be displayed are:

The City Clerk is hereby directed to post all Ordinances, amendments and City Council actions promptly after passage and to post all such matters not less than four (4) nor more than twenty (20) days before the date of the election, hearing or other action, or as otherwise required by State law.

(Code of Iowa, Sec. 380.7)

2-9-3 REMOVAL NOTICE UNLAWFUL

Removal unlawful. It shall be unlawful for any person other than the city clerk to remove any public notice. Any unlawful removal of a public notice or posting shall not affect the validity of the Ordinance or action taken.

TITLE III – COMMUNITY PROTECTION

CHAPTER 1 – OFFENSES

3-1-1 Violations of Chapter

3-1-2 Public Peace

3-1-3 Public Morals

3-1-4 Streets

3-1-5 Public Safety and Health

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))

3-1-3 PUBLIC MORALS

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. **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.

4. **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.

5. **Discharging firearms and fireworks.**

(Code of Iowa, Sec. 727.2)

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

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

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

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

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

6. **Possession of fireworks.**

- a. Definition. The term “fireworks” includes any explosive composition, or combination of explosives, substances or articles prepared for the purpose of producing a visible or audible effect by combustion, explosion or detonation and includes blank cartridges, firecrackers, torpedoes, sky rockets, Roman Candles or other fireworks of like construction and fireworks containing any explosive or flammable compound, or other device containing any explosive substance. The term “fireworks” does not include gold star-producing sparklers on wires that contain no magnesium or chlorate or perchlorate, flitter sparklers in paper tubes that do not exceed 1/8 inch in diameter, toy snakes that contain no mercury, or caps used in cap pistols.
- b. Exemption. The use of blank cartridges for a show or the theater, or for signal purposes in athletic events, or by railroads or trucks for signal purposes, or by recognized military organizations is exempt from this subsection.
- c. Prohibition. No person shall possess fireworks except as provided in this chapter.

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 Sheriff's Office or Law Enforcement Officer for such purposes.
(Code of Iowa, Sec. 364.12)
13. **Wood and Other Combustible Outdoor Stoves.** No person shall install or use an outdoor wood or other combustible burning stove or heating unit unless a chimney is part of the burning unit that extends at least two (2) feet above the height of the nearest structure. (Make distinction of in structure use, pellet stoves etc.)
14. **Littering Prohibited.**
- a. As used in this Code, "**discard**" means to place, cause to be placed, throw, deposit or drop, and "**litter**" means any garbage, rubbish, trash, refuse, waste material and yard waste.
 - b. No person shall discard any litter within the City of *Chillicothe*, except as provided and approved by the City of *Chillicothe*, by collecting and discarding such litter in approved areas or approved receptacles.
 - c. It is unlawful for any person to deposit or place any garbage, rubbish, trash, refuse, waste material or yard waste in any street, alley, lane, public place, private property, or body of water within the City.
 - d. It is unlawful to place garbage, refuse or yard waste on the private property of another, or into another garbage, refuse or yard waste containers for the purpose of being hauled away.

- e. It is unlawful to permit garbage, yard waste or refuse to remain for more than ten (10) days on private property that is under one's ownership, possession or control. Yard waste may be retained more than ten (10) days if composting is being completed.
- f. Notwithstanding the above provisions, garbage, refuse or yard waste may be placed on the untraveled portions of streets, alleys, lanes, public places or on private property to be hauled away, provided the garbage, refuse or yard waste is kept in place in the manner prescribed in this Code.

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 City Council.
(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 recklessly 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.

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

3-2-1 DEFINITIONS

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

1. NUISANCES DECLARED. 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))

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

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

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

- f. Houses of ill fame, kept for the purpose of prostitution and lewdness, gambling houses, or houses resorted to for the use of controlled substances or houses where drunkenness, quarreling, fighting or breaches of the peace are carried on or permitted to the disturbance of others.

(Code of Iowa, Sec. 657.2(6))

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

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

- h. 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))

- i. The emission of dense smoke or noxious fumes.

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

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

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

- k. Trees infected with Dutch elm disease.

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

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

- m. 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)
- n. 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)
- o. Causing or suffering any refuse, garbage, obnoxious substances, hazardous wastes, junk or salvage materials to be collected or to remain in any place to the prejudice to others; causing or suffering any refuse, garbage, obnoxious substances, hazardous wastes, junk or salvage materials or other offensive or disagreeable substances to be thrown, left or deposited in or upon any street, avenue, alley, sidewalk, park, public square, public enclosure, lot, vacant or occupied, or upon any pond or pool of water; except for compost piles established and maintained with written permission from the Wapello County Public Health Department and junk or salvage materials property stored in accordance with the Chillicothe Municipal Code;
- p. Diseased or damaged trees or shrubs. Any dead, diseased or damaged trees or shrubs, which may harbor insects or diseased pests or diseases injurious to other trees or shrubs or any healthy tree which is in such a state of deterioration that any part of such tree may fall and damage property or cause injury to persons.
- q. Any ditch, drain or water course which is now or hereafter may be constructed so as to prevent surface water and overflow water from adjacent lands entering or draining into and through the same; any storm water detention basin not maintained in an appropriate manner so as to allow its proper function.
- r. Stagnant water standing on any property, any property, container or material kept in such condition that water can accumulate and stagnate.
- s. Conditions which are conducive to the harborage or breeding of vermin.
- t. Infestations of vermin such as rats, mice, skunks, snakes, starlings, pigeons, bees, wasps, cockroaches or flies.
- u. Facilities for the storage or processing of sewage, such as privies, vaults, sewers, private drains, septic tanks, cesspools and drainage fields, which have failed or do not function properly or which are overflowing, leaking or emanating odors; septic tanks, cisterns and cesspools which are abandoned or no longer in use unless they are empty and cleaned with clean fill; an evolved cesspools or septic tank which does not comply with the Wapello County Department of Health regulation.
- v. Unoccupied buildings or unoccupied portions of buildings which are unsecured.

- w. Dangerous buildings or structures.
- x. Abandoned buildings.
- y. Any hazardous thing or condition on property which may contribute to injury of any person present on the property; hazards include, but are not limited to, open holes, open wells, open foundation, dangerous trees or limbs, abandoned and unsecured refrigerators or trapping devices.
- z. The storage, parking, leaving or permitting the storage, parking or leaving of any inoperable or obsolete vehicle upon private property within the City for a period in excess of 48 hours, unless exempted herein. This section shall not apply to any vehicle enclosed within a building on private property or to any vehicle held in connection with a legal junk yard or automobile or truck-oriented use operated in the appropriate zone and in compliance with the *Chillicothe* Municipal Code of Ordinances.
- aa. All junk yard or salvage operations except those permitted by ordinance and operating in full compliance with the *Chillicothe* Municipal Code of Ordinances.
- bb. It shall be unlawful for anyone to burn garbage, rubbish, plastics and waste oil within the city; such burning is hereby declared a nuisance and is hereby prohibited and a violation of this section. No materials manufactured in whole or in part from wool, rubber, leather or other materials which emit offensive odors during combustion shall be burned without permission of the City. The open burning of trash, refuse, garbage, junk or salvage materials. Outdoor cooking or burning of wood is permitted if performed in a container constructed of steel, brick or masonry and the fire is no larger than two feet in diameter. Additional open burning may be permitted upon written request, only with the special permission of the City Council provided the burning is in compliance with Open Burning Policy guidelines established by the City in consultation with the Fire Department.
- cc. Any accumulations of ice, water and snow on public sidewalks, if any, or the failure to remove said accumulations within 48 hours after the creation of such accumulations exist, shall constitute a nuisance and shall be abated pursuant to the provisions specified in the *Chillicothe* Municipal Code of Ordinances.
- dd. The parking of motor vehicles on private property without the consent of the property owner or responsible party.
- ee. Any nuisance described as such or declared by Chapter 657 of the Code of Iowa.

- ff. The sounding of any horn or other signaling device on any vehicle on any street, public or private place within the City, except as a danger warning, which makes a loud or harsh sound to the disturbance or annoyance of any person and can be plainly audible at a distance of 50 feet.
- gg. The use of amplified sound creating a disturbance or annoyance to others and can be plainly heard 50 feet from the source of the amplified sound.
- hh. Yelling, shouting, hooting, whistling or singing at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in the vicinity.
- ii. The erection, excavation, demolition, alteration, repair or construction of any building or other property between the hours of 9:00 p.m. and 7:00 a.m., except in the case of an emergency of a public health and safety nature, with the approval of the City.
- jj. No person shall obstruct, deface, destroy or injure any public right-of-way in any manner by breaking up, plowing or digging within the right-of-way without City permission.
- kk. No person shall throw or deposit on any public or private property any glass bottle, glass, nails, tacks, wire, cans, trash, garbage, rubbish, litter or any other debris or like substance which may injure or damage any person, animal or vehicle or which may annoy, injure or become dangerous to the health, comfort or property of individuals or the public.
- ll. No person shall allow any plants to grow uncultivated and out of context with the surrounding plant life when such plant has a seed head formed or forming and with a height of 8 inches or more, nor shall any person allow their grass to grow unattended with a consistent height above 8 inches.
- mm. Causing or suffering any refuse, garbage, obnoxious substances, hazardous wastes, junk or salvage materials to be collected or to remain in any place that prejudices others.
- nn. Causing or suffering any refuse, garbage, obnoxious substances, hazardous wastes, junk or salvage materials or other offensive or disagreeable substances to be thrown, left or deposited in or upon any street, alley, avenue, sidewalk, park, public square, public enclosure, lot, vacant or occupied.
- oo. The storage of any appliances, scrap metal, indoor furniture, broken furniture, used building material, unstacked wood, broken toys, broken bicycles and tricycles, bathroom fixtures and similar objects visible from the public right-of-way or adjoining property.

- pp. Pools and ponds containing stagnant water.
- qq. Pipes, lumber, drywall, flooring, roofing shingles and other building material left on the property visible from the public right-of-way or adjoining property for a period of time exceeding 72 hours.
- rr. Rusty, deteriorated, dilapidated or unusable play equipment visible from any adjoining property.
- ss. Dilapidated dwelling units exhibiting peeling paint, untreated wood, broken gutters, broken windows, dry rot, missing banisters, railings and spindles, broken doors and the like creating an eyesore and offending members of the public.
- tt. The term “property owner” means the contract purchaser if there is one of record, otherwise the record holder of legal title. (This paragraph needs to be placed in definitions section)

(Code of Iowa, Sec. 364.12)

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. (Link to enforcement provisions)

(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 (within the city right of way), 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 prohibited 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 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

CHAPTER 3 – TRAFFIC CODE

- 3-3-1 Short Title**
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- 3-3-3 Traffic Accident Reports**

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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 Wapello County Sheriff’s office. All such reports shall be for the confidential use of the law enforcement 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)

ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS

3-3-4 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 Wapello County Sheriff’s Office. Law enforcement or the emergency personnel 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 law enforcement in directing traffic threat or in the immediate vicinity.

(Code of Iowa, Sec. 321.229)

3-3-5 REQUIRED OBEDIENCE TO PROVISIONS OF THIS CHAPTER AND STATE LAW

Any person who shall willfully fail or refuse to comply with any lawful order of a police officer or direction of a fire department officer during a fire, or who fails to abide by the provisions of this chapter and the applicable provisions of the following Iowa statutes relating to motor vehicles and the law of the road is in violation of this chapter. These sections of the Code are adopted by reference:

1. 321.98 Operation without registration.
2. 321.180 Violations of instruction permit limitations.
3. 321.193 Violation of conditions of restricted license.
4. 321.194 Violation of conditions of minor’s school license.
5. 321.216 Unlawful use of license.

6. 321.218 Driving without a valid license (as to simple misdemeanor offenses only).
7. 321.219 Permitting unauthorized minor to drive.
8. 321.220 Permitting unauthorized person to drive.
9. 321.229 Failure to comply with lawful order of peace officer.
10. 321.231 Failure of driver of emergency vehicle to exercise caution while on emergency run (stop signs and signals).
11. 321.232 Radar jamming devices.
12. 321.234 Failure to observe seating requirements.
13. 321.236 (Parking) Violation of local ordinance (not a state offense).
14. 321.256 Failure to obey traffic control device.
15. 321.257 Failure to obey or yield to pedestrian or to official traffic control signal.
16. 321.260 Unlawful possession of, or interference with traffic control device.
17. 321.264 Striking unattended vehicle.
18. 321.265 Striking fixtures upon a highway.
19. 321.275 Motorcycle and motorized bicycles violations.
20. 321.277 Reckless driving.
21. 321.278 Drag racing prohibited.
22. 321.285 Speed restrictions.
23. 321.286 Truck speed limits (highway).
24. 321.287 Bus speed limits (highway).
25. 321.288 Failure to maintain control.
26. 321.294 Failure to maintain minimum speed when directed by officer.
27. 321.295 Excessive speed on bridge.
28. 321.297 Driving on wrong side of two-way highway.
29. 321.298 Failure to yield half of roadway upon meeting vehicle.
30. 321.299 Passing on wrong side.
31. 321.303 Unsafe passing.
32. 321.304 Unlawful passing.
33. 321.305 Violating one-way traffic designation.
34. 321.306 Improper use of lanes.
35. 321.307 Following too closely.
36. 321.308 Following too closely (trucks and towing vehicles).
37. 321.309 Failure to use approved drawbar.
38. 321.310 Unlawful towing of four-wheeled trailer.
39. 321.311 Turning from improper lane.
40. 321.312 Making U-turn on curve or hill.
41. 321.313 Unsafe starting of a stopped vehicle.
42. 321.314 Unsafe turn or failure to give signal.
43. 321.315 Failure to give continuous turn signal.
44. 321.316 Failure to signal stop or rapid deceleration.
45. 321.317 Signal light requirements; see equipment violation.
46. 321.318 Incorrect hand signal.
47. 321.319 Failure to yield to vehicle on right.
48. 321.320 Failure to yield upon left turn.

49. 321.321 Failure to yield upon entering through highway.
50. 321.322 Failure to obey stop or yield sign.
51. 321.323 Unsafe backing on highway.
52. 321.324 Failure to yield to emergency vehicle.
53. 321.325 Pedestrian disobeying traffic control signal.
54. 321.326 Pedestrian walking on wrong side of highway.
55. 321.327 Pedestrian right-of-way.
56. 321.328 Pedestrian failing to use crosswalk.
57. 321.329 Vehicle failing to yield to pedestrian.
58. 321.331 Soliciting ride from within roadway.
59. 321.332 Unlawful use of white cane.
60. 321.333 Failure to yield to blind person.
61. 321.340 Driving in or through safety zone.
62. 321.341 Failure to properly stop at railroad crossing.
63. 321.342 Failure to obey stop sign at railroad crossing.
64. 321.343 Failure to stop certain cargo or passenger vehicle at railroad crossing.
65. 321.344 Unlawful movement of construction equipment across railroad track.
66. 321.353 Unsafe entry into sidewalk or roadway.
67. 321.354 Stopping on traveled part of highway.
68. 321.358 Stopping, standing, or parking where prohibited.
69. 321.360 Prohibited parking in front of certain buildings.
70. 321.361 Parking too far from curb/angular parking.
71. 321.362 Parking without stopping engine and setting brake.
72. 321.363 Driving with obstructed view or control.
73. 321.365 Coasting upon downgrade.
74. 321.366 Improper use of median, curb, or controlled access facility.
75. 321.367 Failure to maintain distance fire-fighting vehicle.
76. 321.368 Crossing unprotected fire hose.
77. 321.369 Putting debris on highway/roadway.
78. 321.370 Removing injurious material.
79. 321.371 Clearing up wrecks.
80. 321.372 School bus provisions.
81. 321.377 Excessive speed of school bus.
82. 321.381 Driving or towing unsafe vehicle.
83. 321.382 Operating underpowered vehicle.
84. 321.383 Failure to display reflective device on slow-moving vehicles.
85. 321.384 Failure to use headlamps when required.
86. 321.385 Insufficient number of headlamps.
87. 321.386 Insufficient number of headlamps-motorcycles and motorized bicycles.
88. 321.387 Improper rear lamp.
89. 321.388 Improper registration plate lamp.
90. 321.389 Improper rear reflector.
91. 321.390 Reflector requirements.

92. 321.391 Improper type of reflector.
93. 321.392 Improper clearance lighting on truck or trailer.
94. 321.393 Lighting device color and mounting.
95. 321.394 No lamp or flag on rear-projecting load.
96. 321.395 Parking on certain roadways without parking lights.
97. 321.397 Improper light on bicycle.
98. 321.398 Improper light on other vehicle.
99. 321.402 Improper use of spotlight.
100. 321.403 Improper use of auxiliary driving lights.
101. 321.404 Improper brake light.
102. 321.408 Back-up lamps.
103. 321.409 Improperly adjusted headlamps.
104. 321.415 Failure to dim.
105. 321.419 Improper headlighting when night driving.
106. 321.420 Excessive number of driving lights.
107. 321.422 Lights of improper color-front or rear.
108. 321.423 Special light/signal provision.
109. 321.430 Defective braking equipment.
110. 321.431 Brake performance ability.
111. 321.432 Defective audible warning device.
112. 321.433 Unauthorized use of emergency audible warning devices on motor vehicle.
113. 321.434 Use of siren or whistle on bicycle.
114. 321.436 Defective or unauthorized muffler system.
115. 321.437 Mirrors.
116. 321.438 Windshields.
117. 321.439 Defective windshield wiper.
118. 321.440 Defective tires.
119. 321.441 Unauthorized use of metal tire or track.
120. 321.442 Unauthorized use of metal projection on wheels.
121. 321.444 Failure to use safety glass.
122. 321.445 Failure to maintain or use safety belts.
123. 321.446 Failure to secure child.
124. 321.449 Special regulations.
125. 321.450 Hazardous materials.
126. 321.454 Width and length violations.
127. 321.455 Excessive side projection of load – passenger vehicle.
128. 321.456 Excessive height.
129. 321.457 Excessive length.
130. 321.458 Excessive projection from front of vehicle.
131. 321.459 Excessive weight – dual axels (each over 2000 lb. over).
132. 321.460 Spilling loads on highways.
133. 321.461 Excessive tow-bar length.
134. 321.462 Failure to use required towing equipment.
135. 321.463 Maximum gross weight.

136. 321.466 Gross weight in excess of registered gross weight (for each 2000 lb. over).

TRAFFIC CONTROL DEVICES

3-3-6 AUTHORITY TO INSTALL TRAFFIC-CONTROL DEVICES

The City Council shall cause to be placed and maintained traffic-control devices when and as required under this chapter or other Ordinances of this City to make effective their provisions, and may so cause to be placed and maintained such additional, emergency, or temporary traffic-control devices for the duration of an emergency or temporary condition as traffic conditions may require, to regulate traffic under the traffic Ordinances of this City or under State law or to guide or warn traffic.

The city clerk shall keep a record of all traffic-control devices maintained by the city.

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)

3-3-7 CITY COUNCIL TO DESIGNATE CROSSWALKS, ESTABLISH, AND MARK TRAFFIC LANES

The City Council 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.

3-3-8 PLAY STREETS

The City Council 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

3-3-9 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) Business district: 25 miles per hour in any business district.
- (2) Residence or school district: 25 miles per hour in any residence district or school district.
- (5) Parking lots: 15 miles per hour in any city-owned parking lot.
- (6) Alleys: 15 miles per hour in any alley.

(Code of Iowa, Sec. 321.290)

TURNING MOVEMENTS

3-3-10 TURNING MARKERS, BUTTONS AND SIGNS

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

(Code of Iowa, Sec. 321.311)

3-3-11 AUTHORITY TO PLACE RESTRICTED TURN SIGNS

The City Council 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.

3-3-12 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.

3-3-13 “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

3-3-14 AUTHORITY TO DESIGNATE ONE-WAY STREETS AND ALLEYS

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

3-3-15 ONE-WAY STREETS AND ALLEYS

Upon the following streets and alleys vehicular traffic shall move only in the indicated direction:

3-3-16 AUTHORITY TO RESTRICT DIRECTION OF MOVEMENT ON STREETS DURING CERTAIN PERIODS

The City Council is authorized to determine 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 City Council 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.

SPECIAL STOPS REQUIRED

3-3-17 THROUGH HIGHWAYS

Streets or portions of streets described below are declared to be through highways:

H21 Market to Elm to High Street then to H21

(Code of Iowa, Sec. 321.345 and 321.350)

3-3-18 AUTHORITY TO ERECT STOP SIGNS

Whenever any Ordinance of this City designates and describes a through highway it shall be the duty of the City Council to cause to be placed and maintained a stop sign on each and every street intersecting through highway except as modified in the case of intersecting through highways.

3-3-19 A STOP INTERSECTIONS

The driver of a vehicle shall make a full stop in obedience to a stop sign as required herein at an intersection where a stop sign is erected at one or more entrances thereto and shall proceed cautiously, yielding to vehicles not so obliged to stop which are within the intersection or approaching so closely as to constitute a hazard, but may then proceed.

Such required stops shall be marked by signs with the word "STOP" thereon. All vehicles must stop before entering:

1. Southwest corner Elm and Front
2. Southwest corner Elm and Market
3. Northeast corner Elm and Market
4. Southeast corner Elm and Market
5. Northwest corner Elm and High
6. Southeast corner Elm and High
7. Southwest corner Elm and High
8. Northeast corner Elm and Fourth
9. Southeast corner Main and Market
10. Northeast corner Main and High
11. Southwest corner Main and High
12. Northeast corner Main and Fourth
13. Southwest corner Main and Fourth
14. Northwest corner Spring and Market
15. Southeast corner Spring and Market
16. Northeast corner Spring and High
17. Southeast corner Main and Fourth
18. Northwest corner Main and Fourth
19. Northeast corner High and Elm

3-3-19 B YIELD INTERSECTIONS

Yield signs shall be placed at the intersections hereinafter specified, whereupon the driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions or shall stop if necessary and shall yield the right of way to any pedestrian crossing the roadway on which they are driving, and to any vehicle in the intersection

or approaching on another street so closely as to constitute a hazard. Said driver having so yielded may proceed with caution.

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 City Council 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

(Code of Iowa, Sec. 321.327)

3-3-23 PEDESTRIANS ON LEFT

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

3-3-24 STANDING OR PARKING CLOSE TO EDGE OF ROADWAY.

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)

STOPPING, STANDING, OR PARKING PROHIBITED IN SPECIFIED PLACES

3-3-25 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 law 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.

3-3-26 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 City Council 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 City Council, 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))

3-3-27 AUTHORITY TO IMPOUND VEHICLES

Members of the county sheriff’s 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 sheriff’s department, 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

3-3-28 PARKING SIGNS REQUIRED

Whenever by this or any other chapter of this City Code any parking time limit is imposed or parking is prohibited on designated streets or portions of streets it shall be the duty of the City Council 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)

3-3-29 PARKING DURING SNOW EMERGENCY

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

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

(Code of Iowa, Sec. 321.236)

3-3-30 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.

3-3-31 TRUCK PARKING LIMITED

Trucks with weight of five tons or more shall not be parked at the following locations on the streets named:

1. 4th Street
2. Elm Street
3. High Street
4. Spring Street

MISCELLANEOUS DRIVING RULES

3-3-32 VEHICLES NOT TO BE DRIVEN ON SIDEWALKS

The driver of a vehicle shall not drive upon or within any sidewalk area.

3-3-33 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.

3-3-34 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 marketplace 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.

3-3-35 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.

3-3-36 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.

3-3-37 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.

3-3-38 LOAD RESTRICTIONS UPON VEHICLES USING CERTAIN STREETS

The City Council may impose weight limits on the streets of the City it deems appropriate considering the condition and the location and the use of streets by resolution. Trucks are exempt

from these limits on Elm Street from Front to High Street and on High Street from Elm Street out to the City Limits and all of Main and Market Street. If signs of damage to the street appear, the Mayor is authorized to stop the truck exemptions from the weight limit.

3-3-39 TRUCK ROUTES

1. Every motor vehicle licensed for and having a weight of ten 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 not travel over or upon the following streets within the City and none other: 4th Street, Elm Street, High Street and Spring Street.
2. Any motor vehicle licensed for ten 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.

3-3-40 VEHICULAR NOISE-EXCESSIVE 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 fifty feet (50') from the motor vehicle shall constitute evidence of a prima facie violation of this section.
3. It shall be unlawful for the operation of a motor vehicle that cause to be used or operated within the City that results in excessive, loud, unusual or explosive noise from such vehicle.

BICYCLE REGULATIONS

3-3-41 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)

3-3-42 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.

3-3-43 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.

3-3-44 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.

3-3-45 SPEED

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

3-3-46 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.

3-3-47 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 handlebars.

3-3-48 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.

3-3-49 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.

3-3-50 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

3-3-51 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.

3-3-52 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.

3-3-53 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. It shall be unlawful for any person to operate or knowingly permit or suffer to be operated any motorcycle, motorbike, go-cart, or snowmobile upon private property without the consent of the owner of said private property.
8. It shall be unlawful for any person to operate or knowingly permit or suffer to be operated any motorcycle, motorbike, go-cart or snowmobile upon public property other than roads, streets, alleys and highways as defined in this Code unless said public property is duly designated by appropriate sign as being an area in which

said operation is permitted. Further, as to roads, streets, alleys and highways, said vehicles may be operated thereon only if specifically permitted by this Code or the laws of the state.

9. It shall be unlawful to operate or knowingly permit or suffer to be operated any motorcycle, motorbike, go-cart or snowmobile upon park grounds (including, but not limited to, playgrounds) unless permitted by the school board in an area duly designated by the city council by appropriate signs authorizing said operation.
10. In any area where the operation of the said above-described vehicles is permitted, the same shall be operated in such a manner as to not disturb the public peace and quiet of others by loud offensive noise.
11. In any area where the operation of said above-described vehicles is permitted, said vehicles shall not be operated in such a manner as to indicate either a willful or a wanton disregard for the safety of persons or property.

3-3-54 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.

3-3-55 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.

3-3-56 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.

3-3-57 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

OFF-ROAD VEHICLES - ORDINANCE REGULATING THE OPERATION OF ALL-TERRAIN VEHICLES AND OFF-ROAD VEHICLES IN CHILICOTHE, IOWA

SECTION 1

The purpose of this ordinance is to identify regulations regarding all-terrain vehicle and/or off-road utility vehicle operation on the portion of county roads as designated by the Wapello County Board of Supervisors.

3-3-58 SECTION 2 – DEFINITIONS

- A. “All-Terrain Vehicle” (ATV) means a motorized flotation-tire vehicle with not less than four and not more than six low pressure tires that is limited in engine displacement to less than 1000 cubic centimeters and in total dry weight to less than 1000 pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.
- B. “Off-Road Utility Vehicle” (UTV) means a motorized flotation-tire vehicle with not less than four and not more than eight low-pressure tires that is limited in engine displacement to less than 1500 cubic centimeters and in total dry weight to not more than 1800 pounds and that has a seat that is of bucket or bench design, not intended to be straddled by the operator, and steering wheel or control levers for control. “Roadway” means that portion of a highway improved, designed, or ordinarily used for vehicular travel.
- C. “All-terrain vehicle” (ATV) means a motor vehicle designed to travel on three or more wheels and designed primarily for off-road recreational use. “All-terrain” vehicle includes off-road utility vehicles as defined in section 321I.1, but does not include farm tractors or equipment, construction equipment, forestry vehicles, or lawn and grounds maintenance vehicles.
- D. Off-road motorcycles shall be considered all-terrain vehicles for the purpose of registration. Off-road motorcycles shall also be considered all-terrain vehicles for the purpose of titling if a title has not previously been issued pursuant to Chapter 321. An operator of an off-road motorcycle is subject to provisions governing the operation of all-terrain vehicles in this chapter, but is exempt from the safety instruction and certification program requirements of Sections 321I.25 and 321I.26.
- E. Off-road motorcycle” means a two-wheeled motor vehicle that has a seat or saddle designed to be straddled by the operator and handlebars for steering control and that is intended by the manufacturer for use on natural terrain. “Off- road motorcycle” includes a motorcycle that was originally issued a certificate of title and registered for highway use

under Chapter 321, but which contains design features that enable operation over natural terrain.

- F. “Off-road utility vehicle” means a motorized flotation-tire vehicle with not less than four and not more than six low-pressure tires that is limited in engine displacement to less than one thousand five hundred cubic centimeters and in total dry weight to not more than one thousand eight hundred pounds and that has a steering wheel for control.

3-3-59 SECTION 3 - OPERATION ON ROADWAYS PERMITTED

A registered ATV or UTV may be operated on the Wapello County, Iowa, secondary roadways; operation on Level C roadways is not permitted. A person may only operate an ATV and/or UTV on the shoulder of paved secondary roadways, if available, on gravel and Level B secondary roadways. Operation of an ATV and/or UTV is only permitted on the roadway, not in the ditch. If no traversable shoulder exists along a hard surface road, use of the pavement is acceptable only to the next intersection with a gravel road. Operation of an ATV and/or UTV on Wapello County roadways is only permitted from sunrise to sunset. The operator of an ATV and/or UTV must obey all applicable provisions of the Code of Ordinances of Wapello County, Iowa and Code of Iowa related to motor vehicle traffic and parking regulations.

All ATVs and UTVs shall yield the right of way to all other motor vehicle traffic. All ATVs on county roads must exhibit a flag on the rear of the ATV.

3-3-60 SECTION 4 – RESTRICTIONS

1. A person shall not drive or operate an ATV and/or UTV:
 - a. At a rate of speed greater than 25 miles per hour.
 - b. In a careless, reckless, or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto.
 - c. While under the influence of intoxicating liquor or narcotics or habit-forming drugs.
 - d. Without a lighted headlight, taillight and brake light.
 - e. Without adequate brakes.
 - f. Upon an operating railroad right-of-way; an ATV and/or UTV may be driven directly across a railroad right-of-way only at an established road 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. This paragraph does not apply to a law enforcement officer or railroad employee of a utility with authority to enter upon the railroad right-of-way in the lawful performance of the employee’s duties.
2. A person shall not operate or ride an ATV and/or UTV with a firearm in the person’s possession unless it is unloaded and enclosed in a carrying case with only one noted exception: a non-ambulatory person may carry an uncased and unloaded firearm while operating or riding an ATV and/or UTV as defined in Iowa Code 2019, section

321.14.2, unless person has valid conceal permit issued by Wapello County Sheriff. Persons must show proof of that status when carrying firearms.

3. A person shall not operate an ATV and/ or UTV with more persons on the vehicle than it was designed to carry. This does not apply to a person who operates an ATV and/ or UTV as part of a farm operation as defined in the Code of Iowa.
4. A person shall not operate an ATV and/or UTV unless the operator has a valid driver's license, is at least 16 years of age, the vehicle is duly registered with the Iowa Department of Natural Resources (IA DNR), the vehicle is duly registered with Wapello County, and the operator has proof of insurance.
5. A person 18 yrs. of age and younger, shall be required to take and pass an Iowa DNR approved ATV Education Course and show proof of passing the course.
6. No person shall cause damage to the road surface; displace surface material; distribute foreign or earthen material onto the roadway.

3-3-61 SECTION 5 – PERMITS

1. ATV and/or UTV owners may apply for a permit on forms provided by the County Recorder.
2. The County Recorder shall not issue a permit until the owner has provided the following:
 - a. Evidence that the owner is at least 16 years of age, possesses a valid driver's license and proof of passing an Iowa DNR approved ATV Education Course, if required.
 - b. Proof that the ATV or UTV is registered with the Iowa DNR.
 - c. Proof that the owner has liability insurance covering operation of ATVs and/or UTVs on County graveled roadways in the amount of a minimum of \$50,000 bodily injury per person, \$100,000 bodily injury per accident and \$50,000 property damage.
 - d. Owners age 16 and 17 must provide proof that they have passed the Iowa DNR approved ATV Education Course.
1. All permits shall be issued for a specific ATV or UTV. Permit holders will be issued a number and a sticker to affix to the left side front fender or similar component.
2. The fee for such permits shall be set by the Board of Supervisors by Resolution.
3. Permits will be granted for one (1) year valid from January 1st through December 31st. Permits may be purchased at any time during the year and will not be prorated in price. First time permits purchased in the last quarter of the calendar year may be granted validation through December 31st of the following calendar year for an additional \$5 fee.

4. The permit may be suspended or revoked, by the Sheriff, upon finding evidence that the permit holder has violated the conditions of the permit or has abused the privilege of being a permit holder. There shall be no refund of the permit fee. Should a permit be suspended or revoked, the owner must receive approval of the Wapello County Sheriff to allow reinstatement of an existing permit or issuance of a new permit. The Sheriff will notify the County Recorder of any suspensions or revocations.

3-3-62 SECTION 6 - EXEMPT VEHICLES

Registration/ permits according to this ordinance shall not be required for an ATV and/or UTV used exclusively as farm implements or as identified by the Code of Iowa.

S3-3-63 SECTION 7 – PENALTIES

Violation of the ordinance constitutes a Simple Misdemeanor, punishable by a fine of \$100.

3-3-64 SECTION 8 – REPEALER

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

3-3-65 SECTION 9 - SERVERABILITY CLAUSE

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

GOLF CARTS

3-3-66 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.

3-3-67 OPERATION OF GOLF CARTS

Golf carts may be operated on City streets by persons possessing a valid driver’s license provided that a special permit is obtained from the City Council. The application for a permit shall set forth that the applicant meets the requirements of this section, the proposed routes of the applicant, and a compelling need for issuance of the permit. The City Council may impose restrictions and conditions in addition to those set forth in this section and may deny an application when a compelling need for the permit is not demonstrated. A golf cart shall not be operated upon a City street which is a primary road extension, i.e., State or Federal highway, but shall be allowed to cross a City street which is a primary road extension through the City.

The golf cart shall be equipped with adequate brakes, a slow-moving vehicle sign, and a bicycle safety flag. The golf cart shall be operated only on the streets from sunrise to sunset. Golf carts operated on City streets need not be registered under Chapter 321 of the Code of Iowa

PENALTIES AND PROCEDURE ON ARREST

3-3-68 CITATION PLACED ON ILLEGALLY PARKED VEHICLE

Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by any Ordinance of this City or State law, the officer finding such vehicle shall prepare a written parking citation giving the registration number, and other identifying information to such vehicle in a conspicuous place and directing the driver of the vehicle to appear at the place designated in the citation within seven days, or to pay the local scheduled fine established by the section titled “LOCAL PARKING FINES” in this chapter at the City Clerk’s office as provided therein.

3-3-69 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.

3-3-70 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:

	<u>Fine</u>	<u>Penalty After 30 Days</u>
1. Overtime parking	\$30.00	\$15.00
2. Prohibited parking	\$30.00	\$15.00
3. No parking zone	\$30.00	\$15.00
4. Blocking alley	\$30.00	\$15.00
5. Illegal parking	\$30.00	\$15.00
6. Street cleaning	\$30.00	\$15.00
7. Snow removal ban	\$50.00	\$25.00
8. Persons with disabilities parking	\$ 200.00	\$100.00

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

3-3-71 FAILURE TO PAY PARKING CITATIONS

If a violator of the restrictions on stopping, standing, or parking under the parking Ordinances of this City or of State law fails to make payment of the scheduled fine as specified on a parking

citation affixed to such motor vehicle within the thirty (30) days, the City shall send the owner of the motor vehicle to which the parking citation was affixed a letter informing the owner of the violation and warning that in the event the penalty is not paid within five days from date of mailing, a court citation will be issued requiring a court appearance and subjecting the violator to court costs.

TITLE III – COMMUNITY PROTECTION

CHAPTER 4 – RAILROAD REGULATION

3-4-1 Definitions

3-4-2 Warning Signals

3-4-3 Street Crossing Signs and Devices

3-4-4 Street Crossing Obstructions

3-4-5 Maintenance of Crossings

3-4-6 Flying Switches

3-4-1 DEFINITIONS

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

1. The term “railroad train” shall mean an engine or locomotive with or without cars, coupled thereto, operated on rails.
(Code of Iowa, Sec. 321.1(58))
2. The term “operator” shall mean any individual, partnership, corporation or other association that owns, operates, drives or controls a railroad train.

3-4-2 WARNING SIGNALS

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

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

3-4-3 STREET CROSSING SIGNS AND DEVICES

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

the railroad company or companies with a notice of the time limit for compliance. In complying, Chapter 327G of the Code of Iowa shall prevail.

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

3-4-4 STREET CROSSING OBSTRUCTIONS

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

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

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

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

3-4-5 MAINTENANCE OF CROSSINGS

Operators shall construct and maintain good, sufficient and safe crossings over any street traversed by their rails.

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

3-4-6 FLYING SWITCHES

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

TITLE III – COMMUNITY PROTECTION

CHAPTER 5 – RESERVED

TITLE III – COMMUNITY PROTECTION

CHAPTER 6 – CURFEW FOR MINORS

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

3-6-1 PREAMBLE

The City of *Chillicothe* 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)

3-6-2 FINDINGS AND PURPOSE

Persons under the age of 17 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 *Chillicothe* 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.

3-6-3 DEFINITIONS

In this chapter:

1. Curfew hours means *12:01 a.m. until 5:00 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 17 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 stepparent 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 law enforcement 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.

3-6-4 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.

3-6-5 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 law enforcement about the minor's presence;
 - g. Attending an official school, religious, or other recreational activity supervised by adults or sponsored by the City of Chillicothe, 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 or sponsored by the City of Chillicothe, 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 3-6-4(3) that the owner, operator, or employee of an establishment promptly notified law enforcement that a minor was present on the premises of the establishment during curfew hours and refused to leave.

3-6-6 ENFORCEMENT

1. Before taking any enforcement action under this section, a law enforcement 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 3-6-5 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 law enforcement officers.

TITLE III – COMMUNITY PROTECTION

CHAPTER 7 – REGULATING PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS

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

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.
3. 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.
4. 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 (60) days.

(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 – RESERVED

TITLE III – COMMUNITY PROTECTION

CHAPTER 9 – ALCOHOLIC BEVERAGES

3-9-1 Purpose

3-9-2 Required Obedience to Provisions of this chapter and State Law

3-9-3 Action by Council

3-9-4 Transfers

3-9-1 PURPOSE

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

(Code of Iowa, Sec. 364.1)

3-9-2 REQUIRED OBEDIENCE TO PROVISIONS OF THIS CHAPTER AND STATE LAW

The following sections of the Iowa Code are hereby adopted by reference:

1. 123.2 and 123.3 General Prohibition and Definitions
2. 123.18 Favors From Licensee or Permittee
3. 123.22 State Monopoly
4. 123.28 Restrictions on Transportation
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 the Legal Age - Penalty
17. 123.49 Miscellaneous Prohibitions
18. 123.50 Criminal and Civil Penalties
19. 123.51 Advertisements for Alcoholic Liquor, Wine or Beer
20. 123.52 Prohibited Sale
21. 123.90 Penalties Generally
22. 123.95 Premises Must Be Licensed - Exception as to Conventions and Social
Gatherings
23. 123.122 through 123.145 Beer Provisions (Division II)

24. 123.150 Sunday Sales Before New Year's Day
25. 123.171 through 123.182 Wine Provisions (Division V)
26. 321.284 Open Containers in Motor Vehicles - Drivers
27. 321.284A Open Containers in Motor Vehicles - Passengers

3-9-3 ACTION BY COUNCIL

The City Council shall approve or disapprove the application. Action taken by the City Council shall be endorsed on the application. The application, fee, penal bond, and certificate of dram shop liability insurance (if applicable) shall be forwarded to the Iowa Alcoholic Beverages Division for further action as provided by law.

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

3-9-4 TRANSFERS

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

(Code of Iowa, Sec. 123.38)

TITLE III – COMMUNITY PROTECTION

CHAPTER 10 – JUNK AND ABANDONED VEHICLES

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

3-10-1 PURPOSE

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

(Code of Iowa, Sec. 364.1)

3-10-2 DEFINITIONS

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

1. “Abandoned vehicle” means any of the following:
 - a. A vehicle that has been left unattended on public property for more than twenty-four hours and lacks current registration plates or two or more wheels or other parts which render the vehicle inoperable; or unsafe or
 - b. A vehicle that has remained illegally on public property for more than twenty-four hours; or
 - c. A vehicle that has been unlawfully parked on private property or has been placed on private property without the consent of the owner or person in control of the property for more than twenty-four hours; or
 - d. A vehicle that has been legally impounded by order of the Law Enforcement and has not been reclaimed for a period of ten (10) days; or

- e. Any vehicle parked on the street determined by the Law Enforcement to create a hazard to other vehicular traffic.

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

- 2. “Private property” means any real property within the City which is not public property as defined in this section.
- 3. “Public property” means any public right-of-way open for the purposes of vehicular travel.
- 4. A “junk vehicle” means any vehicle without current license plates or which has any one of the following characteristics:
 - a. Any vehicle with a broken or cracked windshield. .
 - b. Any vehicle with a broken or loose fender, door or bumper or hood or door handle or window handle or steering wheel, trunk top or trunk handle or tail pipe.
 - c. Any vehicle which has become the habitat of rats, mice, or snakes, or any other vermin or insects.
 - d. Any motor vehicle if it lacks an engine or two or more wheels or other structural parts which render said motor vehicle totally inoperable.
 - e. Any other vehicle which, because of its defective or obsolete condition, in any other way constitutes a threat to the public health and safety.
(*Cedar Falls v. Flett*, 330 N.W. 2nd 251, 253, Iowa 1983)
- 5. “Vehicle” means every device in, upon, or by which a person or property is or may be transported or drawn upon a highway or street, excepting devices moved by human power or used exclusively upon stationary rails or tracks, and shall include without limitation a motor vehicle, automobile, truck, trailer, motorcycle, tractor, buggy, wagon, farm machinery, or any combination thereof.

3-10-3 REMOVAL OF ABANDONED VEHICLES

- 1. City council may designate the Wapello County Sheriff’s Office who may, without prior notice or hearing, remove and impound any abandoned vehicle as defined in section 3-10-2 (1). The Law Enforcement Officer may hire other personnel, equipment, and facilities for the purpose of removing, preserving, storing, or disposing of abandoned vehicles.
- 2. The impoundment and storage of all vehicles pursuant to this chapter shall be in such areas or places designated by the Wapello County Sheriff’s Office.

3. When a vehicle is taken into custody and impounded under the provisions of this chapter, the Law Enforcement Officer shall maintain a record of the vehicle, listing the color, year of manufacture, manufacturer's trade name, body style, vehicle identification number, and license plate and year displayed on the vehicle. The records shall include the date and hour of tow, location towed from, location towed to, person or firm doing the towing, reason for towing, and the name of the officer authorizing the tow.

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

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

3-10-4 NOTIFICATION OF OWNERS AND LIEN HOLDERS

1. When a vehicle is taken into custody under the provisions of this chapter or under any provisions of State law, the Law Enforcement Officer, shall notify and provide notice and adopt procedures prescribed and adopted by the Wapello County Sheriff's Office. 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 (10) 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 Law Enforcement Officer or the assessment of fees and charges

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

- f. State that a request for a hearing must be in writing and received by the department prior to the expiration of the ten-day reclaiming period.
- g. State that in the event a hearing is requested immediate release of the vehicle may be obtained by posting a cash bond as required by Section 3-10-5.

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

- 2. The owner, lienholder, or any person receiving notice may, by written request received by the Law Enforcement Officer prior to the expiration of the ten-day reclaiming period, obtain an additional fourteen (14) days within which the vehicle may be reclaimed.

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

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

- a. the identity of the last registered owner cannot be determined, or
- b. the registration contains no address for the owner, or
- c. it is impossible to determine with reasonable certainty the identity and address of all lienholders.

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

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

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

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

3-10-5 IMPOUNDMENT FEES AND BONDS

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 Law Enforcement Officer 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 Wapello County Sheriff's Office. The notice charges shall be limited to the actual cost.
3. If a hearing is requested under Section 3-10-4 (1)(e), the owner or person lawfully entitled to possession of the vehicle shall be permitted to secure the immediate release of the vehicle upon posting a cash bond in an amount equal to the sum of:
 - a. the fees required by Section 3-10-5 (1)
 - b. the amount of the fine or penalty for each violation for which there is an outstanding or otherwise unsettled traffic violation notice or warrant.

3-10-6 HEARING PROCEDURES

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

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

3-10-7 AUCTION OR DISPOSAL OF ABANDONED VEHICLES

The Wapello County Sheriff's Office shall follow the procedures in State law for the auction or disposal of abandoned vehicles.

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

3-10-8 JUNK VEHICLES DECLARED A NUISANCE

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

3-10-9 NOTICE TO ABATE

1. Whenever the Law Enforcement Officer or Mayor if the Law Enforcement Officer is unavailable, shall find a junk vehicle placed or stored on private property within the City in violation of Section 3-10-8, the Law Enforcement Officer shall notify, by certified mail with five (5) 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 (10) days.

3-10-10 ABATEMENT BY MUNICIPALITY

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

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

3-10-11 COLLECTION OF COST OF ABATEMENT

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

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

3-10-12 EXCEPTIONS

This chapter shall not apply to the following:

1. A vehicle in an enclosed building.
2. A vehicle on the premises of a business enterprise operated in a district properly zoned therefor, as authorized under the Zoning Ordinance or restricted residence district of this City, when necessary to the operation of said business enterprise.
3. A vehicle in an appropriate storage space or depository maintained in a lawful place and lawful manner by this City.

3-10-13 INTERFERENCE WITH ENFORCEMENT

No person shall interfere in any way with the enforcement provision of this chapter.

TITLE III – COMMUNITY PROTECTION

CHAPTER 11 – DRUG PARAPHERNALIA

3-11-1 Definitions

3-11-2 Exemption

3-11-3 Prohibition

3-11-1 DEFINITIONS

As used in this Section, “drug paraphernalia” means all equipment, products, or materials of any kind used or attempted to be used in combination with a controlled substance, except those items used in combination with the lawful use of a controlled substance, to knowingly or intentionally and primarily do any of the following:

1. Manufacture a controlled substance.
2. Inject, ingest, inhale, or otherwise introduce into the human body a controlled substance.
3. Test the strength, effectiveness, or purity of a controlled substance.
4. Enhance the effect of a controlled substance.

(Code of Iowa, Sec. 124.414)

3-11-2 EXEMPTION

“Drug paraphernalia” does not include hypodermic needles or syringes if manufactured, delivered, sold, or possessed for a lawful purpose.

(Code of Iowa. Sec. 124.414)

3-11-3 PROHIBITION

It is unlawful for any person to knowingly or intentionally manufacture, deliver, sell, or possess drug paraphernalia.

TITLE III – COMMUNITY PROTECTION

CHAPTER 12 – FIREWORKS ORDINANCE

3-12-1 Definitions

3-12-2 Violations

3-12-3 Prohibitions

3-12-4 Sale of Consumer Fireworks

3-12-5 Restrictions on the Use of Consumer Fireworks

3-12-6 Permits Required

3-12-7 Seizure of Fireworks

3-12-8 Emergency

3-12-1 DEFINITIONS

The following words, terms, and phrases, when used in this Article, shall have the meaning as set forth in this section, except where the context clearly indicates a different meaning:

- a. “Consumer Fireworks” includes First-Class Consumer Fireworks and Second-Class Consumer Fireworks as those terms are defined in Section 100.19 and Chapter 727 of the Iowa Code. Consumer Fireworks do not include Novelties enumerated in Chapter 3 of the American Pyrotechnics Association’s Standard 87-1 or Display Fireworks enumerated in Chapter 4 of the American Pyrotechnics Association’s Standard 87-1.
- b. “Display Fireworks” include any explosive composition, or combination of explosive substances, or article prepared for the purpose of providing a visible or audible effect by combustion, explosion, deflagration, or detonation, and includes fireworks containing any explosive or flammable compound, or other device containing any explosive substance. Display Fireworks does not include Novelties or Consumer Fireworks enumerated in Chapter 3 of the American Pyrotechnics Association’s Standard 87-1.
- c. “Fireworks” means Consumer Fireworks and Display Fireworks. Fireworks does not include Novelties as defined in American Pyrotechnics Association’s Standard 87-1, Chapter 3, and that comply with the labeling regulations promulgated by the United States Consumer Products Safety Commission.

3-12-2 VIOLATIONS

1. Any person who fails to perform an act required by the provisions of this Chapter, or who commits an act prohibited by the provisions of this Chapter, shall be guilty

of a simple misdemeanor punishable by a fine or punishable as a municipal infraction civil penalty as set forth in this Code.

2. A person may be prosecuted under the public nuisance provisions set forth in this Code and/or any other remedy available at law, to address any failure to perform an act required by the provisions of this Chapter or any action prohibited by the provisions of this Code of Ordinances or Code of Iowa.
3. A person who sells Consumer Fireworks to a person who is less than eighteen (18) years of age commits a simple misdemeanor, punishable by a fine of not less than \$250.00.
4. A person who is less than eighteen (18) years of age who purchases Consumer Fireworks commits a simple misdemeanor, punishable by a fine of not less than \$250.00.
5. A person who uses or explodes Consumer Fireworks in violation of this Article commits a simple misdemeanor, punishable by a fine of \$250.00.
6. A person who uses or explodes Display Fireworks while the use of such device is in violation of this Article commits a simple misdemeanor, punishable by a fine of not less than \$250.00.
7. A person who is less than eighteen (18) years of age who uses or explodes Consumer Fireworks or Display Fireworks commits a simple misdemeanor, punishable by a fine of not less than \$250.00.

3-12-3 PROHIBITIONS

1. It shall be unlawful to manufacture fireworks within the City limits.
2. It shall be unlawful to sell Display Fireworks within the City limits.
3. It shall be unlawful for a person to possess, use or explode Display Fireworks, except in possession of and in compliance with all requirements of a permit issued by the City under this Ordinance.

3-12-4 SALE OF CONSUMER FIREWORKS

1. It shall be unlawful for a person to offer for sale, expose for sale, or sell Consumer Fireworks, unless the person is a retailer or community group as defined in Chapter 100, Iowa Code, and possesses and complies with all requirements of a Consumer Fireworks seller license issued by the State Fire Marshall.
2. Consumer Fireworks may only be sold during the dates and times as established by the Iowa Code.

3. Consumer Fireworks may only be sold in zoning districts within the City that permit retail sales. Fireworks may not be sold on public property or within a residential zoning district.

3-12-5 RESTRICTIONS ON THE USE OF CONSUMER FIREWORKS

1.
 - a. A person shall not use or explode consumer **fireworks** on days other than June 1 through July 8 and December 10 through January 3 of each year, all dates inclusive.
 - b. A person shall not use or explode consumer **fireworks** at times other than between the hours of 9:00 a.m. and 10:00 p.m., except that on the following dates consumer **fireworks** shall not be used at times other than between the hours specified:
 - (1) Between the hours of 9:00 a.m. and 11:00 p.m. on July 4 and the Saturdays and Sundays immediately preceding and following July 4.
 - (2) Between the hours of 9:00 a.m. on December 31 and 12:30 a.m. on the immediately following day.
 - (3) Between the hours of 9:00 a.m. and 11:00 p.m. on the Saturdays and Sundays immediately preceding and following December 31.

(Iowa Code § 727.2)

1. A person shall not use Consumer Fireworks on real property other than that person's real property or on the real property of a person who has consented to the use of Consumer Fireworks on that property.
2. Persons using or exploding Consumer Fireworks must be at least eighteen (18) years of age or older.
3. Persons using or exploding Consumer Fireworks are prohibited from being under the influence of alcohol or other drugs or a combination of such substances, while having a blood alcohol concentration of .08 or more or while having any amount of a controlled substance in the person's body.
4. Any use or explosion of Consumer Fireworks must be more than 300 feet/ from an assisted living facility, nursing home, hospital, retirement home, or hospice.
5. No use or explosion of Consumer Fireworks is allowed on any public property, including parks, cemeteries, public rights-of-way, public parking lots, or sidewalks.
6. A person who violates this subsection commits a simple misdemeanor.

3-12-6 PERMITS REQUIRED

1. A permit must be obtained from the City in order to use or explode Display Fireworks. In order to obtain a permit, the applicant must comply with City permitting and insurance requirements.

3-12-7 SEIZURE OF FIREWORKS

1. The Fire Chief may seize, take, remove, or cause to be removed, at the expense of the owner, all Consumer Fireworks or Display Fireworks, offered or exposed for sale, used, stored, possessed, or held in violation of this Chapter.

3-12-8 EMERGENCY

1. When, in the opinion of the Fire Chief, weather and soil conditions create a safety emergency so that the use of Consumer Fireworks and/or Display Fireworks creates a danger to the public or property, the Fire Chief may suspend, cancel, or prohibit the use of Consumer Fireworks and/or Display Fireworks.

TITLE IV – MENTAL AND PHYSICAL HEALTH

CHAPTER 1 – ANIMAL CONTROL

4-1-1 Definitions

4-1-3 Immunization

4-1-4 At Large Prohibited

4-1-5 Animal Nuisances

4-1-6 Impounding

4-1-7 Dangerous Animals

4-1-8 Keeping A Vicious Animal

4-1-9 Kennel Dogs

4-1-1 DEFININITIONS ONS

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.

4-1-3 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 noise making 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 Section 4-1-3 and 4-1-4 of this chapter shall be seized and impounded, or, at the discretion of Law Enforcement or 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 and gila monsters;
 - (9) Snakes that are venomous or constrictors;
 - (10) Any cross breed of such animals which have similar characteristics of the animals specified above.
 - 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 KENNEL DOGS

Kennel dogs which are kept or raised solely for the bona fide purpose of sale and which are kept under constant restraint are not subject to the provisions of this ordinance.

TITLE V – HUMAN DEVELOPMENT-EDUCATION AND CULTURE

CHAPTER 1 – RESERVED

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 1 – MOBILE HOME REGULATION

6-1-1 Definitions

6-1-2 Location of Mobile Homes

6-1-3 Special Permits for Location of Mobile Homes Outside Mobile Home Parks

6-1-4 Emergency and Temporary Parking

6-1-5 Traffic Code Applicable

6-1-6 Building Permits

6-1-7 Mobile Home Hookups

6-1-1 DEFINITIONS

For use in this chapter the following terms are defined as follows:

1. “Factory-built structure” means any structure which is, wholly or in substantial part, made, fabricated, formed, or assembled in manufacturing facilities for installation, or assembly and installation, on a building site. “Factory-built structure” includes the terms “mobile home,” “manufactured home”, and “modular home.”
(Code of Iowa, Sec. 103A.3(8))
2. “Manufactured home” means a factory-built structure built under authority of 42 U.S.C. Section 5403, that is required by federal law to display a seal from the United States Department of Housing and Urban Development, and was constructed on or after June 15, 1976.
(Code of Iowa, Sec. 435.1(3))
3. “Mobile home” means any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but shall also include any such vehicle with motive power not registered as a motor vehicle in Iowa. Mobile homes were constructed before June 15, 1976.
(Code of Iowa, Sec. 435.1(5))
4. “Mobile home park” means a site, lot, field, or tract of land upon which three or more mobile homes or manufactured homes, or a combination of any of these homes, are placed on developed spaces and operated as a for-profit enterprise with water, sewer or septic, and electrical services available.
(Code of Iowa, Sec. 435.1(6))
5. “Modular home” means a factory-built structure which is manufactured to be used as a place of human habitation, is constructed to comply with the Iowa State Building Code for modular factory-built structures.

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 homeowner, 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 6 months) but upon expiration of a special permit reapplication may be made. Application for the permit shall include:

1. A statement concerning the practicability of location within a local mobile home park.
2. A description of sanitation facilities contained within the mobile home and those facilities available at the proposed location.
3. A statement of the desired duration of the special permit.

6-1-4 EMERGENCY AND TEMPORARY PARKING

Emergency or temporary parking of mobile homes upon the streets, alleys, or highways, or any other public or private place for a period not in excess of 48 hours 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. Proper signs and warnings shall be provided. The expense of the emergency parking shall be the responsibility of mobile homeowner.

6-1-5 TRAFFIC CODE APPLICABLE

The owner of a mobile home park may elect to have City traffic provisions of the City Code apply to real property in the mobile home park and any person located on the real property. The owner of a mobile home park may waive this right by filing a waiver with the County Recorder.

6-1-6 BUILDING REQUIREMENTS

All mobile homes, modular homes, and factory built homes as defined in the Iowa Code located outside a mobile home park shall comply with all Ordinances relating to residences or homes in the community and shall be affixed to a permanent perimeter foundation unless it is incompatible with the structural design of the home. In addition, the permanent foundation system shall be such

as to ensure visual compatibility of the permanent foundation system with the surrounding residential structures. The same set back requirements as apply to site-built homes shall apply to modular homes and manufactured homes.

(Code of Iowa, Sec. 435.26)

6-1-7 MOBILE HOME HOOKUPS

A licensed manufactured or mobile home retailer or an employee of a licensed manufactured or mobile home retailer may perform water, gas, electrical, and other utility service connections in a manufactured or mobile home space, or within ten feet of such space, located in a manufactured home community or mobile home park. The licensed retailer or an employee of the retailer is not required to obtain any additional state or local authorization, permit, or license to perform utility service connections. However, the utility service connections are subject to inspection and approval by city officials and authorized utility representative(s).

(Code of Iowa, Sec. 103A.52(4))

6-1-8 REAL ESTATE CONVERSION

A modular home and manufactured home placed and installed on a building lot from and after July 1, 1994 must be converted to real estate as provided hereinabove. Modular homes and manufactured homes placed on City lots prior to July 1, 1994 are exempt from the conversion requirement unless they are relocated to another city lot.

6-1-9 TAXACTION OF MOBILE HOMES, MODULAR HOMES AND MANUFACTURED HOMES

Effective January 1, 1995 all mobile home, modular home and manufactured home located outside a mobile home park and on city lots will be taxed as real estate whether or not they are required to be converted as hereinabove provided.

6-1-10 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 therefore from the State Department of Health. No person, form or corporation shall construct, expand, remodel or make alterations to the sanitary facilities in a mobile home park within this city without first obtaining a permit therefor from the State Department of Health.

6-1-11 LOCATION

No mobile home park shall be located in the city except in an area designated as a mobile home site. Before a site is so designated the city council shall hold a public hearing.

6-1-12 PARK REQUIREMENTS

- A. 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 a sewer system or adequate private sewage disposal facilities.
- f. Streets – each mobile home lot shall have direct access to a public street. The minimum roadway width of interior part street 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

- B. Such streets shall be surfaced with Portland cement concrete according to town specifications for residential streets and maintained in good condition and lighted at night.

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

TITLE VI – PHYSICAL ENVIRONMENT

CHAPTER 2 – UTILITIES - SANITARY SYSTEM

6-2-1 Definitions

6-2-2 Use of Public Sewers Required

6-2-3 Private Sewage Disposal

6-2-4 Building Sewers and Connections

6-2-5 Use of the Public Sewers

6-2-6 Protection From Damage

6-2-7 Powers and Authority to Inspectors

6-2-8 Penalties

6-2-1 DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

1. “BOD” (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 C, expressed in milligrams per liter or parts per million.
2. “Building Drain” shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.
(IAC 567-69.3(1))
3. “Building Sewer” shall mean the extension from the building drain to the public sewer or other place of disposal.
(IAC 567-69.3(1))
4. “Combined Sewer” shall mean a sewer receiving both surface runoff and sewage.
5. “Garbage” shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sales of produce.
6. “Industrial Wastes” shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.
7. “Natural Outlet” shall mean any outlet into watercourse, pond, ditch, or other body of surface or groundwater.

8. "Person" shall mean any individual, firm, company, association, society, corporation, or group.
9. "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
10. "Properly Shredded Garbage" shall mean the waste from the preparation, cooking, dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.
11. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
12. "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.
13. "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.
14. "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.
15. "Sewage Works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.
16. "Sewer" shall mean a pipe or conduit for carrying sewage.
17. "Slug" shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation.
18. "Storm Drain" (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes other than unpolluted cooling water.
19. "Superintendent" shall mean the Superintendent of Wapello Rural Water Association the authorized deputy, agent, or representative thereof.
20. "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

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

6-2-2 USE OF PUBLIC SEWERS REQUIRED

All residents in the City shall be required to connect to Wapello Rural Water Association and shall be bound by any and all rules, terms and regulations adopted by Wapello Rural Water Association. The City hereby adopts and establishes herein all rules and policies of the Wapello Rural Water Association that currently exist or are hereafter amended or supplemented. In event such rule, regulation or policy does not exist regarding a subject matter, the following applies.

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.

1. 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))

2. 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.

3. 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, within sixty (60) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet (30.5 meters) of the property line. Billing for sanitary sewer service shall begin the date of official notice to connect to the public sewer.

(Code of Iowa, Sec. 364.12(3)(f)) (IAC 567-69.3(3))

6-2-3 PRIVATE SEWAGE DISPOSAL

No private sewage site allowed. Nothing construed in this chapter shall be interpreted to mean that a private sewage site can be authorized. In the event a private sewage site is needed the following provisions shall apply.

1. Where a public sanitary or combined sewer is not available under the provision of 6-2-2(4), the building sewer shall be connected to a private sewage disposal system

complying with all applicable requirements of the IAC and Wapello County Health Department.

2. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the City Council.
3. 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.
4. At such times as a public sewer becomes available to a property served by a private sewage disposal system, as provided in 6-2-2(4), a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.
5. (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 City of Chillicothe or Wapello County Health Officer.
8. When a public sewer becomes available, the building sewer shall be to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.
(Code of Iowa, Sec. 364.12(3)(f))

6-2-4 BUILDING SEWERS AND CONNECTIONS

1. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from Wapello Rural Water Association .
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 Wapello Rural Water Association . The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Wapello Rural Water Association . A permit and inspection fees imposed by Wapello Rural Water Association shall be paid to the Wapello Rural Water Association at the time the application is filed.
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 Wapello Rural Water Association or Wapello County Health Department , to meet all requirements of this ordinance.
6. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the original collection system project specifications as modified or updated by Wapello Rural Water Association by the County building and plumbing code or other applicable rules and regulations of the city. In absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M and W.P.C.F. Manual of Practice No. FD-5 shall apply.
7. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. 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 original collection system project specification as modified or updated by the City building and plumbing code or other applicable rules and regulations of the city, and the procedures set forth in appropriate specifications of the
10. A.S.T.M and the W.P.C.F Manual of Practice No. FD-5. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and material must be approved by the Superintendent before installation.
11. The applicant for the building sewer permit shall notify Wapello Rural Water Association when the building sewer is ready for inspection and connection to the

public sewer. The connection shall be made under the supervision of Wapello Rural Water Association or their representative.

12. 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.

6-2-5 USE OF THE PUBLIC SEWERS

1. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.
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 City. Industrial cooling water or unpolluted process waters may be discharged, on approval of the DNR, to a storm sewer, combined sewer, or natural outlet. Combined sewers shall be prohibited
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 City. Where necessary in the opinion of the City, 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.
4. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of Wapello Rural Water Association and no construction of such facilities shall be commenced until said approvals are obtained in writing.
5. 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 Wapello Rural Water Association 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, Wapello Rural Water Association 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 City.
 - 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 City 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 City 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.
6. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in 6-2-5(4), and which in the judgment of the City, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the City may:
- a. Reject the wastes,

- b. Require pre-treatment to an acceptable condition for discharge to the public sewers,
 - c. Require control over the quantities and rates of discharge, and/or
 - d. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provision of 6-2-5(10) of this article.
7. If the City permits the pre-treatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the City, and subject to the requirements of all applicable codes, Ordinances, and laws.
8. 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 City, and applicable codes, and shall be located as to be readily and easily accessible for cleaning and inspection.
9. 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.
10. When required by the City, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the City. The manhole shall be installed by the owner at the owner's expense, and shall be maintained by the owner so as to be safe and accessible at all times.
11. 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).

12. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment, therefore, by the industrial concern.

6-2-6 PROTECTION FROM DAMAGE

1. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

Code of Iowa, Sec. 716.1)

6-2-7 POWERS AND AUTHORITY TO INSPECTORS

1. The representatives of Wapello Rural Water Association and other duly authorized representative 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 representatives 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 6-2-5(8).
3. The Superintendent and other duly authorized representatives of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City or Wapello Rural Water Association holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said

easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

6-2-8 PENALTIES

1. Any person found to be violating any provision of this ordinance except 6-2-6 shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
2. Any person who shall continue any violation beyond the time limit provided for in 6-2- 8(1), shall be guilty of a misdemeanor and on conviction thereof shall be fined under chapter 1-3 of this code for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.
3. Any person violating any of the provisions of this ordinance is liable to the City or Wapello Rural Water Association for any expense, loss, or damage occasioned the City or Wapello Rural Water Association by reason of such violations.

Footnote: See 384.38(3) concerning establishing districts and connection fees (H.F. 2343, 1994 legislative session).

TITLE VI –PHYSICAL ENVIRONMENT

CHAPTER 3 –UTILITIES - WATER SYSTEM

6-3-1 Rural Water Hookup Required

6-3-1 RURAL WATER HOOKUP REQUIRED

All dwellings and businesses within the City of Chillicothe, Iowa, shall hook up to rural water and pay the applicable monthly fee for rural water usage.

TITLE VI – PHYSICAL ENVIRONMENT

CHAPTER 4 UTILITIES - REFUSE COLLECTION

6-4-1 Definitions

6-4-2 Hauler Requirements

6-4-3 Minimum Requirements for Hauler’s Volume Based System

6-4-4 Filling of Volume Based Plan

6-4-5 Storage

6-4-6 Burning of Refuse

6-4-7 Anti-Scavenging

6-4-8 Separation and Collection of Yard Waste

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. Containers or bins shall mean those containers and bins for collections of garbage or recyclables (if needed).
5. Volume based garbage systems shall mean a system based upon number of containers utilized, per this chapter.
6. Residential unit/occupant shall mean each single-family home or multi family dwelling located within the corporate limits of Chillicothe and occupied by a person or a group of persons.
7. Yard wastes shall mean organic debris e.g. grass clippings, leaves, tree and brush limbs, bark, branches, flowers, etc, which is produced as part of yard and garden development and maintenance.

6-4-2 HAULER REQUIREMENTS

Any person or entity engaged in the collection and hauling of garbage and refuse from a residential or business in the City of Chillicothe, Iowa shall be charged based on the number of containers or bins utilized.

6-4-3 MINIMUM REQUIREMENTS FOR HAULER'S VOLUME BASED SYSTEM

It is 1 gallon to 132 gallons per household per week. Specifically, each household will be allowed no more than four, thirty-three-gallon trash bags or four, thirty-three-gallon trash cans of solid waste per week, not to exceed one hundred thirty-two gallons total per week. For any additional waste over one hundred thirty-two gallons, the household can be assessed an additional charge by the hauler.

6-4-4 FILLING OF VOLUME BASED PLAN

All waste haulers doing business in the city boundaries shall file with the Chillicothe City Council. The collection system description must detail the base fee per household and/or business and the additional charge that the hauler will assess for weekly quantities over one hundred thirty-two gallons.

6-4-5 STORAGE

All garbage must be drained and stored in a thirty-three-gallon trash bag or thirty-three-gallon trash can.

6-4-6 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.

6-4-7 ANTI-SCAVENGING

It shall be a violation of this Code for any person to sort through, scavenge or remove any garbage, waste, refuse, rubbish or recycling material that has been placed in a designated garbage or recycling container. Unauthorized collection, removal or scavenging of material placed in a garbage or recycling container shall be a violation of this Code and punishable as set forth in the Municipal Code.

6-4-8 SEPARATION AND COLLECTION OF YARD WASTE

1. All yard waste shall be separate by the owner or occupant from all other garbage and refuse accumulated on the premises and shall be composted on the premises or

disposed of by approved burning or placed in and approved area in the city or made ready for collection as provided by this code.

2. Yard wastes may be collected provided they are stored in containers so as to prevent the disbursement of said wastes upon the premises served or upon adjacent property or public rights-of-way provided that said yard waste has been separated as provided by subsection (a). Said containers to be untreated paper bags or biodegradable plastic bags and specially marked "yard waste" or color coded.

TITLE VI – PHYSICAL ENVIRONMENT

CHAPTER 5 – UTILITIES – SANITARY SEWER BILLING

6-5-1 Sewer Charges

6-5-2 Billing

6-5-3 Sewer Customers Only

6-5-4 Applications for Service

6-5-5 Liability

6-5-6 Duty of City

6-5-7 Lien

6-5-1 SEWER CHARGES

There shall be and are hereby established sewer service charges for the use of land for the service supplied by Wapello Rural Water Association sewer utility, as follows:

The billing for sewer service shall be as set forth in the Wapello County Rural Water Sewer Service Charter or any amendments thereto.

A minimum fee may be charged to vacant lots.

6-5-2 BILLING

Bills for the rates and charges as herein established shall be sent monthly. All bills shall be payable on the fifteenth day of the month following the period of service and shall be paid at the office of the Utility. If any charge for the services of the system shall not be paid by the 15th day of the month in which it shall become due and payable, a charge of ten percent (10%) of the amount of the bill shall be added thereto and collected therewith. If any bills remain unpaid 30 days following the due date, the water supply for the lot, parcel of land or premise affected may, after a notice and hearing, be cut off and may not be restored except upon satisfactory payment of the delinquent charges.

6-5-3 SEWER CUSTOMERS ONLY

The service charges for sanitary sewer services to customers not being supplied water by a municipal water system will be due and payable on the first day of each month.

6-5-4 APPLICATIONS FOR SERVICE

Applications for sewer service shall be filed with the Wapello Rural Water Association upon a form to be supplied by Wapello Rural Water Association . The application shall state the name of the applicant and the premises to be served. All application filed after the commencement of the operation of the system shall be accompanied by a fee of _____, payable to Wapello Rural Water Association , for the connection charge.

6-5-5 LIABILITY

The owner of the premises served and the occupant thereof and the user of the sanitary sewer service shall be jointly and severally liable for the sewer service provided said premises. A deposit of _____ (insert amount of deposit here) shall be required from all tenants. The deposit shall be applied to any bill for sewer service delinquent more than 30 days. Upon disconnection of the sewer service, any balance of such deposit shall be returned to the applicant without interest.

6-5-6 DUTY OF CITY

It is hereby made the duty of Wapello Rural Water Association or official designated by the Council to render bills for sewer service and all other charges in connection therewith and to collect all moneys due therefrom.

6-5-7 LIEN

All sewer charges levied pursuant to this chapter constitute a lien upon the premises serviced and if not paid within 60 (sixty) days after the due date, the charges shall be certified to the County Auditor and shall be collectable in the same manner as taxes.

TITLE VI – PHYSICAL ENVIRONMENT

CHAPTER 6 – STREET CUTS AND EXCAVATIONS

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

6-6-1 EXCAVATION PERMIT REQUIRED

Excavating within the right-of-way of public streets and alleys, and of public grounds, and the cutting of surfacing or 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))

6-6-2 APPLICATION FOR PERMIT *(Address bonding requirements here)*

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 and provide proof of sufficient bond. Such application shall indicate the location of the excavation, the name and address of the applicant who is to do the work, whether public liability insurance is in force, and that the applicant has checked the underground map of all utilities, and other owners of underground facilities, and that the applicant has notified those persons or companies of the time that excavation will commence. The making of an application shall be deemed notice to the City of the plan to cut the street surfacing or pavements, and to obstruct the public way. Such permits shall not be valid until six hours after receipt unless the Clerk waives this requirement.

In an emergency, authorized persons or companies may commence excavations provided that they shall have made a reasonable effort to inform the City and the utilities whose underground utilities might be involved in any way, and those involved in the excavation shall make written application at the earliest practicable moment. The Clerk may provide on the form for the certification that the applicant has notified all utilities and other parties required by this ordinance.

6-6-3 PERMIT FEES

The permit fee shall be \$250.00 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 \$100.00 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.

6-6-4 SAFETY MEASURES

Any person, firm, or corporation cutting a pavement or surfacing or excavating in the streets shall erect suitable barricades, maintain warning lights from sunset to sunrise each night, and take such other precautions as necessary for the safety of the public, whether vehicles or pedestrians. Vehicles, equipment, materials, excavated material, and similar items shall likewise be protected by lights and warning devices, such as traffic cones, flags, etc. Where traffic conditions warrant, the party excavating may be required to provide flagmen, if in the judgment of the Chief of Police the public safety requires it. Compliance with City Ordinances and regulations shall not be deemed to waive the requirements that the party excavating shall comply with all the requirements of the labor safety laws and the rules of the Iowa Department of Labor, nor shall any failure be deemed a responsibility of the City.

6-6-5 BACKFILLING AND RESTORATION

Any person excavating in the streets shall be responsible for the backfilling of the excavation in accordance with City specifications and the restoration of the pavement or surfacing to as good a condition as that existing prior to the excavation. If any excavator fails to backfill or restore the pavement or surfacing properly within forty-eight hours of the completion of the underground work, the City reserves the right to backfill and resurface or install new paving and charge the cost thereof to the party excavating. If any backfilling or pavement or surfacing restoration is not in accordance with the City specifications, the authorized representative of the City is authorized to remove such material as is necessary and to backfill and restore the pavement or surfacing properly.

6-6-6 RULES AND REGULATIONS

The City Council may by resolution establish such rules and regulations for the manner of making cuts and related matters involving excavations.

TITLE VI – PHYSICAL ENVIRONMENT

CHAPTER 7 – SIDEWALK REGULATIONS

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

6-7-1 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.

6-7-2 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.

6-7-3 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))

6-7-4 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))

6-7-5 LIABILITY OF ABUTTING OWNER *(indemnify Language here)*

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)

6-7-6 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.

6-7-7 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 (2d) and (2e))

6-7-8 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.

6-7-9 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 crosswalks 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.

6-7-10 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.

6-7-11 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.

6-7-12 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.

6-7-13 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.

6-7-14 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.

6-7-15 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)

6-7-16 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)

6-7-17 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)

6-7-18 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)

6-7-19 ADAAG COMPLIANCE

All construction, repair, and maintenance of sidewalks shall comply with Americans with Disabilities Guidelines (ADAAG).

TITLE VI – PHYSICAL ENVIRONMENT

CHAPTER 8 – NUMBERING OF BUILDINGS

- 6-8-1 Buildings to be Numbered**
- 6-8-2 Numbering System**
- 6-8-3 Mandatory Numbering**
- 6-8-4 Type of Numbers, Size**
- 6-8-5 Enforcement**

6-8-1 BUILDINGS TO BE NUMBERED

All buildings now or hereafter erected within the City limits shall be assigned numbers and the owners notified of the assigned number. The owners shall cause the numbers to be placed and maintained on their property.

6-8-2 NUMBERING SYSTEM

Numbers shall be assigned in accordance with the system developed by the City Council. The system consists of three-digit numbering. The odd numbers shall be on the west and north sides of all streets and the even numbers shall be on the east and south sides of all streets.

6-8-3 MANDATORY NUMBERING

The placing of numbers is mandatory.

6-8-4 TYPE OF NUMBERS, SIZE

The numbers shall be conspicuously displayed on the portion of the building or premise which faces the street. All numbers shall be of durable substance, clearly legible and the numerals shall be not less than five inches in height. Use of 911 numbering system is permissible.

6-8-5 ENFORCEMENT

If numbers meeting the requirements of this ordinance have not been placed on each building, the City shall cause individual notice to be given to the owner of buildings not numbered, requiring compliance within a reasonable time set in the notice, and if not completed by such time, the City shall cause proper numbers to be installed and the reasonable cost of the installation billed to such owner.

TITLE VI – PHYSICAL ENVIRONMENT

CHAPTER 9 BUILDING PERMITS

- 6-9-1 Purpose**
- 6-9-2 Structure Defined**
- 6-9-3 Permit Required**
- 6-9-4 Application**
- 6-9-5 Fees**
- 6-9-6 Plans Required**
- 6-9-7 Location of Structure**
- 6-9-8 Front Yard Requirements**
- 6-9-9 Side Yard Requirements**
- 6-9-10 Rear Yard Requirements**
- 6-9-11 Special Requirements for Residences**
- 6-9-12 Variances**
- 6-9-13 Fences**
- 6-9-14 Curb Cuts**
- 6-9-15 Authority of City Council**
- 6-9-16 Permit Issued**
- 6-9-17 Limitations on Permit**

6-9-1 PURPOSE

The purpose of this chapter is to provide the City Council notice of the type of structure, the kind of construction, the location of any structure to be erected or added within the corporation, the location of any structure on any specific lot within the corporation and to provide reasonable rules for the erection, reconstruction, altering and repair of all kinds of structures.

6-9-2 STRUCTURE DEFINED

Anything constructed or erected with a fixed location on the ground that protrudes above the ground or surface level of a parcel of property. Structures include, but are not limited to, buildings, walls, fences, billboards, aboveground storage tanks and similar uses.

6-9-3 PERMIT REQUIRED

No structure shall be erected, reconstructed, altered or added to without first securing a permit from the City Council.

6-9-4 APPLICATION

All requests for a building permit shall be submitted to the City Clerk on forms supplied by the City and accompanied with the appropriate fee for such permit.

6-9-5 FEES The fees shall be the cost or fee established by the County of Wapello.

There shall be a permit fee in amount established by the County of Wapello for such permit. If a permit is rejected the fee shall be returned to the applicant.

6-9-6 PLANS REQUIRED

Plans and specifications of any proposed structure shall be filed with the application for the permit.

6-9-7 LOCATION OF STRUCTURE

A complete showing and description of the real estate involved and the location of the structure on the real estate shall be filed with the application. The perimeter of the structure shall be staked prior to submitting an application.

6-9-8 FRONT YARD REQUIREMENTS

There shall be a front yard of not less than twenty (20) feet, except as follows:

1. Where a structure is to be erected on a parcel of land that is within one hundred (100) feet of existing structures on both sides, the minimum front yard shall be a line drawn between the closest front corners of the adjacent structures on the two sides, or
2. Where a structure is to be erected on a parcel of land that is one hundred (100) feet of an existing structure on one side only within the same block, such structure may be erected as close to the street as a line drawn from the closest front corner of that structure to a point twenty (20) feet back from the front lot line measured at the center of the lot on which the proposed structure is to be erected.
3. Where lots have a double frontage, the front yard as required herein shall be provided on both streets.

6-9-9 SIDE YARD REQUIREMENTS

No building shall be erected closer than five (5) feet to either side lot line, except in the business district where no side yard is required.

6-9-10 REAR YARD REQUIREMENTS

There shall be a rear yard provided for each structure of not less than thirty (30) feet or twenty percent (20%) of the depth of the lot, whichever amount is smaller, except in the business district where no rear yard is required.

6-9-11 SPECIAL REQUIREMENTS FOR RESIDENCES

Any structure which is to be a residence for living shall meet the following special requirements.

1. A residence shall have a minimum of 800 square feet of livable space on the main floor.
2. All residences shall have a permanent perimeter foundation.

6-9-12 VARIANCES

The city council may grant a variance to section 6-9-8, 6-9-9, and 6-9-10 where the setback requirements would cause a hardship on the property owner.

6-9-13 FENCES

No setback requirements shall be applicable to the construction of a fence. No fences shall be placed on any right of way easement.

6-9-14 CURB CUTS

No curb cut shall be constructed or permitted without first obtaining a building permit.

6-9-15 AUTHORITY OF CITY COUNCIL

The City Council shall have full authority to accept or reject any plans and specifications submitted.

6-9-16 PERMIT ISSUED

Permits shall be issued by the City Clerk in duplicate, one copy for the applicant and one copy to be retained in the city records.

6-9-17 LIMITATIONS ON PERMIT

In the event that construction covered by a permit is not initiated and underway within one year from the date of issuance of a permit, such permit shall be deemed void and of no effect. All permits shall expire and be void twelve (12) months after issuance by the City Clerk. If construction is not completed a new application and fee must be submitted.

TITLE VI – PHYSICAL ENVIRONMENT

CHAPTER 10 – RESERVED

TITLE VI – PHYSICAL ENVIRONMENT

CHAPTER 11 – OUTDOOR FURNACES

6-11-1 Purpose

6-11-2 Definitions

6-11-3 Existing Outdoor Furnaces

6-11-4 Installation and Inspection

6-11-5 Permit Applications

6-11-6 Enforcement and Violations

6-11-1 PURPOSE

The Chillicothe City Council finds that smoke, odors and emissions caused by the use of outdoor furnaces can be detrimental to the public health and deprive residents of the enjoyment of their property. The purpose of this Chapter is to establish and regulate the installation and construction of outdoor furnaces and establish regulations and restrictions regarding the existing outdoor furnaces within the City of Chillicothe, to promote the public health, comfort, safety and welfare of the public.

6-11-2 DEFINITIONS

For the purposes of this Chapter, the following definitions apply:

1. “Outdoor Furnace” means any equipment, device or apparatus which is installed, affixed or situated outdoors or within another structure for the primary purpose of burning fuel to produce heat or energy used in whole or in part as a heating system to provide heat and/or hot water to any structure.
2. “Stack” or “Chimney” means any vertical structure enclosing a flue or flues that carry off smoke, exhaust and other emissions from an outdoor furnace.

6-11-3 EXISTING OUTDOOR FURNACES

(Reserved)

6-11-4 Installation and Inspection

1. All outdoor furnaces shall be installed, operated and maintained in accordance with the manufacturer’s specifications and instructions.

2. All outdoor furnaces shall be laboratory tested and listed to appropriate safety standards, such as UL (Underwriters Laboratories), ANSI (American National Standards Institute) or other applicable safety standards. Outdoor furnaces shall not be located less than thirty (30) feet from the nearest lot line. Outdoor furnaces shall not be located within one hundred (100) feet from any residence not being served by the furnace.
3. Only natural, untreated wood or the manufacturer's listed fuels may be burned in any outdoor furnace. Burning any other materials in the furnace is prohibited. Trash, plastics, gasoline, rubber, naphtha, household garbage, particle board, railroad ties, pressure treated wood or other materials treated with petroleum products, leaves, paper products and cardboard are prohibited.
4. Petroleum products or chemicals shall not be used to start an outdoor furnace.
5. Every outdoor furnace shall be equipped with a stack or chimney. All stacks and chimneys must be constructed as to withstand high winds and other weather elements.
6. The furnace must be in compliance with all of the provisions of this Chapter and any other applicable county, state or federal regulations. All provisions shall continue to apply to an outdoor furnace after a permit has been issued. No existing outdoor furnace may be moved or replaced by a new outdoor furnace.
7. All existing outdoor furnaces shall be inspected each year prior to operation.

6-11-5 PERMIT APPLICATIONS

(Reserved)

6-11-6 ENFORCEMENT AND VIOLATIONS

1. Any person who violates any of the provisions of this Chapter or any of the terms and conditions of regulation or lawful order of the City made under the authority of this Chapter shall be guilty of a simple misdemeanor and a municipal infraction. Each day that a violation exists or continues shall constitute a separate offense.
2. If any outdoor furnace regulated under this Chapter is installed, constructed, moved, maintained or used in violation of this Chapter or in violation of the terms and conditions issued or made under the authority of this Chapter, a simple misdemeanor citation and/or a municipal infraction citation may be issued to remedy and/or abate the violation.

TITLE VI – PHYSICAL ENVIRONMENT

CHAPTER 12 – ACCESSORY BUILDINGS AND STRUCTURES

6-12-1

No accessory building or structure shall be erected on the property more than ninety (90) days prior to the time of completion of the principal structure or use. (Define Accessory building or structure here)

6-12-2

A building permit must be issued prior to construction of any accessory building or structure.

6-12-3

Accessory buildings and structures, other than a private garage, shall be limited to twelve (12) feet in height for sidewalls, and no part of the structure shall be closer than five (5) feet from the principal structure or property line, or as set forth in the Zoning Ordinance for property setbacks.

6-12-4

Only one (1) private garage, is permitted per lot. Private garages must meet the minimum principal structure front yard and side yard setback requirements.

Principal Structures. Only one (1) principal structure may be constructed, located or erected on a single lot in any district within the City. No garage or accessory use or building may be located on a property that does not have a conforming principal structure in existence.

This does not apply to any structure, garage or accessory use or building in existence prior to the adoption of this ordinance.

TITLE VII – SPECIAL ORDINANCES

CHAPTER 1 – WATER FRANCHISE

AN ORDINANCE RENEWING, GRANTING AND EXTENDING TO WAPELLO RURAL WATER ASSOCIATION, INC., ITS SUCCSORS AND ASSIGNS, THE RIGHT AND FRANCHISE TO AQUIRE, CONSTRUCT, ERECT, MAINTAIN AND OPERATEIN THE CITY OF CHILLICOTHE, WAPELLO COUNTY IOWA, WORKS AND PLANTS FOR THE SUPPLY AND DISTRIBUTION SYSTEM OF WATER AND THE RIGHT TO ERECT AND AMINTAIN THE NECESSARY PIPING, PIPELINES, ALVES, METERS, APPURTENANCES, AND OTHER APPLIANCES FOR THE TRANSMISSION AND DISTRIBUTION OF WATER ALONG AND UNDER THE STREETS, AVENUES, ALLEYS AND PUBLIC PLACES IN THE CITY OF CHILLICOTHE, WAPELLO COUNTY, IOWA; ALSO THE RIGHT TO ERECT AND MAINTAIN ALONG AND IN THE STREETS, AVENUES, ALLEYS, AND PUBLIC PLACES, PIPES AND PIPING THROUGH THE SAID CITY OF CHILLICOTHE, WAPELLO COUNTY, IOWA TO SUPPLY INDIVIDUALS, CORPORATIONS, ASSOCIATIONS, COMMUNITIES, AND MUNICIPALITIES BOTH INSIDE AND OUTSIDE OF SAID CITY WITH WATER SERVICE FOR A PERIOD OF FOTY (40) YEARS, GRANTING TO SAID WAPELLO RURAL WATER ASSOCIATION, INC. THE RIGH OF EMINENT DOMAINT TO THE EXTENT PROVIDED BY LAW.

WHEARAS THE FRANCHISE HERETOFORE GRANTED TO WAPELLO RURAL WATER ASSOCIATE INC, TO AQUIRE, CONSTRUCT, ERECT, MAINTAIN, AND OPERATE A POTABLE PUBLIC WATER SUPPLY SYSTEM IN THE CITY OF CHILLICOTHE, WAPELLO COUNTY, IA HAS EXPIRED AND THE PARTIES DESIRE TO RENEW AND EXTEND SAID FRANCHISE IN ACCORDANCE WITH THE TERMS HEREOF, and

WHEREAS NOTICE OF THE PUBLIC HEARING IN REGARD T OTHIS FRANCHISE WAS PUBLISHED / POSTED AS BY LAW REQUIRED AND NOT PETITION WAS TIMELY FILED SEEKING A PUBLIC VOTE THEREON; AND

WHEREAS HAVING CONDUCTED SAID PUBLIC HEARING AND HAVING DULY CONSIDERED ALL COMMENTS AND OTHER MATTERS RELATIVE TO SAID FRANCHISE.

NOW THEREFORE IT BE ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHILLICOTHE, WAPELLO COUNTY, IOWA;

SECTION 1. There is hereby granted to Wapello Rural Water Association Inc., hereinafter referred to as the “Association”, its successors and assigns, [a] the right, franchise, and contract to acquire, construct, erect, maintain and operate in the City of Chillicothe, Wapello County, Iowa, works, pipes and piping for the distribution and delivery of water service and the right to erect and maintain the necessary pipe, piping, valves, appurtenances, meters, and appliances for the distribution of water service along, and under the streets, avenues, alleys and public places in the City of Chillicothe, Wapello County, Iowa; also [b] the right to determine the rates for such

service and to use all such existing works, pipes and piping for the distribution and delivery of water service and to erect and maintain upon in the streets, alleys, and public places, works, pipes and piping for the transmission of water through the City of Chillicothe, Wapello County, Iowa, to supply individuals, corporations, associations, communities and all other entities both inside and outside of said city with water service for a period of forty (40) years; and also [c] the power of eminent domain to appropriate and condemn private property necessary to providing the aforesaid water services to the extent provided by law; provided further that at the request of the Association the City shall use its power of eminent domain to acquire such property interests as the Association deems necessary for the distribution and delivery of water service and for the erection and maintenance of the necessary works, pipe, piping, valves, appurtenances, meters and appliances for the distribution and delivery of water service to water service subscribers in the City of Chillicothe, Wapello County, Iowa.

SECTION 2. The works, pipes and piping shall be placed and maintained so as to not unnecessarily interfere with the travel on streets alleys and the public places in said city nor unnecessarily interfere with the proper use of the same, including ordinary drainage or with sewers, underground piping and other property of the City.

SECTION 3. The Association, its successors and assigns, shall furnish and install all meters, meter pits and service piping to the property lines of water user subscribers in said City at the expense of each subscriber.

SECTION 4. Subject to the provisions of Section 8, the City shall in no way be responsible for the collection or billing of water service charges, and the sole responsibility therefor shall be with the Association.

SECTION 5. The Association will use responsible care and diligence to furnish a regular and uninterrupted supply of water service, but in case such supply of water service shall be interrupted or fail by reason of an act of God, accident, public enemy, strikes, legal process, state or municipal, interference, or breakdowns in machinery or lines, the Association shall not be liable for damages resulting therefrom but shall restore service as soon as is reasonably possible.

SECTION 6. The system authorized by this ordinance shall be modern and up-to-date, shall be in compliance with all applicable governmental standards and shall be of sufficient capacity to supply all reasonable demands for water services. The Association further agrees to furnish water service to additional and future subscribers of said service, upon a proper application being made to the Association's offices, and said application for service being approved by the Association's Board of Directors.

SECTION 7. This Franchise shall not be exclusive and shall not, except as herein otherwise stated, restrict in any manner the right of the City Council or any other governing body of the City in the exercise of any governmental power which it may now have or hereafter be authorized or permitted by laws of the State of Iowa, except that the City shall not under any circumstance compete with the Association by furnishing any similar service within the City during the term of this franchise without prior consent of the Association.

SECTION 8. In the event a subscriber fails to pay for water services supplied by the Association, then the Association may, in accordance with such notice as required by law and its rules and regulations, discontinue water services to said subscriber until all such water services have been fully paid; provided that the Association shall be deemed the governing body of the City's water utility for the term of this franchise and the Association is authorized by the City to certify to the County Treasurer all such delinquent sums and to undertake all actions on its own and on behalf of the City to cause such delinquent sums to be certified and assessed as a lien as provided by Iowa Code 384.84 (2015), or its successor provisions, for the benefit of the Association and upon payment of said assessed sums same shall be remitted to the Association.

SECTION 9. For the purposes of obtaining or qualifying for federal funding, the term of the franchise granted by this ordinance and the rights granted thereunder shall continue for the period of forty (40) years from and after its acceptance and approval by the Association.

SECTION 10. The expense of publication of the resolution setting a public hearing on this ordinance and the expense of the publication of this ordinance shall be paid by the Association.

SECTION 11. The franchise granted by this ordinance shall be deemed effective if accepted in writing by the Association and such acceptance is filed with the City Clerk within thirty (30) days from this franchise ordinance receiving approval from the City Council (and the effective date shall be deemed the date of such filing); provided that if there is timely filed in accordance with the law with the City Clerk prior to the public hearing on the City Council's approval of this franchise ordinance a valid petition requesting submission of the approval of this franchise to the voters and this franchise is approved by a majority of the voters, this franchise shall be deemed effective if accepted in writing by the Association and such acceptance is filed with the City Clerk within thirty (30) days from its receiving approval from the voters (and the effective date shall be deemed the date of such filing).

SECTION 12. The parties reserve the right to amend this franchise agreement in accordance with the law if there are changes in the law related to water utility franchises.

Adopted and approved October 9th, 2017 by the City of Chillicothe as Ordinance 1-2017

Approved and Accepted by Wapello Rural Water October 11th, 2017.

TITLE VII – SPECIAL ORDINANCES

CHAPTER 2 – JUNK YARDS

Section 1. License Required.

No person shall operate a junk yard in the City of Chilicothe.

Section 2. Defined.

Every person who conducts or carries on a junk shop or who buys, sells or deals in junk, old iron, old copper, old brass, old lead or any old metal, rags, paper and paper stock, old bottles or glass, old cans or tinware, old clothes, discarded furniture, carpets and hanging, old or discarded plumbing or electrical material or fixtures or any article or thing usually bought, sold or dealt in, in junk shops and including all persons who carry on such business at shops, yards or stores and any person who, by advertisement, sign or otherwise, holds themselves out as a junk dealer or who acquired and disassembles old or used automobiles shall be deemed a junk dealer within the meaning of this article. This provision does not apply to a person who conducts a 2nd hand store for the sale of such goods sold inside.

Section 3. Location.

It shall be unlawful for any junk dealer to keep, maintain, operate or use any building, lot or other place for the storing or depositing of any junk anywhere within the following territory.

1. Within three hundred (300) feet of any building used for business or residential purposes.
2. Within any zone wherein the operation of a junkyard is prohibited by the city zoning ordinance.
3. Within the City of Chilicothe.

This section shall not apply to any junkyard in operation on June 1, 1980, provided, that any junk dealer now operating a junkyard located in any territory which is prohibited by this section shall not expand or increase the territorial boundaries of their junkyard.

Section 4. Examination of premises.

Any peace officer shall have power to examine the premises of any junk dealer for the purpose of discovering stolen property. It shall be unlawful for any junk dealer to refuse to allow any peace officer to make such examination.

Section 5. Storage of junk on streets, unfenced property.

It shall be unlawful for any junk dealer to permit any scrap iron, used or wrecked automobile or junk to remain for a period longer than one hour upon any part of the public street in front or adjacent to the place of business of such junk dealer or upon any private property not enclosed with a fence as prescribed by this article.

Section 6. License Fee.

The license fee to be paid by any junk dealer shall be five hundred dollars (\$500.00) per year, which must be paid in full prior to the issuance of any license to such junk dealer.

Section 7. Junkyard fenced.

The City Council may in its discretion order such fence erected as will insulate said junkyard from the view of neighboring property or where flying debris constitutes a nuisance, but such fence shall be not greater than eight (8) feet in height.

Section 8. Rodents, pests eradicated.

All rodents and other pests shall be eradicated when found to exist and the owners of said junkyard shall keep premises free from such pests at their expense.

TITLE VII – SPECIAL ORDINANCES

CHAPTER 3 – PARKS

Sec. 1 Parks Defined.

Parks are such areas designated on the “Official City Map” as such.

Sec. 2 Parks, operating and maintaining.

The Mayor may appoint one or more council members to serve as a park committee to aid the council in maintaining and operating the parks and said committee when so appointed shall be in charge of parks and the enforcement of the ordinances, resolutions and rules promulgated by the city council pertaining to parks.

Sec. 3 Vehicles.

- (a) No motor vehicle as defined in Chapter 3-3 shall be driven or operated in the parks except vehicles used to maintain said parks or other vehicles granted special permission by the city council.
- (b) This prohibition shall not apply to designated roads in the parks.

Sec 4. Fires.

No fires shall be lighted or made in parks except in places provided therefor.

Sec 5. Garbage and refuse.

No person shall scatter about or litter the grounds of any park with any form of waste material. All litter, papers and refuse must be removed by patrons of the park.

Sec 6. Disturbing wildlife or improvements.

No person shall disturb or interfere with any improvements made in or about the parks or disturb the parks or disturb or interfere with birds, animals, fish, flowers or plants kept or found therein.

Sec 7. Entertainment, meeting, etc.

No person shall give entertainment or transact business or hold public meeting or assemblies in the park without the consent of the “park committee” or such person designated from the committee to grant said permission. In lieu of such granting of permission the City Council may be called upon by the committee or its designee to determine the granting of said permission. “Family picnics” are not deemed to be assemblies under this section except in the case where such activity will occupy a large portion of said park to the exclusion of the general public.

Sec 8. Conduct in Parks, removal.

- (a) No person shall, while using said parks, conduct themselves in such a manner as to violate any other laws of the City of the State of Iowa and if such conduct is carried on, persons so conducting themselves may in addition to any charges filed be directed to remove themselves or be removed from said park.
- (b) Failure of a person to so remove themselves after the direction is given by a peace officer or an officer of the city, shall be a simple misdemeanor.

Sec 9. Closing hours.

The park shall be open from 6 o'clock A.M. to 10 o'clock P.M. each day unless special permission is granted by the "Park Committee" or its designee for earlier or later hours. The committee or designee may defer said decision to the city council.

TITLE VII – SPECIAL ORDINANCES

CHAPTER 4 – FLOODPLAIN MANAGEMENT ORDINANCE

(SECTION I) - Definitions

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.

1. APPURTENANT STRUCTURE – A structure which is on the same parcel of the property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.
2. BASE FLOOD - The flood having one (1) percent chance of being equaled or exceeded in any given year (Also commonly referred to as the “100-year flood”).
3. BASE FLOOD ELEVATION (BFE) – The elevation floodwaters would reach at a particular site during the occurrence of a base flood event.
4. BASEMENT - Any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see "lowest floor."
5. DEVELOPMENT - Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials. “Development” does not include “minor projects” or “routine maintenance of existing buildings and facilities” as defined in this section. It also does not include gardening, plowing, and similar practices that do not involve filling or grading.
6. ENCLOSED AREA BELOW LOWEST FLOOR – The floor of the lowest enclosed area in a building when all the following criteria are met:
 - A. The enclosed area is designed to flood to equalize hydrostatic pressure during flood events with walls or openings that satisfy the provisions of (SECTION V(1)(D)(1) of this Ordinance, and
 - B. The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking or storage, and
 - C. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the base flood elevation, and
 - D. The enclosed area is not a "basement" as defined in this section.

7. EXISTING CONSTRUCTION - Any structure for which the "start of construction" commenced before the effective date of the first floodplain management regulations adopted by the community.
8. EXISTING FACTORY-BUILT HOME PARK OR SUBDIVISION - A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management regulations adopted by the community.
9. EXPANSION OF EXISTING FACTORY-BUILT HOME PARK OR SUBDIVISION - The preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
10. FACTORY-BUILT HOME - Any structure, designed for residential use which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this Ordinance factory-built homes include mobile homes, manufactured homes, and modular homes; and also include "recreational vehicles" which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.
11. FACTORY-BUILT HOME PARK OR SUBDIVISION - A parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.
12. FIVE HUNDRED (500) YEAR FLOOD – A flood, the magnitude of which has a two-tenths (0.2) percent chance of being equaled or exceeded in any given year or which, on average, will be equaled or exceeded at least once every five hundred (500) years.
13. FLOOD - A general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.
14. FLOOD INSURANCE RATE MAP (FIRM) - The official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.
15. FLOOD INSURANCE STUDY (FIS) – A report published by FEMA for a community issued along with the community's Flood Insurance Rate Map(s). The study contains such background data as the base flood discharge and water surface elevations that were used to prepare the FIRM.
16. FLOODPLAIN - Any land area susceptible to being inundated by water as a result of a flood.

17. FLOODPLAIN MANAGEMENT - An overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of floodplains, including but not limited to emergency preparedness plans, flood control works, floodproofing and floodplain management regulations.
18. FLOODPROOFING - Any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.
19. FLOODWAY - The channel of a river or stream and those portions of the floodplains adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one (1) foot.
20. FLOODWAY FRINGE - Those portions of the Special Flood Hazard Area outside the floodway.
21. HIGHEST ADJACENT GRADE – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure
22. HISTORIC STRUCTURE - Any structure that is:
 - A. Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing of the National Register;
 - B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
 - D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by either i) an approved state program as determined by the Secretary of the Interior or ii) directly by the Secretary of the Interior in states without approved programs.
23. LOWEST FLOOR - The floor of the lowest enclosed area in a building including a basement except when the criteria listed in the definition of Enclosed Area below Lowest Floor are met.
24. MAXIMUM DAMAGE POTENTIAL DEVELOPMENT - Hospitals and like institutions; buildings or building complexes containing documents, data, or instruments of great public value; buildings or building complexes containing materials dangerous to the public or fuel storage facilities; power installations needed in emergency or other buildings or building complexes similar in nature or use.

25. MINOR PROJECTS - Small development activities (except for filling, grading and excavating) valued at less than \$500.
26. NEW CONSTRUCTION - (new buildings, factory-built home parks) - Those structures or development for which the start of construction commenced on or after the effective date of the first floodplain management regulations adopted by the community.
27. NEW FACTORY-BUILT HOME PARK OR SUBDIVISION - A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the effective date of the first floodplain management regulations adopted by the community.
28. RECREATIONAL VEHICLE - A vehicle which is:
 - A. Built on a single chassis;
 - B. Four hundred (400) square feet or less when measured at the largest horizontal projection;
 - C. Designed to be self-propelled or permanently towable by a light duty truck; and
 - D. Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.
29. ROUTINE MAINTENANCE OF EXISTING BUILDINGS AND FACILITIES – Repairs necessary to keep a structure in a safe and habitable condition that do not trigger a building permit, provided they are not associated with a general improvement of the structure or repair of a damaged structure. Such repairs include:
 - A. Normal maintenance of structures such as re-roofing, replacing roofing tiles and replacing siding;
 - B. Exterior and interior painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work;
 - C. Basement sealing;
 - D. Repairing or replacing damaged or broken window panes;
 - E. Repairing plumbing systems, electrical systems, heating or air conditioning systems and repairing wells or septic systems.
30. SPECIAL FLOOD HAZARD AREA (SFHA)- The land within a community subject to the "base flood". This land is identified on the community's Flood Insurance Rate Map as Zone A, A1-30, AE, AH, AO, AR, and/or A99.
31. START OF CONSTRUCTION - Includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement, was within 180 days of the permit date. The actual start means either the first placement or permanent construction of a structure on a site, such as pouring of a slab or footings, the installation of pile, the

construction of columns, or any work beyond the stage of excavation; or the placement of a factory-built home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

32. STRUCTURE - Anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factory-built homes, storage tanks, grain storage facilities and/or other similar uses.
33. SUBSTANTIAL DAMAGE - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred. Volunteer labor and donated materials shall be included in the estimated cost of repair.
34. SUBSTANTIAL IMPROVEMENT - Any improvement to a structure which satisfies either of the following criteria:
 - A. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (i) before the "start of construction" of the improvement, or (ii) if the structure has been "substantially damaged" and is being restored, before the damage occurred.

The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions. The term also does not include any alteration of an "historic structure", provided the alteration will not preclude the structure's designation as an "historic structure"
 - B. Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after the effective date of the first floodplain management regulations adopted by the community shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.
35. VARIANCE - A grant of relief by a community from the terms of the floodplain management regulations.
36. VIOLATION - The failure of a structure or other development to be fully compliant with the community's floodplain management regulations.

(SECTION II) - Statutory Authority, Findings of Fact and Purpose

1. The Legislature of the State of Iowa has in Chapter 364, Code of Iowa, as amended, delegated the power to cities to exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges and property of the City or of its residents, and to preserve and improve the peace, safety, health, welfare, comfort and convenience of its residents.
2. Findings of Fact
 - A. The flood hazard areas of the City of Chillicothe are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare of the community.
 - B. These flood losses, hazards, and related adverse effects are caused by: (i) The occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being inadequately elevated or otherwise protected from flooding and (ii) the cumulative effect of obstructions on the floodplain causing increases in flood heights and velocities.
 - C. This ordinance relies upon engineering methodology for analyzing flood hazards which is consistent with the standards established by the Department of Natural Resources.

3. Statement of Purpose

It is the purpose of this Ordinance to protect and preserve the rights, privileges and property of the City of Chillicothe and its residents and to preserve and improve the peace, safety, health, welfare, and comfort and convenience of its residents by minimizing those flood losses described in (SECTION II(2)(A) of this Ordinance with provisions designed to:

- A. Reserve sufficient floodplain area for the conveyance of flood flows so that flood heights and velocities will not be increased substantially.
- B. Restrict or prohibit uses which are dangerous to health, safety or property in times of flood or which cause excessive increases in flood heights or velocities.
- C. Require that uses vulnerable to floods, including public facilities which serve such uses, be protected against flood damage at the time of initial construction or substantial improvement.
- D. Protect individuals from buying lands which may not be suited for intended purposes because of flood hazard.

- E. Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

(SECTION III) - General Provisions

1. Lands to Which Ordinance Apply

The provisions of this Ordinance shall apply to all lands and development which have significant flood hazards. The Flood Insurance Rate Map (FIRM) for Wapello County and Incorporated Areas, City of Chillicothe, Panel 19179C0160E, dated January 29, 2021, which were prepared as part of the Wapello County Flood Insurance Study, shall be used to identify such flood hazard areas and all areas shown thereon to be within the boundaries of the base flood shall be considered as having significant flood hazards.. The Flood Insurance Study for the County of Wapello County is hereby adopted by reference and is made a part of this ordinance for the purpose of administering floodplain management regulations.

2. Rules for Interpretation of Flood Hazard Boundaries

The boundaries of the Special Flood Hazard areas shall be determined by scaling distances on the official Flood Insurance Rate Map. Where uncertainty exists with respect to the precise location of the base flood boundary, the location shall be determined on the basis of the base flood elevation at the particular site in question. When an interpretation is needed as to the exact location of a boundary, the City Council shall make the necessary interpretation. The City Council shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the City Council in the enforcement or administration of this Ordinance.

3. Compliance

No structure or land shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations which apply to uses within the jurisdiction of this Ordinance.

4. Abrogation and Greater Restrictions

It is not intended by this Ordinance to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provision of this Ordinance shall prevail. All other ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.

5. Interpretation

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State statutes.

6. Warning and Disclaimer of Liability

The standards required by this Ordinance are considered reasonable for regulatory purposes. This Ordinance does not imply that areas outside the designated areas of significant flood hazard will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the City of Chillicothe or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made there under.

7. Severability

If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

(SECTION IV) - Administration

1. Appointment, Duties and Responsibilities of Local Official

- A. The City Council is hereby appointed to implement and administer the provisions of this Ordinance and will herein be referred to as the Administrator.
- B. Duties and responsibilities of the Administrator shall include, but not necessarily be limited to the following:
 - 1) Review all floodplain development permit applications to assure that the provisions of this Ordinance will be satisfied.
 - 2) Review floodplain development applications to assure that all necessary permits have been obtained from federal, state and local governmental agencies including approval when required from the Department of Natural Resources for floodplain construction.
 - 3) Record and maintain a record of (i) the elevation (in relation to North American Vertical Datum 1988) of the lowest floor (including basement) of all new or substantially improved buildings or (ii) the elevation to which new or substantially improved structures have been floodproofed.
 - 4) Notify adjacent communities/counties and the Department of Natural Resources prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications to the Federal Emergency Management Agency.
 - 5) Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this Ordinance.
 - 6) Submit to the Federal Insurance Administrator an annual report concerning the community's participation, utilizing the annual report form supplied by the Federal Insurance Administrator.

- 7) Notify the Federal Insurance Administration of any annexations or modifications to the community's boundaries.
- 8) Review subdivision proposals to insure such proposals are consistent with the purpose of this ordinance and advise the City Council of potential conflict.
- 9) Maintain the accuracy of the community's Flood Insurance Rate Maps when;
 - a. Development placed within the Floodway results in any of the following:
 - (i) An increase in the Base Flood Elevations, or
 - (ii) Alteration to the floodway boundary
 - b. Development placed in Zones A, AE, AH, and A1-30 that does not include a designated floodway that will cause a rise of more than one foot in the base elevation; or
 - c. Development relocates or alters the channel.

Within 6 months of the completion of the development, the applicant shall submit to FEMA all scientific and technical data necessary for a Letter of Map Revision.
- 10) Perform site inspections to ensure compliance with the standards of this Ordinance.
- 11) Forward all requests for Variances to the City Council for consideration. Ensure all requests include the information ordinarily submitted with applications as well as any additional information deemed necessary to the City Council.

2. Floodplain Development Permit

- A. Permit Required - A Floodplain Development Permit issued by the Administrator shall be secured prior to any floodplain development (any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, excavation or drilling operations), including the placement of factory-built homes.
- B. Application for Permit - Application shall be made on forms furnished by the Administrator and shall include the following:
 - 1) Description of the work to be covered by the permit for which application is to be made.
 - 2) Description of the land on which the proposed work is to be done (i.e., lot, block, track, street address or similar description) that will readily identify and locate the work to be done.
 - 3) Location and dimensions of all structures and additions
 - 4) Indication of the use or occupancy for which the proposed work is intended.

- 5) Elevation of the base flood.
 - 6) Elevation (in relation to North American Vertical Datum 1988) of the lowest floor (including basement) of buildings or of the level to which a structure is to be floodproofed.
 - 7) For structures being improved or rebuilt, the estimated cost of improvements and market value of the structure prior to the improvements.
 - 8) Such other information as the Administrator deems reasonably necessary (e.g., drawings or a site plan) for the purpose of this Ordinance.
- C. Action on Permit Application - The Administrator shall, within a reasonable time, make a determination as to whether the proposed floodplain development meets the applicable standards of this Ordinance and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefore. The Administrator shall not issue permits for variances except as directed by the City Council.
- D. Construction and Use to be as Provided in Application and Plans - Floodplain Development Permits based on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance. The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that the finished fill, building floor elevations, floodproofing, or other flood protection measures were accomplished in compliance with the provisions of this Ordinance, prior to the use or occupancy of any structure.

(SECTION V) - Floodplain Management Standards

1. General Floodplain Standards

All development must be consistent with the need to minimize flood damage and meet the following applicable performance standards. Where base flood elevations have not been provided in the Flood Insurance Study, the Iowa Department of Natural Resources shall be contacted to determine (i) whether the land involved is either wholly or partly within the floodway or floodway fringe and (ii) the base flood elevation. Until a regulatory floodway is designated, no development may increase the Base Flood Elevation more than one (1) foot. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination.

Review by the Iowa Department of Natural Resources is not required for the proposed construction of new or replacement bridges or culverts where (i) the bridge or culvert is located on a stream that

drains less than two (2) square miles, and (ii) the bridge or culvert is not associated with a channel modification that constitutes a channel change as specified in 567-71.2(2), Iowa Administrative Code.

A. All development within the special flood hazard areas shall:

- 1) Be designed and adequately anchored to prevent flotation, collapse or lateral movement.
- 2) Use construction methods and practices that will minimize flood damage.
- 3) Use construction materials and utility equipment that are resistant to flood damage.

B. Residential structures - All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one (1) foot above the base flood elevation. Construction shall be upon compacted fill which shall, at all points, be no lower than 1.0 ft. above the base flood elevation and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers or extended foundations) may be allowed, where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding.

All new residential structures located in areas that would become isolated due to flooding of surrounding ground shall be provided with a means of access that will be passable by wheeled vehicles during the base flood. However, this criterion shall not apply where the Administrator determines there is sufficient flood warning time for the protection of life and property. When estimating flood warning time, consideration shall be given to the criteria listed in 567-75.2(3), Iowa Administrative Code.

C. Non-residential structures - All new or substantially improved non-residential structures shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the base flood elevation, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood; and that the structure, below the base flood elevation is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum 1988) to which any structures are floodproofed shall be maintained by the Administrator.

D. All new and substantially improved structures:

- 1) Fully enclosed areas below the "lowest floor" (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on

exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:

- a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- b. The bottom of all openings shall be no higher than one foot above grade.
- c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

Such areas shall be used solely for parking of vehicles, building access and low damage potential storage.

- 2) New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- 3) New and substantially improved structures must be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

E. Factory-built homes:

- 1) All new and substantially improved factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one (1) foot above the base flood elevation.
- 2) All new and substantially improved factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. Anchorage systems may include, but are not limited to, use of over-the-top or frame ties to ground anchors as required by the State Building Code.

F. Utility and Sanitary Systems:

- 1) On-site waste disposal and water supply systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.
- 2) All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge of effluent

- into flood waters. Wastewater treatment facilities (other than on-site systems) shall be provided with a level of flood protection equal to or greater than one (1) foot above the base flood elevation.
- 3) New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities (other than on-site systems) shall be provided with a level of protection equal to or greater than one (1) foot above the base flood elevation.
 - 4) Utilities such as gas or electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.
- G. Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one (1) foot above the base flood elevation. Other material and equipment must either be similarly elevated or (i) not be subject to major flood damage and be anchored to prevent movement due to flood waters or (ii) be readily removable from the area within the time available after flood warning.
- H. Flood control structural works such as levees, flood walls, etc. shall provide, at a minimum, protection from the base flood with a minimum of 3 ft. of design freeboard and shall provide for adequate interior drainage. In addition, structural flood control works shall be approved by the Department of Natural Resources.
- I. Watercourse alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.
- A. Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals (including the installation of public utilities) shall meet the applicable performance standards of this Ordinance. Subdivision proposals intended for residential use shall provide all lots with a means of access which will be passable by wheeled vehicles during the base flood. Proposals for subdivisions greater than five (5) acres or fifty (50) lots (whichever is less) shall include base flood elevation data for those areas located within the Special Flood Hazard Area.
- J. Accessory Structures to Residential Uses
- 1) Detached garages, sheds, and similar structures that are incidental to a residential use are exempt from the base flood elevation requirements where the following criteria are satisfied:
 - a. The structure shall be designed to have low flood damage potential. Its size shall not exceed 600 sq. ft. in size. Those portions of the structure located less than 1 foot above the base flood elevation must be constructed of flood-resistant materials.

- b. The structure shall be used solely for low flood damage potential purposes such as vehicle parking and limited storage. The structure shall not be used for human habitation.
 - c. The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.
 - d. The structure shall be firmly anchored to resist flotation, collapse and lateral movement.
 - e. The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one foot above the base flood elevation.
 - f. The structure's walls shall include openings that satisfy the provisions of (SECTION V(1)(D)(1) of this Ordinance.
- 2) Exemption from the base flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

K. Recreational Vehicles

- 1) Recreational vehicles are exempt from the requirements of (SECTION V(1)(E) of this Ordinance regarding anchoring and elevation of factory-built homes when the following criteria are satisfied:
- a. The recreational vehicle shall be located on the site for less than 180 consecutive days, and,
 - b. The recreational vehicle must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system and is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.
- 2) Recreational vehicles that are located on the site for more than 180 consecutive days or are not ready for highway use must satisfy requirements of (SECTION V(1)(E) of this Ordinance regarding anchoring and elevation of factory-built homes.

L. Pipeline river and stream crossings shall be buried in the streambed and banks, or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering.

M. Maximum Damage Potential Development – All new or substantially improved maximum damage potential development shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the elevation of the 500-year flood, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 0.2% annual

chance flood; and that the structure, below the 0.2% annual chance flood elevation is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum 1988) to which any structures are floodproofed shall be maintained by the Administrator. Where 0.2% chance flood elevation data has not been provided in the Flood Insurance Study, the Iowa Department of Natural Resources shall be contacted to compute such data. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determinations.

2. Special Floodway Provisions

In addition to the General Floodplain Standards, development within the floodway must meet the following applicable standards. The floodway is that portion of the floodplain which must be protected from developmental encroachment to allow the free flow of flood waters. Where floodway data has been provided in the Flood Insurance Study, such data shall be used to define the floodway. Where no floodway data has been provided, the Department of Natural Resources shall be contacted to provide a floodway delineation. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination.

- A. No development shall be permitted in the floodway that would result in any increase in the base flood elevation. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.
- B. All development within the floodway shall:
 - 1) Be consistent with the need to minimize flood damage.
 - 2) Use construction methods and practices that will minimize flood damage.
 - 3) Use construction materials and utility equipment that are resistant to flood damage.
- C. No development shall affect the capacity or conveyance of the channel or floodway of any tributary to the main stream, drainage ditch or any other drainage facility or system.
- D. Structures, buildings, recreational vehicles, and sanitary and utility systems, if permitted, shall meet the applicable General Floodplain standards and shall be constructed or aligned to present the minimum possible resistance to flood flows.
- E. Buildings, if permitted, shall have a low flood damage potential and shall not be for human habitation.

- F. Storage of materials or equipment that are buoyant, flammable, explosive or injurious to human, animal or plant life is prohibited. Storage of other material may be allowed if readily removable from the floodway within the time available after flood warning.
- G. Watercourse alterations or relocations (channel changes and modifications) must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.
- H. Any fill allowed in the floodway must be shown to have some beneficial purpose and shall be limited to the minimum amount necessary.
- I. Pipeline river or stream crossings shall be buried in the streambed and banks or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering or due to the action of flood flows.

(SECTION VI) – Variance Procedures

- 1. The City Council may authorize upon request in specific cases such variances from the terms of this Ordinance that will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship. Variances granted must meet the following applicable standards.
 - A. Variances shall only be granted upon: (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local codes or ordinances.
 - B. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood would result. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.
 - C. Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - D. In cases where the variance involves a lower level of flood protection for buildings than what is ordinarily required by this Ordinance, the applicant shall be notified in writing over the signature of the Administrator that: (i) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction increases risks to life and property.

- E. All variances granted shall have the concurrence or approval of the Department of Natural Resources.
2. Factors Upon Which the Decision of the City Council Shall be Based - In passing upon applications for Variances, the Council shall consider all relevant factors specified in other sections of this Ordinance and:
- A. The danger to life and property due to increased flood heights or velocities caused by encroachments.
 - B. The danger that materials may be swept on to other land or downstream to the injury of others.
 - C. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
 - D. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - E. The importance of the services provided by the proposed facility to the City.
 - F. The requirements of the facility for a floodplain location.
 - G. The availability of alternative locations not subject to flooding for the proposed use.
 - H. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
 - I. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
 - J. The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - K. The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.
 - L. The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities (sewer, gas, electrical and water systems), facilities, streets and bridges.
 - M. Such other factors which are relevant to the purpose of this Ordinance.
3. Conditions Attached to Variances - Upon consideration of the factors listed above, the City Council may attach such conditions to the granting of variances as it deems necessary to further the purpose of this Ordinance. Such conditions may include, but not necessarily be limited to:

- A. Modification of waste disposal and water supply facilities.
- B. Limitation of periods of use and operation.
- C. Imposition of operational controls, sureties, and deed restrictions.
- D. Requirements for construction of channel modifications, dikes, levees, and other protective measures, provided such are approved by the Department of Natural Resources and are deemed the only practical alternative to achieving the purpose of this Ordinance.
- E. Floodproofing measures shall be designed consistent with the flood protection elevation for the particular area, flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The Council shall require that the applicant submit a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

(SECTION VII) - Nonconforming Uses

- 1. A structure or the use of a structure or premises which was lawful before the passage or amendment of this Ordinance, but which is not in conformity with the provisions of this Ordinance, may be continued subject to the following conditions:
 - A. If such use is discontinued for six (6) consecutive months, any future use of the building premises shall conform to this Ordinance.
 - B. Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.
 - C. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty (50) percent of the market value of the structure before the damage occurred, unless it is reconstructed in conformity with the provisions of this Ordinance. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, provided that the alteration shall not preclude its continued designation.
- 2. Except as provided in (SECTION VII(1)(B)), any use which has been permitted as a Variance shall be considered a conforming use.

(SECTION VIII) - Penalties for Violation

Violations of the provisions of this Ordinance or failure to comply with any of the requirements shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with

any of its requirements shall upon conviction thereof be fined not more than \$(500.00 (FIVE HUNDRED DOLLARS) or imprisoned for not more than (30 (THIRTY) days. Nothing herein contained prevent the City of Chillicothe from taking such other lawful action as is necessary to prevent or remedy violation.

(SECTION IX) - Amendments

The regulations and standards set forth in this Ordinance may from time to time be amended, supplemented, changed, or repealed. No amendment, supplement, change, or modification shall be undertaken without prior approval of the Department of Natural Resources.

ADOPTED AND PASSED by the City Council of the City of Chillicothe this 9th day of December, 2020.

John Richmond, Mayor

Seal of City

Attest:

Tim Richmond, City Clerk

Public Hearing Date: December 9, 2020

Publication Date: December 9, 2020

Effective Date: December 9, 2020

Note: All Ordinances must be properly certified.

TITLE VII – SPECIAL ORDINANCES

CHAPTER 5 – ELECTRIC FRANCHISE

AN ORDINANCE GRANTING TO INTERSTATE POWER AND LIGHT COMPANY, ITS SUCCESSORS AND ASSIGNS, A NON-EXCLUSIVE TWENTY-FIVE YEAR FRANCHISE TO ACQUIRE, CONSTRUCT, ERECT, MAINTAIN AND OPERATE AN ELECTRIC SYSTEM IN THE CITY OF CHILLICOTHE, IOWA AND TO FURNISH AND SELL ELECTRIC ENERGY TO THE CITY AND ITS INHABITANTS, AND REQUIRING SAID COMPANY TO PAY A FRANCHISE FEE TO THE CITY.

BE IT ORDAINED BY THE City Council of the City of Chillicothe, Wapello County, Iowa, hereinafter referred to as the “City”:

Section 1. There is hereby granted to Interstate Power and Light Company, hereinafter referred to as the "Company," its successors and assigns, the right and non-exclusive franchise to acquire, construct, reconstruct, erect, maintain and operate in the City, works and plants for the manufacture and generation of electricity and a distribution system for electric light, heat and power and the right to erect and maintain the necessary poles, lines, wires, conduits and other appliances for the distribution of electric current along, under and upon the streets, alleys and public places in the said City to supply individuals, corporations, communities, and municipalities both inside and outside of said City with electric light, heat and power for the period of twenty-five (25) years; also the right of eminent domain as provided in Section 364.2 of the Code of Iowa.

Section 2. The poles, lines, wires, circuits, and other appliances shall be placed and maintained so as not to unnecessarily interfere with the travel on said streets, alleys, and public places in said City nor unnecessarily interfere with the proper use of the same, including ordinary drainage, or with the sewers, underground pipe and other property of the City. The said Company, its successors and assigns shall hold the City free and harmless from all damages to the extent arising from the negligent acts or omissions of the Company in the erection or maintenance of said system.

Section 3. In making any excavations in any street, alley, or public place, Company, its successors and assigns, shall protect the site while work is in progress by guards, barriers or signals, shall not unnecessarily obstruct the use of the streets, and shall back fill all openings in such manner as to prevent settling or depressions in surface, pavement or sidewalk of such excavations with same materials, restoring the condition as nearly as practical. The Company shall not be required to restore or modify public right of way, sidewalks or other areas in or adjacent to the Company project to a condition superior to its immediate previously existing condition.

Section 4. The Company shall, at its cost, locate and relocate its existing facilities or equipment in, on, over or under any public street or alley in the City in such a manner as the City may at any time reasonably require for the purposes of facilitating the construction, reconstruction, maintenance or repair of the street or alley or any public improvement thereof, in or about any such street or alley or reasonably promoting the efficient operation of any such improvement. If the City requires the Company to relocate facilities in the public right of way that have been relocated at Company

expense at the direction of the City during the previous ten years, the reasonable costs of such relocation will be paid by the City.

If the City orders or requests the Company to relocate its existing facilities or equipment for any reason other than as specified above, or as the result of the initial request for a commercial, private or other non-public development, the Company shall receive payment for the cost of such relocation as a precondition to relocating its existing facilities or equipment.

The City shall consider reasonable alternatives in designing its public works projects so as not arbitrarily to cause the Company unreasonable additional expense in exercising its authority under this section. The City shall also provide a reasonable alternative location for the Company's facilities as part of its relocation request.

Section 5. Prior to the City abandoning or vacating any street, avenue, alley or public ground where the Company has electric facilities, the City shall grant the Company a utility easement for said facilities. If the City does not grant the Company a utility easement for said facilities prior to abandoning or vacating a street, avenue, alley or public place, the City shall at its cost and expense obtain easements for existing Company facilities.

Section 6. The Company is authorized and empowered to prune or remove at Company expense any tree extending into any street, alley or public grounds to maintain electric reliability, safety, to restore utility service and to prevent limbs, branches or trunks from interfering with the wires and facilities of the Company. The pruning and removal of trees shall be performed in accordance with Company's then current line clearance vegetation plan as filed and approved by the Iowa Utilities Board, as well as all applicable codes and standards referenced therein.

Section 7. During the term of this franchise, the Company shall furnish electric energy in accordance with the applicable regulations of the Iowa Utilities Board and the Company's tariffs. The Company will maintain compliance with Iowa Utilities Board regulatory standards for reliability.

Section 8. Service to be rendered by the Company under this franchise shall be continuous unless prevented from doing so by fire, acts of God, unavoidable accidents or casualties, or reasonable interruptions necessary to properly service the Company's equipment, and in such event service shall be resumed as quickly as is reasonably possible.

Section 9. There is hereby imposed a franchise fee of one percent (1%) upon the gross revenue generated from sales of electricity by the Company within the corporate limits of the City. The Company shall begin collecting the franchise fee upon receipt of written approval of the required tax rider tariff from the Iowa Utilities Board.

The amount of the franchise fee shall be shown separately on the utility bill to each customer. The Company shall remit franchise fee receipts to the City no more frequently than on or before the last business day of the month following each calendar year quarter.

The Company shall not, under any circumstances be required to return or refund any franchise fees that have been collected from customers and remitted to the City. In the event the Company is required to provide data or information in defense of the City's imposition of franchise fees or the Company is required to assist the City in identifying customers or calculating any franchise fee refunds for groups of or individual customers the City shall reimburse the Company for the expenses incurred by the Company to provide such data or information.

Section 10. The term of the franchise granted by this Ordinance and the rights granted thereunder shall continue for the period of twenty-five (25) years from and after written acceptance by the Company. The acceptance shall be filed with the City Clerk within ninety (90) days from passage of this Ordinance.

Section 11. If any section or provision of this ordinance is held invalid by a court of competent jurisdiction, such holding shall not affect the validity of any other provisions of this ordinance which can be given effect without the invalid portion or portions and to this end each section and provision of this ordinance is severable.

Section 12. The expense of the publication of this Ordinance shall be paid by the Company.

Section 13. This Ordinance sets forth and constitutes the entire agreement between the Company and the City with respect to the rights contained herein, and may not be supplemented, superseded, modified or otherwise amended without the written approval and acceptance of the Company. Notwithstanding the foregoing, in no event shall the City enact or maintain any Ordinance or place any limitations, either operationally or through the assessment of fees other than those approved and accepted by the Company within this Ordinance, that create additional burdens upon the Company, or which delay utility operations.

PASSED and ADOPTED by the Chillicothe City Council on the _____ day of _____, 2019.

John Richmond, Mayor

Attest:

Tim Richmond, City Clerk

(CITY SEAL)

TITLE VII – SPECIAL ORDINANCES

CHAPTER 6 – SEWER FRANCHISE

An Ordinance granting to Wapello Rural Water Association, Inc., its successors and assigns, the right and franchise to erect, maintain and operate a sanitary sewer collection and treatment system in the City of Chillicothe, Wapello County, Iowa and the right to lay down, operate and maintain the necessary pipes, mains, collectors and appurtenances in, along and under the streets, avenues, alleys and public places of the City of Chillicothe, Wapello County, Iowa, as now or hereafter constituted, for a period of forty (40) years and providing for the submission of such question to the qualified electors of the City of Chillicothe, Wapello County, Iowa, at a special election herein called.

BE IT ORDAINED BY THE CITY COUNCIL of the City of Chillicothe, Wapello County, Iowa:

Section 1. That Wapello Rural Water Association, Inc., hereinafter called the “Company”, its successors and assigns, be and they are hereby granted and vested with the right, franchise and privilege for the term of forty (40) years from and after the passage, adoption, approval and acceptance of this Ordinance, to lay down, maintain and operate the necessary pipes, mains collectors and appurtenances in, along and under the streets, avenues, alleys and public places in the City of Chillicothe, Wapello County, Iowa as now or hereafter constituted, for the purpose of providing sewer and waste water collection and treatment to the said City and the residents thereof and to persons and corporations beyond the limits thereof.

Section 2. The mains, pipes and lines of the Company must be so placed as not to interfere unnecessarily with existing storm drains which have been placed in any street, alley avenue or boulevard. The City does convey and transfer all of its interest into the existing sanitary sewer system including all real property, personal property, property rights and accounts of any character in connection with such system unto Wapello Rural Water Association, Inc. who shall assume all current indebtedness due thereon.

Section 3. In madding excavations in any street, alley, avenue or boulevard the said Company, its successors and assigns, shall protect the place while work is in progress by guards, barriers or signals, and shall not unnecessarily obstruct the use of the streets and shall backfill all openings in such manner as to prevent settling or depressions in the surface.

Section 4. The said Company, its successors and assigns, shall throughout the life of operations hereunder furnish uninterrupted service twenty-four (24) hours each day of each year while this franchise is in effect; provided, however, that any prevention of service caused by fire, Act of God or unavoidable event or accident shall not be a breach of this condition if the Company resumes service as quickly as is reasonably possible after the happening of the act causing the interruption.

Section 5. The City shall indemnify the Company and reimburse the Company for any customer sewer service account which is sixty (60) days delinquent by payment within thirty (30) days of receiving notice of the delinquency from Company. The City shall further at all times provide by

voluntary transfer or by condemnation the necessary right-of-way and land to Company for construction or alteration to the sanitary sewer system.

Section 6. The term of the franchise granted by this Ordinance and the rights granted thereunder shall continue for the period of forty (40) years form and after its acceptance by the said Company as herein provided.

Section 7. The expense of the publication of this Ordinance and the expense of the election herein called shall be paid by the Company, its successors and assigns.

Section 8. The franchise granted by this Ordinance shall be accepted by the Company in writing and said acceptance shall be filed with the City Clerk within three hundred sixty (360) days from its receiving a majority of the votes cast at the special election herein after called.

Section 9. BE IT FURTHER ORDAINED, and it hereby ordered that the question of granting the franchise provided for in this Ordinance shall be submitted to the vote of the electors of the City of Chillicothe, Wapello County, Iowa, at a special election and that said special election is hereby called and ordered to be held in the City of Chillicothe, Wapello County, Iowa on the 28th day of January 1997.

Notice of said special election shall be given in the manner and form as required by law. Originally adopted as Ordinance number 1 on December 10th, 1996.

TITLE VII – SPECIAL ORDINANCES

CHAPTER 7 – BUILDING SEWERS

Specifications for Building sewers

Section 1: Definition of Building Sewer: That part of the lowest horizontal pipe which begins five (5) feet outside of the wall of a building and connect the HOUSE DRAIN with the main public sewer or other disposal terminal.

Section 2: Specific Requirements:

- a. Rain Water Leaders. Roof leaders, surface drains, or ground water drains shall not be connected to the sanitary sewer.
- b. Independent System. Each building sewer and drainage system shall be independent of that of any other building, except where one building stands in the rear of another on and exterior lot, the building sewer from the front building may be extended to the rear building and the whole considered as one house sewer when so approved by the city.
- c. Use of Public Sewer Required. Where a public sewer is accessible in an easement, street, or alley adjacent to a lot with a building or premises abutting thereon the liquid wastes from any plumbing system in said building shall discharge into the public sewer as provided by the sanitary sewer rules and regulations and/or rate ordinances.
- d. Connection to the Main Public Sewer. Before any connection is made to a public sewer, an approved permit for such connection must be obtained from the governing body or its designated representative. Each connection to the main sewer shall be made to the fitting designated for that property. If a fitting in the main sewer is not available for the designated property, the connection shall then be made under the direction supervision of the sewer inspector.
- e. 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 connect directly or indirectly to a public sanitary sewer.
- f. The connection of the building sewer into the public sewer shall conform to the requirements of the State of Iowa plumbing code except as modified herein 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. FD-S. All such connections shall be made gastight and watertight. Andy deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

- g. A “Y,” “T,” or “Cleanout” fitting shall be installed near the building foundation to provide for cleanout purposes.

Section 3: Supervision: A SEWER INSPECTOR shall be appointed pursuant to the laws of the City and State and shall, under the direction of the governing elective officers of the municipality, supervise all building sewer connections and excavations for the purpose of installing or repairing the same.

Section 4: Specifications:

- a. Material. All building sewers shall be constructed of either service cast iron soil pipe meeting ASTM A888 (hubless) or STM A74 (with hub), SDR 35 poly vinyl chloride (PVC) plastic sewer pipe meeting ASTM D3034, PVC corrugated sewer pipe conforming to STM F 949, or schedule 40 pVC drain/waste/vent pipe conform to ASTM D2665.
- b. Pipe, Joints, and Connections
 - 1. Service cast iron soil pipe fittings, and joints shall be installed according to applicable plumbing code requirements and the recommendations of the Cast Iron Soil Pipe Institute and shall conform to:
 - Pipe and Fittings
 - ASTM A74 “Cast Iron Soil Pipe and Fittings”
 - ASTM A888 “Hubless Cast Iron Soil Pipe and Fittings”
 - Joints and Couplings
 - ASTM C564 “Rubber Gaskets for Cast Iron Soil Pipe and Fittings”
 - CISPI 310 “Couplings for Use in Connection with Hubless Cast Iron” Soil Pipe and Fittings . . . “ (With stainless steel shield)
 - 2. Polyvinyl chloride (PVC) plastic sewer pipe, fittings, and joints shall be installed according to applicable plumbing code requirements and the recommendations of the Uni Bell Plastic Pipe Association and shall conform to:
 - Pipe and Fittings
 - ASTM D3034 “Type PSM PVC Sewer Pipe and Fittings”
 - ASTM D3212 “Joints for Drain and Sewer Plastic Pipe Using Flexible Elastomeric Joints Seals”
- c. Corrugated PVC sewer pipe, joints and fittings shall be installed according to applicable plumbing code requirements and the manufacturers’ recommendations and shall conform to:

Pipe, Fittings, and Joints

ASTM F949 “PVC Corrugated Sewer Pipe with a Smooth Interior and Fittings.”

- d. Schedule 40 polyvinyl chloride (PVC) pipe shall be installed according to applicable plumbing code requirements and the manufacturers’ recommendations and shall conform to:

Pipe

ASTM D2665 “Polyvinyl Chloride Plastic Drain, Waste and Vent Pipe and Fittings” except that NO UNDERGROUND GLUED JOINTS ARE PERMITTED.

Fittings

Only gasketed fittings are to be used. Fittings shall conform to the performance requirements of ASTM D2241 “Polyvinyl Chloride Pressure Rated Pipe.”

Gasketed Joints

ASTM D3139 “Joints for Plastic Pressure Pipes Using Flexible Elastomeric Seals”

Couplings

As required for hubless cast iron soil pipe with stainless steel shield.

Size of Building Sewer. Building sewers shall be sized to meet capacity requirements, but no building sewer shall be less than four inches in diameter.

Grades for Building Sewers. Unless otherwise authorized, all building sewers shall have a grade of not less than one-eighth inch per foot. A grade of one-fourth inch per foot shall be used wherever practical.

Trenching and Backfilling. All excavations shall be open trench work unless otherwise authorized by the sewer inspector. The trench shall be over excavated to a depth sufficient to allow placement of a 4-inch thickness of crushed stone or sand bedding (3/4” maximum size). The bedding shall be shaped to the lower quadrant of the pipe. Bell holes shall be dug. Bedding shall provide firm uniform support to the pipe. The pipe shall be embedded to the top of the pipe with compacted crushed stone or sand.

Backfilling shall be placed in layers and solidly compacted to the top of the trench. Backfilling above the center of the pipe shall not be done until final inspection is made by the sewer inspector.

Use of Old Building Sewers. Old Building sewers or portions thereof may be approved for use by the sewer inspector. The sewer inspector may request 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. Watertight couplings with stainless steel shields shall be used to connect different materials.

Section 5: Inspection. Each and every part of the building sewer shall be inspected and approved by the sewer inspector before being concealed or backfilled.

Section 6: Penalties. Any person violating any of the provisions of this chapter shall become liable for any expense, loss, or damage by reason of such violation as provided by the Rules and Regulations and/or Rate Ordinance.

TITLE VII – SPECIAL ORDINANCES

CHAPTER 8 – WEEDS AND OFFENSIVE GROWTHS

Section 1. Owner to Cut Weeds

All weeds, vines, brush, and dead, damaged or unsightly bushes, trees, or other offensive growth growing on lots and parcels of ground in the city, after May 1st each year, constitute a health, safety and fire hazard and owners or occupants of said lots or parcels shall cut or otherwise destroy said weeds, vines, brush and dead, damaged or unsightly bushes, trees or other offensive growth not later than May 15th of each year and maintained monthly until end of growth season.

The City Clerk shall publish notice by posting as required by this Code no later than April 15th of each year that said offensive growth shall be cut by said dates.

Failure to comply with the provisions of section 1 is a simple misdemeanor. In addition, the city may cut or destroy the offensive growth and assess the costs to the owner or occupant as provided in Section 364.12 (3)(b) of the Code of Iowa.