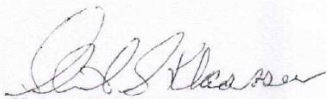


LITTLE ROCK CODE ADOPTION

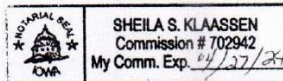
AFFIDAVIT OF PUBLICATION

I, Virginia Klaassen.....being fully sworn, depose and say that I am editor of the Little Rock Free Lance, a weekly newspaper, printed and published in Little Rock, Lyon, Iowa; and that the Publication.....of which the annexed is a true copy, was printed and published in said newspaper for one consecutive week, the week of November 21, 2023.

Subscribed and sworn before me this 29th.....Day of November.....2023.


Notary Public in the Lyon County, Iowa

Printer's Fee: \$21.45



CITY OF LITTLE ROCK, IOWA PROPOSED CODE OF ORDINANCES PUBLIC HEARING NOTICE

The City of Little Rock, Iowa has compiled a code of ordinances as set forth in Chapter 380 of the Code of Iowa. A public hearing on the proposed code of ordinances and proposed adoption of the City's code of ordinances will be held on Monday, December 4, 2023 at 6:00 p.m. at the Little Rock City Hall, 402 Main Street, Little Rock, IA 51243. Copies of the proposed code of ordinances (City of Little Rock 2023 Municipal Code) or portions thereof, are available for inspection at the City Clerk's Office at the above listed address. Written or oral comments are welcome and the public is encouraged to attend. For additional information or to make arrangements for handicapped or non-English speaking individuals, please contact Shellie VerSteeg, City Clerk at 712-479-2852. The City Council may adopt the City of Little Rock, Iowa 2023 Municipal Code within thirty (30) days from the date of this public hearing, but the Council anticipated having a final reading of the ordinance after and at the same December 4, 2023 public hearing.

AFFIDAVIT OF PUBLICATION

I, Virginia Klaasus.....being fully sworn, depose and say that I am editor of the Little Rock Free Lance, a weekly newspaper, printed and published in Little Rock, Lyon, Iowa; and that the Publication.....of which the annexed is a true copy, was printed and published in said newspaper for one consecutive week, the week of December 12, 2023.

Subscribed and sworn before me this 26th.....Day of December.....2023.

Virginia Klaasus

Kim S. Wiertzema

Notary Public in the Lyon County, Iowa

Printer's Fee: \$63.33



Ordinance No. 2023-12-04

AN ORDINANCE ADOPTING THE "CITY CODE OF THE CITY OF LITTLE ROCK, IOWA, 2023"

Section 1. Purpose. The purpose of this adopting Ordinance is to enable the City of Little Rock, Iowa, to comply with the provisions of Section 362.3 and 380.8, The Code of Iowa.

Section 2. Adoption. The City of Little Rock, Iowa, hereby adopts the 2023 Code of Ordinances for the City of Little Rock, Iowa, pursuant to published notice and following public hearing on December 4, 2023 so required by Sections 362.3 and 380.8, The Code of Iowa.

Section 3. Content. All ordinances or parts thereof in force on, December 12, 2023 and not contained in the "City Code of the City of Little Rock, Iowa, 2023" are hereby repealed from and after December 12, 2023 except as hereinafter provided.

That the repeal provided for in the preceding paragraph of this Ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before December 4, 2023; nor shall such repeal affect any ordinance or resolution promising or guaranteeing the payment of money by the City or authoring the issuance of any bonds of said City or any evidence of said City's indebtedness or any contract or obligation assumed by resolutions of the Council not in conflict or inconsistent with the provisions of the "The City Code of the City of Little Rock, Iowa, 2023; nor shall it affect any other right or franchise conferred by any ordinance or resolution of the Council on any other person or corporation; nor shall it affect any ordinance naming, establishing, relocation and vacating any street or public way, whether temporary or permanent; nor shall it affect any ordinance, levying and imposing taxes; nor shall it affect any ordinance establishing building lines, establishing and changing grades, or dedicating property for public use; nor shall it affect any zoning ordinances and/or zoning map ordinances; nor shall it affect any subdivision ordinances nor shall it affect any prosecution, suit or other proceeding pending or any judgement rendered on or prior to December 4, 2023.

The 2023 Code of Ordinances shall include this adopting Ordinance and the City Clerk's certification of its adoption and passage.

If the Code of Ordinances includes an ordinance which has adopted by reference the provisions of any statewide or nationally recognized standard code pursuant to the provisions of Section 380.10, The Code of Iowa, the City Clerk shall also keep on file, with the official copy of the City Code, a copy of such standard code.

Section 4. Format. The 2023 Code of Ordinances of the City of Little Rock, Iowa, shall be compiled in loose-leaf format.

Section 5. Official Copy. The City Clerk shall be responsible for the compilation, organization, and maintenance of the official 2023 Code of Ordinances of the City of Little Rock, Iowa, and shall keep the official copy on file in the office of the City Clerk.

Section 6. Public Copies. Additional copies of the 2023 Code of Ordinance shall be kept in the office of the City Clerk, Little Rock Library, and shall be available for public inspection. A copy of the 2023 Code of Ordinances shall be kept on file in the City Clerk's office for public inspection.

Section 7. Additional Ordinances. All ordinances, except as hereinafter provided, adopted after the effective date of the Ordinance shall be in the form of an amendment to or an addition to the 2023 Code of Ordinances. This section does not apply to grade ordinances, bond ordinances, zoning ordinances, naming streets and vacating streets and alleys.

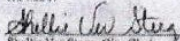
Section 8. Effective Date. This Ordinance, after its passage and publication, as required by law, shall be effective as of the December 12, 2023.

Councilperson Lloyd motioned that the proposed Ordinance be passed and adopted as Ordinance #2023-12-04. Councilperson A. Kruse seconded the motion.

The question regarding passage and adoption of the proposed Ordinance was put to the Council by the Mayor, the Clerk called the roll and the vote was as follows: Ayes: A. Kruse, Peters, Schilling, Buss, Lloyd; Nays: None Absent: None.

Hereupon, the Mayor announced the vote and declared that the Ordinance was duly adopted by the Council on December 4, 2023.

ATTEST:


Shellie Ver Steeg, City Clerk


Alex Wiertzema, Mayor

I hereby certify that the following be published as ordinance no. 2023-12-04 in the Little Rock newspaper on December 12, 2023.

Signed: Shellie VerSteeg, City Clerk.

Councilperson Schelling introduced the following Ordinance on December 4, 2023 and asked that it be placed on file and read for the first time.

Councilperson A. Kruse then motioned that the rule requiring the following Ordinance to be fully and distinctly read on three different days be suspended in passing and adopting the following Ordinance. Councilperson Peterson seconded the motion to adopt.

ORDINANCE NO. 2023-12-04

AN ORDINANCE ADOPTING THE "CITY CODE OF THE CITY OF LITTLE ROCK, IOWA, 2023."

SECTION 1. Purpose. The purpose of this adopting Ordinance is to enable the City of Little Rock, Iowa, to comply with the provisions of Section 362.3 and 380.8, The Code of Iowa.

SECTION 2. Adoption. The City of Little Rock, Iowa, hereby adopts the 2023 Code of Ordinances for the City of Little Rock, Iowa, pursuant to published notice and following public hearing on December 4, 2023 so required by Sections 362.3 and 380.8, The Code of Iowa.

SECTION 3. Content. All ordinances or parts thereof in force on, December 12, 2023 and not contained in the "City Code of the City of Little Rock, Iowa, 2023," are hereby repealed from and after December 12, 2023 except as hereinafter provided.

That the repeal provided for in the preceding paragraph of this Ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before December 4, 2023; nor shall such repeal affect any ordinance or resolution promising or guaranteeing the payment of money by the City or authoring the issuance of any bonds of said City or any evidence of said City's indebtedness or any contract or obligation assumed by resolutions of the Council not in conflict or inconsistent with the provisions of the "The City Code of the City of Little Rock, Iowa, 2023; nor shall it affect any other right or franchise conferred by any ordinance or resolution of the Council on any other person or corporation; nor shall it affect any ordinance naming, establishing, relocation and vacating any street or public way, whether temporary or permanent; nor shall it affect any ordinance levying and imposing taxes; nor shall it affect any ordinance establishing building lines, establishing and changing grades, or dedicating property for public use; nor shall it affect any zoning ordinances and/or zoning map ordinances; nor shall it affect any subdivision ordinances nor shall it affect any prosecution, suit or other proceeding pending or any judgement rendered on or prior to December 4, 2023.

The 2023 Code of Ordinances shall include this adopting Ordinance and the City Clerk's certification of its adoption and passage.

If the Code of Ordinances includes an ordinance which has adopted by reference the provisions of any statewide or nationally recognized standard code pursuant to the provisions of Section 380.10, The Code of Iowa, the City Clerk shall also keep on file, with the official copy of the City Code, a copy of such standard code.

SECTION 4. Format. The 2023 Code of Ordinances of the City of Little Rock, Iowa, shall be compiled in loose-leaf format.

SECTION 5. Official Copy. The City Clerk shall be responsible for the compilation, organization, and maintenance of the official 2023 Code of Ordinances of the City of Little Rock, Iowa, and shall keep the official copy on file in the office of the City Clerk.

SECTION 6. Public Copies. Additional copies of the 2023 Code of Ordinance shall be kept in the office of the City Clerk, Little Rock Library, and shall be available for public inspection. A copy of the 2023 Code of Ordinances shall be kept on file in the City Clerk's office for public inspection.

SECTION 7. Additional Ordinances. All ordinances, except as hereinafter provided, adopted after the effective date of the Ordinance shall be in the form of an amendment to or an addition to the 2023 Code of Ordinances. This section does not apply to grade ordinances, bond ordinances, zoning ordinances, naming streets and vacating streets and alleys.

SECTION 8. Effective Date. This Ordinance, after its passage and publication, as required by law, shall be effective as of the December 12, 2023.

Councilperson Lloyd motioned that the proposed Ordinance be passed and adopted as Ordinance # 2023-12-04 Councilperson A. Kuuse seconded the motion.

The question regarding passage and adoption of the proposed Ordinance was put to the Council by the Mayor, the Clerk called the roll and the vote was as follows:

Ayes;

A. Kuuse
Peters
Schilling
Buss
Lloyd

Nayes;

NONE

Absent;

NONE

HEREUPON, the Mayor announced the vote and declared that the Ordinance was duly adopted by the Council on December 4, 2023.



Alex Wiertzema, Mayor

Attest:



Shellie Ver Steeg, City Clerk

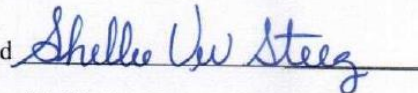
CERTIFICATE

(STATE OF IOWA)

SS

(LYON COUNTY)

I hereby certify that the following be published as ordinance no. 2023-12-04 in the Little Rock newspaper on December 12, 2023.

Signed 

Shellie Ver Steeg, City Clerk

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TITLE I: MUNICIPAL GOVERNMENT, STRUCTURE AND OFFICERS

TITLE I

CHAPTER 1: GENERAL ORGANIZATION

ARTICLE 1 - MUNICIPAL CODE

- 1.01 TITLE. These ordinances will be known and cited as the Municipal Code of Little Rock, Iowa.
- 1.02 DEFINITIONS. Terms used within this Municipal Code shall have the meanings defined below, unless specifically defined otherwise.
1. "Alley" means a public right-of-way, other than a street, affording secondary means of access to abutting property.
 2. "City Code" or "Municipal Code" means the current Municipal Code of the City of Little Rock, Iowa.
 3. "City" means the City of Little Rock, Iowa.
 4. "Code" means the specific chapter in which a specific subject is covered and bears a descriptive title word.
 5. "County" means Lyon County, Iowa.
 6. "Clerk" means the City Clerk of Little Rock, Iowa.
 7. "Council" means the City Council of Little Rock, Iowa.
 8. "Measure" means an ordinance, resolution, amendment or motion.
 9. "Month" means a calendar month.
 10. "Oath" shall be construed to include an affirmation in all cases in which by law an affirmation may be substituted for an oath, and in such cases the words "affirm" and "affirmed" shall be the equivalent to the words "swear" and "sworn".
 11. "Occupant, Tenant" applied to a building or land, shall include any person who inhabits the whole or part of such building or land, whether alone or with others.
 12. "Ordinances" means the ordinances of the City of Little Rock, as incorporated by the Municipal Code, ordinances not repealed by the ordinance adopting the Municipal Code and those passed hereafter.
 13. "Person" means an individual, firm, partnership, domestic or foreign corporation, company, association or joint stock association, trust, or other legal entity and

TITLE I

includes a trustee, receiver, assignee, or similar representative but does not include a governmental body.

14. "Preceding", "Following": shall mean the next before and next after, respectively.
15. "Property" shall include real property, and tangible and intangible personal property unless clearly indicated otherwise.
16. "Property Owner" means a person owning private property owned by the City or held in the name of the City by any departments, commissions or agencies within the government.
17. "Public Property" means any and all property owned by the city or held in the name of the city by any of the departments, commissions or agencies within the city government. Not all property owned by the City is open to the public.
18. "Public Place" includes but is not restricted to any city-owned space or property, either open or enclosed.
19. "Public Way" shall include any street, alley, boulevard, parkway, highway, sidewalk, or other public thoroughfare.
20. "State" means the State of Iowa.
21. "Statutes, Laws" means the latest edition of the Code of Iowa as amended.
22. "Sidewalk" means that portion of the street between the edge of the surfacing or curb line and the adjacent property line.
23. "Street" means and includes any public way, highway, street, avenue, boulevard or other public thoroughfare, and includes the entire width between property lines.
24. "Writing", "Written": shall include printing, typing, lithographing, or other mode of representing words and letters.
25. "Year" shall mean a calendar year.

1.03 RULES OF CONSTRUCTION. In the construction of the Municipal Code, the following rules shall be observed:

1. Tense: words used in the present tense include the future.
2. May: grants a power.
3. Must: states a requirement.
4. Shall or Will: imposes a duty.
5. Gender: masculine gender shall include the feminine and neuter genders.
6. Interpretation: all general provisions.

TITLE I

7. The singular includes the plural, and the plural includes the singular.
8. Editor's Note: does not constitute any part of the law, and is intended merely to indicate, explain or to clarify the contents of a section.

- 1.04 AMENDMENTS. All ordinances which amend, repeal or affect the Municipal Code will include proper reference to title, division, chapter, article, section, and subsection to maintain an orderly classification of ordinances of the city. Any amendment of an ordinance shall include in full the language of the section, subsection, or paragraph as amended.

(Code of Iowa, Sec. 380.2)

- 1.05 ALTERING CODE. It is unlawful for any person to change or amend by additions or deletions any part or portion of the Municipal Code, or to insert or delete pages, or portions thereof, or to alter or tamper with the Municipal Code in any manner which will cause the law of the City to be misrepresented.

- 1.06 STANDARD PENALTY. Unless another penalty is expressly provided by this Code of Ordinances for violation of any particular provision, section or chapter, any person failing to perform a duty required by this Code of Ordinances or otherwise violating any provision of this Code of Ordinances or any rule or regulation adopted herein by reference shall, upon conviction, be subject to a fine of at least sixty-five dollars (\$65.00) but not to exceed six hundred twenty-five dollars (\$625.00). The criminal penalty surcharge required by Code of Iowa section 911.1 shall be added to a city fine and is not a part of the city's penalty.

(Code of Iowa, Sec. 364.3(2) and 903.1(1a))

These penalties shall apply to every section of this Code, as if the section were set out in every other section of this Code.

- 1.07 CATCHLINES AND NOTES. The catchlines of the several sections of the city code, titles, headings (chapter, division, article, title, section and subsection), editor's notes, cross references and state law references, unless set out in the body of the section itself, contained in the city code, do not constitute any part of the law, and are intended merely to indicate, explain, supplement or clarify the contents of the section.

- 1.08 SEPARATE OFFENSE. If a violation of this code is committed on more than one calendar day, a separate offense shall be deemed to have occurred on each such calendar day.

- 1.09 SINGLE OFFENSE. In cases where action or inaction is made punishable by more than one provision of this code, the city may select the provision or provisions of this code under which to proceed. In such a circumstance, a single offense shall result in no more than one conviction and penalty, subject to the provisions of section 1.07 of this chapter.

TITLE I

- 1.10 LIABILITY OF OFFICERS. No provision of this code designating the duties of any officer or employee of the city shall be construed to make such officer or employee liable for any fine or penalty for a failure to perform such duty, unless the intention of the council to impose such a penalty is specifically and clearly expressed in this code.
- 1.11 LICENSE REVOCATION; INFRACTION CHARGES; CIVIL REMEDIES. A violation of this code, in addition to the penalties provided in this chapter, may subject the violator to loss of license or permit, a municipal infraction charge, or other civil remedies provided in other sections of this code. Conviction and imposition of sentence under this chapter shall not bar any such other civil remedies.
- 1.12 WARRANTS. If consent to enter upon or inspect any building, structure or property pursuant to a municipal ordinance is withheld by any person having the lawful right to exclude, the City officer or employee having the duty to enter upon or conduct the inspection may apply to the Iowa District Court in and for the County, pursuant to Section 808.14 of the Code of Iowa, for an administrative search warrant. No owner, operator or occupant or any other person having charge, care or control of any dwelling unit, rooming unit, structure, building or premises shall fail or neglect, after presentation of a search warrant, to permit entry therein by the municipal officer or employee.
- 1.13 SUFFICIENCY OF SERVICE BY CERTIFIED MAIL. Any notice shall be deemed to be properly served when a copy thereof is delivered to him/her personally, priority mail with delivery confirmation receipt or by certified mail with return receipt requested to his/her last known address. Notice shall be deemed given when mailed in the event other methods of service have for some reason been unsuccessful.
- 1.14 EXTENSION OF AUTHORITY. Whenever an officer or employee is required or authorized to do an act by a provision of this Code of Ordinances, the provision shall be construed as authorizing performance by a regular assistant, subordinate or a duly authorized designee of said officer or employee.
- 1.15 GENERAL STANDARDS FOR ACTION. Whenever this Code of Ordinances grants any discretionary power to the Council or any commission, board or officer or employee of the City and does not specify standards to govern the exercise of the power, the power shall be exercised in light of the following standard: The discretionary power to grant, deny or revoke any matter shall be considered in light of the facts and circumstances then existing and as may be reasonably foreseeable, and due consideration shall be given to the impact upon the public health, safety and welfare, and the decision shall be that of a reasonably prudent person under similar circumstances in the exercise of the police power.
- 1.16 INDEMNITY. The applicant for any permit or license under this Code of Ordinances, by making such application, assumes and agrees to pay for all injury to or death of any person or persons whomsoever, and all loss of or damage to property whatsoever, including all costs and expenses incident thereto, however arising from or related to, directly, indirectly or remotely, the issuance of the permit or license, or the doing of

TITLE I

anything thereunder, or the failure of such applicant, or the agents, employees or servants of such applicant, to abide by or comply with any of the provisions of this Code of Ordinances or the terms and conditions of such permit or license, and such applicant, by making such application, forever agrees to indemnify the City and its officers, agents and employees, and agrees to save them harmless from any and all claims, demands, lawsuits or liability whatsoever for any loss, damage, injury or death, including all costs and expenses incident thereto, by reason of the foregoing. The provisions of this section shall be deemed to be a part of any permit or license issued under this Code of Ordinances or any other ordinance of the City whether expressly recited therein or not.

- 1.17 PERSONAL INJURIES. When action is brought against the City for personal injuries alleged to have been caused by its negligence, the City may notify in writing any person by whose negligence it claims the injury was caused. 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 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)

- 1.18 SEVERABILITY. If any section, provision, or part of the Municipal Code is judged invalid or unconstitutional, such judgment will not affect the validity of the Municipal Code as a whole or any section, provision, or part not judged invalid or unconstitutional.

TITLE I

CHAPTER 1: GENERAL ORGANIZATION

ARTICLE 2 - BOUNDARIES

- 2.01 CORPORATE LIMITS. The corporate limits of the city as of January 1, 1978, are described as follows:

The northwest one-fourth (1/4) of section thirty-six (36), the southwest one-fourth (1/4) of section twenty-five (25), the southeast one-fourth (1/4) of section twenty-six (26) and the northeast one-fourth (1/4) of section thirty-five (35), all of township one hundred (100), range forty-three (43), and Elgin Town ship, Lyon County, Iowa.

TITLE I

CHAPTER 1: GENERAL ORGANIZATION

ARTICLE 3 - CHARTER

- 3.01 PURPOSE. The purpose of this article is to provide for a Charter incorporating the form of government existing in the City of Little Rock, Iowa.
- 3.02 CHARTER. This article may be referred to as the Charter of the City of Little Rock, Iowa.
- 3.03 FORM OF GOVERNMENT. The City of Little Rock, Iowa, shall have the mayor-council form of government.
(Code of Iowa, Sec. 372.4)
- 3.04 POWERS AND DUTIES. The council, the mayor, and other city officers have such powers and perform such duties as authorized or required by State law and by the ordinances, resolutions, rules, and regulations of the City of Little Rock, Iowa.
- 3.05 NUMBER AND TERM OF COUNCIL. The council consists of five (5) council members elected at large for terms of four (4) years.
(Code of Iowa, Sec. 376.2)
- 3.06 TERM OF MAYOR. The mayor is elected for a term of two (2) years.
(Code of Iowa, 376.2)
- 3.07 COPIES ON FILE. The clerk shall keep an official copy of this Charter on file with the official records of the city clerk, and make available copies at the clerk's office for public inspection.
(Code of Iowa, Sec. 372.1)

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CHAPTER 1: GENERAL ORGANIZATION

ARTICLE 4 - CORPORATE SEAL

- 4.01 SEAL AND CUSTODY. The council shall provide a seal, in the center of which shall be the words "Little Rock" and around the margin the words "Town Seal – Iowa.
- 4.02 USE. The corporate seal shall be attached to all transcripts, orders, and certificates which it may be necessary or proper to authenticate.

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CHAPTER 1: GENERAL ORGANIZATION

ARTICLE 5 - ELECTIONS

- 5.01 PURPOSE. The purpose of this article is to provide the nomination and election of candidates for elected offices in the City and to adopt the alternative of using a run-off election for the choosing of persons for elective municipal offices and to prescribe the procedures to be followed.
- 5.02 MUNICIPAL ELECTION. The regular municipal election shall be held on the first Tuesday following the first Monday of November of each odd-numbered year.
(Code of Iowa, Sec. 376.1)
- 5.03 TERMS. Terms of elected officers begin at noon on the first day in January which is not a Sunday or a legal holiday following their election.
(Code of Iowa, Sec. 376.2)
- 5.04 NOMINATIONS. Candidates for elective city offices shall be nominated as provided in Sections 376.4 to 376.9 and Chapter 45 of the Code of Iowa.
(Code of Iowa, Sec. 376.3)
- 5.05 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)
- 5.06 NOMINATIONS BY PETITION. Nominations for elective municipal offices of the City may be made by nomination paper or papers signed by not less than ten (10) eligible electors, residents of the City.
(Code of Iowa, Sec. 45.1)
- 5.07 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)
- 5.08 PREPARATION OF PETITION AND AFFIDAVIT. Each eligible elector who signs a nominating petition shall add to the signature the elector's residence address, and date of signing. The person whose nomination is proposed by the petition shall not sign it. Each candidate shall complete and file a signed, notarized affidavit of candidacy. The affidavit shall be filed at the same time as the nomination petition. The affidavit shall be in the form prescribed by the Secretary of State and shall include information required by the Code of Iowa.
(Code of Iowa, Sec. 45.3)

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- 5.09 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.

(Code of Iowa, Sec. 45.4)

- 5.10 PERSONS ELECTED IN CITY ELECTIONS.

(Code of Iowa, Sec. 376.8)

1. In a regular city election, the candidates receiving the greatest number of votes cast for each office on the ballot are elected, to the extent necessary to fill the positions open.

- 5.11 RUNOFF ELECTION.

(Code of Iowa, Sec. 376.9)

1. **RUN-OFF ELECTION.** A run-off election shall be held only for positions unfilled because of failure of a sufficient number of candidates to receive a majority vote in the regular city election.
2. **QUALIFICATION.** Candidates who do not receive a majority of the votes cast for an office, but who receive the highest number of votes cast for that office in the regular city election, to the extent of twice the number of unfilled positions, are candidates in the run-off election.
3. **TIME HELD.** Run-off elections shall be held four (4) weeks after the date of the regular city election and shall be conducted in the same manner as regular city elections
4. **CANDIDATES ELECTED.** Candidates in the run-off election who receive the highest number of votes cast for each office on the ballot are elected to the extent necessary to fill the positions open.

- 5.12 CONTEST. A nomination or election to an office may be contested as provided in the Code of Iowa, except the Statement of Intent to Contest must be filed with the city clerk within ten (10) days after the nomination or election. At the trial of a nomination or election, the mayor is presiding officer except when the mayor's nomination or election is contested, in which case the council shall elect one of its members to serve as presiding officer.

(Code of Iowa, Sec. 376.10)

- 5.13 OATHS. Each officer, elective, or appointive, before entering upon his or her duties, shall qualify by taking the prescribed oath and giving a bond when required before noon of the second secular day in January of the first year of the term of which such officers was elected or as provided in Sections 63.3 and 63.4, Code of Iowa.

(Code of Iowa, Sec. 63.1)

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1. **PRESCRIBED OATH:** I, (name), do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Iowa, and that I will faithfully and impartially, to the best of my ability, discharge all duties of the office of (name of office) in Little Rock, Iowa, as now or hereinafter required by law.
(Code of Iowa, Sec. 63.10)
2. **OFFICERS EMPOWERED TO ADMINISTER OATHS:** The following are empowered to administer oaths and to take affirmations in any matter pertaining to the business of their respective office:
 - A. Mayor,
 - B. Mayor Pro Tem
 - C. Clerk,
 - D. Members of all boards, commissions, or bodies created by law.(Code of Iowa, Sec. 63A.2)

5.14 **SURETY BONDS.** The following shall apply to surety bonds of municipal officers:

1. **CONDITIONS.** All City officers and employees, except as otherwise provided, shall be bonded under a blanket bond in accordance with the conditions stated in the Code of Iowa.
(Code of Iowa, Sec. 64.2)
2. **BOND NOT REQUIRED.** Bonds shall not be required of Council members.
(Code of Iowa, Sec. 64.1A)
3. **REQUIRED.** The Council shall provide by resolution for a surety bond or blanket position bond for the benefit of the City running the City and covering the Mayor, Clerk, Treasurer and such officers and employees as may be necessary and advisable.
(Code of Iowa, Sec. 64.2 & 64.13)
4. **BOND APPROVED.** Bonds shall be approved by the Council.
(Code of Iowa, Sec. 64.19)
5. **BONDS FILED.** All bonds, after approval and proper record, shall be filed with the Clerk.
(Code of Iowa, Sec. 64.23[6])
6. **RECORD.** The Clerk shall keep a book, to be known as the “Record of Official Bonds” in which shall be recorded the official bonds of all City officers, elective and appointive.
(Code of Iowa, Sec. 64.24[3])

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- 5.15 UNAVOIDABLE CASUALTY. When on account of sickness, inclement weather, or unavoidable absence or casualty an officer has been prevented from qualifying within the prescribed time, the officer may do so within ten days after that fixed time.
(Code of Iowa, Sec. 63.3)
- 5.16 VACANCIES. A vacancy in an elective City office during a term of office shall be filled, at the Council's option, by one of the two following procedures:
(Code of Iowa, Sec. 372.13 (2))
1. APPOINTMENT. By appointment following public notice by the remaining members of the Council within forty (40) days after the vacancy occurs, except that if the remaining members do not constitute a quorum of the full membership, or if a petition is filed requesting an election, the Council shall call a special election as provided by law.
(Code of Iowa, Sec. 372.13 (2a))
 2. ELECTION. By a special election held to fill the office for the remaining balance of the unexpired term as provided by law.
(Code of Iowa, Sec. 372.13 (2b))

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CHAPTER 1: GENERAL ORGANIZATION

ARTICLE 6 - OFFICERS AND EMPLOYEES

- 6.01 GENERAL DUTIES. Each municipal officer shall exercise the powers and perform the duties prescribed by law and ordinance, or as otherwise directed by the council, unless contrary to State law or City charter.
(Code of Iowa, Sec. 372.13(4))
- 6.02 OFFICERS TO BE APPOINTED. The following appointments shall be made:
1. CLERK. The council shall appoint a city clerk to perform duties prescribed by State or City law.
(Code of Iowa, Sec. 372.13(3))
 2. TREASURER. The council shall appoint a treasurer to perform duties prescribed by State or City law.
 4. MAYOR PRO TEM. The mayor shall appoint a council member as mayor pro tem.
(Code of Iowa, Sec. 372.4)
 5. CITY ATTORNEY. The council shall appoint a city attorney to perform as prescribe by State or City law.
 6. OTHER OFFICERS AND EMPLOYEES. The council may appoint other city officers and employees and prescribe their powers, duties, compensation, and terms unless provided otherwise by law.
(Code of Iowa, Sec. 372.13(4) & 372.4)
 7. COUNCIL STANDING COMMITTEES. The mayor shall appoint members to council standing committees.
 8. LIBRARY BOARD. The mayor shall appoint members of library board with approval of city council.
 9. BUILDING OFFICIAL. The mayor shall appoint a building official with approval of the council to perform duties as prescribed by State and Local laws.
- 6.03 TERMS OF APPOINTED OFFICERS. The terms of all appointed officers that are not otherwise fixed by law or ordinance shall be two (2) years, such terms expiring at the time of the organizational meeting of the council in January following the regular municipal election and the appointment of a successor.

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- 6.04 BOOKS AND RECORDS. The public has the right, upon request, to examine and copy all books and records required to be kept by law or ordinance, unless the records are required to be kept confidential or this right is limited by other provisions in the Code of Iowa.

(Code of Iowa, Sec. 22.7)

- 6.05 TRANSFER OF RECORDS AND PROPERTY TO SUCCESSOR. Each officer shall transfer to his or her successor in office all books, papers, records, documents and property in his or her possession pertaining to his or her office.

- 6.06 Section Reserved for Future Use.

- 6.07 RESIGNATIONS. Resignations may be made by all council members and officers to the clerk or mayor.

(Code of Iowa, Sec. 69.4(5))

- 6.08 NON-ELIGIBILITY FOR REAPPOINTMENT. A person who resigns from an elective office is not eligible for appointment to the same office during the time for which he or she was elected if, during that time, the compensation for the office has been increased.

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

- 6.09 VACANCIES. A vacancy in an elective office during a term of office shall be filled by the council, or as otherwise provided by law.

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

- 6.10 REMOVAL OF ELECTED OFFICERS. Elective officers holding any public office in the City of Little Rock may be removed from office by the district court of Lyon County for any of the following reasons as provided in Section 66.1 of the Code of Iowa: willful or habitual neglect or refusal to perform the duties of the office, willful misconduct or maladministration in office, corruption, extortion, upon conviction of a felony, upon conviction of being intoxicated, or upon conviction of violation of the provisions of Chapter 56 of the Code of Iowa. Petition to the district court for removal of an elected officer of the City of Little Rock may be filed any one (1) of the following ways: by the State Attorney General, or by the Lyon County Attorney, or by no less than five (5) qualified electors of the City of Little Rock.

Any city elective officer may also be removed in accordance with Sections 66.29 and 66.30 of the Code of Iowa. An elective officer of the City of Little Rock may be removed from office after hearing on written charges filed with the City Council for any cause which would be ground for an equitable action for removal in the district court. Such removal can only be made by a two-thirds vote of the entire City Council. No person shall be twice removed by the City Council from the same office for the same offense. Proceedings before the Council shall not be a bar to proceedings in the district court as provided in Chapter 66 of the Code of Iowa.

(Code of Iowa, Chap. 66)

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- 6.11 PETITION AND HEARING FOR REMOVAL OF ELECTED OFFICERS. Proceedings for removal of an elective officer of the City of Little Rock must be initiated by petition of not fewer than five (5) qualified electors of the City of Little Rock, or by at least three members of the Council, or by the Mayor. Official verification of status as one of listed eligible petitioners must be accompanied with the filed petition. The petition shall give one (1) or more reasons for the removal as provided in Section 66.1 of the Code of Iowa, and carry the signature(s) of the petitioners. The petition must then be filed with the Clerk-Treasurer, and a copy shall be sent by certified mail to the person petitioned for removal. Upon request filed with the Clerk-Treasurer within thirty (30) days of the date of mailing the copy, the removed person shall be granted a public hearing before the Council on all issues connected with the removal. The hearing shall be held within thirty (30) days of the date the request is filed, unless the person removed requests a later date. Once the public hearing for the issues connected for the removal has been held, the Council must act on the charges within seven (7) days of the completion of the hearing. If no hearing was requested by the person petitioned for removal within 30 days receipt of notice of petition to remove, the Council must act on the charges within seven (7) days after the commencement of said 30 days from receipt of notice.

(Code of Iowa, Sec. 66.30)

- 6.12 REMOVAL OF APPOINTED OFFICERS. Except as otherwise provided by law, all persons appointed to city office may be removed by the officer or body making the appointment, but every such removal shall be by written order. The order shall give the reasons, be filed with the clerk and a copy shall be sent by certified mail to the person removed. Upon request filed with the clerk within thirty (30) days of the date of mailing the copy, the removed person shall be granted a public hearing before the council on all issues connected with the removal. The hearing shall be held within thirty (30) days of the date the request is filed, unless the person removed requests a later date.

(Code of Iowa, Sec. 372.15)

- 6.13 POSITIONS COMBINED. The powers and duties of an appointed office or employment may be delegated to any other officer or employee or may be combined with each or any other office or position by resolution passed by a majority vote of the entire council.

(Code of Iowa, Sec. 63.3)

- 6.14 MEETINGS. All meetings of the Council, any board or commission, or any multi-membered body formally and directly created by any of the foregoing bodies shall be held in accordance with the following:

(Code of Iowa, Sec. 21.4)

1. NOTICE OF MEETING (PUBLIC NOTICE) Except as provided in subsection 3, a governmental body shall give notice of the time, date, and place of each meeting including a reconvened meeting of the governmental body, and the tentative agenda of the meeting, in a manner reasonably calculated to apprise the public of that information. Reasonable notice shall include advising the news media who have filed a request for notice with the governmental body and posting the notice on a bulletin board or other prominent place which is easily accessible to the public and clearly

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designated for that purpose at the principal office of the body holding the meeting, or if no such office exists, at the building in which the meeting is to be held.

(Code of Iowa, Sec. 21.4)

- 2.a. **TWENTY-FOUR HOUR NOTICE.** Notice conforming with all of the requirements of subsection 1 of this section shall be given at least twenty-four hours prior to the commencement of any meeting of a governmental body unless for good cause such notice is impossible or impractical, in which case as much notice as is reasonably possible shall be given. Each meeting shall be held at a place reasonably accessible to the public, and at a time reasonably convenient to the public, unless for good cause such a place or time is impossible or impractical. Special access to the meeting may be granted to persons with disabilities.
- b. When it is necessary to hold a meeting on less than twenty-four hours' notice, or at a place that is not reasonably accessible to the public, or at a time that is not reasonably convenient to the public, the nature of the good cause justifying that departure from the normal requirements shall be stated in the minutes.
3. Subsection 1 does not apply to any of the following:
 - a. A meeting reconvened within four hours of the start of its recess, where an announcement of the time, date, and place of the reconvened meeting is made at the original meeting in open session and recorded in the minutes of the meeting and there is no change in the agenda.
 - b. A meeting held by a formally constituted subunit of a parent governmental body during a lawful meeting of the parent governmental body or during a recess in that meeting of up to four hours, or a meeting of that subunit immediately following the meeting of the parent governmental body, if the meeting of that subunit is publicly announced in open session at the parent meeting and the subject of the meeting reasonably coincides with the subjects discussed or acted upon by the parent governmental body.
4. If another section of the Code requires a manner of giving specific notice of a meeting, hearing, or an intent to take action by a governmental body, compliance with that section shall constitute compliance with the notice requirements of this section.
5. **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)
6. **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 information sufficient to indicate the vote of each

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member present. The vote of each member present shall be made public at the open session. The minutes shall be public records open to public inspection.

(Code of Iowa, Sec. 21.3)

7. Closed Session. A closed session may be held only by affirmative vote of either two-thirds of the body or all of the members present at the meeting. A governmental body may hold a closed session only to the extent a closed session is necessary for any of the following reasons:

(Code of Iowa, Sec. 21.5)

- a. To review or discuss records which are required or authorized by state or federal law to be kept confidential or to be kept confidential as a condition for that governmental body's possession or continued receipt of federal funds.
- b. To discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation.
- c. To discuss the contents of a licensing examination or whether to initiate licensee disciplinary investigations or proceedings if the governmental body is a licensing or examining board.
- d. To avoid disclosure of specific law enforcement matters, such as current or proposed investigations, inspection or auditing techniques or schedules, which if disclosed would enable law violators to avoid detection.
- e. To avoid disclosure of specific law enforcement matters, such as allowable tolerances or criteria for the selection, prosecution or settlement of cases, which if disclosed would facilitate disregard of requirements imposed by law.
- f. To evaluate the professional competency of an individual whose appointment, hiring, performance or discharge is being considered when necessary to prevent needless and irreparable injury to that individual's reputation and that individual requests a closed session.
- g. To discuss the purchase of particular real estate only where premature disclosure could be reasonably expected to increase the price the governmental body would have to pay for that property. The minutes and the tape recording of a session closed under this paragraph shall be available for public examination when the transaction discussed is completed.
- h. Information concerning security procedures or emergency preparedness information developed and maintained by a government body for the protection of governmental employees, visitors to the government body, persons in the care, custody, or under the control of the government body, or property under the

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jurisdiction of the government body, if disclosure could reasonably be expected to jeopardize such employees, visitors, persons, or property.

1. Such information includes but is not limited to information directly related to vulnerability assessments; information contained in records relating to security measures such as security and response plans, security codes and combinations, passwords, restricted area passes, keys, and security or response procedures; emergency response protocols; and information contained in records that if disclosed would significantly increase the vulnerability of critical physical systems or infrastructures of a government body to attack.
2. This section shall only apply to information held by a government body that has adopted a rule or policy identifying the specific records or class of records to which this section applies and which is contained in such a record.
 - i. The vote of each member on the question of holding the closed session and the reason for holding the closed session by reference to a specific exemption under this section shall be announced publicly at the open session and entered in the minutes. A governmental body shall not discuss any business during a closed session which does not directly relate to the specific reason announced as justification for the closed session.
 - j. Final action by any governmental body on any matter shall be taken in an open session unless some other provision of the Code expressly permits such actions to be taken in closed session.
 - k. A governmental body shall keep detailed minutes of all discussion, persons present, and action occurring at a closed session, and shall also tape record all of the closed session. The detailed minutes and tape recording of a closed session shall be sealed and shall not be public records open to public inspection. However, upon order of the court in an action to enforce this chapter, the detailed minutes and tape recording shall be unsealed and examined by the court in camera. The court shall then determine what part, if any, of the minutes should be disclosed to the party seeking enforcement of this chapter for use in that enforcement proceeding. In determining whether any portion of the minutes or recording shall be disclosed to such a party for this purpose, the court shall weigh the prejudicial effects to the public interest of the disclosure of any portion of the minutes or recording in question, against its probative value as evidence in an enforcement proceeding. After such a determination, the court may permit inspection and use of all or portions of the detailed minutes and tape recording by the party seeking enforcement of this chapter. A governmental body shall keep the detailed minutes and tape recording of any closed session for a period of at least one year from the date of that meeting.

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1. Nothing in this section requires a governmental body to hold a closed session to discuss or act upon any matter.
8. Cameras and Recorders. The public may use cameras or recording devices at any open session.

(Code of Iowa, Sec. 21.7)

9. 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 Code of Iowa.

(Code of Iowa, Sec. 21.8)

- 6.15 CONFLICT OF INTEREST. A City officer or employee shall not have an interest, direct or indirect, in any contract or job of work or material or the profits thereof or services to be furnished or performed for the City, unless expressly permitted by law. A contract entered into in violation of this section is void.

A measure voted upon is not invalid by reason of a conflict of interest in a member of the council, unless the vote of the member of the council was decisive to passage of the measure. The vote must be computed on the basis of the number of members not disqualified by reason of conflict of interest. If a specific majority or unanimous vote of a municipal body is required by statute, the majority or vote must be computed on the basis of the number of officers not disqualified by reason of conflict of interest. However, a majority of all members is required for a quorum. For the purpose of this section, the statement of a council member that the council member declines to vote by reason of conflict of interest is conclusive and must be entered of record.

The provisions of this section do not apply to:

(Code of Iowa, Sec. 362.5)

1. Compensation of Officers. The payment of lawful compensation of a City officer or employee holding more than one City office or position, the holding of which is not incompatible with another public office or is not prohibited by law.

(Code of Iowa, Sec. 362.5[1])

2. Investment of Funds. The designation of a bank or trust company as a depository, paying agent, or for investment of funds.

(Code of Iowa, Sec. 362.5[2])

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

(Code of Iowa, Sec. 362.5[3])

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4. Stock Interests. Contracts in which a City officer or employee has an interest solely by reason of employment, or a stock interest of the kind described in subsection 8 of this section, or both, if the contract is for professional services not customarily awarded by competitive bid, if the remuneration of employment will not be directly affected as a result of the contract, and if the duties of employment do not directly involve the procurement or preparation of any part of the contract.
(Code of Iowa, Sec. 362.5[5])
 5. Newspaper. The designation of an official newspaper.
(Code of Iowa, Sec. 362.5[6]).
 6. Existing Contracts. A contract in which a City officer or employee has an interest if the contract was made before the time the officer or employee was elected or appointed, but the contract may not be renewed.
(Code of Iowa, Sec. 362.5[7])
 7. Volunteers. Contracts with volunteer fire fighters or civil defense volunteers.
(Code of Iowa, Sec. 362.5[8])
 8. Corporations. A contract with a corporation in which a City officer or employee has an interest by reason of stock holdings when less than five percent (5%) of the outstanding stock of the corporation is owned or controlled directly or indirectly by the officer or employee or the spouse or immediate family of such officer or employee.
(Code of Iowa, Sec. 362.5[9])
 9. Contracts. Contracts made by the City upon competitive bid in writing, publicly invited and opened.
(Code of Iowa; Sec. 362.5[4])
 10. Cumulative Purchases. Contracts not otherwise permitted by this section for the purchase of goods or services by a city having a population of two thousand five hundred or less, which benefit a city officer or employee, if the purchases benefiting that officer or employee do not exceed a cumulative total purchase price of two thousand five hundred dollars in a fiscal year.
(Code of Iowa, Sec. 362.5[11])
 11. Franchise Agreements. Franchise agreements between the City and a utility and contracts entered into by the City for the provision of essential City utility services.
(Code of Iowa, Sec. 362.5[12])
- 6.16 GIFTS. Except as otherwise provided in Chapter 68B of the Code of Iowa, a public official, public employee or candidate, or that person's immediate family member, shall not, directly or indirectly, accept or receive any gift or series of gifts from a "restricted donor" as defined in Chapter 68B and a restricted donor shall not, directly or indirectly,

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individually or jointly with one or more other restricted donors, offer or make a gift or a series of gifts to a public official, public employee or candidate.

(Code of Iowa, Sec. 68B.22)

- 6.17 UNLAWFUL USE OF CITY PROPERTY. No person shall use or permit any other person to use City property owned or leased by the City for any private purpose and for personal gain.

(Code of Iowa, Sec. 721.2(5))

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CHAPTER 2: ADMINISTRATIVE CODE - EXECUTIVE

ARTICLE 7 - MAYOR

7.01 POWERS AND DUTIES. The powers and duties of the mayor shall be as follows:
(Code of Iowa, Sec. 372.14)

1. **SUPERVISE DEPARTMENT HEADS.** Supervise and give direction to all city department heads concerning departmental functions. He or she may examine all department functions and records and call for special reports from department heads at any time.
(Code of Iowa, Sec. 372.14(1))
2. **PRESIDING OFFICER.** Act as presiding officer at all regular and special council meetings. He or she may call special meetings of the council when necessary to the interests of the city.
(Code of Iowa, Sec. 372.14(1)& (3))
3. **ACTION ON ORDINANCE.** May sign, veto, or take no action on an ordinance, amendment, or resolution passed by the council. The mayor may veto an ordinance, amendment, or resolution within fourteen (14) days after passage by the council. The mayor shall explain the reasons for the veto in a written message to the council at the time of the veto.
(Code of Iowa, Sec. 380.5 & 380.6(2))
4. **REPORTS.** Make oral and written reports to the council at the first meeting of every month which concern municipal affairs, departments, and recommendations suitable for council action.
5. **ANNUAL BUDGET.** Prepare and submit annually to the council an itemized budget of revenues and expenditures.
6. **CONTRACTS.** Sign all contracts on behalf of the city when authorized by the council.
7. **REPRESENT CITY.** Represent the city in all negotiations legally entered, unless this duty is otherwise delegated by law or ordinance.
8. **SECURE SERVICES.** Secure special or professional services, upon order of the council.
9. **AUTHORIZE LICENSES AND PERMITS.** Under council authorization, sign all licenses or permits, except those designated by law or ordinance to be issued by another municipal officer, or revoke permits or licenses granted by the council

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when their terms, the city ordinances, or the State laws are violated by the holders of the permits or licenses.

10. **REVOKE LICENSES AND PERMITS.** Under council authorization, revoke permits or licenses granted by the council when their terms, the city ordinances, or the State laws are violated by the holders of the permits or licenses.
 11. **ABSENTEE OFFICER.** Provide that the duties of an absentee officer are carried on during the officer's absence.
 12. **PROCLAMATION OF EMERGENCY.** Have the authority to take command of the police and govern the City by proclamation, upon making a determination that the time of emergency or public danger exists. Within the City limits the, the mayor has all the powers conferred upon the Sheriff to suppress disorders.
(Code of Iowa, Sec. 372.14(2))
 13. **SPECIAL MEETING.** Call special meetings of the Council when the Mayor deems such meetings necessary to the interests of the City.
(Code of Iowa, Sec. 372.14[1])
 14. **PROCLAMATION OF EMERGENCY.** Have the authority to take command of the police and govern the City by proclamation, upon making a determination that the time of emergency or public danger exists. Within the City limits the Mayor has all the powers conferred upon the Sheriff to suppress disorders.
(Code of Iowa, Sec. 372.14(2))
- 7.02 **VOTING.** The mayor is not a member of the council and may not vote as a member of the council.
(Code of Iowa, Sec. 372.4)
- 7.03 **COMPENSATION.** The salary of the mayor shall be \$220 per meeting effective January 1, 2018.
(Code of Iowa, Sec. 372.13(8))

(Editor's Note: Ordinance 2017-07-10, approved by City Council on July 10, 2017)

- 7.04 **APPOINTMENTS.** The mayor shall appoint the following officials:
(Code of Iowa, Sec. 372.4)

1. Mayor Pro Tem.
2. Peace Officers
3. Library Board of Trustees.

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CHAPTER 2: ADMINISTRATIVE CODE - EXECUTIVE

ARTICLE 8 - MAYOR PRO TEM

8.01 POWERS AND DUTIES. The duties of the mayor pro tem shall be as follows:
(Code of Iowa, Sec. 372.14(3))

1. VICE-PRESIDENT. Serve as vice-president of the council.
2. PERFORM IN MAYOR'S ABSENCE. Perform the duties of the mayor in case of absence or inability of the mayor to perform his or her duties.
3. LIMITED POWER. Shall not have power to employ or discharge officers or employees that the mayor has the power to appoint, employ, or discharge without approval of the council.
4. VOTING. May vote as a member of the council.

8.02 COMPENSATION. If the mayor pro tem performs the duties of the mayor during his or her absence or disability for a continuous period of fifteen (15) days or more, the mayor pro tem shall be paid for that period such compensation as determined by the council, based upon his or her performance of the mayor's duties and upon the compensation of the mayor.
(Code of Iowa, Sec. 372.13(8))

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CHAPTER 3: ADMINISTRATIVE CODE - LEGISLATIVE

ARTICLE 9 - COUNCIL

9.01 POWERS AND DUTIES. The powers and duties of the council shall be as follows:

1. GENERAL. All powers of the city are vested in the council unless otherwise provided by law or ordinance.
(Code of Iowa, Sec. 364.2(1))
2. FUNDS. 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 may be specially assessed.
(Code of Iowa, Sec. 384.2 (1), 384.16 & 384.38(1))
3. PUBLIC IMPROVEMENTS. Make all orders for the doing of public improvements, and award contracts for construction of any public improvements.
4. CONTRACTS. Make or authorize all contracts. No contract shall bind or obligate the city unless approved by the council. All contracts shall be in writing. Contracts to be approved by resolution shall be drawn or approved by the city attorney before they are entered into. Any contracts based upon bidding require bidding according to the Code of Iowa requirements.
5. OFFICERS AND EMPLOYEES. Appoint and remove city officers and employees unless otherwise provided by law or ordinance, and prescribe their powers, duties, compensation and terms of employment.
(Code of Iowa, Sec. 372.13(4&8))
6. PRESCRIBE COMPENSATION. By ordinance, the council shall prescribe the compensation of the mayor, council members, and other elected city officers, but a change in the compensation of the mayor does not become effective during the term in which the change is adopted, and the council shall not adopt an ordinance changing the compensation of the mayor, council members, or other elected officers during the months of November and December in the year of a regular city election. A change in the compensation of council members becomes effective for all council members at the beginning of the term of the council members elected at the election next following the change in compensation. By resolution the council shall prescribe the compensation of appointed city officers and employees.
(Code of Iowa, Sec. 372.13(8))
7. RECORDS. The council shall maintain records of its proceedings.
(Code of Iowa, Sec. 372.13(5))

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9.02 EXERCISE OF POWER. The council shall exercise a power only by the passage of a motion, a resolution, an amendment, or an ordinance. The minutes shall show the results of each vote taken and information sufficient to indicate the vote of each member present. The vote of each member present shall be made public at open session. Such powers shall be exercised as follows:

1. **APPROVED ACTION BY COUNCIL.** Passage of an ordinance, amendment, or resolution requires an affirmative vote of not less than a majority of all the council members. A resolution must be adopted 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 all the council members. Each councilmember'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 council may repass the ordinance or resolution by a vote of not less than two-thirds (2/3) of the 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 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 council repasses the same measure after the mayor's veto, a resolution becomes effective immediately upon repassage; and an ordinance or amendment becomes a law when published, unless a subsequent effective date is provided within the measure.
(Code of Iowa, 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 a 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))

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- d. A motion becomes effective immediately upon passage of the motion by the Council.

(Code of Iowa, Sec. 380.6)

9.03 COUNCIL COMMITTEES. The mayor shall appoint with approval of the council any council standing committees established by council resolution, and any special committees of the council. The standing committees shall consist of three council members; the first named shall be chair. The mayor shall name the chair of special committees and such other members as he or she deems appropriate. The mayor shall be an ex-official member of each committee. The mayor shall appoint the standing committees at the first meeting in January following each municipal election. Special committees may be named by the mayor when deemed useful to the city.

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

1. REGULAR MEETINGS. The regular meetings of the council shall be held on the first Monday of each month at 6:00 p.m. Central Standard Time in the Council Chambers at City Hall. If such day shall fall on a legal holiday the meeting shall be held on the next succeeding day at the same time unless a different day or time is determined by the council.
2. SPECIAL MEETINGS. Special meetings shall be held upon call of the mayor or upon the written request of a majority of the members of the council submitted to the 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 council. A record of the service of notice shall be maintained by the clerk.
(Code of Iowa, Sec. 21.4)
3. OPEN MEETINGS. All meetings of the council, standing committees and city boards or commissions, or special committees shall comply with the open meeting laws of Iowa.
(Code of Iowa, Chapter 21)
4. QUORUM. A simple majority of all councilmembers is a quorum.
(Code of Iowa, Sec. 372.13(1))
5. RULES OF PROCEDURE. The council shall determine the rules of its own proceedings by resolution, and the clerk shall keep such rules on file for public inspection.
(Code of Iowa, Sec. 372.13(5))

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- 9.05 ELIGIBILITY FOR APPOINTMENT. A councilmember is not eligible for appointment to any city office if the office has been created or the compensation of the office has been increased during the term for which he or she is elected.

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

- 9.06 COMPENSATION. The salary of each council member shall be eighty dollars (\$80.00) per meeting effective January 1, 2018

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

(Editor's Note: Ordinance 2017-07-10-1, approved by City Council on July 10, 2017)

- 9.07 TENTATIVE AGENDA. The clerk shall prepare and post a tentative agenda for each meeting at a place, or places, designated by the council, one of which shall be near the place of meeting at the city hall. The posting shall be made at least twenty-four (24) hours before the meeting except as permitted under state law in case of emergencies.

- 9.08 SERVING AS CHIEF OF VOLUNTEER FIRE DEPARTMENT. If volunteer fire department for the City serves an area with a population of not more than two thousand (2,000) then a council member may also hold the office of chief of the volunteer fire department, provided that no other person who is not a council member is available to hold such office.

(Code of Iowa, Sec. 372.13(10))

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

- 1 City Clerk.
- 2 City Attorney.
- 3 Department Heads.

- 9.10 GENDER BALANCE.

1. The Iowa Code requires that all appointive boards, commissions, committees and councils of the State established by the Code, if not otherwise provided by law, shall be gender balanced. No person shall be appointed or reappointed to any board, commission, or committee established by the Code if that appointment or reappointment would cause the number of members of the board, commission, committee, or council of one gender to be greater than one-half the membership of the board, commission, or committee plus one if the board, commission, or committee is composed of an odd number of members. If such board, commission, or committee is composed of an even number of members, not more than one-half of the membership shall be of one gender.
2. All appointive boards, commissions, and committees of the City, if not otherwise provided by law, shall be gender balanced as provided in subsection 1 unless the City has made a good faith effort to appoint a qualified person to fill a vacancy on a board, commission, or committee in compliance with this section for a period of

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three months but has been unable to make a compliant appointment. In complying with the requirements of this subsection, the City shall utilize a fair and unbiased method of selecting the best qualified applicants. This subsection shall not prohibit an individual whose term expires prior to January 1, 2012, from being reappointed even though the reappointment continues an inequity in gender balance

(Code of Iowa, Sec. 69.16A)

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CHAPTER 4: ADMINISTRATIVE CODE - ADMINISTRATION

ARTICLE 10 - CITY CLERK

10.01 POWERS AND DUTIES. The powers and duties of the city clerk shall be as follows:

1. **ADMINISTER OATHS.** Administer oaths of office to any city officer who is required to give an oath.
(Code of Iowa, Sec. 78.2(4))
2. **ATTEND MEETINGS.** Attend all meetings of the council and its committees.
3. **RECORD PROCEEDINGS.** Record and preserve a record of meeting proceedings and publish a summary of Council proceedings after each regular or special meeting; and where applicable, indicate whether the Mayor signed, vetoed or took no action on a measure passed by the Council, and whether a measure was repassed after the Mayor's veto.
(Code of Iowa, Sec. 380.7(1 & 2))
4. **ORDINANCES.** Publish all ordinances immediately after passage and approval by council, and keep an ordinance book authenticating each ordinance and certifying as to the time and manner of publication.
(Code of Iowa, Sec. 380.7(2) & 362.3)
5. **RESOLUTIONS.** Keep an official resolution record book, and enter each resolution therein.
6. **COUNCIL COMMUNICATIONS.** Keep and date all communications and petitions directed to the council or city, and endorse thereon council action taken on matters presented in such documents.
(Code of Iowa, Sec. 372.13(4))
7. **CORPORATE SEAL.** Affix the corporate seal to those public documents or instruments as directed by the mayor or council or as required by law.
(Code of Iowa, Sec. 380.7(3))
8. **ELECTIONS.** Accept the nomination petition of a candidate for a city office for filing if on its face it appears to have requisite number of signatures and it is timely filed. He or she shall deliver all nomination petitions to the county commissioner of elections no later than five o'clock p.m. (5 p.m.) on the day following the last day on which nomination petitions can be filed.
(Code of Iowa, Sec. 376.4)
9. **ISSUE LICENSES AND PERMITS.** Issue all council-approved licenses and permits and keep a record of them showing the date, number, to whom issued, and for what purpose.

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10. OTHER DUTIES. Perform such other duties as specified by council resolution or ordinance.
11. NOTIFY APPOINTEES. The clerk shall inform all persons appointed by the Mayor or Council to office in the City government of their position and time at which they shall assume the duties of their office.
12. RECORDING AND PUBLICATION OF MEETING MINUTES. Within fifteen days following a regular or special meeting of the council, the clerk shall cause the minutes of the proceedings of the council, including the total expenditure from each city fund, to be published in a newspaper of general circulation in the city. The publication shall include a list of all claims allowed and a summary of all receipts and shall show the gross amount of the claim. Matters discussed in closed session pursuant to section Code of Iowa 21.3 shall not be published until entered on the public minutes. Failure by the clerk to make publication is a simple misdemeanor. The provisions of this subsection are applicable in cities in which a newspaper is published, or in cities of two hundred population or over, but in all other cities, posting the statement in three public places in the city which have been permanently designated by ordinance is sufficient compliance with this subsection.

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

10.02 CHIEF ACCOUNTING OFFICER. The clerk shall be chief accounting officer of the city and:

1. BUDGET ACCOUNTS. Maintain the budgetary accounts required by law and as directed by the council.
2. BUDGET REPORTS. Prepare and publish all financial and budgetary reports and the list of claims, as required by law.
3. REVENUES FROM CITY UTILITY. The gross revenues of a city utility, combined utility system, city enterprise, or combined city enterprise must be deposited with the treasurer and kept in a separate account from each other and other funds of the city.

(Code of Iowa, Sec. 384.85)

4. PAY CLAIMS. Pay all claims against the city only upon council order or other council authorization.
5. AUTHENTICATE DOCUMENTS. Sign all evidences of indebtedness, coupons, or certificates as required by law.

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

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6. **BALANCE ACCOUNTS.** Reconcile the bank statements with his or her books and certify monthly to the council the balance of cash and investments and amounts received and disbursed for each fund.
7. **INVESTMENTS.** Invest all idle funds and other funds as directed by the council in accordance with law.
(Code of Iowa, Sec. 453.9)

10.03 **CUSTODY OF RECORDS.** The clerk shall have custody of all records and documents pertaining to the municipality unless otherwise directed by law or ordinance and:
(Code of Iowa, Sec. 372.13(3))

1. **FILE AND RECORD TRANSACTIONS.** File and preserve all receipts, vouchers, and other documents kept or required to be kept so as to prove the validity of every transaction and identity of any person having a beneficial relation thereto.
2. **DESTROY OLD RECORDS.** Destroy all vouchers and minor records over five years old except those specified for retention by law.
(Code of Iowa, Sec. 372.13(3&5))
3. **FURNISH COPIES.** 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 such officer's duty; furnish a copy to any citizen when requested upon payment of the fee set by law or Council resolution; under the direction of the Mayor or other authorized officer, affix the seal of the City to those public documents or instruments which by ordinance are required to be attested by the fixing of the seal.
(Code of Iowa, Sec. 380.7(4))
4. **CERTIFY MEASURES.** Certify to the county recorder all ordinances establishing zoning district, building lines, or fire limits, and a plat showing each district, lines, or limits.
(Code of Iowa, Sec. 380.11)
5. **RECORD APPOINTMENTS.** Keep a record of all appointments, notifying all persons appointed by the mayor or council of such appointments and the time of taking office.
6. **ORDINANCES AND CODES.** Maintain copies of all effective city ordinances and codes for public use.

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

1. **TIME.** If notice of an election, hearing or other official action is required by the municipal code or law, the notice must be published at least once, not less than

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four (4) nor more than twenty (20) days before the date of the election, hearing or other action, unless otherwise provided by law.

2. **MANNER OF PUBLICATION.** A publication required by the city code or law must be in a newspaper published at least once weekly and having general circulation in the city (except that ordinances and amendments may be published by posting in the official places set by ordinance).

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

10.05 **OFFICIAL POSTING LOCATION.** Whenever there is to be notice given and no other form of publication is specified by law, the following three locations are officially designated for such notices:

1. Little Rock Community Center
2. Little Rock City Hall
3. Little Rock Town and Country Building

10.06 **ELECTIONS.** The Clerk shall perform the following duties relating to elections and nominations.

1. In the event of a change in the method of nomination process used by the City, certify to the Commissioner of Elections the type of nomination process to be used by the City no later than ninety (90) days before the date of the regular city election.

(Code of Iowa, Sec.376.6)

2. Accept the nomination petition of a candidate for a City office for filing if on its face it appears to have the requisite number of signatures and is timely filed.

(Code of Iowa, Sec. 376.4)

3. Designate other employees or officials of the City who are ordinarily available to accept nomination papers if the clerk is not readily available during normal working hours.

(Code of Iowa, Sec. 376.4)

4. Note upon the petition and affidavit accepted for filing the date and time that the petition was filed.

(Code of Iowa, Sec. 376.4)

5. Deliver all nomination petitions, together with the text of any public measures being submitted by the Council to the electorate, to the County Commissioner of Elections not later than five o'clock (5:00) P.M. on the day following the last day on which nomination petitions can be filed.

(Code of Iowa, Sec. 376.4)

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10.06 COMPENSATION. The clerk shall be paid such compensation as specified by resolution of the council.

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

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CHAPTER 4: ADMINISTRATIVE CODE - ADMINISTRATION

ARTICLE 11 - TREASURER

11.01 POWERS AND DUTIES. The treasurer shall have the following powers and duties:

1. CUSTODY OF FUNDS. Be responsible for the safe custody of all funds of the city in the manner provided by law and council direction, including all funds received or held in custody for any board or commission or agency existing in the city created by council or the people.
2. RECONCILIATIONS, REPORTS. Reconcile the bank statements with the city's books, certify monthly to the council the balance of cash and investments of each fund and amounts received and disbursed, and reconcile the treasurer's books with the clerk's every month.
3. DEBT SERVICE. Keep a register of all bonds outstanding, and record all payments made of interest and principal.
4. INVESTMENTS. Advise the council on investments, and invest city monies not immediately needed at interest in accordance with council directives and the requirements of Section 12B of the Iowa Code. The treasurer shall determine the anticipated level of bank deposits for making the depository declaration to the State Treasurer as required by Chapter 12c of the Iowa Code.
5. RECORDS. Keep such books as will account for all funds of the city, including any warrants out at interest, and call such warrants at the earliest opportune time.
6. DEPOSITS. Deposit immediately upon receipt, city monies to be held in his or her custody in council-approved banks for amounts not exceeding the monetary limits authorized by the council.
7. OTHER DUTIES. Perform such other duties as specified by the council by resolution or ordinance.
8. DEPOSITORY DECLARATION. The treasurer shall determine the anticipated level of bank deposits for making the depository declaration to the State Treasurer as required by Code of Iowa, Section 453.
9. SPECIAL ASSESSMENT. The treasurer shall keep a separate account of all money received by the treasurer from special assessments.

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10. RECORD RECEIPTS. The treasurer shall keep an accurate record of all money or securities received by the treasurer on behalf of the city and specify the date, from whom, and for what the purpose received.
- 11.02 COMPENSATION. The treasurer shall be paid such compensation as specified by resolution of the council.

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CHAPTER 4: ADMINISTRATIVE CODE - ADMINISTRATION

ARTICLE 12 - CITY ATTORNEY

12.01 POWERS AND DUTIES. The duties of the city attorney shall be as follows:
(Code of Iowa, Sec. 372.13(4))

1. **ATTEND MEETINGS.** Attend those meetings of the council at which he or she is requested to be present.
2. **DRAFTS.** Formulate drafts for contracts, forms, and other writings which may be required for the use of the city upon request.
3. **DOCKET AND RECORD OF OPINIONS.** Keep in proper files a record of all official opinions and a docket or register of all actions prosecuted and defended by the city attorney accompanied by all proceedings related to said actions.
4. **LEGAL OPINION.** Give an opinion in writing upon all questions of law relating to municipal affairs submitted by the council, the mayor, members of the council individually, municipal boards, or the head of any municipal department upon request.
5. **PREPARE ORDINANCES.** Prepare those ordinances which the council may desire and direct to be prepared and report to the council upon all ordinances before their final passage by the council and publication.
6. **REPRESENT CITY.** Act as attorney for the city in all matters affecting the city's interests, appear on behalf of the city before any court tribunal, commission, or board and prosecute or defend all actions and proceedings when so requested by the mayor or the council.
7. **REPRESENT MUNICIPAL OFFICERS AND EMPLOYEES.** Not appear on behalf of any municipal officer or employee before any court or tribunal for the purely private benefit of said officer or employee. The city attorney shall, however, if directed by the 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 said office or employment.
8. **CERTIFY BONDS.** 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. **REVIEW CONTRACTS AND ORDINANCES.** Make a written recommendation to the council and interested department heads concerning all contracts, documents, authorized power of the city officer, and ordinances submitted to or coming under notice before they go into effect.

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10. POWER OF ATTORNEY. 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.
- 12.02 COMPENSATION. The city attorney shall be paid such compensation as specified by resolution of the council.
(Code of Iowa, Sec. 372.13(8))

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CHAPTER 4: ADMINISTRATIVE CODE - ADMINISTRATION

ARTICLE 13 - WATER SUPERINTENDENT

13.01 WATER SUPERINTENDENT APPOINTED. A water superintendent shall be appointed by the council to serve at its pleasure. He or she shall work under the direction and supervision of the council.

13.02 POWERS AND DUTIES. The powers and duties of the water superintendent shall be as follows:

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

1. **SUPERVISE WATER DISTRIBUTION SYSTEM.** Supervise and inspect the installation and connection of all water mains and service pipes in the city in accordance with the State Plumbing Code, and maintain the system in an adequate manner.
2. **SUPERVISE WATER SUPPLY.** Operate city water supply and storage facilities in accordance with the best practice for the protection of the purity of the water supply and provision of an adequate supply and pressure to the system.
3. **WATER TAPS.** Make or supervise the making of all taps to water mains.
4. **SHUT OFF WATER.** Shut off water supply when deemed necessary under policies set by the council.
5. **WATER METERS.** Oversee the installation and repair of water meters.
6. **RECORDS.** Maintain written records of inspections of installation or tapping of the water system, of purchase and disposition of equipment, of an up-to-date inventory, and of departmental activities.
7. **REPORTS.** Make to the mayor monthly oral or written reports on departmental activities on or before the first day of each succeeding month.

13.03 COMPENSATION. The water superintendent shall be paid such compensation as specified by resolution of the council.

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

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CHAPTER 4: ADMINISTRATIVE CODE - ADMINISTRATION

ARTICLE 14 - SEWER SUPERINTENDENT

14.01 SEWER SUPERINTENDENT APPOINTED. A Sewer Superintendent shall be appointed by the council to serve at its pleasure. He or she shall work under the direction and supervision of the council.

14.02 POWERS AND DUTIES. The powers and duties of the Sewer Superintendent shall be as follows:

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

1. **SUPERVISE STORM SEWER INSTALLATION.** Supervise the installation of all sanitary sewers in the city in accordance with the State Plumbing Code, and supervise the storm drainage system in the city.
2. **INSPECT CONNECTIONS.** Inspect all sewer connections and sewer interceptors and keep records of these inspections.
3. **UNCOVER MANHOLES.** Uncover manholes that are buried, raising them where necessary to keep them accessible.
4. **COMPLETE WORK.** Finish or correct work on any private connection to the public sewer system as authorized by Title II, Chapter 2, Section 4.17 of this Municipal Code.
5. **RECORDS.** Maintain written records of inspections of sewer work, of purchase and disposition of equipment, of an up-to-date inventory, and of departmental activities.
6. **REPORTS.** Make to the mayor monthly oral or written reports on departmental activities on or before the first day of each succeeding month.

14.03 COMPENSATION. The Sewer Superintendent shall be paid such compensation as specified by resolution of the council.

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

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CHAPTER 4: ADMINISTRATIVE CODE - ADMINISTRATION

ARTICLE 15 – CEMETERY SEXTON

- 15.01 DEFINITION. The term “cemetery” shall mean the Pleasant View Cemetery, which is a municipal cemetery under the provisions of Code of Iowa Sections 566.14 to 566.18.
- 15.02 CEMETERY SEXTON IS APPOINTED. The council shall appoint a cemetery sexton who shall operate the cemetery in accordance with the rules and regulations therefor and under the direction of the council.
(Code of Iowa, 372.13 [4])
- 15.03 DUTIES OF CEMETERY SEXTON. The duties of the cemetery sexton shall be as follows:
(Code of Iowa, 372.13 [4])
1. Supervise Openings. He or she shall supervise the opening of all graves and be present at every interment in the cemetery.
 2. Maintenance. He or she shall be responsible for the maintenance of the cemetery buildings, grounds and equipment and shall make a monthly report of the cemetery operation to the council.
- 15.04 RECORDS. It shall be the duty of the sexton to make and keep a permanent record of all interments made in the cemetery, which record shall at all times be open to public inspection. The record shall, among other things, include:
1. Plat. An accurate plat of the cemetery.
 2. Lot Owners. The names of the owners of all lots that have been sold.
 3. Lot Descriptions. The correct description of all lots for sale and price thereof, as shall be fixed by the city council.
 4. Grave Locations. The exact location of each grave upon each cemetery lot.
- 15.05 SALE OF LOTS. The sale of lots in the cemetery shall be evidenced by a deed signed and executed by the mayor and the clerk for and on behalf of the city, and it shall be the duty of the sexton to collect the purchase price for any lot sold before delivering the deed of conveyance for the same. A portion of the sale price as specified by the rules and regulations established by the council shall be set aside and deposited in the perpetual care endowment fund of the cemetery.
(Code of Iowa, 1977, Sec. 566.26)
- 15.06 FEES, CHARGES AND PAYMENTS. The payment of all fees and charges shall be made at the office of the clerk in the city hall where receipts will be issued for all amounts paid. Said fees and charges shall be based upon the charges as set out in the rules and regulations then in effect as adopted by the council.

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- 15.07 PERPETUAL CARE. The term “perpetual care” shall be construed to mean the obligation which the city assumes to each year expend the net annual income of the perpetual care endowment set aside for the lot in furnishing such care as mowing grass, raking and cleaning the lot and adjacent alleys, filling of sunken graves and keeping monumental work in a vertical position. Where the income is sufficient it may be used in the perpetual care of avenues, alleys, fences, buildings and grounds in general. Expenditures shall be made at the discretion and under the direction of the council and the city shall not be bound to make any separate investment of the sum of money set aside as perpetual care, but the same shall be added to the perpetual care fund of the city and the proceeds there from used by the city in the manner heretofore provided.
(Code of Iowa, Sec. 566.14)
- 15.08 PERPETUAL CARE ON LOT SALES. Future lot sales in the cemetery shall be made with the perpetual care provided for, at the rates specified in the rules and regulations as adopted by the council, under and by virtue of the terms of this chapter.
(Code of Iowa, 1977, Sec. 566.16)
- 15.09 CEMETERY LOTS WITHOUT PERPETUAL CARE. Owners of lots or other interested persons may secure perpetual care on lots or parts of lots in the older portions of the cemetery not having perpetual care by the payment to the city of the perpetual care charges at the rates specified in the rules and regulations.
- 15.10 ANNUAL CARE. An annual care charge as specified in the rules and regulations shall be made by the city on those lots in the older portions of the cemetery which are not at present under perpetual or endowed care. The city reserves the right to refuse to furnish maintenance service, or to permit the erection of any monumental work on those lots not under perpetual or endowed care or when the annual care on such lot has not been paid in advance.
- 15.11 RULES AND REGULATIONS. The rules and regulations for the cemetery shall be adopted, and may be amended from time to time, by resolution of the council and shall cover the hours of opening and closing, the use of roads within the cemetery, the hours for burials, the decorating of graves, the fees for services rendered in connection with interments or the placing of markers and the cost of lots or payments for perpetual care as deemed necessary.
- 15.12 TRESPASSING OR VANDALISM IN CEMETERY. Any person who shall trespass upon any cemetery under the jurisdiction of the city by destroying, injuring or defacing any grave, vault, tombstone, or monument, or any building, fence, tree, shrub, flower, or anything in or belonging to said cemetery shall be guilty of a misdemeanor and shall be liable for any and all damage.
(Code of Iowa, Sec. 716.1)

TITLE I

CHAPTER 5: BOARDS, COMMISSIONS, AND DEPARTMENTS

ARTICLE 16 - POLICE DEPARTMENT

- 16.01 CONTRACT LAW ENFORCEMENT. The Council may contract with the County Sheriff or any other qualified lawful entity to provide law enforcement services within the City, and the Sheriff or such entity shall exercise the powers and duties as provided in said contract and as required by law or ordinance.
(Code of Iowa, Sec. 28E.30)

TITLE I

CHAPTER 5: BOARDS, COMMISSIONS, AND DEPARTMENTS

ARTICLE 17 - PARK BOARD

- 17.01 PURPOSE. The purpose of this Article is to facilitate the enjoyment of park facilities by the general public by establishing rules and regulations governing the use of park facilities.

(Code of Iowa, 1977, Sec. 392.1)

- 17.02 PARK BOARD CREATED. A park board known as the City of Little Rock Park Board is created to advise the council on the needed open-space facilities such as parks, playgrounds, and community facilities for other forms of recreation. It shall plan and oversee city programs and encourage other programs for the leisure time of city residents of all ages.

Said Board members shall be appointed in the following manner and for the following terms:

1. Three (3) persons to be appointed by the council for a term of two (2) years;
2. One (1) person to be selected from the City Council and appointed by the Mayor for a term of two (2) years;
3. One (1) person to be appointed by the Council for a term of four (4) years.

(Code of Iowa, Sec. 392.1)

- 17.03 ORGANIZATION & PURPOSE. Said Board shall organize as soon after its first election as practicable by electing one (1) of its members as chairperson and one (1) secretary. The control, management, operation and maintenance of all city parks, and, in particular, the Little Rock Town and Country Park, shall be vested in said City of Little Rock Park Board, subject to the right of the Council to make such rules and regulations as may be deemed best for the management and control of said parks.

- 17.04 POWERS AND DUTIES. The park board shall have the following powers and duties:

1. ADVISE COUNCIL. Advise the council on park and recreation matters.
2. RECREATION PROGRAMS. Plan and manage city recreation programs.
3. AUTHORITY. Have authority over personnel and property belonging to parks and recreation.
4. REPORTS. Make written activity reports to the council when requested and as the board deems advisable. Its revenues and expenditures shall be reported monthly by the clerk, and a copy be provided to each board member and in the clerk's report to the council.

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5. RULES AND REGULATIONS. Make rules and regulations governing the use of park and other recreational facilities or for the conduct of recreation programs, with approval by the council. The rules shall be posted or publicized for adequate public notice.
- 17.05 PARK FINANCES. The City of Little Rock Park Board shall have the control of all disbursements of money that may, from time to time, be received by the Board from the City or from other sources. Bills may be allowed for payment only by a majority of said board at a meeting of the Board and an Order drawn from the same signed by the Chairperson and Secretary. The Board shall be bonded and insured in such amounts as determined by the Council
- 17.06 OPEN MEETINGS. All meetings of the park board shall comply with the regulations stated in Chapter 21 of the Code of Iowa.
- 17.07 COMPENSATION. The salary of the park board members shall be zero dollars (\$0.00) per year.
(Code of Iowa, Sec. 372.13(8))
- 17.08 USE OF DRIVES REQUIRED. No person shall drive any car, cycle or other vehicle, or ride or drive any horse, in any portion of a park except upon the established drives or roadways therein or such other places as may be officially designated by the city.
- 17.09 FIRES. No fires shall be built, except in a place provided therefore, and such fire shall be extinguished before leaving the area unless it is to be immediately used by some other party.
- 17.10 LITTERING. No person shall place, deposit, or throw any waste, refuse, litter or foreign substance in any area or receptacle except those provided for that purpose.
- 17.11 CAMPING AREAS. No person shall camp in any portion of a park except in portions prescribed or designated by the council.

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CHAPTER 5: BOARDS, COMMISSIONS, AND DEPARTMENTS

ARTICLE 18 - LIBRARY BOARD

- 18.01 PURPOSE. The purpose of this Article is to provide for the appointment of a city library board of trustees, and to specify that board's powers and duties.
- 18.02 PUBLIC LIBRARY. The free public library established for the City of Little Rock is to be known as the Little Rock Public Library.
- 18.03 BOARD OF LIBRARY TRUSTEES. The Board of Library Trustees is established and shall consist of four (4) resident members and one (1) non-resident member. All members are to be appointed by the mayor and approved by the council.
(Code of Iowa, Sec. 392.5)
- 18.04 QUALIFICATIONS. All board members shall be bona fide citizens, over the age of eighteen (18), and residents of the city.
- 18.05 TERMS. Term of Office. All appointments to the Board shall be for six (6) years, except to fill vacancies. Each term shall commence on July first. Appointments shall be made every two (2) years of one-third (1/3) the total number or as near as possible, to stagger the terms. All subsequent terms and appointments thereto shall be for six years each, except to fill vacancies.
- 18.06 VACANCIES. A board position shall become vacant if the trustee moves permanently from the city, or is absent from six (6) consecutive regular board meetings, except in the case of illness or temporary excused absence from the city. Vacancies shall be filled by appointment of the mayor with council approval, and the new trustee shall fill the unexpired term for which the appointment was made.
- 18.07 COMPENSATION. Trustees shall receive no compensation for their services.
- 18.08 POWERS AND DUTIES. The board shall have the following powers and duties:
1. OFFICERS. Meet and elect a chairperson, vice-chairperson, and secretary from its members.
 2. RESPONSIBLE FOR LIBRARY. Take charge, control, and supervision of the public library, its appurtenances, fixtures, and rooms for library purposes.
 3. DIRECT AFFAIRS. Direct and control all library affairs.
 4. LIBRARIAN. Employ a librarian and fix the librarian's compensation.

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5. OTHER EMPLOYEES. Authorize the librarian to employ assistants and other employees necessary to operate the library properly.
 6. REMOVAL. Remove the librarian, assistants, or employees by a two-thirds vote of the board.
 7. SELECT LIBRARY MATERIALS. Select, or authorize the librarian to select, and make purchases of all library materials and supplies, within budgetary units set by the board.
 8. NONRESIDENT USE. Authorize the use of the library by nonresidents of the city and to fix charges thereof.
 9. FUNDS. Have exclusive control of all expenditures for library purposes including all monies available by gift or otherwise within council appropriations for library services.
 10. GIFTS. Accept and control the expenditure of all gifts, devises, and bequests to the library, and require the council to appropriate such monies to the library. (Code of Iowa, Sec. 392.5)
 11. RULES AND REGULATIONS. Make and adopt, amend, modify, or repeal rules and regulations for the care, use, and management of the library, and prescribe penalties for rule violations.
 12. RECORD. Keep a record of its proceedings.
 13. HISTORICAL ASSOCIATIONS. May make agreements with local county historical associations when applicable, to set apart room for and care for articles of historical or educational interest in the possession of the association, and purchase with library funds such materials necessary to preserve and protect such articles.
- 18.09 POWER TO CONTRACT. The board may contract with any other board of trustees of a free public library and any school, corporation, city, and county. If there is a county library district, the city may contract with it for the use of the library by city residents. Such contract may be terminated at any time by mutual consent of the contracting parties, or by a majority vote of the electors represented by either contracting party.
- 18.10 NONRESIDENT USE OF THE LIBRARY. The board may authorize the use of the library by nonresidents by:
1. TERMS OF LOAN. Lending library materials to nonresidents on the same terms as to residents of the city, or upon payment of a special nonresident fee.

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2. DEPOSITORIES. Establishing depositories of library materials to be loaned to nonresidents.
 3. BOOKMOBILES. Establishing bookmobiles or a traveling library.
 4. BRANCH LIBRARIES. Establishing branch libraries.
- 18.11 LIBRARY ACCOUNT. The council shall appropriate in the general fund a library account to be used for the operation and maintenance of the library. Expenditures shall be paid only on board orders, signed by the president and secretary. The warrant-writing officer is the city clerk.
- 18.12 ANNUAL REPORT. The board shall submit an annual comprehensive report to the council after the close of the municipal fiscal year. This report shall contain statements as to the condition of the library, the number of books added, the number circulated, the amount of fines collected, the amount of money expended in the maintenance of the library during the year, together with such further information as may be required by the council.
- 18.13 OPEN MEETINGS. All meetings of the library board shall comply with the regulations stated in Chapter 21 of the Code of Iowa.
- 18.14 LIBRARY MATERIALS. Library materials include books, plates, pictures, photographs, engravings, paintings, drawings, maps, newspapers, magazines, pamphlets, broadsides, manuscripts, documents, letters, public records, microforms, sound recordings, audiovisual materials in any format, magnetic or other tapes, electronic data processing records, artifacts, and written or printed materials regardless of physical form or characteristics, belonging to, on loan to, or otherwise in the custody of any of the following:
- a. A public library.
 - b. A library of an educational, historical, or eleemosynary institution, organization, or society.
 - c. A museum.
 - d. A repository of public records.
- (Iowa Code, Sec. 702.22(1))
- 18.15 LIBRARY EQUIPMENT. Library equipment includes audio, visual, or audiovisual machines, machinery or equipment belonging to, on loan to or otherwise in the custody of one of the institutions or agencies listed in section 18.13 of this Article.
- (Iowa Code, Sec. 702.22(2))
- 18.16 INJURY TO BOOKS OR PROPERTY. It shall be unlawful for a person to willfully, maliciously or wantonly tear, deface, mutilate, injure or destroy, in whole or in part, any library materials.

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18.17 THEFT OF LIBRARY MATERIALS. The fact that a person has concealed library materials as defined in sections 18.13 and 18.14 or unpurchased property of a store or other mercantile establishment, either on the premises or outside the premises, is material evidence of intent to deprive the owner, and the finding of library materials or unpurchased property concealed upon the person or among the belongings of the person, is material evidence of intent to deprive and, if person conceals or causes to be concealed library materials or unpurchased property, upon the person or among the belongings of another, the finding of the same is also material evidence of intent to deprive on the part of the person concealing the library materials or goods.

18.18 DETENTION AND SEARCH.

1. Persons concealing property as set forth in section 18.16 may be detained and searched by a peace officer, person employed in a facility containing library materials, merchant, or merchant's employee, provided that the detention is for a reasonable length of time and that the search is conducted in a reasonable manner by a person of the same sex and according to subsection 2 of this section.
2. No search of the person under this section shall be conducted by any person other than someone acting under the direction of a peace officer except where permission of the one to be searched has first been obtained.
3. The detention or search under this section by a peace officer, person employed in a facility containing library materials, merchant or merchant's employee does not render the person liable, in a criminal or civil action, for false arrest or false imprisonment provided the person conducting the search or detention had reasonable grounds to believe the person detained or searched had concealed or was attempting to conceal property set forth in section 18.16.

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CHAPTER 5: BOARDS, COMMISSIONS, AND DEPARTMENTS

ARTICLE 19 - FIRE DEPARTMENT

19.01 PURPOSE. A volunteer fire department is established to prevent and extinguish fires and to protect lives and property against fires, to promote fire prevention and fire safety, and to answer all emergency calls for which there is no other established agency. This chapter is also adopted to provide the city with the rules, administration, and enforcement powers to protect persons and property against the dangers of fire or explosion by measures to enhance prevention of such occurrences and to maintain buildings in a safe condition by the proper and safe storage of materials, the preservation of adequate exits clear of obstruction, use of safe practices in furnishing buildings for the public safety and welfare of the citizens of the city.

(Code of Iowa, Sec. 364.16)

19.02 ORGANIZATION. The department consist of the Fire Chief and such other officers and personnel as may be authorized by the Council.

(Iowa Code, Sec. 372.13(4))

19.03 APPROVED BY THE COUNCIL. No person having otherwise qualified shall be appointed to the department until such appointment is submitted to and approved by a majority of the Council members.

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

1. AGE. Is at least eighteen (18) years of age.
2. DRIVER'S LICENSE. Has a current active Iowa driver's license.
3. ALCOHOL AND DRUGS. Is not a drug addict or drunkard.
4. CHARACTER. Is of good moral character and has not been convicted of a felony.

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

(Iowa Code, Sec. 372.13(4))

19.06 ELECTION OF OFFICERS. The department shall elect officers as administrative rules may provide, but the Fire Chief shall be appointed by the Council. In case of absence of the Fire Chief, the officer next in rank shall be in charge and have and exercise all the powers of Fire Chief.

19.07 ACCIDENTAL INJURY INSURANCE. The council shall contract to insure the city against liability for workmen's compensation and against liability for the costs of

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hospitalization, nursing, and medical attention for volunteer firemen injured in the performance of their duties as firemen whether within or outside the corporate limits of the city. All volunteer firemen shall be covered by the contract.

(Code of Iowa, Sec. 85.2, 85.61 & Sec. 410.18)

- 19.08 LIABILITY INSURANCE. The council shall contract to insure against liability of the city or members of the department for injuries, death or property damage arising out of and resulting from the performance of departmental duties within or outside the corporate limits of the city.

(Code of Iowa, Sec. 670.2 & 517A.1)

- 19.09 FIRES OUTSIDE THE CITY. The department shall answer calls to fires and other emergencies outside the city limits if the fire chief determines that such emergency exists and that such action will not endanger persons and property within the city limits.

(Code of Iowa, Sec. 364.4(2&3))

- 19.10 MUTUAL AID. Subject to approval by resolution of the council, the department may enter into mutual aid agreements with other legally constituted fire departments. Copies of any such agreements shall be filed with the clerk.

(Code of Iowa, Sec. 364.4(2&3))

- 19.11 FIRE CHIEF. The Council shall appoint the fire chief for a term of two (2) years or for the balance of a term if to fill a vacancy. The council may remove the fire chief by written order setting out the reasons for removal which shall be filed with the clerk. The fire chief, before entering upon the duties of his or her office, shall qualify for office by taking the oath prescribed in Title 1, Chapter 1, Section 5.07 of this Municipal Code.

- 19.12 POWERS AND DUTIES. The duties of the fire chief shall be as follows:

1. **DIRECT DEPARTMENT.** Be charged with the duty of maintaining the efficiency, discipline and control of the fire department. The members of the fire department shall, at all times, be subject to the direction of the Fire Chief.
2. **ENFORCE DEPARTMENT REGULATIONS.** Enforce all rules and regulations established by the council for the conduct of the affairs of the fire department.
3. **CONTROL DEPARTMENT PROPERTY.** Exercise and have full control over the disposition of all fire apparatus, tools, equipment and other property used by or belonging to the fire department.
4. **KEEP RECORDS.** Keep records of the fire department personnel, operating cost and efficiency of each element of firefighting equipment, depreciation of all equipment and apparatus, the number of responses to alarms, their cause and location, and an analysis of losses by value, type and location of buildings.

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5. **REPORTS.** Compile and submit to the Mayor and Council an annual report, as well as such other reports may be requested by the mayor or council, concerning the general status and efficiency of the fire department, the number of alarms answered during the previous month, and any additional information. He or she shall compile and file with the mayor an annual report summarizing the department's activities for the year and containing recommendations for improvements in the department.
6. **ENFORCE ORDINANCES AND STATE LAWS.** Enforce all ordinances and here enabled, state laws regulating the following:
 - a. Fire prevention
 - b. Maintenance and use of fire escapes
 - c. The investigation of the cause, origin and circumstances of fires
 - d. The means and adequacy of exit in case of fire from halls, theatres, churches, hospitals, asylums, lodging houses, schools, factories and all other buildings in which the public congregates for any purpose
 - e. The installation and maintenance of private fire alarm systems and fire extinguishing equipment.
7. **RIGHT OF ENTRY.** Have the right of entry into any building or premises within his or her jurisdiction at a reasonable time and after reasonable notice to the occupant or owner. He or she shall conduct such investigation or inspection that he or she considers reasonably necessary to protect the public health, safety and welfare.

(Iowa Code, Sec. 100.12)
8. **MAKE RECOMMENDATIONS.** Make such recommendations to owners, occupants, caretakers or managers of buildings necessary to eliminate fire hazards.

(Iowa Code, Sec. 100.13)
9. **AID STATE FIRE MARSHAL.** Aid the state fire marshal when requested in the performance of his or her duties by investigating, preventing and reporting data pertaining to fires.

(Iowa Code, Sec. 100.4)
10. **APPOINT FIREMEN.** Appoint carefully selected volunteer firemen, with council approval, fill vacancies among them and discharge them when necessary.
11. **INVESTIGATIONS.** Investigate the cause, origin and circumstances of each fire by which property has been destroyed or damaged or which results in bodily injury to any person. If death, serious bodily injury or property damage in excess of two hundred thousand dollars (\$200,000.00) occurs as a result of a fire, or if arson is suspected, he or she shall notify the state fire marshal's division immediately. Within ten (10) days following the end of each month the chief shall file a report of all fire incidents with the State Fire Marshal's Division in the

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form required by the State Fire Marshal. The report shall indicate all fire incidents occurring and state the name of the owners and occupants of the property at the time of the fire, the value of the property, the estimated total loss to the property, origin of the fire as determined by investigation, and other facts, statistics, and circumstances concerning the fire incidents.

(Code of Iowa, Sec. 100.2 & 100.3)

12. **ENFORCEMENT; FIRE MARSHAL.** The chief of the fire department shall be the city fire marshal, who has the power and duty to conduct inspections and issue orders to enforce fire safety and the regulations adopted by this chapter, either by chief or through a designated deputy, named by the chief from among the membership of the volunteer fire department, who is trained in firemanship and knowledgeable of fire prevention measures. The fire chief has concurrent jurisdiction to enforce the state fire marshal's rules adopted in this chapter to enhance the public effort to prevent fires and explosions.
13. **AUTHORITY AT FIRES.** When in charge of a fire scene, direct an operation as necessary to extinguish or control a fire, perform a rescue operation, investigate the existence of suspected or reported fire, gas leak, or other hazardous condition, or take any other action deemed necessary in the reasonable performance of the department's duties.

(Code of Iowa, Sec.102.2).
14. **CONTROL OF SCENE** Prohibit an individual, vehicle or vessel from approaching a fire scene and remove from the scene any object, vehicle, vessel or individual that may impede or interfere with the operation of the fire department.

(Code of Iowa, Sec.102.2)
15. **AUTHORITY TO BARRICADE.** When in charge of a fire scene, place or erect ropes, guards, barricades or other obstructions across a street, alley, right -of-way, or private property near the location of the fire or emergency so as to prevent accidents or interference with the firefighting effort of the fire department, to control the scene until any required investigation is complete or to preserve evidence related to the fire or other emergency.

(Code of Iowa, Sec.102.3)
16. **TECHNICAL ASSISTANCE.** Upon request, give advice concerning private fire alarm systems, fire extinguishing equipment, fire escapes and exits and development of fire emergency plans.
- 19.13 **AUTHORITY TO CITE VIOLATIONS.** Fire officials acting under the authority of Chapter 100 of the Code of Iowa may issue citations in accordance to Chapter 805 of the Code of Iowa, for violations of State and/or local fire safety regulations.

(Iowa Code, Sec. 100.41)

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- 19.14 COMPENSATION. Members of the department shall be designated by rank and receive such compensation as shall be determined by resolution of the Council.
(Iowa Code, Sec. 372.13(4))
- 19.15 OBEDIENCE TO FIRE CHIEF. No person shall willfully fail or refuse to comply with any lawful order or direction of the Fire Chief.
- 19.16 ADMINISTRATIVE RULES. The department shall adopt administrative rules as they deem calculated to accomplish the object contemplated, and such administrative rules and any change or amendment to such administrative rules before being effective, must be approved by Council.
- 19.17 ENFORCEMENT; FIRE MARSHAL. The chief of the fire department shall be the city fire marshal, who has the power and duty to conduct inspections and issue orders to enforce fire safety and the regulations adopted by this chapter, either by the chief or through a designated deputy, named by the chief from among the membership of the volunteer fire department, who is trained in firemanship and knowledgeable of fire prevention measures. The fire chief has concurrent jurisdiction to enforce the state fire marshal's rules adopted in this chapter to enhance the public effort to prevent fires and explosions.
- 19.18 EXIT WAYS MAINTAINED. The provisions of state law on exits shall be reinforced by the city fire marshal, and it shall be the duty of the owner, agent or occupier of property, severally and collectively, to maintain the exits required by state law or by any city building code free from obstruction caused by storage of materials, placement of furniture, or by improper barring of exit doors. Whenever a condition which obstructs the required exits or unsafely prevents emergency use of exit doors, hallways, or passages to such doors, whether in places of public assembly, hospitals or other health care facilities, retirement homes, lodges, clubs, schools, retail stores, warehouses, hotels, motels, or multi-family dwellings with three or more dwelling units, the fire marshal shall order the condition remedied. The owner or occupant of the premises, upon receiving such an order in writing, shall make such corrections as have been so ordered by the authorized official within a reasonable time as set in the written order and the degree of imminent danger. The regulations of the state fire marshal, IAC 661, Chapter 5, which apply to exits and fire escapes, are adopted by reference.
- 19.19 FIRE EXTINGUISHERS. The provisions of state law requiring fire extinguishers in places of public assembly, hospitals or other health care facilities, retirement homes, lodges, clubs, schools, hotels, motels, or multi-family dwellings with three or more dwelling units are adopted by reference and the city fire marshal shall enforce their requirements as they appear in IAC 661, Chapter 5. Portable fire extinguishers shall also be provided in retail stores, warehouses, and industrial establishments, with not less than one (1) such extinguisher on each floor of a building and located so that no person will have to travel more than seventy-five (75) feet from any point to reach the nearest extinguisher. Additional extinguishers may be installed in a building and may be required by the city fire marshal in areas that constitute a special hazard. The type and

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size of portable fire extinguishers shall be determined by the city fire marshal for the named commercial and industrial buildings in accordance with best practice as advised by the state fire marshal and the insurance industry.

19.20 STORAGE OF HAZARDOUS SUBSTANCES.

1. **EXPLOSIVES.** No person shall store explosives, as defined by state law and rules promulgated thereunder, classified as Class A, Class B, or Class C explosives by the Federal Department of Transportation, within the fire limits without a permit from the city fire marshal except for quantities of twenty-five (25) pounds or less of smokeless powder or five (5) pounds or less of black powder for use in small arms, but a permit shall not be required for retail stocks of small arms ammunition for small bore rifles or shotguns customarily used in wild game hunting, or for target practice or skeet shooting. The city fire marshal shall have the power to limit the quantities of other explosives for which a permit is requested, but shall not grant permits for liquid nitroglycerin, dynamite with over 60% of liquid explosive ingredient, unstable types of dynamite, nitrocellulose, fulminate of mercury, explosive compositions that ignite spontaneously or markedly decompose to become more hazardous when subjected to 48 consecutive hours at a temperature of 167 degrees F.
2. **FLAMMABLE AND COMBUSTIBLE LIQUIDS.** The regulations for the storage and handling of flammable and combustible liquids as set forth in IAC 661, Chapter 51 are adopted by reference and shall be enforced by the city fire marshal. No flammable or combustible liquid shall be dispensed from underground tanks in residential areas except in public garages or motor fuel (service) stations which exist as legally nonconforming uses under the zoning chapter.
3. **LIQUEFIED PETROLEUM GASES.** The regulations for the storage and handling of liquefied petroleum gases as set forth in IAC 661, Chapter 51 are adopted by reference and shall be enforced by the city fire marshal, and no installation exceeding 900-pound capacity shall be made without a city permit, conditioned on compliance with said state rules, issued by the city fire marshal.

19.21 OPEN BURNING. The following shall apply to open burning:

1. **DEFINITIONS.**
 - a. **Back yard Burning.** The burning of rubbish originating on the premises by individuals domiciled on the premises.
 - b. **Open Burning.** Any burning of combustible materials where in the products of combustion are emitted into the open air without passing through a chimney or stack.

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- c. Refuse. Garbage, rubbish, and all other putrescible and nonputrescible wastes, except sewage and water-carried trade wastes.
- d. Rubbish. All waste materials of nonputrescible nature.
- e. Trade Waste. All solid or liquid material or rubbish resulting from building operations, construction, or the conduct of any business, industry or trade, including but not limited to, chemicals, cinders, grease, paint, plastic products, and other forms of liquid and solid waste materials.

2. REGULATIONS.

- a. No person shall allow, cause, or permit open burning of refuse, including trade wastes, nor shall he or she conduct a salvage operation by open burning, except where a variance has been granted by the air pollution control authority of the State of Iowa.
- b. No person shall burn garbage except in approved incinerators so maintained and operated as to prevent the emission of objectionable odors or particulate matter, as provided hereafter. Equipment or facilities for enclosed burning of refuse shall have a stack adequate to maintain a draft sufficient for efficient combustion, and the stack shall have a screen sufficiently fine to prevent ejection of particles of burning material. Such installations shall not be installed until approved by the city fire marshal. Such equipment and facilities shall be maintained and operated so that no objectionable smoke or odor shall result, in accordance with state law and rules on particulates and smoke density.
- c. Back yard burning, not including garbage, at dwellings of four (4) family units or less is permitted and, unless otherwise provided by ordinance or regulation, fires for the open burning of plant material grown on the premises or deposited thereon by the elements shall be permitted.
- d. No person shall kindle or maintain any premise fire or authorize any such fire to be kindled or maintained on any private land unless (1) the location is not less than 50 feet from any structure and adequate provision is made to prevent fire from spreading to within 50 feet of any structure, or (2) the fire is contained in an approved waste burner located safely not less than 15 feet from any structure. Such fires shall be constantly attended by a competent person until such fire is extinguished. This person shall have a garden hose connected to the water supply, or other fire extinguishing equipment readily available for use.
- e. The city fire marshal is permitted to prohibit any or all bonfires and outdoor rubbish fires when atmospheric conditions or local circumstances make such fires hazardous.

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- 19.22 MODIFICATIONS. The chief of the fire department shall have power to modify any of the provisions of this fire prevention chapter upon application in writing by the owner or lessee, or his/her duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the chief of the fire department thereon shall be entered upon the records of the department. One signed copy of the decision of the chief of the fire department shall be furnished the applicant, and one signed copy shall be filed in the office of the city clerk.
- 19.23 APPEALS. Whenever the chief of the fire department shall disapprove an application or refuse to grant a license or permit applied for, or when it is claimed that the provisions of this chapter do not apply or that the true intent and meaning hereof have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief of the fire department to the city council within 30 days from the date of such decision.
- 19.24 PENALTIES. Any person who violates any of the provisions of this chapter or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the council or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every violation and noncompliance, respectively, be guilty of a misdemeanor. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense. The application of this penalty shall not be held to prevent the enforced removal of prohibited conditions in the same manner as provided for in the chapter on nuisances.
- 19.25 INTERFERENCE WITH FIRE FIGHTING. It shall be unlawful to hinder or interfere with any officer or fireman in the performance of his or her duty at, or going to, or returning from a fire, or while attending to his or her duties as a member of the fire department.
- 19.26 DAMAGING FIRE DEPARTMENT PROPERTY. It shall be unlawful to cut, deface, destroy or injure any wires, poles, signal boxes, or any other property or fixtures belonging to or connected with the fire department or the fire alarm system.
- 19.27 FALSE ALARMS. No person, knowing the information is false, shall give or cause to be reported by any means a false report of fire.

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- 19.28 DRIVING OVER FIRE HOSE. It shall be unlawful to drive or run any automobile, wagon, truck, locomotive, train of cars, or other vehicle across, along or upon any fire hose without the consent of any fire department official.
- 19.29 ASSISTING FIREMEN. It shall be unlawful for any person to refuse or neglect to assist the firemen in their duties at any fire when called upon to do so by the chief of the fire department or the officer acting in his or her place.
- 19.30 PRIVATE USE OF FIRE EQUIPMENT. It shall be unlawful for any person having charge of any of the fire apparatus belonging to the city to allow or permit the same to be used for private benefit.

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CHAPTER 5: BOARDS, COMMISSIONS, AND DEPARTMENTS

ARTICLE 20: EMERGENCY MEDICAL SERVICES

- 20.01 ESTABLISHMENT AND PURPOSE. A volunteer emergency medical services department is established to provide initial emergency medical care and rescue services, to promote the participation of the citizens in health-related programs, and to answer all fire and other emergency calls for which there is no other established agency.
- 20.02 E.M.S. CHIEF. The council shall appoint the Chief of the Emergency Medical Services Department for a term of two (2) years or to fill a vacancy. The council shall be furnished the department's attendance records for drills, meetings and emergency calls; a report on other activities conducted by the department and other such records as the council may request. Such records shall, be given consideration in approving the appointment of the E.M.S. Chief. The council may remove the E.M.S. Chief by written order setting out the reasons for removal which shall be filed with the city clerk.
- 20.03 E.M.S. CHIEF'S DUTIES. The E.M.S. Chief shall command all operations of the department, and be responsible for the care, maintenance and use of all vehicles and equipment of the department. Subject to council approval, he or she shall establish and maintain departmental rules to carry out the requirements of this ordinance. He or she shall provide every member with a copy of these rules. With the approval of the council, he or she shall appoint carefully selected volunteer members, fill vacancies among them, and may discharge them. The chief shall keep a record of the names, ages, and residences of the members: their levels of training and responsibilities. He or she shall be responsible for their training and supervision. He or she shall maintain attendance records for training sessions and meetings and a record of their duty time.
- 20.04 MEMBERSHIP OF DEPARTMENT. The emergency medical services department shall consist of a chief of the department, an assistant chief, three (3) captains, and as many additional officers and technicians as the chief may appoint; but at no time shall the department have more than twenty (20) officers and technicians. Any person eighteen (18) years of age and who meets the membership criteria developed by the department and approved by the council shall be eligible to membership.
- 20.05 TECHNICIAN'S DUTIES. When called by the chief, other officer in charge, or the department dispatcher, the technicians on duty shall report immediately in the manner directed by the chief. They shall obey strictly the commands of any other department member who has been appointed by the chief to be in command. Technicians shall attend training sessions and other activities as directed by the chief.
- 20.06 REMOVAL. If any technician refuses or neglects to attend any training program, without submitting a sufficient and satisfactory excuse to the chief of the department, or shall neglect or refuse to do his or her duty as a technician, or obey the orders of the chief or his/her proper commanding officer, or shall leave his or her post of duty without

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permission of the chief or officer in charge, or violates or ignores any rule or regulation established by the department, or becomes physically unable to perform his or her duties, he or she shall be subject to removal from the emergency medical services department either by action of the chief of the department or by the city council.

- 20.07 WORKMEN'S COMPENSATION AND HOSPITALIZATION INSURANCE. The council shall contract to insure the city against liability for workmen's compensation and against statutory liability for the costs of hospitalization, nursing, and medical attention for volunteer technicians injured in the performance of their duties as emergency rescue technicians. All members of the department shall be covered by the contract.
- 20.08 LIABILITY INSURANCE. The council shall contract to insure against liability of the city or members of the department for injuries, death, or property damage arising out of and resulting from the performance of departmental duties.
- 20.09 EMERGENCIES OUTSIDE CITY LIMITS. The department shall answer calls to fires and other emergencies outside the city limits but within the normal designated response area. The department shall answer calls to fires and other emergencies outside the normal designated area upon request of the county sheriff, emergency center dispatcher, or other official if the chief or his/her designee determines that such emergency exists and that such action will not endanger persons within the normal response area.
- 20.10 INTERFERENCE WITH TECHNICIANS. It shall be unlawful to hinder or interfere with any officer or technician in the performance of his or her duty at a fire or other emergency, or going to or returning therefrom, or while attending to his or her duties as a member of the emergency medical services department.
- 20.11 REFUSE TO ASSIST. It shall be unlawful to neglect or refuse to assist the technician, in their duties, at any emergency, when called upon to do so by the chief or other officer in charge."

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CHAPTER 5: BOARDS, COMMISSIONS, AND DEPARTMENTS

ARTICLE 21 LITTLE ROCK REC CENTER BOARD

- 21.01 PURPOSE. The purpose of this chapter is to provide for the appointment of rec center board members and to specify the board's powers and duties.
- 21.02 LITTLE ROCK REC CENTER. The Little Rock Rec Center for the Little Rock Community shall be known as the Little Rock Rec Center. It shall be referred to in this chapter as the rec center.
- 21.03 REC CENTER BOARD MEMBERS. The board members of the rec center, hereinafter referred to as the board, consists of a minimum of four members and a maximum of five members of whom shall be appointed by the Mayor and approved by the council.
- 21.04 QUALIFICATIONS OF BOARD MEMBERS. All members shall be eighteen (18) years of age or older.
- 21.05 ORGANIZATOIN OF THE BOARD.
1. Term of Office. The term of office for board members will be one (1) year.
 2. At the end of the terms, the board shall recommend replacements for said individuals who do not want to continue on the board to the Mayor. The Mayor shall approve the recommendations and present it to the council for their approval.
 3. Vacancies. Vacancies in the board shall be filled in the same manner as an original appointment.
 4. Compensation. Board members shall receive no compensation for their services.
- 21.06 POWERS AND DUTIES. The board shall have and exercise the following power and duties.
1. Officers. To meet and elect from its members a president, secretary-treasurer, and such other officers as it deems necessary.
 2. Physical Plant. To have charge, control, and supervision of the rec center, its appurtenances, fixtures and rooms contained therein except for the rooms controlled by the city
 3. Charge of Affairs. To set rental rates, membership fees and to direct and control all affairs of the Little Rock Rec Center.

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4. Purchases. To select and make purchases of supplies and equipment within budgetary limits as set by the board.
 5. Rules and Regulations. To make and adopt, amend, modify or repeal rules and regulations for the use, care and management of said rec center and setting and enforcing penalties for violations.
 6. Expenditures. To have control of the expenditure of all Rinds allocated for the rec center use by the council, if any, and of all other monies including gifts, rental fees, user fees, or other fees collected under the rules of the board.
 7. Proceedings. To keep a record of its proceedings.
- 21.07 EXPENDITURES. All money appropriated by the council for the operation and maintenance of the rec center shall be set aside in an account for the rec center. Expenditures shall be paid for only on orders of the board. The check writing office shall be the city clerk.
- 21.08 ANNUAL REPORT. The board shall make a report to the council immediately after the close of the fiscal year and said report shall show the money expended, funds collected, condition of the building, together with such further information as may be required by the council.
- 21.09 RULES AND REGULATIONS. The council shall have the right to adopt, amend, revoke, modify or repeal any rule, regulation or fee established by the board and the council's decision shall control said matter.
- 21.10 BUDGET. The board shall adopt a budget, which shall be submitted to the council for approval.

(Editor's Note: Ordinance 2015-02-02, approved by City Council, February 2, 2015, created a new Chapter for Little Rock Rec Center Board.)

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CHAPTER 5: BOARDS, COMMISSIONS, AND DEPARTMENTS

ARTICLE 22: PLANNING & ZONING COMMISSION

RESERVED FOR FUTURE USE

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CHAPTER 6: FISCAL MANAGEMENT

ARTICLE 23 - BUDGET

- 23.01 FINANCE OFFICER. The city clerk shall be the finance and accounting officer of the city and shall be responsible for the administration of the provisions of this chapter.
- 23.02 PREPARATION. The annual operating budget of the city shall be prepared in accordance with the following:
1. CITY CLERK RESPONSIBLE. The City Clerk is responsible for preparation of the annual budget detail, for review by the Mayor and Council and adoption by the Council in accordance with directives of the Mayor and Council.
 2. BOARDS AND COMMISSIONS. All boards, commissions, and other administrative agencies of the City that are authorized to prepare and administer budgets must submit their budget proposals to the City Clerk for inclusion in the proposed City budget at such time and in such form as required by the Council.
 3. SUBMISSION TO COUNCIL. The City Clerk shall submit the completed budget proposal to the Council each year at such time as directed by the Council.
 4. RESOLUTION ESTABLISHING MAXIMUM PROPERTY TAX DOLLARS. The Council shall adopt a resolution establishing the total maximum property tax dollars that may be certified for levy that includes taxes for City government purposes under Code of Iowa Section 384.1, for the City's trust and agency fund under Code of Iowa Section 384.6, Subsection 1, for the City's emergency fund under Code of Iowa Section 384.8, and for the levies authorized under Code of Iowa Section 384.12, Subsections 8, 10, 11, 12, 13, 17, and 21, but excluding additions approved at election under Code of Iowa Section 384.12, Subsection 19.
(Code of Iowa, Sec. 384.15A)
 5. NOTICE OF HEARING. The Council shall set a time and place for a public hearing on the resolution before the date for adoption of the resolution and shall publish notice of the hearing not less than 10 nor more than 20 days prior to the hearing in a newspaper published at least once weekly and having general circulation in the City. If the City has an internet site, the notice shall also be posted and clearly identified on the City's internet site for public viewing beginning on the date of the newspaper publication or public posting, as applicable. Additionally, if the City maintains a social media account on one or more social media applications, the public hearing notice or an electronic link to the public hearing notice shall be posted on each such account on the same day as the publication of the notice. All of the following shall be included in the notice:

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1. The sum of the current fiscal year's actual property taxes certified for levy under the levies specified in this subsection and the current fiscal year's combined property tax levy rate for such amount that is applicable to taxable property in the City other than property used and assessed for agricultural or horticultural purposes.
2. The effective tax rate calculated using the sum of the current fiscal year's actual property taxes certified for levy under the levies specified in this subsection, applicable to taxable property in the City other than property used and assessed for agricultural or horticultural purposes.
3. The sum of the proposed maximum property tax dollars that may be certified for levy for the budget year under the levies specified in this subsection and the proposed combined property tax levy rate for such amount applicable to taxable property in the City other than property used and assessed for agricultural or horticultural purposes.
4. If the proposed maximum property tax dollars specified under Subparagraph (3) exceed the current fiscal year's actual property tax dollars certified for levy specified in Subparagraph (1), a statement of the major reasons for the increase. Proof of publication shall be filed with and preserved by the County Auditor. The Department of Management shall prescribe the form for the public hearing notice for cities and the form for the resolution to be adopted by the Council under Paragraph C of this subsection. At the public hearing, the Council shall receive oral or written objections from any resident or property owner of the City. After all objections have been received and considered, the Council may decrease, but not increase, the proposed maximum property tax dollar amount for inclusion in the resolution and shall adopt the resolution and file the resolution with the County Auditor as required under Code of Iowa Section 384.16, Subsection 3. If the sum of the maximum property tax dollars for the budget year specified in the resolution under the levies specified in this subsection exceeds 102 percent of the sum of the current fiscal year's actual property taxes certified for levy under the levies specified in this subsection, the Council shall be required to adopt the resolution by a two-thirds majority of the membership of the Council. If the City has an internet site, in addition to filing the resolution with the Auditor under Code of Iowa Section 384.16, Subsection 3, the adopted resolution shall be posted and clearly identified on the City's internet site for public viewing within 10 days of approval by the Council. The posted resolution for a budget year shall continue to be accessible for public viewing on the internet site along with resolutions posted for all subsequent budget years. Council Review. The Council shall review the proposed budget and may make any adjustments it deems appropriate in the budget before accepting such proposal for publication, hearing, and final adoption. Notice of Hearing. Following, and not until adoption of the resolution required under Subsection 4 of this section, the Council shall set a time and place for public hearing on the budget to be held before March 31 and shall publish notice of the hearing not less than 10 nor more than 20 days before the hearing. A summary of the proposed budget and a description of the procedure for protesting the City budget under Section 384.19 of the Code of Iowa, in the form prescribed by the Director of

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the Department of Management, shall be included in the notice. Proof of publication of the notice under this subsection and a copy of the resolution adopted under Subsection 4 of this section must be filed with the County Auditor.

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

5. **COPIES OF BUDGET ON FILE.** Not less than 20 days before the date that the budget must be certified to the County Auditor and not less than 10 days before the public hearing, the Clerk shall make available a sufficient number of copies of the detailed budget to meet the requests of taxpayers and organizations, and have them available for distribution at the offices of the Mayor and Clerk and at the City library.

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

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

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

- 23.03 **BUDGET AMENDMENTS.** The city budget finally adopted for the following fiscal year becomes effective July 1 and constitutes the city appropriation for each program and purpose specified therein until amended as provided by this section.

(Code of Iowa, Sec. 384.18)

1. **PROGRAM INCREASED.** Any increase in the total amount appropriated to a program must be prepared, adopted, and subject to protest in the same manner as the original budget.
2. **TRANSFER OF APPROPRIATION BETWEEN PROGRAMS.** Any transfer of appropriation from one program to another must be prepared, adopted, and subject to protest in the same manner as the original budget.

(Code of Iowa, Sec. 384.18(4))

3. **TRANSFER WITHIN PROGRAMS.** When the clerk determines that one or more appropriation accounts need added authorizations to meet required expenditures, he or she shall inform the council; or if the council upon its own investigation so determines, and another account within the same program 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 account can provide the needed appropriations, the council shall set forth by resolution the reductions and increases in the appropriations and the reason for such transfers.

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Upon the passage of the resolution and approval by the mayor, as provided by law for resolutions, the clerk shall cause the transfers to be set out in full in the minutes and be included in the published proceedings of the council. Thereupon, the clerk shall cause the appropriations to be revised upon the appropriation expenditure ledgers of the city, but in no case shall the total of the appropriation to a program be increased 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.

(Code of Iowa, Sec. 384.15(1))

4. **TRANSFER BETWEEN FUNDS.** Transfers between funds may be approved by council resolution or as planned in the budget if permitted or required by law.

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CHAPTER 6: FISCAL MANAGEMENT

ARTICLE 24 - FUNDS

24.01 FUND CONTROL. The clerk shall establish and maintain separate and distinct funds only as required or permitted by law, and account to them as follows:

1. REVENUES. All monies received by the city shall be credited to the proper fund as required by law, ordinance, or resolution.
(Code of Iowa, Sec. 384.3)
2. EXPENDITURES. No disbursements shall be made from a fund unless such disbursement is authorized by law, ordinance, or resolution, or was properly budgeted and supported by a claim approved by the council.
3. Emergency Fund. No transfer may be made from any fund to the Emergency Fund.
(IAC, 545-2.5 [384,388], Sec. 2.5[2])
4. Debt Service Fund. Except where specifically prohibited by State law, moneys may be transferred from any other City fund to the Debt Service Fund to meet payments of principal and interest. Such transfers must be authorized by the original budget or a budget amendment.
(IAC, 545-2.5[384,388] Sec. 2.5[3])
5. Capital Improvements Reserve Fund. Except where specifically prohibited by State law, moneys may be transferred from any City fund to the Capital Improvements Reserve Fund. Such transfers must be authorized by the original budget or a budget amendment.
(IAC, 545-2.5[384,388] Sec. 2.5[4])
6. Utility and Enterprise Funds. A surplus in a Utility or Enterprise Fund may be transferred to any other City fund, except the Emergency Fund and Road Use Tax Funds, by resolution of the Council. A surplus may exist only after all required transfers have been made to any restricted accounts in accordance with the terms and provisions of any revenue bonds or loan agreements relating to the Utility or Enterprise Fund. A surplus is defined as the cash balance in the operating account or the unrestricted retained earnings calculated in accordance with generally accepted accounting principles in excess of:
 - A. The amount of the expense of disbursements for operating and maintaining the utility or enterprise for the preceding three (3) months, and
 - B. The amount necessary to make all required transfers to restricted accounts for the succeeding three (3) months.

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(IAC, 545-2.5[384,388], Sec. 2.5[5])

7. Balancing of Funds. Fund accounts shall be reconciled at the close of each month and a report thereof submitted to the Council.

24.02 SPECIAL FUNDS; CASH FUNDS.

1. PETTY CASH FUND. The clerk shall be custodian of a petty cash fund not to exceed an amount as set by Council Resolution for the payment of small claims for minor purchases, collect-on-delivery, transportation charges, and small fees customarily paid at the time of rendering a service. The clerk shall obtain some form of receipt or bill acknowledging payment by the vendor of his or her agent.

At such time as the petty cash fund is approaching depletion, the clerk shall draw a check for replenishment in the amount of the accumulated expenditures and said check and supporting detail shall be submitted to the council as a claim in the usual manner for claims and charged to the proper funds and accounts. It shall not be used for salary payments or other personal services or personal expenses.

(Code of Iowa, Sec. 384.9)

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

(Code of Iowa, Sec. 384.89)

- 24.04 INVESTMENT POLICY. The Council shall establish an Investment Policy to comply with the standards set in Chapter 12B of the Code of Iowa. Copies of this Investment Policy shall be distributed to all appropriate officials.

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CHAPTER 6: FISCAL MANAGEMENT

ARTICLE 25 - ACCOUNTING

- 25.01 BOOKS OF ORIGINAL ENTRY. There shall be established and maintained books of original entry to provide a chronological record of cash received and disbursed.
- 25.02 GENERAL LEDGER. There shall be established and maintained a general ledger controlling all cash transactions, budgetary accounts, and for recording unappropriated surpluses.
- 25.03 CHECKS. Checks shall be prenumbered and signed by the clerk following council approval, except as provided by Section 25.05 hereof.
- 25.04 BUDGET ACCOUNTS. There shall be established such individual accounts to record receipts by source and expenditures by program, subprogram and activity as will provide adequate information and control for budgeting purposes as planned and approved by the council. Each individual account shall be maintained within its proper fund and so kept that receipts can be immediately and directly compared with revenue estimates, and expenditures can be related to the authorizing appropriation. No expenditure shall be posted except to the appropriation for the function and purpose for which the expense was incurred.
- (Code of Iowa, Sec. 384.20)
- 25.05 IMMEDIATE PAYMENT AUTHORIZED. The council may by resolution authorize the clerk to issue checks for immediate payment of amounts due which if not paid promptly would result in loss of discount, penalty for late payment or additional interest cost. Any such payments made shall be reported to the council for review and approval with and in the same manner as other claims at the next meeting following such payment. The resolution authorizing immediate payment shall specify the type of payment so authorized and may include, but is not limited to, payment of utility bills, contractual obligations, payroll, and bond principal and interest.
- 25.06 UTILITIES. The clerk shall perform and be responsible for accounting functions of the municipally owned utilities.

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CHAPTER 5: FISCAL MANAGEMENT

ARTICLE 26 - FINANCIAL REPORTS

- 26.01 MONTHLY REPORTS. There shall be submitted to the council at the first meeting of each month a report showing the activity and status of each fund, program, subprogram, and activity for the preceding month.
- 26.02 ANNUAL REPORT. Not later than the December 1 of each year, there shall be published an annual report containing a summary for the preceding fiscal year of all collections and receipts, all accounts due the city, and all expenditures, the current public debt of the city, and the legal debt limit of the city for the current fiscal year. A copy of the annual report must be furnished to the Auditor of the State by December 1 of each year.

(Code of Iowa, Sec. 384.22)

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CHAPTER 6: FISCAL MANAGEMENT

ARTICLE 27 - PURCHASING

27.01 BIDDING/MAJOR CONTRACTS. The City will adhere to Code of Iowa, Chapter 26 for competitive bidding and quotations.

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CHAPTER 7: CITY RECORDS

ARTICLE 28 - CUSTODY OF THE CITY'S PUBLIC RECORDS

- 27.01 RECORDS - CUSTODY AND CONFIDENTIALITY RULINGS. In compliance with Chapter 22, Code of Iowa, the officers and employees bearing the titles named herein shall be the custodian's custody of the particular records or class of records assigned to the positions named in sections 28.03 this Article and are directed to familiarize themselves with the requirements of the law in Chapter 22, as amended. Whenever there is a doubt concerning whether a record is an open or confidential public record the custodian thereof shall withhold the record and immediately ask for an opinion of the city attorney interpreting the law.
- 28.02 CLERK'S DUTY - INFORMATION. The city clerk shall obtain and place in the hands of each named custodian a copy of the public records, law and any interpretations available to the city. The clerk shall also keep him/herself informed of any amendments or new interpretations and distribute such agenda to the named custodians promptly upon receipt thereof.
- 28.03 CUSTODIANS NAMED FOR SPECIFIED RECORDS.
1. POSITIONS NAMED. The following city positions named shall be custodians of the specific records and related items assigned to each position:
 - a. City Clerk.* Council minutes and proceedings and related papers, ordinance and resolution records, reports filed, surety bonds, deeds, abstracts for city-owned property, petitions, correspondence, special assessment schedules, bond register, all budget papers, accounts, receipts, invoices, purchase orders, warrants/ checks, utility accounting records not in hands of superintendents, personnel records not in hands of a personnel officer.
 - b. Treasurer. (include as clerk's duties if position is combined) Treasurer's accounts, warrant records, investment records, depository agreements.
 - c. City Attorney (solicitor).* Legal opinions, records of legal cases, investigations.
 - d. City Engineer (including any consultant). Plans, profiles, other engineering drawings, field notes.
 - e. Fire Chief. Inspection reports, incident records, correspondence, etc.

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- f. Cemetery (sexton) (superintendent). Cemetery plats, records of burials, copies, deeds to cemetery lots.
 - g. Librarian. Library circulation and accession lists or records.
 - h. Water Superintendent (operator, in one-man department). Operating records, volume pumped, water quality tests, etc., customer billings if responsible for billing.
 - i. Wastewater Superintendent. Operating records, volume pumped, water quality tests, etc., customer billings.
2. CITY CLERK CUSTODIAN. The city clerk shall be custodian of any papers, records or documents that are named for a position where the position is vacant and of all records for which no other custodian is designated.

*May withhold papers dealing with anticipated purchases of real property.

**Must withhold "personal" data of officers and employees unless officer or employee permits release. Name, address, salary, and years worked are not "personal".

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TITLE II PUBLIC SERVICE AND PUBLIC HEALTH

TITLE II

CHAPTER 1: SOLID WASTE CONTROL

ARTICLE 1 - GENERAL PROVISIONS

1.01 PURPOSE. The purpose of this chapter is to provide for the sanitary storage, collection, and disposal of solid wastes in order to protect the health, safety, and welfare of the citizens of the city from the hazards which may result from the uncontrolled disposal of solid wastes.

1.02 DEFINITIONS. For use in this chapter, the following terms are defined:

1. "Solid Waste" means garbage, refuse, rubbish, and other similar discarded solid or semi-solid materials, including but not limited to materials generating from industrial, commercial, agricultural, and domestic activities. Solid waste may include vehicles, as defined by the Code of Iowa.

(Code of Iowa, 455B.301(20))

- a. Garbage means all solid and semisolid, putrescible animal and vegetable wastes resulting from the handling, preparing, cooking, storing, serving and consuming of food or of material intended for use as food, and all offal, excluding useful industrial byproducts, and shall include all such substances from all public and private establishments and from all residences.

(IAC, 567-100.2)

- b. Refuse means putrescible and nonputrescible wastes, including but not limited to garbage, rubbish, ashes, incinerator ash, incinerator residues, street cleanings, market and industrial solid wastes and sewage treatment wastes in dry or semisolid form.

(IAC, 567-100.2)

- c. Rubbish means nonputrescible solid waste consisting of combustible and noncombustible wastes, such as ashes, paper, cardboard, tin cans, yard clippings, wood, grass, bedding, crockery, or litter of any kind.

(IAC, 567-100.2)

2. "Residential Waste" means any refuse generated on the premises as a result of residential activities. The term includes landscape wastes grown on the premises or deposited thereon by the elements, but excludes garbage, tires, and trade wastes.

(IAC, 567-20.2)

3. "Landscape Waste" means any vegetable or plant wastes except garbage. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, and yard trimmings.

(IAC, 567-20.2)

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4. "Toxic and Hazardous Wastes" means waste materials including, but not limited to poisons, pesticides, herbicides, acids, caustics, pathological wastes, flammable or explosive materials, and similar harmful wastes, which require special handling and careful disposal to conserve the environment and protect the public health and safety.
(IAC, 567-100.2)
5. "Litter" means any garbage, rubbish, trash, refuse, waste materials, or debris.
(Code of Iowa, Sec. 455B.361(1))
6. "Rubble" means stone, brick, or similar inorganic material.
(IAC, 567-100.2)
7. "Open Burning" means any burning of combustible materials where the products of combustion are emitted into the open air without passage through a chimney or stack.
(IAC, 567-20.2)
8. "Backyard Burning" means the disposal of residential waste by open burning on the premises of the property where such waste is generated.
(IAC, 567-20.2)
9. "Open Dumping" means the depositing of solid wastes on the surface of the ground or into a body or stream of water.
(IAC, 567-100.2)
10. "Discard" means to place, cause to be placed, throw, deposit, or drop.
(Code of Iowa, Sec. 455B.361(2))
11. "Sanitary Disposal" means a method of treating solid waste so that it does not produce a hazard to the public health or safety or create a nuisance.
(IAC, 567-100.2)
12. "Sanitary Disposal Project" means all facilities and appurtenances including all real and personal property connected with such facilities, which are acquired, purchased, constructed, reconstructed, equipped, improved, extended, maintained, or operated to facilitate the final disposition of solid waste without creating a significant hazard to the public health or safety, and which are approved by the executive director.
(Code of Iowa, Sec. 455B.301(13))
13. "Sanitary Landfill" means a method of disposing of refuse on land by utilizing the principles of engineering to confine the refuse to the smallest practical volume and to cover it with a layer of earth so that no nuisance or hazard to the public health is created.
(IAC, 567-100.2)

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14. "Salvage Operation" means any business, industry, or trade engaged wholly or in part in salvaging or reclaiming any product or material, including but not limited to chemicals, drums, metals, motor vehicles, or shipping containers.
(IAC, 567-20.2)
 15. "Approved Incinerator" means equipment facilities for the enclosed burning of refuse having a stack adequate to maintain a draft sufficient for efficient combustion and equipped with a screen sufficiently fine to prevent ejection of particles of burning materials as approved by the city based on recommendations of the Environmental Protection Commission (EPC) of the Iowa Department of Natural Resources (IDNR).
 16. "Owner" means in addition to the record titleholder any person residing in, renting, leasing, occupying, operating, or transacting business in any premises, and as between such parties the duties, responsibilities, liabilities and obligations hereinafter imposed shall be joint and several.
 17. "Director" means the director of the State Department of Natural' Resources or any designee.
(Code of Iowa, Sec. 455B.101(2b))
- 1.03 HEALTH HAZARD. It shall be unlawful for any person to permit, to accumulate on any premises, improved or vacant, or on any public place, such quantities of solid waste, either in containers or not, that shall constitute a health or sanitation hazard.
 - 1.04 FIRE HAZARD. It shall be unlawful for any person to permit to accumulate quantities of solid waste within or close to any building, unless the same is stored in containers in such a manner as not to create a fire hazard.
 - 1.05 OPEN BURNING. No person shall allow, cause or permit open burning of combustible materials. The following shall be permitted exceptions:
(IAC, 567-23.2)
 1. DISASTER RUBBISH. The open burning of rubbish, including landscape waste, for the duration of the community disaster period in cases where an officially declared emergency condition exists.
(IAC, 567-23.2(3a))
 2. DISEASED TREES. The open burning of diseased trees; however, when the burning of diseased trees causes a nuisance, appropriate action may be taken to require relocation of the burning operation. Rubber tires shall not be used to ignite diseased trees.
(IAC, 567-23.2(3b))

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3. **FLARE STACKS.** The open burning or flaring of waste gases, provided such open burning or flaring is conducted in compliance with applicable rules of the EPC of the IDNR.
(IAC, 567-23.2(3c))
4. **LANDSCAPE WASTE.** The disposal by open burning of landscape waste originating on the premises shall be allowed the month of April and the month of October. The burning of landscape waste produced in clearing, grubbing, and construction operations shall be limited to areas located at least one-fourth (1/4) mile from any inhabited building. Rubber tires shall not be used to ignite landscape waste.
5. **RECREATIONAL FIRES.** Open fires or fire pits for cooking, heating, recreation, and ceremonies, provided they comply with the limits for emission of visible air contaminants established by the EPC of the IDNR; and that only firewood is used as the source of the fire.

(Editor's Note: Ordinance 2013-05-06, approved by City Council on May 6, 2013, amended subsections 4. Landscape Waste and 5. Recreational Fires.)

6. **TRAINING FIRES.** Fires set for the purpose of bona fide training of public or industrial employees in firefighting methods, provided that the Executive Director of the EPC of the IDNR receives notice in writing at least one (1) week before such action commences.
(IAC, 567-23.2(3g))
 7. **VARIANCE.** Any person wishing to conduct open burning of materials not exempted herein may make application for a variance to the Director.
(IAC, 567-23.2(2))
- 1.06 **LITTERING PROHIBITED.** No person shall discard any litter onto or in any water or land, except that nothing in this section shall be construed to affect the authorized collection and discarding of such litter in or on areas or receptacles provided for such purpose. When litter is discarded from a motor vehicle, the driver of the motor vehicle shall be responsible for the act in any case where doubt exists as to which occupant of the motor vehicle actually discarded the litter.
(Iowa Code Sec. 455B.363)
- 1.07 **OPEN DUMPING PROHIBITED.** No person shall dump or deposit, or permit the open dumping or depositing of, any solid waste except rubble at any place other than a sanitary disposal project approved by the Executive Director of the EPC of the IDNR.
(IAC 567-101.3(1))

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- 1.08 TOXIC AND HAZARDOUS WASTES. No person shall dump or deposit or permit the dumping or depositing of any solid waste on the surface of the ground or into a body or stream of water at any place other than a sanitary disposal project approved by the Director, unless a special permit to dump or deposit solid waste on land owned or leased by such person has been obtained from the Director. However, this section does not prohibit the use of dirt, stone, brick or similar inorganic material for fill, landscaping, excavation, or grading, at places other than a sanitary disposal project.

(Code of Iowa, Sec. 455B.307 & IAC, 567-100.2)

- 1.09 WASTE STORAGE CONTAINERS. Every person owning, managing, operating, leasing, or renting any premises, dwelling unit, or any place where refuse accumulates shall provide and at all times maintain in good order and repair portable containers for refuse in accordance with the following:

1. CONTAINER SPECIFICATION.

- a. Residential waste containers shall be made of galvanized metal, rubber, fiberglass, or of plastic which does not become brittle in cold weather. Disposable containers or those approved by the City may be used. They shall have a minimum capacity of not less than five (5) gallons and not more than twenty (20) gallons. They shall be of lightweight and sturdy construction, with the total weight of any individual container, fully loaded, not to exceed seventy-five (65) pounds. They shall be of the type manufactured for storage of residential wastes with tapered sides for easy emptying and suitable lifting devices such as handles or bails. They shall be waterproof and leakproof. They shall be fitted with a fly tight lid, which shall remain in place except for the deposit or removal of wastes.
- b. Every person owning, managing, operating, leasing, or renting any commercial premise where excessive amounts of refuse accumulates and where its storage in portable containers as required above is impractical, shall maintain metal bulk storage containers approved by the City.

2. LOCATION OF CONTAINERS. Residential solid-waste containers shall be stored upon the residential premises. Commercial solid waste containers shall be stored upon private property, unless the owner has been granted written permission from the city to use public property for such purposes. The storage site shall be well drained and fully accessible to collection equipment, public-health personnel, and fire-inspection personnel. Containers for the storage of solid waste awaiting collection shall be placed at the curb or alley line by the owner or occupant of the premises served. Containers or other solid waste placed at the curb line shall not be so placed more than twelve (12) hours in advance of the regularly scheduled collection day and shall be promptly removed from the curb line following collection.

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3. NONCONFORMING CONTAINERS. Solid waste containers, which are not approved, will be collected together with their contents and disposed of after notice to the owner.

1.10 Section Reserved for Future Use.

- 1.11 SANITARY DISPOSAL REQUIRED OF OWNER. It is the duty of each owner to provide for the sanitary disposal of all refuse accumulating on the owner's premises before it becomes a nuisance. Any such accumulation remaining on any premises for a period of more than thirty (30) days shall be deemed a nuisance and the City may proceed to abate such nuisances in accordance with the provisions Title II, Article 9 or by initiating proper action in district court.

(Code of Iowa, Ch. 657)

1.12 PROHIBITED PRACTICES. It shall be unlawful for any person to:

1. UNLAWFUL USE OF CONTAINERS. Deposit refuse in any solid-waste containers other than his or her own without the written consent of the owner of such containers.
2. INTERFERE WITH COLLECTORS. Interfere in any manner with solid waste collection equipment or with solid-waste collectors in the lawful performance of their duties, whether such equipment or collectors be those of the city or those of any other authorized waste-collection service.
3. UNLAWFUL DISPOSAL. Dispose of refuse at any facility or location which is not an approved sanitary disposal project.
4. UNLAWFUL COLLECTION. Engage in the business of collecting, transporting, processing, or disposing of refuse within the city without a contract with the city, or possessing a city solid waste hauler permit.
5. INCINERATORS. Burn rubbish or garbage except in incinerators designed for high temperature operation, in which solid, semisolid, liquid or gaseous combustible refuse is ignited and burned efficiently, and from which the solid residues contain little or no combustible material, as acceptable to the Environmental Protection Commission.
6. Scavenging. Take or collect any solid waste which has been placed out for collection on any premises, unless such person is an authorized solid waste collector.

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- 1.13 WIND-BLOWN REFUSE. It shall be unlawful to deposit or leave any refuse or material in such a place or condition that it can be blown by the wind so as to be scattered or cause clouds of dust or particles; and it shall be unlawful to permit the escape of soot, ashes or other solid products or results of combustion so as to be wind-blown or scattered.
- 1.14 DEPOSIT OF REFUSE OR GARBAGE ON PRIVATE PREMISES. It shall be unlawful to place, deposit, leave or dump any trash, ashes, broken articles, garbage, junk, refuse or waste material of any kind on any premises in the city without the consent of the owner or tenant in possession thereof. For the purpose of this section vehicles or parts of vehicles not in condition for normal use shall be considered as junk or trash.
- 1.15 DEBRIS ON STREETS. It shall be unlawful to throw or deposit any glass, tacks, nails or other similar articles on any street, alley or sidewalk or other public place in the city.
- 1.16 EXCEPTIONS. Nothing in this article shall prohibit the filling, leveling or grading of land with earth, sand, ashes, cinders, slag, gravel, rock, demolition or construction rubble or similar inert wastes provided these materials are not contaminated or mixed with combustible, putrescible or other waste materials, and further providing that such fill is leveled and seeded with grass or other nonoffensive vegetation, nor to the disposal of animal and agricultural wastes on land used or operated for farming.

TITLE II

CHAPTER 1: SOLID WASTE CONTROL

ARTICLE 2 - COLLECTION AND TRANSPORTATION OF SOLID WASTE

2.01 DEFINITIONS. For use in this chapter the following terms are defined:

1. "Solid Waste Collection" shall mean the gathering of solid wastes from public and private places.
(IAC, 567-100.2)
2. "Solid Waste Transportation" shall mean the conveying of solid waste from one place to another by means of vehicle, rail, car, water vessel, conveyor, or other means.
(IAC, 567-100.2)
3. "Residential Premises." A single-family dwelling and any multiple family dwelling up to and including four (4) separate quarters. Garden type apartments and row type housing units shall be considered residential premises regardless of the total number of each such apartments or units which may be included in a given housing development.
4. "Dwelling Unit." Any room or group of rooms located within a structure and forming a single habitable unit with facilities which are used, or are intended to be used, for living, sleeping, cooking and eating.
5. "Property Served." Any property which is being used or occupied and is eligible to receive refuse collection and disposal service as provided by this chapter.
6. "Collectors." Any person authorized by the city to gather solid waste from public and private places.
7. "Single-Family Dwelling": shall mean a structure containing one dwelling unit only.
8. "Multiple –family Dwelling": shall mean a structure containing more than one dwelling unit.

2.02 COLLECTION SERVICE. The City shall provide for the collection of refuse from residential, commercial, industrial or institutional premises within their jurisdiction which are not exempted by law.

(Code of Iowa, Sec. 455.302)

2.03 COLLECTION VEHICLES. Vehicles or containers used for the collection and transportation of garbage and similar putrescible waste or refuse containing such materials shall be leakproof, durable and of easily cleanable construction. They shall be cleaned to prevent nuisances, pollution or insect breeding and shall be maintained in good repair.

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- 2.04 LOADING. Vehicles or containers used for the collection and transportation of any solid waste shall be loaded and moved in such a manner that the contents will not fall, leak or spill, and shall be covered to prevent blowing or loss of material. Where spillage does occur, the material shall be picked up immediately by the collector or transporter and returned to the vehicle or container and the area properly cleaned.
- 2.05 FREQUENCY OF COLLECTION. All refuse shall be collected from residential premises at least once a week and from commercial, industrial, and institutional premises as frequently as may be necessary, but not less than once each week.
- 2.06 BULKY SOLID WASTE. Bulky solid waste which is too large or heavy to be collected in the normal manner of other refuse may be collected at the discretion of the collector upon request.
- 2.07 TREE LIMBS AND BRUSH. Tree limbs of less than four inches in diameter and brush will be collected provided they are placed at the curb or alley line, and securely tied in bundles not larger than forty-eight (48) inches long and eighteen (18) inches in diameter when not placed in storage containers. The weight of any individual bundle or container shall not exceed seventy-five (75) pounds.
- 2.08 YARD WASTES. Yard waste shall be collected provided they are stored in containers so as to prevent the dispersal of such wastes upon the premises served or upon adjacent property or public right-of-way. The weight of any individual container shall not exceed seventy-five (75) pounds.
- 2.09 RIGHT OF ENTRY. Solid waste collectors are authorized to enter upon private property for the purpose of collecting refuse as required by this chapter. However, solid waste collectors shall not enter dwelling units or other residential buildings.
- 2.10 CONTRACT WITH COLLECTOR. No person shall engage in the business of collecting, transporting, processing or disposing of solid waste other than his or her own within the City without first obtaining from the City an annual contract in accordance to the following:

(Code of Iowa, Sec. 455B.302)

1. REQUIRED INFORMATION. The following information shall be required on the contract with the city:
 - a. Name and address. The full name and address of the applicant, and if a corporation, the names and addresses of the officers.
 - b. Equipment. A complete and accurate listing of the number and type of collection and transportation equipment to be used.
 - c. Collection program. A complete description of the frequency, routes and method of collection and transportation to be used.

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- d. Disposal. A statement as to the precise location and method of disposal or processing facilities to be used.
2. INSURANCE. No collector's contract shall be entered into unless the applicant shall file and maintain with the city, in addition to all other requirements, evidence of satisfactory public liability insurance. This insurance must cover all pertinent operations of the applicant related to the business, equipment and vehicles to be operated.

Each insurance policy required shall include provisions requiring the insurance agent to notify the city of the expiration, cancellation or other termination of coverage not less than ten (10) days prior to the effective date of such action.
3. PERMIT FEE. A twenty-five dollars (\$25) fee shall be required of every solid waste hauler, whether or not covered by a city solid waste contract.
4. CONTRACT NEGOTIATED. If the council upon investigation finds the collector to be in order and determines that the collector will collect, transport, process or dispose of solid waste without hazard to the public health or damage to the environment and in conformity with law and ordinance, the contract shall be negotiated to be effective for a period of at least one (1) years from the date approved, provided however, there shall be no more than one collector licensed to operate within the City as any one time.
5. ANNUAL RENEWAL. The contract may be renewed upon Council review of the contractor's compliance with its terms.
6. CONTRACT NOT TRANSFERABLE. No contract authorized by this chapter may be transferred to another person without Council approval.
7. PAYMENT TO COLLECTOR. The City shall pay the collector by the month the amount due for that month.
8. OWNER MAY TRANSPORT. Nothing within this chapter is to be construed as to prevent an owner from transporting solid waste accumulating upon premises owned, occupied or used by the owner, provided such refuse is disposed of properly in an approved sanitary disposal project.
9. GRADING OR EXCAVATION EXCEPTED. No contract or permit shall be required for the removal, hauling or disposal of earth and rock material from grading or excavation activities. However, all such materials shall be conveyed in tight vehicles, trucks or receptacles so constructed and maintained that none of the material being transported shall spill upon the public right-of-way.

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2.11 COLLECTION FEES/UNIT BASED PRICING COLLECTION FEES. The collection and disposal of refuse as provided by this chapter is declared to be a benefit to the property served and therefore, a mandatory fee shall be levied and collected in accordance to the following:

(Code of Iowa, Sec. 384.84(1)) & (Goreham vs. Des Moines, 1970, 179 NW 2nd, 449)

1. Schedule of Fees for Two (2) Containers or Bags - Residences/Dwelling Units. The City will collect up to two (2) containers or bags per residential or dwelling unit. (In the event that bags are enclosed within containers, the containers may contain up to two (2) bags each, as long as the container does not exceed the capacity and weight restrictions under subparagraph two (2) hereof.) The fees for solid waste collection, including recyclable material, and disposal service, used or available, shall be:
 - A. For each residential premises with alley or curb pickup - \$15.00 per month. This fee will increase when the solid waste contractor increases fees charged to the City.
 - B. For each dwelling unit of a multiple dwelling unit with alley or curb pickup - \$17.00 per month. This fee will increase when the solid waste contractor increases fees charged to the City.

(Editor's Note Ordinance 2018-9-10, approved by City Council September 10, 2018)

2. Residents shall utilize containers or bags designed for solid waste collection. All containers or bags shall have a maximum capacity of 33 gallons and shall not weigh more than 65 pounds when filled. All containers shall have lids to prevent the entrance of rainwater.
3. The City will collect up to two containers or bags per residential unit at the normal rate charged for collection. There will be an added charge of \$1.00 for additional container or bag. The contents of additional containers or bags will only be collected if the containers or bags are marked with an identifying sticker. Stickers may be purchased at the City Office.
4. Payment of Bills. All fees shall be due and payable under the same terms and conditions provided for payment for water services except that the provisions of subsection 3 hereof shall be used to enforce collection of delinquent fees.

(Code of Iowa, Sec. 384.84[1])
5. Lien for Non-Payment. Fees remaining unpaid and delinquent for a period of ninety (90) days shall constitute a lien upon the premises served and shall be certified by the clerk to the county auditor for collection in the same manner as property taxes.

(Code of Iowa, Sec. 384.84[1])

(Editor's Note: Section 2.11 was enacted by Ordinance No. 10-2004 on October 4, 2004. Ordinance No. 10.02.2001 amended Section 2.11(1)(a) & (b))

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2.12 DELINQUENT ACCOUNTS. The City may take one or both of the following courses of action if an account for solid waste collection services becomes delinquent by more than sixty (60) days:

1. The City may discontinue solid waste collection services to the property for which the account is delinquent; provided that prior written notice of the intended action by the City is first sent to the account holder by ordinary mail. The notice shall inform the account holder of the nature of the delinquency and inform the account holder of the opportunity for a hearing before the city council. The notice shall be sent to the account holder at least twenty (20) days before the date intended for the service to be discontinued. If the account holder is a tenant, and if the owner or landlord of the property has made a written request for notice, the same notice shall also be given in the same manner as required to be given to the account holder. If the account holder wishes to appear before the city council, then he or she shall notify the City Clerk in writing of his or her desire to appear within ten (10) days of the date of the notice sent by the City.
2. The City may certify to the County Treasurer the amount of the delinquent account, which shall become a lien on the property if the following steps have been taken by the City:
 - a. Written notice has been sent by ordinary mail to the account holder at least thirty (30) days prior to certification of the lien to the County Treasurer. The notice shall state the intention of the City to certify to the County Treasurer the amount of the delinquent account, and inform the account holder of the opportunity for a hearing before the city council. If the account holder wishes to appear before the city council, then he or she shall notify the City Clerk in writing of his or her desire to appear within ten (10) days of the date of the notice sent by the City.
 - b. If the account holder is a tenant, and the owner or landlord have requested notice, then the same notice shall also be given in the same manner to the owner or landlord as required to be given to the account holder.
3. No lien shall be imposed for delinquent charges of less than \$5.00. However, the City may charge an administration fee of up to \$5.00, which amount shall be added to the lien and collected at the time of payment of the assessment.

2.13 COMBINED SERVICE ACCOUNT. The City may combine charges for solid waste collection with other city utility charges. If such a combined service account becomes delinquent, then all services may be discontinued after the required procedures have been followed.

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CHAPTER 1: SOLID WASTE CONTROL

ARTICLE 3 - SOLID WASTE DISPOSAL

3.01 DEFINITIONS. For use in this article, the following terms are defined:

1. "Processing facility" shall mean any incinerator, baler, shredder or similar facility or process employed to reduce the volume or change the characteristics of solid waste prior to final disposal.
2. "Site" shall mean any location, place or tract of land used for collection, storage, conversion, utilization, incineration or burial of solid wastes.
(IAC, 567-100.2)
3. "Scavenging" shall mean the uncontrolled removal of materials from the unloading or working area of a sanitary disposal project.
(IAC, 567-100.2)
4. "Operator" shall mean the person or agency authorized to conduct disposal operations at a public sanitary landfill or licensed private landfill.
5. "Resident" shall mean in addition to any person residing in the city, any person occupying or using any commercial, industrial or institutional premises within the city.
6. "Radioactive material" shall mean any solid, liquid, or gaseous material which emits radiation spontaneously.
(Code of Iowa, Sec. 455B.331(2))

3.02 SANITARY DISPOSAL REQUIRED. Solid wastes generated or produced within the city shall be disposed of at a sanitary disposal or processing facility approved by the city and by the ~~Executive Director of the EPC~~ of the Iowa DNR.
(Code of Iowa, Sec. 455B.307(1))

3.03 EXCEPTIONS. Nothing in this article shall prohibit the filling, leveling or grading of land with earth, sand, ashes, cinders, slag, gravel, rock, demolition or construction rubble or similar inert wastes provided these materials are not contaminated or mixed with combustible, putrescible or other waste materials, and further providing that such fill is leveled and seeded with grass or other nonoffensive vegetation, nor to the disposal of animal and agricultural wastes on land used or operated for farming.

3.04 TOXIC AND HAZARDOUS WASTES. Toxic or hazardous wastes shall be disposed of only in accordance with explicit instructions first obtained from the Executive Director of the EPC of the Iowa DNR.
(IAC, 567-102.14(2))

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- 3.05 RADIOACTIVE MATERIALS. Materials that are radioactive shall not be disposed of in a sanitary disposal project. Luminous timepieces are exempt.
(IAC, 567-102.14(1))
- 3.06 SANITARY DISPOSAL PROJECT DESIGNATED. The sanitary landfill facilities operated by the approved operator are hereby designated as the official "Public Sanitary Disposal Project" for the disposal of solid waste produced or originating within the city.
- 3.07 PRIVATE SANITARY DISPOSAL PROJECT. No person may establish and operate a private sanitary disposal project within the city without approval of the council.
- 3.08 NEW SITE APPROVAL. Prior to the siting of a proposed new sanitary landfill or infectious waste incinerator within the city limits, a request for approval shall be submitted to the council. The applicant shall submit information to the council to demonstrate compliance with the requirements prescribed by Chapter 455B of the Code of Iowa.
(Code of Iowa, Sec. 455B.305A)
- 3.09 OPEN DUMPING PROHIBITED. No person shall cause, allow or permit the disposal of solid wastes upon any place within the jurisdiction of the city or occupied by him/her unless such place has been designated by the City as a licensed sanitary disposal project, public sanitary disposal project or an approved processing facility.

TITLE II

CHAPTER 2: SANITARY SEWER SYSTEMS

ARTICLE 4 - PUBLIC SEWER SYSTEMS

- 4.01 PURPOSE. The purpose of the chapters of this Code of Ordinances pertaining to Sanitary Sewers is to establish rules and regulations governing the treatment and disposal of sanitary sewage within the City in order to protect the public health, safety and welfare.
- 4.02 DEFINITIONS. For use in these chapters, unless the context specifically indicates otherwise, the following terms are defined:
1. "B.O.D." (denoting Biochemical Oxygen Demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees C., expressed in milligrams per liter or parts per million;
 2. "Building drain" means 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" means the extension from the building drain to the public sewer or other place of disposal.
(IAC, 567-69.3(1))
 4. "City" shall mean the City of Little Rock, Iowa.
 5. "Combined sewer" means a sewer receiving both surface run-off and sewage.
 6. "Customer" means any person responsible for the production of domestic, commercial or industrial waste which is directly or indirectly discharged into the public sewer system.
 7. "Garbage" means solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.
 8. "Industrial wastes" means the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.
 9. "Inspector" means the person duly authorized by the Council to inspect and approve the installation of building sewers and their connections to the public sewer system; and to inspect such sewage as may be discharged therefrom.
 10. "Natural outlet" means any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

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11. "On-site wastewater treatment and disposal system" means all equipment and devices necessary for proper conduction, collection, storage, treatment, and disposal of wastewater from a dwelling or other facility serving the equivalent of fifteen persons (1500 gpd) or less.
12. "pH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
13. "Person" shall mean any individual, firm, company, association, society, corporation, or group.
14. "Properly Shredded Garbage" shall mean the waste from the preparation, cooking, and the dispensing of food that have been shredded in 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.
15. "Public sewer" means a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
16. "Sanitary sewage" means sewage discharging from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories or institutions, and free from storm, surface, water, and industrial waste.
17. "Sanitary sewer" means a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.
18. "Sewage" means a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.
19. "Sewage treatment plant" means any arrangement of devices and structures used for treating sewage.
20. "Sewage works" or "sewage system" means all facilities for collecting, pumping, treating, and disposing of sewage.
21. "Sewer" means a pipe or conduit for carrying sewage.
22. "Sewer service charges" means any and all charges, rates, fees, or rentals levied against and payable by customers, as consideration for the servicing of said customers by said sewer system.
23. "Shall" is mandatory; "May" is permissive.

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24. "Slug" means any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.
25. "Storm drain" or "storm sewer" means a sewer which carries storm and surface waters and drainage but excludes sewage and industrial wastes, other than unpolluted cooling water.
26. "Superintendent" means the Superintendent of sewage works and/or of water pollution control of the City or any authorized deputy, agent, or representative.
27. "Suspended solids" means 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.
28. "Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently.
- 4.03 DAMAGING SEWER SYSTEM. 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 sewer system.
(Code of Iowa, Chapter 716)
- 4.04 MANHOLES. No person shall open or enter any manhole of the sewer system, except by authority of the superintendent.
(Code of Iowa, Chapter 716)
- 4.05 TREATMENT REQUIRED. The owners of any houses, buildings, or properties used for human occupancy, employment, recreation or " other purposes, situated within the City and abutting on any street, alley or, right-of-way in which there is now located, or may in the future be located, a public sanitary or combined sewer, are hereby required to install, at such owner's expense, suitable toilet facilities therein and a building sewer connecting such facilities directly with the proper public sewer, and to maintain the same all in accordance with the provisions of these Sanitary Sewer chapters, such compliance to be completed within sixty (60) days after date of official notice from the City to do so provided that said public sewer is located within one hundred (100) feet (30.5 meters) of the property line of such owner and is of such design as to receive and convey by gravity such sewage as may be conveyed to it. Billing for sanitary sewer service will begin the date of official notice to connect to the public sewer.
(Code of Iowa, Sec. 364.12 (3f)) & (IAC, 567-69.3(3))
- 4.06 RESERVED FOR FUTURE USE

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- 4.07 **CONNECTIONS.** The owners of all residences and business establishments intended or used for human habitation, occupancy, or uses which abut public sewers must connect their sewage facilities to the public sewers. The following shall pertain to all connections.

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

1. **LICENSE REQUIRED.** Any installation of a private sewer and its connection to a public sewer shall be made by a plumber licensed by this city. The council shall have the power to suspend the license of any plumber for violation of any of the provisions of this chapter. A suspension, unless revoked, shall continue until the next regular meeting of the council. The clerk shall notify the plumber immediately by personal written notice of the suspension, the reasons for the suspension, and the time and place of the council meeting at which a hearing will be granted.
2. **CONNECTION FEE.** The City shall assess a fee for the initial connection of a sewer line in an amount equal to the total original cost to the City for extending the utility to the property to be served. The City may deduct any portion of this cost which has been previously assessed and paid.
3. **SPECIAL CONNECTION CHARGE.** If the property to be connected to a public sewer has not been assessed for any part of the cost of construction of the public sewers, or has been assessed only as an unimproved lot, the owner shall pay a special connection charge to the city for the use of the public sewers before the permit is issued. The fee amount shall be determined by the council by ordinance.
4. **SEPARATE CONNECTIONS.** In no case shall a joint sewer be allowed where the property abuts on a street, alley or easement in which there is a public sewer. Other buildings in adjacent areas which are required to be connected shall be separately and independently connected to the public sewers unless the council specifically permits joint connections by resolution.
5. **SEWAGE LIFTS.** In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer.
6. **SEWER TAPS, AT "Y" BRANCH.** Connection of the building sewer into the public sewer shall be made at the "Y" branch, if such branch is available at a suitable location. If no properly located "Y" branch is available, the property owner shall, at his or her own expense, install a "Y" saddle, carefully mortared set into the public sewer at the location specified by the clerk.
7. **WATERCOURSE CROSSINGS.** No sewer connection shall be laid so that it is exposed when crossing any watercourse. Where an old watercourse must of necessity be crossed and where there is any danger of undermining or settlement, cast iron soil pipe or vitrified clay sewer pipe thoroughly encased in concrete shall

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be required for such crossings. Such encasement shall extend at least six (6) inches on all sides of the pipe. The cast iron pipe or encased clay pipe shall rest on firm, solid material at either end and be adequately supported if more than one pipe length is used.

8. No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter, or disturb, any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.
9. There shall be two (2) classes of building sewer permits.

for residential and commercial services, and
for service to establishments producing industrial wastes.

In either case, the owner or his or her agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee of \$5.00 dollars for residential or commercial building sewer permit and \$15.00 dollars for an industrial build sewer permit shall be paid to the City at the time the application is filed.

10. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
11. 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, court, yard, or driveway, the building sewer from the front of the building may be extended to the rear of the building and the whole considered as one building sewer.
12. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Approving Authority, to meet all requirements of this ordinance.
13. 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 building and plumbing code or other applicable rules and regulations of the City. In the absence of code provisions or in amplification thereof, the materials and procedure set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

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14. 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 wastewater carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
 15. No person(s) shall make connection to roof downspouts, foundation drains, areaway drains, sump pumps 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.
 16. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City, or set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply. All such connections shall be made gastight and watertight verified by proper testing. Any deviation the prescribed procedures and materials must be approved by the superintendent before installation.
 17. The applicant for the building sewer permit shall notify the superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Superintendent or his or her representative.
 18. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from the 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.
- 4.08 QUALITY OF PIPE AND FOUNDATION. Building sewer pipes shall be of the best quality, free from flaws, splits or breaks. They shall be laid on a smooth bottom with bell holes cut in the bottom of the trench so that the joining of the bell and the spigot shall be watertight, gastight and root proof. All sewer pipes must be laid in such a manner as to prevent rupture or misalignment by settlement or freezing.
- 4.09 GRADE. All sewer pipes shall be laid with a uniform grade from the building to the public sewer system and no offsetting will be allowed without written permission of the superintendent.
- 4.10 OWNER'S RESPONSIBILITY. All costs and expenses incident to the installation, connection and maintenance of the building sewer shall be the responsibility of 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.
- 4.11 INTERCEPTORS. Grease, oil, sludge and sand interceptors shall be provided by filling stations, automobile wash racks, garages, and other facilities, when in the opinion of the superintendent, they are necessary for the proper handling of such wastes that contain grease in excessive amounts or any flammable waste, sand or other harmful ingredients.

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Such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity as provided by the State Plumbing Code, and shall be located so as to be readily and easily accessible for cleaning and inspection.

1. **REQUIREMENT.** The interceptors shall be constructed of impervious material capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers that shall be gastight and watertight.
 2. **MAINTENANCE.** All interceptors of grease, oil, sludge and sand shall be maintained by the owner at his or her expense in continuously efficient operations at all times.
- 4.12 **EXCAVATIONS.** Excavations for sewers shall be dug so to present the least possible inconvenience to the public and to provide for the passage of water along the gutter. Such excavations shall have proper barricades at all times, and warning lights placed from one-half (1/2) hour before sunset to one-half (1/2) hour after sunrise. The excavation must be backfilled in accordance with city specifications as to material and compaction so as to prevent settlement. The plumber must maintain the affected area in good repair to the satisfaction of the council for three (3) months after refilling. No excavation shall be made within six (6) feet of any laid water pipe while the ground is frozen, and no water or sewer pipe shall be exposed to frost, except by special written permission of the superintendent.
- 4.13 **SEPARATE TRENCHES.** The building drain and water service pipe shall be at least ten feet apart horizontally, and shall be separated by undisturbed or compacted earth.
- 4.14 **EXCEPTION.** The building sewer or building drain may be placed in the same trench with the water service pipe provided the following conditions are met:
1. **WATER SERVICE PIPE ABOVE SEWER LINE.** The bottom of the water service pipe, at all points, shall be at least twelve inches above the top of the sewer line at its highest point.
 2. **WATER SERVICE PIPE ON SHELF.** The water service pipe shall be placed on a solid shelf excavated at one side of the common trench. Where ground conditions do not permit a shelf, the pipe may be laid on a solidly tamped backfill.
 3. **NUMBER OF JOINTS.** The number of joints in the water service pipe shall be kept to minimum.
 4. **PRESSURE PROHIBITED.** No part of the building sewer or building drain shall be under pressure.

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- 4.15 RESTORATION OF PUBLIC PROPERTY. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city, at the expense of the property owner.
(Code of Iowa, Sec. 364.12)
- 4.16 COMPLETION BY CITY. Should any excavation be left open or partly refilled for twenty-four (24) hours after the private sewer is installed and connected with the public sewer, the superintendent shall have the right to finish or correct the work, and the council shall assess the costs to the property owner or the plumber. If the plumber is assessed, he or she must pay the costs before he or she can receive another permit. The plumber's bond required for a plumber's license shall be security for the assessment. If the property owner is assessed, such assessment shall be collected with and in the same manner as general property taxes.
(Code of Iowa, Sec. 364.12(3h))
- 4.17 INSPECTION AND APPROVAL. All private sewers and their connections with the public sewers must be inspected and approved by the superintendent before being backfilled. If approval is refused, the plumber or owner must proceed immediately to correct the work so that it will meet with approval.
- 4.18 PROHIBITED DISCHARGE SPECIFIED. No person shall discharge or cause to be discharged any of the following described waters or waste to a public sanitary sewer:
1. SURFACE WATERS. Any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters.
 2. HIGH TEMPERATURE. Any liquid or vapor having a temperature higher than 150 degrees F.
 3. FAT OIL, GREASE. Any water or waste which contains more than one hundred (100) parts per million by weight of fat, oil, or grease.
 4. FLAMMABLE MATERIALS. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
 5. GARBAGE. Any garbage that has not been properly shredded.
 6. SOLID OR VISCOUS SUBSTANCES. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure or any other solid or viscous substance capable of causing the obstruction of the flow in sewers or other interference with the proper operation of the city's sewage and treatment system.
 7. SUSPENDED SOLIDS. Any waters or waste containing suspended solids of such character and quantity that unusual attention or expense is required to handle such material at the sewage treatment plant.

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8. **CORROSIVE WASTES.** Any water or wastes having corrosive properties paunch capable of causing damage or hazard to structures, equipment or personnel of the sewage system. Free acids and alkalis of such wastes must be neutralized within a permissible range of pH between 4.5 and 10.0.
9. **SLUGS.** Any wastes that for a duration of fifteen (15) minutes have a concentration greater than five (5) times that of "normal sewage" as measured by suspended solids.
10. **NOXIOUS OR MALODOROUS GAS.** Any noxious or malodorous gas or other substance which either singly or by interaction with other wastes is capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their maintenance and repair.
11. **TOXIC OR POISONOUS SUBSTANCE.** Any water or waste containing a toxic or poisonous substance in sufficient quantity to injure or interfere with sewage treatment or the sewer system, that would constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage system.
12. **MATERIALS WHICH REACT WITH WATER OR WASTES.** Any waters, wastes, materials or substances which react with water or wastes in the sewer system to release noxious gases, develop color of undesirable intensity, form suspended solids in objectionable concentration or create any other condition deleterious to sewage structures and treatment processes.
13. **SPECIAL AGREEMENTS PERMITTED.** No statement in this section shall be construed as preventing any special agreement, arrangement or contract between the council and any industrial concern whereby an industrial waste of unusual strength or character may be accepted subject to special conditions as to treatment, rate and cost as established by the council.
14. **SURFACE WATERS EXCEPTION.** Special permits for discharging surface waters to a public sanitary sewer may be issued by the council upon recommendation of the superintendent where such discharge is deemed necessary or advisable for purposes of flushing, but any permit so issued shall be subject to revocation at any time when deemed to the best interest of the sewer system.
15. **UNPOLLUTED WATERS OR WASTES IN SEWERS.**
 - A. No person shall discharge or cause to be discharged any storm water, 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.

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- B. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the superintendent of utilities. Industrial cooling water or unpolluted process waters may be discharged on approval of the superintendent to a storm sewer, combined sewer or natural outlet.
- C. No owner or occupant of any building shall discharge or permit to be discharged into the sanitary sewers any substance which will clog the pipes or joints or interfere unduly with the sewage disposal process.

4.19 SERVICE OUTSIDE THE CITY. The owners of property outside the corporate limits of the city so situated that it may be served by the city sewer system may apply to the council for permission to connect to the public sewer system upon the terms and conditions stipulated by resolution of the council.
(Code of Iowa, Sec. 364.4(2&3))

4.20 ABATEMENT OF VIOLATIONS. Construction or maintenance of building sewer lines located upon the private property of any owner which is in violation of any of the requirements of this article, with the exception of the requirements of Subsection 4.18(14) of this article, shall be corrected at the owner's expense, within thirty (30) days after date of official notice from the council of such violations. If not made within such time the council shall, in addition to the other penalties provided, have the right to finish and correct the work and assess the cost thereof to the property owner. Such assessment shall be collected with and in the same manner as general property taxes.
(Code of Iowa, Sec. 364.12(3h))

4.21 POWERS AND AUTHORITY OF INSPECTORS.

- A. Duly authorized employees of the City bearing proper credential and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing pertinent to discharge to any public sewer or natural outlet in accordance with the provisions of this Code.

Sampling pertaining to industry will reflect the number of days an industry is not operating as well as the days in operation and discharging waste to a public sewer.

- B. The Superintendent or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. The industry may withhold information considered confidential. The industry must establish that the revelation to the public of the information in question might result in an advantage to competitors,
- C. While performing the necessary work on private properties referred to above, duly authorized employees of the City shall observe safety rules applicable to the premises established by the company, and the company shall be held harmless for

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injury or death to the City employees, and the City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury, or property damage assessed 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 above.

- D. Duly authorized employees of the City bearing proper credential and identification shall be permitted to enter all private property through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater facilities 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.

4.09 PENALTIES.

- A. Any person found to be violating any provision of this chapter, except 4.07, shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the sanitary correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- B. Any person who shall continue any violation beyond the time limits provided for above, shall be guilty of a misdemeanor. Each day in which any such violation shall continue shall be deemed a separate offense.
- C. Any person violating any of the provisions of this chapter shall become liable to the City for any expense, loss, or damage occasioned the City by reason of such violation.

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CHAPTER 2: SANITARY SEWER SYSTEMS

ARTICLE 5 - PRIVATE SEWER SYSTEMS

5.01 DEFINITIONS. The following terms are defined for use in this article.

1. "Private Sewage Disposal System" means all equipment and devices necessary for proper conduction, collection, storage, treatment and disposal of sewage from a dwelling or other facility serving the equivalent of fifteen (15) persons or less and including building sewers, septic tanks, absorption fields, leaching or seepage pits, privy vaults and subsurface sand filters.
2. "Reasonably Accessible" means a distance from a property to a sanitary sewer of 200 feet but the council may make a determination that up to 250 feet is practical for a connection to a public sewer system in specific circumstances.

5.02 WHEN PROHIBITED. No private sewage disposal system shall be installed where a public sanitary sewer is reasonably accessible as determined by the council unless an exception is granted in writing.

(IAC, 567-69.3 (3)(a)(1))

5.03 PRIVATE SYSTEM REQUIRED. When a public sanitary sewage is not reasonably accessible, every building wherein persons reside, congregate or are employed shall be provided with private sewage disposal system complying with state and local laws.

(IAC, 567-69.3(3)(a)(3))

5.04 CONNECTION REQUIRED WHEN AVAILABLE. When a public sanitary sewer becomes reasonably accessible, any building then served by a private sewage disposal system shall be connected to the public sewage system.

(IAC, 567-69.3(3)(a)(2))

5.05 PRIVATE SYSTEMS ABANDONED. Within sixty (60) days of notice that a public sewer is available to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer and the private sewage disposal facility shall be abandoned and filled with suitable material.

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

5.06 COMPLIANCE WITH STATE RULES. The type, capacity, location and layout of a private sewage disposal system shall comply with all recommendations of the State Department of Health.

5.07 DISCHARGE TO NATURAL OUTLETS PROHIBITED. No septic tank or cesspool shall be permitted to discharge to any natural outlet or drain into the open.

(IAC, 567-69.3(3)(c))

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- 5.08 MAINTENANCE OF FACILITIES. The owner of private sewage disposal facilities shall operate and maintain the facilities in a sanitary manner at all times and at no expense to the city.
- 5.09 DISPOSAL OF WASTE. It shall be unlawful for any person to place any effluent or waste from cesspools, septic tanks or privy vaults in any place in the city except where may be designated by the council. The rate or charge for receiving such waste shall be determined by resolution of the council.
- 5.10 ADDITIONAL REQUIREMENTS. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by any health officer acting in his or her official capacity.
- 5.11 PERMIT REQUIRED.
1. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Superintendent. A permit and inspection fee of \$25.00 dollars shall be paid to the city at the time the application is filed.
 2. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He or she shall be allowed to inspect the work at any state of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 72 hours of the receipt of notice by the Superintendent.

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CHAPTER 2: SANITARY SEWER SYSTEMS

ARTICLE 6 - SEWER RENTAL

6.01 SEWER RENTAL REQUIRED. Every contributor shall pay to the city sewer rental fees as hereinafter provided based upon the amount and rate of water consumed.

(Code of Iowa, Sec. 384.84(1))

1. Benefited User

First 3,000 gallons \$14.00 (minimum monthly charge)

Next 17,000 gallons \$1.95 per 1,000 gallons

Beyond 20,000 gallons \$1.10 per 1,000 gallons

2. Non-Beneficial User

First 3,000 gallons \$16.50 per month (minimum monthly charge)

More than 3,000 \$2.80 per 1,000 gallons

3. In the case of non-metered services, the minimum service charge shall not be less than \$16.40 per month, which is necessary to retire the indebtedness, to pay operating, maintenance and replacement, and to fund reserves necessary for maintaining the sanitary sewer facility.

4. Service to industrial establishments may be by contract if the City deems this to be in its best interest.

6.02 RENTAL RATES. Each contributor shall pay a sewer rental in the amount of fifty (50) percent of the bill for water and water service attributable to the contributor for property served.

(Code of Iowa, Sec. 384.84(1))

6.03 SPECIAL RATES. Where in the judgment of the council, special conditions exist to the extent that the application of the sewer rental provided in section 6.02 would be inequitable or unfair to either the city or the contributor, a special rate shall be proposed by the council and submitted for approval by resolution.

(Code of Iowa, Sec. 384.84(2b))

6.04 PRIVATE WATER SYSTEMS. Contributors whose premises are served by a private water system shall pay sewer rentals based upon water use as determined by the council either by an estimate agreed to by the contributor or by metering the water system at the contributor's expense. Any negotiated or agreed upon sales or rentals shall be subject to approval of the council.

(Code of Iowa, Sec. 384.84(2b))

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6.05 PAYMENT OF BILLS.

(Code of Iowa, Sec. 384.84(1))

1. Bills for the rates and charges as herein established shall be sent monthly. All bills shall be payable on the first 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 10th day of the month in which it shall become due and payable, a charge of 10 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.
2. 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.
3. Applications for sewer service shall be filed with the Utility upon a form to be supplied by the City. The application shall state the name of the applicant and the premises to be served.

6.06 RESPONSIBILITY AND DEPOSIT. The owner of the premises served and the occupant thereof and the user of the sanitary sewer shall be jointly and severally liable for the sewer service provided said premises. A deposit of \$100.00 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.

(Editor's Note: Section 6.06 was amended by Ordinance 01-2001 on January 2, 2001, and raised the deposit from \$25.00 to \$100.00)

6.07 DELINQUENT ACCOUNTS. The City may take one or both of the following courses of action if the account for sanitary sewer service becomes delinquent by more than sixty (60) days:

1. The City may discontinue sanitary sewer service to the property for which the account is delinquent; provided that prior written notice of the intended action by the City is first sent to the account holder by ordinary mail. The notice shall inform the account holder of the nature of the delinquency and inform the account holder of the opportunity for a hearing before the city council. The notice shall be sent to the account holder at least twenty (20) days before the date intended for the service to be discontinued. If the account holder is a tenant, and if the owner or landlord of the property has made a written request for notice, the same notice shall also be given in the same manner as required to be given to the account holder. If the account holder wishes to appear before the city council, then he or she shall notify the City Clerk in writing of his or her desire to appear within ten (10) days of the date of the notice sent by the City.

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2. The City may certify to the County Treasurer the amount of the delinquent account, which shall become a lien on the property if the following steps have been taken by the City:
 - a. Written notice has been sent by ordinary mail to the account holder at least thirty (30) days prior to certification of the lien to the County Treasurer the amount of the delinquent account, and inform the account holder of the opportunity for a hearing before the city council. If the account holder wishes to appear before the city council, then he or she shall notify the City Clerk in writing of his or her desire to appear within ten (10) days of the date of the notice sent by the City.
 - b. If the account holder is a tenant, and the owner or landlord have requested notice, then the same notice shall also be given in the same manner to the owner or landlord as required to be given to the account holder.
3. No lien shall be imposed for delinquent charges of less than \$5.00. However, the City may charge an administration fee of up to \$5.00, which amount shall be added to the lien and collected at the time of payment of the assessment.
(Code Of Iowa, Sec. 358.20)

6.08 COMBINED SERVICE ACCOUNT. The City may combine charges for sanitary sewer services with other city utility charges. If such a combined service account becomes delinquent, then all services may be discontinued after the required procedures have been followed.

6.09 DUTIES OF THE CITY.

1. It is hereby made the duty of the City 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.
2. The City will notify each user at least annually in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to operation and maintenance and replacement of the treatment works.

6.10 RECORD KEEPING.

1. All revenues and moneys derived from the operation of the sewer system shall be paid to and held by the City separate and apart from all other funds of the City and all of said sums and all other funds and moneys incident to the operation of said system, as may be delivered to the City, shall be deposited in a separate fund designated the "Sewer Revenue Fund", and the Council shall administer said fund in the manner provided by the Code of Iowa and all other laws pertaining thereto.

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2. The City shall establish a proper system of accounts and shall keep proper records, books and accounts in which complete and correct entries shall be made of all transactions relative to the sewer system and at regular annual intervals the Council shall cause to be made an audit by an independent auditing concern or the State of Iowa of the books to show the receipts and disbursements of the sewer system. The City shall be required annually to prepare a budget of the Sanitary Sewer system to show the required revenues and expenses. If necessary, user charge rates will be adjusted to produce adequate income to retire the indebtedness, meet operation, maintenance and replacement needs, and establish required reserves.

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CHAPTER 3: WATER SERVICES

ARTICLE 7 - PUBLIC WATER SYSTEM

7.01 PURPOSE. The purpose of this chapter is to provide for the regulation of the public water system and water meters and the establishment of water rates.

7.02 DEFINITIONS. For use in this chapter the following terms are defined:

1. "Water System" or "Water Works" means all public facilities for securing, collecting, storing, pumping, treating, and distributing water.
2. "Water Main" means a water supply pipe provided for public or community use.
3. "Water Service Pipe" means the pipe from the water main to the building served.
4. "Consumer" shall mean in addition to any person receiving water service from the City.
5. "Customer" means any person receiving water service from the city.
6. "Dwelling Unit" shall mean any room or group of rooms located within a structure and forming a single habitable unit with facilities which are used or are intended to be used, for living, sleeping, cooking and eating.
7. "Superintendent" means the waterworks superintendent or his or her duly authorized assistant, agent or representative.

7.03 MANDATORY CONNECTIONS. All residences and business establishments within the city limits intended or used for human habitation, occupancy or use shall be connected to the public water system if it is reasonably available and if the building is not furnished with pure and wholesome water from some other source.

7.04. WATER WELL RESTRICTION FO USE. Restrictions. No drinking water or non-drinking water wells as defined in Iowa Department of Natural Resources Rule 567 Iowa Administrative Code 135.2 and as subsequently amended shall be installed within the following area of the City of Little Rock:

All of the area within the City of Little Rock bordered by Clothier Street on the South, Fourth Avenue on the West, graveled Railroad Street on the North, and Eleventh Avenue on the East.

(Editor's Note: Ordinance 09-03-2002, Was approved by City Council on June 5, 2006)

7.04 PLUMBER REQUIRED. All installations of water service pipes and connections to the water system shall be made by a competent plumber.

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- 7.05 PERMIT REQUIRED. Before any person makes a connection with the public water system, a written permit must be obtained from the clerk. The following shall apply to all permits:

(Code of Iowa, Sec. 384.84(2))

1. APPLICATION. Application for the permit shall be filed with the clerk on blanks furnished by the city. It shall include a legal description of the property, the name of the property owner, the name and address of the person who will do the work, and the general uses of the water. No different or additional uses will be allowed except by written permission of the clerk.
2. ISSUANCE. The clerk shall issue the permit, signed by the clerk, and stating the time of issuance, if the proposed work meets all the requirements of this article and if all fees required under this article have been paid. Work under any permit must begin within six (6) months after it is issued. The clerk may at any time revoke the permit for any violation of this article and require that the work be stopped.
3. FEE. Before any permit is issued the person who makes the application shall pay to the clerk the cover cost of issuing the permit and supervising, regulating and inspection of the work.

- 7.06 FEE FOR INITIAL CONNECTION. The City shall assess a fee for the initial connection of water lines in an amount equal to the total original cost to the City for extending the utility to the property to be served. The City may deduct any portion of this cost which has been previously assessed and paid.

- 7.07 ABANDONED CONNECTIONS. When an old water service is abandoned or a service is renewed with a new tap in the main, all abandoned connections with the mains shall be turned off at the corporation cock and made absolutely watertight.

- 7.08 TAPPING MAINS. All taps into water mains shall be made under the direct supervision of the superintendent and in accord with the following:

1. INDEPENDENT SERVICES. No more than one house, building or premises shall be supplied from one tap unless special written permission is obtained from the council and unless provision is made so that each house, building or premise may be shut off independently of the other.
2. SIZES AND LOCATION OF TAPS. All mains six (6) inches or less in diameter shall receive no larger than three-fourths (3/4) inch tap. All mains over six (6) inches in diameter shall receive no larger than a one (1) inch tap. Where a larger connection than a one (1) inch tap is desired, two (2) or more small taps or saddles shall be used as the superintendent orders. All taps in the mains shall be made at or near the top of the pipe, at least eighteen (18) inches apart. No main shall be tapped nearer than two (2) feet of the joint of the main.

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3. CORPORATION COCK. A brass corporation cock of the pattern and weight approved by the council shall be inserted in every tap in the main. The corporation cock in the main shall in no case be smaller than one (1) size smaller than the service pipe.
 4. LOCATION RECORD. An accurate and dimensional sketch showing the exact location of the tap shall be filed with the superintendent in such form as required by the superintendent.
- 7.09 INSTALLATION OF WATER SERVICE PIPE. Water service pipes from the main to the meter setting shall be standard weight type K copper, P.V.C. meeting I.A.P.M.O. specification IS-14-72, or approved cast as to prevent rupture from settlement or freezing.
- 7.10 CURB STOP. There shall be installed a main shutoff valve of the inverted key type on the water service pipe at the outer sidewalk line with a suitable lock of a pattern approved by the council. The shutoff valve shall be covered with a heavy metal cover having the letter "W" marked thereon, visible and even with the pavement or ground.
- 7.11 INTERIOR STOP AND WASTE COCK. There shall be installed a shutoff valve and waste cock on every service pipe inside the building as close to the entrance of the pipe within the building as possible and so located that the water can be shut off conveniently and the pipes drained. Where one service pipe supplies more than one customer within the building, there shall be separate valves for each such customer so that service may be shut off for one without interfering with the service to the others.
- 7.12 EXCAVATIONS. All trench work, excavation and backfilling required in making a connection shall be performed in accordance with applicable excavation provisions as provided for installation of building sewers in Sec. 4.12 of this Title.
- 7.13 COMPLETION BY THE CITY. Should any excavation be left open or only partly refilled for twenty-four (24) hours after the water service pipe is installed and connected with the water system, or should the work be improperly done, the superintendent has the right to finish or correct the work, and the council will assess the costs to the property owner or the plumber. Assessments will be collected as provided for in Section 4.20 of this Title.
- 7.14 SHUTTING OFF THE WATER SUPPLY. After giving reasonable notice, the superintendent may shut off the supply of water to any customer because of any substantial violation of this article. The supply shall not be turned on again until all violations have been corrected and the superintendent has ordered the water to be turned on.
- 7.15 TURN ON FEE. The fee to turn on water service after it has been shut off due to a violation shall be fifty dollars (\$50.00).

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- 7.16 OWNER RESPONSIBLE FOR MAINTENANCE. It shall be the responsibility of the owner of the property connected to any water main to keep in good repair and free of any leaks, the corporation cock and water service pipe, whether in the public right of way or not.
- 7.17 FAILURE TO MAINTAIN. When any corporation cock or water service pipe becomes defective and leaks and the owner fails to repair the leak and any damage to street surface resulting from the leak, the city may do so and assess the costs to the property owner and if not paid within 30 days of billing, the clerk shall certify the cost to the county auditor to be collected in the same manner as taxes.

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

- 7.18 WATER MAIN EXTENSION POLICY. A water main extension will be made by the city upon application by any person desiring service to his or her property who signs a contract for such service and pays the cost thereof through a connection charge or otherwise as required by this chapter. No water main will be extended beyond the city limits for commercial or residential purposes unless the applicant agrees to voluntarily petition for annexation simultaneously with such extension where the applicant's property is contiguous to the corporate limits, or agrees to so petition as soon as the applicant's property becomes contiguous to the city limits and files for future use such petition so conditioned.

Water mains will be extended beyond the city limits for any industrial establishment which will employ ten employees or more within one year of the extension over the above existing employment in the community, without annexation being required if it is shown that the industry needs the tax benefit, or if it is on property not contiguous to the city limits.

If the water superintendent determines that no foreseeable need will occur for a public water main, and so recommends to the city council upon council approval, an applicant for service may be permitted to construct a private main in an undeveloped public right-of-way (i.e. no traveled way or no more than a graded and/or traveled vehicular way), provided the work shall meet the city requirements for installations in the public way, including placement in the standard location, protection of work, quality of construction, and backfilling. Such main shall originate in a meter and be the property of the owner who shall be responsible for maintenance in the same manner as with water service pipes. It shall be a condition of the contract for connection that the city will not reimburse the owner for such a main if it has to be replaced with a public main after five years or more use.

- 7.19 MAIN EXTENSION CHARGES. Water service shall be provided through an extension of a water main in the following cases:
1. For distances up to 50 feet beyond existing end of a city-owned main, upon request of a person who contracts to immediately tap the main upon the completion of the extension and who can be expected to use water service upon

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the completion of construction of the residence or commercial building or facility to be served...no connection charge.

2. Where two applicants, one on each side of a street make application at the same time under the same contract conditions as in "1." above, extension will be made for 100 feet...no connection charge.
3. Where a single tap is contemplated by an applicant for an extension exceeding 50 feet and it is not foreseeable that other customer taps will be applied for before construction is begun, the applicant shall deposit with the city clerk a sum equal to the estimated cost of the extension required, as determined by the water superintendent, and enter into a contract providing for the deposit and any future rebates in accordance with the following provisions:
 - a. The city will refund any excess of deposit over the actual cost for the extension.
 - b. For each customer later connected to the main the city will rebate the proportional share (by feet of frontage) as set out in the contract, the cost of the extension to the original applicant, but not in excess of the final payment by that applicant, provided such connections are made within five years, after which time no rebates shall be paid. However, the applicant shall be entitled to a refund of the unpaid balance of the full amount deposited with the city whenever the revenue derived from the sale of water to customers directly connected to the extension is equal in each of two consecutive twelve (12) month periods within the five years following application to ten (10) percent of the total actual cost of the main extension. Customer is defined as the occupant of a one-family dwelling, a one-family portion of a two-family dwelling, or as a single commercial establishment contracting for water in its own name (and from its own meter).
4. The main extension shall be built to city standards and become the property of the city as it is installed. If the applicant hires the construction, the city shall inspect the work for compliance with city standards and may enforce the specifications.

7.20 WATER MAIN CONSTRUCTION STANDARDS. No water tap will be allowed for service to a property except when a public water main runs along the street in front of the property (unless an alley or easement is determined by the city to be the best approach to serving the property) and at least ten (10) feet beyond the side property line, extended, nearest to the supply side of the main.

The tap must be at least four (4) feet beyond that property line, extended, of the abutting property. No public main shall be less than four inches in diameter, but no such four-inch (4") main shall be extended more than two hundred (200) feet and only if no foreseeable and feasible user can be served beyond said 200 feet. The city reserves the right to put in the size of main required for an adequate system of mains in the future to provide fire

TITLE II

flow and adequate pressure for reasonably foreseeable customer service. The main shall be installed and of the quality required by specifications adopted by the council upon recommendation of the water superintendent.

- 7.21 INSPECTION AND APPROVAL. All water service pipes and their connections to the water system must be inspected and approved by the superintendent before they are covered. If he/she refuses to approve the work, the plumber or property owner must proceed to correct the work in order to meet approval. Every person who uses or intends to use the municipal water system shall permit the superintendent to enter the premises to inspect or make necessary alterations or repairs at all reasonable hours and on proof of authority.

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CHAPTER 3: WATER SERVICE

ARTICLE 8 - WATER METERS

- 8.01 METERS REQUIRED. All water furnished customers shall be measured through meters furnished and installed by the city.
(Code of Iowa, Sec. 384.84(1))
- 8.02 FIRE SPRINKLER SYSTEM. Fire sprinkler systems may be connected to water mains by direct connection without meters under the direct supervision of the superintendent. No open connection can be incorporated in the system, and there shall be no valves except a main control valve at the entrance to the building which must be sealed open.
- 8.03 LOCATION. All meters shall be so located that they are easily accessible to meter readers and repairmen and protected from freezing.
- 8.04 METER SETTING. The property owner shall provide all necessary piping and fittings for proper setting of the meter by the city.
- 8.05 METER REPAIRS AND COSTS. Whenever a water meter owned by the city is found to be out of order, the superintendent shall have it repaired. If it is found that damage to the meter has occurred due to the carelessness or negligence of the consumer or property owner, then the property owner shall be liable for the cost of repairs.
- 8.06 RIGHT OF ENTRY. The superintendent is permitted to enter the premises of any consumer at any reasonable time to read, remove or change a meter.
- 8.07 INSTALLATION FEE. There shall be a fee charged to the property owner for each new installation of a water meter in accordance with a schedule of such fees adopted by resolution of the council.
- 8.08 MAINTENANCE TEST. Every meter shall be removed from service at least once every five years and thoroughly tested for accuracy. Any meter found inaccurate beyond tolerance of one and one-half percent shall not be returned to service until properly adjusted.

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CHAPTER 3: WATER SERVICES

ARTICLE 9 - WATER RATES

- 9.01 SERVICE CHARGES. Each customer shall pay for water service provided him or her by the city based upon his or her use of water, as determined by meters provided for in Article 8 of this chapter. Each location, building, premises or connection shall be considered a separate and distinct customer whether owned or controlled by the same person or not.

(Code of Iowa, Sec. 384.84(1))

- 9.02 RATES AND SERVICES. Water service shall be furnished at the following quarterly rates within the city:

Benefited User

First 3,000 gallons	\$20.00 (minimum monthly charge)
More than 3,000 gallons	\$1.90 per 1,000 gallons.

Non-Beneficial User

First 3,000 gallons	\$21.20 per month (minimum monthly charge)
More than 3,000	\$3.50 per 1,000 gallons

(Editor's Note: Ordinance2016-05-03, Was approved by City Council on May 2, 2016)

- 9.03 RATES OUTSIDE THE CITY. Water service shall be provided any customer located outside the corporate limits of the city which the city has agreed to serve at rates provided in section 9.02. No such customer, however, will be served unless the customer has signed a service contract agreeing to be bound by the ordinances, rules and regulations applying to water service established by the council.

(Code of Iowa, Sec. 364.4(2))

- 9.04 CUSTOMER DEPOSITS. There shall be required from every customer or perspective customer a one hundred (\$100.00) dollar deposit conditioned on guaranteeing the payment of bills for water and sewer services. The City may require a new deposit upon the occurrence of circumstances requiring termination of water service to the customer. Each customer making a deposit shall be given a deposit receipt; and a permanent file of such receipts shall be kept in the office of the City Clerk, and the deposits shall be placed in a customer guarantee deposits fund. The City will not refund the deposit until the account is closed and paid in full.

TITLE II

9.05 RESIDENTIAL RENTAL PROPERTY. For residential rental property where a charge for water services is separately metered and paid directly by the tenant, the rental property is exempt from a lien for delinquent charges if the owner or landlord has done the following:

1. The owner or landlord has given written notice to the City utility that the tenant is liable for all charges.
2. A deposit not exceeding the usual cost of ninety (90) days of water service has been paid to the City by the tenant.
3. The notice given to the City utility shall contain the name of the tenant responsible for the charges, the address of the property, and the date the tenant is to begin occupying the premises.
4. If the tenant for which the owner or landowner has given written notice to the city moves from the specified premises, then the owner or landlord shall provide the city with a written notice of the change in occupancy with ten (10) business days after the date when such change occurred. The owner shall also provide the city with written notice of any change in ownership of the specified premises within ten (10) days following the date when such change occurred.

When the tenant moves from the rental property, the City shall return the deposit to the tenant, provided that all water services charges are paid in full. The lien exemption for rental property does apply to charges made by the City for repairs to a water service if these repair charges become delinquent.

9.06 APPLYING DEPOSIT TO A BILL. If a person fails to pay any amount due for water, penalty or water goods or services as a result of moving out of the premises, the city clerk may draw on the deposit for the amount of the arrears and the balance of the deposit, if any, shall be returned to the last known address of the customer, or to the customer in person. Where the customer pays all amounts due at the time of moving out of the city, the full amount of deposit shall be paid to the customer in person or by mail. Where the person fails to pay after a turn off the city clerk may draw on the deposit for the amount of arrears, and the balance of the deposit held to apply on the succeeding deposit required at the same or other premises, and water shall not be turned on until the deposit is sufficient to meet the requirements under section 9.04 or 9.05 of this ordinance.

If a deposit is not adequate to pay all arrears at time of the customer's moving from the premises the balance shall be rebilled and the bill sent to the last known address of the customer. Where such rebilling is not paid within 30 days from the mailing of the rebilling, the clerk shall turn the billing over to the city attorney for collection by whatever means the attorney deems appropriate. Where the customer applies for water service at a new premises the past due amount shall be paid and an adequate deposit made before the water may be turned on.

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All payments out of the customer guarantee deposit fund shall be by check.

- 9.07 BILLING PERIODS FOR WATER SERVICE. Billing and payment for water service shall be in accordance with the following:

Payments for water shall be due and payable monthly on or before the 10th day of the month following the month of service. All water bills are due and payable at the Office of the City Clerk, or places the council may designate by resolution.

If any bill for water service is not paid within ten (10) days of the date of the issue, a charge of ten percent (10%) of the amount of the bill shall be added thereto and collected therewith.

Posting of Shut-off Notices. A posting fee of \$50.00 will be charged whenever it is necessary for city employees to post a notice of impending disconnection service.

(Editor's Note: Section 9.07(3) was added by Ordinance No. 10-07-2002 on October 2, 2002)

- 9.08 DELINQUENT ACCOUNTS. The City may take one or both of the following courses of action if the account for water service becomes delinquent by more than sixty (60) days:

1. The City may discontinue water service to the property for which the account is delinquent; provided prior written notice of the intended action by the City is first sent to the account holder by ordinary mail. The notice shall inform the account holder of the nature of the delinquency and inform the account holder of the opportunity for a hearing before the city council. The notice shall be sent to the account holder at least twenty (20) days before the date intended for the service to be discontinued. If the account holder is a tenant, and if the owner or landlord of the property has made a written request for notice, the same notice shall also be given in the same manner as required to be given to the account holder. If the account holder wishes to appear before the city council, then the account holder shall notify the City Clerk in writing of his or her desire to appear within ten (10) days of the date of the notice sent by the City.
2. The City may certify to the County Treasurer the amount of the delinquent account, which shall become a lien on the property if the following steps have been taken by the City:
 - a. Written notice has been sent by ordinary mail to the account holder at least thirty (30) days prior to certification of the lien to the County Treasurer. The notice shall state the intention of the City to certify to the County Treasurer the amount of the delinquent account, and inform the account holder of the opportunity for a hearing before the city council. If the account holder wishes to appear before the city council, then the account holder shall notify the City Clerk in writing of his or her desire to appear within ten (10) days of the date of the notice sent by the City.

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- b. If the account holder is a tenant, and the owner or landlord have requested notice, then the same notice shall also be given in the same manner to the owner or landlord as required to be given to the account holder.
 - 3. No lien shall be imposed for delinquent charges of less than \$5.00. However, the City may charge an administration fee of up to \$5.00, which amount shall be added to the lien and collected at the time of payment of the assessment.
 - 4. An exception to the procedure for certifying liens to the County Treasurer shall be that as described in Section 9.05.
- 9.09 COMBINED SERVICE ACCOUNT. The City may combine charges for water service with other city utility charges. If such a combined service account becomes delinquent, then all services may be discontinued after the required procedures have been followed.
- 9.10 The superintendent, or his/her authorized assistant, may shut off the supply of water to the customer without notice when the customer is found to be using water consuming equipment in a manner adversely affecting the utility's system or its ability to serve others, such as cross-connections, back-siphonage, wastage to the extent of drastically reducing water pressure, or any other action so affecting the safety or proper operation of the system; and the water supply shall not be restored until the customer has corrected the condition. He or she or she may likewise shut off the water supply to the customer for violation of or noncompliance with the rules by said customer or for failure of the customer to permit the superintendent, or his/her authorized assistant, reasonable access to the customer's premises for the purposes enumerated in sections 8.05 and 8.06, provided the superintendent shall have given written notice allowing ten days from the date of mailing or personal notice to comply, Sundays or holidays excepted, and such notice shall state that the customer has the right to appeal to the superintendent for explanation of the action.

TITLE II

CHAPTER 4: STORM SEWER

ARTICLE 10 - STORM SEWER

- 10.01 STORM WATER DRAINAGE SYSTEM. The council may declare all or a certain portion of the city as a storm water drainage system district for the purpose of establishing, imposing, adjusting, and providing for the collection of rates as allowed by the Code of Iowa.

(Code of Iowa, Sec. 384.84)

- 10.02 REVENUE BONDS. The council may institute proceedings to issue revenue bonds for storm water drainage construction pursuant to the Code of Iowa.

(Code of Iowa, Sec. 384.84A)

TITLE II

CHAPTER 5: MISCELLANEOUS CHARGES

ARTICLE 10 – MISCELLANEOUS CHARGES

11.01 CITY OF LITTLE ROCK CEMETERY:

The following charges apply to the City of Little Rock Cemetery:

- a. A resident of the City of Little Rock, Iowa, desiring to purchase cemetery plots, is required to purchase a minimum of two (2) cemetery plots at \$200.00 each.
- b. A non-resident of the City of Little Rock, Iowa, desiring to purchase cemetery plots, is required to purchase a minimum of two (2) cemetery plots at \$400.00 each.

11.02 CITY OF LITTLE ROCK COMMUNITY BUILDING:

The following charges apply to the City of Little Rock Community Building:

- a. For the purpose of land sales and auctions the rental fee is \$300.00. Renters are required to clean the community building after the event.
- b. For the purpose of wedding receptions and family gatherings the rental fee is \$150.00. Renters are required to clean the community building after the event.
- c. For any non-profit organization there will be no rental fee. Renters are required to clean the community building after the event.

(Editor's Note Ordinance 2014-03-16, approved by City Council March 16, 2014, and created a new Chapter 5, Article 10 Miscellaneous Services, Sections 11.01 & 11.02))

11.03 CITY OF LITTLE ROCK CAR WASH:

- a. \$2.50 per four (4) minutes per car wash.

(Editor's Note Ordinance 2015-12-07, approved by City Council December 7, 2015, and created new Section 11.03 City of Little Rock Car Wash)

TITLE II

TITLE III

TITLE III PUBLIC ORDER PROTECTION AND LAW ENFORCEMENT

TITLE III

CHAPTER 1: MISDEMEANORS

ARTICLE 1 - PUBLIC PEACE

1.01 PURPOSE. The purpose of this article is to preserve the public order by defining and prohibiting offenses against the public peace and providing for their abatement.

1.02 ASSAULT. No person shall, without justification, commit any of the following.

1. PAIN OR INJURY. Any act which is intended to cause pain or injury to, or which is intended to result in physical contact which will be insulting or offensive to another, coupled with the apparent ability to execute the act.

(Code of Iowa, Sec. 708.1 (1))

2. THREAT OF PAIN OR INJURY. Any act which is intended to place another in fear of immediate physical contact which will be painful, injurious, insulting, or offensive, coupled with the apparent ability to execute the act.

(Code of Iowa, Sec. 708.1 (2))

However, where the person doing any of the above enumerated acts, and such other person, are voluntary participants in a sport, social or other activity, not in itself criminal, and such act is a reasonably foreseeable incident of such sport or activity, and does not create an unreasonable risk or serious injury or breach of the peace, the act is not an assault. Provided, where the person doing any of the above enumerated acts is employed by a school district or accredited nonpublic school, or is an area education agency staff member who provides services to a school or school district, and intervenes in a fight or physical struggle, or other disruptive situation that takes place in the presence of the employee or staff member performing employment duties in a school building, on school grounds or at an official school function regardless of the location, the act is not an assault, whether the fight or physical struggle or other disruptive situation is between students or other individuals if the degree and the force of the intervention is reasonably necessary to restore order and to protect the safety of those assembled.

(Code of Iowa, Sec. 708.1 (1))

1.03 AFFRAY. It shall be unlawful for two (2) or more persons voluntarily or by agreement to engage in any fight, or use any blows or violence towards each other in an angry or quarrelsome manner, in any public place, to the disturbance of others.

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- 1.04 UNLAWFUL ASSEMBLY. An unlawful assembly is three or more persons assembled together, with them or any of them acting in a violent manner, and with intent that they or any of them will commit a public offense. A person who willingly joins in or remains a part of an unlawful assembly, knowing or having reasonable grounds to believe that it is such, commits a simple misdemeanor.
(Code of Iowa, Sec. 723.2)
- 1.05 DISORDERLY CONDUCT. A person commits a simple misdemeanor when the person does any of the following:
1. Engages in fighting or violent behavior in any public place or in or near any lawful assembly of persons, provided that participants in athletic contests may engage in such conduct which is reasonably related to that sport.
 2. Makes loud and raucous noise in the vicinity of any residence or hospital which causes unreasonable distress to the occupants thereof.
 3. Directs abusive epithets or makes any threatening gesture which the person knows or reasonably should know is likely to provoke a violent reaction by another.
 4. Without lawful authority or color of authority, the person disturbs any lawful assembly or meeting of persons by conduct intended to disrupt the meeting or assembly.
 5. By words or action, initiates or circulates a report or warning of fire, epidemic, or other catastrophe, knowing such report to be false or such warning to be baseless.
 6. Knowingly and publicly uses the flag of the United States in such a manner as to show disrespect for the flag as a symbol of the United States, with the intent or reasonable expectation that such use will provoke or encourage another to commit a public offense.
 7. Without authority or justification, the person obstructs any street, sidewalk, highway, or other public way, with the intent to prevent or hinder its lawful use by others.
(Code of Iowa, Sec. 723.4(1-7))
- 1.06 UNLAWFUL ASSEMBLY AND RIOT. It shall be unlawful for three (3) or more persons in a violent or tumultuous manner to assemble together to do or attempt an unlawful act, or when together to commit or attempt an act, whether lawful or unlawful, in a manner which is violent or tumultuous and to the disturbance of others.
(Code of Iowa, Sec. 723.1,2,4)

TITLE III

- 1.07 FAILURE TO DISPERSE. A peace officer may order the participants in a riot or unlawful assembly or persons in the immediate vicinity of a riot or unlawful assembly to disperse. No person within hearing distance of such command shall refuse to obey.

(Code of Iowa, Sec. 723.3)

- 1.08 TEMPORARY CIVIL DISORDER. The following shall apply:

(Code of Iowa, Sec. 372.14(2))

1. **DECLARATION**. The mayor may declare a state of civil disorder within the city or its parts if the mayor has reason to believe a riot or other general public disorder may occur as a result of an act of violence or resistance to the lawful exercise of authority, constituting a threat to public peace or general welfare.
2. **TEMPORARY RESTRICTIONS**. The mayor may promulgate all or part of the following restrictions, which shall become effective after reasonable notice of their contents is given and the affected area of the city is specified.
 - a. Order the immediate closing of all taverns and the cessation of the sale or other distribution of intoxicating liquor and beer.
 - b. Order the cessation of public display, sale or any other distribution of firearms and ammunition.
 - c. Order the cessation of the sale or other distribution of explosives or flammables.
 - d. Order the closing of all or some public parks, public streets or other public places during specified hours.
 - e. Order the cessation of gatherings by three (3) or more persons in public buildings, streets, parks or other open areas either public or private.
 - f. Order the cessation of any other activities reasonably believed hazardous to the maintenance of public safety.
3. **TERMINATION**. Any restriction issued according to this section will automatically terminate forty-eight (48) hours after the mayor's declaration of civil disorder, or upon his or her declaration that the state of civil disorder no longer exists, whichever occurs first. Any or all restrictions declared by the mayor may be extended by successive resolutions of the council for additional time periods. The period of any one extension shall not exceed five (5) days.

TITLE III

1.09 PARADES. No person shall conduct or cause any parade on any street except as provided in this section.

1. DEFINITION. "Parade" shall mean any march or procession of persons or vehicles organized for marching or moving on the streets in an organized manner, or any march or procession of persons or vehicles represented or advertised generally to the public as a parade.
2. PERMIT. No parade shall be conducted without a written permit obtained from the mayor or police chief in the mayor's absence. Such permit shall state the time, date and general route of the parade, and no permit fee shall be required. The written permit granted to the sponsors or organizers of the parade shall be permission for participants invited by the permittee to parade. Any denial of a permit may be appealed to the Council.
3. PARADE NOT A STREET OBSTRUCTION. Any parade authorized by a permit and in which the persons are lawfully participating shall not be deemed a street obstruction, notwithstanding the provisions of any other ordinance to the contrary.
4. CONTROL BY POLICE AND FIREMEN. Parade participants shall be subject at all times to the lawful orders and directions of police and fire department members in the performance of their duties.

1.10 NOISE GENERALLY. It is a violation to disturb the peace with excessive, loud or unusual noise by blowing horns or ringing bells, or by the use of sirens, radios or any type of speaking device or noisemaker.

1.11 TIRE NOISE. It is unlawful to operate a motor vehicle in such a manner so as to disturb the peace and quiet of any person by causing excessive, loud or unusual noise to come from the tires of said vehicle.

1.12 LOUD, UNNECESSARY OR UNUSUAL NOISE. Notwithstanding any other provision of this Chapter and in addition thereto, it shall be unlawful for any person to willfully make or continue or cause to be made or continued any loud, unnecessary or unusual noise which disturbs the peace or quiet of any neighborhood, or which causes discomfort or annoyance to any reasonable person or normal sensitivities residing in the area.

1.13 HARASSMENT. A person commits harassment when, with intent to intimidate, annoy, or alarm another person, the person does any of the following:

- (1) Communicates with another by telephone, telegraph, writing, or via electronic communication without legitimate purpose and in a manner likely to cause the other person annoyance or harm.

(Code of Iowa, Sec. 708.7(1))

- (2) Places a simulated explosive or simulated incendiary device in or near a building, vehicle, airplane, railroad engine or railroad car, or boat occupied by another person.

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(Code of Iowa, Sec. 708.7(2))

- (3) Orders merchandise or services in the name of another, or to be delivered to another, without the other person's knowledge or consent.

(Code of Iowa, Sec. 708.7(3))

- (4) Reports or causes to be reported false information to a law enforcement authority implicating another in some criminal activity, knowing that the information is false, or reports the alleged occurrence of a criminal act, knowing the act did not occur.

(Code of Iowa, Sec. 708.7(4))

A person commits harassment when the person, purposefully and without legitimate purpose, has personal contact with another person, with the intent to threaten, intimidate or alarm that other person. As used in this section, unless the context otherwise requires, "personal contact" means an encounter in which two or more people are in visual or physical proximity to each other. "Personal contact" does not require a physical touching or oral communication, although it may include these types of contacts.

- 1.14 URINATING AND DEFECATING. It is unlawful for any person to urinate or defecate onto any sidewalk, street, alley, or other public way, or onto any public or private building, including but not limited to the wall, floor, hallway, steps, stairway, doorway or window thereof, or onto public or private land.

- 1.15 DISTRIBUTING DANGEROUS SUBSTANCES. No person shall distribute samples of any drugs or medicine, or a corrosive, caustic, poisonous or other injurious substance son delivers such into the hands of a competent person, or otherwise takes reasonable precautions that the substance will not be taken by children or animals from the place where the substance is deposited.

(Code of Iowa, Sec. 727.1)

- 1.16 FALSE REPORTS TO OR COMMUNICATIONS WITH PUBLIC SAFETY ENTITIES.

1. Report or cause to be reported false information to a fire department, a law enforcement authority or other public safety entity, knowing that the information is false, or report the alleged occurrence of a criminal act knowing the act did not occur.
2. Telephone an emergency 911 communications center, knowing that he or she is not reporting an emergency or otherwise needing emergency information or assistance.

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3. Knowingly provide false information to a law enforcement officer who enters the information on a citation.

TITLE III

CHAPTER 1 MISDEMEANORS

ARTICLE 2 - PUBLIC MORALS

- 2.01 PURPOSE. The purpose of this article is to preserve the public order by defining and prohibiting offenses against public morals and providing for their abatement.
- 2.02 PROSTITUTION. It shall be unlawful for any person to engage in, assist, or in any manner promote prostitution within the city.
- 2.03 BLASPHEMOUS OR OBSCENE LANGUAGE. It shall be unlawful for a person to use blasphemous or obscene language publicly, to the disturbance of the public peace and quiet.
- 2.04 INTOXICANTS AND INTOXICATION. The following shall be unlawful:
1. ILLEGAL KEEPING OF INTOXICANTS. To operate, conduct, or allow to be operated a place where intoxicating liquor is illegally kept, sold or given away.
 2. CONSUMPTION IN PUBLIC PLACES. A person shall not use or consume alcoholic liquor, wine, or beer upon the public streets or highways. A person shall not use or consume alcoholic liquor in any public place except premises covered by a liquor control license. A person shall not possess or consume alcoholic liquors, wine, or beer on public school property or while attending a public or private school-related function. A person shall not be intoxicated in a public place.
(Code of Iowa, Sec. 123.46)
 3. SIMULATE INTOXICATION. A person shall not simulate intoxication in a public place.
(Code of Iowa, Sec. 123.46)
- 2.05 INDECENT EXPOSURE. No person shall expose those parts of his or her or her body listed herein to another in any public place, or in any place where such exposure is seen by another person or persons in any public place.
1. PROHIBITION. Exposure of the following in a public place is prohibited:
 - a. A woman's nipple, or aureole, or full breast, except as necessary in the feeding of any infant under the age of thirty-six (36) months.
 - b. The pubic hair, pubes, perineum, or anus of a male or female, the penis or scrotum of a male, or the vagina of a female, excepting those body parts of an infant of either sex.

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2. EXEMPTION. This section shall not apply to limited or minimal exposures incident to the use of public restrooms or locker rooms or other such places where such exposures occur incident to the prescribed use of those facilities, nor shall it apply to exposures occurring in live stage plays, live theatrical performances, or live dance performances conducted in a theatre, concert hall or similar establishment which is primarily devoted to theatrical performances.

TITLE III

CHAPTER 1: MISDEMEANORS

ARTICLE 3 - MINORS

3.01 DEFINITIONS. The following terms shall have the meanings defined below:

- A. "Emergency errand" means, but is not limited to, an errand relating to a fire, a natural disaster, an automobile accident or any other situation requiring immediate action to prevent serious illness, bodily injury or loss of life.
- B. "Knowingly" means knowledge which a responsible adult should reasonably be expected to have concerning the whereabouts of a minor in that responsible adult's custody. This is an objective standard. It shall, therefore, be no defense that an adult responsible for a minor was completely indifferent to the activities or conduct or whereabouts of the minor.
- C. "LEGAL AGE" shall be as set forth in section 123.3(19) and 123.47A of the Code of Iowa.
- D. "Minor" means any Unemancipated person under the age of eighteen (18) years.
- E. "Nonsecured custody" means custody in an unlocated multipurpose area, such as a lobby, office or interrogation room which is not designed, set aside or used as a secure detention area, and the person arrested is not physically secured during the period of custody in the area; the person is physically accompanied by a peace officer or a person employed by the facility where the person arrested is being held; and the use of the area is limited to providing nonsecured custody only while awaiting transfer to an appropriate juvenile facility or to court, for contacting of and release to the person's parents or other responsible adults or for other administrative purposes; but not for longer than six (6) hours without the oral or written order of a judge or magistrate authoring the detention. A judge shall not extend the period of time in excess of six hours beyond the initial six-hour period.
- F. "Public place" includes stores, parking lots, parks, playgrounds, streets, alleys, and sidewalks dedicated to public use, and also includes such parts of buildings and other premises whether publicly or privately owned which are used by the general public or to which the general public is invited commercially for a fee or otherwise; or in or on which the general public is permitted without specific invitation; or to which the general public has access. For purposes of this section, a vehicle or other conveyance is considered to be a public place when in the areas defined above.
- G. "Responsible adult" means a parent, guardian or other adult specifically authorized by law or authorized by a parent or guardian to have custody or control of a minor.

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H. "Unemancipated" means unmarried and/or still under the custody or control of a responsible adult.

3.02 SUPPLYING LIQUOR TO MINORS. It shall be unlawful for any person to sell, give or otherwise supply liquor or beer to any person under legal age, or knowingly to permit any person under that age to consume alcoholic liquors or beers, except in the case of alcoholic liquor or beer given or dispensed to a person, age nineteen or twenty, within a private home and with the knowledge and consent of the parent or guardian for beverage or medicinal purposes or as administered to him or her by a physician or dentist for medicinal purposes.

(Code of Iowa, Sec. 123.47)

3.03 CIGARETTES AND TOBACCO. See Title V, Chapter 2, Article 3 of this Code of Ordinances.

3.04 CONTRIBUTING TO DELINQUENCY. It is unlawful for any person to encourage any child under eighteen (18) years of age to commit any act of delinquency.

(Code of Iowa, Sec. 709A.1)

3.05 CURFEW. The Council has determined that a curfew for minors is necessary to promote the public health, safety, morals and general welfare of the City and specifically to reinforce the primary authority and responsibility of adults responsible for minors; to protect the public from the illegal acts of minors committed after the curfew hour; and to protect minors from improper influences and criminal activity that prevail in public places after the curfew hour.

3.06 CURFEW ESTABLISHED. A curfew applicable to minors is established and shall be enforced as follows:

A. Unless accompanied by a responsible adult, no minor seventeen (17) years of age or younger shall be in any public place during the following times:
Sunday through Thursday - 11: 00 p.m. to 5:00 a.m.
Friday and Saturday - 12:00 midnight to 5:00 a.m. 3.

B. EXCEPTIONS. The following are exceptions to the curfew:

1. The minor is accompanied by a responsible adult.
2. The minor is on the sidewalk or property where the minor resides or on either side of the place where the minor resides and the adult responsible for the minor has given permission for the minor to be there.

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3. The minor is present at or is traveling between home and one of the following:

- a. Minor's place of employment in a business, trade or occupation in which the minor is permitted by law to be engaged or, if traveling within one hour after the end of work;
- b. Minor's place of religious activity or, if traveling, within one hour after the end of the religious activity;
- c. Governmental or political activity or, if traveling, within one hour after the end of the activity;
- d. School activity or, if traveling, within one hour after the end of the activity;
- e. Assembly such as a march, protest, demonstration, sit-in or meeting of an association for the advancement of economic political, religious or cultural matters, or for any other activity protected by the First Amendment of the U.S. Constitution guarantees of free exercise of religion, freedom of speech, freedom of assembly or, if traveling within one hour after the end of the activity.

4. The minor is on an emergency errand for a responsible adult.

5. The minor is engaged in interstate travel through the City beginning, ending, or passing through the City when such travel is by direct route.

6. The minor's business, trade or occupation, in which the minor is permitted by law to be engaged, requires the presence of the minor in the public place.

D. **RESPONSIBILITY TO ADULTS.** It is unlawful for any responsible adult knowingly to permit or to allow a minor to be in any public place in the City within the time periods prohibited by this section unless the minor's presence falls within one of the above exceptions.

E. **ENFORCEMENT PROCEDURES.**

1. **Determination of Age.** In determining the age of the juvenile and in the absence of convincing evidence such as a birth certificate or driver's license, a peace officer on the street shall, in the first instance, use his or her best judgment in determining age.
2. **Grounds for Arrest; Conditions of Custody;** Grounds for arrest are that the person refuses to sign the citation without qualification; persists in

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violating the ordinance; refuses to provide proper identification or to identify himself or herself, or constitutes an immediate threat to the person's own safety or to the safety of the public. A law enforcement officer who arrests a minor for a curfew violation may keep the minor in custody either in a shelter care facility or in any non-secured setting. The officer shall not place bodily restraints, such as handcuffs, on the minor unless the minor physically resists or threatens physical violence when being taken into custody. A minor shall not be placed in detention following a curfew violation.

3. Notification of Responsible Adult. After a minor is taken into custody, the law enforcement officer shall notify the adult responsible for the minor as soon as possible. The minor shall be released to the adult responsible for the minor upon the promise of such person to produce the child in court at such time as the court may direct.
4. Minor without Adult Supervision. If a peace officer determines that minor does not have adult supervision because the peace officer cannot locate the minor's parent, guardian or other person legally responsible for the care of the minor, within a reasonable time, the peace officer shall attempt to place the minor with an adult relative of the minor, an adult person who cares for the child or another adult person who is known to the child. 6.

F. PENALTIES:

1. Responsible Adult's First Violation. In the case of a first violation by a minor, the Lyon County Sheriffs Department shall, by certified mail, send to the adult responsible for the minor, written notice of the violation with a warning that any subsequent violation will result in full enforcement of the curfew ordinance against both the responsible adult and minor, with applicable penalties.
2. Responsible Adult's Second Violation. Any responsible adult as defined in this section who, following receipt of a warning, knowingly allows the minor to violate any of the provisions of this section is guilty of simple misdemeanor.
3. Minor's First Violation. In the case of a first violation by a minor, the peace officer shall give the minor a written warning, which states that any subsequent violation will result in full enforcement of the curfew ordinance against the responsible adult and the minor, with applicable penalties.
4. Minor's Second Violation. For the minor's second and subsequent violations of any of the provisions of this section, the minor is guilty of a simple misdemeanor.

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- G. NOTICE. Notice of the ordinance codified in this section and its contents may be posted in or about such public or quasi-public places as may be designated by the Council in order that the public may be constantly informed of the existence of such ordinance and its regulations.

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CHAPTER 1: MISDEMEANORS

ARTICLE 4 - PUBLIC HEALTH AND SAFETY

- 4.01 PURPOSE. The purpose of this article is to preserve the public order by defining and prohibiting offenses against public health and safety and providing for their abatement.
- 4.02 Section Reserved for Future Use.
- 4.03 DISCHARGING FIREARMS, FIREWORKS.
1. It shall be unlawful for a person or corporation to discharge or fire any cannon, bomb, rifle, shotgun, revolver, pistol, gun, or a firearm of any kind, 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 within the city limits except by a police/peace officer in the line of duty, or as excepted by Section 4.03 Fireworks and Section 4.05 Consumer Fireworks within this Article. No person shall intentionally discharge a firearm in a reckless manner.
 2. 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.
 3. In the interest of public health and safety and at such times as approved by the Council or Mayor, the police or their designee may use firearms to control rodent or animal problems when it is evident that conventional control methods have not resolved the problem.
 4. Nothing herein shall be construed to prohibit the use of blank cartridges for a show or the theatre, or for signal purposes in athletic sports or by railroads, or trucks, for signal purposes, or by a recognized military organization and provided further that nothing in this section shall apply to any substance or composition prepared and used for medicinal or fumigation purposes.
 5. 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.

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4.04 FIREWORKS. The City Council, pursuant to section 727.2 of the Code of Iowa as amended, upon application in writing upon forms provided by the city clerk, may grant a permit for the display of fireworks ("Display Fireworks) by municipalities, fair associations, amusement parks and other organizations or groups of individuals; provided, such fireworks displays will be handled and supervised by a competent operator with prior experience in the handling of fireworks displays and who provides proof of certification by ATF, the State of Iowa, or a certificate of compliance issued by the Pyrotechnic Guild. The denial of a permit may be appealed to the city council.

1. CRITERIA. In approving or denying a request for a permit to conduct a fireworks display, the council shall consider:

- A. The type and nature of displays;
- B. The location;
- C. The anticipated or invited attendance;
- D. The qualifications of the operator;
- E. Safety and fire protection planning; and
- F. All other factors relevant to a particular application.

Different criteria apply to pyrotechnics before a proximate crowd and outdoor displays. Applicable standards include IFC chapter 33; NFPA 1123, 1126; ATF safe firework practices.

2. PERMIT FEE. No permit fee shall be required for a fireworks permit if the fireworks display is open to the public without charge. If the fireworks display is presented at an event to which admission is charged, a permit fee of fifty dollars (\$50.00) is required.

3. LIABILITY INSURANCE. An applicant for a fireworks permit shall provide a certificate of liability insurance for the specific event with a single limit of not less than two million dollars (\$2,000,000.00) naming the City of Ringsted, its officers, agents and employees as additional insureds.

4. A person, firm, partnership, or corporation who offers for sale, exposes for sale, sells at retail, or uses or explodes any display fireworks, commits a simple misdemeanor, punishable by a fine of not less than two hundred fifty dollars. However, the a city council of a city or a county board of supervisors may, upon application in writing, grant a permit for the display of display fireworks by municipalities, fair associations, amusement parks, and other organizations or groups of individuals approved by the city or the county board of supervisors when the display fireworks display will be handled by a competent operator, but no such permit shall be required for the display of display fireworks at the Iowa state fairgrounds by the Iowa state fair board, at

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incorporated county fairs, or at district fairs receiving state aid. Sales of display fireworks for such display may be made for that purpose only.

(Code of Iowa, Sec. 727.2)

5. A person who uses or explodes display fireworks while the use of such devices is prohibited or limited by an ordinance or resolution adopted by the county or city in which the firework is used commits a simple misdemeanor, punishable by a fine of not less than two hundred fifty dollars.

(Code of Iowa, Sec. 727.2)

4.05 CONSUMER FIREWORKS.

1. DEFINITIONS.

- a. “Consumer fireworks” includes first-class consumer fireworks and second-class consumer fireworks as those terms are defined in section 100.19, subsection 1. “Consumer fireworks” does 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.

(Code of Iowa 727.2)

- b. “First-class consumer fireworks” means the following consumer fireworks, as described in APA 87-1, chapter 3:

- (1) Aerial shell kits and reloadable tubes.
- (2) Chasers.
- (3) Helicopter and aerial spinners.
- (4) Firecrackers.
- (5) Mine and shell devices.
- (6) Missile-type rockets.
- (7) Roman candles.
- (8) Sky rockets and bottle rockets.
- (9) Multiple tube devices under this paragraph “c” that are manufactured in accordance with APA 87-1, section 3.5.

(Code of Iowa, Sec. 100.19)

- c. “Novelties” includes all novelties enumerated in chapter 3 of the American pyrotechnics association’s standard 87-1, and that comply with the labeling regulations promulgated by the United States consumer product safety commission

(Code of Iowa 727.2)

- d. “Second-class consumer fireworks” means the following consumer fireworks, as described in APA 87-1, chapter 3:

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- (1) Cone fountains.
- (2) Cylindrical fountains.
- (3) Flitter sparklers.
- (4) Ground and hand-held sparkling devices, including multiple tube ground and hand-held sparkling devices that are manufactured in accordance with APA 87-1, section 3.5.
- (5) Ground spinners.
- (6) Illuminating torches.
- (7) Toy smoke devices that are not classified as novelties pursuant to APA 87-1, section 3.2.
- (8) Wheels.
- (9) Wire or dipped sparklers that are not classified as novelties pursuant to APA 87-1, section 3.2.

(Code of Iowa, Sec. 100.19)

2. SALE OF CONSUMER FIREWORKS TO THE PUBLIC.

(Code of Iowa, Sec. 100.19)

- a. The state fire marshal shall establish a consumer fireworks seller license. An application for a consumer fireworks seller license shall be made on a form provided by the state fire marshal. The state fire marshal shall adopt rules consistent with this section establishing minimum requirements for a retailer or community group to be issued a consumer fireworks seller license.
- b. A person shall possess a consumer fireworks seller license under this section in order to sell consumer fireworks.
 - a. A person who violates a provision of this section 4.05(2) or Code of Iowa, Section 100.19 or a rule adopted pursuant to this section of the Code of Iowa is guilty of a simple misdemeanor

3. USE, POSSESSION, OR EXPLODE CONSUMER FIREWORKS. A person or a firm, partnership, or corporation may possess, use, or explode consumer fireworks in accordance with this the following:

Code of Iowa, Sec. 727.2)

- a. AT LEAST 18 YEARS OF AGE. A person, firm, partnership, or corporation who sells consumer fireworks to a person who is less than eighteen years of age commits a simple misdemeanor, punishable by a fine of not less than two hundred fifty dollars. A person who is less than eighteen years of age who purchases consumer fireworks commits a simple misdemeanor, punishable by a fine of not less than two hundred fifty dollars.
- b. A person who uses or explodes consumer fireworks or novelties while the use of such devices is prohibited or limited by an ordinance adopted by the county

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or city in which the fireworks are used commits a simple misdemeanor, punishable by a fine of not less than two hundred fifty dollars.

- c. A person who uses or explodes consumer fireworks or novelties while the use of such devices is suspended by an order of the state fire marshal commits a simple misdemeanor, punishable by a fine of not less than two hundred fifty dollars.

2. LIMITATIONS – CONSUMER FIREWORKS.

(Code of Iowa, Sec. 727.2)

- 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.
- c. 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.
- d. A person who violates this subsection commits a simple misdemeanor. A court shall not order imprisonment for violation of this subsection.

4.06 FALSE ALARMS. False reports to or communications with public safety entities.

1. By words or action, initiates or circulates a report or warning of fire, epidemic, or other catastrophe, knowing such report to be false or such warning to be baseless.

(Code of Iowa, Sec. 723.4(5))

2. A person who reports or causes to be reported false information to a fire department, a law enforcement authority, or other public safety entity, knowing

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that the information is false, or who reports the alleged occurrence of a criminal act knowing the act did not occur.

(Code of Iowa 718.6(1))

3. A person who telephones an emergency 911 communications center knowing that the person is not reporting an emergency or otherwise needing emergency information or assistance.

(Code of Iowa 718.6(2))

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

4.08 STENCH BOMBS. It shall be unlawful to 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, upon or about any theatre, restaurant, car, structure, place of business or amusement, or any place of public assemblage, or to attempt to do any of these acts, or to 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, prison officials 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.

(Code of Iowa, Sec. 724.1)

4.09 SPITTING. It shall be unlawful for a person to spit within any food establishment, restaurant, hotel, motor inn, cocktail lounge or tavern.

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

4.11 ABANDONED REFRIGERATORS. It shall be unlawful to place, or to allow to be placed, any discarded, abandoned, unattended or unused refrigerator, ice box or similar container equipped with an airtight 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 structure, under his or her or their 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, ice box or similar container, and to the owner or occupant of the premises where the hazard is permitted to remain.

(Iowa Code, Sec. 727.3)

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- 4.12 ANTENNA AND RADIO WIRES. It shall be unlawful for a person to allow 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))
- 4.13 BARBED WIRE AND ELECTRIC FENCE. It shall be unlawful for a person to use barbed wire or electric fence to enclose land within the city limits without the consent of the council unless such land consists of ten acres or more and is used as agricultural land.
- 4.14 URINATION AND DEFICATION. It shall be unlawful for any person to urinate or defecate in or upon any street, sidewalk, alley, public place or in any place open to public view, provided that this section shall not apply to restrooms or public facilities designated for such purpose.
- 4.15 DISTRIBUTING DANGEROUS SUBSTANCES. Any person who distributes samples of any drugs or medicine, or any corrosive, caustic, poisonous or other injurious substance, commits a simple misdemeanor unless the person delivers such into the hands of a competent person, or otherwise takes reasonable precautions that the substance will not be taken by children or animals from the place where the substance is deposited.
(Code of Iowa, Sec. 727.1)
- 4.16 MARIJUANA AND DRUG PARAPHERNALIA:
1. POSSESSION OF MARIJUANA It is unlawful for any person, knowingly or intentionally, to possess marijuana as defined in Chapter 124 of the State Code of Iowa unless same was obtained directly from or pursuant to a valid prescription or order of a practitioner while acting in the course of said practitioner's professional practice or otherwise authorized by Chapter 124 of the State Code of Iowa, as it now exist or is hereafter amended.
 2. CONTROLLED SUBSTANCE DEFINED. The term "controlled" "substance" as used in this Chapter is defined as the term "controlled substance" is defined in the uniform Controlled Substance Act, Chapter 124 of the State Code of Iowa, as it now exists or is hereafter amended.
 3. DRUG PARAPHERNALIA DEFINED. The term "drug "paraphernalia" as used in this chapter means all equipment, products and materials of any kind which are used, or intended to be used, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, concealing, injecting, containing, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of the laws of this State. "Drug paraphernalia" includes, but is not limited to:

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- a. Growing Kits. Kits used, intended for use, or designed for use in planning, propagating, cultivating, growing, or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived.
- b. Processing Kits. Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing control substances.
- c. Isomerization devices. Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance.
- d. Testing Equipment. Testing equipment used, intended for use, or designed for use in the identifying or in analyzing the strength, effectiveness or purity of controlled substances under circumstances in violation of the laws of this State.
- e. Scales. Scales and balances used, intended for use, or designed for use in weighting or measuring controlled substances.
- f. Dilutents. Dilutents and adulterant, such as quinine hydrochloride, mannitol, mannite, dextrose, or lactose, used, intended for use, or designed for use in cutting controlled substances.
- g. Separators-Sifter. Separation gins and sifters used, intended for use or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining marijuana.
- h. Mixing Devices. Blenders, bowls, containers, spoon, and mixing devices used, intended for use, or designed for use in compounding controlled substances.
- i. Containers. Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances.
- j. Storage Containers. Containers and other objects used, intended for use or designed for use in storing or concealing controlled substances
- k. Injecting Devices. Hypodermic syringes, needles and other objects used, intended for use in parenterally injecting controlled substances into the human body.
- l. Ingesting - Inhaling Devices. Objects used, intended for use, or designed for use in ingesting, inhaling or otherwise introducing heroin, marijuana, cocaine, hashish, or hashish oil into the human body, such as:
 - 1. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
 - 2. Water pipes;

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3. Carburetion tubes and devices;
 4. Smoking and carburetion masks;
 5. Roach clips, meaning objects used to hold burning materials, such as a marijuana cigarette that has become too small or too short to be held in the hand;
 6. Miniature cocaine spoons and cocaine vials;
 7. Chamber pipes;
 8. Carburetor pipes;
 9. Electric pipes;
 10. Air-driven pipes;
 11. Bongs;
 12. Ice pipes or chillers; or
 13. Chillums;
4. DETERMINING FACTORS. In determining whether an object is drug paraphernalia, a court, in its discretion, may consider, in addition to all other relevant factors, the following:
- a. Statements. Statement by an owner or by anyone in control of the object concerning its use.
 - b. Prior Convictions. Prior convictions, if any, of an owner, or anyone in control of the object under any State or Federal law relating to any controlled substances.
 - c. Proximity to Violation. The proximity of the object, in time and space, to a direct violation of the Uniform Controlled Substance Act, Chapter 124 of the State Code of Iowa, as it exists or is hereafter amended.
 - d. Proximity to Substance. The proximity of the object to controlled substances.
 - e. Residue. The existence of any residue of controlled substances on the object.
 - f. Evidence of Intent. Direct or circumstantial evidence of the knowledge of any owner, or of anyone in control of the object, or evidence that such person reasonably should know, that it will be delivered to persons who he or she knows, or reasonably should have known, could use the object to facilitate a violation of this Chapter.
 - g. Innocence of an Owner. The innocence of an owner, or of anyone in control of the object, as to a direct violation of the Uniform Controlled Substances Act, Chapter

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124 of the State Code of Iowa, as it exist or is hereafter amended, should not prevent a finding that the object is intended for use, or designed for the use as drug paraphernalia.

- h. Instructions. Instructions, oral or written, provided with the object concerning its use.
 - i. Descriptive Materials. Descriptive materials accompanying the object which explain or depict its use.
 - j. Advertising. National and local advertising concerning its use.
 - k. Displayed. The manner in which the object is displayed for sale.
 - l. Licensed Distributors or dealer. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products.
 - m. Sales Ratios. Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sale of the business enterprise.
 - n. Legitimate uses. The existence and scope of legitimate uses for the object in the community.
 - o. Expert Testimony. Expert testimony concerning its use.
5. POSSESSION OF DRUG PARAPHERNALIA. It is unlawful for any person to use, or posses with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of the laws of this State.
6. MANUFACTURE, DELIVERY OR OFFERING FOR SALE. It is unlawful for any person to deliver, posses with intent to deliver, manufacture with the infant to deliver, or offer for sale drug paraphernalia, intending that the drug paraphernalia will be used, or knowing, or under circumstances where one reasonably should know that it will be used, or knowing, or under that it is designed for use to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, inhale, or otherwise introduce into the human body a controlled substance in violation of the laws of this State. The prohibition contained in this Section shall not apply to manufacturers, wholesalers, jobbers, licensed medical technicians, nurses, hospitals, physicians, dentists, veterinarians, pharmacists or embalmers engages in the normal lawful course of their respective businesses or professions, nor to common carriers or warehouseurs or their employees engaged in the lawful transportation of such paraphernalia, nor to public officers or employees while engaged in the performance of their official duties.

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7. PENALTIES AND REMEDIES:

- a. Any violation of this Section shall be a simple misdemeanor.
- b. Any violation of the provisions of this Section shall also constitute a Municipal infraction.
- c. The City may institute civil proceedings to obtain injunctive and declaratory relief of such other orders of the court as are reasonable and proper to abate practices, conditions or circumstances found to be contrary to or prohibited by the provisions of this Section.

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CHAPTER 1: MISDEMEANORS

ARTICLE 5 - PUBLIC PROPERTY

- 5.01 PURPOSE. The purpose of this article is to define and prohibit offenses against public property and provide for their abatement.
- 5.02 DEFACING PUBLIC GROUNDS. It shall be unlawful for a person to cut, break or deface any tree or shrub on public property or on any public way by willfully defacing, cutting, breaking or injuring.
(Code of Iowa, Sec. 364.1&364.12(2))
- 5.03 PUBLIC BUILDINGS. It shall be unlawful to willfully write, make marks, or draw characters on the walls or any other part of any church, college, academy, schoolhouse, courthouse, or other public building, or on any furniture, apparatus, or fixture therein; or to willfully injure or deface the same, or any wall or fence enclosing the same.
(Code of Iowa, Sec. 716.1)
- 5.04 DAMAGE TO PUBLIC OR UTILITY PROPERTY. It shall be unlawful for a person to maliciously injure, remove, or destroy any railway or apparatus belonging thereto; or any bridge or railroad; or place, or cause to be placed, any obstruction on any railway, or on any bridge or railroad; or willfully obstruct or injure any public road or highway; or maliciously cut, burn or in any way break down, injure, or destroy any post or pole used in connection with any system of electric transmission or distribution, 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 to willfully tap, cut, injure, break, disconnect, connect, make connection with or destroy any of the wires, mains, pipes, conduits, meters, or other apparatus belonging to, or attached to, the power plant or distributing system of any electric light plant, electric motor, gas plant, or water plant; or to aid or abet any other person in so doing.
(Code of Iowa, Sec. 716.1)
- 5.05 DEFACING PROCLAMATIONS OR NOTICES. It shall be unlawful for a person to intentionally deface, obliterate, tear down, or destroy in whole or in part, any transcript or extract from or of any law of the United States or this state, or any proclamation, advertisement or notification, set up at any place within the city by authority of the law or by order of any court, during the time for which the same is to remain set up.
(Code of Iowa, Sec. 716.1)
- 5.06 INJURY TO FIRE APPARATUS. It shall be unlawful for a person to willfully destroy or injure any engine, hose, hook and ladder truck, or other thing used and kept for extinguishment of fires.
(Code of Iowa, Sec. 716.1)
- 5.07 DESTROYING PARK EQUIPMENT. It shall be unlawful for a person to destroy or injure any property or equipment in public swimming pools, playgrounds or parks by willfully defacing, breaking, damaging, mutilating or cutting.

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(Code of Iowa, Sec. 716.1)

- 5.08 INJURING NEW PAVEMENT. It shall be unlawful for a person to destroy or injure new pavement in any street, alley or sidewalk by willfully driving, walking or making marks on such pavement before it is ready to use.
- 5.09 CRIMINAL MISCHIEF. Any damage, defacing, alteration, or destruction of property is criminal mischief when done intentionally by one who has no right to so act.
- 5.10 INJURY TO CEMETERY PROPERTY. It shall be unlawful for a person to will- fully and maliciously destroy, mutilate, deface, injure or remove any tomb, vault, monument, gravestone or other structure placed in any public or private cemetery or other fences, railing or other work for the protection or ornamentation of said cemetery, or of any tomb, vault, monument or gravestone, or other structure aforesaid, on any cemetery lot within such cemetery, or to willfully and maliciously throw or leave any rubbish, refuse, garbage, waste, or to drive at an unusual and forbidden speed over avenues or roads in said cemetery, or to drive outside of said avenues and roads, and over the grass or graves of said cemetery.
- 5.11 OBSTRUCTING DRAINAGE. It shall be unlawful to divert, obstruct, impede, or fill up, without legal authority any ditch, drain, or watercourse, or to break down any levee lawfully established, constructed or maintained.
- 5.12 SIDEWALKS AND RIGHT-OF-WAY. It shall be unlawful for a person to damage public right-of-way or sidewalks, dig into or in any manner break any sidewalk, curb, pavement, street, alley or public ground without replacing the same in as good condition as found.

TITLE III

CHAPTER 1: MISDEMEANORS

ARTICLE 6 - PRIVATE PROPERTY

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

1. **ENTER PROPERTY WITHOUT PERMISSION.** Enter upon or in private property without legal justification or without the implied or actual permission of the owner, lessee, or person in lawful possession with the intent to commit a public offense or to use, remove therefrom, alter, damage, harass, or place thereon or therein anything animate or inanimate, without the implied or actual permission of the owner, lessee, or person in lawful possession.
(Code of Iowa, Sec. 716.7)
2. **VACATE PROPERTY WHEN REQUESTED.** Enter or remain upon or in private property without legal justification after being notified or requested to abstain from entering or to remove or vacate therefrom by the owner, lessee, or person in lawful possession, or by any peace officer, magistrate, or public employee whose duty it is to supervise the use or maintenance of the property.
(Code of Iowa, Sec. 716.7)
3. **INTERFERE WITH LAWFUL USE OF PROPERTY.** Enter upon or in private property for the purpose or with the effect of unduly interfering with the lawful use of the property by others.
(Code of Iowa, Sec. 716.7)
4. **USE OF PROPERTY WITHOUT PERMISSION.** Be upon or in private property and use, remove therefrom, alter, damage, harass, or place thereon or therein anything animate or inanimate, without the implied or actual permission of the owner, lessee, or person in lawful possession.
(Code of Iowa, Sec. 716.7)

The term "*trespass*" shall not mean entering upon the property of another for the sole purpose of retrieving personal property which has accidentally or inadvertently been thrown, fallen, strayed, or blown onto the property of another, provided that the person retrieving the property takes the most direct and accessible route to and from the property to be retrieved, quits the property as quickly as is possible, and does not unduly interfere with the lawful use of the property.

(Code of Iowa, Sec. 716.7(3))

6.02 DAMAGE TO PROPERTY. It shall be unlawful to cut, hack, break, deface or otherwise injure any ornamental or shade tree, fence, private building, railing or other property.
(Code of Iowa, Sec. 716.1)

TITLE III

- 6.03 TELEPHONE OR COMMUNICATION WIRE TAP. Any person, having no right or authority to do so, who taps into or connects a listening or recording device to any telephone or other communication wire, or who by any electronic or mechanical means listens to, records, or otherwise intercepts a conversation or communication of any kind, provided, that the sender or recipient of a message or one who is openly present and participating in or listening to a communication shall not be prohibited hereby from recording such message or communication; and further provided, that nothing herein shall restrict the use of any radio or television receiver to receive any communication transmitted by radio or wireless signal.

(Code of Iowa, Sec. 727.8)

- 6.04 THEFT. No person shall take possession or control of the property of another, or property in the possession of another, with the intent to deprive the other thereof.

TITLE III

CHAPTER 1: MISDEMEANORS

ARTICLE 7 - EXECUTION OF PROCESS

- 7.01 RESISTING EXECUTION OF PROCESS. It shall be unlawful for a person to knowingly or willfully resist or oppose any officer of this state, or any person authorized by law in serving or attempting to execute any legal writ, rule, order or process whatsoever, or to knowingly and willfully resist any such officer in the discharge of his or her duties without such writ, rule, order or process.
(Code of Iowa, Sec. 719.1)
- 7.02 RESISTING ARREST. It shall be unlawful for a person after being informed of the intention to arrest him or her, to attempt to escape or forcibly resist when arrest is being made by an officer under the authority of a warrant.
(Code of Iowa, Sec. 804.12)
- 7.03 REFUSING TO ASSIST AN OFFICER. If any person, being lawfully required by any sheriff, policeman or other peace officer, willfully neglects or refuses to assist him or her in the execution of the duties of his or her office in any criminal case, or in any case of escape or rescue, he or she shall be considered to have violated the municipal code.
(Code of Iowa, Sec. 719.2)
- 7.04 INTERFERENCE WITH CITY OFFICERS. It shall be unlawful for a person to interfere with or hinder any peace officer, fireman, officer, or city official in the discharge of his or her duty.
- 7.05 IMPERSONATING AN OFFICER. It shall be unlawful for a person to falsely assume to be a judge, magistrate, sheriff, deputy sheriff, peace officer, special agent of the Iowa Department of Public Safety or conservation officer, and take upon him or herself to act as such or require anyone to aid or assist him or her in any manner.
- 7.06 HARASSMENT OF PUBLIC OFFICERS AND EMPLOYEES. Any person who willfully prevents or attempts to prevent any public officer or employee from performing that officer's or employee's duty is guilty of harassment of public officers and employees.
(Code of Iowa, Sec. 718.4)
- 7.07 HARASSMENT OF PUBLIC OFFICERS AND EMPLOYEES. Any person who willfully prevents or attempts to prevent any public officer or employee from performing that officer's or employee's duty is guilty of harassment of public officers and employees.
(Code of Iowa, Sec. 718.4)

TITLE III

CHAPTER 2: NUISANCES

ARTICLE 8 - GENERAL PROVISIONS

8.01 DEFINITIONS. The following subsections include, but do not limit, the conditions which are deemed to be nuisances in the City:

1. **Offensive Smells.** 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))
2. **Filth or Noisome Substance.** Causing or suffering any offal, filth or noisome substance to be collected or to remain in any place to the prejudice of others.
(Code of Iowa, Sec. 657.2(2))
3. **Impeding Passage of Navigable River.** Obstructing or impeding without legal authority the passage of any navigable river, harbor or collection of water.
(Code of Iowa, Sec. 657.2(3))
4. **Water Pollution.** Corrupting or rendering unwholesome or impure the water of any river, stream or pond, or unlawfully diverting the same from its natural course or state, to the injury or prejudice of others.
(Code of Iowa, Sec. 657.2(4))
5. **Blocking Public and Private Ways.** 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))
6. **Houses of Ill Fame.** Houses of ill fame, kept for the purpose of prostitution and lewdness; gambling houses; places resorted to by persons participating in criminal gang activity prohibited by Chapter 723A of the Code of Iowa or places resorted to by persons using controlled substances, as defined in Section 124.101 of the Code of Iowa, in violation of law, 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))
7. **Billboards.** Billboards, signboards and advertising signs, whether erected and constructed on public or private property, which so obstruct and impair the view of any portion or part of a public street, avenue, highway, boulevard or alley or of a railroad or street railway track as to render dangerous the use thereof.
(Code of Iowa, Sec. 657.2(7))

TITLE III

8. Storing of Flammable Junk. Depositing or storing of flammable junk, such as old rags, rope, cordage, rubber, bones and paper, by dealers in such articles within the fire limits of the City, unless in a building of fireproof construction. (See also Title VI, Chapter 3, Article 3)

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

9. Air Pollution. Emission of dense smoke, noxious fumes or fly ash.

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

10. Dutch Elm Disease. Trees infected with Dutch Elm Disease. (See also Title VI, Chapter 2)

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

11. Emerald Ash Borer Disease. Trees infected with Emerald Ash Borer Disease.

(See also Title VI, Chapter 2).

12. Standing Water. Allowing or permitting land to remain in such a condition as to allow stagnant, standing water.

13. Community Standard. A house, building or land, visible from any public place or private premises, remaining in an unclean or disorderly condition and to a standard not conforming with other orderly premises in that vicinity.

14. Maintenance of Premises. Premises maintained in a manner causing substantial diminution in the value of other property in the neighborhood in which such premises are located.

15. Construction Site Litter. The maintenance of a construction site in such a manner that litter will not be prevented from being carried by the elements to adjoining premises.

16. Abandoned Objects. Abandoned, discarded or unused objects or equipment such as automobiles, furniture, appliances, cans or containers.

17. Compost Pile. Any compost pile which is of such a nature as to spread or harbor disease, emit unpleasant odors or harmful gas, or attract rodents, vermin or other disease-carrying pests, animals or insects.

18. Livestock. Keeping farm animals and fowl within the City limits, including (but not limited to) ducks, geese, chickens, turkeys, cattle, goats, swine, buffalo, horses and ponies is prohibited, unless the property owner has received written authorization from the Little Rock City Council.

19. Rock and Earth Slides. Storing or permitting the storage of material such as, but not limited to, sand, gravel, rock, earth, coal and grain in piles with side slopes in excess of the angle of repose of said material, the angle of repose being the angle that the surface of free-standing material makes with the horizontal plane without slipping, sliding or collapse of the material. (This subsection does not apply to accumulations or piles of

TITLE III

snow or to materials stored in a building, enclosure or completely fenced area to which members of the public are not permitted access.)

20. No person shall store or permit to be stored dirt, sand, gravel, debris or similar materials on a property unless said dirt or other materials shall be leveled and the lot brought to uniform grade consistent with surrounding lots. As an exception to the foregoing, the following uses are permitted:
 - a. Materials stored in bulk which are to be used as a part of the normal operations of a legally permitted landscaping business for use on other lots or to be sold on premises.
 - b. Dirt, sand, gravel and other materials may be stored in mounds for a period not to exceed four (4) months on a property in anticipation of construction on that lot, or in connection with construction on a neighboring lot, but for no other purpose.
21. Failure to establish a permanent cover of perennial grasses on any non-farm property or adjacent unpaved public right-of-way as soon as practical after any construction on the lot and adjacent right of way, and to thereafter maintain same in such condition as to substantially bind the surface of the soil and prevent erosion, whether by sheet or gullying, or by wind or water. Exceptions shall be permitted for densely shaded areas, landscape beds, and gardens, provided that vegetable gardens and agricultural crops shall not be placed in the front yard of a non-farm property, unless it can be demonstrated that no other viable location exists on the premises because of topography, natural vegetation, or similar circumstances out of the resident's control. Additionally, if permanent grass cover fails to establish itself on the right of way, due to road salt, sand and other winter maintenance procedures, then ornamental rock cover may be established, subject to the approval of the City Clerk and/or designee.
22. Trash piles. Accumulation of rubbish or trash tending in nature to harbor or attract vermin, rodents, or other disease-carrying pests, animals or insects, or to spread or harbor disease, emit unpleasant odors or harmful gas or creating a hazard of fire.
23. Dead Animals and Other Contaminated Material. Carcasses of animals remaining exposed and unburied six hours after death, or green or slated hides left or deposited in any open or public places; the storage, collection, discharge or depositing of any liquid waste, offal, filth, garbage, refuse, dead animals, or contaminated material in any private or public place so as to threaten the health or safety of or which is offensive to the senses of any individual or the public, or which is conducive to the breeding and harborage of flies, rats, or other vermin. Game animals being processed according to Iowa Department of Natural Resources regulations are exempted.
24. Disposal of Dead Animals. The disposal of dead animals by means other than by rendering, by burying at least three feet under the surface of the ground, or by transportation to and disposal at the Northern Plains Regional Landfill.

TITLE III

25. Deposits on Parking. The deposit or storage of any garbage or refuse containers, brush, rubbish, grass, rocks, building materials, incinerators, or any other debris or materials on the parking or area between the sidewalk and the curb of any street, except for a period not to exceed 24 hours while awaiting removal by garbage or refuse haulers. (See also Chapters 105 and 106)
26. Rats and Other Vermin. An infestation of rats or other vermin in or upon any premises.
27. Spreading Disease. The exposure of any person to any communicable disease by unlawful act or practice.
28. Unlawful Manufacture of Drugs. The unlawful manufacture, formulation, sale, distribution, and/or use of drugs, medication, devices, materials and/or chemicals.
29. Attractive Nuisance. Failure to secure areas, building, or places against unauthorized access where such access threatens the health or safety of individuals, or is an attractive nuisance to children.
30. Debris, Refuse, Rubbish, Trash. Accumulations of unused boards, bricks, concrete or rocks, animal or vegetable products or matter, appliances, ashes, barrels (excluding burn barrels and solid waste collection barrels awaiting pickup), bones, bottles, boxes, broken glass, brush, cans, cartons, cinders, coal, crates, pallets, decayed fruits or vegetables, dirt, dust, excrement, fence wire, filth, firewood not piled or stacked neatly or systematically, flammable materials, garbage, gasoline, grass, household furniture, discarded or broken or abandoned toys, iron and other metals, junk, kegs, leaves, logs, lumber not piled or stacked neatly and systematically (must have nails removed and be in rear yard; untreated lumber must be stacked), lumber scraps, manure, nails, offal, oil, old wearing apparel, paper, plaster, plastic (discarded containers or wrappers), plumbing fixtures, putrid fish or meat entrails, rags, roof shingles, rubber, sawdust, slag slop, soot, straw, sweepings, tacks, tarpaulins not in good repair, tires (mounted or unmounted), toilets, tubs, vehicle parts, weeds, wire, wood or metal shavings, any type of solid or yard waste (bagged or unbagged), or any condition or item that would prohibit the routine maintenance of the property or adversely affect the use and habitability of nearby property and of property within the City as a whole. Foliage and shrub clippings or cuttings, leaves, brush and fallen tree limbs or debris, firewood and other yard waste may be stored in piles in a rear yard not less than two (2) feet from a lot line and should be stored temporarily pending disposal or when used for mulch or composting or firewood.
31. Furniture, Fixtures and Appliances Outdoors. Any furniture, fixture, and appliance, including sofas, divans, recliners, toilets, bathtubs, sinks and similar objects that are not designed for outdoor use but which are maintained or located on any porch, lawn, parking lot, driveway, or public right-of-way.

TITLE III

32. Miscellaneous. Any act done or committed or suffered to be done or committed by any person — or any substance or thing kept, maintained, placed, or found in or on any public or private place — which is annoying or damaging or injurious or dangerous to the public health or welfare or safety, and every act or thing done, permitted, maintained, allowed, or continued on any property, public or private, by any person, which is liable to or does endanger, annoy, damage, or injure any person or inhabitant of the City or property of said person or inhabitant.
33. Vehicle Parts. Storage (other than in an enclosed building) on private property that is residentially zoned of any two or more vehicle parts, including (but not limited to) bumpers, engines, exhaust pipes, doors, fenders, hoods, mufflers, seats, windshields or windows, wheels, or any other structural, mechanical, or decorative vehicle parts.
34. Storage on Trailers or Trucks. The storage of anything on an unenclosed trailer, pickup, truck box, or like vehicles shall be treated in the same manner as storage outside of an enclosed structure. Coverage with a tarp is not considered enclosed.
35. Abandoned Objects. Abandoned, discarded or unused objects or equipment such as automobiles, furniture, appliances, cans or containers.
36. Obstruction of drainage. Any article or substance placed upon any street, alley, sidewalk, public ground or in any ditch, waterway or gutter so as to obstruct the same.
37. Obstruction of view. All trees, hedges, billboards, advertisement signs or other obstructions which prevent persons from having a clear view of traffic approaching an intersection from cross streets in sufficient time to bring a motor vehicle driven at a reasonable speed to a full stop before the intersection is reached.
38. Septic effluent. Effluent from a septic tank or drainage field running or ponding on the ground in the open, including in ditches.
39. Ponding water. An accumulation of water until it becomes stagnant.
40. Abandoned Appliances. Abandoning or otherwise leaving unattended any refrigerator, ice box, or similar container, with doors that may become locked, outside of buildings and accessible to children, or allowing any such refrigerator, ice box or similar container, to remain outside of buildings on premises in the person's possession or control, abandoned or unattended and so accessible to children.
41. Poison. The deposit of any poisonous material or thing on any premises, so as to allow access to it by any animal or person.
42. Any sign or sign structure which is structurally unsafe, or constitutes a hazard to safety or health by reason of its location, inadequate maintenance or dilapidation, or is not kept in good repair, or is capable of causing electric shocks to persons likely to come in contact with it, or which obstructs free ingress or egress from a required door, window, fire escape or other required exit-way.

TITLE III

43. Signs accessible to the general public containing statements, words or pictures of an obscene or pornographic character.
44. Residential or non-residential structures, the condition of which constitutes a hazard to safety or to health as determined by the enforcement official or his or her designee.
45. Discharge of water upon or under public streets or sidewalks by reason of faulty water service.
46. Noise Pollution. Any sound which disturbs human or which causes or tends to cause an adverse psychological or physiological effect on humans.
47. Litter. Any decomposable or non-decomposable solid or other waste material.
48. Structures damaged by Fire or Decay. All buildings and other structures which have been damaged by fire, decay or otherwise to an extent exceeding one-half (1/2) of their original value and which are so situated as to endanger the safety of the public.
49. Permitting or allowing the illumination of flood lights, yard lights or similar lights to be focused in such a fashion so as to encroach upon the peaceful enjoyment of neighboring property.
50. Fences or retaining walls that are not structurally sound or which are deteriorating, as may be evidenced by leaning or loose or missing elements.
51. BUILDING MAINTENANCE. All buildings shall be maintained to be weather and water tight. Broken windows, holes in roofs, and missing siding shall be replaced with similar materials to maintain the weather and water tight properties of the structure. All wood including floor boards, decking, subfloors, joists, rafters, roof sheathing, and siding shall be replaced when missing, rotted or damaged. Materials and practices used in reconstruction and residing shall be of standard quality and appearance commensurate with the character of house or building. Their appearance, as judged under prevailing appraisal practices and standards. Owners or responsible parties shall not use materials which would depreciate the value of adjoining premises or the neighborhood. Painted surfaces shall be maintained or repainted so that an individual wall surface does not have peeling or missing paint in areas in excess of fifty percent (50%) of that individual surface area.
52. Missing or torn, ripped, tattered, canvas, plastic, fabric or non-permanent material of a temporary storage structure (membrane storage structure) or missing, broken or dilapidated aluminum or steel support structures of such temporary structure (commonly referred to as hoop building or tent garages). The City's zoning ordinance may prohibit such temporary portable accessory storage structures.

TITLE III

52. Other Nuisances. Any matter, thing, substance, or condition within the City deemed to be a nuisance in Chapter 657 of the *Code of Iowa*, or defined as a public nuisance in Chapter 657A of the *Code of Iowa*, or its successor provisions of either of the chapters.

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

8.03 OTHER CONDITIONS REGULATED. The following actions are required and may also be abated in the manner provided in this chapter:

1. **REMOVAL OF DISEASED TREES.** 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. (See also Title VI, Chapter 8, Article 11)
(Code of Iowa, Sec. 364.12(3b))
2. **REMOVAL OF STRUCTURES.** The removal, repair or dismantling of a dangerous building or structure. (See also Title VI, Chapter 1, Article 1)
(Code of Iowa, Sec. 364.12(3c))
3. **NUMBERING OF BUILDINGS.** The numbering of buildings.
(Code of Iowa, Sec. 364.12(3d))
4. **DRAINAGE CONNECTIONS.** The connection to public drainage systems from abutting property when necessary for public health or safety and protection of property.
(Code of Iowa, Sec. 364.12(3e))
5. **SANITARY FACILITIES.** 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. (See also Title II, Chapter 2, Article 4)
(Code of Iowa, Sec. 364.12(3f))
6. **DESTRUCTION OF WEEDS.** The cutting or destruction of weeds or other growth which constitutes a health, safety or fire hazard. (See also Title III, Chapter 4, Article 11)
(Code of Iowa, Sec. 364.12(3g))

8.04 FAILURE TO ABATE. Any person causing or maintaining a nuisance, who shall fail or refuse to abate or remove the same within the reasonable time required and specified in the notice to abate, is in violation of this Code of Ordinances.

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

(Code of Iowa, Sec. 657.3)

TITLE III

CHAPTER 2: NUISANCES

ARTICLE 9 - ABATEMENT PROCEDURE

- 9.01 NUISANCE ABATEMENT. Whenever the mayor or other authorized municipal officer finds that a nuisance exists or a condition needs to be corrected, the mayor shall cause to be served upon the property owner a written notice to abate the nuisance within a reasonable time after notice.

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

- 9.02 NOTICE TO ABATE. The notice to abate shall contain:

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

1. DESCRIPTION OF NUISANCE. A description of what constitutes the nuisance or other condition.
2. LOCATION. The location of the nuisance or condition.
3. ACTS NECESSARY TO ABATE. A statement of act or acts necessary to abate the nuisance or condition.
4. REASONABLE TIME. A reasonable time within which to complete the abatement.
5. ASSESSMENT AT CITY COSTS. A statement that if the nuisance or condition is not abated as directed and no request for hearing is made within the time prescribed, the city will abate it and assess the costs against such person.

- 9.03 METHOD OF SERVICE. The notice may be in the form of an ordinance, certified mail, or personal service to the to the property owner.

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

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

- 9.05 ABATEMENT IN EMERGENCY. If it is determined that an emergency or danger exists by reason of the continuing maintenance of the nuisance or condition, the city may perform any action which may be required under this chapter without prior notice. The council shall assess the costs after notice to the property owner and hearing on the costs incurred by the city to abate the nuisance or condition.

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

TITLE III

9.06 ABATEMENT BY CITY. 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 clerk who shall pay such expenses on behalf of the city.

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

9.07 COSTS OF ABATEMENT. The following shall apply to abatement procedure:

1. **COLLECTION.** The clerk shall send a statement of the total expense incurred by certified mail to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within one month, the clerk shall certify the costs to the county auditor and it shall then be collected with and in the same manner as general property taxes.

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

2. **INSTALLMENT PAYMENT.** Installment Payment. If the amount expended to abate the nuisance or condition exceeds \$500, the City may permit the assessment to be paid in up to ten (10) annual installments, to be paid in the manner and with the same interest as benefited property under the Code of Iowa.

(Code of Iowa, Sec. 364.13)

3. The City may collect all associated abatement expenses in a Court of Small Claims.

4. The City may institute civil proceedings to obtain injunctive and declaratory relief or such orders of the court as are reasonable and proper to abate practices, conditions or circumstances found to be contrary to or prohibited by the provisions of this Chapter.

9.08 FAILURE TO ABATE Any person causing or maintaining a nuisance who shall fail or refuse to abate or remove the same within the reasonable time required and specified in the notice to abate shall be in violation of the city code.

9.09 PROSECUTION.

1. **MUNICIPAL INFRACTION.** In lieu of the foregoing abatement procedures, the City may choose to treat an unabated nuisance as a municipal infraction violation of this Chapter, punishable as provided in Title III, Chapter 5, Article 12, of this Code.

2. **SIMPLE MISDEMEANOR.** In lieu of the foregoing abatement procedures, the City may choose to treat an unabated nuisance as a simple misdemeanor violation of this Chapter, punishable as provided in Title I, Chapter 1, Article 1, of this Code.

TITLE III

CHAPTER 3: ANIMAL CONTROL AND PROTECTION

ARTICLE 10 - GENERAL PROVISIONS

10.01 DEFINITIONS. For use in this chapter, the following terms are defined:

1. “Abandon” means to cease to provide control over, shelter, food and water for an animal without having provided that such care, custody and physical control of such animal has been transferred to another person, with the knowledge and consent of that person.
2. “Adequate food” means providing at suitable intervals, as the dietary requirements of the species or breed so require, a quantity of food stuff, suitable for the physical condition and age of the animal sufficient to maintain an adequate level of nutrition for such animal.
3. “Adequate indoor shelter” means an indoor area that is ventilated, daytime illuminated and sufficiently regulated by heating or cooling to protect the animal according to the species or breed from extremes of temperature.
4. “Adequate outdoor shelter” means a structure or shelter which provides access to shade from direct sunlight and regress and protection from exposure to adverse weather conditions.
5. “Adequate sanitation” means regular periodic cleaning or sanitizing of primary enclosures and housing facilities to remove excreta and other waste materials and dirt so as to minimize health hazards, flies and odors.
6. “Adequate space” means primary enclosures and housing facilities constructed and maintained so as to provide sufficient space to allow each animal adequate freedom of movement to maintain physical condition. Inadequate space may be indicated by evidence of malnutrition, poor condition, debility, stress or abnormal behavior patterns.
7. “Adequate veterinary care” means that a sick, diseased or injured animal shall be provided with a proper program of care or humanely euthanized.
8. “Adequate water” means reasonable access to a supply of water provided in a drinkable manner to the animal at all times when outside, subject to weather elements. Water shall be provided daily for such duration and of such quantity as necessary for the animal’s health and needs.
9. “Animal” means any live vertebrate creature, domestic or wild, except human beings, of any species and of either sex, whether altered or not, kept within the City by an owner.

TITLE III

10. "AT LARGE" shall mean any animal in a motor vehicle open to the extent escape is permitted, or an animal off the premises of its owner, and in either case, not under the control of a competent person, either by leash, cord, chain, wire, rope, cage or other physical restraint of a length not to exceed six feet and of sufficient strength to restrain the animal.
11. "Birds" shall mean parakeets, pigeons, birds or prey, pheasants, quail and other similar birds that are kept as pets or for hobby purposes. Chickens, geese are considered "farm animals" and may not be kept as household pets.
12. "Boarding kennel" means a place or establishment other than a pound or animal shelter where dogs or cats not owned by the proprietor are sheltered, fed and watered in return for a consideration.
13. "Commercial breeder" means a person, engaged in the business of breeding dogs or cats, who sells, exchanges, or leases dogs or cats in return for consideration, or who offers to do so, whether or not the animals are raised, trained, groomed, or boarded by the person. A person who owns or harbors three or less breeding males or females is not a commercial breeder. However, a person who breeds or harbors more than three breeding male or female greyhounds for the purposes of using them for pari-mutuel racing shall be considered a commercial breeder irrespective of whether the person sells, leases, or exchanges the greyhounds for consideration or offers to do so.
14. "Commercial kennel" means a kennel which performs grooming, boarding, or training services for dogs or cats in return for a consideration.
15. "Dangerous Animal": shall mean
 - (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) any animals declared to be dangerous by the city council or its designee; or
 - (c) the following animals which shall be deemed to be dangerous animals per se:
 1. wolves and coyotes;
 2. badgers, wolverines, weasels, mink and other Mustelids (except ferrets);
 3. bears;
 4. all apes (including chimpanzees), baboons and macaques;
 5. monkeys, except the squirrel monkey;
 6. elephants;
 7. wild boars;

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8. black widow spiders and scorpions;
 9. snakes which are naturally venomous or poisonous;
 10. all cats, except domestic cats (Carnivora of the family Felidae including, but not limited to lions, cougars, tigers, jaguars, leopards, lynx, bobcats, et al.);
 11. raccoons, opossums and skunks; and
 12. alligators and crocodiles.
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16. "Dog" shall mean and include members of the canine species, male or female, whether neutered or not.
 17. "Defilement" means to foul, dirty, pollute or make filthy, either by the animal's body or wastes or by the animal carrying or dragging any foul material.
 18. "Guard/attack dog" means a dog which is trained to attack persons upon the command of its master or custodian or upon the actions of an individual.
 19. "Household pets and hobby animals" shall mean mammals, birds, fish, amphibians, arachnids, insects, and reptiles as specifically defined in this article.
 20. "Housing facilities" means any room, building or area used to contain a primary enclosure or enclosures.
 21. "Kennel" shall mean any premises on which four (4) or more dogs or four (4) or more cats, six (6) months old or older are kept or raised solely for the bona fide purpose of sale and which are kept under constant restraint.
 22. "Leash" means a rope, line, thong, chain or other similar restraint which is sufficient to hold the animal in check. Length of leash shall be no more than twenty (20) feet.
 23. "Livestock" means an animal belonging to the bovine, caprine, equine, ovine or porcine species; farm deer, as defined in Section 481A.1 of the Code of Iowa; ostriches, rheas, emus, poultry, geese or ducks.
(Code of Iowa, Sec. 717.1)
 24. "Mammals" shall mean rabbits, ferrets, mongoose, mink, and similar small animals and potbellied pigs that are kept as pets or for hobby purposes.
 25. "Molest" includes not only biting and scratching, but also any annoyance, interference with or meddling with any person so as to trouble or harm said person.
 26. "Municipal pound" or "municipal shelter" means any public animal shelter or pound established or maintained by the City which may include any private or charitable organization or facility leased by the City or with whom the City has a contractual agreement for impoundment services.

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27. "Owner" means any person means having temporary or permanent custody of, owning, keeping, sheltering or harboring an animal. If such person is a minor, then "owner" means the parents or custodial parent or guardian of such person.
28. "Person" shall mean any individual, association, partnership, or corporation and includes any officer, employee or agency thereof.
29. "Pet animal" means (a) any animal that is taxonomically classified as *Felis domestica* and generally referred to as a domestic cat; (b) any animal that is taxonomically classified as *Canis familiaris* and generally referred to as a domestic dog; and (c) any animal kept by an owner for which the State Veterinarian's Office requires a previously accepted rabies vaccination.
30. "Pet shop" means an establishment where a dog, cat, rabbit, rodent, nonhuman primate, fish other than live bait, bird, or other vertebrate animal is bought, sold, exchanged, or offered for sale. However, a pet shop does not include an establishment if one of the following applies:
 - A. The establishment receives less than five hundred dollars from the sale or exchange of vertebrate animals during a twelve-month period.
 - B. The establishment sells or exchanges less than six animals during a twelve-month period
31. "Private property" means all buildings and other property owned by a private person and includes buildings, yards and service and parking areas.
32. "Public property" means buildings and other property owned or dedicated to the use of the City, the State, the County or the United States government, wherein the authorized representative has granted the City jurisdiction thereof, or any governmental subdivision of the City, State, County or U.S. government, or any governmental organization established by the City, State, County or U.S. government. Such property includes, but is not limited to, buildings, grounds, yards, street rights-of-way, parks, service areas, open areas, athletic and recreational areas, riverbanks, parking areas and ramps, and any other real estate owned by a governmental unit.
33. "Reptiles" shall mean non-constrictor snakes, lizards, geckos, salamanders, chameleons, iguanas, alligators and crocodiles less than 20 inches in length and similar reptiles that are kept as pets or hobby purses and that are not prohibited under this Chapter of the City Code.
34. "Secretary" means the State of Iowa Secretary of Agriculture.
35. "Under restraint" means that an animal is secured by a leash or lead or under the control of a person physically capable of restraining the animal and obedient to

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that person's commands, or securely enclosed within the real property limits of the owner's premises.

36. "Veterinarian" means a person duly licensed by the State to practice veterinary medicine.
37. "Veterinary hospital" means an establishment regularly maintained and operated by a veterinarian for the diagnosis and treatment of diseases and injuries to animals and which may board animals.
38. "Vicious Animal" shall mean any animal, except for a dangerous animal per se as defined above, while running at large that has attacked or bitten any person without provocation, or any animal that has exhibited vicious propensities in present or past conduct either by:
 - (a) biting a person or persons on two separate occasions within a twelve (12) month period; or
 - (b) biting once within a twelve (12) month period causing injuries above the shoulders of the person; or
 - (c) being uncontrollable by the owner at the time of the bite to prevent the occurrence; or
 - (d) attacking or biting any domestic animal or fowl on two separate occasions within a twelve (12) month period; or having been found to possess such a propensity by the city council after hearing.

10.02 CRUELTY TO ANIMALS. No person shall impound or confine or cause to be impounded or confined, in any place, any domestic animal, or fowl, or any dog or cat, and fail to supply such animal during confinement with a sufficient quantity of food or water, or who fails to provide a dog or cat with adequate shelter, or who shall torture, torment, deprive or necessary sustenance, mutilate, overdrive, overload, drive when overloaded, beat or kill any such animal by any means which shall cause unjustified pain, distress or suffering, whether intentionally or negligently.

(Code of Iowa, Sec. 717.2 & 717.3)

10.03 EXHIBITIONS AND FIGHTS. No person shall arrange, promote, or stage an exhibition at which any animal is tormented, or any fight between animals or between a person and an animal, or shall keep a place where such exhibitions and fights are staged for the entertainment of spectators.

(Code of Iowa, Sec. 717.3)

10.04 ANIMALS RUNNING AT LARGE. It shall be unlawful for any owner to allow dogs, cats, cattle, horses, swine, sheep or other similar animals or fowl to run at large within the corporate limits of the city. Any unvaccinated cat or dog found at large, or any animal in violation of this chapter shall be seized and impounded, or, at the discretion of the mayor

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or any member of the council, the owner may be served a summons to appear before a proper court to answer charges made thereunder.

- 10.05 BOTHERSOME ANIMALS. It shall be unlawful for a person to keep within the city such bothersome animals as barking dogs, bees, cattle, horses, swine and sheep, or other animals which tend to disrupt the peace and good order of the community.
- 10.06 DAMAGE OR INTERFERENCE. It shall be unlawful for the owner of an animal to allow or permit such animal to pass upon the premises of another if it thereby causes damage to, or interference with, the premises.
- 10.07 ANNOYANCE OR DISTURBANCE. It shall be unlawful for the owner of a dog to allow or permit such dog to cause serious annoyance or disturbance to any person or persons by frequent and habitual howling, yelping, barking, or otherwise; or, by running after or chasing persons, bicycles, automobiles or other vehicles.
- 10.08 KEEPING OF VICIOUS ANIMALS PROHIBITED. No person shall keep, shelter or harbor for any reason within the city a vicious animal so defined herein, except as provided in Section 10.09 of this Article.
- 10.09 VICIOUS ANIMAL EXCEPTIONS. The prohibition contained in Section 10.08 of this Article shall not apply to the keeping of vicious animals in the following circumstances:
1. Animals under control of a law enforcement or military agency.
 2. The keeping of guard dogs. However, guard dogs must be kept within a structure of fixed enclosure at all times, and any guard dog found at large may be processed as a vicious animal pursuant to the provisions of Section 10.10 of this Article. Any premises guarded by a guard dog shall be prominently posted with a sign containing the wording "Guard Dog", "Vicious Dog", or words of similar import, and the owner of such premises shall inform the Lyon County Sheriff's Department that a guard dog is on duty at such premises.
- 10.10 IMPOUNDMENT AND DISPOSITION OF VICIOUS ANIMALS.
1. Any peace officer or designee, hereinafter officer, in his or her discretion or upon receipt of a complaint alleging that a particular animal is a vicious animal as defined herein, may initiate proceedings to declare such animal a vicious animal. A hearing on the matter shall be conducted by the city council. The person, firm or corporation owning, keeping, sheltering or harboring the animal in question shall be given not less than 72 hours written notice of the time and place of said hearing. Said notice shall set forth the description of the animal in question and the basis for the allegation of viciousness. The notice shall also set forth that if the animal is determined to be vicious, the owner will be required to remove it from the city or allow it to be destroyed. The notice shall be served upon any adult residing at the premises where the animal is located, or may be posted on those premises if no adult is present to accept service.

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2. If, after hearing, the city council determines that an animal is vicious, the council shall order the person, firm or corporation owning, sheltering, harboring or keeping the animal to remove it from the city, or to cause it to be destroyed in a humane manner. The order shall immediately be served upon the individual or entity against whom issued in the same manner as the notice of hearing. If the order is not complied with within three (3) days of its issuance, the officer is authorized to seize and impound the animal. An animal so seized shall be impounded for a period of seven days. If at the end of the impoundment period, the individual or entity against whom the order of the city council was issued has not petitioned the Lyon County District Court for a review of said order, the officer shall cause the animal to be destroyed.
3. Failure to comply with an order of the council issued pursuant hereto shall constitute a misdemeanor offense.
4. Any animal found at large which displays vicious tendencies may be processed as a vicious animal pursuant to the foregoing, unless the animal is so vicious that it cannot safely be apprehended, in which case the officer may immediately destroy it or unless its ownership is not ascertainable, in which case the animal control officer may destroy it after three (3) days impoundment.
5. Any animal which is alleged to be vicious and which is under impoundment or quarantine shall not be released to the owner, but shall continue to be held at the expense of the owner pending the outcome of the hearing. All costs of such impoundment or quarantine shall be paid by the owner if the animal is determined to be vicious. If the animal is not determined to be vicious, all costs of such impoundment or quarantine shall be paid by the city.

10.11 SEIZURE, IMPOUNDMENT AND DISPOSITION OF DANGEROUS ANIMALS.

1. In the event that a dangerous animal is found at large and unattended upon public property, park property, public right-of-way or the property of someone other than its owner, thereby creating a hazard to person or property, such animal may, in the discretion of the peace officer or other designated official, hereinafter officer, or the Lyon County Sheriff's Department, be destroyed if it cannot be confined or captured. The City of Little Rock shall be under no duty to attempt the confinement or capture of a dangerous animal found at large, nor shall it have a duty to notify the owner of such animal prior to its destruction.
2. Upon the signed written complaint of any individual that a person is keeping, sheltering or harboring a dangerous animal on premises located in the City of Little Rock, the officer shall cause the matter to be investigated, and if after investigation, the facts indicate that the person named in the complaint is keeping, sheltering or harboring a dangerous animal in the City, the officer shall order the person named in the complaint to safely remove such animal from the City of Little Rock, and permanently place the animal with an organization or group allowed under Section 10.13 of this Article to possess dangerous animals, or destroy the animal, within three days of the receipt of such order. Such order shall be contained in a notice to

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remove the dangerous animal, and shall be served personally or by certified mail. Such order and notice to remove the dangerous animal shall not be required where such dangerous animal shall not be required where such dangerous animal has previously caused serious physical harm or death to any person in which case the officer shall cause the animal to be immediately seized and impounded or killed if seizure and impoundment are not possible without risk of serious physical harm or death to any person.

3. The order to remove a dangerous animal issued by the officer may be appealed to the city council. In order to appeal such order, written notice of appeal must be filed with the city clerk within three (3) days after receipt of the order contained in the notice to remove dangerous animal. Failure to file such written notice of appeal shall constitute a waiver of right to appeal the order of the officer.
4. The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the city clerk. The hearing of such appeal shall be scheduled within seven (7) days of the receipt of notice of appeal. After such hearing, the city council may affirm or reverse the order of the officer. Such determination shall be continued in a written decision and shall be filed with the city clerk within three (3) days after the hearing, or any continued session thereof.
5. If the city council affirms the action of the officer, the council shall order in its written decision that the individual or entity owning, sheltering, harboring or keeping such dangerous animal, remove such animal from the city, permanently place such animal with an organization or group allowed under Section 10.13 of this Article to possess dangerous animals or destroy it. The decision and order shall immediately be served upon the person or entity against whom rendered in the same manner as the notice of removal. If the original order of the officer is not appealed and is not complied with within three (3) days or the order of the city council after appeal is not complied with within three (3) days of its issuance, the officer is authorized to seize and impound such dangerous animal. An animal so seized shall be impounded for a period of seven (7) days. If at the end of the impoundment period, the individual or entity against whom the decision and order of the city council was issued has not petitioned the Lyon County District Court for a review of said order, the city shall cause the animal to be disposed of by sale, permanently place such animal with an organization or group allowed under section 10.13 of this Article to possess dangerous animals, or destroy such animal in a humane manner. Failure to comply with an order of the city issued pursuant hereto shall constitute a misdemeanor offense, punishable pursuant to Title I, Section 1.06 of this Code.

- 10.12 KEEPING OF DANGEROUS ANIMALS PROHIBITED. No person shall keep, shelter, or harbor any dangerous animal as a pet, or act as a custodian, temporary or otherwise, for such animal, or keep such animal for any other purpose or in any other capacity within the City of Little Rock except as provided in Section 10.13 of this Article.

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While the following animals are not declared by this ordinance to be dangerous per se, (a) constricting snakes exceeding six feet in length, and (b) lizards exceeding two feet in length, the owners of such animals shall, within two hours of knowledge of the possibility of such an animal being "at large" within the community, so notify the City Clerk of the City of Little Rock.

10.13 DANGEROUS ANIMAL EXCEPTIONS. The prohibition contained in Section 10.12 of this Article shall not apply to the keeping of dangerous animals in the following circumstances:

1. 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.
2. The keeping of dangerous animals for exhibition to the public by a circus, carnival, exhibit or show where such circus carnival exhibit or show is of a traveling nature, is displayed before large assemblages of people, and maintenance any and all required federal or state licenses.
3. The keeping of dangerous animals in a bona fide, licensed veterinary hospital for treatment.
4. The keeping of dangerous animals by a wildlife rescue organization with appropriate permit from the Iowa Conservation Commission.
5. Any dangerous animals under the jurisdiction of and in the possession of the Iowa Conservation Commission, pursuant to Chapters 109 and 109A of the Iowa Code.

10.14 ESCAPE FROM CONFINEMENT. No person shall aid or cause any animal, whether owned by such person or not, to escape confinement or impoundment, whether such confinement or impoundment be upon such person's property or that of another, by opening any gate, door or window, by making an opening in any fence, enclosure or structure, or by unleashing such animal.

10.15 DUTY OF RESTRAINT. It shall be the duty of every person owning or having the custody or control of an animal to physically restrain the animal within an enclosure or upon a leash when such animal is left unattended outside or is not at heel. The animal must be restrained so as to prevent the animal from leaving the premises of its owner or from coming in contact with public right-of-way or the property of another. Failure to restrain an animal pursuant to the foregoing shall constitute a misdemeanor.

10.16 INTERFERENCE WITH OFFICIAL ACTS. It shall be prohibited for any person in any manner to interfere with any employee or designated representative of the city, so as to hinder, delay, or prevent his or her executing his or her duties in relation to the matters and things contained in this chapter.

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- 10.17 SANITARY CONDITIONS OF CONFINEMENT. If is unlawful for any person owning, controlling or caring for any animal to fail to keep in a clean and sanitary condition the premises and any pen, kennel, shelter, house of person's dwelling or other structure where the animal is at any time kept. At least once every twenty-four hours or more often if odors or health problems arise, such person shall pick up any and all feces so as to prevent its accumulation and same shall be properly disposed of. Feces shall be held in watertight and fly-tight containers pending disposal and shall be disposed of at least once weekly. The animal and place where the animal is maintained shall also be kept free of obnoxious odors and shall be maintained so as not to attract or permit the harborage or breeding of flies and other insects or rodents or other vermin. All animal food consumption in such a manner so that it will not become food for rodents and other vermin.
- 10.18 ABANDONMENT. It is unlawful for any owner or other person to abandon, turn loose or leave any animal within the corporate limits of the city or so that the animal may find its way into the corporate limits of the city, or to abandon or leave any animal upon or in any premises unattended for a period in excess of three (3) days.
- 10.19 DISPOSITION OF UNLICENSED DOGS. It shall be lawful for any person, and the duty of all peace officers within their jurisdiction, to kill any dog for which a license is required when such dog is not wearing a collar with license tag attached.
(Code of Iowa, Sec. 351.26)
- 10.20 RIGHT TO KILL TAGGED DOGS. It shall be lawful for any person to kill a dog, licensed and wearing a collar with a rabies vaccination tag attached, when the dog is caught in the act of worrying, chasing, maiming, or killing any domestic animal or fowl, or when such dog is attacking or attempting to bite a person.
(Code of Iowa, Sec. 351.27)
- 10.21 DISPOSAL OF OTHER ANIMALS. If the owner of any animal apprehended, other than a dog, cannot be located after a reasonable effort by local authorities, such animal may be humanely destroyed or otherwise disposed of in accordance with the law.
- 10.22 IMPOUNDMENT. Whenever impoundment or quarantine of an animal is required under this chapter, such impoundment or quarantine shall be with an organization or group as defined in Section 10.13 which may also specifically include any clinic, shelter, pound, or office however designated which is operated by or under the direction of any licensed veterinarian.
- 10.23 IMPOUNDING COSTS. Impounding costs and boarding fees shall be as established by resolution of the City Council of Little Rock. Impounded and apprehended animals may be recovered by the owner upon payment of any fines the owner is liable, cost of securing and impounding any such animal including cost of feed and keep, the actual cost of transporting and boarding, the costs of keeping the animal's vaccinations current, and any other penalties prescribed in this code. Upon payment of the beforementioned and upon approval of the City Clerk the owner may claim any impounded animal.

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- 10.24 LICENSE. A city council may provide for the issuance of licenses for dogs. If the council should require licenses for dogs, then such licenses shall be obtained from the city clerk. The council may set a license fee to be paid to the city clerk. Any license issued by the city clerk shall be in the form of a license tag bearing a license number and the year issued, and shall be fastened to a collar or harness which shall be worn by the dog for which the license was issued.
- 10.25 IMMUNIZATION. All dogs six (6) months or older shall be vaccinated against rabies. A tag showing evidence of proper vaccination shall be worn by every dog when not confined.
- 10.26 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 article if the kennel is licensed under chapter 162, Code of Iowa.
- 10.27 RIGHT OF ENTRY. Any peace officer, or mayor or designate is hereby authorized to enter upon any lot, tract or parcel of land (not including any residence thereon) for the purpose of seizing, with or without subsequent impounding, of any animal in violation of this chapter found thereon.
- 10.28 REPORTING DISEASE. Any person having knowledge of the presence of any disease among animals capable of being communicated to humans, shall immediately report that fact, together with the street and number of the premises at which the animals are kept, to the County Health Officer and the City Animal Control Department.
- 10.29 ANIMAL NEGLECT. It is unlawful for a person who impounds or confines, in any place, an animal, excluding livestock, to fail to supply the animal during confinement with adequate food, water, exercise, sanitation, space, indoor and outdoor shelter or veterinary care, or to torture, mutilate, beat, or kill such animal by any means which causes unjustified pain, distress or suffering.
(Code of Iowa, Sec. 717B.3)
- 10.30 LIVESTOCK NEGLECT. It is unlawful for a person who impounds or confines livestock in any place to fail to provide the livestock with care consistent with customary animal husbandry practices or to deprive the livestock of necessary sustenance or to injure or destroy livestock by any means which causes pain or suffering in a manner inconsistent with customary animal husbandry practices.
(Code of Iowa, Sec. 717.2)

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- 10.31 ABANDONMENT OF CATS AND DOGS. A person who has ownership or custody of a cat or dog shall not abandon the cat or dog, except the person may deliver the cat or dog to another person who will accept ownership and custody or the person may deliver the cat or dog to an animal shelter or pound.

(Code of Iowa, Sec. 717B.8)

- 10.32 POISONING. No person shall expose any poisoned meat or other poisoned substances on public or private property where the same may be taken by any human being or animal.

- 10.33 RELEASING OR MOLESTING ANIMALS. No person, except the owner of an animal or an authorized agent, shall willfully or without permission or authority open any door or gate on any private or public premises resulting in the releasing or enticing or enabling any such animal to leave such private or public premises. No person shall willfully molest, tease, provoke or mistreat an animal. However, a police officer or designate may remove and impound, for medical observation purposes, any animal that has scratched or bitten anyone.

- 10.34 NUISANCES. No person shall keep animals subject to the provisions of this section which cause a "public nuisance." A "public nuisance" shall include:

1. Any animal that is repeatedly found at-large.
2. Any animal that makes disturbing noises, including, but not limited to, continued and repeated howling, barking, whining or other utterances causing unreasonable annoyance, disturbance or discomfort to neighbors or others in close proximity to the premises where the animals are kept.
3. Any animal that causes fouling of the air by noxious or offensive odors and thereby creates unreasonable annoyance or discomfort to neighbors or other in close proximity to the premises where the animals are kept.
4. Any animal, whether or not on the property of its owner, that, without provocation, molests, attacks, or otherwise interferes with the freedom of movement of persons on a public right-of-way.
5. Any animal that attacks domestic animals.
6. Any animal that causes unsanitary conditions in enclosures or surrounding where the animal is kept.
7. Any animal that is offensive or dangerous to the public health, safety or welfare by virtue of the number of animals maintained at a single location, or the inadequacy of the facilities.
8. Any animals kept for commercial purposes.

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10.35 PROHIBITIONS AND REQUIREMENTS.

1. At Large. No animal shall be found at large within the City at any time. A properly licensed animal shall not be deemed at large if:
 - A. It is on the premises of the owner, with the owner visibly outside monitoring the animal and able to restrain the animal;
 - B. It is on the premises of another person with the prior knowledge and consent of that person, and that person is outside, monitoring the animal and able to restrain the animal; or
 - C. It is under the control of a person competent to restrain the animal, either by leash or properly restrained within a motor vehicle or enclosed within a structure.
2. Presumption of Consent. In the event any animal is found running at large and not under restraint as herein defined, it shall be presumed that the owner of said animal has permitted said animal to run at large and consented thereto and the burden of proof shall be upon said owner to prove otherwise.
3. Female Pets in Estrus. Notwithstanding the provisions of subsection 1 above, any animal shall be deemed at large at any time when attacking persons, animals or destroying property. Furthermore, any female animal in estrus shall be deemed at large at any time except:
 - A. When housed in a building which is completely enclosed;
 - B. When housed in a veterinary hospital or boarding kennel licensed or registered with the State;
 - C. When on the premises of the owner, provided the area in which such animal is located is completely enclosed by a fence or other structure having a height of at least sixty (60) inches; or
 - D. When under the control of a person competent to restrain the animal, either by leash or properly restrained within a motor vehicle.
4. Private Property. No animal shall be taken, allowed or permitted on private property not owned by the owner of the animal without the prior permission of the person owning such property or the person in charge thereof and the burden of proof shall be upon the animal owner.
5. Sanitation. The owner of any animal shall, at all times when said animal is not on the owner's premises, clean up any feces of said animal and deposit the same in

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the sanitary sewer system or suitable receptacle. Animals are not to be walked in any children's playground area in parks or school grounds.

6. Tying Animals. No animal shall be tied by any person to a utility pole, parking meter, building, structure, fence, sign, tree, shrub, bush or other object on public property or tied on private property without the consent of the owner or person in charge thereof, or tied in such a manner as to intrude onto the use of public sidewalks, streets or private property without fear therefrom.
7. Food Establishments. No animal shall be allowed, taken or permitted on or in any building, store, restaurant or tavern where food or food products are sold, prepared or dispensed to people other than the owners thereof. This provision does not apply to property wherein food is sold in stands or shelters such as fairs or circus carnivals or the like, when the owner or person in charge of the grounds generally allows animals on the premises.
8. Exceptions. The provisions of this section do not apply to dogs used to guide the visually impaired while such dogs are acting in such capacity.

10.36 KEEPING LIVESTOCK.

1. General Prohibition. Except in agriculture zoned districts, no person shall be permitted to raise, keep or harbor livestock within the corporate limits of the City. The term "livestock" includes animals belonging to the bovine, caprine, equine, ovine or porcine species; farm deer, as defined in Section 481A.1 of the Code of Iowa, ostriches, rheas, emus, poultry, ducks or geese. The purpose of this section is to prohibit the pasturing, feeding and keeping of livestock either in the open or confined to buildings within the nonagricultural areas as so zoned by the City unless the same is in conjunction with an agricultural nonconforming use.
2. Exception; Authorization Required. Any person desiring to keep split-hoofed grazing livestock on nonagricultural zoned property within the corporate limits of the City for the specific purpose and reason that such split-hoofed livestock will graze on and consume grass, weeds and shrubbery, thus helping to keep the area in a cleaner and better-appearing condition when other procedures are impractical, shall first make application therefor in writing to the Council stating the reason therefor and the length of time that authorization to do so is requested. The Council shall examine each application and the necessity therefor on an individual basis.
3. Granting Authorization. The Council shall examine the application to determine that the person making the application will comply with any and all requirements set out regarding safety and public welfare; and the Council, if so satisfied that the applicant will observe such conditions, shall then grant written authorization through the Clerk's office.

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4. Authorization Period. Authorization for the keeping of split-hoofed grazing livestock shall be valid for the period of time set out in such authorization and shall be subject to review and revocation by the Council at any time the prescribed conditions and requirements are not complied with, or at any time revocation is deemed necessary in the furtherance of public safety or public welfare.
5. Exception: Authorization Required. Any person desiring to keep poultry within the corporate limits of the City shall be allowed to if the following is followed:
 - a. No person shall raise, harbor or keep chickens without a revocable chicken permit, issued by the City. There will be no fee for the permit, but if the requirements to house chickens within the City limits is not followed the permit shall be revoked immediately.
 - b. "Chicken" means a member of the subspecies of *Gallus gallus domesticus*, a domesticated chicken.
 - c. In order to obtain a revocable chicken permit, an applicant must submit a completed application on a form provided by the City.
 - d. The revocable chicken permit shall be valid for three (3) years and may not be sold, transferred or assigned.
 - e. The applicant is allowed up to six (6) laying hens. No roosters will be allowed within the City limits.
 - f. The hens will be confined to the person's property in an appropriate pen.
 - g. If the hens are not confined and are on other citizen's property at any time, the permit that was issued allowing the hens shall be revoked immediately and the person having the hens shall remove them from the City limits immediately.

(Editor's Note: Ordinance 2014-05-05, approved by Council May 5, 2014.)

10.37 ISOLATION AND QUARANTINE OF ANIMALS SUSPECTED OF HAVING RABIES OR OTHER DISEASES.

1. It is the duty of animal control personnel to cause to be placed in isolation and under quarantine for observation for a minimum of ten (10) days any such animal suspected of being infected with rabies or other diseases communicable to humans or any animal that has bitten or caused a skin abrasion upon any person.
2. Such isolation and quarantine shall be either at the municipal pound or in a veterinary hospital, except that if such animal is properly licensed and is currently vaccinated against rabies, it may be placed in the custody of the owner on the owner's premises during the isolation and quarantine period if the owner resides in the City. When isolation and quarantine is authorized on the owner's premises, it will be at the discretion of and under the direct supervision of the City.
3. The expense of isolation and quarantine at a veterinary hospital will be paid by the owner. If the animal is placed in isolation and under quarantine in the animal shelter, a charge to the owner, as set by resolution of the City Council of Iowa

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City, shall be made. Every owner or person having possession, custody or control of an animal which is known to be rabid or which has been bitten by an animal infected with rabies shall immediately report such fact to the City and shall have such animal placed in isolation and quarantine as directed by the City for such period as may be designated and at the expense of the owner.

This section shall not apply if a police service dog or a horse used by a law enforcement agency and acting in the performance of its duties has bitten a person.

10.38 TRAPS AND TRAPPING. No person shall trap or attempt to trap any animal on City public property except authorized personnel in the performance of their duties. Further, no person shall trap or allow the trapping of animals within the City corporate limits except on property zoned agricultural, and notice of intent to trap any of said areas must be annually filed in writing in advance with the Clerk by the owner and/or the trapper with the traps and trapping being in strict compliance with the appropriate statutes of the State and Rules and Regulations of the State Department of Natural Resources. Excepted from the provisions of this section are instant kill traps for the purpose of small rodent pest control on private property.

10.39 ANIMALS AS PRIZES. No person shall offer to give or give any live animal as a gift or prize for any contest or other competition or as a business inducement or promotion.

10.40 ANIMAL CONTESTS. It shall be unlawful for a person to keep or use, or in any way be connected with, or be interested in the management of, or receive money for the admission of any person to, any place kept or used for the purpose of fighting or baiting any bull, bear, dog, cock, farm deer, ostriches, rheas, emus or other creature, or to engage in, aid, abet, encourage, or assist in any bull, bear, dog, or cock fight, or a fight between any other creatures.

(Code of Iowa, Sec. 717.3)

10.41 DOG CONSIDERED FULL-GROWN. A dog or canine is considered full-grown at the age of twelve (12) weeks of age.

10.42 CERTIFICATE OF REGISTRATION FOR POUND. A pound shall not be operated unless a certificate of registration for the pound is granted by the secretary. Application for the certificate shall be made in the manner approved by the secretary. Certificates of registration expire one year from date of issue unless revoked and may be renewed upon application in the manner provided by the secretary. A registered pound may engage in the sale of dogs or cats under its control, if the privilege is allowed by the department of agriculture, but no fee shall be charged unless the registered pound is privately owned.

(Code of Iowa, Sec. 162.3)

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- 10.43 CERTIFICATE OF REGISTRATION FOR ANIMAL SHELTER. A person shall not operate an animal shelter unless a certificate of registration for the animal shelter is granted by the secretary. Application for the certificate shall be made in the manner provided by the secretary. A fee is not required for the application or certificate. Certificates of registration expire one year from date of issue unless revoked and may be renewed in the manner provided by the secretary. A registered animal shelter may engage in the sale of dogs or cats if the privilege is allowed by the department.

(Code of Iowa, Sec. 162.4)

- 10.44 PET SHOP LICENSE. A person shall not operate a pet shop unless the person has obtained a license to operate a pet shop issued by the secretary. Application for the license shall be made in the manner provided by the secretary. The license expires one year from date of issue unless revoked and may be renewed in the manner provided by the secretary. The license fee is fifty dollars per year. The license may be renewed if the licensee has conformed to all statutory and regulatory requirements.

(Code of Iowa, Sec. 162.5)

- 10.45 COMMERCIAL KENNEL OR PUBLIC AUCTION LICENSE. A person shall not operate a commercial kennel or public auction unless the person has obtained a license to operate a commercial kennel or a public auction issued by the secretary or unless the person has obtained a certificate of registration issued by the secretary if the kennel is federally licensed. Application for the license or the certificate shall be made in the manner provided by the secretary. The license and the certificate expire one year from date of issue unless revoked. If the person has obtained a federal license, the person need only obtain a certificate. The license may be renewed upon application and payment of the prescribed fee in the manner provided by the secretary if the licensee has conformed to all statutory and regulatory requirements. The certificate may be renewed upon application and payment of the prescribed fee in the manner provided by the secretary.

(Code of Iowa, Sec. 162.6)

- 10.46 DEALER LICENSE. A person shall not operate as a dealer unless the person has obtained a license issued by the secretary or unless the person has obtained a certificate of registration issued by the secretary if the kennel is federally licensed. Application for the license or the certificate shall be made in the manner provided by the secretary. The license and certificate expire one year from date of issue unless revoked. The license may be renewed upon application and payment of the fee in the manner provided by the secretary if the licensee has conformed to all statutory and regulatory requirements. The certificate may be renewed upon application and payment of the fee in the manner provided by the secretary.

(Code of Iowa, Sec. 162.7)

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- 10.47 COMMERCIAL BREEDER'S LICENSE. A person shall not operate as a commercial breeder unless the person has obtained a license issued by the secretary or unless the person has obtained a certificate of registration issued by the secretary if the kennel is federally licensed. Application for the license or the certificate shall be made in the manner provided by the secretary. The annual license or the certification period expires one year from date of issue. The license may be renewed upon application and payment of the prescribed fee in the manner provided by the secretary if the licensee has conformed to all statutory and regulatory requirements. The certificate may be renewed upon application and payment of the prescribed fee in the manner provided by the secretary.

(Code of Iowa, Sec. 162.8)

- 10.48 BOARDING KENNEL OPERATOR'S LICENSE. A person shall not operate a boarding kennel unless the person has obtained a license to operate a boarding kennel issued by the secretary. Application for the license shall be made in the manner provided by the secretary and expires one year from date of issue. The license may be renewed upon application and payment of the prescribed fee in the manner provided by the secretary if the licensee has conformed to all statutory and regulatory requirements.

(Code of Iowa, Sec. 162.9)

- 10.49 RESEARCH FACILITY REGISTRATION. A person shall not operate a research facility unless the person obtains a certificate issued by the secretary. The certificate expires one year from date of issue. Application for the certificate shall be made in the manner provided by the secretary. A fee is not required for the application or certificate.

(Code of Iowa, Sec. 162.10)

10.50 SANITATION:

1. No owner or custodian of any animal shall cause or allow such animal to soil, defile or defecate on any property, except the premises of the owner, unless such owner immediately removes and disposes of all deposits by such animals.
2. No person owning, harboring, keeping, or in charge of an animal within the City shall permit any waste matter from the animal to collect and remain on the property of the owner so as to cause or create an unhealthy, unsanitary, dangerous, or offensive condition, or so as to create an odor.
3. No person owning, harboring, keeping or in charge of any animal shall cause unsanitary, dangerous or offensive conditions by virtue of the size or number of animals maintained at a single location or due to the inadequacy of the facilities.

- 10.51 RIGHT OF ENTRY. Any peace officer, or mayor or designate is hereby authorized to enter upon any lot, tract or parcel of land (not including any residence thereon) for the purpose of seizing, with or without subsequent impounding, of any animal in violation of this chapter found thereon.

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CHAPTER 4: WEEDS

ARTICLE 11 – GENERAL PROVISIONS

11.01 PURPOSE. The purpose of this chapter is to beautify and preserve the appearance of the City by requiring property owners and occupants to maintain grass lawns at a uniform height within the boundaries of their property and on abutting street right-of-way in order to prevent unsightly, offensive or nuisance conditions.

11.02 DEFINITIONS. For use in this chapter, the following terms are defined:

1. “Curb,” “curb line” or “curbing” means the outer boundaries of a street at the edge of that portion of the street usually traveled by vehicular traffic.
2. “Cut,” or “mow” means to mechanically maintain the growth of grass, weeds or brush at a uniform height.
3. “Owner” means a person owning private property in the City and any person occupying private property in the City.
4. “Parking” means that part of a street in the City not covered by a sidewalk and lying between the lot line or property line and the curb line; or on unpaved streets, that part of the street lying between the lot line or property line and that portion of the street usually traveled by vehicular traffic.

11.03 GROUND COVER REQUIRED. Property in a residential area shall be seeded, sodded or otherwise planted with a ground cover not more than thirty (30) days after construction is completed, unless impractical, but not later than the beginning of the next growing season.

11.04 CUTTING SPECIFICATIONS AND STANDARDS OF PRACTICE.

1. Every owner shall cut, mow and maintain all grass, weeds and brush upon the owner’s property and adjacent to the curb line or outer boundary of any street, which includes the parking area abutting the owner’s property, to a uniform height as defined in Section 11.05 of this Chapter.
2. Every owner shall cut, mow and maintain grass, weeds and brush adjacent to the curb line, including the parking area abutting the owner’s property, in such a manner so as to be in conformity with and at an even height with all other grass, weeds or brush growing on the remainder of the owner’s property.

11.05 UNIFORM HEIGHT SPECIFICATIONS. Grass, weeds or brush shall be cut, mowed and maintained so as not to exceed the following height specifications:

1. Developed Residential Areas – not to exceed six inches (6").
2. Undeveloped Residential Areas – not to exceed twelve inches (12").
3. Business and Industrial Areas – not to exceed six inches (6").

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4. Agriculture Areas – not to exceed eighteen inches (18").

Grass, weeds and brush which are allowed to grow in excess of the above specified limitations are deemed to be violations of this chapter.

11.06 NOXIOUS WEEDS.

1. Every owner shall cut and control noxious weeds upon the owner's property and adjacent to the curb line or outer boundary of any street, which includes the parking area abutting the owner's property, by cutting noxious weeds to ground level or use of herbicides to eliminate or eradicate such weeds.
2. Noxious weeds include any weed growth or plant designed as noxious by the State Department of Natural Resources rules and regulations or by the Code of Iowa.

11.07 NOTICE ABATEMENT; ASSESSMENT OF COST. In the event the owner of any property shall neglect or fail to comply with the preceding provisions, the City shall give notice of violation to the property owner by posting a notice on the property that the property is in violation of the Little Rock City Code, and if the violation is not abated within seven (7) days of the first date of posting of the notice, the City will abate the condition and attempt to collect the cost of abatement from the property owner.

If the condition is not abated within seven (7) days of the first date notice was posted, the City shall act to control the vegetation and periodically report the cost of the abatement for each parcel of land or adjacent right-of-way through the City Council. The Council may levy and assess the reasonable cost for abatement against the parcel and certify the same to the County Auditor to be collected in the same manner as a property tax. Alternatively, the city may pursue a small claim action or a municipal infraction citation in Magistrate's Court. When said services are performed by the City, the minimum charge shall be \$100.00, along with an additional fee of \$50.00 per hour after the first hour or any fraction thereof.

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CHAPTER 5: MUNICIPAL INFRACTIONS

ARTICLE 12 - MUNICIPAL INFRACTIONS

12.01 DEFINITIONS.

1. Municipal Infraction: A violation of, or omission or failure to perform any act or duty required by, this Code of Ordinances or any ordinance or code herein adopted by reference with the exception of those provisions specifically provided under State law as a felony, an aggravated misdemeanor, or a serious misdemeanor, or a simple misdemeanor under Chapter 687 through 747 of the Code of Iowa, is a municipal infraction punishable by civil penalty as provided herein.
2. Officer: Any employee or person authorized to enforce the ordinances and the City Code of the City of Little Rock, Iowa.
3. Repeat Offense: Any recurring violation of the same section of the ordinances or the City Code of Little Rock, Iowa.

(Code of Iowa Sec. 364.22)

12.02 PENALTIES.

1. A municipal infraction is a civil offense punishable as provided in the following schedule of civil penalties:

First offense, a penalty not to exceed \$500.00

Each repeat offense, a penalty not to exceed \$1,000.00

However, a municipal infraction arising from noncompliance with a pretreatment standard or requirement, referred to in 40 C.F.R § 403.8 by an industrial user may be punishable by a civil penalty of not more than \$1,000.00 for each day a violation exists or continues.

2. Each day that a violation occurs or is permitted to exist by the violator constitutes a separate offense.
3. A municipal violation Classified as an environmental violation is punishable by a penalty of not more than one thousand dollars (\$1,000.00) for each occurrence. However, an environmental violation is not subject to such penalty if all of the following conditions are satisfied:
 - a. The violation results solely from conducting an initial startup, cleaning, repairing, performing scheduled maintenance, testing, or conducting a

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shutdown of either equipment causing the violation or the equipment designed to reduce or eliminate the violation.

- b. The City is notified of the violation within twenty-four (24) hours from the time that the violation begins.
 - c. The violation does not continue in existence for more than eight (8) hours.
4. Seeking a civil penalty as authorized in the above provisions does not preclude the city from seeking alternative relief from the court in the same action. Such alternative relief may include, but is not limited to, an order for abatement or injunctive relief.

(Code of Iowa, Sec. 364.22)

12.03 CIVIL CITATIONS.

- 1. Any officer authorized by the City to enforce the City Code or ordinances may issue a civil citation to a person who commits a municipal infraction.
- 2. The citation may be served by personal service as provided in Iowa Rule of Civil Procedure 56.1, or by certified mail to the defendant at the defendant's last known mailing address, return receipt requested, or by publication in the manner provided in Iowa Rule of Civil Procedure 60 and subject to the conditions of Iowa Rule of Civil Procedure 60.1.
- 3. A copy of the citation shall be retained by the issuing officer, and one copy shall be provided to the clerk of the district court.
- 4. The citation shall serve as notification that a civil offense has been committed and shall contain the following information:
 - a. The name and address of the defendant.
 - b. The name or description of the infraction attested to by the officer issuing the citation.
 - c. The location and time of the infraction.
 - d. The amount of civil penalty to be assessed or the alternative relief sought, or both.
 - e. The manner, location, and time in which the penalty may be paid.
 - f. The time and place of court appearance.
 - g. The penalty for failure to appear in court.
 - h. The legal description of the affected property, if applicable.

(Code of Iowa, Sec. 364.22)

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

(Code of Iowa, Sec. 364.22 [1])

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

12.05 ALTERNATIVE RELIEF. Seeking a civil penalty as authorized in this chapter does not preclude the City from seeking alternative relief from the court in the same action. Such relief may include, but it not limited to, an order for abatement or injunctive relief.

(Code of Iowa, Sec. 364.22{8})

12.06 CRIMINAL PENALTIES. This chapter does not preclude a peace officer from issuing a criminal citation for a violation of this Code of Ordinances or regulation if the 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.

(Code of Iowa, Sec. 364.22)

12.07 PROHIBITION AGAINST FURTHER VIOLATIONS. A person who commits an infraction of a City ordinance subject to the provisions of this chapter may be ordered by the Court to cease further violations of the same provisions of the ordinance. Failure of the person to adhere to this order will result in contempt proceedings being initiated by the City.

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TITLE IV - TRAFFIC AND STREETS

TITLE IV

CHAPTER 1: TRAFFIC CODE

ARTICLE 1 - GENERAL PROVISIONS

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

1. "PARK" OR "PARKING" shall mean the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of, and while actually engaged in, loading or unloading merchandise or passengers.
2. "STAND" OR "STANDING" shall mean the halting of a vehicle, whether occupied or not, otherwise than for the purpose of, and while actually engaged in, receiving or discharging passengers.
3. "STOP" shall mean when required, the complete cessation of movement.
4. "STOP" OR "STOPPING" shall mean, when prohibited, 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 peace officer or traffic control sign or signal.
5. "BUSINESS DISTRICT" shall mean the territory described by the following parts of streets:
 - A. Main Street from Fisher Street to Railroad Street.
6. "RESIDENCE DISTRICT" shall mean the territory contiguous to and including a highway, not comprising a business, suburban, or school district, where forty percent or more of the frontage on such highway for a distance of three hundred feet or more is occupied by dwellings or by dwellings and buildings in use for business.
7. "SCHOOL DISTRICT" shall mean the territory contiguous to and including a highway for a distance of two hundred feet in either direction from a schoolhouse in a city.
8. "SUBURBAN DISTRICT" means all other parts of a city not included in the business, school, or residence districts.
9. "PEACE OFFICER" means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations in addition to its meaning in section 801.4 Code of Iowa.

(Code of Iowa, Sec. 321.1 (50))

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10. "TRAFFIC CONTROL DEVICE" means all signs, signals, markings, and devices not inconsistent with this chapter placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.
(Code of Iowa Sec. 321.1 (46))
11. "VEHICLE" means every device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, street, or alley.
(Code of Iowa Sec. 321.1 (90))
- 1.02 ADMINISTRATION AND ENFORCEMENT. Provisions of this chapter and the Iowa law relating to motor vehicles and law of the road shall be enforced by Little Rock County Sheriff's Department.
- 1.03 TRAFFIC ACCIDENTS. The following shall apply to traffic accidents:
1. REPORT. The driver of a vehicle involved in an accident within the limits of this city shall file a report as and when required by the Iowa Department of Public Safety. A copy of this report shall be filed with the city for the confidential use of the peace officers and shall be subject to the provisions of the Code of Iowa.
(Code of Iowa, Sec. 321.271)
 2. INVESTIGATION. The Lyon County Sheriff's Department shall investigate all accidents reported. If sufficient evidence of a violation is found, proper action will be taken to punish the violator.
- 1.04 FILES MAINTAINED. The Lyon County Sheriff's Department shall maintain a suitable record of all traffic accidents, warnings, arrests, convictions and complaints reported for each driver during the most recent three year period. Such reports shall be filed alphabetically under the name of the driver concerned.
- 1.06 HABITUAL TRAFFIC VIOLATORS. The Lyon County Sheriff's Department shall study the cases of all drivers charged with frequent or serious violations of the traffic laws or involved in frequent traffic accidents or any serious accident, and shall attempt to discover the reasons therefore, and shall take whatever steps are lawful and reasonable to prevent the same, or to have the license of such persons suspended or revoked as provided by state law.
(Code of Iowa, Sec. 321.201 & 321.215)
- 1.07 POWER TO DIRECT TRAFFIC. A peace officer, and any officer of the fire department when at the scene of a fire, is authorized to direct all traffic by voice, hand or signal in conformance with traffic laws. In the event of an emergency, traffic may be directed as conditions require, notwithstanding the provisions of the traffic laws.

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- 1.08 PEACE OFFICER'S AUTHORITY. Any peace officer is authorized to stop a vehicle to require exhibition of the driver's license of the driver, to serve a summons or memorandum of traffic violation, to inspect the condition of the vehicle, to inspect the vehicle with reference to size, weight, cargo, log book, bills of lading or other manifest of employment, tires, and safety equipment, or to inspect the registration certificate, the compensation certificate, travel order, or permit of the vehicle.
(Code of Iowa, Sec. 321.492)
- 1.09 OBEDIENCE TO PEACE OFFICERS. No person shall willfully fail or refuse to comply with any lawful order or direction of any peace officer invested by law with authority to direct, control or regulate traffic.

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CHAPTER 1: TRAFFIC CODE

ARTICLE 2 - REGULATIONS AND VIOLATIONS

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

1. Section 321.17 – Misdemeanor to violate registration provisions.
2. Section 321.20B – Proof of security against liability; driving without liability coverage.
3. Section 321.32 – Registration card, carried and exhibited.
4. Section 321.37 – Display of plates.
5. Section 321.38 – Plates, method of attaching, imitations prohibited.
6. Section 321.79 – Intent to injure.
7. Section 321.91 – Penalty for abandonment.
8. Section 321.98 – Operation without registration.
9. Section 321.99 – Fraudulent use of registration.
10. Section 321.174 – Operators licensed.
11. Section 321.174A – Operation of motor vehicles with expired license.
12. Section 321.180 – Instruction permits.
13. Section 321.180B – Graduated driver’s licenses for persons aged fourteen through seventeen.
14. Section 321.193 – Restricted licenses.
15. Section 321.194 – Special minor’s licenses.
16. Section 321.216 – Unlawful use of license and nonoperator’s identification card.
17. Section 321.216B – Use of driver’s license or nonoperator’s identification card by underage person to obtain alcohol.
18. Section 321.216C – Use of driver’s license or nonoperator’s identification card by underage person to obtain cigarettes or tobacco products.
19. Section 321.218 – Operating without valid driver's license or when disqualified.
20. Section 321.219 – Permitting unauthorized minor to drive.
21. Section 321.220 – Permitting unauthorized person to drive.
22. Section 321.221 – Employing unlicensed chauffeur.

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23. Section 321.222 – Renting motor vehicle to another.
24. Section 321.223 – License inspected.
25. Section 321.224 – Record kept.
26. Section 321.232 – Radar jamming devices; penalty.
27. Section 321.235A – Electric personal assistive mobility devices.
28. Section 321.256 – Obedience to official traffic-control devices.
29. Section 321.257 – Official traffic control signal.
30. Section 321.259 – Unauthorized signs, signals or markings.
31. Section 321.260 – Interference with devices, signs or signals; unlawful possession - traffic signal preemption devices.
32. Section 321.262 – Damage to vehicle.
33. Section 321.263 – Information and aid.
34. Section 321.264 – Striking unattended vehicle.
35. Section 321.265 – Striking fixtures upon a highway.
36. Section 321.275 – Operation of motorcycles and motorized bicycles.
37. Section 321.276 – Hand-Held Electronic Communication Device
38. Section 321.278 – Drag racing prohibited.
39. Section 321.284 – Open containers in motor vehicles – drivers.
40. Section 321.284A – Open containers in motor vehicles – passengers.
41. Section 321.288 – Control of vehicle; reduced speed.
42. Section 321.295 – Limitation on bridge or elevated structures.
43. Section 321.297 – Driving on right-hand side of roadways; exceptions.
44. Section 321.298 – Meeting and turning to right.
45. Section 321.299 – Overtaking a vehicle.
46. Section 321.302 – Overtaking and otherwise.
47. Section 321.303 – Limitations on overtaking on the left. (Unsafe Passing)
48. Section 321.304 – Prohibited passing.
49. Section 321.306 – Roadways laned for traffic.
50. Section 321.307 – Following too closely.
51. Section 321.308 – Motor trucks and towed vehicles; distance requirements.
52. Section 321.309 – Towing; convoys; drawbars.
53. Section 321.310 – Towing four-wheel trailers.
54. Section 321.311 – Turning at intersections.

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- 55. Section 321.312 – Turning on curve or crest of grade.
- 56. Section 321.313 – Starting parked vehicle.
- 57. Section 321.314 – When signal required.
- 58. Section 321.315 – Signal continuous.
- 59. Section 321.316 – Stopping.
- 60. Section 321.317 – Signals by hand and arm or signal device.
- 61. Section 321.318 – Method of giving hand and arm signals.
- 62. Section 321.319 – Entering intersections from different highways.
- 63. Section 321.320 – Left turns; yielding.
- 64. Section 321.321 – Entering through highways.
- 65. Section 321.322 – Vehicles entering stop or yield intersection.
- 66. Section 321.323 – Moving vehicle backward on highway.
- 67. Section 321.323A – Approaching certain stationary vehicles.
- 68. Section 321.324 – Operation on approach of emergency vehicles.
- 69. Section 321.324A – Funeral processions.
- 70. Section 321.325 – Pedestrians subject to signals.
- 71. Section 321.326 – Pedestrians on left.
- 72. Section 321.327 – Yield to pedestrians in crosswalks.
- 73. Section 321.328 – Pedestrian failing to use crosswalk.
- 74. Section 321.329 – Duty of driver – pedestrians crossing or working on highways.
- 75. Section 321.330 – Use of crosswalks.
- 76. Section 321.331 – Pedestrians soliciting rides.
- 77. Section 321.332 – White canes restricted to blind persons.
- 78. Section 321.333 – Duty of drivers.
- 79. Section 321.340 – Driving through safety zone.
- 80. Section 321.341 – Obedience to signal of train.
- 81. Section 321.342 – Stop at certain railroad crossings; posting warning.
- 82. Section 321.343 – Certain vehicles must stop.
- 83. Section 321.344 – Heavy equipment at crossing.
- 84. Section 321.344B – Immediate safety threat; penalty.
- 85. Section 321.354 – Stopping on traveled way.
- 86. Section 321.358 – Stopping, standing, or parking where prohibited.
- 87. Section 321.359 – Moving other vehicle.

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88. Section 321.360 – Parking prohibited in front of certain buildings (i.e. Theaters, hotels and auditoriums).
89. Section 321.362 – Unattended motor vehicle. (Parking without stopping engine and setting brake).
90. Section 321.363 – Obstruction to driver’s view.
91. Section 321.364 – Preventing contamination of food by hazardous material.
92. Section 321.365 – Coasting prohibited.
93. Section 321.366 – Acts prohibited on fully controlled-access facilities.
94. Section 321.367 – Following fire apparatus.
95. Section 321.368 – Crossing fire hose.
96. Section 321.369 – Putting debris on highway.
97. Section 321.370 – Removing injurious material.
98. Section 321.371 – Clearing up wrecks.
99. Section 321.372 – School buses.
100. Section 321.381 – Movement of unsafe or improperly equipped vehicles.
101. Section 321.381A – Operation of low-speed vehicles.
102. Section 321.382 – Upgrade pulls; minimum speed.
103. Section 321.383 – Exceptions; slow vehicles identified.
104. Section 321.384 – When lighted lamps required. (Failure to use headlamp when required).
105. Section 321.385 – Head lamps on motor vehicles.
106. Section 321.386 – Head lamps on motorcycles and motorized bicycles.
107. Section 321.387 – Rear lamps.
108. Section 321.388 – Illuminating plates. (Improper registration plate lamp)
109. Section 321.389 – Reflector requirement. (Improper rear reflector)
110. Section 321.390 – Reflector requirements.
111. Section 321.392 – Clearance and identification lights.
112. Section 321.393 – Color and mounting.
113. Section 321.394 – Lamp or flag on projecting load.
114. Section 321.395 – Lamps on parked vehicles.
115. Section 321.398 – Lamps on other vehicles and equipment.
116. Section 321.402 – Spot lamps.
117. Section 321.403 – Auxiliary driving lamps.
118. Section 321.404 – Signal lamps and signal devices.

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- 119. Section 321.404A – Light-restricting devices prohibited.
- 120. Section 321.405 – Self-illumination.
- 121. Section 321.406 – Cowl lamps.
- 122. Section 321.408 – Back-up lamps.
- 123. Section 321.409 – Mandatory lighting equipment.
- 124. Section 321.415 – Required usage of lighting devices. (Failure to Dim)
- 125. Section 321.417 – Single-beam road-lighting equipment.
- 126. Section 321.418 – Alternate road-lighting equipment.
- 127. Section 321.419 – Number of driving lamps required or permitted.
- 128. Section 321.420 – Number of lamps lighted.
- 129. Section 321.421 – Special restrictions on lamps.
- 130. Section 321.422 – Red light in front.
- 131. Section 321.423 – Flashing lights.
- 132. Section 321.430 – Brake, hitch and control requirements.
- 133. Section 321.431 – Performance ability.
- 134. Section 321.432 – Horns and warning devices.
- 135. Section 321.433 – Sirens, whistles and bells prohibited.
- 136. Section 321.434 – Bicycle sirens or whistles.
- 137. Section 321.436 – Mufflers, prevention of noise.
- 138. Section 321.437 – Mirrors.
- 139. Section 321.438 – Windshields and windows.
- 140. Section 321.439 – Windshield wipers.
- 141. Section 321.440 – Restrictions as to tire equipment.
- 142. Section 321.441 – Metal tires prohibited.
- 143. Section 321.442 – Projections on wheels.
- 144. Section 321.444 – Safety glass.
- 145. Section 321.445 – Safety belts and safety harnesses; use required.
- 146. Section 321.446 – Child restraint devices.
- 147. Section 321.449 – Motor carrier safety regulations.
- 148. Section 321.450 – Hazardous materials transportation.
- 149. Section 321.454 – Width of vehicles.
- 150. Section 321.455 – Projecting loads on passenger vehicles.

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- 151. Section 321.456 – Height of vehicles; permits.
 - 152. Section 321.457 – Maximum length.
 - 153. Section 321.458 – Loading beyond front.
 - 154. Section 321.459 – Excessive weight – dual axels (each over 2000 lb. over).
 - 155. Section 321.460 – Spilling loads on highways.
 - 156. Section 321.461 – Trailers and towed vehicles.
 - 157. Section 321.462 – Drawbars and safety chains.
 - 158. Section 321.463 – Maximum gross weight.
 - 159. Section 321.465 – Weighing vehicles and removal of excess.
 - 161. Section 321.466 – Increased loading capacity; re-registration.
- 2.02 CLINGING TO VEHICLES. No person shall drive a motor vehicle on the streets of the 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 him or herself to any vehicle upon a roadway.
- 2.03 VEHICLES ON SIDEWALKS. The driver of a vehicle shall not drive upon or within any sidewalk area except at a driveway.
- 2.04 TAMPERING WITH VEHICLE. Any person who either individually, or in association with one or more other persons, willfully injures or tampers with any vehicle or breaks or removes any part or parts of or from a vehicle without the consent of the owner is guilty of a simple misdemeanor punishable as provided in the Code of Iowa.
(Code of Iowa, Sec. 321.482)
- 2.05 MILLING. It shall be unlawful to drive or operate a motor vehicle, either singly or with others in any processional milling or repeated movement over any street to the interference with normal traffic use, or to the annoyance or offense of any person.
- 2.06 SQUEALING TIRES. No person shall drive any vehicle in such a manner as to cause the repeated or prolonged squealing of tires through too rapid acceleration or too high speed on turning of such vehicle.
- 2.07 MUFFLERS. It shall be unlawful for a person to operate or drive a motor vehicle on a highway that is not equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke, or to use a muffler cutout, bypass or similar device.
(Code of Iowa, Sec. 321.436)

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- 2.08 PLAY STREETS. The council may declare any street or part thereof a play street and to place appropriate signs or devices in the roadway indicating and helping to protect the same. Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or whose residences are within such closed area, and then any said driver shall exercise the greatest care in driving upon any such street or portion thereof.

(Code of Iowa, Sec. 321.255)

- 2.09 QUIET ZONES. Whenever authorized signs are erected indicating a quiet zone, no person operating a motor vehicle within any such zone shall sound the horn or other warning device of such vehicle except in an emergency.

- 2.10 FUNERAL OR OTHER PROCESSIONS. The following shall apply to funeral and other processions:

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

1. IDENTIFIED. A funeral or other procession composed of vehicles shall be identified as such by the display upon the outside of each vehicle of a pennant or other identifying insignia or by such other method as may be determined and designated by the police chief.
2. MANNER OF DRIVING. Each driver in a funeral or other procession shall drive as near to the right hand of the roadway as practical and safe.
3. INTERRUPTING PROCESSION. No driver of any vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated as required in this section. This provision shall not apply at intersections where traffic is controlled by traffic control signals or peace officers.

- 2.11 SCHOOL BUSES. The following shall apply to school buses:

1. SIGNALS. The driver of any school bus used to transport children to and from a public or private school shall, when stopping to receive or discharge pupils at any point within the city, turn on the flashing stop warning signal lights at a distance of not less than one hundred (100) feet, nor more than three hundred (300) feet from the point where the pupils are to be received or discharged from the bus. At the point of receiving or discharging pupils the driver of the bus shall bring the bus to a stop and extend the stop arm. After receiving or discharging pupils, the bus driver shall turn off the flashing stop warning lights, retract the stop arm and then proceed on the route. No school bus shall stop to load or unload pupils unless there is at least three hundred (300) feet of clear vision in each direction.

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

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2. **LIGHTS ON.** The driver of a school bus shall, while carrying passengers, have its headlights turned on.
(Code of Iowa, Sec. 321.372(1))
3. **DISCHARGING PUPILS.** All pupils shall be received and discharged from the right front entrance of every school bus, and if the pupils must cross the street or highway, they shall be required to pass in front of the bus, look in both directions, and proceed to cross the street or highway only on signal from the bus driver.
(Code of Iowa, Sec. 321.372(2))
4. **PASSING PROHIBITED.** The driver of any vehicle overtaking a school bus shall not pass a school bus when flashing stop warning signal lights are flashing and shall bring said vehicle to a complete stop not closer than fifteen feet of the school bus when it is stopped and stop arm is extended, and shall remain stopped until the stop arm is retracted and school bus resumes motion, or until signaled by the driver to proceed.
(Code of Iowa, Sec. 321.372(3))
5. **STOP WHEN MEETING.** The driver of any vehicle when meeting a school bus on which the amber warning signal lights are flashing shall reduce the speed of said vehicle to not more than twenty (20) miles per hour, and shall bring said vehicle to a complete stop when signal arm is extended and said vehicle shall remain stopped until stop arm is retracted after which driver may proceed with due caution.
(Code of Iowa, Sec. 321.372(3))
6. **MULTI-LANE ROADS.** The driver of a vehicle upon a highway or street providing two or more lanes in each direction need not stop upon meeting a school bus which is traveling in the opposite direction even though said school bus has stopped.
(Code of Iowa, Sec. 321.372(4))
- 2.12 **OBSTRUCTING VIEW AT INTERSECTIONS.** It is unlawful to allow any tree, hedge, billboard or other object to obstruct the view of an intersection by preventing persons from having a clear view of traffic approaching the intersection from cross streets. Any such obstruction shall be deemed a nuisance and in addition to the standard penalty may be abated in the manner provided by Title II Chapter 2 of this Code of Ordinances.
- 2.13 **EXCESSIVE ACCELERATION.** It is unlawful for any person in the operation of a motor vehicle, including motorcycles, to so accelerate such vehicle as to cause audible noise by the friction of the tires on the pavement or to cause the tires of the vehicle to leave marks on the pavement or to throw sand and gravel, or to cause the wheel of a motorcycle to leave the ground more than two (2) inches, except when such acceleration is reasonably necessary to avoid a collision.
- 2.14 **CARELESS DRIVING.** No person shall drive any vehicle in such a manner as to indicate careless driving, which when used here does not impute willfulness or intent, but means simple negligence.

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2.15 JAKEBRAKING. It shall be unlawful for any person in any part of the City of Little Rock to make, or cause to be made, load or disturbing noises with any mechanical devices operated by compressed air and used for the purpose of assisting braking on any semi-tractor, commonly referred to as jakebraking. The City shall cause notices to be posted, or signs erected indicating prohibition.

2.16 UNATTENDED VEHICLE.

1. No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition and removing the key; or to permit it to stand unattended upon any perceptible grade without effectively setting the brake thereon and turning the front wheels to the curb or side of the highway.
2. No “reefer”, or refrigeration unit of a semi or semi-trailer, or a vehicle with refrigeration shall be left unattended and running during daylight hours, nor shall any reefer or refrigeration unit on a vehicle be left running from the hours of sunset to sunrise.

2.17 SCOOTERS, SKATEBOARDS, ROLLER SKATES AND IN-LINE SKATES.

1. **DEFINITIONS.** For use in this chapter, the following terms are defined:

- A. “Roller skates” or “in-line skates” means skates with wheels instead of runners;
- B. “Scooter” means a device having two wheels and a low footboard which is steered by a handlebar and is propelled by motor or by pushing one foot against the ground while resting the other on the footboard;
- C. “Skateboard” means a device consisting of a short oblong piece of wood, plastic or aluminum mounted on large roller skate wheels used for riding upon while standing.

2. **OPERATION PROHIBITED IN CERTAIN AREAS.** No person shall ride or operate any scooter, skateboard or roller skates or in-line skates upon the sidewalks within the Business District or in any public park or on the following streets:

None

3. **USE ON SIDEWALKS.** Whenever any person is using a scooter, skateboard or roller skates or in-line skates on any other sidewalk, such person shall yield the

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right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian.

4. USE ON STREETS. Whenever any person is using a scooter, skateboard or roller skates or in-line skates on any other street, such person shall:
 - A. Observe all traffic control devices and be subject to all the duties applicable to the use of vehicles as required by statute or ordinance;
 - B. Stay as near to the right-hand side of the roadway as possible, exercising due care when passing a standing vehicle or one proceeding in the same direction.

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CHAPTER 1: TRAFFIC CODE

ARTICLE 3 - SPEED REGULATIONS

- 3.01 GENERAL. Every driver of a motor vehicle on a street shall drive the same, at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface and width of the street and of any other conditions then existing, and no person shall drive a vehicle on any street at a speed greater than will permit him or herself to bring it to a stop within the assured clear distance ahead, such driver having the right to assume, however, that all persons using said street will observe the law.
(Code of Iowa, Sec. 321.285)
- 3.02 MINIMUM SPEED. No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation, or in compliance with law.
(Code of Iowa, Sec. 321.294)
- 3.03 BUSINESS DISTRICT. A speed in excess of twenty (20) miles per hour in the business district, unless specifically designated otherwise in this article, is unlawful.
(Code of Iowa, Sec. 321.285(1))
- 3.04 RESIDENCE OR SCHOOL DISTRICT. A speed in excess of twenty-five (25) miles per hour in any school or residence district, unless specifically designated otherwise in this article, is unlawful.
(Code of Iowa, Sec. 321.285(2))
- 3.05 PARKS, CEMETERIES AND PARKING LOTS. A speed in excess of fifteen (15) miles per hour in any public park, cemetery or parking lot, unless specifically designated otherwise in this article, is unlawful.
(Code of Iowa, Sec. 321.236(5))
- 3.06 SPECIAL SPEED RESTRICTIONS. In accordance with requirements of the Iowa Uniform Traffic Devices Manual, the council, upon the basis of an engineering and traffic investigation, finds that the general speed limits set out above are greater or less than is reasonable or safe under the conditions found to exist at the particular intersections or parts of the city street system and therefore declares the maximum speed limits to be as set out in section 3.07 at the places named.
(Code of Iowa, Sec. 321.290)

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3.07 SPECIAL SPEED ZONES. A speed in excess of the limits set out miles per hour shall be unlawful on any of the following designated streets or parts thereof:

- A. SPECIAL 35 MPH SPEED ZONES . A speed in excess of thirty-five (35) miles per hour shall be unlawful on any of the following designated streets or parts thereof.
- B. SPECIAL 40 MPH SPEED ZONES . A speed in excess of forty (40) miles per hour shall be unlawful on any of the following designated streets or parts thereof.
- C. SPECIAL 45 MPH SPEED ZONES . A speed in excess of forty-five (45) miles per hour shall be unlawful on any of the following designated streets or parts thereof.
- D. SPECIAL 50 MPH SPEED ZONES . A speed in excess of fifty (50) miles per hour shall be unlawful on any of the following designated streets or parts thereof.

3.08 AUTHORIZED EMERGENCY VEHICLES.

- 1. The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected perpetrator of a felony or in response to an incident dangerous to the public or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section.
- 2. The driver of any authorized emergency vehicle, may:
 - a. Park or stand an authorized emergency vehicle, irrespective of the provisions of this chapter.
 - b. Disregard laws or regulations governing direction of movement for the minimum distance necessary before an alternative route that conforms to the traffic laws and regulations is available.
- 3. The driver of a fire department vehicle, police vehicle, or ambulance, or a peace officer riding a police bicycle in the line of duty may do any of the following:
 - a. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.
 - b. Exceed the maximum speed limits so long as the driver does not endanger life or property.
- 4. The exemptions granted to an authorized emergency vehicle under subsection 2 and for a fire department vehicle, police vehicle or ambulance as provided in subsection 3 shall apply only when such vehicle is making use of an audible signaling device meeting the requirements of Iowa Code 321.433 or a visual signaling device, except that use of an audible or visual signaling device shall not be required when exercising the exemption granted under subsection 3, paragraph "b" of this section

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when the vehicle is operated by a peace officer, pursuing a suspected violator of the speed restrictions imposed by or pursuant to this chapter, for the purpose of determining the speed of travel of such suspected violator.

5. The foregoing provisions shall not relieve the driver of an authorized emergency vehicle or the rider of a police bicycle from the duty to drive or ride with due regard for the safety of all persons, nor shall such provisions protect the driver or rider from the consequences of the driver's or rider's reckless disregard for the safety of others.

(Code of Iowa, Sec. 321.231)

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CHAPTER 1: TRAFFIC CODE

ARTICLE 4 - TURNING REGULATIONS

- 4.01 AUTHORITY TO MARK. The mayor may cause markers, buttons or signs to be placed within or adjacent to intersections and thereby require and direct, as traffic conditions require, that a different course from that specified by the state law be traveled by vehicles turning at intersections, and when markers, buttons or signs are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such markers, buttons or signs.

(Code of Iowa, Sec. 321.311 & 321.255)

- 4.02 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.

- 4.03 SIGNAL REQUIREMENTS. A signal of intention to turn right or left shall be given continuously during not less than the last one hundred (100) feet traveled by the vehicle before turning when the speed limit is forty-five (45) miles per hour or less. The required signals may be given either by means of the hand and arm as provided in the Code of Iowa or by a mechanical or electrical directional signal device or light of a type approved by the department and conforming to the provisions of the Code of Iowa.

(Code of Iowa, Sec. 321.315)

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

(Code of Iowa, Sec. 321.255 & 321.236(9))

1. Main Street and Leland Street
2. Main Street and Lyon Street

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CHAPTER 1: TRAFFIC CODE

ARTICLE 5 - PARKING REGULATIONS

5.01 PARKING PROHIBITED. No one shall stop, stand, or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or traffic control device, in any of the following places:

1. CROSSWALK. On or within ten (10) feet of a crosswalk at an intersection.
(Code of Iowa, Sec. 321.236(1) & 321.358(5))
2. CENTER PARKING. On the center parkway or dividing area of any divided street.
(Code of Iowa, Sec. 321.236(1))
3. MAILBOXES. Within twenty (20) feet on either side of a mailbox which is so placed and so equipped as to permit the depositing of mail from vehicles on the roadway.
(Code of Iowa, Sec. 321.236(1))
4. SIDEWALKS. On or across a sidewalk.
(Code of Iowa, Sec. 321.358(1))
5. DRIVEWAY. In front of a public or private driveway.
(Code of Iowa, Sec. 321.358(2))
6. INTERSECTION. Within an intersection of any street.
(Code of Iowa, Sec. 321.358(3))
7. FIRE HYDRANT. Within five (5) feet of a fire hydrant.
(Code of Iowa, Sec. 321.358(4))
8. STOP SIGN OR SIGNAL. Within ten (10) feet upon the approach to any flashing beacon, stop or yield sign, or traffic control signal located at the side of a roadway.
(Code of Iowa, Sec. 321.358(6))
9. FIRE STATION. Within twenty (20) feet of the driveway entrance to any fire station, and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance when properly sign posted.
(Code of Iowa, Sec. 321.358(9))
10. EXCAVATIONS. Alongside or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic.
(Code of Iowa, Sec. 321.358(10))

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11. **DOUBLE PARKING.** On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
(Code of Iowa, Sec. 321.358(11))
 12. **HAZARDOUS LOCATIONS.** When, because of restricted visibility or when standing or parked vehicles would constitute a hazard to moving traffic, or when other traffic conditions require, the police chief may cause curbing to be painted with a yellow color and erect no parking or standing signs.
(Code of Iowa, Sec. 321.358(13))
 13. **THEATERS, HOTELS, AND HOSPITALS.** A space of fifty (50) feet is reserved at the side of the street in front of any theatre, auditorium, hotel having more than twenty-five (25) sleeping rooms, hospital, nursing home, bus depot, church, or other building where large assemblages of people are being held, within which space, when clearly marked as such, no motor vehicle shall be left standing, parked or stopped except in taking on or discharging passengers or freight, and then only for such length of time as is necessary for such purpose.
(Code of Iowa, Sec. 321.360)
 14. **IN MORE THAN ONE SPACE.** In any designated parking place so that any part of the vehicle occupies more than one such space or protrudes beyond the markings designating such spaces.
 15. **RAMPS.** In front of a curb cut or ramp which is located on public or private property in a manner which blocks access to the curb cut or ramp. (Code of Iowa, Sec.321.358[15])
 16. **ALLEYS.** No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten (10) feet of width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand or park a vehicle within an alley in such a position as to block the driveway entrance to any abutting property. The provisions of this subsection shall not apply to a vehicle parked in any alley which is eighteen (18) feet wide or less; provided said vehicle is parked to deliver goods or services.
(Code of Iowa, Sec.321.236[1])
- 5.02 **PARKING ADJACENT TO CURB.** No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the right-hand wheels of the vehicle within eighteen (18) inches of the curb or edge of the roadway except as hereinafter provided in the case of angle parking and vehicles parked on the left-hand side of one-way streets.
(Code of Iowa, Sec. 321.361)

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- 5.04 ANGLE PARKING. Upon those streets or portions of streets which have been signed or marked for angle parking, no person shall park or stand a vehicle other than at an angle to the curb or edge of the roadway or in the center of the roadway as indicated by such signs and markings. No part of any vehicle, or the load thereon, when parked within an angle parking district, shall extend into the roadway more than a distance of sixteen (16) feet when measured at right angles to the adjacent curb or edge of roadway.

(Code of Iowa, Sec. 321.361)

- 5.06 PARKING SIGNS REQUIRED. Whenever by this article or any other section of the municipal code, any parking time limit is imposed or parking is prohibited on designated streets or portions of streets it shall be the duty of the mayor to erect or cause to be erected appropriate signs giving notice, and no such regulations shall be effective unless signs are erected and in place at the time of any alleged offense, except where there is a parking ban of uniform application relating to snow removal. When the signs are so erected giving notice, no person shall disobey the restrictions stated on such signs.

(Code of Iowa, Sec. 321.255 & 321.358(14))

- 5.08 SCHOOL LOADING ZONE. No person, except drivers of authorized school buses, shall park a vehicle in any of the following designated locations between the hours of 8:00 a.m. and 4:00 p.m. on school days.

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

1. First Avenue from Burr Street to Fisher Street.

- 5.09 VEHICLE UNATTENDED. When a vehicle is parked in violation of this chapter and the driver is not present, the notice of fine or citation as provided in this chapter shall be attached to the vehicle in a conspicuous place.

- 5.10 PARKING FOR CERTAIN PURPOSES ILLEGAL. No person shall park a vehicle upon the roadway for any of the following principal purposes:

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

1. DISPLAY SALE VEHICLE. Displaying such vehicle for sale.
2. MAINTENANCE. For washing, greasing or repairing such vehicle except such repairs as are necessitated by an emergency.
3. ADVERTISING. Displaying advertising.
4. SELLING FROM VEHICLE. Selling merchandise from such vehicle except in a duly established market place or when so authorized or licensed under the city code.
5. STORAGE. Storage or as junk or dead storage for more than forty-eight (48) hours.

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- 5.11 HANDICAPPED PARKING SPACES. The city council shall create handicapped parking spaces in the number and in the dimension as required by federal and Iowa statutes or regulations.
- 5.12 PERSONS WITH DISABILITIES PARKING. The following regulations shall apply to the establishment and use of persons with disabilities parking spaces:
1. Establishment. Persons with disabilities parking spaces shall be established and designated in accordance with Chapter 321L of the Code of Iowa and Iowa Administrative Code, 661-18. No unauthorized person shall establish any on-street persons with disabilities parking space without first obtaining Council approval.
 2. Improper Use. The following uses of a persons with disabilities parking space, located on either public or private property, constitute improper use of a persons with disabilities parking permit, which is a violation of this Code of Ordinances:
(Code of Iowa, Sec. 321L.4(2))
 - a. Use by motor vehicle not displaying a handicapped parking permit:
 - b. Use by a motor vehicle displaying a handicapped permit but not being used by a person in possession of a motor vehicle license with a handicapped designation or a nonoperator's identification card with a handicapped designation (other than a person transporting the handicapped or elderly persons being so transported in a vehicle displaying a removable placard in accordance with section 321L.2(1b) of the Iowa Code;
 - c. Use by a motor vehicle in violation of the rules adopted under Section 321L.8 of the Code of Iowa.
 - d. Scheduled Violation. A violation of this subsection 2 is a scheduled violation and subject to a fine of Two Hundred Dollars (\$200.00).
(Code of Iowa, Sec. 805.8A(1c))
 3. Wheelchair Parking Cones. No person shall use or interfere with a wheelchair parking cone in violation of the following:
 - a. A person issued a persons with disabilities parking permit must comply with the requirements of Section 321L.2A(1) of the Code of Iowa when utilizing a wheelchair parking cone.
 - b. A person shall not interfere with a wheelchair parking cone which is properly placed under the provisions of Section 321L.2A(1) of the Code of Iowa.
 - c. For a parking violation under section 321L.2A of the Code of Iowa, subsection 2, the scheduled fine is twenty dollars (\$20.00).
(Code of Iowa, Sec. 805.8A(1b))

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- 5.13 SNOW REMOVAL. No person shall park, abandon or leave unattended any vehicle on any public street, alley, or city-owned off street parking area during snow removal operations unless the snow has been removed or plowed from said street, alley or parking area and the snow has ceased to fall.
(Code of Iowa, Sec. 321.236[1])
- 5.14 PARKING ON PRIVATE PROPERTY. It is unlawful for any person to park a motor vehicle on private property not his/her own without the consent of the owner of the property, his/her agent or other person in charge thereof.
- 5.15 VEHICLES ON PRIVATE PROPERTY. Section 5.15 prohibiting the unlawful parking of a vehicle on private property, in addition to any other remedy available, may be enforced as follows:
1. REMOVAL - IMPOUNDING. When any vehicle is found parked in violation of Section 5.15 the police (i.e. Sheriff's Department) are authorized to remove, or have removed, at the request of the owner, his/her agent, or other person in charge or when signs are erected and the vehicle is known to be parked illegally on the private property and have the vehicle towed to an authorized place of storage. The person responsible for the vehicle shall pay the reasonable cost of towing and storage.
 2. PENALTY. In addition to the remedy of removal of the vehicle which is parked in violation of Section 5.15, the police shall issue a parking ticket, payable at the city clerk's office before the motor vehicle may be released by the person in charge of the storage of the impounded vehicle. The clerk shall provide the necessary form or use a receipted copy of the parking ticket to authorize such release. The fee in satisfaction of penalty shall be five (5) dollars.
 3. ALTERNATE PROCEDURE. The police may, in the alternative, when conditions warrant, only attach or give a parking ticket if the violation has not extended over four (4) hours, or likely to so extend for such a period, and not cause the vehicle to be removed if the use of the property by the owner, his/her agent or other person in charge thereof is not prevented.
 4. MISDEMEANOR. The violation of Section 5.15 shall be deemed a misdemeanor if the fine is not paid within three (3) days. The violation of the alternate procedure set out in Section 5.15(3) shall be deemed a misdemeanor if the fine is not paid within five (5) days. Nonpayment of fines within the above described time limits shall be cause for the police to write a summons to the violator to appear in the appropriate court.

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5.16 AUTHORITY TO IMPOUND VEHICLES. Law enforcement or the Mayor are hereby authorized to remove, or have removed, a vehicle from a street, public alley or municipal parking lot to the nearest garage or other place of safety, or to a garage designated or maintained by the Lyon County Sheriff's Department, or otherwise maintained by the city, under the following circumstances:

1. When a vehicle is upon a roadway and is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are, by reason of physical injury or otherwise, unable to provide for the vehicle's custody or removal.
2. When any vehicle is left unattended upon a street or municipal parking lot and is so illegally parked as to constitute a definite hazard or obstruction to the normal movement to traffic.
3. When any vehicle is left parked upon a street or municipal parking lot for a continuous period of forty-eight (48) hours or more.
4. When any vehicle is left parked upon a street, alley or municipal parking lot in a manner which interferes with any officer or employee of the city in cleaning, marking, repairing or using the street, alley or parking lot, or in removing snow or ice therefrom.
5. In addition to the penalties hereinafter provided, the owner or operator of any vehicle impounded for violation of any of the provisions of this section shall be required to pay the reasonable cost of towing charges and storage before it is released. The towing and storage charges shall be set by the city council from time to time by resolution.

5.17 ASSUMPTION REGARDING PARKED VEHICLES. In any proceeding charging a standing or parking violation, a prima facie presumption that the registered owner was the person who parked or placed such vehicle at the point where, and for the time during which such violation occurred, shall be raised by proof that:

1. The particular vehicle described in the information was parked in violation of this code.
2. The defendant named in the information was the registered owner at the time in question.

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CHAPTER 1: TRAFFIC CODE

ARTICLE 6 - STOP AND YIELD

- 6.01 VEHICLES ENTERING STOP INTERSECTION. The driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop at the first opportunity at either the clearly marked stop line, or before entering the crosswalk, or before entering the intersection, or at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection. Before proceeding, the driver shall yield the right of way to any vehicle on the intersecting roadway which has entered the intersection or which is approaching so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection.

(Code of Iowa, 321.322(1))

- 6.02 THROUGH STREET STOPS. Every driver of a vehicle shall stop, unless a yield is permitted by this article, before entering an intersection with the following designated through streets:

(Code of Iowa, Sec. 321.345)

1. Main Street from the south corporate line to and including it's intersection with Railroad Street.
2. Section Line Street from the south corporate limit to the north corporate limit.

- 6.03 STOP INTERSECTIONS. Every driver of a vehicle shall stop before entering the following intersections from the directions indicated:

1. Leland Street. Vehicles traveling east on Leland Street shall stop at Fourth Avenue.
2. Fourth Avenue. Vehicles traveling north on Fourth Avenue shall stop at Leland Street.
3. Third Avenue. Vehicles traveling north on Third Avenue shall stop at Leland Street.
4. Third Avenue. Vehicles traveling south on Third Avenue shall stop at Lyon Street.
5. Third Avenue. Vehicles traveling north on Third Avenue shall stop at Lyon Street.
6. Fisher Street. Vehicles traveling on Fisher Street shall stop at First Avenue.
7. First Avenue. Vehicles traveling on First Avenue shall stop at Fisher Street.
8. Burr Street. Vehicles traveling west on Burr Street shall stop at First Avenue.
9. First Avenue. Vehicles traveling south on First Avenue shall stop at Burr Street.
10. Leland Street. Vehicles traveling west on Leland Street shall stop at Fourth Avenue.

(Ordinance 2023-07-11)

- 6.04 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 the driver is operating.

- 6.05 STOP BEFORE CROSSING SIDEWALK. The driver of a vehicle emerging from a private roadway, alley, driveway, or building shall stop such vehicle immediately prior to

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driving onto the sidewalk area, and thereafter he or she shall proceed into the sidewalk area only when he or she can do so without danger to pedestrian traffic and he or she shall yield the right of way to any vehicular traffic on the street into which his or her vehicle is entering.

(Code of Iowa, Sec. 321.353)

- 6.06 SCHOOL STOPS. At school crossing zones approved by the council, every driver of a vehicle approaching said zone shall bring his or her vehicle to a full stop at a point ten (10) feet from the approach side of the crosswalk marked by an authorized school stop sign and thereafter proceed in a careful and prudent manner until the driver shall have passed through such school crossing zone.

(Code of Iowa, Sec. 321.249)

- 6.07 VEHICLES ENTERING YIELD INTERSECTION. The driver of a vehicle approaching a yield sign shall slow to a speed reasonable for the existing conditions, and if required for safety, shall stop at the first opportunity at either the clearly marked stop line or before entering the crosswalk or before entering the intersection or at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. After slowing or stopping, the driver shall yield the right of way to any vehicle on the intersecting roadway which has entered the intersection or which is approaching so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection.

(Code of Iowa, Sec. 321.322(2))

- 6.08 SPECIAL YIELD REQUIRED. Every driver of a vehicle shall yield in accordance with the foregoing section, at the following intersections if approaching from the directions indicated:

“None”

- 6.09 YIELD TO PEDESTRIANS IN CROSSWALKS. Where traffic control signals are not in place or in operation, the driver of a vehicle shall yield the right of way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection.

(Code of Iowa, Sec. 321.327)

- 6.10 THREE-WAY STOP INTERSECTIONS. Every driver of a vehicle shall stop before entering the following designated three-way stop intersections:

1. Section Line Street and Riverside Street (Extension of A-18). Vehicles approaching the intersection of Section Line Street and Riverside Street (Extension of A-18) from the east, north and south shall stop before entering such intersection.

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6.11 FOUR-WAY STOP INTERSECTIONS. Every driver of a vehicle shall stop before entering the following designated four-way stop intersections:

1. Main Street and Burr Street.
2. First Avenue and Fisher Street.
3. First Avenue and Burr Street.
4. Section Line Street and Fisher Street.

(Editor's Note: Section 6.11(4) was added by Ordinance No. 09.05.00 on November 5, 2000)

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CHAPTER 1: TRAFFIC CODE

ARTICLE 7 - ONE WAY STREETS

- 7.01 ONE WAY TRAFFIC REQUIRED. Upon the following streets and alleys vehicular traffic shall move only in the indicated direction when appropriate signs are in place.
(Code of Iowa, Sec. 321.236(4))

“None”

- 7.02 AUTHORITY TO RESTRICT DIRECTION OF MOVEMENT. The mayor is authorized to determine and recommend to the council certain streets, or specified lanes 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.

1. **ERECT SIGNS.** The mayor may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the center line of the roadway.
2. **VIOLATION.** It shall be unlawful for any person to operate any vehicle in violation of such markings, signs, barriers or other devices so placed in accordance with this section.
3. **STREETS LISTED.** The following streets may have variable lanes or direction of traffic at different times of day as marked by authorized signs under the provisions of this section:

“None”

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CHAPTER 1: TRAFFIC CODE

ARTICLE 8 - TRAFFIC CONTROL DEVICES

- 8.01 INSTALLATION. The mayor shall cause to be placed and maintained traffic control devices when and as required under the Traffic Code of this city to make effective its provisions; emergency or temporary traffic control devices for the duration of an emergency or temporary condition as traffic conditions may require to regulate traffic under the traffic code of this city or under state law, or to guide or warn traffic. The mayor shall keep a record of all such traffic control devices.
(Code of Iowa, Sec. 321.254, 321.236(2) & 321.255)
- 8.02 CROSSWALKS. The mayor is hereby authorized, subject to approval of the council by resolution, to designate and maintain crosswalks by appropriate traffic control devices at intersections where due to traffic conditions there is particular danger to pedestrians crossing the street or roadway, and at such other places as traffic conditions require.
(Code of Iowa, Sec. 372.13(4), 321.236(2) & 321.255)
- 8.03 TRAFFIC LANES. The mayor is hereby authorized to mark lanes for traffic on street pavements at such places as traffic conditions require consistent with the traffic code of this city. Where such traffic lanes have been marked, it shall be unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of any such lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement.
(Code of Iowa, Sec. 321.255 & 372.13(4))
- 8.04 STANDARDS. Traffic control devices shall comply with standards established by the Manual of Uniform Traffic Control Devices for Streets and Highways.
(Code of Iowa, Sec. 321.255)
- 8.05 COMPLIANCE. No driver of a vehicle shall disobey the instructions of any official traffic control device placed in accordance with the provisions of this chapter, unless at the time otherwise directed by a peace officer.
(Code of Iowa, Sec. 321.256)
- 8.06 MOVING OR DAMAGING DEVICE. It is unlawful for any person to move, deface or otherwise damage any sign, signal or other traffic control device placed upon the streets of the City."
- 8.07 TRAFFIC CONTROL DEVICES. The Council shall establish by the resolution and cause to be placed and maintained, appropriate traffic control devices to indicate parking spaces and zones, no parking zones, safety zones, school zones, hospital zones, quiet zones, traffic zones other than the above, truck routes, school stops, stop intersection, yield right-of-way intersection, one-way streets, streets to be laned for traffic and play streets. The Council shall also have the power by resolution to designate and indicate

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intersections at which traffic shall be controlled by traffic signals; intersections at which left turns, right turns and U-turns shall be prohibited; intersections at which markers, buttons or other indications shall be placed to indicate the course to be traveled by vehicles traversing or turning at such intersections.

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CHAPTER 1: TRAFFIC CODE

ARTICLE 9 - LOAD AND WEIGHT REQUIREMENTS

- 9.01 TEMPORARY EMBARGO. If the council by resolution declares an embargo when it appears by reason of deterioration, rain, snow or other climatic conditions that certain streets will be seriously damaged or destroyed by vehicles weighing in excess of an amount specified by the signs, no such vehicles shall be operated on streets so designated by such signs.

(Code of Iowa, Sec. 321.471 & 321.472)

- 9.02 PERMITS FOR EXCESS SIZE AND WEIGHT. The City Clerk may, upon application in writing and good cause being shown therefor, issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight or load exceeding the maximum specified by state law or city ordinance over those streets named in the permit which are under the jurisdiction of the city and for which the city is responsible for maintenance.

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

- 9.03 LOAD LIMITS ON BRIDGES. Where it has been determined by the council, upon engineering advice, that any city bridge has a capacity less than the maximum permitted on the streets of the city, or on the street serving the bridge, the City Council may cause to be posted and maintained, signs on said bridge and at suitable distances ahead of the entrances thereof to warn drivers of such maximum load limits, and no person shall drive a vehicle weighing, loaded or unloaded, upon said bridge in excess of such posted limit.

(Code of Iowa, Sec. 321.473)

- 9.04 TRUCK ROUTES AND PARKING RESTRICTIONS

1. DEFINITIONS.

- a. "Semi-trailer" means every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.
- b. "Truck tractor" means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

2. TRUCK ROUTES AND PARKING RESTRICTIONS

- a. Every truck tractor semi-trailer combinations, whether loaded or empty, having no fixed terminal within the City of Little Rock or making no scheduled or definite stops within the City of Little Rock for the purpose

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of loading or unloading, shall travel over or upon the following streets within the City of Little Rock and no others; the Route for purposes of this Ordinance covers the following streets:

- i. Section Line Road.
- ii. Leland Street commencing at Section Line Road then west to the edge of the City of Little Rock.
- iii. Fisher Street commencing at Section Line Road then west to the edge of the City of Little Rock.
- iv. Main Street.
- v. Third Avenue between Leland and Fisher.

(Editor's Note: Section 9.04(2)(a)(v) was added by Ordinance in June 1995)

- b. Any truck tractor semi-trailer combination, whether loaded or empty, having a fixed terminal, making a scheduled or definite stop within the City of Little Rock for the purpose of loading or unloading, shall proceed over or upon the designated streets 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.
- c. The owner, or any other person, employing or otherwise directing the driver of any vehicle shall not require or knowingly permit the operation of the vehicle upon a street in any manner contrary to this section.
- d. No person shall park a truck tractor semi-trailer combination on any of the streets, avenues, or alleys in the City of Little Rock, except for the time required to load or unload, and except that parking shall be allowed on Main Street in the Business District for a period of time not to exceed one (1) hour. The presumption of ownership under Article 12.03 of this Chapter shall apply to this section.
- e. A violation of this section shall be punishable by a fine not to exceed \$100.00. In all cases, the defendant shall appear before the court and regular procedure shall apply. If information is used the officer shall endorse thereon, "Court appearance required." If a citation and complaint is used, the officer shall strike out the space in which the defendant may admit the violation and shall endorse thereon "Court appearance required" and the defendant shall appear before the court either in person or by attorney. All other provisions under the enforcement provisions of Article II of the Traffic Code, not inconsistent with this section, shall apply to this section.

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ARTICLE 10 - PEDESTRIANS

- 10.01 USE SIDEWALKS. Where sidewalks are provided, it shall be unlawful for any pedestrian to walk along and upon an adjacent street.
- 10.02 WALKING IN STREET. Where sidewalks are not provided, pedestrians shall at all times when walking on or along a street, walk on the left side of the street, or facing traffic on one-way streets.
(Code of Iowa, Sec. 321.326)
- 10.03 PEDESTRIAN CROSSING. Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right of way to all vehicles upon the roadway.
(Code of Iowa, Sec. 321.328)
- 10.04 HITCH HIKING. No person shall stand in the traveled portion of a street for the purpose of soliciting a ride from the driver of any private vehicle.
(Code of Iowa, Sec. 321.331)

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ARTICLE 11 - BICYCLES

- 11.01 EFFECT OF REGULATIONS. These regulations applicable to bicycles shall apply whenever a bicycle is operated upon any street or upon any public path set aside for the exclusive use of bicycles, subject to those exceptions stated herein.
(Code of Iowa, Sec. 321.236(10))
- 11.02 TRAFFIC CODE APPLICABLE. Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of this state declaring rules of the road applicable to vehicles or by the traffic code of this city applicable to the driver of a vehicle, except as to those provisions which by their nature can have no application. Whenever a person dismounts from a bicycle the person shall be subject to all regulations applicable to pedestrians.
(Code of Iowa, Sec. 321.234)
- 11.03 RIDING ON BICYCLES. A person propelling a bicycle shall not ride other than astride a permanent and regular seat attached thereto. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.
(Code of Iowa, Sec. 321.234)
- 11.04 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. The following shall also apply:
1. NOT MORE THAN TWO ABREAST. Persons riding bicycles upon a roadway shall not ride more than two (2) abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.
 2. USE PATH WHEN AVAILABLE. 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.
- 11.05 RIDING ON SIDEWALKS. No person shall ride a bicycle upon a sidewalk within a business district. When signs are erected on any sidewalk or roadway prohibiting the riding of bicycles thereon by any person, no person shall disobey such signs. Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right of way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.
(Code of Iowa, Sec. 321.236(10))

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- 11.06 SPEED. No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.
(Code of Iowa, Sec. 321.236(10))
- 11.07 EMERGING FROM ALLEY OR DRIVEWAY. The operators of a bicycle emerging from an alley, driveway or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on said sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.
(Code of Iowa, Sec. 321.236(10))
- 11.08 PARKING. No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle or against a building, in such a manner as to afford the least obstruction to pedestrian traffic.
(Code of Iowa, Sec. 321.236(10))
- 11.09 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.
(Code of Iowa, Sec. 321.236(10))
- 11.10 TOWING. It shall be unlawful for any person riding a bicycle to be towed or to tow any other vehicle upon the streets of the City.
- 11.11 FOLLOWING FIRE TRUCK. No person riding a bicycle shall follow a fire truck or other fire equipment, or any other emergency equipment, including an ambulance, first responders, or law enforcement at any time.

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CHAPTER 1: TRAFFIC CODE

ARTICLE 12 - ENFORCEMENT

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

1. **IMMEDIATE ARREST.** Immediately arrest such person and take him or her before a local magistrate.
2. **ISSUE CITATION.** Without arresting the person, prepare in quintuplicate a combined traffic citation and complaint as adopted by the Iowa Commissioner of Public Safety and deliver the original and a copy to the court where the defendant is to appear, two copies to the defendant and retain the fifth copy for the records of the city law enforcement agency.

(Code of Iowa, Sec. 805.6 & 321.485)

12.02 PARKING VIOLATIONS. Admitted violations of any parking restrictions imposed by this chapter may be charged upon a simple notice of a fine in accordance with the following schedule, payable at the office of the clerk of district court.

1. **FIRST VIOLATION.** For the first violation of any parking provision of this chapter, the penalty shall be ten dollars (\$10.00) providing much penalty is paid within thirty days (30) days of the time of violation. The fine may be increased by five dollars (\$5.00) if not paid within thirty (30) days.

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

12.03 PRESUMPTION IN REFERENCE TO ILLEGAL PARKING. In any proceeding charging a standing or parking violation, a prima facie presumption that the registered owner was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred, shall be raised by proof that the particular vehicle described in the information was parked in violation of this chapter, and the defendant named in the information was the registered owner at the time in question.

12.04 IMPOUNDING VEHICLES. A peace officer is hereby authorized to remove, or cause to be removed, a vehicle from a street, public alley, public parking lot or highway to the nearest garage or other place of safety, or to a garage designated or maintained by the city, under the circumstances hereinafter enumerated:

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

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

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2. **ILLEGALLY PARKED VEHICLE.** When any vehicle is left unattended upon a street and is so illegally parked as to constitute a definite hazard or obstruction to the normal movement of traffic.
(Code of Iowa, Sec. 321.236(1))
 3. **PARKED OVER FORTY-EIGHT HOUR PERIOD.** When any vehicle is left parked upon a street for a continuous period of forty-eight (48) hours or more, a diligent effort shall first be made to locate the owner. If the owner is found he or she shall be given an opportunity to remove the vehicle.
(Code of Iowa, Sec. 321.236(1))
 4. **COSTS.** In addition to the standard penalties provided, the owner or driver of any vehicle impounded for the violation of any of the provisions of this chapter shall be required to pay the reasonable cost of towing and storage.
(Code of Iowa, Sec. 321.236(1))
 5. **SNOW REMOVAL.** When any vehicle is left parked in violation of a ban on parking during snow removal.
- 12.05 **SCHEDULED VIOLATIONS.** For violation of the Traffic Code which are designated by Section 805.8 of Code of Iowa to be scheduled violations, the schedule fine for each of those violations shall be specified in Section 805.8 of the Code of Iowa.

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CHAPTER 2: STREETS AND ALLEYS

ARTICLE 13 - STREET AND ALLEY REGULATIONS

- 13.01 OBSTRUCTING OR DEFACING STREETS. It shall be unlawful for any person to obstruct, deface, or injure any public road in any manner.
(Code of Iowa, Sec. 716.6)
- 13.02 INJURING NEW PAVEMENT. It shall be unlawful for any person to willfully injure new pavement in any street, alley or sidewalk by willfully driving, walking or making marks on such pavement before it is ready for use.
(Code of Iowa, Sec. 364.12(2))
- 13.03 PLACING DEBRIS ON STREETS. It shall be unlawful for any person to throw or deposit on any street any glass bottle, glass, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, or any other debris, or any other substance likely to injure any person, animal or vehicle.
(Code of Iowa, Sec. 321.369)
- 13.04 REMOVAL OF WARNING DEVICES. It shall be unlawful for a person to willfully remove, throw down, destroy or carry away from any highway, street, alley, avenue or bridge any lamp, obstruction, guard or other article or things, or extinguish any lamp or other light, erected or placed for the purpose of guarding or enclosing unsafe or dangerous places in a highway, street, alley, avenue or bridge without the consent of the person in control.
(Code of Iowa, Sec. 716.6)
- 13.05 EXCAVATIONS. The following shall apply to any excavations made on streets in the city:
1. **PERMIT**. No person shall dig, blast or excavate in or in any manner break up any sidewalk, curb, pavement, street, alley or public ground within the city without first having obtained a permit therefore. Provided, however, that this ordinance shall not apply to officers of the city in the exercise of their respective duties, nor to persons while acting under and by virtue of a direct contract with the said city.
 2. **SAFETY REGULATIONS**. All excavations or trenches in the streets, alleys or public grounds shall be constantly guarded by adequate railings, barricades and signal lights, and in back filling the same, all crossings, sidewalks or pavements removed or disturbed shall be replaced and in as good and safe condition as the same were before excavation was begun, and to the satisfaction of the Council.
 3. **APPLICATION**. Before an excavation permit shall be granted, the person shall file with the clerk a written application. The application shall give an exact description of the property, by lot and street number, in front of or along which it is desired to excavate, state the purpose and for whom and by whom the

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excavation is to be made, and who will be responsible for the refilling of said ditch and restoration of the street surface.

- 13.06 DUMPING OF SNOW. It shall be unlawful for any person to throw, push, or place or cause to be thrown, pushed or placed, any ice or snow from private property, sidewalks, or driveways onto the traveled way of streets so as to obstruct gutters, or impede the passage of vehicles upon the street or to create a hazardous condition, except where, in the cleaning of large commercial drives in the business district it is absolutely necessary to move the snow onto the streets temporarily, such accumulation shall be removed promptly by the property owner or his or her agent, and only after first making arrangements for such prompt removal at the owner's cost of the accumulation within a reasonably short time.

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

- 13.07 TRAVELING ON BARRICADED STREET PROHIBITED. It shall be unlawful for any person to travel or operate any vehicle on any street or public way temporarily closed by barricades, lights, signs, or flares placed thereon by the authority or permission of any city official, police officer or member of the fire department.

- 13.08 PLAYING IN STREETS. It shall be unlawful for any person to coast, sled or play games on streets or highways except in the areas blocked off by authority of the police chief for such purposes.

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

- 13.09 WASHING VEHICLE ON STREETS PROHIBITED. It shall be unlawful for any person to use any public sidewalk or street for the purpose of washing or cleaning any automobile, truck equipment, or any vehicle of any kind when much work is done for hire or as a business. This shall not be construed to prevent any person from washing or cleaning his or her own vehicle or equipment when it is lawfully parked in the street.

- 13.10 USE OF STREETS FOR BUSINESS PURPOSES. It shall be unlawful to park, store or place any new or used car or cars, machinery, or any other goods, wares, and merchandise of any kind upon any street for the purpose of storage, exhibition, sale or offering same for sale, without permission of the council.

- 13.11 MAINTENANCE OF PARKING OR TERRACE. It shall be the responsibility of the abutting property owner to maintain all property outside the lot and property line and inside the curb lines upon the public streets, except that the abutting property owner shall not be required to remove diseased trees or dead wood in the publicly owned property or right-of-way. Maintenance includes timely mowing, trimming trees and shrubs, and picking up litter.

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- 13.12 FAILURE TO MAINTAIN PARKING OR TERRACE. If the abutting property owner does not perform an action required under the above section within a reasonable time, the City may perform the required action and assess the cost against the abutting property for collection in the same manner as a property tax.
- 13.13 BURNING PROHIBITED. No person shall bum any trash, leaves, rubbish or other combustible material in any curb and gutter or on any paved or surfaced street or alley.
- 13.14 DRIVEWAY CULVERTS. The property owner shall, at the owner's expense, install any culvert deemed necessary under any driveway or any other access to the owner's property, and before installing a culvert, permission must be obtained from the City. In the event repairs are needed at any time with respect to culverts, it shall be the responsibility of the property owner to make such repairs, and, in the event the owner fails to do so, the City shall have the right to make the repairs. If the property owner fails to reimburse the City for the costs of said repairs, the cost shall be certified to the County Treasurer and specially assessed against the property as by law provided.

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CHAPTER 2: STREETS AND ALLEYS

ARTICLE 14 – SNOW REMOVAL AND STREET CLEANING

14.01 DEFINITIONS. For use in this article, the following terms are defined:

1. "SNOW PLOWING" shall mean the pushing of snow by mechanical means from the center of the traveled portion of the street to the outside edges of the traveled portion of the street.
2. "SNOW REMOVAL" shall mean the loading and hauling away of snow from the street rights-of-way.
4. "STREET CLEANING" shall mean the washing, sweeping and loading of dirt and debris from the street by mechanical or manual means.

14.02 PARKING DURING SNOW PLOWING AND REMOVAL OPERATIONS. It shall be unlawful to park, abandon or leave unattended any vehicle, trailer or similar apparatus, on any public street, alley or city owned off-street parking areas during snow plowing and removal operations between the hours of 12:00 A.M. and 6:00 A.M. from November 1st to April 1st weather conditions consist of snow, drifting snow, sleet, ice and/or freezing rain.

14.03 PARKING REGULATIONS DURING SNOW REMOVAL. To aid snow removal it shall be unlawful to park vehicles, trailers or similar apparatus on City streets when snow accumulation exceeds two (2) or more inches. After cessation of snow fall and snow has been cleared from the curb to curb for the entire length of the street, vehicles may be parked on the street again.

14.04 SPECIAL PENALTY. A fine of twenty-five dollars (\$25.00) will be assessed for the first violation. Upon second violation, the owner will be fined fifty dollars (\$50.00) and the vehicle may be towed or impounded at the expense of the registered owner. The vehicle will not be released until all fines and impoundments have been paid. All subsequent violations will be assessed a one hundred dollar (\$100.00) fine.

(Editor's Note Council approved ordinance 2023-04-10 on April 10, 2023 to create a new Snow Removal & Street Cleaning Chapter)

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ARTICLE 15 - NAMING OF STREETS

15.01 NAMING NEW STREETS. New streets shall be assigned names in accordance with the following:

1. EXTENSION OF EXISTING STREET. Streets added to the city that are natural extensions of existing streets shall be assigned the name of the existing street.
2. ORDINANCE. All street names, except streets named as a part of a subdivision or platting procedure, shall be named by ordinance.

15.02 RECORDING STREET NAMES. Following adoption of an ordinance naming or changing the name of a street, the mayor and clerk shall certify and file a copy thereof with the county recorder and county auditor.

(Code of Iowa, Sec. 409.17)

15.03 OFFICIAL STREET NAME MAP. Streets within the city are named as shown on the Official Street Name Map which is hereby adopted by reference and declared to be a part of this article. The Official Street Name Map shall be identified by the signature of the mayor, and bearing the seal of the city under the following words: "This is to certify that this is the Official Street Name Map referred to in Section 15.03 of Title IV of the Municipal Code of Little Rock.

15.04 REVISION OF STREET NAME MAP. If in accordance with the provisions of this Article, changes are made in street names, such changes shall be entered on the Official Street Name Map promptly after the amendment has been approved by the governing body with an entry on the Official Street Name Map as follows: "On (date), by official action of the city council, the following change(s) were made in the Official Street Name Map: (brief description)," which entry shall be signed by the mayor and attested by the clerk. No amendment to this article which involves naming or changing the name of a street shall become effective until after such change and entry has been made on said map.

15.05 CHANGING NAME OF STREET. The council may by ordinance change the name of a street.

(Code of Iowa, Sec. 409.17)

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CHAPTER 2: STREETS AND ALLEYS

ARTICLE 16 - VACATION AND DISPOSAL

- 16.01 POWER TO VACATE. When in the judgment of the council it would be in the best interest of the city to vacate a street or alley, or portion of a street or alley, they may do so in accordance with the provisions of this article.
(Code of Iowa, Sec. 364.12(2a))
- 16.02 NOTICE OF VACATION HEARING. The council shall cause to be published a notice of public hearing, at which time the proposal to vacate shall be considered. In addition to published notice, notice shall be posted at least twice on each block along the street or alley proposed to be vacated not more than 25 days nor less than 10 days prior to the date set for the hearing.
- 16.03 FINDINGS REQUIRED. No street or alley, or portion of a street or alley shall be vacated unless the council finds that:
1. PUBLIC USE. The street or alley proposed to be vacated is not needed for the use of the public, and therefore, its maintenance at public expense is no longer justified.
 2. ABUTTING PROPERTY. The proposed vacation will not deny owners of property abutting on the street or alley reasonable access to their property.
(Code of Iowa, Sec. 364.15)
- 16.04 DISPOSAL OF STREETS OR ALLEYS. When in the judgment of the council it would be in the best interest of the city to dispose of a vacated street or alley, or portion of a street or alley, they may do so by resolution following notice and hearing.
(Code of Iowa, Sec. 364.7)
- 16.05 DISPOSAL BY GIFT LIMITED. The city may not dispose of a vacated street or alley, or portion of a street or alley, by gift except to a governmental body for a public purpose.
(Code of Iowa, Sec. 364.7(3))

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CHAPTER 2: STREETS AND ALLEYS

ARTICLE 17 - STREET GRADES

- 17.01 ESTABLISHED GRADES. The grades of all streets, alleys and sidewalks which have been established by ordinance are hereby confirmed, ratified and established as official grades.
- 17.02 RECORD MAINTAINED. The clerk shall maintain a record of all established grades and furnish information concerning such grades upon request. The ordinances that established the official grades of streets, alleys and sidewalks are:

Editor' Note:

The following ordinances not codified herein, and specifically saved from repeal, have been adopted establishing street and/or sidewalk grades and remain in full force and effect.

<u>Ordinance No.</u>	<u>Adopted</u>
40	December 18, 1930
68	September 5, 1962

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CHAPTER 2: STREETS AND ALLEYS

ARTICLE 18 - BUILDING NUMBERING

18.01 DEFINITIONS. For use in this article the following shall be defined:

1. "PRINCIPAL BUILDING" shall mean the main building on any lot or subdivision.
2. "OWNER" shall mean the owner of the principal building.

18.02 OWNER REQUIREMENTS. Every owner shall comply with the following building number requirements:

1. **OBTAIN BUILDING NUMBER.** The owner shall obtain the assigned number to his or her principal building from the clerk.
(Code of Iowa, Sec. 364.12(3d))
2. **DISPLAY BUILDING NUMBER.** The owner shall place or cause to be installed and maintain on the principal building the assigned number in a conspicuous place to the street in figures not less than four (4) inches in height and of a contrasting color with their background.
(Code of Iowa, Sec. 364.12(3d))
3. **FAILURE TO COMPLY.** If an owner refuses to number a building as provided, or fails to do so for a period of thirty (30) days after being notified in writing by the city to do so, the city may proceed to place the assigned number on the principal building and assess the costs against the property for collection in the same manner as a property tax.
(Code of Iowa, Sec. 364.12(3h))

18.03 BUILDING NUMBERING MAP. The clerk shall be responsible for preparing and maintaining a building numbering map, in accordance with the following provisions, and filing it in his or her office.

1. **BASE LINES.** Liberty Avenue constitutes the base line for the numbering system as applied to streets running east and west. Clothier Street constitutes the base line for the numbering system as applied to streets running north and south.
2. **DIAGONAL AND CURVED STREETS.** Diagonal and curved streets are classified as east and west or north and south streets depending in which classification their general alignment most nearly conforms.
3. **EVEN NUMBERS.** Even numbers shall be assigned to principal buildings fronting on the west side of streets running north and south and on the south side of streets running east and west.

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4. ODD NUMBERS. Odd numbers shall be assigned to principal buildings fronting on the east side of streets running north and south and on the north side of streets running east and west.
 5. ASSIGNMENT OF NUMBERS TO PROPERTIES. Each principal building shall be assigned a number in accordance with the provisions of this section. In case there are vacant lots or double lots, numbers shall be reserved to provide for an orderly numbering system when the lots are occupied or divided.
- 18.04 ISSUE NUMBERS. The clerk shall issue the assigned number in accordance with the numbering map to owners upon their request.
- 18.05 ENFORCEMENT. The clerk shall be responsible for enforcing the provisions of this article.

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CHAPTER 3: SIDEWALKS

ARTICLE 19 - SIDEWALK REGULATIONS

19.01 DEFINITIONS. For use in this chapter the following terms are defined:

1. "SIDEWALK" shall mean all permanent public walks in business, residential or suburban areas.
2. "ESTABLISHED GRADE" shall mean that grade established by this city for the particular area in which a sidewalk is to be constructed.
3. "BROOM FINISH" shall mean a sidewalk finish that is made by sweeping the sidewalk when it is hardening.
4. "WOOD FLOAT FINISH" shall mean a sidewalk finish that is made by smoothing the surface of the sidewalk with wooden trowel.
5. "PORTLAND CEMENT" shall mean any type of cement except bituminous cement.
6. "ONE-COURSE CONSTRUCTION" shall mean that the full thickness of the concrete is placed at one time, using the same mixture throughout.
7. "Owner" means the person owning the fee title to property abutting any sidewalk and includes any contract purchaser for purposes of notification required herein. For all other purposes, "owner" includes the lessee, if any.
8. "Sidewalk improvements" means the construction, reconstruction, repair, replacement or removal of a public sidewalk and/or the excavating, filling or depositing of material in the public right-of-way in connection therewith.
9. Defective sidewalk. Any public sidewalk exhibiting one or more of the following characteristics:
 - a. vertical separations equal to three-fourths inch or more
 - b. horizontal separations equal to three-fourths inch or more
 - c. holes or depressions equal to three-fourths inch or more and at least four inches in diameter
 - d. spalling over 50 percent of the surface of a single square of the sidewalk with one or more depressions equal to one-half inch or more
 - e. spalling over less than 50 percent of a single square of the sidewalk with one or more depressions equal to three-fourths 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-

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fourths inch per foot

10. City engineer. The city engineer or the officer designated by the city council to perform the duties prescribed for the engineer by this chapter.
- 19.02 RESPONSIBILITY FOR MAINTENANCE. It shall be the responsibility of the abutting property owners to maintain in a safe and hazard free condition any sidewalk outside the lot and property lines and inside the curb lines or traveled portion of the public street.
(Code of Iowa, Sec. 364.12(2c))
- 19.03 FAILURE TO MAINTAIN - PERSONAL INJURIES. If the abutting property owner does not maintain sidewalks as required and action is brought against the city for personal injuries alleged to have been caused by its negligence, the city may notify in writing any person by whose negligence it claims the injury was caused. 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 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)
- 19.04 CITY MAY ORDER REPAIRS. If the abutting property owner does not maintain sidewalks as required the council may serve notice on such owner, by certified mail, requiring him or her to repair, replace or reconstruct sidewalks within a reasonable time and if such action is not completed within the time stated in the notice the council may require the work to be done and assess the costs against the abutting property for collection in the same manner as a property tax.
(Code of Iowa, Sec. 364.12(2d,e))
- 19.05 SIDEWALK CONSTRUCTION ORDERED. The Council may order the construction of permanent sidewalks upon any street or court in the City and may specially assess the cost of such improvement to abutting property owners in accordance with the provisions of Chapter 384 of the Code of Iowa.
(Code of Iowa, Sec. 384.38)
- 19.06 SIDEWALK STANDARDS. Sidewalks repaired, replaced or constructed under the provisions of this chapter shall be of the following construction and meet the following standards:
 1. MATERIAL. Portland cement concrete shall be the only material used in the construction and repair of sidewalks.

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2. CONSTRUCTION. Sidewalks shall be of one-course construction.
3. SIDEWALK BASE. Concrete may be placed directly on compact and well-drained soil. Where soil is not well drained, a three (3) inch sub-base of compact, clean, coarse gravel or sand shall be laid. The adequacy of the soil drainage is to be determined by the city.
4. SIDEWALK BED. The sidewalk bed shall be placed so that the surface will be to the established grade at its location.
5. LENGTH, WIDTH AND DEPTH.
 - a. Residential sidewalks shall be at least four (4) feet wide and four (4) inches thick, and each section shall be no more than six (6) feet in length.
 - b. Business district sidewalks shall extend from the property line to the curb. Each section shall be four (4) inches thick and no more than six (6) feet in length and width.
 - c. Driveway areas shall not be less than six (6) inches in thickness.
6. LOCATION. Residential sidewalks shall be located with the inner edge (edge nearest the abutting private property) one foot from the property line, unless the council shall establish a different distance due to circumstances.
7. GRADE. Curb tops shall be on level with the center line of the street which shall be the established grade.
8. ELEVATIONS. The street edge of a sidewalk shall be at an elevation even with the curb when at the curb and not less than one-half (1/2) inch above the curb for each foot between the curb and the sidewalk in residential areas.
9. SLOPE. All sidewalks shall slope 0.25 inch per foot toward the curb.
10. FINISH. All sidewalks shall be finished with a "broom" or "wood float" finish.
11. RAMPS FOR HANDICAPPED. There shall be not less than two (2) curb cuts or ramps per lineal block which shall be located on or near the crosswalks at intersections. Each curb cut or ramp shall be at least thirty inches wide, shall be sloped at not greater than one (1) inch of rise per twelve inches lineal distance, except that a slope no greater than one (1) inch or rise per eight inches lineal distance may be used where necessary, shall have a nonskid surface, and shall otherwise be so constructed as to allow reasonable access to the crosswalk for physically handicapped persons using the sidewalk.

(Code of Iowa, Sec. 216C.9)

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- 19.07 BARRICADES AND WARNING LIGHTS. Whenever any material of any kind is deposited on any street, avenue, highway, passageway or alley when sidewalk improvements are being made or when any sidewalk is in a dangerous condition, it shall be the duty of all persons having an interest therein, either as the contractor or the owner, agent, or lessee of the property in front of or along which such material may be deposited, or such dangerous condition exists, to put in conspicuous places at each end of such sidewalk and at each end of any pile of material deposited in the street, a sufficient number of approved warning lights or flares, and to keep them lighted during the entire night and to erect sufficient barricades both at night and in the daytime to secure the same. The party or parties using the street for any of the purposes specified in this chapter shall be liable for all injuries or damage to persons or property arising from any wrongful act or negligence of the party or parties, or their agents or employees or for any misuse of the privileges conferred by this chapter or of any failure to comply with provisions hereof.
- 19.08 FAILURE TO REPAIR OR BARRICADE. It is the duty of the owner of the property abutting the sidewalk, or the owner's contractor or agent, to notify the City immediately in the event of failure or inability to make necessary sidewalk improvements or to install or erect necessary barricades as required by this chapter.
- 19.09 INTERFERENCE WITH SIDEWALK IMPROVEMENTS. No person shall knowingly or willfully drive any vehicle upon any portion of any sidewalk or approach thereto while 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 provided by this chapter.
- 19.10 OPENINGS AND ENCLOSURES. It shall be unlawful for a person to:
1. STAIRS AND RAILINGS. Construct or build a stairway or passageway to any cellar or basement by occupying any part of the sidewalk, or to enclose any portion of a sidewalk with a railing without permission by resolution of the Council.
 2. OPENINGS. Keep open any cellar door, grating or cover to any vault on any sidewalk except while in actual use with adequate guards to protect the public.
 3. PROTECT OPENINGS. Neglect to properly protect or barricade all openings on or within six (6) feet of any sidewalk.
- 19.11 ENCROACHING STEPS. It shall be unlawful for a person to erect or maintain any stairs or steps to any building upon any part of any sidewalk without permission by resolution of the council.

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- 19.12 AWNINGS. It shall be unlawful for a person to erect or maintain any awning over any sidewalk unless all parts of the awning are elevated at least eight (8) feet above the surface of the street or sidewalk and the roof or covering is made of duck, canvas or other suitable material supported by iron frames or brackets securely fastened to the building, without any posts or other device that will obstruct the sidewalk or hinder or interfere with the free passage of pedestrians.
- 19.13 REMOVAL OF SNOW, ICE AND ACCUMULATIONS. It shall be the responsibility of the abutting property owners to promptly remove from the sidewalk's natural accumulations of snow and ice, and to remove accumulations of soil or ice (formed from water flowing onto the walk). If a property owner does not remove natural accumulations of snow or ice or remove the other accumulations within a reasonable time, the city may do so and assess the costs against the property owner for collection in the same manner as a property tax.
(Code of Iowa, Sec. 364.12(2b,e))
- 19.14 FIRES ON SIDEWALK. It shall be unlawful for a person to make a fire of any kind on any sidewalk.
- 19.15 FUEL ON SIDEWALK. It shall be unlawful for a person to place or allow any fuel to remain upon any sidewalk.
- 19.16 DEFACING. It shall be unlawful for a person to scatter or place any paste, paint or writing on any sidewalk.
- 19.14 DEBRIS ON SIDEWALKS. It shall be unlawful for a person to throw or deposit on any sidewalk any glass bottle, glass, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, or any other debris, or other substance likely to injure any person, animal or vehicle properly using the sidewalk.
(Code of Iowa, Sec. 364.12(2))
- 19.17 MERCHANDISE DISPLAY. It shall be unlawful for a person to place upon or above any sidewalk, any goods or merchandise for sale or for display in such a manner as to interfere with the free and uninterrupted passage of pedestrians on the sidewalk; in no case shall more than three (3) feet of the sidewalk next to a building in the business district be occupied for such purposes.
- 19.18 SALES STANDS. It shall be unlawful for a person to erect or keep any stand for the sale of fruit, vegetables or other substances or commodities on any sidewalk without first obtaining a written permit from the clerk.
- 19.19 OPENINGS AND ENCLOSURES. It shall be unlawful for a person to:
1. STAIRS AND RAILINGS. Construct or build a stairway or passageway to any cellar or basement by occupying any part of the sidewalk, or to enclose any

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portion of a sidewalk with a railing without permission by resolution of the council.

2. OPENINGS. Keep open any cellar door, grating or cover to any vault on any sidewalk except while in actual use with adequate guards to protect the public.
3. PROTECT OPENINGS. Neglect to properly protect or barricade all openings on or within six (6) feet of any sidewalk.

19.20 STANDARD SIDEWALK SPECIFICATION. The city engineer shall prepare complete plans and specifications for the construction, reconstruction, and repair of sidewalks and driveway crossings in the sidewalk, which, upon approval of the council, shall be kept on file in the office of the clerk. The specifications shall include descriptions and location of barricades and warning lights.

All sidewalk improvements in 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 engineer, and in accordance with the plans and specifications adopted in accordance with this chapter.

19.21 PERMITS FOR CONSTRUCTION OR REMOVAL. No person shall make any sidewalk improvements unless such person shall obtain a permit from the city engineer. 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 city engineer. 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 engineer. 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 engineer. All permits for sidewalk improvements not ordered by resolution of the city council shall be issued in compliance with this chapter. The city engineer 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.

19.22 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 city engineer 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 days from receipt of the permit. If the owner fails to comply with this notice, the engineer shall have the work completed and the costs assessed to the property owner as provided in section 18.04 of this chapter.

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- 19.23 INSPECTION AND APPROVAL. Upon final completion, the city engineer shall inspect the work. He or she may order corrections if the work does not meet specifications. When the work does meet all requirements of this chapter, specifications, and the permit, the engineer shall indicate this on both copies of the permit.

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CHAPTER 4: SNOWMOBILES & ATV

ARTICLE 20 - GENERAL PROVISIONS

20.01 DEFINITIONS. For use in this article the following terms shall be defined:

1. "ALL-TERRAIN VEHICLE" or "ATV" means a motorized flotation-tire vehicle with not less than three (3) low pressure tires, but not more than six (6) low pressure tires, that is limited in engine displacement to less than eight hundred (800) cubic centimeters and in total dry weight to less than seven hundred fifty (750) pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.

Two-wheeled off-road motorcycles shall be considered all-terrain vehicles only for the purpose of titling and registration. An operator of a two-wheeled off-road motorcycle is exempt from the safety instruction and certification program requirements of sections 321G.23 and 321G.24 Code of Iowa.

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

2. "SNOWMOBILE" means a motorized vehicle weighing less than one thousand pounds which uses sled-type runners or skis, endless belt-type tread, or any combination of runners, skis, or tread, and is designed for travel on snow or ice.

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

3. "OPERATOR" shall mean a person who operates or is in actual physical control of an all-terrain vehicle or snowmobile.

(Code of Iowa, Sec. 321G.1(11))

4. "OPERATE" shall mean to ride in or on, other than as a passenger, use, or control the operation of an all-terrain vehicle or snowmobile in any manner, whether or not the all-terrain vehicle is moving.

(Code of Iowa, Sec. 321G.1(10))

5. "STREET" OR "HIGHWAY" means the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular travel, except in public areas in which the boundary shall be thirty-three feet each side of the center line of the roadway. Includes roadway, alley, or trail used for vehicular traffic including a state or county highway.

6. "SHOULDER" shall mean the portion of a street immediately adjacent to the right side of a street which is customarily used only for emergency travel and parking.

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7. "DEAD MAN THROTTLE" shall mean a device which disengages the motor from the driving track of a snowmobile when pressure is removed from the accelerator or throttle.
- 20.02 GENERAL REGULATIONS. No person shall operate an ATV or snowmobile within the City in violation of the provisions of Chapter 321G of the Code of Iowa or rules established by the Natural Resources Commission of the Department of Natural Resources governing their registration, numbering, equipment and manner of operation.
- 20.03 HOURS OF OPERATION. No person shall operate a snowmobile or ATV on public or private property within the city between the hours of 11:00 p.m. and 7:00 a.m. except when responding to an emergency.
- 20.04 AGE OF OPERATION. No person shall operate an ATV or snowmobile on the public street of the City without a valid motor vehicle operator's license and being 16 years of age.
- (Editor's Note: Ordinance 2014-08-0, approved by City Council on July 10, 2017)
- 20.05 OPERATION OF SNOWMOBILE OR ATV. A snowmobile or ATV may not be operated on any street, shoulder of a street, sidewalk, public property, city park, or any other area within the corporate limits of the city except as specifically permitted as follows:
1. DURING EMERGENCY. On streets in an emergency during the period of time when at locations where snow and ice upon the streets render travel by conventional motor vehicles impractical and unsafe.
(Code of Iowa, Sec. 321G.9(4a))
 2. TRAILS. On trails in city parks or on other public property which is specially designated by the (mayor, chief of police, or city council) and which is marked by appropriate signs giving notice that snowmobiles may be operated in the area.
 3. PRIVATE PROPERTY. On the private property of the operator or owner of a snowmobile or on any other private property in the city with the consent or permission of the property owner.
 4. PUBLIC AREAS PROVIDED FOR SNOWMOBILES AND/OR ATV'S. On other public areas or streets specifically provided by the council by resolution of the Council.
- 20.06 ADEQUATE SNOW AND ICE COVER. A snowmobile may not be operated within the city on public or private property without adequate snow or ice cover. A snow or ice cover of no less than two (2) inches shall be deemed adequate.

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20.07 CROSSING OF STREET. A snowmobile or ATV may make a direct crossing of a street or highway provided:

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

1. NINETY DEGREE ANGLE. The crossing is made at an angle of approximately ninety (90) degrees to the direction of the street and at a place where no obstruction prevents a quick and safe crossing; and
2. COMPLETE STOP. The snowmobile is brought to a complete stop before crossing the shoulder or main traveled portion of the street, and
3. YIELD TO TRAFFIC. The driver yields the right-of-way to all oncoming traffic which constitutes an immediate hazard; and
4. CROSSING AT INTERSECTION. In crossing a divided highway, the crossing is made only at an intersection of such highway with another public street or highway.

20.08 REQUIRED EQUIPMENT. All snowmobiles or ATVs operated within the city shall have the following equipment:

1. MUFFLER. An effective and suitable muffling device that reduces the noise of operation of a snowmobile manufactured before July 1, 1973, to not more than 86 decibels, those manufactured before July 1, 1975, that limits engine noise to 82 decibels, and those manufactured since July 1, 1975, that limits engine noise to not more than 78 decibels, as provided by State law.
(Code of Iowa, Sec. 321G.11)
2. Every all-terrain vehicle operated during the hours of darkness shall display a lighted head lamp and tail lamp. Every snowmobile shall be equipped with at least one head lamp and one tail lamp. Every all-terrain vehicle and snowmobile shall be equipped with brakes.
(Code of Iowa, Sec. 321G.12)
3. BRAKES. Brakes which conform to standards prescribed by the commissioner of public safety.
4. SAFETY THROTTLE. A safety or "dead man" throttle in operating condition.
5. FLAG. All snowmobiles while operating on an uncongested street shall display a pennant or flag at least sixty (60) inches above the ground. Said pennant or flag shall be a minimum of six inches by nine inches, shall be orange, and shall provide a fluorescent effect.

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20.09 UNLAWFUL OPERATION. It shall be unlawful for any person to operate any snowmobile or ATV in the City in the manner described:

1. **SPEED.** At a rate of speed greater than fifteen (15) miles per hour, provided the circumstances are not such that a lesser speed would be prudent.
(Code of Iowa, Sec. 321G.13(1a))
2. **CARELESS MANNER.** In a careless, reckless, or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto.
(Code of Iowa, Sec. 321G.13(1b))
3. **UNDER THE INFLUENCE.** While under the influence of intoxicating liquor or narcotics or habit-forming drugs.
(Code of Iowa, Sec. 321.13(c))
4. **IMPROPER EQUIPMENT.** Without a proper headlight from sunset to sunrise and at such other times when conditions provide insufficient lighting to render clearly discernible persons and vehicles at a distance of 500 feet ahead; or without proper equipment as required by Section 20.08 of this Article.
(Code of Iowa, Sec. 321G.13(d))
5. **IN TREE NURSERY.** In any tree nursery or planting in a manner which damages or destroys growing stock.
(Code of Iowa, Sec. 321G.13(e))
6. **FIREARMS.** A person shall not operate or ride in an all-terrain vehicle or snowmobile with a firearm in the person's possession unless it is unloaded and enclosed in a carrying case. However, a nonambulatory person may carry an uncased and unloaded firearm while operating or riding an all-terrain vehicle or a snowmobile.
(Code of Iowa, Sec. 321G.13(2))
7. **UNREGISTERED SNOWMOBILE.** Without having such snowmobile registered as provided for by Iowa law 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 or her immediate family.
8. **WITHOUT INSURANCE.** Without having in force at time of operation, a policy of insurance affording coverage for the operation of a snowmobile against liability imposed by law for bodily injury or death and for property damage. The minimum limits of coverage required of an owner shall be \$50,000 for one person who is injured or killed in any one accident and \$100,000 for two or more persons who are injured or killed in one accident. For property damage, the minimum coverage shall be \$10,000. If requested by a peace officer (or other designated city official or employee), an owner or operator of a snowmobile shall present proof within 24 hours that a policy of insurance is currently in force.

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9. UNATTENDED VEHICLE. It is unlawful for the owner or operator to leave or allow a snowmobile or ATV to be or remain unattended on public property while the motor is running or with keys for starting the vehicle left in the ignition.
10. CARRYING A PASSENGER. A person shall not operate an all-terrain vehicle while carrying a passenger
(Code of Iowa, Sec. 321G.13(3))
- 20.10 TOWING. No item shall be towed by a snowmobile or ATV unless coupled to said snowmobile or ATV by a rigid tow bar.
- 20.11 SINGLE FILE. Snowmobiles and ATV's shall, only when permitted on the traveled way, be driven in a single file manner in the proper lane of traffic as close to the curb or edge of roadway as is possible under existing conditions.

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CHAPTER 5: GOLF CARTS

ARTICLE 21 – GOLF CARTS

- 21.01 GOLF CART OPERATION ON CITY STREETS. The City Council approves the operation of golf carts on city streets by persons possessing a valid driver's license. However, a golf cart shall not be operated upon a city street which is primary extension through the city but shall be allowed to cross a city street which is a primary road extension through the city. The golf carts shall be equipped with a slow moving vehicle sign and a bicycle safety flag and operate on the streets only from sunrise to sunset. Golf carts operated on city streets shall be equipped with adequate brakes and shall meet any other safety requirements imposed by the city. Golf carts are not subject to the registration. A person convicted of a violation of this section will be charged under Chapter 5: Municipal Infractions.

(Editor's Note: Ordinance 2012-06-04, approved by City Council on June 4, 2012, created new Chapter for Gold Carts.)

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TITLE V- BUSINESS, OCCUPATIONS, AND BUILDING REGULATIONS

TITLE V

CHAPTER 1: LIQUOR AND BEER CONTROL

ARTICLE 1 - GENERAL PROVISIONS

- 1.01 PURPOSE. The purpose of this chapter is to provide administration of licenses and permits and for local regulations and procedures for the conduct of the sale and consumption of beer and liquor, for the protection of the safety, morals and general welfare of this community.
- 1.02 DEFINITIONS. Where words and phrases used in this chapter are defined by state law, such definitions shall apply to their use in this chapter and are adopted by reference. Those definitions so adopted that need further definition or are reiterated, and other words and phrases used herein, shall have the following meanings:
1. "Person of Good Moral Character" shall mean any person who meets all of the following requirements:
(Code of Iowa, Sec. 123.3(34))
 - a. Has such financial standing and good reputation as will satisfy the commission and the administrator that he or she will comply with the Iowa Beer and Liquor Control Act and all other laws, ordinances and regulations applicable to his or her operations under state law. The administrator shall not require the person to post a bond to meet the requirements of this paragraph.
 - b. Does not possess a federal gambling stamp.
 - c. Is not prohibited by the Code of Iowa from obtaining a liquor license or beer permit.
(Code of Iowa, Sec. 123.40)
 - d. Is a Citizen of the United States and a resident of Iowa, or licensed to do business in Iowa in the case of a corporation.
 - e. Has not been convicted of a felony. However, if his or her conviction of a felony occurred more than five (5) years before the application for a license or permit, and if his or her rights of citizenship have been restored by the Governor, the administrator may determine that he or she is a person of good moral character notwithstanding such conviction.
 - f. If such person is a corporation, partnership, association, club, or hotel or motel, the requirements of this subsection shall apply to each of the officers, administrators and partners of such person, and to any person who directly or indirectly owns or controls ten (10) percent or more of any class of stock of such person or has an interest of ten (10) percent or more

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in the ownership or profits of such person. For the purpose of this provision, an individual and his or her spouse shall be regarded as one person.

2. "Club" shall mean any nonprofit corporation or association of individuals, which is the owner, lessee or occupant of a permanent building or part thereof, membership in which entails the prepayment of regular dues and is not operated for a profit other than such profits as would accrue to the entire membership.
(Code of Iowa, Sec. 123.3(11))
3. "Commercial establishment" shall mean a place of business which is at all times equipped with sufficient tables and seats to accommodate twenty-five (25) persons at one time, and the licensed premises of which conform to the ordinances of the city.
(Code of Iowa, Sec. 123.3(12))
4. "Grocery store" shall mean any retail establishment, the business of which consists of the sale of food products or beverages for consumption off the premises.
(Code of Iowa, Sec. 123.129(18))
5. "Pharmacy" shall mean a drug store in which drugs and medicines are exposed for sale and sold at retail, or in which prescriptions of licensed physicians and surgeons, dentists or veterinarians are compounded and sold by a registered pharmacist.
(Code of Iowa, Sec. 123.129(35))
6. "Hotel or Motel" shall mean a premise licensed by the state department of agriculture and regularly or seasonally kept open in a bona fide manner for the lodging of transient guests, and with twenty (20) or more sleeping rooms.
(Code of Iowa, Sec. 123.3(20))
7. "Legal age" shall mean twenty-one (21) years of age or more.
(Code of Iowa, Sec. 123.3(24))
8. "Administrator" shall mean the administrator of the division.
(Code of Iowa, Sec. 123.3(1))
9. "Department" or "Division" shall mean the alcoholic beverages division of the Iowa Department of Commerce.
(Code of Iowa, Sec. 123.3(16))

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1.03 LIQUOR STORE LOCATION. No liquor store shall be located within three hundred (300) feet of a public or private educational institution.

1.04 PERSONS UNDER LEGAL AGE.

1. A person shall not sell, give, or otherwise supply alcoholic liquor, wine, or beer to any person knowing or having reasonable cause to believe that person to be under legal age.

(Code of Iowa, Sec. 123.47 (1))

2. A person or persons under legal age shall not purchase or attempt to purchase or individually or jointly have alcoholic liquor, wine or beer in their possession or control; except in the case of liquor, wine or beer given or dispensed to a person under legal age within a private home and with the knowledge, presence and consent of the parent or guardian, for the beverage or medicinal purposes or as administered to the person by either a physician or dentist for medicinal purposes and except to the extent that a person under legal age may handle alcoholic beverages, wine and beer during the regular course of the person's employment by a liquor control licensee, or wine beer permittee under State laws.

(Code of Iowa, Sec. 123.47 (2))

3. A person who is eighteen, nineteen, or twenty years of age, other than a licensee or permittee, who violates this section regarding the purchase of or attempt to purchase alcoholic liquor, wine, or beer, or possessing or having control of alcoholic liquor, wine, or beer, commits the following:

(Code of Iowa, Sec. 123.47 (3))

- a. A simple misdemeanor punishable as a scheduled violation under Code of Iowa section 805.8C, subsection 7.
- b. A second offense shall be a simple misdemeanor punishable by a fine of five hundred dollars. In addition to any other applicable penalty, the person in violation of this section shall choose between either completing a substance abuse evaluation and the suspension of the person's motor vehicle operating privileges for a period not to exceed one year.
- d. A third or subsequent offense shall be a simple misdemeanor punishable by a fine of five hundred dollars and the suspension of the person's motor vehicle operating privileges for a period not to exceed one year.

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

(Code of Iowa, Sec 123.46(2))

- 1.06 OPEN CONTAINERS IN A MOTOR VEHICLE - DRIVERS. A driver of a motor vehicle upon a public street or highway shall not possess in the passenger area of the motor vehicle an open or unsealed bottle, can, jar, or other receptacle containing an alcoholic beverage. "Passenger area" means the area designed to seat the driver and passengers while the motor vehicle is in operation and any area that is readily accessible to the driver or a passenger while in their seating positions, including the glove compartment. An open or unsealed receptacle containing an alcoholic beverage may be transported in the trunk of the motor vehicle. An unsealed receptacle containing an alcoholic beverage may be transported behind the last upright seat of the motor vehicle if the motor vehicle does not have a trunk.

(Code of Iowa, Sec. 321.284)

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CHAPTER 1: LIQUOR, BEER AND WINE CONTROL

ARTICLE 2 - BEER AND WINE PERMITS AND LIQUOR LICENSES

- 2.01 LICENSE OR PERMIT REQUIRED. It shall be unlawful for any person to sell, offer or keep for sale alcoholic liquor, wine, or beer without first securing a liquor control license or beer or wine permit in accordance with the provisions of this chapter and state law.
(Code of Iowa, Sec. 123.2)
- 2.02 NATURE OF LICENSE OR PERMIT. A liquor control license or beer permit or wine permit shall be a purely personal privilege and be revocable for cause. It shall not constitute property nor be subject to attachment and execution nor be alienable nor assignable, and in any case it shall cease upon the death of the permittee or licensee. However, the administrator may in his or her discretion allow the executor or administrator of a permittee or licensee to operate the business of the descendant for a reasonable time not to exceed the expiration date of the permit or license. Every permit or license shall be issued in the name of the applicant and no person holding a permit or license shall allow any other person to use same.
(Code of Iowa, Sec. 123.38)
- 2.03 BEER PERMITS - CLASSES. Beer permits shall be classed as follows:
1. CLASS "B". A class "B" beer permit shall allow the holder to sell beer at retail for consumption on or off the premises.
(Code of Iowa, Sec. 123.124&123.131)
 2. CLASS "C". A class "C" beer permit shall allow the holder to sell beer at retail for consumption off the premises only. Such sales shall be in original containers only. No class "C" permit shall be issued to any person except the owner or proprietor of a grocery store or pharmacy.
(Code of Iowa, Sec. 123.124 & 123.129)
- 2.04 WINE PERMITS - CLASSES. Wine permits shall be classed as follows:
1. CLASS "A". A class "A" wine permit shall allow the holder to manufacture and sell, or sell at wholesale, wine for consumption off the premises.
(Code of Iowa, 123.173 & 123.177)
 2. CLASS "B". A class "B" wine permit shall allow the holder to sell wine at retail for consumption off the premises.
(Code of Iowa, 123.173 & 123.177)

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2.05 LIQUOR LICENSES - CLASSES. Liquor control licenses shall be classed as follows:

1. CLASS "A". A class "A" liquor control license may be issued to a club and shall authorize the holder to purchase alcoholic liquors from class "E" liquor control licensees only, wine from class "A" wine permittees only, and native wines from native wine manufacturers, and to sell liquors, wine, and beer, to bona fide members and their guests by the individual drink for consumption on the premises only.

(Code of Iowa, Section 123.30(3)(a))

2. CLASS "B". A class "B" liquor control license may be issued to a hotel or motel and shall authorize the holder to purchase alcoholic liquors from class "E" liquor control licensees, wine from class "A" wine permittees only, and native wines from native wine manufacturers, and to sell liquors, wine, and beer, to patrons by the individual drink for consumption on the premises only. However, beer may also be sold for consumption off the premises. Each license shall be effective throughout the premises.

(Code of Iowa, Sec. 123.30(3)(b))

3. CLASS "C". A class "C" liquor control license may be issued to a commercial establishment but must be issued in the name of the individuals who actually own the entire business and shall authorize the holder to purchase alcoholic liquors from class "E" liquor control licensees only, wine from class "A" wine permittees only, and native wines from native wine manufacturers, and to sell liquors, wine, and beer, to patrons by the individual drink for consumption on the premises only. However, beer may also be sold for consumption off the premises.

A special class "C" liquor control license may be issued and shall authorize the holder to purchase wine from class "A" wine permittees only, and to sell wine and beer to patrons by the individual drink for consumption on the premises only. However, beer may also be sold for consumption off the premises. The license issued to holders of a special class "C" license shall clearly state on its face that the license is limited.

(Code of Iowa, Sec. 123.30(3)(c))

4. CLASS "E". A class "E" liquor control license may be issued and shall authorize the holder to purchase alcoholic liquor from the division only and to sell the alcoholic liquor to patrons for consumption off the licensed premise and to other liquor control licensees. A class "E" license shall not be issued to premises at which gasoline is sold. A holder of a class "E" liquor control license may hold other liquor control licenses, wine or beer permits, but the premises licensed under a class "E" liquor control license shall be separate from other licensed premises, though the separate premises may have a common entrance. However, the holder of a class "E" liquor control license may also hold a class "B" wine or class "C" beer permit or both for the premises licensed under a class "E" liquor control license. The division may issue a Class "E" liquor control license for

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premises covered by a liquor control license or wine or beer permit for on-premise consumption, if the premises are in a county having a population under nine thousand five hundred in which no other class "E" liquor control license has been issued by the division, and no other applicant for a class "E" license has been made within the previous twelve consecutive months.

(Code of Iowa, Section 123.30(3)(e))

- 2.06 APPLICATION. A verified application for the original issuance or the renewal of a liquor control license or a beer permit or wine permit shall be filed at such time, in such number of copies and in such form as the administrator shall prescribe, on forms prescribed by him or her.

(Code of Iowa, Sec. 123.31)

- 2.07 BOND FILED. The application shall be accompanied by the necessary fee and bond, if required, and be filed with the council for approval or disapproval.

(Code of Iowa, Sec. 123.32 & 123.127)

1. LIQUOR CONTROL LICENSE. Upon posting bond in the penal sum of \$5,000.00, and conditioned upon the payment of all taxes payable to the state under the provisions of the Iowa beer and liquor control act and compliance with all provisions of the act.

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

2. BEER PERMIT AND WINE PERMIT. With class "B" and "C" beer permits, or class "A" and "B" wine permits, upon posting bond in the penal sum of \$500.00, and conditioned upon the faithful observance of the Iowa beer and liquor control act.

(Code of Iowa, Sec. 123.128&123.129)

- 2.08 CONDITIONS FOR APPROVAL. No liquor control license or beer or wine permit shall be approved unless:

1. CHARACTER OF APPLICANT. The applicant is a person of good moral character as defined by this chapter and in the case of a club, corporation or partnership, the officers of the club or corporation and the partners of a partnership are of good moral character as defined by this chapter.

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

2. RIGHT OF ENTRY. The applicant gives consent in writing on the application that members of the fire and police departments may enter upon the premises without warrant to inspect for violations of the provisions of state law and of this chapter.

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

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3. ACCESS TO RESIDENTIAL OR SLEEPING QUARTERS. No interior access or residential or sleeping quarters is permitted or maintained unless permission is granted by the administrator in the form of a living quarters permit.
(Code of Iowa, Sec. 123.30(2))
4. LOCATION OF PREMISES. The premises are located within areas where such businesses are, or hereafter are, permitted by zoning regulations.
(Code of Iowa, Sec 123.128(1b))
5. SEATING CAPACITY. The premises are, at the time of the application and continue to be, equipped with sufficient tables and seats to accommodate twenty-five (25) persons at one time.
(Code of Iowa, Sec. 123.128(1b))
6. CONFORM TO APPLICABLE LAWS. The premises conform to all applicable laws, ordinances, resolutions, and health and fire regulations.
(Code of Iowa, Sec. 123.30(2) & 123.127(2))
- 2.09 CIVIL LIABILITY. Every liquor control licensee and class "B" beer permittee shall furnish proof of financial responsibility either by the existence of a liability insurance policy or by posting bond in such amount as determined by the division.
(Code of Iowa, Sec. 123.92)
- 2.10 SEPARATE LOCATIONS. Every person holding a class "B" or class "C" beer permit or class "A" or "B" wine permit having more than one place of business where such beer or wine is sold shall be required to have a separate license for each separate place of business, except as otherwise provided by state law.
(Code of Iowa, Sec. 123.140)
- 2.11 INVESTIGATION. Upon receipt of an original application for a liquor license or beer or wine permit by the clerk, it shall be forwarded to any peace officer who shall conduct an investigation and submit a written report as to the truth of the facts averred in the application and a recommendation to the council as to the approval of the license or permit. It shall be the duty of the fire chief to inspect the premises to determine if they conform to the requirements of the city, and no license or permit shall be approved until or unless an approving report has been filed with the council by such officer.
(Code of Iowa, Sec. 123.30(1))
- 2.12 LICENSE AND PERMIT FEES. The following fees shall be submitted with the respective application:
 1. CLASS "B" BEER. For a class "B" beer license the annual fee shall be:
 - a. For cities with population under 1,500:
 - 1) Without Sunday sales privileges \$100.00

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- 2) With Sunday sales privileges \$120.00
(Code of Iowa, Sec. 123.134(2&5))
2. CLASS "C" BEER. For a class "C" beer permit the annual fee shall be graduated on the basis of the amount of interior floor space which comprises the retail sales area of the premises covered by the permit, as follows:
- a. Up to one thousand five hundred square feet \$75.00
 - b. Over one thousand five hundred square feet
and up to two thousand square feet \$100.00
 - c. Over two thousand and up to five thousand
square feet \$200.00
 - d. Over five thousand square feet \$300.00
(Code of Iowa, Sec. 123.134(3))
 - e. A Sunday sales permit will increase the fee by 20%.
(Code of Iowa, Sec. 123.134(5))
3. CLASS "A" WINE. For a class "A" wine permit the annual fee is \$750.00.
(Code of Iowa, Sec. 123.179(1))
4. CLASS "B" WINE. For a class "B" wine permit the annual fee is \$500.00.
(Code of Iowa, Sec. 123.179(2))
5. CLASS "A" LIQUOR. For a class "A" liquor control license the annual fee shall be:
- a. Club, less than 250 members:
 - without Sunday sales privileges \$400.00
 - with Sunday sales privileges \$480.00
 - b. Club, which is a post, branch or chapter of a veterans organization chartered by the Congress of the United States, if such club does not sell or permit the consumption of alcoholic beverages on the premises more than one day in any week, and if the application for a license states that such club does not and will not sell or permit the consumption of alcoholic beverages on the premises more than one day in any week:
 - without Sunday sales privileges \$200.00
 - with Sunday sales privileges \$240.00
- (Code of Iowa, Sec. 123.36(2))

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6. CLASS "B" LIQUOR. For a class "B" liquor control license the annual fee shall be:
 - a. Cities of 3,000 or less population \$800.00
 - b. The fee is 20% more for Sunday sales.
(Code of Iowa, Sec. 123.36(3))
7. CLASS "C" LIQUOR. For a class "C" liquor control license the annual fee shall be:
 - a. Cities of 1,500 population or less \$600.00
 - b. The fee is 20% more for Sunday sales.
(Code of Iowa, Sec. 123.36(4,6))
8. CLASS "E" LIQUOR. For a class "E" liquor license, the annual fee is a sum of not less than \$750.00, and not more than \$7,500.00 as determined on a sliding scale as established by the division taking into account the factors of square footage of the licensed premises, the location of the licensed premises and the population of the area of the location of the licensed premises.
(Code of Iowa, Sec.123.36(9))
- 2.13 SURCHARGE. There is imposed a surcharge on the fee for each class "A", "B" or "C" liquor license equal to 30% of the scheduled license fee to be collected and deposited as provided in the Code of Iowa.
(Code of Iowa, Sec.123.36(10))
- 2.14 SEASONAL PERMITS. Six (6) or eight (8) month seasonal licenses or beer permits may be issued for a proportionate part of the license or permit fee. No seasonal license or permit shall be renewed except after a period of two (2) months. Seasonal licensing shall be only as permitted by state law.
(Code of Iowa, Sec. 123.34(1))
- 2.15 ACTION BY COUNCIL. Action taken by the council shall be so endorsed on the application and thereafter the application, fee and bond shall be forwarded to the division for such further action as is provided by law.
(Code of Iowa, Sec. 123.32(2))
- 2.16 EXPIRATION. All liquor control licenses and beer permits, unless sooner suspended or revoked, shall expire one year from date of issuance.
(Code of Iowa, Sec. 123.34(1))

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2.17 REFUNDS. Any such licensee or permittee, or his/her executor, administrator, or any person duly appointed by the court to take charge of and administer the property or assets of the licensee or permittee for the benefit of his or her creditors, may voluntarily surrender such license or permit to the department and shall notify the city, and the department and the city, or the city by itself in the case of a retail beer or wine permit, shall refund to the person so surrendering the license or permit a proportionate amount of the fee paid for such license or permit as follows:

1. **BEFORE THREE MONTH PERIOD.** If surrendered during the first three (3) months of the period for which said license or permit was issued the refund shall be three-fourths of the amount of the fee.
2. **SIX MONTH PERIOD.** If surrendered more than three (3) months but not more than six (6) months after issuance the refund shall be one-half of the amount of the fee.
3. **SIX - NINE MONTH PERIOD.** If surrendered more than six (6) months but not more than nine (9) months after issuance the refund shall be one-fourth of the amount of the fee.
4. **AFTER NINE MONTH PERIOD.** No refund shall be made, however, for a liquor control license or beer or wine permit surrendered more than nine (9) months after issuance.
5. **SUNDAY SALES.** No refund will be given on the Sunday Sales portion of a license or permit fee.
6. **COMPLAINT FILED.** No refund shall be made to any licensee or permittee, upon the surrender of his or her license or permit, if there is at the time of said surrender a complaint filed with the department or the city, charging him or her with a violation of this chapter or provisions of the Iowa beer and liquor control act.
7. **HEARING ON COMPLAINT.** If upon hearing on any such complaint the license or permit is not revoked or suspended, then the licensee or permittee shall be eligible, upon surrender of his or her license or permit, to receive a refund as herein provided. But if his or her license or permit is revoked or suspended upon such hearing he or she shall not be eligible for the refund of any portion of his or her license or permit fee.
8. **SEASONAL LICENSES OR PERMITS.** No refund shall be made for seasonal licenses or permits.

(Code of Iowa, Sec. 123.38)

2.18 TRANSFERS. The 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

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permit in the first instance and such transfer will not result in the violation of any law or ordinance. An applicant for such a transfer shall file with the application a transfer fee in the amount of \$15.00.

(Code of Iowa, Sec. 123.38)

- 2.19 SIMPLIFIED APPLICATION FOR RENEWAL. Upon receipt of an application for the renewal of a liquor license or beer permit, it shall be forwarded to the Lyon County Sheriff's Department, who shall verify that the qualifications have not changed from the original application, and give a recommendation to the council as to the approval of the license or permit.

(Code of Iowa, Sec. 123.35)

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

1. INTOXICATED PERSONS. Sell, dispense or give to any intoxicated person, or one simulating intoxication, any alcoholic liquor or beer.

(Code of Iowa, Sec. 123.49(1))

2. HOURS OF OPERATION. Sell or dispense any alcoholic liquor or beer on the premises covered by the license or permit, or permit the consumption thereon, between the hours of two a.m. and six a.m. on any weekday and between the hours of two a.m. and noon on Sunday and ten p.m. on Sunday and six a.m. on the following Monday.

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

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

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

4. EMPLOYMENT OF MINORS. Employ any person under 18 years of age in the sale or serving of alcoholic liquor or beer for consumption on the premises where sold.

(Code of Iowa, Sec. 123.49(2f))

5. SELLING TO MINORS. Sell, give or otherwise supply any alcoholic beverage or beer to any person knowing or having reasonable cause to believe him or her to be under legal age, or permit any person knowing or having reasonable cause to believe him or her to be under legal age, to consume any alcoholic beverage or beer.

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

6. MIXING OF ALCOHOLIC BEVERAGE. In the case of a retail beer permittee, knowingly allow the mixing or adding of alcohol or any alcoholic beverage to beer or any other beverage in or about his or her place of business.

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

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7. **SOLICITING AND DISORDERLY CONDUCT.** Knowingly permit any solicitors for unusual purposes, or immoral or disorderly conduct on the premises covered by the license or permit.
(Code of Iowa, Sec. 123.49(2a))
8. **BEER BRAND SIGNS PROHIBITED.** Permit any signs or other matter advertising any brand of beer to be erected or placed upon the outside of any premises occupied by a licensee or permittee authorized to sell beer at retail.
(Code of Iowa, Sec. 123.51)
9. **NUDE CONDUCT PROHIBITED.** Cause, permit, procure, counsel or assist any person who is acting as a waiter, waitress, host, hostess, dancer, or entertainer on the licensed premises to:
 - a. Expose his or her genitals, pubic hair, buttocks, perineum, anus region, or pubic hair region; or
 - b. Expose or wear any device, costume or covering which gives the appearance of or simulates the genitals, pubic hair, buttocks, perineum, anus region, or pubic hair region; or
 - c. Expose any portion of the female breast at or below the nipple thereof.
 - d. The displaying of moving pictures, films, or pictures depicting any sex act or the display of the pubic hair, anus, or genitals upon or in such licensed premises.

For purposes of this subsection a person shall be deemed a waiter, waitress, host, hostess, dancer, or entertainer if such person acts in that capacity without regard to whether such person is paid any compensation by the liquor control licensee or beer permittee, his or her agent or employee.

The provisions of this section shall not apply to a theater, concert hall, art center, museum, or similar establishment which is primarily devoted to the arts or theatrical performances and in which any of the circumstances contained in this section were permitted or allowed as part of such art exhibits or performances.

(Code of Iowa, Sec. 728.5)

- 2.21 **OPTIONAL SUSPENSION OR REVOCATION.** Following a written notice and hearing, as provided by this article, a liquor license or beer or wine permit may be suspended by the council for a period up to one year for violations of the municipal code, or suspended for a period up to one year or revoked by the council for any of the following causes:

(Code of Iowa, Sec. 123.39)

1. **MISREPRESENTATION.** Misrepresentation of any material fact in the application for such license or permit.
(Code of Iowa, Sec. 123.39(1))

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2. VIOLATIONS. Violations of any of the provisions of the Iowa beer and liquor control act.
(Code of Iowa, Sec. 123.39(2))
3. CHANGE IN OWNERSHIP. Any change in the ownership or interest in the business operated under a class "A", class "B", or class "C" liquor control license, or any beer permit which change was not previously reported to and approved by the city and the division.
(Code of Iowa, Sec. 123.39(3))
4. ORIGINAL DISQUALIFICATIONS. Any event which would have resulted in disqualification from receiving such license or permit when originally issued.
(Code of Iowa, Sec. 123.39(4))
5. SALE OR TRANSFER. Any sale, hypothecation or transfer of such license or permit.
(Code of Iowa, Sec. 123.39(5))
6. PAYMENT OF TAXES. The failure or refusal on the part of any licensee or permittee to render any report or remit any taxes to the division under the state law.
(Code of Iowa, Sec. 123.39(6))
7. CONVICTION OF PROHIBITED SALE OR ACT. The conviction of any liquor control licensee or beer or wine permittee for a violation of any of the provisions of section 2.20 shall, subject to section 2.22, be grounds for the suspension or revocation of the license or permit by the division or the City. However, if any liquor control licensee is convicted of any violation Code of Iowa 123.49, subsection 2, paragraph "a", "d" or "e", of that section, or any wine or beer permittee is convicted of a violation of paragraph "a" or "e" of that section, the liquor control license, wine permit, or beer permit shall be revoked and shall immediately be surrendered by the holder, and the bond, if any, of the license or permit holder shall be forfeited to the division.
(Code of Iowa, Sec. 123.50(2))

2.22 MANDATORY SUSPENSION OR REVOCATION. A license or permit shall be suspended or revoked by the city council in accordance with the following:

1. SALE TO MINORS OR "SPIKING". If any licensee, beer or wine permittee, or employee of such licensee or permittee is convicted of a violation of section 2.20(5) or a retail beer permittee is convicted of a violation of subsection 6 of said section, the city shall, in addition to the other penalties fixed for such violations by this article, assess a penalty as follows:
 - a. A first violation shall subject the licensee or permittee to a civil penalty in the amount of five hundred dollars. Failure to pay the civil penalty as ordered

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under Code of Iowa, Section 123.39 shall result in automatic suspension of the license or permit for a period of fourteen days.

(Code of Iowa, Sec. 123.50(3a))

- b. A second violation within two years shall subject the licensee or permittee to a thirty-day suspension and a civil penalty in the amount of one thousand dollars.

(Code of Iowa, Sec. 123.50(3b))

- c. A third violation within three years shall subject the licensee or permittee to a sixty-day suspension and a civil penalty in the amount of one thousand dollars.

(Code of Iowa, Sec. 123.50(3c))

- d. A fourth violation within three years shall result in revocation of the license or permit.

(Code of Iowa, Sec. 123.50(3d))

- e. For purposes of this subsection:

- (1) The date of any violation shall be used in determining the period between violations.

- (2) Suspension shall be limited to the specific license or permit for the premises found in violation.

- (3) Notwithstanding section 123.40, revocation shall be limited to the specific license or permit found in violation and shall not disqualify a licensee or permittee from holding a license or permit at a separate location.

(Code of Iowa, Sec. 123.50(3e))

- 2. In addition to any other penalties imposed under this chapter, the division shall assess a civil penalty up to the amount of five thousand dollars upon a class "E" liquor control licensee when the class "E" liquor license is revoked for a violation of section 123.59. Failure to pay the civil penalty as required under this subsection shall result in forfeiture of the bond to the division.

2.23 DEPARTMENT NOTIFIED. When the city council revokes or suspends a liquor license or beer or wine permit, the alcoholic beverages division of the Iowa Department of Commerce shall be given written notice thereof stating the reasons for the revocation or suspension and the length of same.

2.24 APPEAL TO STATE AND COURT. The right of appeal to the hearing board shall be afforded a liquor control licensee or beer or wine permittee whose license or permit has been suspended or revoked. Any applicant who feels aggrieved by a decision of the administrator or city disapproving, suspending or revoking issuance of a liquor control

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license or beer permit may appeal pursuant to the Iowa Administrative Procedures Act. A city may appeal a decision of the hearing board as provided by statute.
(Code of Iowa, Sec. 123.32(4&5))

- 2.25 EFFECT OF REVOCATION. Any liquor control licensee or beer or wine permittee whose license or permit is revoked under the Iowa beer and liquor control act shall not thereafter be permitted to hold a liquor control license or beer or wine permit in the state of Iowa for a period of two (2) years from the date of such revocation. The spouse and business associates holding ten (10) percent or more of the capital stock or ownership interest in the business of a person whose license or permit has been revoked shall not be issued a liquor control license or beer or wine permit, and no liquor control license or beer permit shall be issued which covers any business in which such person has a financial interest for a period of two (2) years from the date of such revocation. In the event a license or permit is revoked, the premises which have been covered by such license or permit shall not be relicensed for one year.

(Code of Iowa, Sec. 123.40)

- 2.26 HEARING ON SUSPENSION OR REVOCATION. The council shall conduct a hearing on each suspension or revocation in the following manner:

1. NOTICE. The permit holder, and the surety on his or her bond, shall be served with written notice containing a copy of the complaint against him or her, the ordinance provisions or state statutes allegedly violated, and the date, time and place for hearing on the matter.
2. HEARING. The council shall conduct a hearing, at which both the permit holder and complainants shall be present, the purpose of which is to determine the truth of the facts alleged in the complaint. Should the permit holder or his/her authorized representative fail to appear without good cause, the council may proceed to a determination of the complaint.
3. RIGHTS OF PERMIT HOLDER. The permit holder shall have the right to be represented by counsel, to testify and present witnesses in his or her own behalf, and to cross-examine adverse witnesses.
4. EVIDENCE. The council shall admit only reliable and substantial evidence into the revocation or suspension proceeding, and shall give all admitted evidence its natural probative value.
5. CRIMINAL CHARGES. In the event that criminal charges have been brought against the permit holder on the same facts and circumstances as are the basis for the revocation or suspension complaint, the council shall await a judgment in the criminal action before conducting the revocation or temporary suspension hearing required by this section. Neither a conviction nor an acquittal in the criminal action shall be conclusive for purposes of the revocation or suspension proceeding held under this section.

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6. **RECORD AND DETERMINATION.** The council shall make and record findings of fact and conclusions of law, and shall revoke or suspend a permit under this section only when, upon review of the entire record, it finds clear and convincing evidence of a substantial violation of this chapter or state law.

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CHAPTER 2: CIGARETTE PERMITS

ARTICLE 3 - GENERAL PROVISIONS

3.01 DEFINITIONS. For use in this chapter the following terms are defined:

1. "Alternative nicotine product" means a product, not consisting of or containing tobacco, that provides for the ingestion into the body of nicotine, whether by chewing, absorbing, dissolving, inhaling, snorting, or sniffing, or by any other means. "*Alternative nicotine product*" does not include cigarettes, tobacco products, or vapor products, or a product that is regulated as a drug or device by the United States food and drug administration under chapter V of the federal Food, Drug, and Cosmetic Act.
(Code of Iowa, Sec. 453A.1(1))
2. "Cigarette" means any roll for smoking made wholly or in part of tobacco, or any substitute for tobacco, irrespective of size or shape and irrespective of tobacco or any substitute for tobacco being flavored, adulterated, or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any other material. Provided the definition herein shall not be construed to include cigars.
(Code of Iowa, Sec. 453A.1(4))
3. "Person" shall mean and include every individual, firm, association, joint stock company, syndicate, partnership, corporation, trustee, agency or receiver, or respective legal representative.
(Code of Iowa, Sec. 453A.1(20))
4. "Place of Business" is construed to mean and include any place where cigarettes are sold or where cigarettes are stored within or without the State of Iowa by the holder of an Iowa permit or kept for the purpose of sale or consumption; or if sold from any vehicle or train, the vehicle or train on which or from which such cigarettes are sold shall constitute a place of business.
(Code of Iowa, Sec. 453A.1(21))
5. "Retailer" shall mean and include every person in this state who shall sell, distribute, or offer for sale for consumption or possess for the purpose of sale for consumption, cigarettes irrespective of quantity or amount or the number of sales.
(Code of Iowa, Sec. 453A.1(23))
6. "Tobacco Products" means the following: cigars, little cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed and other smoking tobacco; snuff, snuff flour; cavendish; plug and twist tobacco; fine-cut and other chewing tobaccos; shorts or refuse scraps, clippings, cuttings, and sweepings of tobacco; and other kinds and forms of tobacco prepared in such manner as to be

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suitable for chewing or smoking in pipe or otherwise, or both chewing and smoking, but does not mean cigarettes.

(Code of Iowa, Sec. 453A.1(28))

7. Vapor product” means any noncombustible product, which may or may not contain nicotine, that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from a solution or other substance. “Vapor product” includes an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device, and any cartridge or other container of a solution or other substance, which may or may not contain nicotine, that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. “Vapor product” does not include a product regulated as a drug or device by the United States food and drug administration under chapter V of the federal Food, Drug, and Cosmetic Act.

(Code of Iowa, Sec. 453A.1(28))

3.02 PERMIT REQUIRED. No retailer shall sell, distribute, or solicit the sale of any cigarettes within the city without a valid permit for each place of business. The permit shall be displayed publicly in the place of business so that it can be seen easily by the public. No permit shall be issued to a minor.

(Code of Iowa, Sec. 453A.13(1&10))

3.03 APPLICATION. A completed application on forms provided by the State Department of Revenue and accompanied by the fee provided in Section 3.04 shall be filed with the clerk. Renewal applications shall be filed at least 5 days prior to the last regular meeting of the council in June. If a renewal application is not timely filed, and special council meeting is called to act on the application the costs of such special meeting shall be paid by the applicant.

(Code of Iowa, Sec. 453A.13(5&9))

3.04 FEES. The fee for issuing or renewing a cigarette permit shall be as follows:

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

1.	For permits issued or renewed during: (For cities under 15,000 population)	Fee:
	July, August, or September	\$75.00
	October, November, or December	\$56.25
	January, February, or March	\$37.50
	April, May, or June	\$18.75

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- 3.05 ISSUANCE. The council shall issue or renew a permit upon a determination that such issuance or renewal will not be detrimental to the public health, safety or morals, and shall certify its action in issuing a permit to the State Department of Revenue.

Upon proper application, approval by Council and payment of the required fee, a permit shall be issued to the applicant. Each permit issued shall clearly describe the place of business for which it is issued

(Code of Iowa, Sec. 453A.13(2))

- 3.06 PERMITS NOT TRANSFERABLE. A permit shall not be transferable to another place of business or retailer. However, if a retailer who holds a valid permit changes his or her place of business, the council, if it decides to issue a new permit to him or her, shall not charge any additional fee for the unexpired term of the original permit if the retailer has not received a refund for surrender of the original permit.

- 3.07 EXPIRATION. Permits expire on June 30 of each year.

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

- 3.08 DISPLAY. The permit shall, at all times, be publicly displayed by the distributor, wholesaler, or retailer at the place of business so as to be easily seen by the public and the persons authorized to inspect the place of business. The proprietor or keeper of any building or place where cigarettes and other tobacco products are kept for sale, or with intent to sell, shall upon request of any agent of the department or any peace officer exhibit the permit. A refusal or failure to exhibit the permit is prima facie evidence that the cigarettes or other tobacco products are kept for sale or with intent to sell in violation of this division.

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

- 3.09 REFUNDS. A retailer may surrender an unrevoked permit and receive a refund from the city except during April, May, or June, as follows:

(Code of Iowa, Sec. 453A.13(4))

1.	Permits surrendered during:	Amount of refund:
	(For cities under 15,000 population)	
	July, August, or September	\$56.25
	October, November, or December	\$37.50
	January, February, or March	\$18.75

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3.10 PERSONS UNDER THE LEGAL AGE. (Code of Iowa, Sec. 453A.2)

1. A person shall not sell, give, or otherwise supply any tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes to any person under eighteen years of age.
2. A person under eighteen years of age shall not smoke, use, possess, purchase, or attempt to purchase any tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes.
3. Possession of tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes by an individual under eighteen years of age does not constitute a violation under this section if the individual under eighteen years of age possesses the tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes as part of the individual's employment and the individual is employed by a person who holds a valid permit under this chapter or who lawfully offers for sale or sells cigarettes or tobacco products.
4. The alcoholic beverages division of the department of commerce, a county, or a city may directly enforce this section in district court and initiate proceedings pursuant to Code of Iowa, Section 453A.22 before a permit-issuing authority which issued the permit against a permit holder violating this section.
5. Payment and distribution of court costs, fees, and fines in a prosecution initiated by a city or county shall be made as provided in chapter 602 for violation of a city or county ordinance.
6. If a county or a city has not assessed a penalty pursuant to section 453A.22, subsection 2, for a violation of subsection 1, within sixty days of the adjudication of the violation, the matter shall be transferred to and be the exclusive responsibility of the alcoholic beverages division of the department of commerce. Following transfer of the matter, if the violation is contested, the alcoholic beverages division of the department of commerce shall request an administrative hearing before an administrative law judge, assigned by the division of administrative hearings of the department of inspections and appeals in accordance with the provisions of Code of Iowa, Section 10A.801, to adjudicate the matter pursuant to Code of Iowa, Chapter 17A.

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3.11 PERMIT SUSPENSION & REVOCATION. If a retailer or employee of a retailer has violates the provisions of 3.09 of this Chapter, the Council shall, after written notice and hearing, and in addition to the standard penalty, assess the following:

- a. For a first violation, the retailer shall be assessed a civil penalty in the amount of three hundred dollars. Failure to pay the civil penalty as ordered under this subsection shall result in automatic suspension of the permit for a period of fourteen days.
- b. For a second violation within a period of two years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars or the retailer's permit shall be suspended for a period of thirty days. The retailer may select its preference in the penalty to be applied under this paragraph.
- c. For a third violation within a period of three years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars and the retailer's permit shall be suspended for a period of thirty days.
- d. For a fourth violation within a period of three years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars and the retailer's permit shall be suspended for a period of sixty days.
- e. For a fifth violation within a period of four years, the retailer's permit shall be revoked.
(Code of Iowa, 453A.22(2)(a-e))

The Clerk shall give ten (10) days' written notice to the retailer by mailing a copy of the notice to the place of business as it appears on the application for a permit. The notice shall state the reason for the contemplated action and the time and place at which the retailer may appear and be heard

(Code of Iowa, 453A.22(1))

3.12 RENEWAL AFTER REVOCATION. Upon revocation, no new permit shall be issued to the retailer or for the place of business for one year from the date of revocation unless good cause to the contrary is shown the council.

(Code of Iowa, 453A.22(3))

3.13 SELF-SERVICE SALES PROHIBITED. Beginning January 1, 1999, except as provided in Code of Iowa, Section 453A.3(6), a retailer shall not sell or offer for sale cigarettes or tobacco products, in a quantity of less than a carton, through the use of a self-service display

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CHAPTER 3: LICENSING

ARTICLE 4 - GENERAL PROVISIONS

- 4.01 PURPOSE. The purpose of this chapter is to assure that in the conduct of the activities, vocations, public amusements, and provisions licensed and regulated by this chapter, the public health, safety and welfare will be protected and maintained.
- 4.02 DEFINITIONS. For use in this chapter the following terms are defined:
1. "Housemover" means any person who undertakes to move a building or similar structure upon or across the public streets, alleys, walks or property.
 2. "Junk dealer" means any person engaged in collecting, storing, buying or selling junk. "Junk" means articles or materials that, because of age, deterioration or use, have lost their original utility or desirability but that by alteration, restoration or salvage may furnish an item or items of value.
 3. "Scavenger" means any person who transports upon the public streets, alleys, sidewalks or property any refuse except refuse directly from his or her own property.
- 4.03 LICENSE REQUIRED. It shall be unlawful for any person to engage in any activity, vocation, profession or public amusement regulated by this chapter without a valid license from the city.
- 4.04 APPLICATION. Application for any license under this chapter shall be made in writing on forms furnished by the city clerk.
- 4.05 FEE PAYMENT. All fees required by this chapter shall be paid to the city clerk, who shall give the applicant a written receipt showing the sum received and the time of receipt.
- 4.06 ISSUANCE. If the city clerk finds that all of the conditions prescribed by this article for the issuance of a license have been satisfied, the license shall be issued immediately to the applicant. The clerk must make a determination whether to issue the license within ten (10) days from the date a completed application is submitted. If the clerk refuses to act within this ten (10) day period, the applicant shall have a right to a hearing before the council at its next regular meeting on whether the license should be issued.

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4.07 FEES AND DURATION. The fee and duration of a license shall be:

1. ANNUAL OR DAILY LICENSE. An applicant may apply for an annual or a daily license. The annual license shall be valid for one year after the date on which it is issued. The daily license shall be valid for only one twenty-four (24) hour period, but the applicant may apply for and receive seven (7) daily licenses at one time. However, no daily license shall be issued more than ten (10) days before the date for which the license is valid.
2. FEE. The fees for licenses shall be:
 1. SCAVENGER:
 - a. For one day or any part thereof \$10.00
 - b. For more than one day up to one week \$6.00 per day.
 - c. For one week \$40.00.
 - d. For more than one week but not more than one month, \$20.00 per week and \$4.00 for any day or fraction thereof.
 - e. For one month . . . \$100.00.
 - f. For longer than one month, but less than one year, all fees shall be computed by first computing the monthly fee, then the weekly fee, then the daily fee, and the sum of these fees shall be the fee charged.
 - g. For one year . . . \$500.00
 2. JUNK:
 - a. For one day or any part thereof \$10.00
 - b. For more than one day up to one week \$6.00 per day.
 - c. For one week \$40.00.
 - d. For more than one week but not more than one month, \$20.00 per week and \$4.00 for any day or fraction thereof.
 - e. For one month . . . \$100.00.
 - f. For longer than one month, but less than one year, all fees shall be computed by first computing the monthly fee, then the weekly fee, then the daily fee, and the sum of these fees shall be the fee charged.
 - g. For one year . . . \$500.00
 3. HOUSEMOVER
 - a. For one day or any part thereof \$10.00
 - b. For more than one day up to one week \$6.00 per day.
 - c. For one week \$40.00.
 - d. For more than one week but not more than one month, \$20.00 per week and \$4.00 for any day or fraction thereof.
 - e. For one month . . . \$100.00.

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- f. For longer than one month, but less than one year, all fees shall be computed by first computing the monthly fee, then the weekly fee, then the daily fee, and the sum of these fees shall be the fee charged.
- g. For one year . . . \$500.00

4.08 POWER TO INSPECT AND INVESTIGATE. Upon receipt of an application for a license, the city clerk shall forward it immediately to an agent of the City, who shall conduct an investigation and submit a written report concerning the truth of the facts stated in the application and a recommendation concerning whether or not a license should be issued. The city clerk shall notify the county or local health officer, the building inspector and the fire chief immediately, and they shall inspect the premises to determine whether the applicant meets the standards of the applicable municipal ordinances and state statutes. These officials shall submit written reports of the results of their investigation within seven (7) days after the clerk received the application. No license shall be issued until these reports have been submitted to the city clerk.

4.09 REVOCATION OF LICENSE. After giving a licensee three (3) days' notice and after a hearing, the clerk may revoke any license issued under this ordinance for the following reasons:

1. FRAUDULENT STATEMENTS. The licensee has made fraudulent statements in his or her application for the license or in the conduct of his or her business.
2. VIOLATION OF CHAPTER. The licensee has violated this chapter or has otherwise conducted his or her business in an unlawful manner.
3. DANGER TO PUBLIC HEALTH AND SAFETY. The licensee has conducted is business in such manner as to endanger the public welfare, health, safety, order or morals.

The notice shall be in writing and shall be served personally or as required for personal service by the Iowa Rules of Civil Procedure. The notice shall state the time and place of the hearing and the reasons for the intended revocation.

4.10 APPEAL. If the city clerk revokes or refuses to issue a license, the clerk shall endorse his or her reasons upon the application. The applicant shall have a right to a hearing before the council at its next regular meeting. The council may reverse, modify or affirm the decision of the city clerk by a majority vote of the council members present, if a quorum; and the city clerk shall carry out the council's decision.

4.11 EFFECT OF REVOCATION. Revocation of a license shall bar the licensee from being eligible for any license under this chapter for a period of one year from the date of revocation.

4.12 REBATES. Any licensee, except in the case of a revoked license, shall be entitled to a rebate of part of the fee he or she has paid if he surrenders his or her license before it expires. The amount of the rebate shall be determined by dividing the total license fee by the number of days for which the license was issued and then multiplying the result by

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the number of full days not expired. In all cases, at least one dollar of the original fee shall be retained by the city to cover administrative costs.

- 4.13 TRANSFER PROHIBITED. In no case shall a license issued under this chapter be transferred to another person or be used for a purpose other than that for which it was issued.
- 4.14 DISPLAY. Every person who is issued a license under the provisions of this chapter shall display the license in a conspicuous place on the premises on which the business is being conducted.
- 4.15 EXEMPTIONS. This chapter shall not be construed to require a license of each employee or agent, or one engaged in a licensed occupation. Only the owner, manager or agent in charge of such an occupation need possess a license.

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CHAPTER 3: LICENSING

ARTICLE 5 - PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS

5.01 DEFINITIONS. For use in this chapter, the following terms are defined:

1. "Peddler" shall mean any person carrying goods or merchandise from house-to-house or upon the public street.
2. "Solicitor" shall mean any person who solicits or attempts to solicit from house-to-house or upon the public street an order for goods, subscriptions or merchandise to be delivered at a future date.
3. "Transient merchant" as used herein shall mean and include every merchant, whether an individual person, a firm, corporation, partnership or association, and whether owner, agent, bailee, consignee or employee, who shall bring or cause to be brought within the state of Iowa 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 within the state of Iowa. The term "*transient merchant*" shall also mean and include every merchant, whether an individual person, a firm, corporation, partnership or an association, who shall by itself, or by agent, consignee or employee temporarily or intermittently engage in or conduct at one or more locations a business within the state of Iowa for the sale at retail of any goods, wares or merchandise of any nature or description. A merchant engaging in business shall be presumed to be temporarily or intermittently in business unless it is the intention of such merchant to remain continuously in business at each location where the merchant is engaged in business within the state of Iowa as a merchant for a period of more than sixty days. The provisions of this chapter shall not be construed to apply to persons selling at wholesale to merchants, nor to transient vendors of drugs, 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 employees.

(Code of Iowa, Sec. 9C.1)

5.02 LICENSE REQUIRED. Any person engaging in peddling, soliciting or in the business of a transient merchant in this city without first obtaining a license as herein provided shall be in violation of this ordinance.

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5.03 EXEMPTIONS. The following groups or persons shall be exempt from the provisions:

1. Newspapers. News boys and girls.
2. Club Members. Members of local Boy Scout, Girl Scout, Campfire Girls, 4-H Clubs, Future Farmers of America and similar organizations.
3. Student. Students representing the Little Rock School District conducting projects sponsored by organizations recognized by the school.
4. Farmers. Farmers who offer for sale products of their own raising.
5. Milk Delivery. Milk Delivery men who only incidentally solicit additional business or make special sales.
6. Resale or Institutional use. Person customarily calling on businesses or institutions for the purpose of selling products for resale or institutional use.

5.04 RELIGIOUS AND CHARITABLE ORGANIZATIONS EXEMPT. Authorized representatives of religious and charitable organizations desiring to solicit money or to distribute literature shall be exempt from the operation of Section 5.05 - 5.18 of this ordinance. All such organizations shall be required to submit in writing to the city clerk the name and purpose of the cause for which such activities are sought, names and addresses of the officers and directors of the organization, the period during which such activities are to be carried on, and whether any commissions, fees or wages are to be charged by the solicitor for his or her efforts and the amount thereof. If the city clerk shall find that the organization is a bona fide charity or religious organization the clerk shall issue, free of charge, a license containing the above information to the applicant.

5.05 APPLICATION. An application in writing shall be filed with the city clerk for a license under this chapter. Such application shall set forth the applicant's name, permanent and local address, business address, if any, physical description, recent photograph, right thumb print, and, unless a solicitor, be accompanied by a certificate that the applicant is in good health and free from contagious diseases, signed by a local physician. The application also shall set forth the applicant's employer, if any, and the employer's address, the nature of the applicant's business, the last three (3) places of such business, and the length of time sought to be covered by the license. A fee of twenty (\$20.00) dollars shall be paid at the time of filing such application to cover the cost of investigating the facts stated therein.

5.06 BOND REQUIRED. Before a license under this chapter shall be issued, each applicant shall first sign an appointment naming the clerk as agent of the licensee for service of process in the event of claim or litigation against such registrant arising out of or in connection with any peddling or solicitation.

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5.07 FEES. Every licensee shall pay the following fee to the city clerk before a license shall be issued:

1. PEDDLERS:

- a. For one day or any part thereof ----- \$5.00.
- b. For one week ---- \$25.00.
- c. For up to six months ---- \$100.00.
- d. For one year or major part thereof --- \$175.00.

2. SOLICITORS:

- a. In addition to the investigating fee for each person actually soliciting (principal or agent), a fee for the principal solicitor of \$10.00 per year shall be charged.

5.08 LICENSE ISSUED. If the clerk finds the application is completed in conformance with section 5.05 of this article and the facts stated therein are found to be correct, and the license fee paid, a license shall be issued immediately.

5.09 DISPLAY. Each solicitor or peddler shall at all times while doing business in this city keep in his or her possession the license provided for in this article, and shall, upon the request of prospective customers, exhibit the license as evidence that he or she has complied with all requirements of this chapter. Each transient merchant shall display publicly his or her license in his/her place of business.

5.10 LICENSE NOT TRANSFERABLE. Licenses issued under the provisions of this chapter are not transferable in any situation and are to be applicable only to the person filing the application.

5.11 REVOCATION. The city council, after notice and hearing, may revoke any license issued under this chapter where the licensee in the application for the license or in the course of conducting his or her business has made fraudulent or incorrect statements or has violated this chapter or has otherwise conducted his or her business in an unlawful manner, or the licensee has conducted his/her business in such a manner as to endanger the public welfare, safety, order or morals.

5.12 NOTICE. The license holder, and the surety on his or her bond shall be served with written notice containing particulars of the complaints against him or her, the ordinance provisions or state statutes allegedly violated, and the date, time and place for hearing on the matter.

5.13 HEARING. The clerk shall conduct a hearing at which both the licensee and any complainants shall be present to determine the truth of the facts alleged in the complaint and notice. Should the licensee, or his/her authorized representative, fail to appear without good cause the clerk may proceed to a determination of the complaint.

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- 5.14 RECORD AND DETERMINATION. The clerk shall make and record findings of fact and conclusion of law, shall revoke a license only when upon review of the entire record he finds clear and convincing evidence of substantial violation of this article or state law.
- 5.15 APPEAL. If the clerk revokes, or refuses to issue, a license the clerk shall make a part of the record his or her reasons therefore. The licensee, or the applicant, shall have a right to a hearing before the council at its next regular meeting. The council may reverse, modify or affirm the decision of the clerk by a majority vote of the council members present and the clerk shall carry out the decision to the council.
- 5.16 EFFECT OF REVOCATION. Revocation of any license shall bar the licensee from being eligible for any license under this article for a period of one year from the date of revocation.
- 5.17 TIME RESTRICTION. All peddlers, transient merchants and solicitor's licenses shall provide that said licenses shall be in force and effect only between the hours of eight (8:00) a.m. and six (6:00) p.m.
- 5.18 EXPIRATION. All licenses granted under this chapter shall expire at 6:00 p.m. of the last day for which the license is issued.
- 5.19 CONSUMER PROTECTION LAW. All solicitors and peddlers shall be informed of, agree to comply with, and comply with the state law, section 82.3, Code of Iowa, requiring a notice of cancellation to be given in duplicate, properly filled out, to each buyer to which he or she sells a product or service and, comply with the other requirements of the law.

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CHAPTER VI - BUILDING REGULATIONS

TITLE VI

CHAPTER 1: BUILDING CODE

ARTICLE 1 - GENERAL PROVISIONS

- 1.01 BUILDING OFFICIAL. The Mayor be responsible for the enforcement of this ordinance.
- 1.02 GENERAL, DEFINITION OF UNSAFE. All buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health, or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, as specified in this ordinance, the city building code or any other ordinance, are, for the purpose of this ordinance, unsafe buildings. All such unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified in sections 4, 5, 6 and 7 below.

"Unsafe building" shall mean any structure or mobile home meeting any or all the following criteria:

1. Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
2. Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of 20 lb. per sq. ft.
3. Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.
4. Whenever the building or structure, or any portion thereof, because of (a) dilapidation, deterioration, or decay; (b) faulty construction; (c) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (d) the deterioration, decay or inadequacy of its foundation; or (e) any other cause, is likely to partially or completely collapse.
5. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
6. Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.

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7. Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its nonsupporting members, enclosing or outside walls or coverings.
 8. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (a) an attractive nuisance to children; (b) a harbor for vagrants, criminals or immoral persons; or as to (c) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.
 9. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance including lack of paint so as to expose wood to rotting, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the health officer to be unsanitary, unfit for human habitation or in such condition that is likely to cause sickness or disease.
 10. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the State Fire Marshall or city fire chief to be a fire hazard.
 11. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.
 12. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.
- 1.03 NOTICE TO OWNER. The enforcement officer shall examine, or cause to be examined, every building or structure or portion thereof reported as dangerous or damaged and, if such is found to be an unsafe building as defined in this ordinance, the building official shall give to the owner of such building or structure written notice stating the defects thereof. This notice may require the owner or person in charge of the building or premises, within 48 hours or such reasonable time as the circumstances require, to commence either the required repairs or improvements or demolition and removal of the building or structure or portions thereof, and all such work shall be completed within 90 days from date of notice, unless otherwise stipulated by the enforcement officer. If necessary, such notice shall also require the building, structure, or portion thereof to be vacated forthwith and not reoccupied until the required repairs and improvements are completed, inspected, and approved by the enforcement officer.

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Such notice shall be served in the manner provided for service of original notice of the Iowa Rules of Civil Procedure upon the owner of record, if he or she shall be found within the city limits. If he or she is not found within the city limits, such service may be made upon said owner by registered mail or certified mail. The designated period within which said owner or person in charge is required to comply with the order of the building official shall begin as of the date he or she receives such notice. However, such notice shall, except in cases of immediate danger, state that the person notified may request a hearing before the council concerning the determination that the building be repaired, removed or demolished, and such request shall be made at least 3 days before the deadline set in the notice if less than 15 days was set, and at least 10 days if over 21 days was set.

- 1.04 CONDUCT OF HEARING. If requested, the Council shall conduct a hearing in accordance with the following:
1. Nature. The owner shall be served with written notice specifying the date, time and place of hearing.
 2. Owners' Rights. At the hearing, the owner may appear and show cause why the alleged nuisance shall not be abated.
 3. The Council shall make and record findings of fact and may issue such order as it deems appropriate.
- 1.05 POSTING OF SIGNS. The building official shall cause to be posted at each entrance to such building a notice to read: "DO NOT ENTER. UNSAFE TO OCCUPY. Building Department, City of Little Rock." Such notice shall remain posted until the required repairs, demolition, or removal are completed. Such notice shall not be removed except for the purposes of making the required repairs or of demolishing the building.
- 1.06 RIGHT TO DEMOLISH. In case the owner shall fail, neglect, or refuse to comply with the notice to repair, rehabilitate, or to demolish and remove said building or structure or portion thereof, the city council may order the owner of the building prosecuted as a violator of the provisions of this chapter and may order the building official to proceed with the work specified in such notice. A statement of the cost of such work shall be transmitted to the council.
- 1.07 COSTS. Costs incurred under Section 1.06 above shall be paid out of the city treasury. Such costs shall be charged to the owner of the premises involved and levied as a special assessment against the land on which the building or structure is located, and shall be collected in the manner provided for taxes in Section 364.12(3)(h), Code of Iowa.
- 1.08 PENTALTIES AND REMEDIES:
1. Costs incurred under Section 1.06 above shall be paid out of the city treasury. Such costs shall be charged to the owner of the premises involved and levied as a special assessment against the land on which the building or structure is located, and shall

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be collected in the manner provided for taxes in Section 364.12(3)(h), Code of Iowa.

2. The City may also collect all associated abatement expenses in a Court of Small Claims.
3. The City may institute civil proceedings to obtain injunctive and declaratory relief or such orders of the court as are reasonable and proper to abate practices, conditions or circumstances found to be contrary to or prohibited by the provisions of this Chapter.
4. Any violation of the provisions of this Chapter shall also constitute a Municipal infraction.

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CHAPTER 1: BUILDING CODE

ARTICLE 2- PUBLIC BUILDINGS - TOILET FACILITIES

2.01 MINIMUM TOILET FACILITY STANDARD.

1. Places of assembly for public use including but not limited to theaters, auditoriums, and convention halls, constructed on or after January 1, 1991, shall conform to the standards for minimum plumbing facilities as provided in the Uniform Plumbing Code.
2. Restaurants, pubs and lounges constructed on or after January 1, 1991, shall conform to the standards for minimum plumbing facilities as provided in the Uniform Plumbing Code.
3. All toilets installed pursuant to this section shall be water efficient toilets which use three (3) gallons or less of water per flush.
(Code of Iowa, Sec. 104B.1)

TITLE VI

CHAPTER 2: TREES

ARTICLE 3 - GENERAL PROVISIONS

3.01 DEFINITIONS. For use in this chapter, the following term is defined:

1. "Parking" means that part of the street, avenue or highway in the city not covered by sidewalk and lying between the lot line and the curb line, or, on unpaved streets, that part of the street, avenue or highway lying between the lot line and that portion of the street usually traveled by vehicular traffic.
2. "Superintendent": shall mean the superintendent of streets or such other person as may be designated by the council.

3.02 PLANTING RESTRICTIONS. No tree shall be planted in any street or parking except in accordance with the following.

1. Alignment. All trees hereafter planted in any street shall be planted in the parking midway between the outer line of the sidewalk and the curb. In the event a curb line is not established, trees shall be planted on a line ten (10) feet from the property line.
2. Spacing. Trees shall not be planted on the parking if it is less than nine (9) feet in width, or contains less than eighty-one (81) square feet of exposed soil surface per tree. Trees shall not be planted closer than twenty (20) feet to street intersections (property lines extended) and ten (10) feet to driveways. If it is at all possible trees should be planted inside the property lines and not between the sidewalk and the curb.
3. Prohibited Trees. No person shall hereinafter plant in any street, any fruit-bearing tree or trees or any tree of the kinds commonly known as cottonwood, poplar, boxelder, chinese elm or evergreens.
4. TRIMMING OR PRUNING. The owner or agent of the abutting property shall keep the tree on, or overhanging the street trimmed so that all branches will be at least fifteen (15) feet above the surface of the street and eight (8) feet above sidewalks. Trees shall be trimmed or pruned according to the following:
 - a. All cuts are to be made sufficiently close to the parent stem so that healing can readily start under normal conditions.
 - b. All dead and diseased wood shall be removed.

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- c. All limbs one inch in diameter or more must be precut to prevent splitting. All branches in danger of injuring the tree in falling shall be lowered by ropes.
- d. A crossed or rubbing branch shall be removed where practicable, but removal shall not leave large holes in the general outline of the tree. Crossed or rubbing branches may be cabled apart.
- e. All cuts, old or new, one inch in diameter or more, shall be painted with an approved tree wound dressing. On old wounds, care shall be taken to paint exposed wood only.
- f. Where there is a known danger of transmitting disease by tools, said tools shall be disinfected with alcohol before use on another tree.
- g. Improperly healed scars, where callous growth is not established, are to be traced and painted, unless the city designates other treatment.
- h. No topping or dehorning of trees shall be permitted except by special written permission of the city. Trees becoming stag-headed may have the dead portions removed back to sound green wood, with a proper forty-five (45) degree cut only.
- i. Elm wood trimmed, pruned or removed shall not be used for any purpose, but shall be disposed of immediately by burning or burying.

3.03 REMOVAL OF TREES. The superintendent shall have removed, on the order of the council, any tree on the streets of the city which interferes with the making of improvements or with travel thereon. The superintendent shall additionally remove any trees on the street, not on private property, which have become diseased, or which constitute a danger to the public or which may otherwise be declared a nuisance.
(Code of Iowa, Sec. 364.12(2c))

3.04 DUTY TO TRIM TREES. The owner or agent of the abutting property shall keep the trees on or overhanging the street, trimmed so that all branches will be at least fifteen (15) feet above the surface of the street and eight (8) feet above the sidewalks.
(Code of Iowa, Sec. 364.12(2c))

3.05 TRIMMING TREES TO BE SUPERVISED. It shall be unlawful for any person to trim or cut any tree in a street or public place unless the work is done under the supervision of the city.

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- 3.06 ASSESSMENT. If the abutting property owner fails to trim the trees as required in this chapter, the city may serve notice on the abutting property owner requiring him or her to do so within five (5) days. If he or she fails to trim the trees within that time, the city may perform the required action and assess the costs against the abutting property for collection in the same manner as a property tax.
(Code of Iowa, Sec. 364.12(2d&e))

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CHAPTER 2: TREES

ARTICLE 4 – DISEASED AND DEAD TREE CONTROL

- 4.01 DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY. The city shall notify the owner of any tree, shrub, bush or other woody vegetation located on private property to remove the tree, bush, shrub or other woody vegetation when such plant constitutes a public nuisance or is a hazard to person or property, or harbors insects, other pests, or disease, or is a danger to other trees. If the City upon inspection or examination, in person or by some qualified person acting for the City, shall determine with reasonable certainty that any condition as herein defined exists in or upon private premises, then the city shall notify in writing the property owner of the property on which such tree, shrub, bush or other woody vegetation is located of the necessity to remove same. Upon such notice, the owner shall remove the planting at the owner's expense within thirty (40) days. Notice shall either be given by personal service or by certified mail to the property owner. In the event the property owner fails to comply with the notice, the city may force compliance by legal process and if granted authority to perform the required action, may there after assess the costs against the property for collection in the same manner as a property tax. Code of Iowa, Chapter 364.12(3)(h) allows the City in an emergency to perform any action which may be required to abate the emergency without prior notice, and assess the costs as provided in Chapter 364.12, after notice to the property owner and hearing.
- 4.02 DUTY TO REMOVE. No person, firm or corporation shall permit any diseased tree, dead wood, or fallen branches or portions on the premises owned, controlled or occupied by the person within the City. Branches or portions of trees fallen from a tree located on private property which fall on public property shall be removed by the owner of the private property on which the source tree is located and at the owner's cost.
- 4.03 INSPECTION. The City shall inspect or cause to be inspected all premises and places within the City to determine whether any condition as defined in Section 4.01 of this Article exists thereon, and shall also inspect or cause to be inspected any trees reported or suspected to constitute a public nuisance, a hazard to person or property, or harbors insects, other pests, or disease.
- 4.04 REMOVAL FROM CITY PROPERTY. If the City, upon inspection or examination, in person or by some qualified person acting for the City, shall determine that any condition as herein defined exists in or upon any public street, alley, park or any public place, including the strip between the curb and the lot line of private property within the City, and that the danger of other trees, shrubs, bushes, or woody vegetation within the City is imminent, the City shall immediately cause the tree, shrub, bush or woody vegetation to be removed and burned or otherwise correct the same in such manner as to destroy or prevent as fully as possible the spread of disease, or insect pests, or vectors known to carry such disease, insects, and/or fungus.

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- 4.05 REASONABLE CERTAINTY. If the City is unable to determine with reasonable certainty whether or not a tree in or upon private premises is infected, diseased, or harboring insects or pests, a City representative is authorized to remove or cut specimens from said tree, and obtain a diagnosis of such specimens.

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CHAPTER 3: ABANDONED AND JUNKED VEHICLES AND MACHINERY

ARTICLE 5 - ABANDONED VEHICLES

5.01 DEFINITIONS. For use in this article the following terms are defined:

1. "Abandoned Vehicle" shall mean any of the following:
(Code of Iowa, Sec. 321.89(1b))
 - a. A vehicle that has been left unattended on public property for more than twenty-four (24) hours and lacks current registration plates, or two (2) or more wheels or other parts which renders the vehicle totally inoperable.
 - b. A motor vehicle that has remained illegally on public property for more than twenty-four (24) hours.
 - c. A vehicle that has been unlawfully parked or placed on private property without the consent of the owner or person in control of the property for more than twenty-four (24) hours.
 - d. A vehicle that has been legally impounded by order of a police authority and has not been reclaimed for a period of thirty (30) days. However, a police authority may declare the vehicle abandoned within the ten-day period commencing the notification process.
 - e. Any vehicle parked on the highway determined by a police authority to create a hazard to other vehicle traffic.
 - f. A vehicle that has been impounded pursuant to Section 321J.4B of the Code of Iowa by order of the court and whose owner has not paid the impoundment fees after notification by the person or agency responsible for carrying out the impoundment order.
2. "Demolisher" means any city or public agency organized for the disposal of solid waste, or any person whose business it is to convert a vehicle to junk, processed scrap or scrap metal, or otherwise to wreck, or dismantle vehicles.
3. "Police authority" means the Iowa highway safety patrol or any law enforcement agency of a county or city.
(Code of Iowa, Sec. 321.89(1c))

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- 5.02 AUTHORITY TO TAKE POSSESSION OF ABANDONED VEHICLES. A police authority, upon the authority's own initiative or upon the request of any other authority having the duties of control of highways or traffic, shall take into custody an abandoned vehicle on public property and may take into custody an abandoned vehicle on private property with the consent of the property owner. A police authority taking into custody an abandoned vehicle which has been determined to create a traffic hazard shall report the reasons constituting the hazard in writing to the appropriate authority having duties of control of the highway. The police authority may employ its own personnel, equipment and facilities or hire a private entity, equipment and facilities for the purpose of removing, preserving, storing, or disposing of abandoned vehicles. If a police authority employs a private entity to dispose of abandoned vehicles, the police authority shall provide the private entity with the names and addresses of the registered owners, all lienholders of record, and any other known claimant to the vehicle or the personal property found in the vehicle.

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

- 5.03 NOTICE BY MAIL. The police authority or private entity which takes into custody an abandoned vehicle shall notify, within twenty (20) days, by certified mail, the last known registered owner of the vehicle, all lienholders of record, and any other known claimant to the vehicle or to personal property found in the vehicle, addressed to their last known addresses of record, that the abandoned vehicle has been taken into custody. Notice shall be deemed given when mailed. The notice shall describe the year, make, model and serial number of the vehicle, describe the personal property found in the vehicle, set forth the location of the facility where it is being held, and inform the persons receiving the notice of their right to reclaim the vehicle and personal property within ten (10) days after the effective date of the notice upon payment of all towing, preservation and storage charges resulting from placing the vehicle in custody and upon payment of the costs of the notice. The notice shall also state that failure of the owner, lienholders or claimants to exercise their right to reclaim the vehicle or personal property within the time provided shall be deemed a waiver by the owner, lienholders and claimants of all right, title, claim and interest in the vehicle or personal property and that failure to reclaim the vehicle or personal property is deemed consent to the sale of the vehicle at a public auction or disposal of the vehicle to a demolisher and to the disposal of the personal property by sale or destruction. The notice shall state that any person claiming rightful possession of the vehicle or personal property who disputes the planned disposition of the vehicle or personal property by the police authority or private entity or of the assessment of fees and charges provided by this section may ask for an evidentiary hearing before the police authority to contest those matters. If the persons receiving the notice do not ask for a hearing or exercise their right to reclaim the vehicle or personal property within the ten (10) day reclaim period, the owner, lienholders or claimants shall no longer have any right, title, claim, or interest in or to the vehicle or the personal property. A court in any case in law or equity shall not recognize any right, title, claim, or interest of the owner, lienholders or claimants after the expiration of the ten (10) day reclaiming period.

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

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- 5.04 NOTIFICATION IN NEWSPAPER. If the identity of the last registered owner cannot be determined, or if the registration contains no address for the owner, or if it is impossible to determine with reasonable certainty the identity and addresses of all lienholders, notice by one publication in one newspaper of general circulation in the area where the vehicle was abandoned shall be sufficient to meet all requirements of notice under Section 5.03. The published notice may contain multiple listings of abandoned vehicles and personal property but shall be published within the same time requirements and contain the same information as prescribed for mail notice in section 5.03.
(Code of Iowa, Sec. 321.89(3b))
- 5.05 EXTENSION OF TIME. The owner, lienholders or claimants may, by written request delivered to the police authority or private entity prior to the expiration of the ten (10) day reclaiming period, obtaining an additional five (5) days within which the motor vehicle or personal property may be reclaimed
(Code of Iowa, Sec. 321.89(3c))
- 5.06 FEES FOR IMPOUNDMENT. The owner or lien holder shall pay a fee as set by resolution of the council if vehicle claimed within five (5) days of impounding, plus one dollar (\$1.00) for each additional day within the reclaiming period plus towing charges if stored by the city, or upon payment of the towing and storage fees, if stored in a public garage, whereupon said vehicle shall be released. The amount of towing charges, and the rate of storage charges by privately owned garages shall be established by resolution of the council.
(Code of Iowa, Sec. 321.89(3a))
- 5.07 DISPOSAL OF TOTALLY INOPERABLE VEHICLES. The city or any person upon whose property or in whose possession is found any abandoned motor vehicle, or any person being the owner or a motor vehicle whose title certificate is faulty, lost or destroyed, may dispose of such motor vehicle to a demolisher for junk, without title and without notification procedures, if such motor vehicle lacks an engine or two (2) or more wheels or other structural part which renders a vehicle totally inoperable. The police authority shall give the applicant a certificate of authority in lieu of the certificate of title.
(Code of Iowa, Sec. 321.90(2e))
- 5.08 DISPOSAL OF ABANDONED VEHICLES. If an abandoned vehicle has not been reclaimed as provided herein, the police authority or private entity shall make a determination as to whether or not the motor vehicle should be sold for use upon the highways, and shall dispose of the motor vehicle in accordance with State Law.
(Code of Iowa, Sec. 321.89[4])

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- 5.09 PROCEEDS FROM SALES. Proceeds from the sale of any abandoned vehicle shall be applied to the expense of the auction, cost of towing, preserving, storing and notification required, in accordance with state law. Any balance shall be held for the owner of the motor vehicle or entitled lien holder for ninety (90) days, and then shall be deposited in the State Road Use Tax Fund. Where the sale of any vehicle fails to realize the amount necessary to meet costs, the police authority shall apply for reimbursement the Department of Transportation.

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

- 5.10 DUTIES OF DEMOLISHER. Any demolisher who purchases or otherwise acquires an abandoned motor vehicle for junk shall junk, scrap, wreck, dismantle or otherwise demolish such a motor vehicle. A demolisher shall not junk, scrap, wreck, dismantle or demolish a vehicle until the demolisher has obtained the junking certificate issued for the vehicle.

(Code of Iowa, Sec. 321.90(3a))

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CHAPTER 3: ABANDONED AND JUNKED VEHICLES AND MACHINERY

ARTICLE 6 - JUNKED VEHICLES AND MACHINERY

6.01 DEFINITIONS. For use in this chapter, the following terms are defined:

1. "Enclosed Structure". Means any structure or portion thereof built for the enclosure of property, containing a roof and having exterior walls of the structure or portion thereof constructed in such a manner as to obscure from any street or adjacent property any contents thereof and being of a permanent nature.
2. "Junk" means all old or scrap copper, brass, lead or any other non-ferrous metal; old or discarded rope, rags, batteries, paper, trash, rubber, debris, waste or used lumber, or salvaged wood; dismantled vehicles, machinery and appliances or parts of such vehicles, iron, steel or other old or scrap ferrous materials; old or discarded glass, tinware, plastic or old or discarded household goods or hardware; storing or permitting the open storage of used or unused or discarded building materials such as windows, doors, siding, shingles or other building materials for a period of thirty (30) or more days; noncurrent registered boat, pontoon, canoe, jet ski, or similar watercraft or with no current registration stickers attached to the same. Neatly stacked firewood located on a side yard or near a rear yard is not considered junk.
3. "Junk vehicle" "Junk motor vehicle" means any motor vehicle stored outside or parked within the corporate limits of the City, whether on public or private property, and whether currently licensed or not, which because of any one or more of the following characteristics constitutes a threat to the public health, welfare, and/or safety:
 - A. Broken, Loose or Missing Part. Any vehicle with a broken, loose or missing fender, door, bumper, hood, steering wheel or trunk lid.
 - B. Habitat for Nuisance Animals or Insects. Any vehicle which has become the habitat for rats, mice, or snakes, or any other vermin or insects.
 - C. Flammable Fuel. Any vehicle which contains gasoline or any other flammable fuel, or used to store flammable fuel.
 - D. Inoperable. Is rendered inoperable for a period of thirty (30) days or more because of a missing or broken or cracked windshield or window glass or turn signal or mirror, or because of a missing or broken fender, door, bumper, hood, steering wheel, driver's seat, trunk, fuel tank, one or more wheels, one of more flat tires, engine, drive shaft, differential, battery, generator or alternator or other component part of an electrical system, or any component or structural part;

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- E. Defective or Obsolete Condition. Any other vehicle which, because of its defective or obsolete condition, in any other way constitutes a threat to the public health and safety.
 - F. Uninsured. Any vehicle not insured and not having proof of financial liability coverage.
 - G. Parked Vehicles. Any vehicle, trailer, and or machinery parked on any private or public property for an extended period of time, which allows weeds or grass to partially cover it.
 - H. Unlicensed. Any vehicle not licensed for the current year as required by any law.
- 4. "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 includes without limitation a motor vehicle, automobile, truck, motorcycle, tractor, buggy, wagon, farm machinery, boat trailer, camping trailer, utility trailer, semi-trailer, motorhome (RV), or any combination thereof.
 - 5. "Semitrailer" means every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.
 - 6. "Stored" means an inoperable vehicle, trailer, semitrailer, or junk left upon private property for thirty (30) days or more.
 - 7. "Trailer" means every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.
 - 8. "Unlicensed vehicle" means any vehicle which is required to be licensed if it is operated on a public street or highway, but which is not displaying a valid and current license plates and registration sticker to the rear plate on the vehicle as required by law for use on public roads.

Mere licensing of such vehicle shall not constitute a defense to the finding that the vehicle is a junk vehicle.

- 6.02 JUNK AND JUNK VEHICLES PROHIBITED. It is unlawful for any person to store, accumulate, or allow to remain on any private property within the corporate limits of the City any junk or junk vehicle.

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- 6.03 JUNK AND JUNKED VEHICLES A NUISANCE. It is hereby declared that any junk or junk vehicle or junk machinery located upon private property, unless excepted by section 6.04 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 or a junk vehicle is kept upon private property in violation hereof, the owner of or person occupying the property upon which it is located shall be prima facie liable for said violation.

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

6.04 EXCEPTIONS.

The provisions of this chapter do not apply to any junk or a junk vehicle stored:

1. In a garage or other similar enclosed structure where junk or junk vehicles are not visible to the public or from adjacent properties; or
2. On the premises of a business enterprise operated in a district zoned therefor, when necessary to the operation of said business enterprise, as authorized under the zoning ordinance of the City, and such junk or junk vehicles are stored and maintained in an orderly manner so as to not cause a nuisance; or
3. In an appropriate storage space or depository maintained in a lawful place and lawful manner by the City for vehicles impounded by the City.

- 6.05 NOTICE TO ABATE. Upon discovery of any junk motor vehicle or junk machinery stored upon private property in violation of Article 6.02, the Lyon County Sheriff's Department shall within five (5) days initiate abatement procedures.

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

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CHAPTER 4: MANUFACTURED AND MOBILE HOMES

ARTICLE 7 – GENERAL PROVISIONS

7.01 DEFINITIONS. For use in this chapter the following terms are defined:
(Code of Iowa, Sec. 435.1)

1. "Manufactured home" means a factory-built structure, built under the authority of 42 U.S.C. Sec. 5403, which was constructed on or after June 15, 1976, and is required by Federal law to display a seal from the United States Department of Housing and Urban Development.
2. "Manufactured home community" means any site, lot, field or tract of land under common ownership upon which ten or more occupied manufactured homes are harbored, either free of charge or for revenue purposes, and includes any building, structure or enclosure used or intended for use as part of the equipment of the manufactured home community .
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 also includes any such vehicle with motive power not registered as a motor vehicle in Iowa. A mobile home means any such vehicle built before June 15, 1976, which was not built to a mandatory building code and which contains no State or Federal seals.
4. "Mobile home park" means any site, lot, field or tract of land upon which three (3) 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.

The term "manufactured home community" or "mobile home park" is not to be construed to include manufactured or mobile homes, buildings, tents or other structures temporarily maintained by any individual, educational institution or company on their own premises and used exclusively to house their own labor or students. The manufactured home community or mobile home park shall meet the requirements of any zoning regulations that are in effect.

7.02 CONVERSION TO REAL PROPERTY. A mobile home or manufactured home which is located outside a manufactured home community or mobile home park shall be converted to real estate by being placed on a permanent foundation and shall be assessed for real estate taxes except in the following cases:
(Code of Iowa, Sec. 435.26 & Sec. 435.35)

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1. Retailer's Stock. Mobile homes or manufactured homes on private property as part of a retailer's or a manufacturer's stock not used as a place for human habitation.
 2. Existing Homes. A taxable mobile home or manufactured home which is located outside of a manufactured home community or mobile home park as of January 1, 1995, shall be assessed and taxed as real estate, but is exempt from the permanent foundation requirement of this chapter until the home is relocated.
- 7.03 FOUNDATION REQUIREMENTS. A mobile home or manufactured home located outside of a manufactured home community or mobile home park shall be placed on a permanent frost-free foundation system which meets the support and anchorage requirements as recommended by the manufacturer or required by the State Building Code. The foundation system must be visually compatible with permanent foundation systems of surrounding residential structures. Any such home shall be installed in accordance with the requirements of the State Building Code.
(Code of Iowa, Sec. 103A.10 & 414.28)

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CHAPTER 5: RESIDENTIAL STRUCTURES

ARTICLE 8 - MINIMUM REQUIREMENTS FOR RESIDENTIAL STRUCTURES

- 8.01. STRUCTURES. All structures intended for residential occupancy placed, erected, assembled or constructed in the City after the effective date of this Section shall I meet and comply with the following minimum requirements.
- 8.02. STRUCTURE SIZE: Each such structure shall have a "main body" with a minimum exterior dimension of at least sixteen feet (16') measured from outside of the exterior walls.
- 8.03. MINIMUM FLOOR AREA: Each such structure shall have a minimum floor area of not less than eight hundred (800) square feet. [In order to comply with the provisions of the foregoing section 8.02 and this subsection 8.03, the minimum exterior dimensions of a residential structure shall not be less than sixteen feet by fifty feet (16' x 50')]. A structure may include porches, sunrooms, garages and "wings" of lesser dimensions and area, so long as the "main body" meets the minimum requirements.
- 8.04. FOUNDATION: All residential structures shall have a continuous and complete frost protected perimeter foundation, except that a perimeter foundation shall not be required for a manufactured home if a perimeter foundation is incompatible with the structural design of the manufactured home structure. For such a manufactured home, a permanent foundation may be a pier footing foundation system designed and constructed to be compatible with the structure and the conditions of the site.

Foundation materials may be masonry, poured concrete, wood or metal and must extend below the normal frost line. The structure must be permanently attached to the foundation.

- 8.05. EXTERIOR WALL AND ROOF MATERIAL:
1. Exterior wall covering shall be wood or masonry finish, vertical or horizontal grooved siding or lap siding, or the appearance thereof.
 2. Roofing material shall be shingles (asphalt, fiberglass or wood), slate, ceramic, or metal of a type customarily used for residential roofing material, such as "standing seam" or embossed or textured metal.
 3. Smooth, unfinished or corrugated metal or fiberglass shall not be used for exterior wall or roof covering.
 4. Soffits, eaves, window and door trim (not exceeding 18 inches in width), roofs and coverings over bay and bow windows and doors may be smooth finished metal, vinyl or wood or unfinished metal, such as copper, customarily used for residential structure trim.

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- 8.06. CEILING HEIGHT: A minimum finished ceiling height of not less than seven and one-half (7 1/2) feet.
- 8.07. ENTRANCE AND EXIT DOORS: Not less than two (2) functional entrance and exit doors.
- 8.08. WHEELS, AXLES OR TOWING DEVICE. No residence structure shall have attached wheels, axles or a towing device.
- 8.09. EXEMPTION. The provisions of this Article 8 shall not apply to "mobile" or "manufactured" homes placed in a mobile home park or a mobile home subdivision in compliance with the zoning or subdivision ordinances of the City of Little Rock.

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CHAPTER 6: WATER WELLS

ARTICLE 9 – RESTRICTING WATER WELLS

9.01 DEFINITIONS.

1. "Drinking water well" any groundwater well used as a source for drinking water by humans and groundwater wells used primarily for the final production of food or medicine for human consumption in facilities routinely characterized with the Standard Industrial Codes (SIC) group 283 for drugs and 20 for food (or the North American Industry Classification System (NAICS) Codes of 3254 for drugs and 311 for food).
2. "Non-drinking water well" means any groundwater well (except an extraction well used as part of a remediation system) not defined as a drinking water well, including a groundwater well which is not properly plugged in accordance with department rules in 567 Iowa Administrative Code Chapters 39 and 49.

9.02 RESTRICTIONS FOR USE.

1. RESTRICTIONS. No drinking water or non-drinking water wells as defined in Iowa Department of Natural Resources Rule 567 Iowa Administrative Code 135.2 and as subsequently amended shall be installed within the following area of the City of Little Rock:

All of the area within the City of Little Rock bordered by Leland Street on the North, First Avenue on the East, Fisher Street on the South, and Second Avenue on the West.

2. PURPOSE: The foregoing restrictions are adopted by the City of Little Rock for the purpose of protecting the value and desirability of the property within the City of Little Rock. This ordinance is in the best interest of the Citizens of the City of Little Rock and is enacted to prevent human exposure to petroleum contamination.
3. RIGHT OF ABATEMENT: Whenever the Mayor or other authorized municipal officer finds that any person has violated or attempted to violate the foregoing restriction, the Mayor or authorized municipal officer shall proceed with the abatement procedures under the Code of Little Rock, the same as in the case of abating a nuisance. This provision shall not prohibit the City of Little Rock from exercising any other available remedies under the law.
4. RIGHTS OF OTHERS TO ENJOIN ACTIVITY: If any person shall violate or attempt to violate any of the covenants contained herein, it shall be lawful for the DNR or any person holding any lien or other interest in the Property to prosecute a proceeding in equity to enjoin the person from such violation.

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5. **CRIMINAL FINE:** A violation of this section shall be punishable by a fine not to exceed \$100.00. Each day that this section is violated shall be deemed a separate and new violation.

(Editor's Note: Article 9 was approved by Ordinance No. 09-03-2002 on September 3, 2002)

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CHAPTER 7: BUILDING & LAND USE REGULATIONS

ARTICLE 10 – RESTRICTED RESIDENCE DISTRICT

- 10.01 PURPOSE. The purpose of this chapter is to provide and establish reasonable rules and regulations for the erection, reconstruction, altering and repairing of buildings of all kinds, as well as the use and occupancy of Such buildings to promote the health, morals, safety and general welfare in the city.
- 10.02 BUILDING OFFICIAL. The mayor shall be the building official and be responsible for the administration and enforcement of this chapter.
- 10.03 PERMIT REQUIRED. No building or other structure shall be erected, altered, repaired, used or occupied within the city without first receiving a permit therefor.
- 10.04 APPLICATION. Application shall be made in writing, filed with the building official and contain the following information:
1. Name. The name and address of the applicant.
 2. Location. The street address and full legal description of the property.
 3. Proposed Work. The nature of work proposed to be done.
 4. Use. The use for which the structure is or will be used.
 5. Plans. Application for permits shall be accompanied by such drawings of the proposed work, drawn to scale, including such floor plans, sections, elevations, and structural details, as the building official may require.
 6. Plot Diagram. There shall also be filed a plot diagram in a form and size suitable for filing permanently with the permit record, drawn to scale, with all dimensions figured, showing accurately the size and exact location of all proposed new construction or, in the case of demolition, of such construction as is to be demolished and of all existing buildings.
- 10.05 FEES. A fee of twenty (\$20.00) dollar shall accompany the application.
- 10.06 AMENDMENTS. Nothing shall prohibit the filing of amendments to an application or to a plan or other record accompanying same. at any time before the completion of the work for which the permit was sought. Such amendments, after approval, shall be filed with and be deemed a part of the original application.
- 10.07 COMPLETION OF EXISTING BUILDINGS. Nothing contained in this chapter shall require any change in the plans, construction, size or designation use of a building, for which a valid permit has been issued or lawful approval given before adoption of this Article in 1978; provided, however, construction under such permit or approval shall have been started within six (6) months and the ground story framework. including structural parts of the second floor, shall have been completed within one year and the

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entire building completed within two (2) years after the day of the adoption of this Article in 1978.

- 10.08 SUBDIVISION REGULATIONS. No more than two (2) building permits for each separate tract existing at the time of the effective date of these regulations shall be issued unless the tract has been platted in accordance with regulations established in the subdivision regulations of the city code, except that this provision shall not limit the number of building permits that may be issued for accessory building already legally located upon said tract.
- 10.09 APPLICATION APPROVED. It shall be the duty of the building official to examine applications for permits within a reasonable time after filing. If, after examination, the building official finds no objection to the same and it appears that the proposed work will be in compliance with the laws and ordinances applicable thereto, he or she shall forward his or her findings to the council for their approval or disapproval.
- 10.10 ACTION BY COUNCIL. After receiving the findings of the building official, the council shall, within a reasonable time, either approve or disapprove the application. If disapproved, the council shall state its reasons for disapproval and notify the applicant of same. If approved, the council shall instruct the building official to issue the building permit to the applicant. Said permit shall be issued in triplicate, one copy for the applicant, one copy for the county assessor and one copy to be retained in the city records.
- 10.11 RESTRICTIONS. No permit for the erection, alteration, use or occupancy of a building or similar structure shall be granted unless it definitely appears that such erection, alteration, repair, use or occupancy shall not cause or be the source of the following:
1. Noise. Any undue noise.
 2. Electrical Interference. Any undue radio or television interference.
 3. Odors. Any offensive odors.
 4. Refuse. Any offensive or unsightly refuse.
 5. Smoke. Any offensive or undue smoke.
 6. Fire Hazard. Any fire hazard.
 7. Appearance. Any unsightliness due to the appearance of any building or structure on the premises.
 8. Congestion. Any undue gathering, congregating, parking of cars, or undue congestion of people or traffic.
 9. Other. Any effect which will be obnoxious, offensive, dangerous or injurious to the health, welfare and safety of citizens.
- 10.12 CONDITION OF THE PERMIT. All work performed under any permit shall conform to the approved application and plans, and approved amendments thereof. The location of all new construction as shown on the approved plot diagram, or an approved amendment thereof, shall be strictly adhered to. It shall be unlawful to reduce or diminish the area of a lot or plot of which a plot diagram has been filed and has been used as the basis for a permit, unless a revised plot diagram showing the proposed change in conditions shall

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have been filed and approved; provided that this shall not apply when the lot is reduced by reason of a street opening or widening or other public improvement.

- 10.13 POSTING OF PERMIT. A copy of the permit shall be kept in the premises open to publication inspection during the prosecution of the work and until the completion of same. The building official may require a certified copy of the approved plans to be kept on the premises at all times from the commencement of the work to the completion thereof. The building official shall be given at least twelve (12) hour's notice of the starting of work under a permit.
- 10.14 REVOCATION. The building official may revoke a permit or approval issued under the provisions of this chapter in case there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based.
- 10.15 PERMIT VOID. 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.
- 10.16 CERTIFICATE OF OCCUPANCY. No building shall be occupied or the use of a parcel of land be changed before a certificate of occupancy has been issued. A certificate of occupancy shall be applied for coincident with the application for a building permit and said certificate shall be issued within three (3) days after the request for same shall have been made in writing to the building official after the erection or alteration of a building or change in the use of a parcel of land shall have been completed, in conformity with the provisions of these regulations. Pending the issuance of a regular certificate, a temporary certificate of occupancy may be issued by the building official for a period not exceeding one year, during the completion of alterations or during partial occupancy of a building pending its completion. Such temporary certificate shall not be construed as in any way altering the respective rights, duties or obligations of the owners or of the tenants relating to the use or occupancy of the premises or any other matter covered by these regulations and such temporary certificate shall not be issued except under such restrictions and provisions as will adequately ensure the safety of the occupants.
- 10.17 CONTENT OF CERTIFICATE OF OCCUPANCY. A certificate of occupancy shall state that the building or proposed use of a building or land complies with all the building and health laws and ordinances and with the provisions of these regulations. A record of all certificates shall be kept on file in the office of the building official and copies shall be furnished, on request, to any person having a proprietary or tenancy interest in the building affected. No fee shall be charged for a certificate of occupancy.
- 10.18 RESTRICTED RESIDENCE DISTRICT ESTABLISHED. The following area is hereby defined and established as a restricted residence district:

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All that area lying within the corporate limits of the city except the following described area:
(NONE)

10.19 FRONT YARD REQUIREMENTS. Within the restricted residence district there shall be a front yard of not less than twenty (20) feet, except as follows:

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

10.20 SIDE YARD REQUIREMENTS. Within the restricted residence district no building shall be erected closer than five (5) feet to either side lot line.

10.21 REAR YARD REQUIREMENTS. Within the restricted residence district there shall be a rear yard provided for each building of not less than fifteen (15) feet or twenty (20) percent of the depth of the lot, whichever amount is smaller.

10.22 DETACHED GARAGE. Within the restricted residence district no detached garage or other accessory building not attached to the principal building shall be erected closer than five (5) feet to any side or rear yard line.

10.23 PROHIBITED USE. No building or other structure, except residences, schoolhouses, churches and other similar structures, shall be erected, altered, repaired, used or occupied within the restricted residence district as defined herein without first receiving from the council a special use permit therefor. No such special use permit shall be issued without the affirmative vote of three-fourths (3/4) of the full council.

10.24 EXCEPTIONS. The provisions of the preceding section shall have no application to any business, store, shop or factory existing and in operation in a restricted residence district on the effective date of adoption of the 1978 Code of Little Rock, Iowa, except in the matter of reconstruction, repair, alteration or change in use of the structure.

10.25 CERTIFYING ORDINANCES. Within fifteen (15) days of the effective date of the adoption of any amendments to the provisions of this chapter the clerk shall certify such amendments to the county recorder.

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- 10.26 ABATEMENT OF VIOLATION. Any building or structure erected, altered, repaired, used or occupied in violation of this chapter shall be determined a nuisance and the same may be abated by the city or by any property owner within said district in the manner provided for the abatement of nuisances.

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CHAPTER 8: FENCES AND HEDGES

ARTICLE 10 – FENCE REGULATIONS

17.01 DEFINITIONS.

1. **FENCE.** Is any artificially constructed barrier of approved fencing material or combination of materials erected to enclose or screen areas of land. Fences shall not be classified as a structure but shall be deemed a separate and distinct use of the land so as to allow their placement on a portion of a lot in which a structure or accessory building may not be located.
2. **HEDGE:** A linear growth of woody plant(s) planted to form a barrier to enclose or screen areas of land.

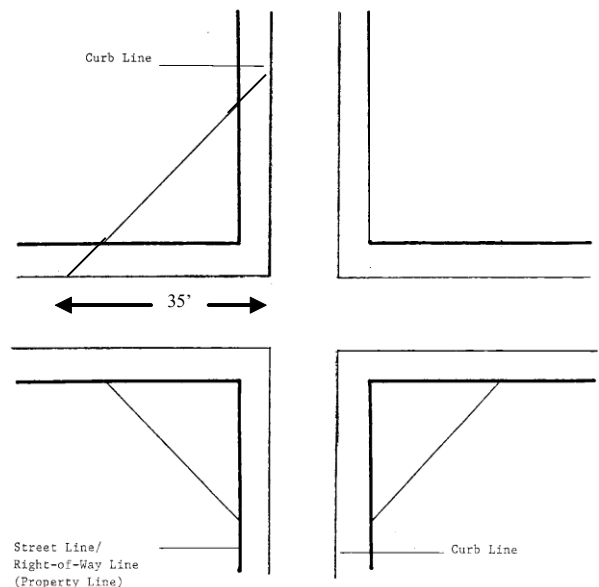
11.02 FENCES AND HEDGES. Fences and hedges shall not exceed more than four feet (4') in height in any required front yard, subject to further restrictions listed in subsection 1 of this section below. Fences less than four (4) feet in height may be located on any part of a lot, subject to subsection 1 of this section below. Fences and hedges are permitted to be built one (1) foot inside the property lot line. Except as provided above, fences shall not exceed six feet (6') in height in any required side or rear yards, subject to further restrictions herein. Fences in excess of six feet (6') will be allowed in the cases of tennis courts and swimming pools, subject to further restrictions.

DIAGRAM

Corner Lots – Yards and Visibility

1. *Line of Site Visibility (at Intersections).*

On a corner lot in any district, nothing shall be erected, placed, planted or allowed to grow in such a manner that will obstruct vision between a height of two feet (2') and ten feet (10') above the ground within the triangular area formed, by connecting a point at the center of the curb radius with two points that are thirty-five (35) feet from the center of the curb radius as measured along the curb. (see diagram)



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11.03 PERMITTED AND PROHIBITED FENCE MATERIAL:

1. Allowed Materials: Fences are to be constructed of customarily used materials such as chain link, welded wire mesh, wrought iron, aluminum, wood, polyvinyl chloride (PVC) and other similar materials customarily used for urban residential fencing. Wood fences shall be constructed of treated lumber, cedar, redwood, or similar types of wood that are resistant to decay. Determination of material acceptability shall be made by the city council or its designee.
2. Prohibited Materials: The use of materials such as corrugated or sheet metal, poultry wire, woven wire, fiberglass, non-treated wood products, temporary construction fencing, snow fencing, livestock panels, agricultural fencing or similar materials not customarily used for urban residential fencing shall not be permitted as permanent fencing on any property.
3. Temporary Fencing: Temporary snow fence may be placed for snow control purposes during the period beginning October 15 and ending April 15 of any year. Snow fence so placed shall not create an enclosure. It shall be placed and used solely for snow control.

Temporary construction fences, barricades, railings, or other similar fences installed to provide temporary site security and/or safety in conjunction with construction or demolition are allowed during periods of construction or demolition. Any such temporary fences shall be removed upon completion of the construction or demolition work.

4. The City Council may approve other materials as presented. Fences should be constructed in an orderly and neat manner as to accent and compliment the natural landscape of the property. All fences shall be subject to a completed and approved building permit.

11.04 GOOD NEIGHBOR PROVISION. All fences constructed in the City of Little Rock from and after the effective date hereof shall either be of uniform style, construction and appearance from both sides, or the more finished, covered or faced side shall face outward. The city council and/or building official is hereby granted the authority to determine which side of a fence, which does not provide uniform appearance from both sides, shall face outward.

11.05 BARBED WIRE AND ELECTRIC FENCE. It shall be unlawful for a person to use barbed wire or electric fence to enclose land within the city limits without the consent of the council unless such land consists of ten acres or more and is used as agricultural land. Underground electric fences for dogs are permitted.

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11.06 PERMITS. Prior to the construction of any fence or hedge, application shall be made to the City Clerk and a permit obtained therefor.

11.07 ADDITIONAL PROVISIONS.

- I. A variance to the adjoining property line setbacks may be granted if adjoining property owners sign a written agreement to the items and the agreement is recorded.
2. No fence lawfully existing as of the effective date of the ordinance codified in this chapter shall be rendered illegal solely because of this chapter. However, no fence which does not conform to this chapter shall be enlarged or heightened; nor shall such a fence, if removed, be replaced; nor shall such a fence, if damaged to an extent greater than 50% of its full replacement value, be reconstructed.

Editor's Note: Council approved Ordinance 2023-07-10 on July 10, 2023, and established Chapter 8 Fences and Hedges, Article 11 Fence Regulations.

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TITLE VII - COMMUNITY DEVELOPMENT

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CHAPTER 1: FRANCHISES

ARTICLE 1 – ELECTRIC FRANCHISE

ORDINANCE NO. 2013-09-04

An Ordinance granting to INTERSTATE POWER AND LIGHT COMPANY, ("Company"), its successors and assigns, the right and franchise to acquire, construct, reconstruct, erect, maintain and operate in the City of Little Rock, Lyon County, Iowa, 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 City of Little Rock, Lyon County, Iowa, 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, subject to a limited right of cancellation at the end of the tenth (10th) and twentieth (20th) year anniversaries of the "Anniversary Date"; and granting to said Company the right of eminent domain.

BE IT ORDAINED BY THE City Council of the City of Little Rock, Lyon 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 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, subject to a limited right of cancellation at the end of the tenth (10th) and twentieth (20th) year anniversaries of the "Anniversary Date"; 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, and 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

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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.

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 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 of a commercial or private developer, 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.

The City shall give the Company reasonable advance written notice to vacate a public right-of-way. Prior to vacating a public right-of-way, the Company shall be provided an opportunity to secure an easement to allow it to operate and maintain its existing facilities.

Section 5. The Company, its successors and assigns, shall furnish and install all meters at its own expense, and shall provide the service wire to buildings as set forth in the Company's tariff filed with the Iowa Utilities Board.

Section 6. The system authorized by this Ordinance shall be modern and up-to-date and shall be of sufficient capacity to supply all reasonable demands of said City and its inhabitants thereof and shall be kept in a modern and up-to-date condition.

Section 7. The franchise granted by this Ordinance shall not be exclusive.

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. In its monthly billing the Company shall include a franchise fee of zero percent (0%) on the gross revenues from the sale of electricity to the Company's electric customers located within the corporate limits of the City.

Section 10. The franchise fee shall be applied to all customers' bills in accordance with Iowa Code Chapter 364.2 and 423B.5. The amount of the franchise fee shall be shown separately on the utility bill to each customer.

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Section 11. The Company will commence collecting franchise fees on or before the first Company billing cycle of the first calendar month following ninety (90) days of receipt of information required of the City to implement the franchise fee. This information shall include but not be limited to a copy of the City's Revenue Purpose Statement and written proof of legal adoption and publication of the Revenue Purpose Statement, City's list of City utility accounts exempt per Iowa law from the franchise fee, signed Nondisclosure Agreement pertaining to the protection of the confidentiality of utility service address information provided by the Company to the City, and the City's verified utility customer service address list. The Company shall not commence assessing the franchise fee until it has received written approval of the amended tax rider tariff from the Iowa Utilities Board.

Section 12. The City recognizes that the costs of franchise fee administration are not charged directly to the City and agrees it shall reimburse the Company for any initial or ongoing costs incurred by the Company in collecting franchise fees that the Company in its sole opinion deems to be in excess of typical costs of franchise fee administration.

Section 13. Upon receipt of a final and unappealable order or approval authorizing annexation, or changes in the corporate limits of said City, the City Clerk shall provide written notification by certified mail to an officer of Company of such annexation or change in the limits of said City, and the Company shall apply the franchise fee to its customers who are affected by the annexation or change in the corporate limits of the City, commencing on an agreed upon date which is not less than ninety (90) days from receipt of the information required of the City to implement the franchise fee.

The Company shall have no obligation to collect franchise fees from customers in any annexed area until and unless the following have all been provided to the Company by certified mail: such final and unappealable orders or approvals, the City's list of City utility accounts exempt from the franchise fee in the annexed area, and the City's verified utility customer service address list for the annexed area.

Section 14. The City shall indemnify the Company from claims of any nature arising out of or related to the imposition and collection of the franchise fee. In addition, the Company shall not be liable for collecting franchise fees from any customer originally or subsequently identified, or incorrectly identified, by the City as being subject to the franchise fee or being exempt from the imposition of franchise fees.

Section 15. The Company shall remit franchise fee revenues, minus uncollectible amounts, to the City no more frequently than on or before the last business day of the month following each calendar year quarter. Company shall notify City at least thirty (30) days in advance of any changes made in this collection schedule, including any alterations in the calendar quarters or any other changes in the remittance periods.

Section 16. The City shall give the Company a minimum 6-month notice prior to the request to implement any adjustment in the percentage of franchise fee to be collected pursuant to Section 9 hereof. The City agrees to modify the level of franchise fees imposed only once in any 24-month period. When any such Ordinance increasing, decreasing, modifying or eliminating the franchise fee shall become effective, billings reflecting the change shall commence on an agreed

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upon date which is not less than ninety (90) days following written notice to the Company by certified mail. The Company shall not be required to implement such new percentage unless and until it determines that it has received appropriate official documentation of final action by the city council. In no event may the percentage of franchise fee exceed the statutory amount authorized by Iowa law.

Section 17. The City shall be solely responsible for the proper use of any amounts collected as franchise fees, and shall only use such fees as collected for a purpose as allowed by applicable law.

Section 18. The Company shall not, under any circumstances be required to return or refund any franchise fees that have been collected from City 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 customers or individual customers, the City shall reimburse the Company for the expenses incurred by the Company to provide such data or information.

Section 19. Collection of the franchise fee shall cease at the earlier of the modification or repeal of the franchise fee or the end of the Ordinance term.

A. The obligation to collect and remit the fee imposed by this Ordinance is modified if:

1. Any other person is authorized to sell electricity to customers within the corporate limits of the City and the City imposes a franchise fee or its lawful equivalent at zero or a lesser rate than provided in this Ordinance, in which case the obligation of Company to collect and remit franchise fee shall be modified to zero or the lesser rate; or
2. The City adds additional territory by annexation or consolidation and is unable or unwilling to impose the franchise fee upon all persons selling electricity to consumers within the additional territory, in which case the franchise fee imposed on the revenue from sales by Company in the additional territory shall be zero or equal to that of the lowest fee being paid by any other retail seller of electricity within the City; or
3. The Iowa General Assembly enacts legislation, or any Iowa court issues a final judicial decision regarding franchise fees, or the Iowa Utilities Board issues a final nonappealable order (collectively, "Final Franchise Fee Action") that modifies, but does not repeal, the ability of the City to impose a franchise fee or the ability of Company to collect from City customers and remit franchise fees to City. Within sixty (60) days of Final Franchise Fee Action, the City shall notify Company and the parties shall meet to determine whether this Ordinance can be revised, and, if so, how to revise the franchise fee on a continuing basis to meet revised legal requirements. After Final Franchise Fee Action and until passage by the City of revisions to the franchise fee Ordinance, Company may temporarily discontinue collection and remittance of the franchise fee if in its sole opinion it believes it is required to do so in order to comply with revised legal requirements.

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B. The obligation to collect and remit the fee imposed by this Ordinance is repealed, effective as of the date specified below with no liability therefor, if:

1. Any of the imposition, collection or remittance of a franchise fee is ruled to be unlawful by the Supreme Court of Iowa, effective as of the date of such ruling or as may be specified by that Court; or
2. The Iowa General Assembly enacts legislation making imposition, collection or remittance of a franchise fee unlawful, effective as of the date lawfully specified by the General Assembly; or
3. The Iowa Utilities Board, or any successor agency, denies the Company the right to impose, collect or remit a franchise fee provided such denial is affirmed by the Supreme Court of Iowa, effective as of the date of the final agency order from which the appeal is taken.

Section 20. The franchise fee shall be in lieu of any other payments to the City for the Company's use of streets, alleys and public places in the said City and other administrative or regulatory costs with regard to said franchise; and said 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 shall be exempt from any special tax, assessment, license or rental charge during the entire term of this Ordinance.

Section 21. The City shall not, pursuant to Chapter 480A.6 of the Code of Iowa, impose or charge right-of-way management fees upon the Company or fees for permits for Company construction, maintenance, repairs, excavation, pavement cutting or inspections of Company work sites and projects or related matters.

Section 22. 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 its acceptance by the said Company, as herein provided. The City may cancel this franchise on the tenth (10th) or twentieth (20th) anniversary of the Anniversary Date of this franchise by notifying Company in writing of its desire to do so, said notification to be given within thirty (30) days of the tenth (10th) or twentieth (20th) anniversary respectively of this franchise. If Company is not notified of the cancellation by the tenth (10th) or twentieth (20th) anniversary then this franchise shall continue without cancellation until the twenty-fifth (25th) year. The Anniversary Date shall be the date this franchise is filed with the City Clerk or otherwise effective by operation of law.

Section 23. The expense of the publication of this Ordinance shall be paid by the Company.

Section 24. The franchise granted by this Ordinance shall be conditioned upon acceptance by the Company in writing. The acceptance shall be filed with the City Clerk within ninety (90) days from passage of this Ordinance.

Section 25. 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

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can be given effect without the invalid portion or portions and to this end each section and provision of this ordinance is severable.

Section 26. 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 superseded, modified or otherwise amended without the written approval and acceptance of the Company. Upon written acceptance by the Company, this Ordinance shall supersede, abrogate and repeal the prior electric system Ordinance between the Company and the City as of the date this Ordinance is accepted by the Company. Notwithstanding the foregoing, in no event shall the City enact 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.

EDITOR'S NOTE

Ordinance No. 2013-09-04 adopting an electric franchise for the city, was passed and adopted by the council on September 3, 2013.

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CHAPTER 1: FRANCHISES

ARTICLE 2 – TELEPHONE FRANCHISE

- 2.01 FRANCHISE GRANTED. Central Telephone Company, a Delaware corporation, its lessees, successors and assigns hereinafter referred to as the grantee are hereby granted the non-exclusive franchise, right and privilege for a period of twenty-five (25) years to use the streets, alleys, bridges and other public places of the Town of Little Rock, Iowa, for the purpose of erecting, maintaining and operating a telephone system including all necessary appurtenances and to use jointly or otherwise, the property of other companies and permit other companies to use its property under such arrangements as such companies and the grantee may agree upon.
- 2.02 LOCATION OF POLES. The location of poles by the grantee under authority of this ordinance shall be subject to the supervision of the street commissioner or such other official as the council may designate. All poles shall be neat and symmetrical and be so located as to minimize interference with the safety or convenience of persons traveling the streets, alleys, bridges, and other public places.
- 2.03 REPAIR OF SIDEWALK OR STREET PAVEMENT. The grantee shall properly repair or replace any sidewalk or street surface which may be displayed or damaged by it in the erection and maintenance of its telephone system. Upon the failure of the grantee to do so and after twenty (20) days notice in writing given by the majority to the grantee the Town of Little Rock, Iowa, may repair or replace such portion of the sidewalk or street surface as may have been distributed by the grantee and collect the costs so incurred from the grantee.
- 2.04 SIGNAL WIRES. The grantee shall on demand, during the life of this franchise, provide crossarm or bracket space on each pole owned by it on which the Town of Little Rock, Iowa may desire to attach signal wires for the free use of the police and fire alarm systems of the municipality. All such wires shall be placed and maintained so as not to interfere with the convenient use and maintenance of the grantee's telephone system and the location of such wires shall be subject to the supervision of the grantee. All such wires shall be placed and maintained in accordance with the National Electric Safety Code, as from time to time amended.
- 2.05 OFFICIAL TELEPHONE. The grantee shall, during the life of this franchise, install and maintain at its own expense at such municipal office as the council may designate, one business telephone (wall or desk) for the official use and benefit of the municipality.
- 2.06 FRANCHISE SUBJECT TO AUTHORITY OF MUNICIPALITY. The grantee agrees for and in behalf of itself, its lessees, successors, and assigns, that all authority and rights granted in this ordinance shall be subject to all rights, powers and authority now or hereafter possessed by the Town of Little Rock, Iowa to regulate, control and direct or otherwise by ordinance or resolution legislate concerning the exercise of the franchise

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herein granted and concerning the manner in which the grantee shall use the streets, alleys, bridges and other public places of the municipality.

- 2.07 WHEN EFFECTIVE. This ordinance shall be effective upon its passage, approval and publication, its approval by the majority of the electors of the Town of Little Rock, Iowa, voting thereon at a special election called for the purpose and upon the filing of a written acceptance by the grantee with the clerk of said town.

EDITOR'S NOTE

Ordinance No. 67, granting a telephone franchise to Central Telephone Company was adopted by the council on November 7, 1960. The franchise was approved by the voters at an election held December 7, 1960.

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CHAPTER 1: FRANCHISES

ARTICLE 3 –CABLE TELEVISION FRANCHISE

- 3.01 FRANCHISE GRANTED. Rural Communications Corporation, an Iowa Corporation, (hereinafter referred to as "Grantee") is hereby granted a franchise for a period of twenty-five (25) years from the effective date of this ordinance to acquire, construct, reconstruct, maintain, extend and operate such cable television system and such facilities thereof, including lines, poles, wires, stubs, anchors, cables, vaults, laterals, conduits and other fixtures and equipment in, upon, through, over, under, along and across the public streets, alleys, highways and other passageways or public grounds of or in the corporate limits of the City of Little Rock, Iowa (hereinafter referred to as "Municipality"), as now or hereafter established, as may be necessary and/or convenient for supplying to the citizens of the municipality and to adjacent rural areas, if economically feasible, cable television.
- 3.02 Grantee's rights and privileges in the public ways and grounds of the municipality shall be exercised as follows:
- a. Locations of any existing system are hereby approved; changes of location, additions or extensions thereto affecting public grounds or ways shall be under the supervision of municipality's street committee or such other officer or officers as may be designated by the Mayor or Council for that purpose.
 - b. The installations of grantee shall be so placed and the servicing and operation thereof so performed as to not unreasonably interfere with ordinary travel on the public ways or with ingress to or egress from public or private property.
 - c. Grantee may make excavations in public grounds or ways, and may take up such portions of pavement or sidewalk as it deems necessary for the installation, maintenance, replacement or removal of its facilities. Excavations so made shall be refilled and surfacing thus disturbed shall be restored to as reasonably good condition as before.
- 3.03 Grantee shall accommodate public or private necessity to move along or across public ways or grounds of the municipality vehicles or structures, other than parade components, of such height or size as to interfere with its poles and/or wires erected hereunder and shall temporarily remove or adjust the same to permit such passage provided:

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- a. Written notice thereof shall be served upon Grantee's agent or manager at Rock Rapids, Iowa not less than forty-eight (48) hours in advance of the time set for the proposed passage;
 - b. Grantee shall be paid in advance for actual cost of such accommodation. No charge shall be made for accommodation for public necessity.
- 3.04 LIABILITY OF GRANTEE. Grantee shall at all times defend, indemnify, protect and save harmless the City against any and all liability, losses and physical damage to property and bodily injury or death to any person, including payments made under worker's compensation laws, which may arise out of or be caused by the erection, construction, replacement, removal, maintenance, and operation of Grantee's cable television system, and resulting from or by any negligence, fault or misconduct on the part of the Grantee, its agents, officers, servants and employees. Grantee shall carry public liability insurance in amounts of no less than \$1,000,000.00 bodily injury/ \$1,000,000.00 property damage for protection of itself and the City of Little Rock, Iowa. Grantee shall hold the City of Little Rock, Iowa, harmless against damages resulting from legal action which may be brought against it in connection with the establishment and/or operation of Grantee's cable television system in the City; and shall defend at its own expense any action brought against the City be reason of the erection, construction, replacement, removal, maintenance, and operation of Grantee's cable television system. Grantee shall also carry necessary worker's compensation insurance coverage on all of its employees who are engage din any manner in the erection, construction, replacement, repair, maintenance and operation of Grantee's plant and equipment.
- 3.05 It shall be unlawful for any person to injure, destroy or deface any property of grantee lawfully installed and maintained hereunder or to post bills or signs thereon. A violation of this section shall constitute a misdemeanor and be punishable by a fine of not more than one hundred dollars or imprisonment in jail not to exceed thirty days.
- 3.06 RELOCATION, REMOVALS, PUBLIC WORK. If at any time during the period of a franchise, the City shall elect to alter, or change the grade of any street, alley or public way, Grantee, upon reasonable notice by the City, shall remove, relay and relocate its poles, wires, cables, underground conduits, manholes and other fixtures at its own expense.
- 3.07 LIABILITY OF CITY EMPLOYEES. Grantee shall hold the City harmless from any damage which Grantee's cable, equipment or other integral parts of its system may cause as a result of any action by any City employee when carrying out said employee's duties.
- 3.08 TREE TRIMMING. Grantee shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks, and public places of the City so as to prevent the branches of such trees from coming in contact with the wires and

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cables of the Grantee, all trimming to be done under the supervision and direction of the City and at the expense of the Grantee.

- 3.09 REVOCATION OF FRANCHISE. If Grantee shall fail to comply with any of the provisions of its franchise, or default in any of its obligations hereunder, except for causes beyond the reasonable control of Grantee, and shall fail within thirty days after written notice from the City to commence, and within a reasonable time, complete the correction of such default and noncompliance, the City Council of the City shall have the right to revoke its franchise and all rights of Grantee hereunder. In the event the Grantee shall be adjudicated bankrupt or placed in receivership, the City may declare the franchise forfeited and terminated.
- 3.10 PREFERENTIAL RATES PROHIBITED. Grantee shall not, as to rates, charges, service facilities, rules, regulations or in any other respect, make or grant any preference or advantage to any person or subject any person to any prejudice or disadvantage, except as may be provided otherwise in this ordinance.
- 3.11 ASSIGNING FRANCHISE. Grantee shall not sell, transfer, or encumber its system or its franchise, without first securing the approval of the City Council; however, Grantee is hereby specifically authorized to assign or encumber its system and franchise for the purpose of financing the construction or operation of its system in the City. If Grantee shall decide to shall its system and franchise, the City is given the right of first refusal to purchase the system and franchise for their fair market value as determined by the existing offers from other bona fide purchasers.
- 3.12 PAYMENT TO CITY. The Grantee, after its system is operational, shall pay to the City on or before the end of each calendar quarter, a franchise fee of 3%:
- a. The franchise fee shall be based on Grantee's gross subscriber receipts from cable television operating in the City of Little Rock for the preceding calendar quarter;
 - b. Gross subscriber receipts shall include monthly basic service charges, and fees for connection, installation and reconnection but shall not include service or sales taxes, and shall not include receipts from special service charges over and above the basic service charges;
 - c. Grantee shall keep complete records of accounts and shall furnish an annual accounting within sixty days following the close of each fiscal year of the Grantee;
 - d. Payments of compensation made by Grantee to the City pursuant to the provisions of this chapter shall not be considered in the nature of a tax, but shall be in addition to any and all taxes which are now or hereafter required to be paid by any law of the United States, State of Iowa, or the City,

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- e. Payments of compensation under this section shall be first applied to the purchase of video cameras and equipment for the public schools of the City of Little Rock, Iowa, as the Grantee and the City of Little, mutually agree. After said purchases, said payments may be applied as the City of Little Rock deems appropriate.
- 3.13 PUBLIC ACCESS CHANNELS. The Grantee shall reserve a channel of its system for the joint use by the Grantor, school or other public bodies as a public service, educational or information channel. The Grantor, school or other public body shall furnish any special equipment and personnel necessary to feed public service, educational or information programs into the Grantee's system. Grantee shall make no charges for use of said channels. Grantee shall make no pre-channel or pre-program charge of any kind to any subscriber for the privilege of receiving the channels designated as public access channels. Grantee shall not televise, tape, or in any way reproduce or show to the general public any school activity, either as a public service or as a commercial activity, without the prior approval of the schools.
- 3.14 Ordinances or parts of ordinances in conflict herewith are hereby repealed.
- 3.15 A determination that any part of this ordinance is invalid shall not affect remaining portions or provisions hereof.
- 3.16 Grantee shall pay the costs of publishing this ordinance and of conducting the election thereon required by law.
- 3.17 This ordinance shall become effective:
 - a. Upon its approval by a majority of the legal electors of the municipality voting thereon;
 - b. The publication thereof required by law;
 - c. Grantee's written acceptance of same filed with the City Clerk; and
 - d. Grantee's payment of the costs of the election including costs of notice.

EDITOR'S NOTE:

Ordinance No. 1-8.0100, granting a cable television franchise to Rural Communications Corporation was adopted by the council on March 24, 1983.)

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CHAPTER 1: FRANCHISES

ARTICLE 4 – NATURAL GAS FRANCHISE

CITY OF LITTLE ROCK, IOWA NATURAL GAS FRANCHISE

ORDINANCE NO. 2013-09-04-1

An Ordinance granting to INTERSTATE POWER AND LIGHT COMPANY ("Company"), its successors and assigns, the right and franchise to acquire, construct, erect, maintain and operate a natural gas distribution system in the City of Little Rock, Lyon County, Iowa, and the right to lay down, operate and maintain the necessary pipes, mains, and other conductors and appliances in, along and under the streets, avenues, alleys and public places of the City of Little Rock, Lyon County, Iowa, as now or hereafter constituted, for a period of twenty-five (25) years, subject to a limited right of cancellation at the end of the tenth (10th) and twentieth (20th) year anniversaries of the "Anniversary Date"; for the purpose of distributing, supplying and selling natural gas to the City and its inhabitants thereof and to persons and corporations beyond the limits thereof; and granting to said Company the right of eminent domain.

BE IT ORDAINED BY THE City Council of the City of Little Rock, Lyon 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, franchise and privilege for the term of twenty-five (25) years, subject to a limited right of cancellation at the end of the tenth (10th) and twentieth (20th) year anniversaries of the "Anniversary Date"; from and after the passage, adoption, approval and acceptance of this Ordinance, to lay down, maintain and operate the necessary pipes, mains and other conductors and appliances in, along and under the streets, avenues, alleys and public places in the City as now or hereafter constituted, for the purpose of distributing, supplying and selling gas to said City and the residents thereof and to persons and corporations beyond the limits thereof; also the right of eminent domain as provided in Section 364.2 of the Code of Iowa. The term "gas" as used in this franchise shall be construed to mean natural gas only.

Section 2. The mains and pipes of the Company must be so placed as not to interfere unnecessarily with water pipes, drains, sewers and fire plugs which have been or may hereafter be placed in any street, alley 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, and the Company, its successors and assigns shall hold the City free and harmless from all damages arising from the negligent acts or omissions of the Company in the laying down, operation and maintenance of said natural gas distribution system.

Section 3. In making any excavations in any street, alley, avenue or public place, Company, its successors and assigns, shall protect the site while work is in progress by guards, barriers

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or signals, shall not unnecessarily obstruct the use of the streets, shall back fill all openings in such manner as to prevent settling or depressions in surface, and shall replace the surface, pavement or sidewalk of such excavations with same materials, restoring the condition as nearly as practical and if defects are caused shall repair the same.

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 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 of a commercial or private developer, 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.

The City shall give the Company reasonable advance written notice to vacate a public right-of-way. Prior to vacating a public right-of-way, the Company shall be provided an opportunity to secure an easement to allow it to operate and maintain its existing facilities.

Section 5. Said Company, its successors and assigns, shall throughout the term of the franchise distribute to all consumers gas of good quality and shall furnish uninterrupted service, except as interruptible service may be specifically contracted for with consumers; 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 practical after the happening of the act causing the interruption.

Section 6. In its monthly billing the Company shall include a franchise fee of zero percent (0%) on the gross revenues from the sale of natural gas to the Company's natural gas customers located within the corporate limits of the City.

Section 7. The franchise fee shall be applied to all customers' bills in accordance with Iowa Code Chapter 364.2 and 423B.5. The amount of the franchise fee shall be shown separately on the utility bill to each customer.

Section 8. The Company will commence collecting franchise fees on or before the first Company billing cycle of the first calendar month following ninety (90) days of receipt of information required of the City to implement the franchise fee. This information shall include but not be limited to a copy of the City's Revenue Purpose Statement and written proof of legal adoption and publication of the Revenue Purpose Statement, City's list of City utility accounts exempt per Iowa law from the franchise fee, signed Nondisclosure

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Agreement pertaining to the protection of the confidentiality of utility service address information provided by the Company to the City, and the City's verified utility customer service address list. The Company shall not commence assessing the franchise fee until it has received written approval of its amended tax rider tariff from the Iowa Utilities Board.

Section 9. The City recognizes that the costs of franchise fee administration are not charged directly to the City and agrees it shall reimburse the Company for any initial or ongoing costs incurred by the Company in collecting franchise fees that the Company in its sole opinion deems to be in excess of typical costs of franchise fee administration.

Section 10. Upon receipt of a final and unappealable order or approval authorizing annexation, or changes in the corporate limits of said City, the City Clerk shall provide written notification by certified mail to an officer of Company of such annexation or change in the limits of said City, and the Company shall apply the franchise fee to its customers who are affected by the annexation or change in the corporate limits of the City, commencing on an agreed upon date which is not less than ninety (90) days from receipt of the information required of the City to implement the franchise fee.

The Company shall have no obligation to collect franchise fees from customers in any annexed area until and unless the following have all been provided to the Company by certified mail: such final and unappealable orders or approvals, the City's list of City utility accounts exempt from the franchise fee in the annexed area, and the City's verified utility customer service address list for the annexed area.

Section 11. The City shall indemnify the Company from claims of any nature arising out of or related to the imposition and collection of the franchise fee. In addition, the Company shall not be liable for collecting franchise fees from any customer originally or subsequently identified, or incorrectly identified, by the City as being subject to the franchise fee or being exempt from the imposition of franchise fees.

Section 12. The Company shall remit franchise fee revenues, minus uncollectible amounts, to the City no more frequently than on or before the last business day of the month following each calendar year quarter. Company shall notify City at least thirty (30) days in advance of any changes made in this collection schedule, including any alterations in the calendar quarters or any other changes in the remittance periods.

Section 13. The City shall give the Company a minimum six-month notice prior to the request to implement any adjustment in the percentage of franchise fee to be collected pursuant to Section 6 hereof. The City agrees to modify the level of franchise fees imposed only once in any 24-month period. When any such Ordinance increasing, decreasing, modifying or eliminating the franchise fee shall become effective, billings reflecting the change shall commence on an agreed upon date which is not less than ninety (90) days following written notice to the Company by certified mail. The Company shall not be required to implement such new percentage unless and until it determines that it has received appropriate official documentation of final action by the city council. In no event may the percentage of franchise fee exceed the statutory amount authorized by Iowa law.

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Section 14. The City shall be solely responsible for the proper use of any amounts collected as franchise fees, and shall only use such fees as collected for a purpose as allowed by applicable law.

Section 15. The Company shall not, under any circumstances be required to return or refund any franchise fees that have been collected from City 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 customers or individual customers, the City shall reimburse the Company for the expenses incurred by the Company to provide such data or information.

Section 16. Collection of the franchise fee shall cease at the earlier of the modification or repeal of the franchise fee or the end of the Ordinance term.

A. The obligation to collect and remit the fee imposed by this Ordinance is modified if:

1. Any other person is authorized to sell natural gas to customers within the corporate limits of the City and the City imposes a franchise fee or its lawful equivalent at zero or a lesser rate than provided in this Ordinance, in which case the obligation of Company to collect and remit franchise fee shall be modified to zero or the lesser rate; or The City adds additional territory by annexation or consolidation and is unable or unwilling to impose the franchise fee upon all persons selling natural gas to consumers within the additional territory, in which case the franchise fee imposed on the revenue from sales by Company in the additional territory shall be zero or equal to that of the lowest fee being paid by any other retail seller of natural gas within the City; or

2. The Iowa General Assembly enacts legislation, or any Iowa court issues a final judicial decision regarding franchise fees, or the Iowa Utilities Board issues a final nonappealable order (collectively, "Final Franchise Fee Action") that modifies, but does not repeal, the ability of the City to impose a franchise fee or the ability of Company to collect from City customers and remit franchise fees to City. Within sixty (60) days of Final Franchise Fee Action, the City shall notify Company and the parties shall meet to determine whether this Ordinance can be revised, and, if so, how to revise the franchise fee on a continuing basis to meet revised legal requirements. After Final Franchise Fee Action and until passage by the City of revisions to the franchise fee Ordinance, Company may temporarily discontinue collection and remittance of the franchise fee if in its sole opinion it believes it is required to do so in order to comply with revised legal requirements.

B. The obligation to collect and remit the fee imposed by this Ordinance is repealed, effective as of the date specified below with no liability therefor, if:

1. The imposition, collection or remittance of a franchise fee is judicially determined to be unlawful by a court of competent jurisdiction within the State of Iowa. Such determination shall be effective only after all available appeals have either been exhausted or have expired; or

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2. The Iowa General Assembly enacts legislation making imposition, collection or remittance of a franchise fee unlawful, effective as of the date lawfully specified by the General Assembly; or

3. The Iowa Utilities Board, or any successor agency, denies the Company the right to impose, collect or remit a franchise fee provided such denial is affirmed by the Supreme Court of Iowa, effective as of the date of the final agency order from which the appeal is taken.

Section 17. That said franchise fee shall be in lieu of any other payments to the City for the Company's use of streets, avenues, alleys and public places in the said City and other administrative or regulatory costs with regard to said franchise; and said pipes, mains, and other conductor and appliances in, along and under the streets, avenues, alleys and public places in the said City for the purpose of distributing, supplying and selling gas to said City and the residents thereof and to persons and corporations beyond the limits thereof shall be exempt from any special tax, assessment, license or rental charge during the entire term of this ordinance.

Section 18. The City shall not, pursuant to Chapter 480A.6 of the Code of Iowa, impose or charge right-of-way management fees upon the Company or fees for permits for Company construction, maintenance, repairs, excavation, pavement cutting or inspections of Company work sites and projects or related matters.

Section 19. The franchise granted by this Ordinance shall not be exclusive.

Section 20. The term of the franchise granted by this Ordinance and the rights granted hereunder shall continue for the period of twenty-five (25) years from and after its acceptance by the said Company, as herein provided. The City may cancel this franchise on the tenth (10th) or twentieth (20th) anniversary of the Anniversary Date of this franchise by notifying Company in writing of its desire to do so, said notification to be given within thirty (30) days of the tenth (10th) or twentieth (20th) anniversary respectively of this franchise. If Company is not notified of the cancellation by the tenth (10th) or twentieth (20th) anniversary then this franchise shall continue without cancellation until the twenty-fifth (25th) year. The Anniversary Date shall be the date this franchise is filed with the City Clerk or otherwise effective by operation of law.

Section 21. The expense of the publication of this Ordinance shall be paid by the Company.

Section 22. The franchise granted by this Ordinance shall be conditioned upon acceptance by the Company in writing. The acceptance shall be filed with the City Clerk within ninety (90) days from passage of this ordinance.

Section 23. 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.

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Section 24. 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 superseded, modified or otherwise amended without the approval and acceptance of the Company. Upon acceptance by the Company, this Ordinance shall supersede, abrogate and repeal the prior gas system ordinance between the Company and the City as of the date this Ordinance is accepted by the Company. Notwithstanding the foregoing, in no event shall the City enact any ordinance or place any

limitations, either operationally or through the assessment of fees, that create additional burdens upon the Company, or which delay utility operations.

PASSED and ADOPTED by the Little Rock City Council on the

EDITOR'S NOTE

Ordinance No. 2013-09-04-1, granting a natural gas franchise to Interstate Power and Light Company was adopted by the council on September 3, 2013.

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