

**CODE OF ORDINANCES
CITY OF URBANDALE, IOWA**

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CHAPTER 1

CODE OF ORDINANCES

1.01 Title
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1.01 TITLE. This code of ordinances shall be known and may be cited as the Code of Ordinances of the City of Urbandale, Iowa, 1999.

1.02 DEFINITIONS. Where words and phrases used in this Code of Ordinances are defined by State law, such definitions apply to their use in this Code of Ordinances and are adopted by reference. Those definitions so adopted that need further definition or are reiterated, and other words and phrases used herein, have the following meanings, unless specifically defined otherwise in another portion of this Code of Ordinances:

1. "Alley" means a public right-of-way, other than a street, affording secondary means of access to abutting property.
2. "City" means the City of Urbandale, Iowa.
3. "Clerk" means the city clerk of Urbandale, Iowa.
4. "Code" means the specific chapter of this Code of Ordinances in which a specific subject is covered and bears a descriptive title word (such as the Building Code and/or a standard code adopted by reference).
5. "Code of Ordinances" means the Code of Ordinances of the City of Urbandale, Iowa, 1999.
6. "Council" means the city council of Urbandale, Iowa.
7. "County" means Polk County or Dallas County, Iowa.
8. "Measure" means an ordinance, amendment, resolution or motion.
9. "Month" means a calendar month.
10. "Oath" means 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" are equivalent to the words "swear" and "sworn."
11. "Occupant" or "tenant," applied to a building or land, includes any person who occupies the whole or a part of such building or land, whether alone or with others.

12. “Ordinances” means the ordinances of the City of Urbandale, Iowa, as embodied in this Code of Ordinances, ordinances not repealed by the ordinance adopting this Code of Ordinances, and those enacted hereafter.
13. “Person” means an individual, firm, partnership, domestic or foreign corporation, company, association or joint stock association, trust, or other legal entity, and includes a trustee, receiver, assignee, or similar representative thereof, but does not include a governmental body.
14. “Preceding” and “following” mean next before and next after, respectively.
15. “Property” includes real property, and tangible and intangible personal property unless clearly indicated otherwise.
16. “Property owner” means a person owning private property in the City as shown by the County Auditor’s plats of the City.
17. “Public place” includes in its meaning, but is not restricted to, any City-owned open place, such as parks and squares.
18. “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.
19. “Public way” includes any street, alley, boulevard, parkway, highway, sidewalk, or other public thoroughfare.
20. “Sidewalk” means that surfaced portion of the street between the edge of the traveled way, surfacing, or curb line and the adjacent property line, intended for the use of pedestrians.
21. “State” means the State of Iowa.
22. “Statutes” or “laws” means the latest edition of the Code of Iowa, as amended.
23. “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 traffic.
24. “Writing” and “written” include printing, typing, lithographing, or other mode of representing words and letters.
25. “Year” means a calendar year.

1.03 CITY POWERS. The City may, except as expressly limited by the Iowa Constitution, and if not inconsistent with the laws of the Iowa General Assembly, exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges and property of the City and of its residents, and preserve and improve the peace, safety, health, welfare, comfort and convenience of its residents and each and every provision of this Code of Ordinances shall be deemed

to be in the exercise of the foregoing powers and the performance of the foregoing functions.

(Code of Iowa, Sec. 364.1)

1.04 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 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.

1.05 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)

1.06 RULES OF CONSTRUCTION. In the construction of the Code of Ordinances the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the Council or repugnant to the context of the provisions.

1. Verb Tense and Plurals. Words used in the present tense include the future, the singular number includes the plural and the plural number includes the singular.
2. May. The word “may” confers a power.
3. Must. The word “must” states a requirement.
4. Shall. The word “shall” imposes a duty.

5. Gender. The masculine gender includes the feminine and neuter genders.

6. Interpretation. All general provisions, terms, phrases, and expressions contained in the Code of Ordinances shall be liberally construed in order that the true intent and meaning of the Council may be fully carried out.

7. Extension of Authority. Whenever an officer or employee is required or authorized to do an act by a provision of the 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.

1.07 AMENDMENTS. All ordinances which amend, repeal or in any manner affect this Code of Ordinances shall include proper reference to chapter, section, subsection or paragraph to maintain an orderly codification of ordinances of the City.

(Code of Iowa, Sec. 380.2)

1.08 CATCHLINES AND NOTES. The catchlines of the several sections of the Code of Ordinances, titles, headings (chapter, 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 Code of Ordinances, do not constitute any part of the law, and are intended merely to indicate, explain, supplement or clarify the contents of a section.

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

(Code of Iowa, Sec. 718.5)

1.10 STANDARD PENALTY. Unless another penalty is expressly provided by the Code of Ordinances for any particular provision, section or chapter, any person failing to perform a duty, or obtain a license required by, or violating any provision of the Code of Ordinances, or any rule or regulation adopted herein by reference shall, upon conviction, be subject to a fine of not more than two hundred dollars (\$200.00) or imprisonment not to exceed thirty (30) days.

(Code of Iowa, Sec. 364.3[2])

1.11 SEVERABILITY. If any section, provision or part of the Code of Ordinances is adjudged invalid or unconstitutional, such adjudication will not affect the validity of the Code of Ordinances as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

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CHAPTER 2

CHARTER

2.01 Title
2.02 Form of Government
2.03 Powers and Duties

2.04 Number and Term of Council
2.05 Term of Mayor
2.06 Copies on File

2.01 TITLE. This chapter may be cited as the charter of the City of Urbandale, Iowa.

2.02 FORM OF GOVERNMENT. The form of government of the City is the Mayor-Council form of government.

(Code of Iowa, Sec. 372.4)

2.03 POWERS AND DUTIES. The Council and Mayor and other City officers have such powers and shall perform such duties as are authorized or required by State law and by the ordinances, resolutions, rules and regulations of the City.

2.04 NUMBER AND TERM OF COUNCIL. The Council consists of five (5) Council Members elected at large for overlapping terms of four (4) years.

(Code of Iowa, Sec. 376.2)

2.05 TERM OF MAYOR. The Mayor is elected for a term of four (4) years.

(Code of Iowa, Sec. 376.2)

2.06 COPIES ON FILE. The Clerk shall keep an official copy of the charter on file with the official records of the Clerk and the Secretary of State, and shall keep copies of the charter available at the Clerk's office for public inspection.

(Code of Iowa, Sec. 372.1)

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CHAPTER 3

ELECTION PRECINCTS

3.01 ELECTION PRECINCTS. The City is divided into ten (10) election precincts, hereinafter described. All references to streets or creeks in this chapter mean the centerlines of such streets or the channel of such creeks as they currently exist unless specifically designated otherwise, and all references to corporate boundaries mean such corporate boundaries as they currently exist or may hereafter be established.

Urbandale 1. Beginning at the point of intersection of Aurora Avenue and Merle Hay Road, said point being on the corporate boundary; thence north along Merle Hay Road and the east corporate boundary to the north corporate boundary; thence tracing counterclockwise along the north corporate boundary to the northeast corner of Lot B, Don-Mar Acres, an official plat now included in and forming a part of Polk County, Iowa; thence south along the east line of said Don-Mar Acres to the southeast corner of said Don-Mar Acres; thence east a distance of 222 feet; thence south a distance of 180 feet; thence west a distance of 215 feet; thence south a distance of 186 feet; thence west to 72nd Street; thence south along 72nd Street a distance of 65 feet; thence east a distance of 380 feet; thence south 191 feet; thence west to 72nd Street; thence south along 72nd Street to Meredith Drive; thence east along Meredith Drive to 66th Street; thence south along 66th Street to Airline Avenue; thence east along Airline Avenue and its extension to an unnamed drive running through the Merle Hay Mall parking lot as it currently exists, and lying to the west and north of the Mall; thence following said unnamed drive first north and then east until it intersects the east corporate boundary; thence tracing along the east corporate boundary to Aurora Avenue; thence east along Aurora Avenue and the corporate boundary to the point of beginning.

Urbandale 2. Beginning at the point of intersection of 66th Street and Airline Avenue; thence north along 66th Street to Meredith Drive; thence west along Meredith Drive to 75th Street; thence south along 75th Street to Aurora Avenue; thence east along Aurora Avenue to 72nd Street; thence south along 72nd Street to Douglas Avenue; thence east along Douglas Avenue to 69th Street; thence north along 69th Street to Airline Avenue; thence east along Airline Avenue to the point of beginning.

Urbandale 3. Beginning at the point of intersection of the south corporate boundary and the east corporate boundary; thence tracing counterclockwise along the east corporate boundary to Urbandale Avenue and continuing along the east corporate boundary to an unnamed drive running through the Merle Hay Mall parking lot as it currently exists, and lying to the north and west of the Mall; thence following said unnamed drive first west and then south until it intersects the easterly extension of Airline Avenue; thence west along the extension of Airline Avenue and along Airline Avenue to 69th Street; thence south along 69th

Street to Douglas Avenue; thence west along Douglas Avenue to 75th Street; thence south along 75th Street to Wilden Drive; thence east along Wilden Drive to 74th Street; thence south along 74th Street to Roseland Drive; thence east along Roseland Drive to 70th Street; thence south along 70th Street to the south corporate boundary; thence east along the south corporate boundary to the point of beginning.

Urbandale 4. Beginning at the point of intersection of the south corporate boundary and 70th Street; thence north along 70th Street to Roseland Drive; thence west along Roseland Drive to Colby Woods Drive; thence south along Colby Woods Drive and 78th Street to the south corporate boundary; thence east along the south corporate boundary to the point of beginning.

Urbandale 5. Beginning at the point of intersection of 72nd Street and Douglas Avenue; thence north along 72nd Street to Aurora Avenue; thence west along Aurora Avenue to 86th Street; thence south along 86th Street to Douglas Avenue; thence east along Douglas Avenue to the point of beginning.

Urbandale 6. Beginning at the point of intersection of 72nd Street and Meredith Drive; thence north along 72nd Street to the north line of the Southeast Quarter of the Northeast Quarter of Section 14, Township 79 North, Range 25 West of the 5th P.M., also being the north corporate boundary; thence continuing counterclockwise along the north corporate boundary, being west along the north line of the Southeast Quarter of the Northeast Quarter of said Section 14 to the northwest corner thereof; thence south along the west line of the Southeast Quarter of the Northeast Quarter of said Section 14 to the north right-of-way line of Interstates 35 and 80; thence west along said north right-of-way line and the corporate boundary to the west line of the East Half of said Section 14; thence south along the west line of the East Half of said Section 14 to the northeast corner of Meredith Park Plat No. 3, an official plat now included in and forming a part of the City of Urbandale, Polk County, Iowa; thence west along the north line of said Meredith Park Plat No. 3 and along the north line of Northwood Plat 4, an official plat now included in and forming a part of the City of Urbandale, Polk County, Iowa, to 86th Street; thence south along 86th Street to Meredith Drive; thence east along Meredith Drive to Parkview Drive; thence south and southwesterly along Parkview Drive to 82nd Street; thence south along 82nd Street to Aurora Avenue; thence east along Aurora Avenue to 75th Street; thence north along 75th Street to Meredith Drive; thence east along Meredith Drive to the point of beginning.

Urbandale 7. Beginning at the point of intersection of 82nd Street and Aurora Avenue; thence north along 82nd Street to Parkview Drive; thence northeasterly and north along Parkview Drive to Meredith Drive; thence west along Meredith Drive to 86th Street; thence north along 86th Street to the north line of the south 120 acres of the Southeast Quarter of Section 15, Township 79 North, Range 25 West of the 5th P.M.; thence west along the north line of the south 120 acres of the Southeast Quarter of said Section 15 to the east line of the West Half of said Section 15; thence north along said east line of the West Half of said Section 15 to

the south right-of-way line of Interstates 35 and 80; thence westerly along said south right-of-way line to the east line of West Urban Development Plat 1, an official plat now included in and forming a part of Polk County, Iowa; thence south along the east line of said West Urban Development Plat 1 to Meredith Drive; thence east along Meredith Drive to North Walnut Creek; thence southeasterly along North Walnut Creek to Douglas Avenue; thence east along Douglas Avenue to 86th Street; thence north along 86th Street to Aurora Avenue; thence east along Aurora Avenue to the point of beginning.

Urbandale 8. Beginning at the point of intersection of North Walnut Creek and Douglas Avenue; thence northwesterly along North Walnut Creek to Meredith Drive; thence west along Meredith Drive to the east line of West Urban Development Plat 1, an official plat now included in and forming a part of Polk County, Iowa; thence north along the east line of said West Urban Development Plat 1 to the south right-of-way line of Interstates 35 and 80; thence easterly along the south right-of-way line of Interstates 35 and 80 to the west line of the East Half of Section 15, Township 79 North, Range 25 West of the 5th P.M.; thence south along the west line of the East Half of said Section 15 to the north line of the south 120 acres of the Southeast Quarter of said Section 15; thence east along the north line of the south 120 acres of the Southeast Quarter of said Section 15 to 86th Street; thence north along 86th Street to the north line of Northwood Plat 4, an official plat now included in and forming a part of the City of Urbandale, Polk County, Iowa; thence east along the north line of said Northwood Plat 4 and along the north line of Meredith Park Plat No. 3, an official plat now included in and forming a part of the City of Urbandale, Polk County, Iowa, to the west line of the East Half of Section 14, Township 79 North, Range 25 West of the 5th P.M.; thence north along the west line of the East Half of said Section 14 to the north right-of-way line of Interstates 35 and 80, said point being on the corporate boundary of the City; thence west and tracing counterclockwise along the north corporate boundary to the Norfolk Southern Railroad right-of-way, said right-of-way formerly being the property of the Chicago, Milwaukee & St. Paul Railway Company; thence southwestly along said railroad right-of-way to Interstates 35 and 80; thence southerly along Interstates 35 and 80 to Douglas Avenue; thence east along Douglas Avenue to 109th Street; thence north along 109th Street to Prairie Avenue; thence east along Prairie Avenue to 106th Street; thence south along 106th Street to Douglas Avenue; thence east along Douglas Avenue to the point of beginning; and Don-Mar Acres, an official plat now included in and forming a part of Polk County, Iowa, and that portion of the Northwest Quarter of Section 13, Township 79 North, Range 25 West of the 5th P.M. that is not included in Urbandale 1, as described above.

Urbandale 9. Beginning at the point of intersection of 78th Street and the South Corporate Boundary; thence northwesterly along 78th Street and Colby Woods Drive to Roseland Drive; thence northeasterly along Roseland Drive to 74th Street; thence north along 74th Street to Wilden Drive; thence west along Wilden Drive to 75th Street; thence north along 75th Street to Douglas Avenue; thence west along Douglas Avenue to

North Walnut Creek; thence southeasterly to 86th Street; thence south along 86th Street to New York Avenue; thence west along New York Avenue to Patricia Drive; thence southeasterly along Patricia Drive to the South Corporate Boundary; thence east along the South Corporate Boundary to the Point of Beginning.

Urbandale 10. Beginning at the point of intersection of Patricia Drive and the South Corporate Boundary; thence northwesterly along Patricia Drive to New York Avenue; thence east along New York Avenue to 86th Street; thence north along 86th Street to North Walnut Creek; thence northwesterly along North Walnut Creek to Douglas Avenue; thence west along Douglas Avenue to 106th Street; thence north along 106th Street to Prairie Avenue; thence west along Prairie Avenue to 109th Street; thence south along 109th Street to Douglas Avenue; thence west along Douglas Avenue to Interstate Highways 35/80; thence north along Interstate Highways 35/80 to the Norfolk Southern Railroad right-of-way, said right-of-way formerly being the property of the Chicago, Milwaukee & St. Paul Railway Company; thence northwesterly along said railroad right-of-way to the North Corporate Boundary; thence tracing along the North and West Corporate Boundaries to the West County Line of Polk County; thence south along said Polk County Line to the South Corporate Boundary; thence east along the Corporate Boundary to the Point of Beginning.

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CHAPTER 4

MUNICIPAL INFRACTIONS

4.01 Municipal Infraction
4.02 Environmental Violation
4.03 Penalties

4.04 Civil Citations
4.05 Alternative Relief
4.06 Criminal Penalties

4.01 MUNICIPAL INFRACTION. A violation of this Code of Ordinances or any ordinance or code herein adopted by reference or the omission or failure to perform any act or duty required by the same, 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 Chapters 687 through 747 of the Code of Iowa, is a municipal infraction punishable by civil penalty as provided herein.

(Code of Iowa, Sec. 364.22[3])

4.02 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 consultation with the Department of Natural Resources, or both, may be classified as an environmental violation. However, the provisions of this section shall not be applicable until the City has offered to participate in informal negotiations regarding the violation or to 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 such industrial production or manufacturing if such discharge occurs from September 15 to January 15.

4.03 PENALTIES. A municipal infraction is punishable by the following civil penalties:

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

1. Standard Civil Penalties.
 - A. First Offense - Not to exceed \$500.00
 - B. Each Repeat Offense - Not to exceed \$750.00

Each day that a violation occurs or is permitted to exist constitutes a repeat offense.

2. Special Civil Penalties.

A. 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 is punishable by a penalty of not more than one thousand dollars (\$1,000.00) for each day a violation exists or continues.

B. A municipal infraction 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:

- (1) The violation results solely from conducting an initial startup, cleaning, repairing, performing scheduled maintenance, testing, or conducting a shutdown of either equipment causing the violation or the equipment designed to reduce or eliminate the violation.
- (2) The City is notified of the violation within twenty-four (24) hours from the time that the violation begins.
- (3) The violation does not continue in existence for more than eight (8) hours.

4.04 CIVIL CITATIONS. Any officer authorized by the City to enforce this Code of Ordinances may issue a civil citation to a person who commits a municipal infraction. The citation may be served by personal service as provided in Rule of Civil Procedure 56.1, by certified mail addressed to the defendant at defendant's last known mailing address, return receipt requested, or by publication in the manner as provided in Rule of Civil Procedure 60 and subject to the conditions of Rule of Civil Procedure 60.1. A copy of the citation shall be retained by the issuing officer, and one copy shall be sent to the Clerk of the District Court. The citation shall serve as notification that a civil offense has been committed and shall contain the following information:

(Code of Iowa, Sec. 364.22 [4])

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

4.05 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 alternative relief may include, but is not limited to, an order for abatement or injunctive relief.

(Code of Iowa, Sec. 364.22 [8])

4.06 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 criminal penalties are also provided for the violation. Nor does it preclude or limit the authority of the City to enforce the provisions of this Code of Ordinances by criminal sanctions or other lawful means.

(Code of Iowa, Sec. 364.22[11])

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CHAPTER 5

OPERATING PROCEDURES

5.01 Oaths	5.07 Conflict of Interest
5.02 Bonds	5.08 Resignations
5.03 Duties: General	5.09 Removal of Appointed Officers and Employees
5.04 Books and Records	5.10 Vacancies
5.05 Transfer to Successor	5.11 Gifts
5.06 Meetings	5.12 Administrative Organization

5.01 OATHS. The oath of office shall be required and administered in accordance with the following:

1. Qualify for Office. Each elected or appointed officer shall qualify for office by taking the prescribed oath and by giving, when required, a bond. The oath shall be taken, and bond provided, after being certified as elected but not later than noon of the first day which is not a Sunday or a legal holiday in January of the first year of the term for which the officer was elected.

(Code of Iowa, Sec. 63.1)

2. Prescribed Oath. The prescribed oath is: "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 Urbandale as now or hereafter required by law."

(Code of Iowa, Sec. 63.10)

3. 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. City Clerk
- C. Members of all boards, commissions or bodies created by law.

(Code of Iowa, Sec. 63A.2)

5.02 BONDS. Surety bonds are provided in accordance with the following:

1. Required. The Council shall provide by resolution for a surety bond or blanket position bond running to the City and covering the Mayor, Clerk, Treasurer and such other officers and employees as may be necessary and advisable.

(Code of Iowa, Sec. 64.13)

2. Bonds Approved. Bonds shall be approved by the Council.

(Code of Iowa, Sec. 64.19)

3. Bonds Filed. All bonds, after approval and proper record, shall be filed with the Clerk.

(Code of Iowa, Sec. 64.23[6])

4. 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 or appointive.

(Code of Iowa, Sec. 64.24[3])

5.03 DUTIES: GENERAL. Each municipal officer shall exercise the powers and perform the duties prescribed by law and this Code of Ordinances, or as otherwise directed by the Council unless contrary to State law or City charter.

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

5.04 BOOKS AND RECORDS. The Records Management Program of the City is set out in Chapter 8 of this Code of Ordinances.

5.05 TRANSFER TO SUCCESSOR. Each officer shall transfer to his or her successor in office all books, papers, records, documents and property in the officer’s custody and appertaining to that office.

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

5.06 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:

1. Notice of Meetings. Reasonable notice, as defined by State law, of the time, date and place of each meeting, and its tentative agenda shall be given.

(Code of Iowa, Sec. 21.4)

2. 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)

3. 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 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)

4. 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 and in accordance with Chapter 21 of the Code of Iowa.

(Code of Iowa, Sec. 21.5)

5. Cameras and Recorders. The public may use cameras or recording devices at any open session.

(Code of Iowa, Sec. 21.7)

6. 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)

5.07 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. 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])

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 which benefit a City officer or employee, if the purchases benefiting that officer or employee do not exceed a cumulative total purchase price of fifteen hundred dollars (\$1500.00) in a fiscal year.

(Code of Iowa, Sec. 362.5[10])

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])

5.08 RESIGNATIONS. An elected officer who wishes to resign may do so by submitting a resignation in writing to the Clerk so that it shall be properly recorded and considered. A person who resigns from an elective office is not eligible for appointment to the same office during the time for which the person

was elected, if during that time the compensation of the office has been increased.

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

5.09 REMOVAL OF APPOINTED OFFICERS AND EMPLOYEES. Except as otherwise provided by State or City law, all persons appointed to City office or employment 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 in the office of the Clerk, and a copy shall be sent by certified mail to the person removed, who, upon request filed with the Clerk within thirty (30) days after the date of mailing the copy, 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 after the date the request is filed, unless the person removed requests a later date.

(Code of Iowa, Sec. 372.15)

5.10 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])

5.11 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, 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)

5.12 ADMINISTRATIVE ORGANIZATION. The administrative organization of the City is established with the following departments:

1. Community Development. This department is headed by a Director and is responsible for municipal programs which preserve and improve the community's physical, economic and housing environment. Zoning administration, building inspection and related functions are assigned to the Community Development Department.

2. Engineering and Public Works. This department is headed by a Director and is responsible for the design and construction of public utilities,

streets and other public properties. In addition, this department is responsible for community health and environment through maintenance and operation of the public streets, the disposal systems for solid and liquid waste and the municipal motor pool.

3. Finance and Records. This department is headed by a Finance Officer and is responsible for accounting for the receipts and expenditure of public funds, the maintenance and preservation of public records and documents. The Finance Officer may also serve as City Clerk/City Treasurer.

4. Fire and Rescue. This department is headed by the Fire Chief and is responsible for the provision of fire and rescue services.

5. Library. This department is headed by a Director and is responsible for the municipal library services and related duties delegated by the Library Board. The Director cooperates with the City Manager on administrative and financial matters.

6. Parks and Recreation. This department is headed by a Director and is responsible for the municipal programs and services which preserve and improve the community's social, cultural and leisure time activities and facilities.

7. Police. This department is headed by a Police Chief and is responsible for the maintenance of the public peace and safety, civil defense, crime prevention and the detection and arrest of persons who have violated State, local or Federal laws.

8. Water. This department is headed by a Water Department Manager and is responsible for the provision of municipal water supply and service and related duties delegated by the Water Board. The Water Department Manager cooperates with the City Manager on administrative and financial matters.

The head of each department exercises such powers and duties as may be prescribed by the Code of Iowa, this Code of Ordinances, and/or delegated by the City Manager as being consistent with the duties of the position. All department heads, except for heads of the Water and Library Departments, who are responsible to their respective appointed boards, are responsible to the City Manager for the efficient and effective operation and administration of their respective departments. The City Manager may, with the approval of the Council, establish and/or transfer administrative functions and duties deemed necessary to the efficient and effective performance of municipal activities.

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CHAPTER 6

CITY ELECTIONS

6.01 Nominating Method to be Used
6.02 Candidacy
6.03 Primary Election Required

6.04 Date of Primary
6.05 Qualification
6.06 Candidates Elected

6.01 NOMINATING METHOD TO BE USED. All candidates for elective municipal offices shall be nominated under the provisions of Chapter 376 of the Code of Iowa.

(Code of Iowa, Sec. 376.3)

6.02 CANDIDACY. An eligible elector of the City may become a candidate for an elective City office by filing with the City Clerk a valid petition requesting that the elector's name be placed on the ballot for that office. The petition must be filed not more than seventy-one (71) days or less than forty-seven (47) days before the date of the election and must be signed by eligible electors equal in number to at least two percent (2%) of those who voted to fill the same office at the last regular City election, but not less than ten (10) persons.

(Code of Iowa, Sec. 376.4)

6.03 PRIMARY ELECTION REQUIRED. An individual for whom a valid petition is filed becomes a candidate in the regular City election for the office for which the individual has filed, except that a primary election must be held for offices for which the number of individuals for whom valid petitions are filed is more than twice the number of positions to be filled.

(Code of Iowa, Sec. 376.6)

6.04 DATE OF PRIMARY. If a primary election is necessary, it shall be held on the Tuesday four (4) weeks before the date of the regular City election.

(Code of Iowa, Sec. 376.7)

6.05 QUALIFICATION. The names of those candidates who receive the highest number of votes for each office on the primary election ballot, to the extent of twice the number of unfilled positions, must be placed on the ballot for the regular City election as candidates for that office.

(Code of Iowa, Sec. 376.7)

6.06 CANDIDATES ELECTED. In a regular City election following a City primary, 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.

(Code of Iowa, Sec. 376.8)

CHAPTER 7

FISCAL MANAGEMENT

7.01 Purpose	7.05 Budget Amendments
7.02 Cash Control	7.06 Accounting
7.03 Fund Control	7.07 Financial Reports
7.04 Operating Budget Preparation	7.08 Unauthorized Expenditure

7.01 PURPOSE. The purpose of this chapter is to establish policies and provide for rules and regulations governing the management of the financial affairs of the City.

7.02 CASH CONTROL. To assure the proper accounting and safe custody of moneys the following shall apply:

1. Deposit of Funds. All moneys or fees collected for any purpose by any City officer shall be deposited through the office of the Clerk. If any said fees are due to an officer, they shall be paid to the officer by check drawn by the Clerk and approved by the Council only upon such officer's making adequate reports relating thereto as required by law, ordinance or Council directive.

2. Deposits and Investments. All moneys belonging to the City shall be promptly deposited in depositories selected by the Council in amounts not exceeding the authorized depository limitation established by the Council or invested in accordance with the City's written investment policy and State law, including joint investments as authorized by Section 384.21 of the Code of Iowa.

(Code of Iowa, Sec. 384.21, 12B.10, 12C.1)

3. Petty Cash Fund. The Clerk shall be custodian of a petty cash fund 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, for which payments the Clerk shall obtain some form of receipt or bill acknowledged as paid by the vendor or 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.

7.03 FUND CONTROL. There shall be established and maintained separate and distinct funds in accordance with the following:

1. Revenues. All moneys received by the City shall be credited to the proper fund as required by law, ordinance or resolution.

2. Expenditures. No disbursement shall be made from a fund unless such disbursement is authorized by law, ordinance or resolution, 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.

(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.

7.04 OPERATING BUDGET PREPARATION. The annual operating budget of the City shall be prepared in accordance with the following:

1. Proposal Prepared. The City Manager 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, Commissions and Department Heads. All boards, commissions and other administrative agencies of the City that are authorized to prepare and administer budgets, as well as department heads, must annually

submit their budget proposals to the City Manager for inclusion in the proposed City budget by such date as may be set by the City Manager and in such form as may be required by the City Manager.

3. Submission to Council. The City Manager shall submit the completed budget proposal to the Council by such date as may be agreed to by the Council each year.

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

5. Notice of Hearing. Upon adopting a proposed budget the Council shall set a date for public hearing thereon to be held before March 15 and cause notice of such hearing and a summary of the proposed budget to be published not less than ten (10) nor more than twenty (20) days before the date established for the hearing. Proof of such publication must be filed with the County Auditor.

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

6. Copies of Budget on File. Not less than twenty (20) days before the date that the budget must be certified to the County Auditor and not less than ten (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])

7. 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. The tax levy certified may be less than, but not more than, the amount estimated in the proposed budget. 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])

7.05 BUDGET AMENDMENTS. A 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 Increase. Any increase in the amount appropriated to a program must be prepared, adopted and subject to protest in the same manner as the original budget.

(IAC, 545-2.2 [384, 388])

2. Program Transfer. 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.

(IAC, 545-2.3 [384, 388])

3. Activity Transfer. Any transfer of appropriation from one activity to another activity within a program must be approved by resolution of the Council.

(IAC, 545-2.4 [384, 388])

4. Administrative Transfers. The Clerk shall have the authority to adjust, by transfer or otherwise, the appropriations allocated within a specific activity without prior Council approval.

(IAC, 545-2.4 [384, 388])

7.06 ACCOUNTING. The accounting records of the City shall consist of not less than the following:

1. Books of Original Entry. There shall be established and maintained books of original entry to provide a chronological record of cash received and disbursed.

2. General Ledger. There shall be established and maintained a general ledger controlling all cash transactions, budgetary accounts and for recording unappropriated surpluses.

3. Checks. Checks shall be prenumbered and signed by the City Manager and Clerk following Council approval, except as provided by subsection 5 hereof.

4. Budget Accounts. There shall be established such individual accounts to record receipts by source and expenditures by program, sub-program 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.

5. 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.

6. Utilities. The Clerk shall perform and be responsible for accounting functions of the municipally owned utilities.

7.07 FINANCIAL REPORTS. The Clerk shall prepare and file the following financial reports:

1. Monthly Reports. There shall be submitted to the Council each month a report showing the activity and status of each fund, program, sub-program and activity for the preceding month.
2. Annual Report. Not later than December first 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 filed with the Auditor of State not later than December 1 of each year.

(Code of Iowa, Sec. 384.22)

7.08 UNAUTHORIZED EXPENDITURE. No City official or employee, or any person acting under color of such office or employment, shall knowingly make any contract or authorize any expenditure known by him or her to be in excess of that authorized by law.

(Code of Iowa, Sec. 721.2[1])

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CHAPTER 8

RECORDS MANAGEMENT PROGRAM

8.01 Definitions	8.07 Records Retention and Disposal Schedules
8.02 Legal Retention Period	8.08 Departments to Use Records Schedule
8.03 Inspection and Accessibility	8.09 Destruction of Obsolete Records
8.04 Records Management Committee	8.10 Reports Prepared for Council
8.05 Preservation of Permanent Records	8.11 Liability Precluded
8.06 Emergency Preparations	

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

1. “Record” means a document, book, paper, photograph, taped sound and film recording, map or other material, regardless of physical form or characteristics, made, produced, executed or received in connection with City business. “Record” does not include miscellaneous papers or correspondence without official significance, extra copies of documents preserved only for convenience of reference, stocks of publications, supply catalogues or blank forms, and does not include library material made or acquired and preserved solely for reference or exhibition purposes.
2. “Records Management” means a program designed to provide economy and efficiency in the creation, organization, maintenance, use and disposition of records to assure that needless records will not be created or retained and to assure that valuable records will be preserved.

8.02 LEGAL RETENTION PERIOD. As provided for by State law, all City records and documents, or accurate reproductions shall be maintained for at least five (5) years except that ordinances, resolutions, Council proceedings, records and documents, or accurate reproductions, relating to the issuance, cancellation, transfer, redemption or replacement of public bonds or obligations shall be kept for at least eleven (11) years following the final maturity of the bonds or obligations. Ordinances, resolutions, Council proceedings, records and documents, or accurate reproductions, relating to real property transactions shall be maintained permanently.

(Code of Iowa, Sec. 372.13[3 & 5])

8.03 INSPECTION AND ACCESSIBILITY. The public is hereby given identical access to records on microfilm or other reproduction copies to which the public would be entitled under law if the records were in any other medium.

1. Every person has the right to examine and copy public records - including all records, documents, tapes or other information stored or preserved in any medium of or belonging to any City department, and to publish or otherwise disseminate public records or the information contained therein, except public records deemed confidential or prohibited by law.

2. Such examination and copying shall be done under supervision, as a means of protecting the records against damage or disorganization.
3. No City official or employee has, by virtue of position, any personal or property right to such records, even though such individual may have developed or compiled the records; and any unauthorized destruction, removal from files or use of such records is prohibited.

8.04 RECORDS MANAGEMENT COMMITTEE. The Records Management Committee (hereinafter, the “Committee”) is chaired by the City Manager and is composed of the Clerk, City Attorney and two department directors appointed by the City Manager. Department directors serve for one-year terms. The Committee meets quarterly, or as called by the City Manager, and develops records management policies and procedures to accomplish the following:

1. Promote the economical and efficient management of records and to insure the maintenance and security of records deemed appropriate for preservation;
2. Promote the efficient and economical utilization of space, equipment and supplies needed for the purpose of creating, maintaining, storing and servicing records;
3. Develop standards for the selective retention of records of continuing value;
4. Develop standards for the reproduction of records;
5. Develop procedures to insure the permanent preservation of the historically valuable records to the City.

8.05 PRESERVATION OF PERMANENT RECORDS. In no circumstances shall the permanent records of the City be transferred to private individuals, to private historical societies, museums or libraries, private colleges, universities or other educational institutions or to other private retainers.

8.06 EMERGENCY PREPARATIONS. The Committee shall establish a system for the protection and preservation of records essential for the continuity or establishment of governmental functions in the event of an emergency arising from natural disaster or other destructive actions. The Committee shall:

1. Determine what records are essential for emergency government operations;
2. Determine what records are essential for post-emergency government operations, and provide for the protection and preservation of those records;
3. Establish the manner in which essential records for emergency and post-emergency governmental operations shall be preserved to insure emergency use;

4. Provide for security storage or relocation of essential City records in the event of an emergency arising from natural disaster or other destructive actions.

8.07 RECORDS RETENTION AND DISPOSAL SCHEDULES. The Committee shall review and approve records retention and disposal schedules developed in cooperation with department directors for the City and take other actions necessary to implement the Records Management Program. The schedules shall be updated to reflect revisions approved by the Committee in regard to the administrative, fiscal, legal and historical value of the records, or revisions in State law.

8.08 DEPARTMENTS TO USE RECORDS SCHEDULE. City departments shall abide by the records retention and disposal schedule and the procedures developed and approved by the Committee to implement the Records Management Program.

1. City department directors are responsible for the implementation of effective file operations, records retention, microfilming, transfer, disposal and other activities in accordance with the provisions of this chapter and within their areas of responsibility.
2. City departments shall follow operating procedures developed by the Committee prior to destruction of any records, composed but not limited to the following steps:
 - A. Procedures for departments to submit records lists for Committee approval;
 - B. List of records proposed for disposal, with signature of requesting department director;
 - C. Procedures and/or methods for the physical destruction of records proposed for disposal;
 - D. Recommendation of Committee regarding list of records proposed for disposal, with signatures of the City Manager and Clerk, either approving or denying the request;
 - E. Permanent retention by Clerk of original lists submitted by departments, with signatures of City Manager and Clerk, either approving or denying requests.

The Committee shall monitor departmental compliance with records retention and disposal schedules.

8.09 DESTRUCTION OF OBSOLETE RECORDS. Obsolete records include those records no longer created by the department or utilized within the City organization and/or records no longer needed for administrative, legal, fiscal or historical value.

1. A list of records identified for destruction shall be submitted to the Committee for approval.
2. Records approved for destruction shall be destroyed according to procedures approved by the Committee.

8.10 REPORTS PREPARED FOR THE COUNCIL. The Committee shall prepare a preliminary list of records approved for disposal and shall submit the list to the Council for final review prior to disposal. The Committee shall prepare an annual report for the Council that lists records disposed of during the fiscal year and other action approved by the Committee on behalf of the Records Management Program.

8.11 LIABILITY PRECLUDED. No member of the Council or the Committee shall be held liable for damages or loss or civil or criminal liability or other legal or liability ramifications because of the destruction of public records pursuant to the provisions of this chapter or any other law authorizing records destruction.

CHAPTER 9

HOTEL-MOTEL TAX

9.01 Definitions

9.02 Tax Rate

9.03 Effective Date

9.04 Payment of Tax

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

1. "Hotel" and "motel" are deemed to mean any hotel, motel, inn, public lodging house, rooming house or tourist court, or any place where sleeping accommodations are furnished to transient guests for rent, whether with or without meals, except the gross receipts from renting of sleeping rooms in dormitories and in memorial unions of all State universities and colleges.
2. "Rent" and "renting" include any kind of direct or indirect charge for any room, apartment or sleeping quarter in a hotel or motel, as defined above.

9.02 TAX RATE. A tax is hereby imposed upon the gross receipts from the renting of any and all rooms, apartments or sleeping quarters in any hotel or motel, as defined in this chapter, at the rate of seven percent (7%) of such gross receipts derived from the renting of a room, apartment or sleeping quarter while rented by the same person for a period of not more than thirty-one (31) consecutive days.

9.03 EFFECTIVE DATE. The hotel and motel tax as set forth in this chapter shall be imposed on all gross rent receipts received after April 1, 1985.

9.04 PAYMENT OF TAX. The tax imposed in this chapter shall be paid as provided in Chapter 422A of the Code of Iowa.

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CHAPTER 10

INDUSTRIAL PROPERTY TAX EXEMPTIONS

10.01 Purpose

10.02 Definitions

10.03 Period of Partial Exemption

10.04 Amounts Eligible for Exemption

10.05 Limitations

10.06 Applications

10.07 Approval

10.08 Exemption Repealed

10.09 Dual Exemptions Prohibited

10.01 PURPOSE. The purpose of this chapter is to provide for a partial exemption from property taxation of the actual value added to industrial real estate by the new construction of industrial real estate, research-service facilities, warehouses, distribution centers and the acquisition of or improvement to machinery and equipment assessed as real estate pursuant to Section 427A.1, Subsection 1, Paragraph e, Code of Iowa.

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

1. “Actual value added” means the actual value added as of the first year for which the exemption is received, except that actual value added by improvements to machinery and equipment means the actual value as determined by the local assessor as of January 1 of each year for which the exemption is received.
2. “Distribution center” means a building or structure used primarily for the storage of goods which are intended for subsequent shipment to retail outlets. Distribution center does not mean a building or structure used primarily to store raw agricultural products, used primarily by a manufacturer to store goods to be used in the manufacturing process, used primarily for the storage of petroleum products, or used for the retail sale of goods.
3. “New construction” means new buildings and structures and includes new buildings and structures which are constructed as additions to existing buildings and structures. New construction does not include reconstruction of an existing building or structure which does not constitute complete replacement of an existing building or structure or refitting of an existing building or structure unless the reconstruction of an existing building or structure is required due to economic obsolescence and the reconstruction is necessary to implement recognized industry standards for the manufacturing and processing of specific products and the reconstruction is required for the owner of the building or structure to continue competitively to manufacture or process those products, which determination shall receive prior approval from the City Council of the City upon the recommendation of the Iowa Department of Economic Development.
4. “New machinery and equipment assessed as real estate” means new machinery and equipment assessed as real estate pursuant to Section 427A.1,

Subsection 1, Paragraph “e”, Code of Iowa, unless the machinery or equipment is part of the normal replacement or operating process to maintain or expand the existing operational status.

5. “Research-service facilities” means a building or group of buildings devoted primarily to research and development activities, including, but not limited to, the design and production or manufacture of prototype products for experimental use, and corporate research services which do not have a primary purpose of providing on-site services to the public.

6. “Warehouse” means a building or structure used as a public warehouse for the storage of goods pursuant to Chapter 554, Article 7, of the Code of Iowa, except that it does not mean a building or structure used primarily to store raw agricultural products or from which goods are sold at retail.

10.03 PERIOD OF PARTIAL EXEMPTION. The actual value added to industrial real estate by the new construction of industrial real estate, research-service facilities, warehouses, distribution centers, and the acquisition of or improvement to machinery and equipment assessed as real estate, is eligible to receive a partial exemption from taxation for a period of five (5) years.

10.04 AMOUNTS ELIGIBLE FOR EXEMPTION. The amount of actual value added which is eligible to be exempt from taxation shall be as follows:

1. For the first year, seventy-five percent (75%)
2. For the second year, sixty percent (60%)
3. For the third year, forty-five percent (45%)
4. For the fourth year, thirty percent (30%)
5. For the fifth year, fifteen percent (15%)

10.05 LIMITATIONS. The granting of the exemption under this chapter for new construction constituting complete replacement of an existing building or structure shall not result in the assessed value of the industrial real estate being reduced below the assessed value of the industrial real estate before the start of the new construction added.

(Code of Iowa, Sec. 427B.3)

10.06 APPLICATIONS. An application shall be filed for each project resulting in actual value added for which an exemption is claimed.

(Code of Iowa, Sec. 427B.4)

1. The application for exemption shall be filed by the owner of the property with the local assessor by February 1 of the assessment year in which the value added is first assessed for taxation.

2. Applications for exemption shall be made on forms prescribed by the Director of Revenue and shall contain information pertaining to the nature of

the improvement, its cost, and other information deemed necessary by the Director of Revenue.

10.07 APPROVAL. A person may submit a proposal to the City Council to receive prior approval for eligibility for a tax exemption on new construction. If the City Council resolves to consider such proposal, it shall publish notice and hold a public hearing thereon. Thereafter, at least thirty days after such hearing the City Council, by ordinance, may give its prior approval of a tax exemption for new construction if the new construction is in conformance with City zoning. Such prior approval shall not entitle the owner to exemption from taxation until the new construction has been completed and found to be qualified real estate.

(Code of Iowa, Sec. 427B.4)

10.08 EXEMPTION REPEALED. When in the opinion of the City Council continuation of the exemption granted by this chapter ceases to be of benefit to the City, the City Council may repeal this chapter, but all existing exemptions shall continue until their expiration.

(Code of Iowa, Sec. 427B.5)

10.09 DUAL EXEMPTIONS PROHIBITED. A property tax exemption under this chapter shall not be granted if the property for which the exemption is claimed has received any other property tax exemption authorized by law.

(Code of Iowa, Sec. 427B.6)

EDITOR'S NOTE		
The following ordinances were adopted granting prior approval for a tax exemption for new construction and such ordinances are saved from repeal.		
Ordinance No.	Date	Applicant for Approval
84-31	1-15-85	Keeowa Property Project
86-1	2-25-86	Aurora Business Park Assoc. L.P.
86-2	2-25-86	Meredith Drive Assoc. L.P.
87-15	11-3-87	R & R Investors, Ltd.
88-3	3-22-88	R & R Investors, Ltd.
89-26	12-26-89	Petula Assoc. Ltd. and Iowa Interstate Acres Corp.
95-31	1-16-96	Lennox Industries Parts Center Project

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CHAPTER 15

MAYOR

15.01 Term of Office
15.02 Powers and Duties
15.03 Appointments

15.04 Compensation
15.05 Voting

15.01 TERM OF OFFICE. The Mayor is elected for a term of four (4) years.
(Code of Iowa, Sec. 376.2)

15.02 POWERS AND DUTIES. The powers and duties of the Mayor are as follows:

1. Chief Executive Officer. As the chief executive officer of the City and presiding officer of the Council, supervise all the City officers and departments, except for the supervisory duties which have been delegated to the City Manager.

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

2. Proclamation of Emergency. Have authority to take command of the police and govern the City by proclamation, upon making a determination that a 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])

3. Special Meetings. 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])

4. Mayor's Veto. 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 days after passage. 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])

5. Reports to Council. Make such oral or written reports to the Council as required. These reports shall concern municipal affairs generally, the municipal departments, and recommendations suitable for Council action.

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

7. Contracts. Whenever authorized by the Council, sign contracts on behalf of the City.

8. Professional Services. Upon order of the Council, secure for the City such specialized and professional services not already available to the City. In executing the order of the Council, the Mayor shall act in accordance with the Code of Ordinances and the laws of the State.

9. Licenses and Permits. Sign all licenses and permits which have been granted by the Council, except those designated by law or ordinance to be issued by another municipal officer.

10. Absentee Officer. Make appropriate provision that duties of any absentee officer be carried on during such absence.

15.03 APPOINTMENTS. The Mayor shall recommend for appointment by the Council the members of the following boards and commissions:

(Code of Iowa, Sec. 372.4)

1. Library Board of Trustees
2. Parks and Recreation Commission
3. Civil Service Commission
4. Board of Adjustment
5. Water Board
6. Board of Appeals
7. Plumbing Board of Examiners
8. Board of Electrical Examiners
9. Planning and Zoning Commission

The Mayor shall appoint the Mayor Pro Tem.

15.04 COMPENSATION. The salary of the Mayor is forty-eight hundred dollars (\$4800.00) per year.

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

15.05 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)

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CHAPTER 16

MAYOR PRO TEM

16.01 Vice President of Council
16.02 Powers and Duties

16.03 Voting Rights
16.04 Compensation

16.01 VICE PRESIDENT OF COUNCIL. The Mayor Pro Tem is vice president of the Council.

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

16.02 POWERS AND DUTIES. Except for the limitations otherwise provided herein, the Mayor Pro Tem shall perform the duties of the Mayor in cases of absence or inability of the Mayor to perform such duties. In the exercise of the duties of the office the Mayor Pro Tem shall not have power to employ, or discharge from employment, officers or employees that the Mayor has the power to appoint, employ or discharge without the approval of the Council.

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

16.03 VOTING RIGHTS. The Mayor Pro Tem shall have the right to vote as a member of the Council.

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

16.04 COMPENSATION. If the Mayor Pro Tem performs the duties of the Mayor during the Mayor's absence or disability for a continuous period of fifteen (15) days or more, the Mayor Pro Tem may be paid for that period the compensation as determined by the Council, based upon the Mayor Pro Tem's performance of the Mayor's duties and upon the compensation of the Mayor.

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

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CHAPTER 17

COUNCIL

17.01 Number and Term of Council
17.02 Powers and Duties
17.03 Exercise of Power

17.04 Meetings
17.05 Appointments
17.06 Compensation

17.01 NUMBER AND TERM OF COUNCIL. The Council consists of five (5) Council members elected at large for overlapping terms of four (4) years.

(Code of Iowa, Sec. 372.4 & 376.2)

17.02 POWERS AND DUTIES. The powers and duties of the Council include, but are not limited to the following:

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

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

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

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

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

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

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

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

5. Contracts. The Council shall make or authorize the making of all contracts. No contract shall bind or be obligatory upon the City unless adopted by resolution of the Council.

(Code of Iowa, Sec. 384.100)

6. Employees. The Council shall authorize, by resolution, the number, duties, term of office and compensation of employees or officers not otherwise provided for by State law or the Code of Ordinances.

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

7. Setting Compensation for Elected Officers. 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 such an ordinance changing the compensation of any elected officer during the months of November and December in the year of a regular City election. A change in the compensation of 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.

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

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

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

1. Action by Council. Passage of an ordinance, amendment or resolution requires a majority vote of all of the members of the Council. Passage of a motion requires a majority vote of a quorum of the Council. A resolution must be passed to spend public funds in excess of twenty-five thousand dollars (\$25,000.00) on any one project, or to accept public improvements and facilities upon their completion. Each Council member's vote on a measure must be recorded. A measure which fails to receive sufficient votes for passage shall be considered defeated.

(Code of Iowa, Sec. 380.4)

2. Overriding Mayor's Veto. Within thirty (30) days after the Mayor's veto, the Council may pass the measure again by a vote of not less than two-thirds of all of the members of the Council.

(Code of Iowa, Sec. 380.6[2])

3. Measures Become Effective. Measures passed by the Council become effective in one of the following ways:

A. An ordinance or amendment signed by the Mayor becomes effective when the ordinance or a summary of the ordinance is published, unless a subsequent effective date is provided within the ordinance or amendment.

(Code of Iowa, Sec. 380.6[1a])

B. A resolution signed by the Mayor becomes effective immediately upon signing.

(Code of Iowa, Sec. 380.6[1b])

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

(Code of Iowa, Sec. 380.6[1c])

D. If the Mayor vetoes an ordinance, amendment or resolution and the Council repasses the measure after the Mayor's veto, a resolution becomes effective immediately upon repassage, and an ordinance or amendment becomes a law when the ordinance or a summary of the

ordinance is published, unless a subsequent effective date is provided within the ordinance or amendment.

(Code of Iowa, Sec. 380.6[2])

E. If the Mayor takes no action on an ordinance, amendment or resolution, a resolution becomes effective fourteen (14) days after the date of passage, and an ordinance or amendment becomes law when the ordinance or a summary of the ordinance is published, but not sooner than fourteen (14) days after the date of passage, unless a subsequent effective date is provided within the ordinance or amendment.

(Code of Iowa, Sec. 380.6[3])

“All of the members of the Council” refers to all of the seats of the Council including a vacant seat and a seat where the member is absent, but does not include a seat where the Council member declines to vote by reason of a conflict of interest.

(Code of Iowa, Sec. 380.4)

17.04 MEETINGS. Procedures for giving notice of meetings of the Council and other provisions regarding the conduct of Council meetings are contained in Section 5.06 of this Code of Ordinances. Additional particulars relating to Council meetings are the following:

1. Regular Meetings. The time and place of the regular meetings of the Council shall be fixed annually by motion of the Council.

2. Special Meetings. Special meetings shall be held upon call of the Mayor or upon the written request of a majority of the members of the 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. 372.13[5])

3. Quorum. A majority of all Council members is a quorum.

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

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

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

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

17.05 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. City Manager
4. Planning and Zoning Commission (upon recommendation of Mayor)

17.06 COMPENSATION. The salary of each Council member is two hundred dollars (\$200.00) per month.

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

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CHAPTER 18

CITY CLERK

18.01 Appointment and Compensation	18.08 Records
18.02 Powers and Duties: General	18.09 Attendance at Meetings
18.03 Recording and Publication of Meeting Minutes	18.10 Issue Licenses and Permits
18.04 Recording Measures	18.11 Notify Appointees
18.05 Publication	18.12 Elections
18.06 Authentication	18.13 City Seal
18.07 Certify Measures	18.14 City Funds

18.01 APPOINTMENT AND COMPENSATION. The Council shall appoint by majority vote a City Clerk to serve at the pleasure of the Council. The Clerk shall receive such compensation as established by resolution of the Council.

(Code of Iowa, Sec. 372.13[3])

18.02 POWERS AND DUTIES: GENERAL. The Clerk, or in the Clerk's absence or inability to act, the Deputy Clerk, has the powers and duties as provided in this chapter, this Code of Ordinances and the law.

18.03 RECORDING AND PUBLICATION OF MEETING MINUTES. The Clerk shall attend all regular and special Council meetings and within fifteen (15) days following a regular or special meeting shall cause the minutes of the proceedings thereof to be published. Such publication shall include a list of all claims allowed and a summary of all receipts and shall show the gross amount of the claim.

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

18.04 RECORDING MEASURES. The Clerk shall promptly record each measure considered by the Council and record a statement with the measure, where applicable, indicating whether the Mayor signed, vetoed or took no action on the measure, and whether the measure was repassed after the Mayor's veto.

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

18.05 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 this Code of Ordinances or law, the notice must be published at least once, not less than four (4) nor more than twenty (20) days before the date of the election, hearing or other action, unless otherwise provided by law.

(Code of Iowa, Sec. 362.3[1])

2. Manner of Publication. A publication required by this Code of Ordinances or law must be in a newspaper published at least once weekly and having general circulation in the City.

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

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

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

18.07 CERTIFY MEASURES. The Clerk shall certify all measures establishing any zoning district, building lines, or fire limits and a plat showing the district, lines, or limits to the recorder of the County containing the affected parts of the City.

(Code of Iowa, Sec. 380.11)

18.08 RECORDS. The Clerk shall maintain City records in accordance with the City's Records Management Program *(See Chapter 8 of this Code of Ordinances.)*

18.09 ATTENDANCE AT MEETINGS. At the direction of the Council, the Clerk shall attend meetings of committees, boards and commissions. The Clerk shall record and preserve a correct record of the proceedings of such meetings.

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

18.10 ISSUE LICENSES AND PERMITS. The Clerk shall issue or revoke licenses and permits when authorized by this Code of Ordinances, and keep a record of licenses and permits issued which shall show date of issuance, license or permit number, official receipt number, name of person to whom issued, term of license or permit and purpose for which issued.

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

18.11 NOTIFY APPOINTEES. The Clerk shall inform all persons appointed by the Mayor or Council to offices in the City government of their position and the time at which they shall assume the duties of their office.

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

18.12 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 seventy-seven (77) 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 each 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 measure 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)

18.13 CITY SEAL. The City seal is in the custody of the Clerk and shall be attached by the Clerk to all transcripts, orders and certificates which it may be necessary or proper to authenticate. The City seal is circular in form, in the center of which are the words "URBANDALE, IOWA" and around the margin the words "CITY SEAL."

18.14 CITY FUNDS. The Clerk shall perform the following duties relating to City funds:

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

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.
2. Record of Fund. Keep the record of each fund separate.
3. Record Receipts. Keep an accurate record of all money or securities received on behalf of the City and specify the date, from whom, and for what purpose received.
4. Record Disbursements. Keep an accurate account of all disbursements, money or property, specifying date, to whom, and from what fund paid.
5. Deposit Funds. Upon receipt of moneys belonging to the City, deposit the same in depositories selected by the Council in amounts not exceeding monetary limits authorized by the Council.

CHAPTER 19

CITY TREASURER

19.01 Appointment

19.02 Compensation

19.01 APPOINTMENT. The Council shall appoint a City Treasurer to serve at the pleasure of the Council.

19.02 COMPENSATION. The Treasurer is paid such compensation as specified by resolution of the Council.

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CHAPTER 20

CITY ATTORNEY

20.01 Appointment and Compensation
20.02 Attorney for City
20.03 Power of Attorney
20.04 Ordinance Preparation

20.05 Review and Comment
20.06 Provide Legal Opinion
20.07 Attendance at Council Meetings
20.08 Prepare Documents

20.01 APPOINTMENT AND COMPENSATION. The Council shall appoint by majority vote a City Attorney and shall establish by resolution the City Attorney's compensation.

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

20.02 ATTORNEY FOR CITY. The City Attorney shall act as attorney for the City in all matters affecting the City's interest and appear on behalf of the City before any court, tribunal, commission or board. The City Attorney shall prosecute or defend all actions and proceedings when so requested by the Mayor or Council.

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

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

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

20.04 ORDINANCE PREPARATION. The City Attorney shall prepare those ordinances which the Council may desire and direct to be prepared and report to the Council upon all such ordinances before their final passage by the Council and publication.

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

20.05 REVIEW AND COMMENT. The City Attorney shall, upon request, make a report to the Council giving an opinion on all contracts, documents, resolutions, or ordinances submitted to or coming under the City Attorney's notice.

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

20.06 PROVIDE LEGAL OPINION. The City Attorney shall, upon request of the Council, give advice or a written legal opinion on contracts involving the City and upon all questions of law relating to City matters submitted by the Mayor or Council.

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

20.07 ATTENDANCE AT COUNCIL MEETINGS. The City Attorney shall attend meetings of the Council at the request of the Mayor or Council.

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

20.08 PREPARE DOCUMENTS. The City Attorney shall, upon request, formulate drafts for contracts, forms and other writings which may be required for the use of the City.

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

CHAPTER 21

CITY MANAGER

21.01 Appointment
21.02 Removal
21.03 Compensation

21.04 Powers and Duties
21.05 Acting City Manager

21.01 APPOINTMENT. The Council shall appoint the City Manager by majority vote of the entire Council at a regular meeting. The appointment shall be solely on the basis of administrative qualifications. The City Manager, once appointed, shall become a resident of the City.

21.02 REMOVAL. The Council may remove the City Manager from office by a majority vote in accordance with provisions of Chapter 372.15 of the Code of Iowa and this Code of Ordinances. After completing twelve (12) months' service, the City Manager may not be removed without forty-five (45) days' notice or forty-five (45) days' pay at the highest salary received during tenure unless found guilty of an illegal action in the performance of duties.

21.03 COMPENSATION. The City Manager shall receive such annual salary as the Council shall, from time to time, determine by a majority thereof, and the time of payment shall be fixed in accordance with that of other City employees.

21.04 POWERS AND DUTIES. The City Manager is the chief administrative officer of the City and is responsible to the Council for the administration of all City affairs placed in the City Manager's charge by or under the Code of Iowa, this Code of Ordinances or the Council. The City Manager has the following powers and duties:

1. To employ, reclassify and suspend or remove all department heads and employees, subject to civil service provisions (Chapter 400 of the Code of Iowa), the Veteran's Preference Law (Chapter 35C of the Code of Iowa), or as otherwise provided for by the Code of Iowa or this Code of Ordinances, and subject to Council approval, fix the compensation to be paid such employees. The City Manager may authorize any administrative officer who is subject to the Manager's supervision to employ, reclassify or suspend or remove subordinates in that officer's department, office or agency.
2. To see that all ordinances, resolutions, contracts, Mayor or Council directives, or laws of the State which are subject to enforcement by the Manager or officers subject to the Manager's direction and supervision are faithfully executed.
3. To attend all meetings of the Council, unless excused by a majority of the Council. The City Manager shall have the right to participate in the meetings but shall not have the right to vote.

4. To keep the Mayor and Council fully advised as to the financial conditions and future needs of the City and to make such recommendations to the Mayor and Council concerning the affairs of the City as the Manager may deem necessary.
5. To direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided in this Code of Ordinances or the Code of Iowa.
6. To cooperate with any administrative agency or utility board of trustees.
7. To prepare and submit to the Mayor and Council the annual budget and capital program.
8. To conduct the business affairs of the City, including financial and personnel affairs, by modern and efficient methods and to cause accurate records to be maintained.
9. To make such other reports as the Mayor and Council may require concerning City affairs under the Manager's direction and supervision.
10. To submit to the Mayor and Council, and make available to the public, a complete report on the finances and administrative activities of the City at the end of the fiscal year.
11. To perform such other duties as the Mayor and Council may request or delegate.
12. To appoint the Chief of Police.
13. To appoint the Fire Chief.

21.05 ACTING CITY MANAGER. The City Manager shall designate one qualified City administrative officer to exercise the powers and perform the duties of the Manager during the Manager's temporary absence or disability.

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CHAPTER 22

LIBRARY BOARD OF TRUSTEES

22.01 Public Library	22.07 Nonresident Use
22.02 Library Trustees	22.08 Expenditures
22.03 Qualifications of Trustees	22.09 Annual Report
22.04 Organization of the Board	22.10 Injury to Books or Property
22.05 Powers and Duties	22.11 Theft
22.06 Contracting with Other Libraries	22.12 Notice Posted

22.01 PUBLIC LIBRARY. The public library for the City is known as the Urbandale Public Library. It is referred to in this chapter as the Library.

22.02 LIBRARY TRUSTEES. The Board of Trustees of the Library, hereinafter referred to as the Board, consists of seven (7) resident members. All members are to be appointed by the Mayor with the approval of the Council.

22.03 QUALIFICATIONS OF TRUSTEES. All members of the Board shall be bona fide citizens and residents of the City. Members shall be over the age of eighteen (18) years.

22.04 ORGANIZATION OF THE BOARD. The organization of the Board shall be as follows:

1. 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.
2. Vacancies. The position of any Trustee shall be vacated if such member moves permanently from the City and shall be deemed vacated if such member is absent from six (6) consecutive regular meetings of the Board, except in the case of sickness or temporary absence from the City. Vacancies in the Board shall be filled in the same manner as an original appointment except that the new Trustee shall fill out the unexpired term for which the appointment is made.
3. Compensation. Trustees shall receive no compensation for their services.

22.05 POWERS AND DUTIES. The Board shall have and exercise the following powers and duties:

1. Officers. To meet and elect from its members a President, a Secretary, and such other officers as it deems necessary. The City Treasurer serves as Board Treasurer, but is not a member of the Board.

2. Physical Plant. To have charge, control and supervision of the Library, its appurtenances, fixtures and rooms containing the same.
3. Charge of Affairs. To direct and control all affairs of the Library.
4. Hiring of Personnel. To employ a librarian, and authorize the librarian to employ such assistants and employees as may be necessary for the proper management of the Library, and fix their compensation; provided, however, that prior to such employment, the compensation of the librarian, assistants and employees shall have been fixed and approved by a majority of the members of the Board voting in favor thereof.
5. Removal of Personnel. To remove the librarian, by a two-thirds vote of the Board, and provide procedures for the removal of the assistants or employees for misdemeanor, incompetence or inattention to duty, subject however, to the provisions of Chapter 35C of the Code of Iowa.
6. Purchases. To select, or authorize the librarian to select, and make purchases of books, pamphlets, magazines, periodicals, papers, maps, journals, other Library materials, furniture, fixtures, stationery and supplies for the Library within budgetary limits set by the Board.
7. Use by Nonresidents. To authorize the use of the Library by nonresidents and to fix charges therefor unless a contract for free service exists.
8. Rules and Regulations. To make and adopt, amend, modify or repeal rules and regulations, not inconsistent with this Code of Ordinances and the law, for the care, use, government and management of the Library and the business of the Board, fixing and enforcing penalties for violations.
9. Expenditures. To have exclusive control of the expenditure of all funds allocated for Library purposes by the Council, and of all moneys available by gift or otherwise for the erection of Library buildings, and of all other moneys belonging to the Library including fines and rentals collected under the rules of the Board.
10. Gifts. To accept gifts of real property, personal property, or mixed property, and devises and bequests, including trust funds; to take the title to said property in the name of the Library; to execute deeds and bills of sale for the conveyance of said property; and to expend the funds received by them from such gifts, for the improvement of the Library.
11. Enforce the Performance of Conditions on Gifts. To enforce the performance of conditions on gifts, donations, devises and bequests accepted by the City on behalf of the Library.
(Code of Iowa, Ch. 661)
12. Record of Proceedings. To keep a record of its proceedings.
13. County Historical Association. To have authority to make agreements with the local County historical association where such exists, and to set apart

the necessary room and to care for such articles as may come into the possession of the association. The Trustees are further authorized to purchase necessary receptacles and materials for the preservation and protection of such articles as are in their judgment of a historical and educational nature and pay for the same out of funds allocated for Library purposes.

22.06 CONTRACTING WITH OTHER LIBRARIES. The Board has power to contract with other libraries in accordance with the following:

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

(Code of Iowa, Sec. 392.5 & Ch. 28E)

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

22.07 NONRESIDENT USE. The Board may authorize the use of the Library by persons not residents of the City or County in any one or more of the following ways:

1. Lending. By lending the books or other materials of the Library to nonresidents on the same terms and conditions as to residents of the City, or County, or upon payment of a special nonresident Library fee.

2. Depository. By establishing depositories of Library books or other materials to be loaned to nonresidents.

3. Bookmobiles. By establishing bookmobiles or a traveling library so that books or other Library materials may be loaned to nonresidents.

4. Branch Library. By establishing branch libraries for lending books or other Library materials to nonresidents.

22.08 EXPENDITURES. All money appropriated by the Council for the operation and maintenance of the Library shall be set aside in an account for the Library. Expenditures shall be paid for only on orders of the Board, signed by its President and Secretary.

(Code of Iowa, Sec. 384.20 & 392.5)

22.09 ANNUAL REPORT. The Board shall make a report to the Council immediately after the close of the 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, and 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.

22.10 INJURY TO BOOKS OR PROPERTY. It is unlawful for a person willfully, maliciously or wantonly to tear, deface, mutilate, injure or destroy, in whole or in part, any newspaper, periodical, book, map, pamphlet, chart, picture or other property belonging to the Library or reading room.

(Code of Iowa, Sec. 716.1)

22.11 THEFT. No person shall take possession or control of property of the Library with the intent to deprive the Library thereof.

(Code of Iowa, Sec. 714.1)

22.12 NOTICE POSTED. There shall be posted in clear public view within the Library notices informing the public of the following:

1. Failure To Return. Failure to return Library materials for two (2) months or more after the date the person agreed to return the Library materials, or failure to return Library equipment for one (1) month or more after the date the person agreed to return the Library equipment, is evidence of intent to deprive the owner, provided a reasonable attempt, including the mailing by restricted certified mail of notice that such material or equipment is overdue and criminal actions will be taken, has been made to reclaim the materials or equipment.

(Code of Iowa, Sec. 714.5)

2. Detention and Search. Persons concealing Library materials may be detained and searched pursuant to law.

(Code of Iowa, Sec. 808.12)

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CHAPTER 23

PLANNING AND ZONING COMMISSION

23.01 Planning and Zoning Commission
23.02 Term of Office
23.03 Vacancies

23.04 Compensation
23.05 Powers and Duties

23.01 PLANNING AND ZONING COMMISSION. There shall be appointed by the Council a City Planning and Zoning Commission, hereinafter referred to as the Commission, consisting of nine (9) members, who shall be residents of the City and qualified by knowledge or experience to act in matters pertaining to the development of a City plan and who shall not hold any elective office in the City government.

(Code of Iowa, Sec. 414.6 & 392.1)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

23.05 POWERS AND DUTIES. The Commission shall have and exercise the following powers and duties:

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

3. Zoning. The Commission shall have and exercise all the powers and duties and privileges in establishing the City zoning regulations and other related matters and may from time to time recommend to the Council

amendments, supplements, changes or modifications, all as provided by Chapter 414 of the Code of Iowa.

(Code of Iowa, Sec. 414.6)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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CHAPTER 24

PARKS AND RECREATION COMMISSION

24.01 Commission Created
24.02 Organization
24.03 Powers and Duties

24.04 Reports
24.05 Rules
24.06 Penalties

24.01 COMMISSION CREATED. The purpose of this chapter is to create a Parks and Recreation Commission to advise the Council on needed facilities to provide open spaces such as parks, playgrounds and community facilities for other forms of recreation. The Commission shall also plan and oversee City programs for the leisure time of the City's residents of all ages.

24.02 ORGANIZATION. The Commission shall consist of seven (7) members, all citizens of the City, appointed by the Mayor, with the approval of the Council, for overlapping five-year terms ending December 31 of each year. The Commission shall designate the Chairperson and Vice Chairperson every two (2) years. Members shall serve without compensation, but may receive their actual expenses. Vacancies shall be filled in the same manner as the original appointments.

24.03 POWERS AND DUTIES. In addition to its duty to make a plan for recreation and for the facilities for recreation, and to update and revise these plans as required, the Commission shall have authority over the properties devoted to parks and recreation, subject to the limitation of expenditures for supplies, contracts and capital outlays set forth in the annual budget provided by the Council for parks and recreation operations. The personnel for the agency shall be provided by the City Manager and shall be under the City's Manager's supervision. The City Manager shall cooperate with the agency in the allotment of time of City employees for parks and recreation purposes. The Park Commission personnel shall order supplies by the procedures established by the City Manager for all departments of the City, and payments will be made by warrant check, as approved by the Council.

24.04 REPORTS. The Commission shall make written reports to the Council of its activities from time to time as it deems advisable or upon Council request. Its revenues and expenditures shall be reported monthly by the Clerk in the manner of other departmental expenditures and a copy shall be provided to each member of the Commission and in the Clerk's report to the Council.

24.05 RULES. The Commission shall have the power to make rules and regulations for the use of parks and other recreational facilities or for the conduct of recreational programs, subject to the approval of the rules by the Council. Such rules shall be either posted on the facility or otherwise publicized in a manner to provide adequate notice to the using public.

24.06 PENALTIES. Violation of a Commission rule which has been approved by the Council and adopted by ordinance may be cause for denial of use of a facility or participation in a program, but such denial which extends more than one day may be appealed to the Commission or to the Council for a hearing. The violation may be prosecuted as a misdemeanor if a serious offense.

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CHAPTER 25

WATER UTILITY BOARD OF TRUSTEES

25.01 Purpose	25.07 Control of Revenues
25.02 Water Board Established	25.08 Accounting
25.03 Appointment of Board Trustees	25.09 Discrimination in Rates
25.03 Vacancies	25.10 Discontinuance of Board
25.05 Compensation	25.11 Right of Entry
25.06 Powers and Duties of the Board	

25.01 PURPOSE. The purpose of this chapter is to provide for the operation of the municipally owned water utility by a Board of Trustees.

25.02 WATER BOARD ESTABLISHED. Pursuant to an election held March 3, 1936, the management and control of the municipally owned water utility was placed in the hands of a Board of Trustees.

25.03 APPOINTMENT OF BOARD TRUSTEES. The Mayor shall appoint, subject to the approval of the Council, three (3) persons to serve as trustees. The Council shall by resolution provide for staggered six-year terms for the Board of Trustees. No public officer or salaried City employee may serve on the Utility Board.

25.04 VACANCIES. An appointment to fill a vacancy on the Utility Board of Trustees shall be in the same manner as an original appointment except that such appointment shall be for the balance of the unexpired term.

25.05 COMPENSATION. The Council shall by resolution set the compensation of Board members.

25.06 POWERS AND DUTIES OF THE BOARD. The Utility Board may exercise all the powers of the City, City utility, or combined utility system it administers, with the following exceptions:

1. Taxes. A Board may not certify taxes to be levied, pass ordinances or amendments, or issue general obligation or special assessment bonds.
2. Property. Title to all property must be in the name of the City but the Board has full control of such property subject to the limitations imposed by law.
3. Reports to Council. The Board shall make a detailed annual report to the Council including a complete financial statement.
4. Proceedings Published. Immediately following a regular or special meeting, the Board Secretary shall prepare and cause to be published in a newspaper of general circulation in the City a condensed statement of proceedings including a list of all claims.

25.07 CONTROL OF REVENUES. The Board shall control tax revenues allocated to the utility as well as moneys derived from operations of the utility.

25.08 ACCOUNTING. Utility moneys must be held in a separate utility fund, with moneys to be paid out of the utility account only at the direction of the Board.

25.09 DISCRIMINATION IN RATES. A City utility may not provide use or service at a discriminatory rate, except to the City or its agencies, as provided in Section 384.91 of the Code of Iowa.

25.10 DISCONTINUANCE OF BOARD. A proposal, on motion of the Council or upon receipt of a petition, to discontinue a utility board is subject to the approval of the voters of the City, except that a Board may be discontinued by resolution of the Council when a City utility, City utilities, or combined utility system it administers is disposed of or leased for a period of over five (5) years.

25.11 RIGHT OF ENTRY. The waterworks superintendent and other duly authorized employees of the water utility bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, meter reading, and testing between the hours of seven o'clock (7:00) a.m. and six o'clock (6:00) p.m. of each workday and have authority to inquire into the use, placement, operation, readings, and connections of meters, pipes or other fixtures to the water system as well as the consumption of water.

CHAPTER 26

CIVIL SERVICE COMMISSION

26.01 Purpose
26.02 Appointment and Term
26.03 Qualifications
26.04 Human Rights Commission
26.05 Compensation

26.06 Chairperson
26.07 Clerk
26.08 Records
26.09 Rooms and Supplies
26.10 Powers and Duties

26.01 PURPOSE. The purpose of this chapter is to provide for the appointment, powers and duties of a Civil Service Commission in accordance with the requirements of State law.

26.02 APPOINTMENT AND TERM. A Civil Service Commission consisting of three (3) members shall be appointed by the Mayor with the approval of the Council. Following appointment of the initial commission according to law one member shall be appointed one (1) year after each regular municipal election to hold office for a term of six (6) years commencing the first Monday of April following such municipal election.

(Code of Iowa, Sec. 400.1)

26.03 QUALIFICATIONS. Commissioners must be citizens of Iowa, eligible electors and residents of the City preceding their appointment. No person while on said commission shall hold or be a candidate for any office of public trust.

(Code of Iowa, Sec. 400.2)

26.04 HUMAN RIGHTS COMMISSION. Notwithstanding the provisions of Section 26.03, when a human rights commission has been established, the director thereof shall ex officio be a member, without vote, of the Civil Service Commission.

(Code of Iowa, Sec. 400.2)

26.05 COMPENSATION. Civil service commissioners shall serve without compensation.

(Code of Iowa, Sec. 400.2)

26.06 CHAIRPERSON. The commission shall elect a chairperson from among its members.

(Code of Iowa, Sec. 400.4)

26.07 CLERK. The City Clerk shall be clerk of the commission.

(Code of Iowa, Sec. 400.4)

26.08 RECORDS. The Civil Service Commission shall keep a record of all its meetings and also a complete individual service record of each civil service employee which record shall be permanent and kept up to date. The Civil Service Commission

and Clerk shall have complete custody and jurisdiction of all records of the Commission and they shall be maintained and secured at the discretion of the Commission.

(Code of Iowa, Sec. 400.4)

26.09 ROOMS AND SUPPLIES. The Council shall provide suitable rooms in which the commission may hold its meetings and supply the commission with all necessary equipment and a qualified shorthand reporter or an electronic voice recording device to enable it to properly perform its duties.

(Code of Iowa, Sec. 400.5)

26.10 POWERS AND DUTIES. The commission shall administer the civil service procedure as contained in Chapter 400, Code of Iowa, and amendments thereto and shall have, exercise and perform all powers and duties as provided thereby.

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CHAPTER 30

POLICE DEPARTMENT

30.01 Department Established
30.02 Organization
30.03 Peace Officer Qualifications
30.04 Required Training
30.05 Compensation

30.06 Chief of Police
30.07 Police Chief: Duties
30.08 Departmental Rules
30.09 Summoning Aid
30.10 Taking Weapons

30.01 DEPARTMENT ESTABLISHED. The police department of the City is established to provide for the preservation of peace and enforcement of law and ordinances within the corporate limits of the City.

30.02 ORGANIZATION. As part of the Police Department, there are hereby created the positions and ranks of Chief of Police, Lieutenant, Sergeant, Investigation Technician, Police Officer and Police Matron. These positions and ranks, and such additional positions and ranks, shall be filled when deemed necessary and authorized by the City Manager. The Mayor may, in emergencies, appoint such special police officers as he or she may deem proper under the circumstances. Such special appointments shall be reported to the Council at its next meeting or for such time as the Council may determine, unless earlier terminated by the Mayor.

30.03 PEACE OFFICER QUALIFICATIONS. In no case shall any person be selected or appointed as a law enforcement officer unless such person meets the minimum qualification standards established by the Iowa Law Enforcement Academy.
(Code of Iowa, Sec. 80B.11)

30.04 REQUIRED TRAINING. All peace officers shall have received the minimum training required by law at an approved law enforcement training school within one year of employment. Peace officers shall also meet the minimum in-service training as required by law.
(Code of Iowa, Sec. 80B.11 [2])
(IAC, 501-3 and 501-8)

30.05 COMPENSATION. Members of the department are designated by rank and receive such compensation as shall be determined by resolution of the Council.

30.06 CHIEF OF POLICE. The Chief of Police shall serve as City Marshal and shall be appointed by the City Manager and shall serve at the pleasure of the City Manager. Whenever the Chief of Police is out of the City or unable to act on account of sickness or for any other reason, the City Manager has the power to name an Acting Chief of Police.
(Code of Iowa, Sec. 400.13)

30.07 POLICE CHIEF: DUTIES. The Police Chief has the following powers and duties subject to the approval of the Council.

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

1. General. Perform all duties required of the police chief by law or ordinance.
2. Enforce Laws. Enforce all laws, ordinances and regulations and bring all persons committing any offense before the proper court.
3. Writs. Execute and return all writs and other processes directed to the Police Chief.
4. Accident Reports. Report all motor vehicle accidents investigated to the State Department of Transportation.
(Code of Iowa, Sec. 321.266)
5. Prisoners. Be responsible for the custody of prisoners, including conveyance to detention facilities as may be required.
6. Assist Officials. When requested, provide aid to other City officers, boards and commissions in the execution of their official duties.
7. Investigations. Provide for such investigation as may be necessary for the prosecution of any person alleged to have violated any law or ordinance.
8. Record of Arrests. Keep a record of all arrests made in the City by showing whether said arrests were made under provisions of State law or City ordinance, the offense charged, who made the arrest and the disposition of the charge.
9. Reports. Compile and submit to the Mayor and Council an annual report as well as such other reports as may be requested by the Mayor or Council.
10. Command. Be in command of all officers appointed for police work and be responsible for the care, maintenance and use of all vehicles, equipment and materials of the department.

30.08 DEPARTMENTAL RULES. The Police Chief shall establish such rules, not in conflict with the Code of Ordinances, and subject to the approval of the Council, as may be necessary for the operation of the department.

30.09 SUMMONING AID. Any peace officer making a legal arrest may orally summon as many persons as the officer reasonably finds necessary to aid the officer in making the arrest.

(Code of Iowa, 804.17)

30.10 TAKING WEAPONS. Any person who makes an arrest may take from the person arrested all items which are capable of causing bodily harm which the arrested person may have within such person's control to be disposed of according to law.

(Code of Iowa, 804.18)

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CHAPTER 31

RESERVE POLICE UNIT

31.01 Definition	31.09 Benefits
31.02 Purpose	31.10 Insurance
31.03 Membership Requirements	31.11 Training
31.04 Physical Examination	31.12 Certification
31.05 Organization and Supervisor	31.13 Uniform and Insignia
31.06 Removal	31.14 Use of Firearms
31.07 Rules and Regulations	31.15 Records
31.08 Employment Status	

31.01 DEFINITION. A reserve police officer is a volunteer, non-regular, sworn member of a law enforcement agency who serves with or without compensation, has regular police powers while functioning as an agency's representative and participates on a regular basis in the agency's activities including those of crime prevention and control, preservation of the peace and enforcement of the law. Reserve peace officers are vested with the same rights, privileges, obligations and duties as any other peace officers while in the actual performance of official duties.

31.02 PURPOSE. The purpose of the ordinance codified in this chapter is to provide for the establishment and operation of a Reserve Police Unit for the City, as set forth in Chapter 80D of the Code of Iowa.

31.03 MEMBERSHIP REQUIREMENTS.

1. Membership in the Reserve Police Unit is determined upon standards set by the Police Chief with the approval of the Mayor.
2. Applicants and members of the Reserve Police Unit shall be residents of the City or as established and determined by the Police Chief.
3. Each candidate for the Reserve Police Unit shall make written application and such applicant shall be fingerprinted and investigated as to the applicant's past to satisfy all security measures. An applicant may also be requested to take a polygraph based on the applicant's background and application statements.
4. All applicants shall be appointed to such membership in the Reserve Police Unit by the Police Chief, only after being recommended to such unit by the Reserve Police Captain, and such appointment shall have the approval of the Mayor and Council.

31.04 PHYSICAL EXAMINATION. No person shall be appointed to the Reserve Police Unit until such person has satisfactorily completed a physical examination under the standards approved by the Police Chief.

31.05 ORGANIZATION AND SUPERVISOR.

1. The Police Chief is responsible for the activity of the Unit and shall appoint a regular force peace officer as the reserve force coordinator and supervising officer. The regular peace officer shall report directly to the Police Chief.
2. The Captain of the Reserve Police Unit is appointed by the Police Chief and two Lieutenants are chosen by the Captain.
3. Reserve peace officers shall be subordinate to regular peace officers, and shall not serve as peace officers unless under the direction of a regular peace officer.

31.06 REMOVAL. The members of the Reserve Police Unit shall serve at the discretion of the Police Chief and they shall be removed and discharged from such positions and their City employment terminated by the Police Chief and such removal may be without cause and/or recommended by the Reserve Police Captain.

31.07 RULES AND REGULATIONS. The Reserve Police Unit may adopt such rules and regulations or bylaws, not inconsistent with the ordinances of the City or laws of the State or the rules and regulations of the Police Department, as the members thereof shall deem advisable. Such rules and regulations or bylaws, if adopted, shall become effective only upon the approval of the Police Chief.

31.08 EMPLOYMENT STATUS. Members of the Reserve Police Unit shall be considered employees of the City during those periods when they are performing police duties as authorized and/or directed by the Police Chief or a designee of the Police Chief, and they shall receive a salary from the City as recommended by the Police Chief.

31.09 BENEFITS. Members of the Reserve Police Unit shall be covered by worker's compensation insurance while performing police duties and shall receive hospital and medical assistance and benefits as provided in Chapter 85 of the Code of Iowa to members of the reserve force who sustain injury in the course of performing official duties, but shall not be included under or share any of the benefits or obligations contained in the Police Retirement Ordinance.

31.10 INSURANCE. Liability and false arrest insurance shall be provided by the Council to members of the reserve force while performing official duties in the same manner as for regular peace officers.

31.11 TRAINING. Training for individuals appointed as reserve peace officers shall be provided by the Police Department under the direction of the Police Chief, but may be obtained in a Community College or another facility selected by the individual and approved by the Police Chief. All standards and training required under Chapter 80D of the Code of Iowa constitute the minimum standards for reserve officers. There shall be no exemptions from the personal and training standards provided for in this chapter.

31.12 CERTIFICATION. Upon satisfactory completion of training by the applicant, the Police Chief shall certify the individual as a reserve peace officer.

31.13 UNIFORM AND INSIGNIA.

1. Reserve peace officers shall wear a uniform prescribed by the Police Chief unless the Chief or a superior officer designated alternate apparel for use when engaged in assignments involving special investigations, civil process, court duties, jail duties and the handling of mental patients.
2. When such reserve officer is wearing a uniform, a badge issued by the Police Chief shall be worn upon such reserve officer's outer garment in plain view, which uniform and badge shall identify said person's status as a reserve peace officer.
3. The Police Chief shall issue an identification card to each reserve peace officer after such member of the Reserve Police Unit has been certified by the Police Chief. Officers shall carry their identification cards while in the performance of official duties.
4. Reserve peace officers shall not wear an insignia of rank.

31.14 USE OF FIREARMS. Members of the Reserve Police Unit shall carry a firearm on their persons, subject to the following:

1. Said reserve officer has been approved by the Council and certified by the Iowa Law Enforcement Academy Council.
2. Said reserve officer has a valid gun permit obtained for the purpose of reserve peace officer.
3. Said firearm is carried only after qualifying on the range as prescribed by the range master.
4. Said firearm shall be carried while in the actual performance of official duties.
5. Said firearm shall be used only as a defense weapon and/or in accordance with the Code of Iowa and the City's police rules and regulations pertaining to use of force.

31.15 RECORDS. The Police Chief or designee shall keep an accurate record of all members of the Reserve Police Unit, their dates of admission, training and discharge.

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CHAPTER 35

FIRE AND RESCUE DEPARTMENT

35.01 Establishment and Purpose	35.09 Obedience to Fire Chief
35.02 Organization	35.10 Rules and Regulations
35.03 Training	35.11 Accidental Injury Insurance
35.04 Compensation	35.12 Liability Insurance
35.05 Selection of Fire Chief	35.13 Calls Outside City
35.06 Minimum Eligibility Qualifications for Fire Chief	35.14 Mutual Aid
35.07 Removal from Office	35.15 Authority to Cite Violations
35.08 Fire Chief: Duties	35.16 Emergency Ambulance Service

35.01 ESTABLISHMENT AND PURPOSE. A volunteer fire and rescue department is hereby established to prevent and extinguish fires and to protect lives and property against fires, to promote fire prevention and fire safety, to provide for emergency ambulance service, and to answer all emergency calls for which there is no other established agency.

(Code of Iowa, Sec. 364.16)

35.02 ORGANIZATION. The department consists of the Fire Chief and such other officers and personnel as may be authorized by the City Manager.

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

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

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

35.04 COMPENSATION. Members of the department shall be designated by rank and receive such compensation as shall be determined by resolution of the Council.

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

35.05 SELECTION OF FIRE CHIEF. Upon the vacancy of the position of Fire Chief, a new Fire Chief shall be appointed by the City Manager.

35.06 MINIMUM ELIGIBILITY QUALIFICATIONS FOR FIRE CHIEF. In order to be considered for the position of Fire Chief, a candidate must possess the following minimum qualifications:

1. Is a citizen of the United States and a resident of the City or intends to become a resident upon appointment to the position.
2. Must have been a member of a volunteer or regular fire fighting department for at least five years, at least three of which must have immediately preceded the appointment.
3. Must have at least a high school diploma, with a college degree preferred.

4. Must meet all other membership qualifications established for members of the Urbandale Volunteer Fire Department, as outlined in the department's rules and regulations.
5. Must be available to attend all regular or special training programs, as directed by the City Manager.
6. Must have at least two years of management or supervisory experience and proven administrative skills.
7. Must have a current, valid Iowa driver's license.

35.07 REMOVAL FROM OFFICE. The Fire Chief shall serve at the pleasure of the City Manager. The City Manager is the only party that may remove the Fire Chief.

35.08 FIRE CHIEF: DUTIES. The Fire Chief shall perform all duties required of the Fire Chief by law or ordinance, including but not limited to the following:

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

1. Enforce Laws. Enforce ordinances and laws regulating fire prevention and the investigation of the cause, origin and circumstances of fires.
2. Technical Assistance. Upon request, give advice concerning private fire alarm systems, fire extinguishing equipment, fire escapes and exits and development of fire emergency plans.
3. Personnel. The selection of personnel to provide the service voluntarily and providing an accurate list of such persons, revised at the end of each calendar quarter.
4. Training. Designating personnel, with the City Manager's approval, to attend schools and courses concerned with fire and rescue service and all reasonably related subjects.
5. Purchase of Equipment. The Fire Chief shall make recommendations to the City Manager for the purchase of such equipment as the officers deem necessary for the proper operation of the service.
6. Budget. Prepare an annual operating budget for submission to the City Manager. Advise the City Manager of the department's financial conditions on a regular basis.
7. 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 a 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)

8. Control of Scenes. Prohibit an individual, vehicle or vessel from approaching a fire or rescue scene and remove from the scene any object,

vehicle, vessel or individual that may impede or interfere with the operation of the fire and rescue department.

(Code of Iowa, Sec. 102.2)

9. Authority to Barricade. When in charge of a fire or rescue 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 fire fighting or rescue efforts of the 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)

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

11. Property. Present recommendations to the Mayor and City Manager regarding the disposition of all fire and rescue apparatus, tools, equipment and other property used by or belonging to the fire and rescue department.

12. Notification. Whenever death, serious bodily injury, or property damage in excess of two hundred thousand dollars (\$200,000) has occurred as a result of a fire, or if arson is suspected, notify the State Fire Marshal's Division immediately. For all fires causing an estimated damage of fifty dollars (\$50.00) or more or emergency responses by the Fire Department, file a report with the Fire Marshal's Division within ten (10) days following the end of the month. 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. 100.12)

13. Right of Entry. Have the right, during reasonable hours, to enter any building or premises within the Fire Chief's jurisdiction for the purpose of making such investigation or inspection which under law or ordinance may be necessary to be made and is reasonably necessary to protect the public health, safety and welfare.

(Code of Iowa, Sec. 100.12)

14. Recommendation. Make such recommendations to owners, occupants, caretakers or managers of buildings necessary to eliminate fire hazards.

(Code of Iowa, Sec. 100.13)

15. Assist State Fire Marshal. At the request of the State Fire Marshal, and as provided by law, aid said marshal in the performance of duties by investigating, preventing and reporting data pertaining to fires.

(Code of Iowa, Sec. 100.4)

16. Records. Cause to be kept records of the fire and rescue department personnel, fire fighting and rescue 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.

17. Reports. Compile and submit to the City Manager an annual report of the status and activities of the department as well as such other reports as may be requested by the Mayor, Council or City Manager.

35.09 OBEDIENCE TO FIRE CHIEF. No person shall willfully fail or refuse to comply with any lawful order or direction of the Fire Chief.

35.10 RULES AND REGULATIONS. The department shall adopt such rules and regulations and bylaws as they deem calculated to accomplish the object contemplated, and such rules and regulations and bylaws and any change or amendment to the same, before being effective, must be approved by the Council.

35.11 ACCIDENTAL INJURY INSURANCE. The Council shall contract to insure the City against liability for worker's compensation and against statutory liability for the costs of hospitalization, nursing, and medical attention for volunteer members of the department injured in the performance of their duties as fire fighters and rescue personnel whether within or outside the corporate limits of the City. All volunteer members shall be covered by the contract.

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

35.12 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)

35.13 CALLS OUTSIDE 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])

35.14 MUTUAL AID. The department is authorized to enter into a mutual aid agreement with the Polk County Fire Association. The agreement shall be in writing and duly executed by the Fire Chief and an authorized representative of the Polk County Fire Association. Copies of such agreement shall be filed with the Clerk.

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

35.15 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.

(Code of Iowa, Sec. 100.41)

35.16 EMERGENCY AMBULANCE SERVICE. The department is authorized to provide emergency ambulance or rescue services and the accidental injury and liability insurance provided for herein shall include such operation.

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CHAPTER 36

HAZARDOUS SUBSTANCE SPILLS

36.01 Definitions

36.02 Notification of Spills

36.03 Cleanup Required

36.04 Liability for Cleanup Costs

36.01 DEFINITIONS. For purposes of this chapter the following terms are defined:

1. “Cleanup” means the removal of the hazardous substances to a place where the waste will not cause any danger to persons or the environment, in accordance with State statutes, rules and regulations therefor or the treatment of the material as defined herein to eliminate the hazardous condition, including the restoration of the area to a general good appearance without noticeable odor as far as practicable. “Cleanup” includes all actions necessary to contain, collect, identify, analyze, treat, disperse, remove or dispose of a hazardous substance and to restore the site from which such hazardous substance was cleaned up.

2. “Hazardous condition” means any situation involving the actual, imminent or probable spillage, leakage or release of a hazardous substance onto the land, into a water of the City or into the atmosphere which creates an immediate or potential danger to the public health or safety or to the environment.

(Code of Iowa, Sec. 455B.381[4])

3. “Hazardous substance” means any substance or mixture of substances that presents a danger to the public health or safety and includes, but is not limited to a substance that is toxic, corrosive, or flammable, or that is an irritant or that generates pressure through decomposition, heat, or other means. “Hazardous substance” may include any hazardous waste.

4. “Hazardous waste” means a waste or combination of wastes that, because of its quantity, concentration, biological degradation, leaching from precipitation, or physical, chemical, or infectious characteristics, has either of the following effects:

A. Causes or significantly contributes to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness.

B. Poses a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of, or otherwise improperly managed.

5. “Responsible person” means the person, whether the owner, agent, lessor or tenant, in charge of the hazardous substance being stored, processed or handled, or the owner or bailee transporting hazardous waste or substances,

whether on public ways or grounds or on private property, where the spill would cause danger to the public or to any person or to the environment.

36.02 NOTIFICATION OF SPILLS. When a hazardous condition is created, the responsible person shall notify the Urbandale Fire Department immediately upon discovery of the condition but in no instance later than one hour after the discovery of the hazardous condition.

36.03 CLEANUP REQUIRED. Whenever a hazardous condition is created, the Fire Chief or Chief's designee may remove or provide for the removal and disposal of the hazardous substance at any time, unless the Fire Chief or the designee determines such removal will be properly and promptly accomplished by the responsible person. If the responsible person does not initiate and complete cleanup within the time designated by the Fire Department, the City may proceed to remedy the hazardous condition by performing the necessary cleanup service.

36.04 LIABILITY FOR CLEANUP COSTS.

1. The responsible person is strictly liable to the City for all of the following:
 - A. The reasonable costs incurred by the City as a result of the failure of the responsible person to clean up a hazardous condition caused by that person.
 - B. The reasonable costs incurred by the City to evacuate people from the area threatened by a hazardous condition caused by the person.
 - C. The reasonable damages to the City for the injury to, destruction of, or loss of natural resources or City property resulting from a hazardous condition caused by that person, including the costs of assessing the injury, destruction or loss.
2. If the failure is willful, the person is liable for punitive damages not to exceed triple the cleanup costs incurred by the City.
3. Liability under subsection 1 of this section is limited to the following maximum dollar limitations:
 - A. \$5,000,000 for any vehicle, boat, aircraft, pipeline or other manner of conveyance which transports a hazardous substance;
 - B. \$50,000,000 for any facility generating, storing or disposing of a hazardous substance.
4. There is no liability under this section for a person otherwise liable if the hazardous condition is solely resulting from one or more of the following:
 - A. An act of God;
 - B. An act of war;

C. An act or omission of a third party if the party establishes both of the following:

(1) That taking into consideration the characteristics of the hazardous substance, the person otherwise liable exercised due care with respect to the hazardous substance;

(2) That the person otherwise liable took precautions against the foreseeable acts or omissions of the third party and the foreseeable consequences.

As used in this subsection, “third party” does not include an employee or agent of the person otherwise liable or a third party whose act or omission occurs directly or indirectly in connection with a contractual relationship with the person otherwise liable.

5. There is no liability under this section for a person otherwise liable if all of the following conditions exist:

A. The liability arises during the transportation of a hazardous substance.

B. The fact that the hazardous substance is a hazardous substance has been misrepresented to the person transporting the hazardous substance.

C. The person transporting the hazardous substance does not know or have reason to know that the misrepresentation has been made.

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CHAPTER 40

PUBLIC PEACE

40.01 Assault

40.02 Harassment

40.03 Willful Disturbance

40.04 Disorderly Conduct

40.05 Riot

40.06 Unlawful Assembly

40.07 Failure to Disperse

40.08 Stalking

40.01 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])

3. Dangerous Weapon. Intentionally point any firearm toward another, or display in a threatening manner any dangerous weapon toward another.

(Code of Iowa, Sec. 708.1 [3])

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.

40.02 HARASSMENT. No person shall commit harassment.

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

A. Communicates with another by telephone, telegraph, or writing without legitimate purpose and in a manner likely to cause the other person annoyance or harm.

(Code of Iowa, Sec. 708.7)

B. Places any simulated explosive or simulated incendiary device in or near any building, vehicle, airplane, railroad engine or railroad car, or boat occupied by the other person.

(Code of Iowa, Sec. 708.7)

C. Orders merchandise or services in the name of another, or to be delivered to another, without such other person's knowledge or consent.

(Code of Iowa, Sec. 708.7)

D. 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 same did not occur.

(Code of Iowa, Sec. 708.7)

2. 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.

40.03 WILLFUL DISTURBANCE. No person shall willfully disturb any deliberative body or agency of the State, or subdivision thereof, with the purpose of disrupting the functioning of such body or agency by tumultuous behavior, or coercing by force or the threat of force any official conduct or proceeding.

(Code of Iowa, Sec. 718.3)

40.04 DISORDERLY CONDUCT. No person shall do any of the following:

1. Fighting. Engage 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.

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

2. Noise. Make loud and raucous noise in the vicinity of any residence or public building which causes unreasonable distress to the occupants thereof.

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

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

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

4. Disrupt Lawful Assembly. Without lawful authority or color of authority, disturb any lawful assembly or meeting of persons by conduct intended to disrupt the meeting or assembly.

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

5. False Report of Catastrophe. By words or action, initiate or circulate 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])

6. Disrespect of Flag. Knowingly and publicly use 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.

(Code of Iowa, Sec. 723.4 [6])

7. Obstruct Use of Street. Without authority or justification, obstruct 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 [7])

40.05 RIOT. It is unlawful for three (3) or more persons to assemble together in a violent manner, to the disturbance of others, and with any use of unlawful force or violence by them or any of them against another person, or causing property damage. No person shall willingly join in or remain part of a riot, knowing or having reasonable grounds to believe that it is such.

(Code of Iowa, Sec. 723.1)

40.06 UNLAWFUL ASSEMBLY. It is unlawful for three (3) or more persons to assemble 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. No person shall willingly join in or remain part of an unlawful assembly, knowing or having reasonable grounds to believe it is such.

(Code of Iowa, Sec. 723.2)

40.07 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)

40.08 STALKING. No person shall stalk another person.

1. Definitions. As used in this section, unless the context otherwise requires:

A. “Accompanying offense” means any public offense committed as part of the course of conduct engaged in while committing the offense of stalking.

- B. “Course of conduct” means repeatedly maintaining a visual or physical proximity to a person without legitimate purpose or repeatedly conveying oral or written threats, threats implied by conduct, or a combination thereof, directed at or toward a person.
- C. “Immediate family member” means a spouse, parent, child, sibling or any other person who regularly resides in the household of a specific person, or who within the prior six months regularly resided in the household of a specific person.
- D. “Repeatedly” means on two or more occasions.
2. Stalking. A person commits stalking when all of the following occur:
- A. The person purposefully engages in a course of conduct directed at a specific person that would cause a reasonable person to fear bodily injury to, or the death of, that specific person or a member of the specific person’s immediate family.
- B. The person has knowledge or should have knowledge that the specific person will be placed in reasonable fear of bodily injury to, or the death of, that specific person or a member of the specific person’s immediate family by the course of conduct.
- C. The person’s course of conduct induces fear in the specific person of bodily injury to or the death of the specific person or a member of the specific person’s immediate family.
- (Code of Iowa, Sec. 708.11)*

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CHAPTER 41

PUBLIC HEALTH AND SAFETY

41.01 Distributing Dangerous Substances	41.10 Antenna and Radio Wires
41.02 Fireworks	41.11 Barbed Wire and Electric Fences
41.03 False Reports to and Communications with Public Safety Entities	41.12 Discharging Weapons
41.04 Impersonating a Public Official	41.13 Throwing, Shooting or Use of Blow Guns, Etc.
41.05 Interference with Official Acts	41.14 Carrying Weapons
41.06 Refusing to Assist Officer	41.15 Knives on School Property
41.07 Harassment of Public Officers and Employees	41.16 Trapping
41.08 Abandoned or Unattended Refrigerators	41.17 Trapping on City-owned Property
41.09 Reckless Use of Fire or Explosives	41.18 Urinating and Defecating

41.01 DISTRIBUTING DANGEROUS SUBSTANCES. No person shall distribute samples of any drugs or medicine, or any corrosive, caustic, poisonous or other injurious substance 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)

41.02 FIREWORKS. The sale, use or exploding of fireworks within the City are subject to the following:

1. Definition. The term “fireworks” includes any explosive composition, or combination of explosive substances, or articles prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, and specifically includes blank cartridges, firecrackers, torpedoes, skyrockets, roman candles, or other fireworks of like construction and any fireworks containing any explosive or flammable compound, or other device containing any explosive substance.

(Code of Iowa, Sec. 727.2)

2. Regulations. It is unlawful for any person to offer for sale, expose for sale, sell at retail, or use or explode any fireworks; provided the City may, upon application in writing, grant a permit for the display of fireworks by a City agency, fair associations, amusement parks and other organizations or groups of individuals approved by City authorities when such fireworks display will be handled by a competent operator. No permit shall be granted hereunder unless the operator or sponsoring organization has filed with the City evidence of insurance in the following amounts:

- A. Personal Injury: - \$250,000.00 per person.
- B. Property Damage: - \$50,000.00.
- C. Total Exposure: - \$1,000,000.
(Code of Iowa, Sec. 727.2)

3. Exceptions. This section does not prohibit the sale by a resident, dealer, manufacturer or jobber of such fireworks as are not prohibited; or the sale of any kind of fireworks if they are to be shipped out of State; or the sale or use of blank cartridges for a show or theatre, or for signal purposes in athletic sports or by railroads or trucks for signal purposes, or by a recognized military organization. This section does not apply to any substance or composition prepared and sold for medicinal or fumigation purposes.
(Code of Iowa, Sec. 727.2)

41.03 FALSE REPORTS TO AND COMMUNICATIONS WITH PUBLIC SAFETY ENTITIES. No person shall do any of the following:
(Code of Iowa, Sec. 718.6)

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

41.04 IMPERSONATING A PUBLIC OFFICIAL. No person shall falsely hold himself or herself out or assume to act as an elected or appointed officer, magistrate, peace officer, or person authorized to act on behalf of the State or any subdivision thereof, having no authority to do so.
(Code of Iowa, Sec. 718.2)

41.05 INTERFERENCE WITH OFFICIAL ACTS. No person shall knowingly resist or obstruct anyone known by the person to be a peace officer, emergency medical care provider or fire fighter, whether paid or volunteer, in the performance of any act which is within the scope of the lawful duty or authority of that officer, emergency medical care provider or fire fighter, or shall knowingly resist or obstruct the service or execution by any authorized person of any civil or criminal process or order of any court. The terms “resist” and “obstruct” as used in this section do not include verbal harassment unless the verbal harassment is accompanied by a present ability and apparent intention to execute a verbal threat physically.
(Code of Iowa, Sec. 719.1)

41.06 REFUSING TO ASSIST OFFICER. Any person who is requested or ordered by any magistrate or peace officer to render the magistrate or officer assistance in making or attempting to make an arrest, or to prevent the commission of any criminal act, shall render assistance as required. No person shall unreasonably and without lawful cause, refuse or neglect to render assistance when so requested.

(Code of Iowa, Sec. 719.2)

41.07 HARASSMENT OF PUBLIC OFFICERS AND EMPLOYEES. No person shall willfully prevent or attempt to prevent any public officer or employee from performing the officer's or employee's duty.

(Code of Iowa, Sec. 718.4)

41.08 ABANDONED OR UNATTENDED REFRIGERATORS. No person shall abandon or otherwise leave unattended any refrigerator, ice box, or similar container, with doors that may become locked, outside of buildings and accessible to children, nor shall any person allow 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.

(Code of Iowa, Sec. 727.3)

41.09 RECKLESS USE OF FIRE OR EXPLOSIVES. No person shall so use fire or any incendiary or explosive device or material as to endanger recklessly the property or safety of another.

(Code of Iowa, Sec. 712.5)

41.10 ANTENNA AND RADIO WIRES. It is unlawful for a person to allow antenna wires, antenna supports, radio wires or television wires to exist over any street, alley, highway, sidewalk, public way, public ground or public building without written consent of the Council.

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

41.11 BARBED WIRE AND ELECTRIC FENCES. It is unlawful for a person to use barbed wire or electric fences to enclose land within the City limits without the written consent of the Council unless such land consists of ten (10) acres or more and is used as agricultural land.

41.12 DISCHARGING WEAPONS.

1. It is unlawful for a person to discharge rifles, shotguns, revolvers, pistols, guns, BB guns or other firearms of any kind within the City limits except in the following circumstances:

A. The Police Chief may issue a temporary written permit allowing said use of firearms after reviewing said request.

B. Such person requesting the Chief's written permission shall in writing state the purpose, time and place of such firing and the type of weapon and ammunition to be used.

C. When written permission is approved by the Police Chief, the expiration date shall be within thirty (30) days after issuance and may be revoked by the Police Chief at any time.

2. No person shall intentionally discharge a firearm in a reckless manner.

41.13 THROWING, SHOOTING OR USE OF BLOW GUNS, ETC. Except as provided in Chapter 58 of this Code of Ordinances, *Special Bow Hunting of Antlerless Deer*, no person shall throw stones, sticks or missiles of any kind or shoot arrows, rubber darts, sling-shots, air rifles, blowguns or similar devices or use any other dangerous instruments or toys in such a manner as to hit, injure or endanger any person, window or other property.

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

41.14 CARRYING WEAPONS. No person shall go armed with a dangerous weapon concealed on or about his or her person, or shall, within the limits of the City, go armed with a pistol or revolver, or any loaded firearm of any kind, whether concealed or not, or shall knowingly carry or transport in a vehicle a pistol or revolver, provided that this section does not apply to any of the following:

(Code of Iowa, Sec. 724.4)

1. Own Premises. A person who goes armed with a dangerous weapon in his or her own dwelling or place of business, or on land owned or possessed by the person.

(Code of Iowa, Sec. 724.4[a])

2. Peace Officer. Any peace officer, when his or her duties require the person to carry such weapons.

(Code of Iowa, Sec. 724.4[b])

3. Armed Forces. Any member of the armed forces of the United States or of the national guard or person in the service of the United States, when the weapons are carried in connection with his or her duties as such.

(Code of Iowa, Sec. 724.4[c])

4. Within Container. Any person who for any lawful purpose carries an unloaded pistol, revolver, or other dangerous weapon inside a closed and fastened container or securely wrapped package which is too large to be concealed on the person.

(Code of Iowa, Sec. 724.4[e])

5. Within Vehicle. Any person who for any lawful purpose carries or transports an unloaded pistol or revolver in any vehicle inside a closed and fastened container or securely wrapped package which is too large to be concealed on the person or inside a cargo or luggage compartment where the pistol or revolver will not be readily accessible to any person riding in the vehicle or common carrier.

(Code of Iowa, Sec. 724.4[f])

6. Target Practice. Any person while he or she is lawfully engaged in target practice on a range designed for that purpose or while engaged in lawful hunting for game in any place designated by local law as a hunting area.

(Code of Iowa, Sec. 724.4[g])

7. Valid Permit. Any person who has in his or her possession and who displays to any peace officer on demand a valid permit to carry weapons which has been issued to the person, and whose conduct is within the limits of that permit. No person shall be convicted of a violation of this section if the person produces at his or her trial a permit to carry weapons which was valid at the time of the alleged offense and which would have brought the person's conduct within this exception if the permit had been produced at the time of the alleged offense.

(Code of Iowa, Sec. 724.4[i])

8. Correctional Officer. Any correctional officer, when such officer's duties require, serving under the authority of the Iowa Department of Corrections.

(Code of Iowa, Sec. 724.4[d])

41.15 KNIVES ON SCHOOL PROPERTY. No person shall possess, own or carry on or about his or her person, whether concealed or not, any knife on primary or secondary school property within the City, with the exception of a knife or knives furnished by such school system or specifically authorized by such school system, and then only in connection with the specific activity for which so authorized.

41.16 TRAPPING. No person shall set or use a steel or claw trap outside of any structure or building for the purpose of taking, killing, maiming, wounding, ensnaring, trapping or capturing an animal or which is injurious to persons or animals except for the following, and then only when approval for such trapping has been given by the Police Chief:

1. Any box trap or other trap which complies with State law, designed to keep the animal alive and unharmed in the trap.
2. Any trap designed for the primary use of capturing mice, rats, gophers, moles or aquatic rodents which are trapped in water.
3. Any trapping by a governmental unit to capture animals which are creating a public nuisance or for the protection of public or private property.

41.17 TRAPPING ON CITY-OWNED PROPERTY. No person shall set or use a steel or claw trap on any City-owned property, including City parks, for the purpose of taking, killing, maiming, wounding, ensnaring, trapping or capturing an animal or which is injurious to persons or animals.

41.18 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.

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CHAPTER 42

PUBLIC PROPERTY

42.01 Defacing Public Grounds	42.08 Public Buildings
42.02 Injuring New Pavement	42.09 Obstructing Drainage
42.03 Destroying Park Equipment	42.10 Injury to Cemetery Property
42.04 Skateboarding	42.11 Injury to or Removal of Natural Features
42.05 Defacing Proclamations or Notices	42.12 Criminal Mischief
42.06 Injury to Fire Apparatus	42.13 Unauthorized Entry
42.07 Damage to Public or Utility Property	42.14 Possession of Traffic Control Device

42.01 DEFACING PUBLIC GROUNDS. It is unlawful for any unauthorized 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])

42.02 INJURING NEW PAVEMENT. It is unlawful for a person to 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)

42.03 DESTROYING PARK EQUIPMENT. It is 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.

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

42.04 SKATEBOARDING. It is unlawful to skateboard in any public park or building or on the grounds thereof where signs prohibit such. Skateboarding is prohibited in the area of the Urbandale Swimming Pool and Public Library.

42.05 DEFACING PROCLAMATIONS OR NOTICES. It is unlawful for a person intentionally to 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 the 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)

42.06 INJURY TO FIRE APPARATUS. It is unlawful for a person willfully to 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)

42.07 DAMAGE TO PUBLIC OR UTILITY PROPERTY. It is unlawful for a person maliciously to injure, remove, or destroy any bridge; or place, or cause to be placed, any obstruction on any such bridge; or willfully obstruct or injure any public

road or highway; or maliciously cut, burn or in any way break down, injure, or destroy any post or pole used in connection with any system of electric lighting or telephone system; or break down and destroy or injure and deface any electric light, 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 or collecting systems of any electric light plant, electric motor, gas plant, sewer plant, or water plant; or to aid or abet any other person in so doing.

(Code of Iowa, Sec. 716.1)

42.08 PUBLIC BUILDINGS. It is unlawful to willfully write, make marks, or draw characters on the walls or any other part of any church, college, academy, schoolhouse, court house, 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)

42.09 OBSTRUCTING DRAINAGE. It is 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.

(Code of Iowa, Sec. 716.1)

42.10 INJURY TO CEMETERY PROPERTY. It is unlawful for a person to willfully and maliciously destroy, mutilate, deface, injure or remove any tomb, vault, monument, gravestone or other structure placed in any public or private cemetery or 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, litter or foreign substance within the limits of said cemetery, 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.

(Code of Iowa, Sec. 716.1)

42.11 INJURY TO OR REMOVAL OF NATURAL FEATURES. No person shall remove any soil, rocks, stones, trees, shrubs, plants, flowers, or down any timber or remove other wood or other materials from any park or other public property; nor shall any person attach a rope, wire or other contrivance to any tree or plant or dig in or otherwise disturb grass areas or excavate by tool, equipment, blasting or other means or in any other way injure or impair the beauty or usefulness of any park or other public property, except with the permission of the Council.

42.12 CRIMINAL MISCHIEF. It is unlawful, for any person who has no right to do so, to intentionally damage, deface, alter or destroy tangible property.

(Code of Iowa, Sec. 716.1)

42.13 UNAUTHORIZED ENTRY. No unauthorized person shall enter or remain in or upon any public building, premises or grounds in violation of any notice posted thereon or when said building, premises or grounds are closed and not open to the public. When open to the public, a failure to pay any required admission fee also constitutes an unauthorized entry.

(Code of Iowa, Sec. 364.1)

42.14 POSSESSION OF TRAFFIC CONTROL DEVICE. It is unlawful for any person to have in that person's possession any official traffic control device except by legal right or authority.

(Code of Iowa, Sec. 321.260)

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CHAPTER 43

PRIVATE PROPERTY

43.01 Trespassing Prohibited

43.02 Electronic and Mechanical Eavesdropping

43.03 Damage to Property

43.04 Fraud

43.05 Theft

43.01 TRESPASSING. It is unlawful for a person to knowingly trespass upon the property of another. As used in this section, the term “property” includes any land, dwelling, building, conveyance, vehicle or other temporary or permanent structure whether publicly or privately owned. The term “trespass” means one or more of the following acts:

(Code of Iowa Sec. 716.7 and 716.8)

1. Entering Property Without Permission. Entering upon or in property without the express 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.

(Code of Iowa, Sec. 716.7 [2a])

2. Entering or Remaining on Property. Entering or remaining upon or in property without 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 [2b])

3. Interfering with Lawful Use of Property. Entering upon or in 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 [2c])

4. Using Property Without Permission. Being upon or in property and wrongfully using, removing therefrom, altering, damaging, harassing, or placing 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 [2d])

None of the above shall be construed to prohibit 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))

43.02 ELECTRONIC AND MECHANICAL EAVESDROPPING. No person, having no right or authority to do so, shall tap into or connect a listening or recording device to any telephone or other communication wire, or shall by any electronic or mechanical means listen to, record, or otherwise intercept 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)

43.03 DAMAGE TO PROPERTY. It is unlawful to cut, hack, break, deface or otherwise injure any ornamental or shade tree, fence, private building, railing or other property belonging to another person.

(Code of Iowa, Sec. 716.1)

43.04 FRAUD. It is unlawful for any person to commit a fraudulent practice as defined in Section 714.8 of the Code of Iowa.

(Code of Iowa, Sec. 714.8)

43.05 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. A person commits theft when the person does any of the following:

1. Takes possession or control of the property of another or property in the possession of another, with the intent to deprive the other thereof.
2. Misappropriates property which the person has in trust or property of another which the person has in the person's possession or control whether such possession or control is lawful or unlawful, by using or disposing of it in a manner which is inconsistent with or a denial of the trust or of the owner's rights in such property, or conceals found property or appropriates such property to the person's own use, when the owner of such property is known to the person. Failure by a bailee or lessee of personal property to return the property within seventy-two (72) hours after a time specified in a written agreement of lease or bailment shall be evidence of misappropriation.
3. Obtains the labor or services of another, or a transfer of possession, control, or ownership of the property of another, or the beneficial use of property of another, by deception. Where compensation for goods and services is ordinarily paid immediately upon the obtaining of such goods or the rendering of such services, the refusal to pay or leaving the premises without payment or offer to pay or without having obtained from the owner or operator the right to pay subsequent to leaving the premises gives rise to an inference that the goods or services were obtained by deception.
4. Exercises control over stolen property, knowing such property to have been stolen, or having reasonable cause to believe that such property has been stolen, unless the person's purpose is to promptly restore it to the owner or to

deliver it to an appropriate public officer. The fact that the person is found in possession of property which has been stolen from two or more persons on separate occasions, or that the person is a dealer or other person familiar with the value of such property and had acquired it for a consideration which is far below its reasonable value, shall be evidence from which the court or jury may infer that the person knew or believed that the property had been stolen.

5. Takes, destroys, conceals or disposes of property in which someone else has a security interest with intent to defraud the secured party.

6. Makes, utters, draws, delivers, or gives any check, share draft, draft, or written order on any bank, credit union, person or corporation, and obtains property or service in exchange therefor, if the person knows that such check, share draft, draft or written order will not be paid when presented. Whenever the drawee of such instrument has refused payment because of insufficient funds, and the maker has not paid the holder of the instrument the amount due thereon within ten (10) days of the maker's receipt of notice from the holder that payment has been refused by the drawee, the court or jury may infer from such facts that the maker knew that the instrument would not be paid on presentation. Notice of refusal of payment shall be by certified mail, or by personal service in the manner prescribed for serving original notices. Whenever the drawee of such instrument has refused payment because the maker has no account with the drawee, or whenever the drawee of the instrument has refused payment because the maker's account has been closed, the court or jury may infer from such fact that the maker knew that the instrument would not be paid on presentation.

7. Obtains gas, electricity or water from a public utility or obtains cable television or telephone service from an unauthorized connection to the supply or service line or by intentionally altering, adjusting, removing or tampering with the metering or service device so as to cause inaccurate readings.

(Code of Iowa, Sec. 714.1 [7])

CHAPTER 44

PUBLIC MORALS

44.01 Prostitution

44.02 Leasing Premises for Prostitution

44.03 Indecent Exposure

44.01 PROSTITUTION. No person shall sell or offer for sale his or her services as a partner in a sex act, or purchase or offer to purchase such services.

(Code of Iowa, Sec. 725.1)

44.02 LEASING PREMISES FOR PROSTITUTION. No person shall rent or let any building, structure or part thereof, boat, trailer or other place offering shelter or seclusion, when such person knows, or has reason to know, that the lessee or tenant is using such for the purposes of prostitution, and who does not, immediately upon acquiring such knowledge, terminate the tenancy or effectively put an end to such practice of prostitution in such place.

(Code of Iowa, Sec. 725.4)

44.03 INDECENT EXPOSURE. No person shall expose his or her genitals or pubes to another not his or her spouse, or commit a sex act in the presence of or view of a third person, if:

(Code of Iowa, Sec. 709.9)

1. Sexual Desire. The person does so to arouse or satisfy the sexual desires of either party; or
2. Offensive. The person knows or reasonably should know that said person's act is offensive to the viewer.

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CHAPTER 45

ALCOHOL CONSUMPTION AND INTOXICATION

45.01 Persons Under Legal Age

45.03 Open Containers in Motor Vehicles

45.02 Public Consumption or Intoxication

45.01 PERSONS UNDER LEGAL AGE. As used in this section, “legal age” means twenty-one (21) years of age or more.

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 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 or beer permittee under State laws.

(Code of Iowa, Sec. 123.47[2])

3. A person under legal age shall not misrepresent the person’s age for the purpose of purchasing or attempting to purchase any alcoholic beverage, wine or beer from any licensee or permittee.

(Code of Iowa, Sec. 123.49[3])

45.02 PUBLIC CONSUMPTION OR INTOXICATION.

1. As used in this section unless the context otherwise requires:

A. “Arrest” means the same as defined in Section 804.5 of the Code of Iowa and includes taking into custody pursuant to Section 232.19 of the Code of Iowa.

B. “Chemical test” means a test of a person’s blood, breath, or urine to determine the percentage of alcohol present by a qualified person using devices and methods approved by the Commissioner of Public Safety.

C. “Peace Officer” means the same as defined in Section 801.4 of the Code of Iowa.

D. “School” means a public or private school or that portion of a public or private school which provides teaching for any grade from kindergarten through grade twelve.

2. 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 not covered by a liquor control license. While within the boundaries of a City park, a person shall follow all applicable rules and regulations set forth by the Parks and Recreation Commission with respect to the consumption of beer and wine. A person shall not possess or consume alcoholic liquors, wine or beer on public school property or while attending any public or private school-related function. A person shall not be intoxicated or simulate intoxication in a public place. A person violating this subsection is guilty of a simple misdemeanor.

3. When a peace officer arrests a person on a charge of public intoxication under this section, the peace officer shall inform the person that the person may have a chemical test administered at the person’s own expense. If a device approved by the Commissioner of Public Safety for testing a sample of a person’s breath to determine the person’s blood alcohol concentration is available, that is the only test that need be offered the person arrested. In a prosecution for public intoxication, evidence of the results of a chemical test performed under this subsection is admissible upon proof of a proper foundation. The percentage of alcohol present in a person’s blood, breath, or urine established by the results of a chemical test performed within two hours after the person’s arrest on a charge of public intoxication is presumed to be the percentage of alcohol present at the time of arrest.

(Code of Iowa, Sec. 123.46)

45.03 OPEN CONTAINERS IN MOTOR VEHICLES. *(See Section 62.08 of this Code of Ordinances.)*

CHAPTER 46

CONTROLLED SUBSTANCES AND DRUG PARAPHERNALIA

46.01 Purpose

46.02 Controlled Substance Defined

46.03 Drug Paraphernalia Defined

46.04 Determining Factors

46.05 Possession of Drug Paraphernalia

46.06 Manufacture, Delivery or Offering For Sale

46.07 Unlawful Possession of a Controlled Substance

46.01 PURPOSE. The purpose of this chapter is to prohibit the use, possession with intent to use, manufacture and delivery of drug paraphernalia as defined herein.

46.02 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 Code of Iowa, as it now exists or is hereafter amended.

46.03 DRUG PARAPHERNALIA DEFINED. The term “drug paraphernalia” as used in this chapter means all equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, concealing, containing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of the Uniform Controlled Substances Act, Chapter 124 of the Code of Iowa. It includes, but is not limited to:

1. Growing Kits. Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived
2. Processing Kits. Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances.
3. 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.
4. Testing Equipment. Testing equipment used, intended for use, or designed for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances.
5. Scales. Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances.

6. Dilutents. Dilutents and adulterants, such as quinine, hydrochloride, mannitol, mannite, dextrose or lactose, used, intended for use, or designed for use in cutting controlled substances.
7. Separators - Sifters. 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.
8. Mixing Devices. Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances.
9. Containers. Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances.
10. Storage Containers. Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances.
11. Injecting Devices. Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body.
12. Ingesting-Inhaling Device. 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:
 - A. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
 - B. Water pipes;
 - C. Carburetion tubes and devices;
 - D. Smoking and carburetion masks;
 - E. 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;
 - F. Miniature cocaine spoons and cocaine vials;
 - G. Chamber pipes;
 - H. Carburetor pipes;
 - I. Electric pipes;
 - J. Air driven pipes;
 - K. Chillums;
 - L. Bongs;
 - M. Ice pipes or chillers.

46.04 DETERMINING FACTORS. In determining whether an object is drug paraphernalia for the purpose of enforcing this chapter, the following factors should be considered in addition to all other logically relevant factors:

1. Statements. Statements by an owner or by anyone in control of the object concerning its use.
2. Prior Convictions. Prior convictions, if any, of an owner, or of anyone in control of the object under any State or federal law relating to any controlled substance.
3. 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 Code of Iowa.
4. Proximity To Substances. The proximity of the object to controlled substances.
5. Residue. The existence of any residue of controlled substances on the object.
6. Evidence of Intent. Direct or circumstantial evidence of the intent of an owner or of anyone in control of the object, to deliver it to persons whom he or she knows, or should reasonably know, intend to use the object to facilitate a violation of the Uniform Controlled Substances Act, Chapter 124 of the Code of Iowa.
7. 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 124 of the Code of Iowa, should not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia.
8. Instructions. Instructions, oral or written, provided with the object concerning its use.
9. Descriptive Materials. Descriptive materials accompanying the object which explain or depict its use.
10. Advertising. National and local advertising concerning its use.
11. Displayed. The manner in which the object is displayed for sale.
12. Licensed Distributor 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.
13. Sales Ratios. Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise.
14. Legitimate Uses. The existence and scope of legitimate uses for the object in the community.
15. Expert Testimony. Expert testimony concerning its use.

46.05 POSSESSION OF DRUG PARAPHERNALIA. It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of the Uniform Controlled Substance Act, Chapter 124 of the Code of Iowa.

46.06 MANUFACTURE, DELIVERY OR OFFERING FOR SALE. It is unlawful for any person to deliver, possess with intent to deliver, manufacture with intent 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 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, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of the Uniform Controlled Substances Act, Chapter 124 of the Code of Iowa.

46.07 UNLAWFUL POSSESSION OF A CONTROLLED SUBSTANCE. It is unlawful for any person knowingly or intentionally to possess a controlled substance unless such substance was obtained directly from or pursuant to a valid prescription or order of a practitioner while acting in the course of the practitioner's professional practice, or except as otherwise authorized by Chapter 124 of the Code of Iowa. Any person who violates this provision is guilty of a simple misdemeanor.

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CHAPTER 47

MINORS

47.01 Cigarettes and Tobacco

47.02 Contributing to Delinquency

47.01 CIGARETTES AND TOBACCO. It is unlawful for any person under eighteen (18) years of age to smoke, use, possess, purchase or attempt to purchase any tobacco, tobacco products or cigarettes.

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

47.02 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)

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CHAPTER 48

NOISE CONTROL

48.01 Scope of Regulations
48.02 Definitions
48.03 Noise Disturbance Prohibited

48.04 Included Sounds
48.05 Excluded Sounds
48.06 Other Laws and Ordinances

48.01 SCOPE OF REGULATIONS. This chapter applies to the control of all noise originating within the limits of the City, except in the following cases: (a) a State or federal agency has adopted a different standard or rule than that prescribed within this chapter which preempts the regulation of noise from a particular source so as to render this chapter inapplicable, or (b) the Council has determined that, by reason of public acceptance of the activity producing a particular noise or noises, such noise is deemed acceptable to the residents of the City.

48.02 DEFINITIONS. Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms have the following meanings. Definitions of technical terms used in this chapter which are not herein defined shall be obtained from publications of acoustical terminology issued by the American National Standards Institute (ANSI):

1. “Application” means the application discussed in Section 48.06 of this chapter.
2. “Emergency” means any occurrence or set of circumstances involving actual or imminent physical or psychological trauma or property damage which demands immediate action.
3. “Emergency work” means any work performed for the purpose of alleviating or resolving an emergency.
4. “Motorcycle” means any two or three-wheeled motor vehicle.
5. “Motor vehicle” means any motor-powered vehicle designed to carry at least one passenger or driver and of the type typically licensed for use on the public highways. (Note: “motor vehicle” includes most motorcycles.)
6. “Noise” means any sound which disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.
7. “Noise disturbance” means those sounds defined as “noise disturbances” in Section 48.04 of this chapter.
8. “Powered model vehicle” means any self-propelled airborne, waterborne or landborne model plane, vessel or vehicle which is not designed to carry persons, including, but not limited to, any model airplane, boat, car or rocket.

9. “Public right-of-way” means the traveled portion of any street or alley or similar place which is owned or controlled by the City or other governmental entity.

10. “Real property boundary” means an imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intra-building real property divisions.

11. “Recreational vehicle” means any motor-powered vehicle designed to carry at least one passenger or driver and equipped for use in racing or other recreational events or uses off of public right-of-way on public or private property; except, however, for the purposes of this chapter, any such vehicle which is licensed for use on the public highways is deemed a “motor vehicle” or “motorcycle” (if two or three-wheeled) and not a “recreational vehicle.” (Examples of recreational vehicles are a snowmobile, a minibike, a stock car or motorboat.)

12. “Residential property” means any property on which is located a building or structure used wholly or partially for living or sleeping purposes.

13. “Sound” means an oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that cause compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

14. “Sound equipment” means any radio, record player, tape deck or player, loud speaker, amplifier, sound track or other device for producing, reproducing or amplifying sound, except, however, “sound equipment” does not include (a) sirens and other equipment used to alert persons to the existence of an emergency, (b) equipment used by law enforcement and other public safety officials in the performance of their official duties, (c) church carillons, bells or chimes, (d) mobile radio or telephone signaling devices and (e) automobile and truck radios, tape decks or players or other such standard equipment used and intended for the use and enjoyment of the occupants provided that the sound emitted therefrom is not audible for more than fifty (50) feet from such automobile or truck.

48.03 NOISE DISTURBANCE PROHIBITED. It is unlawful for any person to willfully make or continue or cause to allow to be made or continued any noise disturbance within the City.

48.04 INCLUDED SOUNDS. Except for sounds excluded in Section 48.05, the term “noise disturbance” means any of the following sounds:

1. Injurious or Disturbing Sounds Generally. Any sound which endangers or injures the welfare, safety or health of a human being or disturbs a reasonable human being of normal sensitivities or causes or tends to cause an

adverse physiological or physical effect on human beings or devalues or injures property.

2. Selling by “Hawking” or “Barking.” The sound of selling by shout or outcry when made within the area of the City zoned residential or commercial.

3. Loading and Unloading. The sound made by outdoor loading, unloading, opening, closing or handling of boxes, crates, containers, building materials, garbage cans, trash receptacles or similar objects between the hours of nine o’clock (9:00) p.m. and six-thirty o’clock (6:30) a.m. within any area of the City zoned residential or at the real property boundary of residential property.

4. Engine Repairs and Testing. The sound made by the repairing, rebuilding, modifying or testing of a motor vehicle or recreational vehicle which is received between the hours of nine o’clock (9:00) p.m. and six-thirty o’clock (6:30) a.m. at the real property boundary of residential property.

5. Powered Model Vehicles. The sound made by the operation of a powered model vehicle which is received between the hours of nine o’clock (9:00) p.m. and six-thirty o’clock (6:30) a.m. at the real property boundary of residential property.

6. Musical Instruments. The sound made by a drum, horn, reed instrument, string instrument or other musical instrument or device which is received between the hours of nine o’clock (9:00) p.m. and six-thirty o’clock (6:30) a.m. at the real property boundary of residential property.

7. Off-road Motorcycle and Recreational Vehicle Noise. The sound made on private property or on City-owned property other than a public right-of-way by a motorcycle or recreational vehicle and received between the hours of nine o’clock (9:00) p.m. and six-thirty o’clock (6:30) a.m. at the real property boundary of residential property; provided, however, the sound made by a motorcycle when traveling from private property to a public right-of-way, or vice versa, in pursuance of normal ingress or egress for purposeful transportation is not a noise disturbance unless made so by some provisions of this section other than this subsection 7.

8. Construction Noise. The sound made by tools or equipment in erection, demolition, excavation drilling or other such construction work which is received between the hours of nine o’clock (9:00) p.m. and six-thirty o’clock (6:30) a.m. at the real property boundary of residential property.

9. Sound Equipment. The sound made by sound equipment operated upon the public right-of-way or in any building or upon any premises, public or private, if plainly audible from any public right-of-way within the City between the hours of nine o’clock (9:00) p.m. and six-thirty o’clock (6:30) a.m. or upon any school grounds or in any school zone during normal school hours.

10. Racing. The sound made by a motor vehicle or recreational vehicle on private property or public right-of-way during any racing event or time trial, whether organized or unorganized.
11. Screeching Tires. The sound made by the intentional screeching or squealing of the tires of a motor vehicle in areas of the City zoned residential or commercial.
12. Noisy Exhaust System. The sound made by a motor vehicle or a recreational vehicle whose exhaust system has been modified by the installation of a muffler cut-out or bypass.
13. Lawn and Garden Equipment. The sound emitted by motor-powered, muffler-equipped lawn and garden equipment operated between the hours of nine o'clock (9:00) p.m. and six-thirty o'clock (6:30) a.m.
14. Chain Saws. The sound emitted by motor-powered tree trimming equipment operated between the hours of nine o'clock (9:00) p.m. and six-thirty o'clock (6:30) a.m.

48.05 EXCLUDED SOUNDS. Any other provision of Section 48.04 or other section of this chapter to the contrary notwithstanding, the term "noise disturbance," as used in this chapter, does not mean or include the following sounds:

1. Emergencies. The sound emitted in the performance of emergency work or to alert persons to the existence of an emergency.
2. Alarms. The sound emitted by the intentional sounding outdoors of any fire, burglar or civil defense alarm, siren, whistle or similar stationary emergency signaling device for emergency purposes, or for the essential testing of such device when conducted between the hours of six-thirty o'clock (6:30) a.m. and nine o'clock (9:00) p.m.
3. Church Bells. The sound emitted by church carillons, bells or chimes.
4. Automobile Radios. The sound emitted by an automobile or truck radio, tape deck or player or other such standard equipment used and intended for the use and enjoyment of such vehicle's occupants while such vehicle is on the public right-of-way, provided that the sound emitted therefrom is not audible for more than fifty (50) feet.
5. Certain Signaling Devices. The sound emitted by mobile radio or telephone signaling devices.
6. Religious Ceremonies. The sound emitted in conjunction with a religious celebration.
7. Law Enforcement. The sounds made or caused to be made by law enforcement officials in the performance of their official duties.
8. Mosquito Spraying Equipment. The sound made by City-owned or hired mosquito spraying equipment.

48.06 OTHER LAWS AND ORDINANCES. No provisions of this chapter should be construed to legalize or permit sounds, devices or activities made unlawful by State or federal statutes or this Code of Ordinances.

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CHAPTER 50

NUISANCE ABATEMENT PROCEDURE

50.01 Definition of Nuisance
50.02 Nuisances Enumerated
50.03 Nuisances Prohibited
50.04 Nuisance Abatement
50.05 Notice to Abate: Contents
50.06 Method of Service

50.07 Request for Hearing
50.08 Abatement in Emergency
50.09 Abatement by City
50.10 Collection of Costs
50.11 Installment Payment of Cost of Abatement
50.12 Failure to Abate

50.01 DEFINITION OF NUISANCE. Whatever is injurious to health, indecent, unreasonably offensive to the senses, or an obstruction to the free use of property so as essentially to interfere unreasonably with the comfortable enjoyment of life or property is a nuisance.

(Code of Iowa, Sec. 657.1)

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

(Code of Iowa, Sec. 657.2)

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.
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.
3. **Impeding Passage of Navigable River.** Obstructing or impeding without legal authority the passage of any navigable river, harbor or collection of water.
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.
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.
6. **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. *(See also Section 62.09)*

7. 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 Chapter 51*)
8. Air Pollution. Emission of dense smoke, noxious fumes or fly ash.
9. Weeds, Brush. Dense growth of all weeds, vines, brush or other vegetation in the City so as to constitute a health, safety or fire hazard.
10. Dutch Elm Disease. Trees infected with Dutch Elm Disease.
11. Airport Air Space. Any object or structure hereafter erected within one thousand (1,000) feet of the limits of any municipal or regularly established airport or landing place, which may endanger or obstruct aerial navigation including take-off and landing, unless such object or structure constitutes a proper use or enjoyment of the land on which the same is located.
12. 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.
13. Unsafe Signs. Any sign or sign structure which is structurally unsafe, constitutes a hazard to safety or health by reason of its location, inadequate maintenance or dilapidation, is not kept in good repair or is capable of causing electric shocks to persons likely to come in contact with it.
14. Obstructing Signs. Any sign or sign structure which obstructs free ingress or egress to or from public streets.
15. Obscene Signs. Signs containing statements, words or pictures of an obscene, indecent or immoral character, such as will offend public morals and decency.
16. Construction Debris. Dirt, debris or other sedimentation resultant from grading, construction, demolition or repair activities which is deposited or allowed to be deposited:
 - A. Onto public rights-of-way in amounts which could cause a danger to public health, safety or welfare; or
 - B. Into public storm sewers or drainage ways in amounts which could cause an obstruction to the flow of same; or
 - C. Into public streams, rivers or lakes in amounts which could cause pollution of same.

50.03 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)

50.04 NUISANCE ABATEMENT. Whenever the Mayor or other authorized municipal officer finds that a nuisance exists, such officer 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])

50.05 NOTICE TO ABATE: CONTENTS. The notice to abate shall contain:

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

1. Description of Nuisance. A description of what constitutes the nuisance.
2. Location of Nuisance. The location of the nuisance.
3. Acts Necessary to Abate. A statement of the act or acts necessary to abate the nuisance.
4. Reasonable Time. A reasonable time within which to complete the abatement.
5. Assessment of 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.

50.06 METHOD OF SERVICE. The notice may be in the form of an ordinance or sent by certified mail to the property owner.

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

50.07 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.

50.08 ABATEMENT IN EMERGENCY. If it is determined that an emergency exists by reason of the continuing maintenance of the nuisance or condition, the City may perform any action which may be required under this chapter without prior notice. The City shall assess the costs as provided in Section 50.10 after notice to the property owner under the applicable provisions of Sections 50.04, 50.05 and 50.06 and hearing as provided in Section 50.07.

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

50.09 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])

50.10 COLLECTION OF COSTS. 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 (1) month, the Clerk shall certify the costs to the County Treasurer and such costs shall then be collected with, and in the same manner, as general property taxes.

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

50.11 INSTALLMENT PAYMENT OF COST OF ABATEMENT. If the amount expended to abate the nuisance or condition exceeds one hundred dollars (\$100.00), the City may permit the assessment to be paid in up to ten (10) annual installments, to be paid in the same manner and with the same interest rates provided for assessments against benefited property under State law.

(Code of Iowa, Sec. 364.13)

50.12 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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CHAPTER 51

JUNK AND JUNK VEHICLES

51.01 Definitions

51.02 Junk and Junk Vehicles Prohibited

51.03 Junk and Junk Vehicles a Nuisance

51.04 Exceptions

51.05 Notice to Abate

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

1. “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, machinery or appliances; iron, steel or other old or scrap ferrous materials; old or discarded glass, tinware, plastic or old or discarded household goods or hardware. Neatly stacked firewood located on a side yard or a rear yard is not considered junk.

2. “Junk vehicle” means any vehicle located within the corporate limits of the City and not capable of being driven from the place of its location under its own power without the addition of parts or repairs thereon, or any vehicle not equipped with four inflated tires, or any vehicle not licensed for the current year. “Junk vehicle” also includes any vehicle which has become the habitat for rats, mice, or snakes, or any other vermin or insects or any vehicle which, because of its defective or obsolete condition, in any other way constitutes a threat to the public health and safety. Mere licensing of such vehicle shall not constitute a defense to the finding that the vehicle is a junk vehicle.

3. “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, or any combination thereof.

51.02 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.

51.03 JUNK AND JUNK VEHICLES A NUISANCE. It is hereby declared that any junk or junk vehicle located upon private property, unless excepted by Section 51.04, 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 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])

51.04 EXCEPTIONS. The provisions of this chapter do not apply to any junk or a junk vehicle stored within a garage or other enclosed structure; or to a vehicle on the premises of a business enterprise operated in a district properly zoned therefor, when necessary to the operation of said business enterprise, as authorized under the zoning ordinance of the City.

51.05 NOTICE TO ABATE. Upon discovery of any junk or junk vehicle located upon private property in violation of Section 51.03, the City shall within five (5) days initiate abatement procedures as outlined in Chapter 50 of this Code of Ordinances.

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

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CHAPTER 55

ANIMAL PROTECTION AND CONTROL

55.01 Definitions	55.09 Sanitation
55.02 Animal Neglect	55.10 Rabies Vaccination
55.03 Livestock Neglect	55.11 Owner's Duty
55.04 Abandonment of Cats and Dogs	55.12 Confinement
55.05 Agricultural and Non-domestic Animals	55.13 At Large: Impoundment
55.06 At Large Prohibited	55.14 Disposition of Animals
55.07 Damage or Interference	55.15 Impounding Costs
55.08 Annoyance or Disturbance	

55.01 DEFINITIONS. The following terms are defined for use in this chapter.

1. "Animal" means a nonhuman vertebrate.
(Code of Iowa, Sec. 717B.1)
2. "At large" means off the premises of the owner and not under the control of a competent person, either by leash, chain or other similar restraint not more than ten feet in length; restrained within a motor vehicle; or housed in a veterinary hospital or kennel.
3. "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 or poultry.
(Code of Iowa, Sec. 717.1)
4. "Owner" means any person owning, keeping, sheltering or harboring an animal.

55.02 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 a sufficient quantity of food or water, or to fail to provide a confined dog or cat with adequate shelter, or to torture, deprive of necessary sustenance, mutilate, beat, or kill such animal by any means which causes unjustified pain, distress or suffering.

(Code of Iowa, Sec. 717B.3)

55.03 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)

55.04 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)

55.05 AGRICULTURAL AND NON-DOMESTIC ANIMALS. Horses, cows, calves, swine, sheep, goats, chickens, geese, ducks and other agricultural animals and any non-domestic animals shall not be kept within the City except in accordance with the following:

1. No such animal may be kept in any dwelling or part thereof.
2. All such animals must be kept at least 150 feet from any dwelling.
3. No such animal may be kept on the same lot as any multi-family dwelling.
4. No more than two such animals, except for fowl, may be kept on parcels of land less than one acre. For each additional acre of land, one additional animal may be added.
5. All such animals must be kept for personal use only and no commercial use is allowed.

55.06 AT LARGE PROHIBITED. It is unlawful for any owner to allow an animal to run at large within the corporate limits of the City.

55.07 DAMAGE OR INTERFERENCE. It is unlawful for the owner of an animal to allow or permit such animal to pass upon the premises of another thereby causing damage to, or interference with, the premises.

55.08 ANNOYANCE OR DISTURBANCE. It is 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. It is also unlawful for the owner of a cat to allow or permit said cat to annoy or disturb any person or persons by frequent and habitual hissing, meowing or fighting.

55.09 SANITATION. It is unlawful for any owner, keeper or walker of any animal to permit said animal to discharge said animal's feces upon any public or private property within the City, other than the property of the owner of the animal, if such owner, keeper or walker does not immediately thereafter remove and/or clean up said animal's feces from the public or private property. In addition, it is unlawful for the owner or person in charge of any dog, cat or other animal to fail to keep the premises where the animal is kept in a clean and sanitary condition at all times.

55.10 RABIES VACCINATION. Every owner of a dog or cat shall obtain a rabies vaccination for such animal. It is unlawful for any person to own or have a dog or cat in said person's possession, six months of age or over, which has not been vaccinated

against rabies. Dogs kept in licensed kennels and not allowed to run at large are not subject to these vaccination requirements.

(Code of Iowa, Sec. 351.33)

55.11 OWNER'S DUTY. It is the duty of the owner of any dog, cat or other animal which has bitten or attacked a person or any person having knowledge of such bite or attack to report this act to a local health or law enforcement official. It is the duty of physicians and veterinarians to report to the local board of health the existence of any animal known or suspected to be suffering from rabies.

(Code of Iowa, Sec. 351.38)

55.12 CONFINEMENT. When the Chief of Police receives information that any person has been bitten by an animal or that a dog or animal is suspected of having rabies, the Chief of Police shall order the owner to confine such animal in the manner so directed. If the owner fails to confine such animal in the manner directed, the animal shall be apprehended and impounded by the Chief of Police, and after two weeks the Chief of Police may humanely destroy the animal. If such animal is returned to its owner, the owner shall pay the cost of impoundment.

(Code of Iowa, Sec. 351.39)

55.13 AT LARGE: IMPOUNDMENT. Animals found at large in violation of this chapter shall be seized and impounded, or at the discretion of the peace officer, the owner may be served a summons to appear before a proper court to answer charges made thereunder.

55.14 DISPOSITION OF ANIMALS. When an animal has been apprehended and impounded, written notice shall be given in not less than two days to the owner, if known. Impounded animals may be recovered by the owner upon payment of impounding costs, and if an unvaccinated dog, by having it immediately vaccinated. If the owner does not redeem the animal within seven days of the date of notice, or if the owner cannot be located within seven days, the animal may be humanely destroyed or otherwise disposed of in accordance with law.

(Code of Iowa, Sec. 351.37, 351.41)

55.15 IMPOUNDING COSTS. The owner of any dog, cat or other animal which is impounded shall pay to the Clerk the following fees.

(Code of Iowa, Sec. 351.37)

1. Impoundment Fee. The impoundment fee is thirty dollars (\$30.00) for the first violation. If within a year's time the same animal is impounded for a second time, the impounding fee shall be increased to sixty dollars (\$60.00). If within a year's time the same animal is impounded three or more times, the impounding fee shall be increased to ninety dollars (\$90.00).
2. Boarding Fee. In addition to the impoundment fee, the owner of any dog, cat or other animal shall pay a \$10.00 daily boarding fee for each day of impoundment or any fraction thereof.

CHAPTER 56

CITY DOG AND CAT LICENSE REQUIRED

56.01 Annual License Required

56.02 License Fees

56.03 Delinquency

56.04 License Tags

56.05 License Records

56.06 Immunization

56.07 Duplicate Tags

56.08 Transfers of Licensed Dogs or Cats

56.09 Kennel Dogs or Cats

56.10 Exceptions to License Requirements

56.01 ANNUAL LICENSE REQUIRED.

1. Every owner of a dog or cat over the age of six (6) months shall procure a dog or cat license from the Clerk on or before the 31st day of December of each year.
2. Such license may be procured after December 31 and at any time immediately following the possession of the dog or cat or at such time said dog or cat has reached the age of six (6) months.
3. The owner of a dog or cat for which a license is required shall apply to the Clerk on forms provided by the City.
4. The form of the application shall state the breed, sex, age, color, markings, and name, if any, of the dog or cat, and the address of the owner and shall be signed by the owner. The application shall also state the date of the most recent rabies vaccination, the type of vaccine administered and the date the dog or cat shall be revaccinated.
5. All licenses shall expire on December 31.

56.02 LICENSE FEES.

1. Male or female cat or dog (unaltered) - \$6.00
2. Spayed female cat or dog (incapable of reproduction) - \$3.00
3. Neutered male cat or dog (incapable of reproduction) - \$3.00
4. Pet owners who are 65 years of age or older and who submit proof of such age shall, upon application for a dog or cat license, be entitled to a reduction of fifty percent (50%). The fee for more than one dog or cat license shall be at the regular rate.
5. A pet owner classified as legally blind who applies for a dog or cat license shall qualify for a waiver of the annual license fee.
6. A certificate of a licensed veterinarian must accompany all applications claiming an animal is spayed or neutered.
7. If an owner of a cat or dog acquires possession of said animal less than six months prior to the expiration date of the license for that period, the license

fee shall be reduced fifty percent (50%) and the full regular license rate as herein provided shall be in effect on January 1.

56.03 DELINQUENCY. All license fees shall become delinquent after December 31 of the year in which they are due and payable, and a penalty of two dollars (\$2.00) per annum shall be added to each unpaid license on and after said date.

56.04 LICENSE TAGS. Upon receipt of the application and fee, the Clerk shall deliver or mail to the owner a license which shall be in the form of a metal tag stamped with the serial number of the license as shown on the record book of the Clerk, the year in which it is issued, and the name of the City. The license tag shall be securely fastened by the owner to a collar or harness which shall be worn at all times by the dog or cat for which issued. A license issued for one dog or cat shall not be transferable to another dog or cat. Upon the expiration of the license the owner shall remove said tag from the dog or cat.

(Code of Iowa, Sec. 351.6, 351.7, 351.8 and 351.13)

56.05 LICENSE RECORDS. The Clerk shall keep a book to be known as the record of licenses which shall show:

1. The serial number and date of each application for a license.
2. The description of the dog or cat as specified in the application, together with the name of the owner of the dog or cat.
3. The date when each license tag is issued and the serial number of each tag, the date of the most recent rabies vaccination, the type of vaccine administered, and the date the dog or cat shall be revaccinated.
4. The amount of all fees paid.
5. Such other data as may be required by law.

56.06 IMMUNIZATION. Before a license is issued, the owner shall furnish a veterinarian's certificate showing that the dog or cat for which the license is sought has been vaccinated against rabies, and that the vaccination does not expire within six months from the effective date of the dog or cat license. A tag showing evidence of proper vaccination shall at all times be attached to the collar of the dog or cat.

56.07 DUPLICATE TAGS. Upon the filing of an affidavit that the license tag has been lost or destroyed, the owner may obtain another tag on the payment of \$1.00 and the Clerk shall enter in the license record the new number assigned.

56.08 TRANSFERS OF LICENSED DOGS OR CATS. Upon transfer of a licensed dog or cat into the City, the owner shall surrender the original license tag to the Clerk. The Clerk shall preserve the surrendered tag and, without a license fee, issue a new license tag.

56.09 KENNEL DOGS OR CATS. Dogs or cats kept in State or Federally licensed kennels, 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 chapter.

56.10 EXCEPTIONS TO LICENSE REQUIREMENTS. The requirements for licensing dogs and cats do not apply to owners during the first thirty days of their residency in the City or if the dog or cat is:

1. In transit through the City.
2. Housed in a veterinary hospital.
3. Housed temporarily in an animal grooming shop.
4. Housed in an established licensed kennel.
5. Housed in an accredited institution for research purposes only.

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CHAPTER 57

DANGEROUS AND VICIOUS ANIMALS

57.01 Definitions

57.02 Running at Large Prohibited

57.03 Keeping of Dangerous Animals Prohibited

57.04 Additional Exceptions by Permission of Council

57.05 Seizure, Impoundment and Disposition of Dangerous
Animals

57.06 Keeping of Vicious Animals Prohibited

57.07 Seizure, Impoundment and Disposition of Vicious
Animals

57.08 Vicious Dogs

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

1. "Animal" means every wild, tame or domestic member of the animal kingdom which is a non-human vertebrate.
2. "Dangerous animal" means
 - 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 animal declared to be dangerous by the Council or its designee; and
 - C. The following animals, which are 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 female spider monkey and female woolly monkey;
 - (6) Elephants;
 - (7) Wild boar;
 - (8) Black widow spiders and scorpions;
 - (9) Snakes that 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, etc.)
 - (11) Raccoons, opossums and skunks;

3. “Dog” means members of the canine species, male or female, whether altered or not.
4. “Horse” means a large solid-hoofed herbivorous mammal (*Equus caballus*).
5. “Kennel” means any premises on which four or more dogs or four or more cats, six months of age or older, are kept or raised solely for the bona fide purpose of sale and which are kept under constant restraint.
6. “Owner” means any person owning, keeping, sheltering or harboring an animal.
7. “Pet shop” means any person engaged in the business of breeding, buying, selling or boarding animals of any species, except the operation of a kennel, agriculture or wildlife pursuits.
8. “Riding school” or “horse stable” means any person engaged in the business of teaching persons to ride horses or providing horses to ride for a fee.
9. “Vicious animal” means any animal, except for a dangerous animal per se, as previously listed, that has bitten or clawed a person or persons while running at large and the attack was unprovoked, or any animal that has exhibited vicious propensities in present or past conduct, including such that said animal (a) has bitten or clawed a person or persons on two separate occasions within a twelve-month period; or (b) did bite or claw once causing injuries above the shoulders of a person; or (c) could not be controlled or restrained by the owner at the time of the attack to prevent the occurrence; or (d) has attacked any domestic animal or fowl on three separate occasions within a twelve-month period, or any animal which has been found to possess such propensities by the Council, after hearing.

57.02 RUNNING AT LARGE PROHIBITED. It is unlawful for the owner of any animal including but not limited to cats, dogs, cattle, horses, swine, sheep, fowl or any animal defined as dangerous or vicious by this chapter, to run at large within the corporate limits of the City. The owner shall be held responsible and subject to penalty.

57.03 KEEPING OF DANGEROUS ANIMALS PROHIBITED. No person shall keep, shelter or harbor any dangerous animal as a pet, or act as a custodian for such animal, temporarily or otherwise, or keep such animal for any other purpose or in any other capacity within the City except 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 maintains 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 State Department of Natural Resources.
5. Any dangerous animals under the jurisdiction of and in the possession of the Iowa Department of Natural Resources, pursuant to Chapters 481A and 481B of the Code of Iowa.

While constricting snakes exceeding six feet in length and lizards exceeding two feet in length are not declared by this chapter to be dangerous per se, the owners of such animals shall, within two hours of knowledge of the possibility of such an animal being at large within the City, so notify the Police Department.

57.04 ADDITIONAL EXCEPTIONS BY PERMISSION OF COUNCIL.

Nothing in this chapter shall in any manner prohibit any individual deemed fully qualified and licensed under the United States Department of Agriculture and the United States Department of Interior from appearing before the Council for special and specific permission to keep for research, education or reproductive reasons any animal considered herein to be dangerous per se or not listed in any particular section of this chapter.

57.05 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 persons or property, such animal may, in the discretion of the animal control officer or Police Chief, be destroyed if it cannot be confined or captured. The City 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 written complaint of any individual that a person is keeping, sheltering or harboring a dangerous animal on premises located in the City, the animal control 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 animal control officer shall order the person named in the complaint to safely remove such animal from the City, permanently place the animal with an organization or group allowed under Section 57.03 of this chapter to possess dangerous animals, or destroy the animal, within three (3) days of the receipt of such order. Such order shall be contained in a notice to remove the dangerous animal, which notice shall be given in writing to the person keeping, sheltering

or harboring 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 has previously caused serious physical harm or death to any person, in which case the animal control 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 animal control officer may be appealed to the Council. In order to appeal such order, written notice of appeal must be filed with the Clerk within three (3) days after receipt of the order contained in the notice to remove the dangerous animal. Failure to file such written notice of appeal shall constitute a waiver of right to appeal the order of the animal control officer.

4. The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the Clerk. The hearing of such appeal shall be scheduled within seven (7) days of the receipt of notice of appeal. After such hearing, the Council may affirm or reverse the order of the animal control officer. Such determination shall be contained in a written decision and shall be filed with the Clerk within three (3) days after the hearing or any continued session thereof.

5. If the Council affirms the action of the animal control officer, the Council shall order in its written decision that the person 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 57.03 to possess dangerous animals or destroy it. The decision and order shall immediately be served upon the person against whom rendered in the same manner as the notice of removal. If the original order of the animal control officer is not appealed and is not complied with within three (3) days or the order of the Council after appeal is not complied with within three (3) days of its issuance, the animal control 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 person against whom the decision and order of the Council was issued has not petitioned the 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 57.03 of this chapter to possess dangerous animals or destroy such animal in a humane manner. Failure to comply with an order of the City issued pursuant hereto constitutes a misdemeanor offense.

57.06 KEEPING OF VICIOUS ANIMALS PROHIBITED. No person shall keep, shelter or harbor for any reason within the City a vicious animal except in the following circumstances:

1. Animals under the control of a law enforcement or military agency.

2. The keeping of guard dogs; however, guard dogs must be kept within a structure or 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 57.07. 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 Police Chief that a guard dog is on duty at said premises.

57.07 SEIZURE, IMPOUNDMENT AND DISPOSITION OF VICIOUS ANIMALS.

1. The animal control officer or designee, 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 Council. The person owning, keeping, sheltering or harboring the animal in question shall be given not less than seventy-two (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 state 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.

2. If, after hearing, the Council determines that an animal is vicious, the Council shall order the person owning, sheltering or 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 person 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 animal control officer is authorized to seize and impound the animal. An animal so seized shall be impounded for a period of seven (7) days. If at the end of the impoundment period, the person against whom the order of the Council was issued has not petitioned the District Court for a review of such order, the animal control 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 be safely be apprehended, in which case the animal control 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 of impoundment.

5. Any animal which is alleged to be vicious and which is under impoundment or quarantine at the animal shelter 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, such impoundment or quarantine shall be paid by the City.

57.08 VICIOUS DOGS. Notwithstanding any other provision of this chapter, no person owning, possessing, harboring or having the care of a vicious dog shall permit such animal to go unconfined upon the premises unless the dog is securely leashed and muzzled.

1. For the purpose of this section, a “vicious dog” means:
 - A. Any animal whose behavior constitutes a physical threat of bodily harm to a person in a place where such person is conducting himself or herself peacefully and lawfully. For the purposes of this section, a person is peaceably and lawfully upon the private property of an owner or possessor of an animal when he or she is on such property in the performance of any duty imposed by the laws of the jurisdiction or when he or she is on such property upon invitation, express or implied.
 - B. Any animal involved in an attack which requires defensive action by any person to prevent bodily injury and/or property damage in a place where such person is conducting himself or herself peacefully and lawfully.
 - C. Any animal involved in an attack on another animal or livestock which occurs off the property of the owner of the attacking animal.
 - D. Any animal which, in a threatening or terrorizing manner, in an attitude of attack, approaches any person upon the streets, sidewalks or any public grounds.
 - E. Any animal with a known propensity, tendency or disposition to attack, to cause injury or to otherwise threaten the safety of human beings or domestic animals.
 - F. Any animal which has attacked a human being or a domestic animal on any occasion causing bodily injury or death.
 - G. Any animal owned or harbored primarily or in part for the purpose of fighting or any animal trained for fighting.
 - H. Any animal that has been trained, tormented, badgered, baited or used for the purpose of causing or encouraging the animal to attack humans or domestic animals.
2. An animal *shall not* be deemed vicious if it bites, attacks or menaces:
 - A. Anyone assaulting its owner;
 - B. A trespasser on the property of its owner;

- C. A person who has tormented, teased, abused or assaulted it. If a minor was under the age of 7 at the time the dog injured such minor, it shall be rebuttably presumed that the minor was not committing a trespass or other tort such as teasing, tormenting or abusing the dog.
- D. In the defense of any human being within the immediate vicinity who was being attacked or assaulted.
3. An animal *shall not* be deemed vicious if it is assisting a peace officer engaged in law enforcement duties.
4. A vicious dog is “unconfined” unless such dog is:
- A. Securely confined in a dwelling house. An animal is *not* securely confined in a house if it is kept on a porch, patio or in any part of a house or building that would allow the dog to exit such structure on its own volition. In addition, no such animal is securely confined in a house where the windows are open or when screened windows or screened doors are the only obstacles preventing the dog from exiting the structure and running at large.
- B. Securely enclosed in a locked pen or kennel, except when secured within a dwelling house or leashed and muzzled as provided below. The pen or kennel must have secure sides and a secure top. The walls must be at least six feet high. In the absence of a secure top, the walls must be at least six feet taller than *any* internal structure (such as a dog house).
- C. All pens or other structures used to confine vicious dogs must be locked with a key or combination lock when the animal is within the structure. The structure must have a secure bottom, floor or foundation. The sides must be buried no less than two feet into the ground and sunken into a concrete pad so as to prevent digging under the walls by the confined dog.
- D. All structures erected to house dogs must comply with all City zoning and building regulations. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.
- E. No person shall permit a vicious dog to go outside its home, kennel or pen unless the dog is secured by a leash no longer than six feet in length. Both dog and leash must be under the physical control of a person 18 years of age or older with sufficient strength to prevent the dog’s escape. The dog may not be leashed or chained or tethered or otherwise tied to any inanimate object, such as a tree, post or building, outside of its pen, kennel or secured dwelling house.
5. A vicious dog may not be required to be muzzled when shown in an American Kennel Club Show or when securely confined in a private vehicle and inaccessible to persons other than those within the vehicle. A vicious dog

will be required to be muzzled in the above mentioned circumstances when a person, who is in the presence of the vicious dog, is concerned about his or her safety and requests the owner place a muzzle on the vicious dog.

6. An application to license a vicious dog must include:
 - A. An insurance policy or a certificate of insurance issued by an insurance company licensed to do business in the State, providing personal liability insurance coverage as in a homeowner's policy, with a minimum liability amount of \$50,000 for the injury or death of any person, for damage to property of others and for acts of negligence by the owner or agent of the owner in the negligent keeping of such vicious dog.
 - B. Posting a bond for the amount of \$50,000 may be used as an alternative to insurance mentioned in subsection A. Any association or corporation, whose primary business is the insuring of the fidelity of others, and which has the authority to do business in the State, shall be acceptable as security on the aforementioned bond. All bonds, when duly executed, shall be filed with the Clerk.
 - C. The insurance policy or certificate of insurance or posting of a bond referred to in this section shall provide that it cannot be canceled or terminated until ten days' notice by registered mail of such cancellation or termination has been received by the City Manager or designee.
 - D. The cancellation or other termination of any insurance policy or bond issued in compliance with this section shall automatically revoke and terminate the license issued for a vicious dog unless another policy or bond complying with this section is provided and in effect at the time of such cancellation or termination. The City Manager or designee shall immediately issue written notification of the revocation of said certificate and any license issued as aforesaid.
7. Any owner failing to comply with the provisions of this chapter after it has been determined that said owner's dog is vicious under this section is guilty of a misdemeanor.
8. The following procedure will be followed by the City when it has received a complaint about a dog or when the animal control officer or other law enforcement official has personally seen a dog which is acting in a manner which might conform with the description of a vicious dog in subsection 1 of this section.
 - A. The dog will be picked up and impounded. The owner shall pay all costs of this confinement.
 - B. The Police Chief or the animal control officer shall devise or cause to be devised a list of people qualified and willing to sit upon a hearing panel for the purpose of determining whether a dog should be

labeled vicious under the structures of this section. People qualified to serve on this panel are licensed veterinarians, the City's animal control officer, qualified dog breeders with not less than ten years' experience as active breeders, and qualified obedience instructors with not less than ten years' experience in American Kennel Club recognized obedience clubs. From this pool three people shall be chosen to act as the jury in an official hearing to be conducted to determine the disposition of an impounded dog.

C. The official conducting the hearing shall notify the owner of the impounded dog of the hearing and its purpose by personal service or registered mail. The hearing shall be held no sooner than five days and no later than ten days after the owner is given notice.

D. If an owner is notified of a hearing and no reply is received within ten days, the dog will be humanely destroyed or otherwise disposed of in accordance with State law.

E. During the hearing both the owner and the person charging the dog shall have opportunity to present evidence both written and oral and to be represented by legal counsel. The panel, after hearing the evidence, shall declare a dog vicious if it finds by a preponderance of the evidence that the dog meets any of the definitions of a vicious dog as laid out in subsection 1 of this section.

F. The panel shall have the right to pronounce judgment and require the dog to be impounded until the owner complies with subsection 6 (A through C) of this section, and a failure by the owner to comply within twenty (20) days shall cause the procedures for euthanasia to be carried out.

9. Apprehension and impoundment of vicious dogs shall include:

A. If the owner has previously complied with this section and the dog has nonetheless caused injury to either person or property, the panel may require euthanasia to be carried out on the vicious dog.

B. The order of the panel may be appealed to the Council. In order to appeal, written notice must be filed with the Clerk within three (3) days after receipt of the order of the panel. Failure to file such written notice of appeal shall constitute a waiver of the right to appeal the order of the panel.

C. The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the Clerk. The hearing of such appeal shall be scheduled within twenty (20) days of the receipt of notice of appeal. The hearing may be continued for good cause. The hearing shall be confined to the record made before the panel and no additional evidence shall be taken. After such hearing, the Council may affirm or reverse the order of the panel. Such

determination shall be contained in a written decision and shall be filed with the Clerk within three (3) days after the hearing. A copy of the written decision shall also be sent by certified mail to the dog's owner or the owner's designated legal representative.

D. The order of the Council may be appealed within twenty (20) days after the receipt of the written order by the dog's owner or the owner's legal representative, to the District Court in accordance with the Iowa Rules of Civil Procedure. Failure to file such appeal shall constitute a waiver of the right to appeal the order of the panel.

E. During the process of appeal, the dog will be kept impounded by the City at the expense of the owner or the owner may redeem the dog by complying with the confinement and insurance provisions of this section.

CHAPTER 58

SPECIAL BOW HUNTING OF ANTLERLESS DEER

58.01 Definitions

58.02 DNR Recommended Urban Deer Management Area

58.03 Special Bow Hunting of Antlerless Deer

58.04 Hunting

58.05 Legal Provisions

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

1. “Antlerless” means any fawn, either female or male, or any doe, without a pair of visible hard, bony, deciduous growths on their head, when viewed from a hunting position.
2. “Arrow” is limited as to the arrows allowed by the Iowa Department of Natural Resources (DNR).
3. “Bow” is limited as to the bows allowed by the Iowa Department of Natural Resources (DNR), except certain hunters with disabilities that affect the upper body may qualify under DNR guidelines to use a crossbow.
4. “Elevated stand” means a minimum height of at least six (6) vertical feet off the ground in an artificial or erected stand, or a natural growth, to ensure that the hunter’s body is not in contact with the ground and to ensure a downward thrust of the arrow released by bow hunting.
5. “License” means a document issued by the DNR, which is in addition to the State hunting license, and which is sold by the DNR to a bow hunter to participate in the special bow hunting of antlerless deer in the City.
6. “Permission form” means a document issued by the City, which requires the hunter to receive written authorization from the property owner or property manager for the hunter to hunt on the private property, and to file the document with the City.

58.02 DNR RECOMMENDED URBAN DEER MANAGEMENT AREA. The DNR has determined the area(s) within the City limits in which there is an overabundance of deer, and the area(s) have been designated by the DNR to be the Recommended Urban Deer Management Area.

1. The City may decrease the boundaries of the area designated by the DNR.
2. Hunters must obtain written permission from the private property owner or property manager to hunt on land in the City within the designated DNR area as adopted by the City, as shown on the map which is on file at City Hall.
3. No hunting may occur in or on any property owned or operated by the City.

58.03 SPECIAL BOW HUNTING OF ANTLERLESS DEER. The City's Special Bow Hunting of Antlerless Deer, to be administered by the City under DNR guidelines, is established as set forth herein.

1. The boundaries for the City's 1999-2000 special bow hunting of antlerless deer are as described below, and as shown on the map referred to in Section 58.02(2).
 - A. East boundary – I 35/80
 - B. North boundary – Meredith Drive, excluding that area which is in the City of Grimes
 - C. West boundary – 142nd Street
 - D. South boundary – Hickman Road (U.S. Highway 6)
2. The dates for the City's special bow hunting of antlerless deer will be from October 1 to January 10, 2000, inclusive.
3. The City's 1999 special bow hunting of antlerless deer will be limited to a total of fifty (50) antlerless deer for the hunting period designated above.
4. All shots of an arrow shall be from an elevated stand and shots shall be no further than 75 feet (25 yards).

58.04 HUNTING.

1. Hunters with the license for the special bow hunting of antlerless deer shall meet the requirements established by the DNR, except when the City regulations are more restrictive than the State regulations.
2. The minimum age set by the City for a hunter to participate in the special bow hunting of antlerless deer is eighteen (18) years old on the day of the hunt.
3. Each hunter must carry on his or her person when hunting:
 - A. A license for special bow hunting for antlerless deer from the DNR to hunt within the boundaries of the City in the designated hunt area; and
 - B. The written permission form to bow hunt on the private property from the property owner or property manager; and
 - C. A map referred to in 58.02(2) which verifies that the property being bow hunted is within the designated hunt area.
4. Hunters cannot position or use an elevated stand within 300 feet (100 yards) of any recreation trail, road or right-of-way.
5. Hunters cannot carry an uncased bow or a loaded bow within 300 feet (100 yards) of any residential home or any building, recreation trail, road, or right-of-way.

6. Hunters cannot hunt within 600 feet (200 yards) or less of any residential home or any building.
7. Hunters must take all deer meat to be processed or give to charity.

58.05 LEGAL PROVISIONS.

1. No person shall pursue, hunt, kill, snare, net, trap, search for, shoot at, stalk, or lie in wait for any animal with a bow and arrow, or any other thrown or propelled device within the City limits except as provided in this chapter.
2. Failure of a hunter to comply with City and/or State regulations may subject the hunter to revocation of his or her participation in the special bow hunting of antlerless deer, or subject the hunter to other legal action.

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CHAPTER 60

ADMINISTRATION OF TRAFFIC CODE

60.01 Title	60.06 Peace Officer's Authority
60.02 Definitions	60.07 Obedience to Peace Officers
60.03 Administration and Enforcement	60.08 Parades Regulated
60.04 Power to Direct Traffic	60.09 Public Employees to Obey Traffic Regulations
60.05 Traffic Accidents: Reports	60.10 Exemptions to Authorized Emergency Vehicles

60.01 TITLE. Chapters 60 through 70 of this Code of Ordinances may be known and cited as the "Urbandale Traffic Code."

60.02 DEFINITIONS. Where words and phrases used in the Traffic Code are defined by State law, such definitions apply to their use in said Traffic Code and are adopted by reference. Those definitions so adopted that need further definition or are reiterated, and other words and phrases used herein, have the following meanings:

(Code of Iowa, Sec. 321.1)

1. "Business District" means the territory contiguous to and including a highway when fifty percent (50%) or more of the frontage thereon for a distance of three hundred (300) feet or more is occupied by buildings in use for business.
2. "Park" or "parking" means 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.
3. "Peace officer" means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.
4. "Residence district" means the territory contiguous to and including a highway not comprising a business, suburban or school district, where forty percent (40%) or more of the frontage on such a highway for a distance of three hundred (300) feet or more is occupied by dwellings or by dwellings and buildings in use for business.
5. "School district" means the territory contiguous to and including a highway for a distance of two hundred (200) feet in either direction from a school house.
6. "Stand" or "standing" means the halting of a vehicle, whether occupied or not, otherwise than for the purpose of and while actually engaged in receiving or discharging passengers.
7. "Stop" means when required, the complete cessation of movement.
8. "Stop" or "stopping" means 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.

9. “Suburban district” means all other parts of the City not included in the business, school or residence districts.

10. “Traffic control device” means all signs, signals, markings, and devices not inconsistent with this chapter, lawfully placed or erected for the purpose of regulating, warning, or guiding traffic.

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.

60.03 ADMINISTRATION AND ENFORCEMENT. Provisions of this Traffic Code and State law relating to motor vehicles and law of the road are enforced by the Police Chief

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

60.04 POWER TO DIRECT TRAFFIC. A peace officer, and, in the absence of a peace officer, 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.

(Code of Iowa, Sec. 102.4 & 321.236[2])

60.05 TRAFFIC ACCIDENTS: REPORTS. The driver of a vehicle involved in an accident within the limits of the City shall file a report as and when required by the Iowa Department of Transportation. A copy of this report shall be filed with the City for the confidential use of peace officers and shall be subject to the provisions of Section 321.271 of the Code of Iowa.

(Code of Iowa, Sec. 321.273 & 321.274)

60.06 PEACE OFFICER’S AUTHORITY. A 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 such vehicle. A peace officer having probable cause to stop a vehicle may require exhibition of the proof of financial liability coverage card issued for the vehicle.

(Code of Iowa, Sec. 321.492)

60.07 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.

(Code of Iowa, Sec. 321.229)

60.08 PARADES REGULATED. No person shall conduct or cause any parade on any street except as provided herein:

1. "Parade" Defined. "Parade" means any march or procession of persons or vehicles organized for marching or moving on the streets in an organized fashion or manner or any march or procession of persons or vehicles represented or advertised to the public as a parade.
2. Approval Required. No parade shall be conducted without first obtaining approval from the Council. The person organizing or sponsoring the parade shall provide information concerning the time and date for the parade and the streets or general route therefor, and any approval given to such person includes all participants in the parade, provided they have been invited to participate.
3. Parade Not A Street Obstruction. Any parade for which approval has been given and the persons lawfully participating therein shall not be deemed an obstruction of the streets, notwithstanding the provisions of any other ordinance to the contrary.
4. Control By Police. Persons participating in any parade shall at all times be subject to the lawful orders and directions in the performance of their duties of law enforcement personnel.

60.09 PUBLIC EMPLOYEES TO OBEY TRAFFIC REGULATIONS. The provisions of these traffic chapters applicable to the drivers of vehicles upon the highways shall apply to the driver of any vehicle owned by or used in the service of the United States government, the State, the County or the City, and it shall be unlawful for any such driver to violate any of the provisions of these chapters, except as otherwise permitted in these chapters or by State law.

60.10 EXEMPTIONS TO AUTHORIZED EMERGENCY VEHICLES. The provisions of these traffic chapters regulating the operation, parking and standing of vehicles shall apply to authorized emergency vehicles, except as follows. A driver, when operating any such vehicle in an emergency, except when otherwise directed by a police officer, may:

1. Park or stand notwithstanding the provisions of these chapters.
2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.
3. Exceed the prima facie speed limits so long as the driver does not endanger life or property.
4. Disregard regulations governing direction of the movement or turning in specified directions so long as the driver does not endanger life or property.

The foregoing exemptions shall not, however, protect the driver of any such vehicle from the consequences of his or her reckless disregard of the safety of others.

CHAPTER 61

TRAFFIC CONTROL DEVICES

61.01 Installation
61.02 Crosswalks
61.03 Traffic Lanes

61.04 Standards
61.05 Compliance

61.01 INSTALLATION. The Public Works Department shall cause to be placed and maintained traffic control devices when and as required under this Traffic Code or under State law or emergency or temporary traffic control devices for the duration of an emergency or temporary condition as traffic conditions may require to regulate, guide or warn traffic. The department shall keep a record of all such traffic control devices.

(Code of Iowa, Sec. 321.255)

61.02 CROSSWALKS. The Public Works Department 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] & 321.255)

61.03 TRAFFIC LANES. The Public Works Department is hereby authorized to mark lanes for traffic on street pavements at such places as traffic conditions require, consistent with the traffic code of the 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. 372.13[4] & 321.255)

61.04 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)

61.05 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)

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CHAPTER 62

GENERAL TRAFFIC REGULATIONS

62.01 Violation of Regulations
62.02 "Children at Play" Signs
62.03 Vehicles on Sidewalks
62.04 Clinging to Vehicle
62.05 Quiet Zones
62.06 Funeral Processions
62.07 Tampering with Vehicle
62.08 Open Containers in Motor Vehicles

62.09 Obstructing View at Intersections
62.10 Reckless Driving
62.11 Careless Driving
62.12 Eluding or Attempting to Elude Pursuing Law Enforcement Vehicle
62.13 Placing Debris On Streets
62.14 Playing In Streets
62.15 Removal of Warning Devices from Streets
62.16 Traveling on Barricaded Street or Alley

62.01 VIOLATION OF REGULATIONS. Any person who willfully fails or refuses to comply with any lawful order of a peace officer or direction of a fire department officer during a fire, or who fails to abide by 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 section. These sections of the Code of Iowa are adopted by reference and are as follows:

1. Section 321.20B – Proof of security against liability.
2. Section 321.32 – Registration card, carried and exhibited.
3. Section 321.37 – Display of plates.
4. Section 321.38 – Plates, method of attaching, imitations prohibited.
5. Section 321.79 – Intent to injure.
6. Section 321.98 – Operation without registration.
7. Section 321.174 – Operators licensed.
8. Section 321.174A – Operation of motor vehicles with expired license.
9. Section 321.180 – Instruction permits.
10. Section 321.180B – Graduated driver's licenses for persons aged fourteen through seventeen.
11. Section 321.193 – Restricted licenses.
12. Section 321.194 – Special minor's licenses.
13. Section 321.216 – Unlawful use of license and nonoperator's identification card.
14. Section 321.216B – Use of driver's license or nonoperator's identification card by underage person to obtain alcohol.
15. Section 321.219 – Permitting unauthorized minor to drive.
16. Section 321.220 – Permitting unauthorized person to drive.

17. Section 321.221 – Employing unlicensed chauffeur.
18. Section 321.222 – Renting motor vehicle to another.
19. Section 321.223 – License inspected.
20. Section 321.224 – Record kept.
21. Section 321.232 – Radar jamming devices; penalty.
22. Section 321.234A – All-terrain vehicles.
23. Section 321.247 – Golf cart operation on City streets.
24. Section 321.259 – Unauthorized signs, signals or markings.
25. Section 321.262 – Damage to vehicle.
26. Section 321.263 – Information and aid.
27. Section 321.264 – Striking unattended vehicle.
28. Section 321.265 – Striking fixtures upon a highway.
29. Section 321.275 – Operation of motorcycles and motorized bicycles.
30. Section 321.278 – Drag racing prohibited.
31. Section 321.288 – Control of vehicle; reduced speed.
32. Section 321.295 – Limitation on bridge or elevated structures.
33. Section 321.297 – Driving on right-hand side of roadways; exceptions.
34. Section 321.298 – Meeting and turning to right.
35. Section 321.299 – Overtaking a vehicle.
36. Section 321.302 – Overtaking on the right.
37. Section 321.303 – Limitations on overtaking on the left.
38. Section 321.304 – Prohibited passing.
39. Section 321.307 – Following too closely.
40. Section 321.308 – Motor trucks and towed vehicles; distance requirements.
41. Section 321.309 – Towing; convoys; drawbars.
42. Section 321.310 – Towing four-wheel trailers.
43. Section 321.312 – Turning on curve or crest of grade.
44. Section 321.313 – Starting parked vehicle.
45. Section 321.314 – When signal required.
46. Section 321.315 – Signal continuous.
47. Section 321.316 – Stopping.
48. Section 321.317 – Signals by hand and arm or signal device.

49. Section 321.319 – Entering intersections from different highways.
50. Section 321.320 – Left turns; yielding.
51. Section 321.321 – Entering through highways.
52. Section 321.322 – Vehicles entering stop or yield intersection.
53. Section 321.323 – Moving vehicle backward on highway.
54. Section 321.324 – Operation on approach of emergency vehicles.
55. Section 321.329 – Duty of driver – pedestrians crossing or working on highways.
56. Section 321.330 – Use of crosswalks.
57. Section 321.332 – White canes restricted to blind persons.
58. Section 321.333 – Duty of drivers.
59. Section 321.340 – Driving through safety zone.
60. Section 321.341 – Obedience to signal of train.
61. Section 321.342 – Stop at certain railroad crossings; posting warning.
62. Section 321.343 – Certain vehicles must stop.
63. Section 321.344 – Heavy equipment at crossing.
64. Section 321.354 – Stopping on traveled way.
65. Section 321.359 – Moving other vehicle.
66. Section 321.362 – Unattended motor vehicle.
67. Section 321.363 – Obstruction to driver’s view.
68. Section 321.364 – Preventing contamination of food by hazardous material.
69. Section 321.365 – Coasting prohibited.
70. Section 321.367 – Following fire apparatus.
71. Section 321.368 – Crossing fire hose.
72. Section 321.369 – Putting debris on highway.
73. Section 321.370 – Removing injurious material.
74. Section 321.371 – Clearing up wrecks.
75. Section 321.372 – School buses.
76. Section 321.381 – Movement of unsafe or improperly equipped vehicles.
77. Section 321.382 – Upgrade pulls; minimum speed.
78. Section 321.383 – Exceptions; slow vehicles identified.

79. Section 321.384 – When lighted lamps required.
80. Section 321.385 – Head lamps on motor vehicles.
81. Section 321.386 – Head lamps on motorcycles and motorized bicycles.
82. Section 321.387 – Rear lamps.
83. Section 321.388 – Illuminating plates.
84. Section 321.389 – Reflector requirement.
85. Section 321.390 – Reflector requirements.
86. Section 321.392 – Clearance and identification lights.
87. Section 321.393 – Color and mounting.
88. Section 321.394 – Lamp or flag on projecting load.
89. Section 321.395 – Lamps on parked vehicles.
90. Section 321.398 – Lamps on other vehicles and equipment.
91. Section 321.402 – Spot lamps.
92. Section 321.403 – Auxiliary driving lamps.
93. Section 321.404 – Signal lamps and signal devices.
94. Section 321.405 – Self-illumination.
95. Section 321.406 – Cowl lamps.
96. Section 321.408 – Back-up lamps.
97. Section 321.409 – Mandatory lighting equipment.
98. Section 321.415 – Required usage of lighting devices.
99. Section 321.417 – Single-beam road-lighting equipment.
100. Section 321.418 – Alternate road-lighting equipment.
101. Section 321.419 – Number of driving lamps required or permitted.
102. Section 321.420 – Number of lamps lighted.
103. Section 321.421 – Special restrictions on lamps.
104. Section 321.422 – Red light in front.
105. Section 321.423 – Flashing lights.
106. Section 321.430 – Brake, hitch and control requirements.
107. Section 321.431 – Performance ability.
108. Section 321.432 – Horns and warning devices.
109. Section 321.433 – Sirens, whistles and bells prohibited.
110. Section 321.434 – Bicycle sirens or whistles.

111. Section 321.436 – Mufflers, prevention of noise.
112. Section 321.437 – Mirrors.
113. Section 321.438 – Windshields and windows.
114. Section 321.439 – Windshield wipers.
115. Section 321.440 – Restrictions as to tire equipment.
116. Section 321.441 – Metal tires prohibited.
117. Section 321.442 – Projections on wheels.
118. Section 321.444 – Safety glass.
119. Section 321.445 – Safety belts and safety harnesses – use required.
120. Section 321.446 – Child restraint devices.
121. Section 321.449 – Motor carrier safety regulations.
122. Section 321.450 – Hazardous materials transportation.
123. Section 321.454 – Width of vehicles.
124. Section 321.455 – Projecting loads on passenger vehicles.
125. Section 321.456 – Height of vehicles; permits.
126. Section 321.457 – Maximum length.
127. Section 321.458 – Loading beyond front.
128. Section 321.460 – Spilling loads on highways.
129. Section 321.461 – Trailers and towed vehicles.
130. Section 321.462 – Drawbars and safety chains.
131. Section 321.463 – Maximum gross weight.
132. Section 321.465 – Weighing vehicles and removal of excess.
133. Section 321.466 – Increased loading capacity - reregistration.

62.02 “CHILDREN AT PLAY” SIGNS. The Public Works Department is hereby authorized to erect “Children at Play” signs along roadways in such locations that are in proximity to children’s play areas or parks.

62.03 VEHICLES ON SIDEWALKS. The driver of a vehicle shall not drive upon or within any sidewalk area except at a driveway.

62.04 CLINGING TO VEHICLE. No person shall drive a motor vehicle on the streets of the City unless all passengers of said 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 shall jump, climb or hang upon any moving vehicle on any street. No

person riding upon any bicycle, coaster, roller skates, in-line skates, sled or toy vehicle shall attach the same or himself or herself to any vehicle upon a roadway.

62.05 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.

62.06 FUNERAL PROCESSIONS. Upon the immediate approach of a funeral procession, the driver of every other vehicle, except an authorized emergency vehicle, shall yield the right-of-way. An operator of a motor vehicle which is part of a funeral procession shall not be charged with violating traffic rules and regulations relating to traffic signals and devices while participating in the procession unless the operation is reckless. A funeral procession composed of a procession of vehicles shall be identified as such by the lighting of their headlights, which shall be kept lighted during the time they are in the procession.

(Code of Iowa, Sec. 321.324A)

62.07 TAMPERING WITH VEHICLE. It is unlawful for any person, either individually or in association with one or more other persons, to willfully injure or tamper with any vehicle or break or remove any part or parts of or from a vehicle without the consent of the owner.

62.08 OPEN CONTAINERS IN MOTOR VEHICLES.

1. 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.

(Code of Iowa, Sec. 321.284)

2. Passengers. A passenger in 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.

(Code of Iowa, Sec. 321.284A)

As used in this section “passenger area” means the area of a motor vehicle 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.

62.09 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. On a corner lot where setback or side yard exists, no fence, wall, shrubbery, ground, sign, billboard, marquee or other obstruction to vision, between a

height of 2½ and 10 feet above the centerline grades of intersecting streets shall be erected, placed, planted, allowed to grow, or maintained within the triangular yard space formed by the intersecting street lines and a line joining points on such street lines 25 feet from the point of intersection of the streets.

62.10 RECKLESS DRIVING. No person shall drive any vehicle in such manner as to indicate a willful or a wanton disregard for the safety of persons or property.

(Code of Iowa, Sec. 321.277)

62.11 CARELESS DRIVING. No person shall intentionally operate a motor vehicle on a street or highway in any one of the following ways:

(Code of Iowa, Sec. 321.277A)

1. Creating or causing unnecessary tire squealing, skidding or sliding upon acceleration or stopping.
2. Simulating a temporary race.
3. Causing any wheel or wheels to unnecessarily lose contact with the ground.
4. Causing the vehicle to unnecessarily turn abruptly or sway.

62.12 ELUDING OR ATTEMPTING TO ELUDE PURSUING LAW ENFORCEMENT VEHICLE. No driver of a motor vehicle shall willfully fail to bring the motor vehicle to a stop or otherwise elude or attempt to elude a marked official law enforcement vehicle driven by a uniformed peace officer after being given a visual or audible signal to stop and in doing so exceed the speed limit by twenty-five (25) miles per hour or more. The signal given by the peace officer shall be by flashing red light or siren.

(Code of Iowa, Sec. 321.279)

62.13 PLACING DEBRIS ON STREETS. It is unlawful for any person to throw or deposit on any street or alley any glass, glass bottle, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, leaves, grass or any other debris likely to be washed into the storm sewer and clog the storm sewer, or any substance likely to injure any person, animal or vehicle.

(Code of Iowa, Sec. 321.369)

62.14 PLAYING IN STREETS. It is unlawful for any person to coast, sled or play games on streets or alleys, except in the areas blocked off by the City for such purposes.

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

62.15 REMOVAL OF WARNING DEVICES FROM STREETS. It is unlawful for a person to willfully remove, throw down, destroy or carry away from any street or alley any lamp, obstruction, guard or other article or things, or extinguish any lamp or other light, erected or placed thereupon for the purpose of guarding or enclosing

unsafe or dangerous places in said street or alley without the consent of the person in control thereof.

(Code of Iowa, Sec. 716.1)

62.16 TRAVELING ON BARRICADED STREET OR ALLEY. It is unlawful for any person to travel or operate any vehicle on any street or alley temporarily closed by barricades, lights, signs, or flares placed thereon by the authority or permission of any City official, police officer or member of the fire department.

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CHAPTER 63

SPEED REGULATIONS

63.01 General

63.02 State Code Speed Limits

63.03 Parks, Cemeteries and Parking Lots

63.04 Special Speed Restrictions

63.05 Minimum Speed

63.06 Emergency Vehicles

63.01 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 said driver 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)

63.02 STATE CODE SPEED LIMITS. The following speed limits are established in Section 321.285 of the Code of Iowa and any speed in excess thereof is unlawful unless specifically designated otherwise in this chapter as a special speed zone.

1. Business District – twenty (20) miles per hour.
(Code of Iowa, Sec. 321.285 [1])
2. Residence or School District – twenty-five (25) miles per hour.
(Code of Iowa, Sec. 321.285 [2])
3. Suburban District – forty-five (45) miles per hour.
(Code of Iowa, Sec. 321.285 [3])
4. All vehicular traffic, notwithstanding any other speed restrictions – fifty-five (55) miles per hour.
(Code of Iowa, Sec. 321.285 [4])
5. Secondary roads – reasonable and proper speeds, but not greater than fifty-five (55) miles per hour at any time between sunrise and sunset, and not greater than fifty (50) miles per hour at any time between sunset and sunrise, unless such secondary roads are surfaced with concrete or asphalt or a combination of both, in which case the speed limits shall be the same as provided in subsection 4 of this section.
(Code of Iowa, Sec. 321.285 [5])
6. Fully controlled access, divided, multi-laned highways, notwithstanding any other speed restrictions – sixty-five (65) miles per hour.
(Code of Iowa, Sec. 321.285 [6])

63.03 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 chapter, is unlawful.

(Code of Iowa, Sec. 321.236[5])

63.04 SPECIAL SPEED RESTRICTIONS. In accordance with requirements of the Iowa State Department of Transportation, or whenever the Council shall determine upon the basis of an engineering and traffic investigation that any speed limit listed in Section 63.02 is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of the City street system, the Council shall determine and adopt by ordinance such higher or lower speed limit as it deems reasonable and safe at such location. The following special speed zones have been established:

(Code of Iowa, Sec. 321.290)

1. Special 25 MPH Speed Zones. A speed in excess of twenty-five (25) miles per hour is unlawful on any of the following designated streets or parts thereof.
 - A. On Dennis Drive west of 100th Street;
 - B. On 111th Street south of Douglas Avenue.
2. Special 30 MPH Speed Zones. A speed in excess of thirty (30) miles per hour is unlawful on any of the following designated streets or parts thereof.
 - A. On Douglas Avenue from the west side of 79th Street east to the east corporate limits of the City;
 - B. On Merle Hay frontage road located on the west side of Merle Hay Road and which runs from approximately Station 139+50 to Station 180+73;
 - C. On all present and future frontage roads west of 86th Street.
3. Special 35 MPH Speed Zones. A speed in excess of thirty-five (35) miles per hour is unlawful on any of the following designated streets or parts thereof.
 - A. On Merle Hay Road from Douglas to 800 feet north of Aurora Avenue;
 - B. On 86th Street from Hickman Road to north corporate limits;
 - C. On Meredith Drive from the west right-of-way line of Merle Hay Road to 86th Street;
 - D. On 70th Street from Aurora Avenue to Meredith Drive;
 - E. On 72nd Street from south of Benton Drive to Hickman Road;
 - F. On 104th Street from Douglas Avenue south for 440 yards;
 - G. On Prairie Avenue between 106th Street and 109th Street;

- H. On 106th Street and 109th Street;
 - I. On 72nd Street from Meredith Drive to the north City corporate limits;
 - J. On Hickman Road from 1,350 feet east of Walnut Creek to the west City limits of Des Moines;
 - K. On 100th Street from the south City limits at Hickman Road to the north City limits (and for all existing and future sections of 100th Street);
 - L. On 114th Street between Douglas Avenue and Meredith Drive;
 - M. On Hickman Road from 1,350 feet east of the Walnut Creek Bridge to the east corporate limit of the City;
 - N. On 124th Street between Hickman Road and Aurora Avenue;
 - O. On 128th Street between Hickman Road and Aurora Avenue;
 - P. On Northwest Urbandale Drive from Interstate 35/80 to Douglas Avenue.
4. Special 40 MPH Speed Zones. A speed in excess of forty (40) miles per hour is unlawful on any of the following designated streets or parts thereof.
- A. On Merle Hay Road from 800 feet north of Aurora Avenue to the south city limits of Johnston;
 - B. On Hickman Road from 1,300 feet west of 86th Street to 1,350 feet east of the Walnut Creek Bridge;
 - C. On Hickman Road from 1,300 feet west of 86th Street to 1,350 feet east of the Walnut Creek Bridge.
5. Special 45 MPH Speed Zones. A speed in excess of forty-five (45) miles per hour is unlawful on any of the following designated streets or parts thereof.
- A. On Douglas Avenue from the west City corporate limits to the west side of 79th Street;
 - B. On Meredith Drive from the west line of 86th Street to the west corporate limits;
 - C. On 104th Street from Hickman Road to 440 yards south of Douglas Avenue;
 - D. On Hickman Road from 650 feet west of 100th Street to 1,300 feet west of 86th Street;
 - E. On Hickman Road from 650 feet west of 100th Street to 1,300 feet west of 86th Street.
6. Special 50 MPH Speed Zones. A speed in excess of fifty (50) miles per hour is unlawful on any of the following designated streets or parts thereof.

- A. On Hickman Road from the west City limits to 650 feet west of 100th Street;
 - B. On Hickman Road from 650 feet west of 100th Street to 300 feet east of 133rd Street.
7. Special 55 MPH Speed Zones. A speed in excess of fifty-five (55) miles per hour is unlawful on any of the following designated streets or parts thereof.
- A. On Hickman Road from 300 feet east of 133rd Street to the west corporate limit of the City.

63.05 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)

63.06 EMERGENCY VEHICLES. The speed limitations set forth in this chapter do not apply to authorized emergency vehicles or the rider of a police bicycle 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 and the drivers thereof use an audible signaling device or a visual signaling device. This provision does 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 others.

(Code of Iowa, Sec. 321.231)

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CHAPTER 64

TURNING REGULATIONS

64.01 Turning at Intersections

64.03 U-turns

64.02 Authority to Mark

64.01 TURNING AT INTERSECTIONS. The driver of a vehicle intending to turn at an intersection shall do so as follows:

(Code of Iowa, Sec. 321.311)

1. Both the approach for a right turn and a right turn shall be made as close as practical to the right-hand curb or edge of the roadway.
2. Approach for a left turn shall be made in that portion of the right half of the roadway nearest the centerline thereof and after entering the intersection the left turn shall be made so as to depart from the intersection to the right of the centerline of the roadway being entered.
3. Approach for a left turn from a two-way street into a one-way street shall be made in that portion of the right half of the roadway nearest the centerline where it enters the intersection. A left turn from a one-way street into a two-way street shall be made by passing to the right of the centerline of the street being entered upon leaving the intersection.

64.02 AUTHORITY TO MARK. The Public Works Department 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 Section 64.01 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)

64.03 U-TURNS. It is unlawful for a driver to make a U-turn except at an intersection, however, U-turns are prohibited within the business district, at the following designated intersections and at intersections where there are automatic traffic signals.

(Code of Iowa, Sec. 321.236[9])

— NONE —

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CHAPTER 65

STOP OR YIELD REQUIRED

65.01 Stop Required
65.02 Yield Required

65.03 School Stops

65.04 Stop Before Crossing Sidewalk

65.05 Stop When Traffic Is Obstructed

65.06 Yield to Pedestrians in Crosswalks

65.07 Official Traffic Controls

65.01 STOP REQUIRED. Every driver of a vehicle shall stop in accordance with the following:

(Code of Iowa, Sec. 321.345)

1. Traffic on all streets and future streets shall stop before entering Douglas Avenue, Douglas Parkway and Hickman Road.
2. Traffic on all streets and future streets between Douglas Avenue and Urbandale Avenue shall stop before entering 64th, 68th and 70th Streets.
3. Traffic on all streets and future streets between Douglas Avenue and Hickman Road shall stop before entering 72nd Street, 86th Street (Clive Road), Mary Lynn Drive and Patricia Drive, except that Mary Lynn Drive shall stop at its intersection with Patricia Drive.
4. Traffic on all streets and future streets between Douglas Avenue and Aurora Avenue shall stop before entering 64th, 66th, 68th, 70th and 72nd Streets, except Prairie Avenue at 68th Street.
5. Traffic on all streets and future streets between Aurora Avenue and Meredith Drive shall stop before entering 66th and 70th Streets and 72nd Street.
6. Traffic on all streets and future streets between Douglas Avenue and Meredith Drive shall stop before entering 86th Street (Clive Road) and 100th Street (Applegate Road).
7. Traffic on 64th, 67th, 68th and Lakeland shall stop before entering Urbandale Avenue.
8. Traffic on all streets and future streets between 64th and 81st Streets shall stop before entering Prairie Avenue, except 64th Street, 66th Street, 70th Street, 72nd Street, 75th Street, 79th Street and 81st Street.
9. Traffic on 66th Street shall stop before entering Roseland Drive.

10. Northbound traffic on 70th Street shall stop before entering the intersection of Urbandale Avenue.
11. Traffic on Oliver Smith Drive to stop before entering 66th Street.
12. All traffic on Beverly Drive and Lakeland Drive shall stop before entering New York Avenue.
13. Traffic on all streets and future streets between 72nd Street and 77th Street, except Elm Drive and Palm Drive and Delwood shall stop before entering Roseland Drive.
14. Traffic on all streets and future streets shall stop before entering Aurora Avenue except 86th Street, Mary Lynn Drive and 109th Street.
15. All traffic on Aurora Avenue shall stop before entering 70th Street.
16. Traffic on all streets and future streets shall stop before entering Meredith Drive, except 86th Street, including traffic heading in both northerly and southerly directions on the Merle Hay frontage road at its intersection with Meredith Drive located at approximately 105 feet It. Station 152+93.4.
17. Traffic on all streets and future streets shall stop before entering Merle Hay Road and Merle Hay frontage roads, including a stop on Oakwood Drive at its intersection with Merle Hay frontage road, but no stop is required on Meredith Drive at its intersection with Merle Hay frontage road; provided, however, a stop on Meredith Drive is required at its intersection with Merle Hay Road.
18. Traffic on Wilden Drive shall stop before entering Monroe Court.
19. Traffic on all streets and future streets between Meredith Drive and the north corporate limit shall stop before entering 72nd Street.
20. Traffic on all streets and future streets between Urbandale Avenue and Hickman Road shall stop before entering 70th Street or Rocklyn Drive.
21. Traffic on all streets between Douglas Avenue and Aurora Avenue shall stop before entering 75th Street.
22. Traffic on all streets and future streets between Douglas Avenue and Aurora Avenue shall stop before entering 82nd Street.
23. Traffic on all streets and future streets shall stop before entering Airline Avenue from 73rd Street to and including 83rd Street.
24. All traffic on Bryn Mawr Drive shall stop before entering Ashwood Drive.
25. Traffic shall stop entering Merle Hay Road from the west side thereof entering from the Merle Hay frontage Road at Stations 174+00, 169+15, 152+93.4, 146+50, and 139+50.

26. Traffic on Madison Avenue shall stop before entering 67th Street, 69th Street and 81st Street.
27. Traffic on all streets and future streets shall stop before entering Townsend Avenue between 66th Street and 76th Street, except at 66th Street, 70th Street and 72nd Street.
28. Traffic on Prairie Avenue shall stop before entering 109th Street at right angles.
29. Traffic on all streets and future streets shall stop before entering Hickman Road, including cross-overs on Hickman Road at Iowa State Highway Commission stationing for U.S. Highway #6, Station 650+87.7, 613+47.09, and 627+74.4 on Hickman Road frontage road before entering Hickman Road. Traffic on Beverly Drive shall stop before entering Frontage Road. At Patricia Drive cross-over at Iowa State Highway Commission stationing for U.S. Highway #6, Station 655+67.45, all traffic on Frontage Road shall stop before entering 86th Street.
30. Traffic on Douglas Avenue frontage road traveling either easterly or westerly shall stop before entering 111th Street on all streets south of its intersection with Douglas Avenue and north of its intersection with Hickman Road.
31. Traffic on all streets and future streets between Hickman Road and Douglas Avenue shall stop before entering 104th Street except Hickman Road.
32. Traffic on Dewey Gibbs Road shall stop at its intersection with 92nd Street.
33. Traffic on all streets and future streets shall stop before entering Mary Lynn Drive, north of Douglas Avenue, except Aurora Avenue.
34. Traffic on Hillsdale Drive shall stop before entering Dewey Gibbs Road.
35. Traffic on Prairie Avenue shall stop at its intersection with 79th Street.
36. Traffic on Prairie Avenue shall stop at its intersection with 81st Street.
37. Traffic on Hammontree Drive shall stop at its intersection with 82nd Street.
38. Traffic on Mary Lynn Drive shall stop before entering Sherry Lane.
39. Traffic on Park Hill Court shall stop at its intersection with Townsend Avenue.
40. Traffic on all streets and future streets shall stop before entering 78th Street north of Meredith Drive.
41. Traffic on all streets and future streets shall stop before entering Parkview Drive, except Meredith Drive and 86th Street.

42. Traffic on all streets and future streets shall stop before entering Colby Woods Drive between 78th Street and Maple Drive.
43. Traffic on Linda Drive shall stop before entering Beverly Drive.
44. Traffic on all streets and future streets shall stop before entering Patricia Drive between Douglas Avenue and Valdez Drive, except Douglas Avenue.
45. Traffic on 101st Street shall stop before entering Dennis Drive and Justin Drive.
46. Traffic on Melanie Drive and Eula Drive shall stop before entering Dewey Gibbs Road.
47. Traffic on Valdez Circle shall stop at its intersection with 82nd Street.
48. Traffic on all streets and future streets between Horton Avenue and Winston Avenue, inclusive, shall stop before entering 83rd Street, excepting Airline.
49. Traffic on 67th Street shall stop before entering Oliver Smith Drive.
50. Traffic on all streets shall stop before entering 62nd Street.
51. Traffic on Roseland Drive shall stop before entering 78th Street.
52. Traffic on Aurora Avenue shall stop at its intersection with 109th Street.
53. Traffic on 68th Street shall stop at its intersection with Sheridan Avenue.
54. Traffic on Wilden Drive shall stop at its intersection with Elm Drive.
55. Traffic on Mary Lynn Drive shall stop at its intersection with Horton Avenue.
56. Traffic on all streets and future streets between 100th and Meredith shall stop before entering Tanglewood.
57. Traffic on Hickman Frontage Road shall stop at its intersection with 100th Street.
58. Traffic on Aurora shall stop at its intersection with 114th Street.
59. Traffic on Dennis Drive shall stop before entering 75th Street.
60. All traffic on Prairie shall stop at 71st Street from 8:00 a.m. to 4:00 p.m., Monday through Friday, during school session.
61. Traffic on all streets and future streets shall stop before entering Lockner Drive from Meredith Drive to Plum Drive.
62. Traffic on all streets and future streets shall stop before entering Plum Drive from 72nd Street to Lockner Drive.
63. Traffic on all streets and future streets between Meredith Drive and the north corporate limits shall stop before entering 86th Street (Clive Road).

64. Traffic on all streets and future streets between Hickman Road and the north corporate limits shall stop before entering 100th Street.
65. Traffic on 98th Street shall stop at its intersection with Winston Avenue.
66. Traffic on 88th Street shall stop at its intersection with Iltis Avenue.
67. Traffic on Townsend Avenue shall stop at its intersection with 88th Street.
68. Traffic on all streets and future streets between Greenbelt Drive and Townsend Avenue shall stop before entering 91st Street.
69. Traffic on Plum Drive traveling eastbound shall stop at its intersection with 84th Street.
70. Traffic on all streets between 80th Place and 83rd Street shall stop before entering Plum Drive.
71. Traffic on 74th Street shall stop at its intersection with Plum Drive.
72. Traffic on Hickory drive shall stop at its intersection with 74th Street.
73. Traffic on 70th Street Place shall stop at its intersection with Hickory Lane.
74. Traffic on 66th Street shall stop at its intersection with Hickory Lane.
75. Traffic on 72nd Street shall stop at its intersection with Townsend Avenue.
76. Traffic on 72nd Street shall stop at its intersection with Twana Drive.
77. Traffic on 72nd Street traveling northbound shall stop at its intersection with 73rd Street.
78. Traffic on 65th Street shall stop at its intersection with Townsend Avenue.
79. Traffic on Oliver Smith Drive shall stop at its intersection with 74th Street.
80. Traffic on all streets and future streets shall stop before entering Colby Parkway.
81. Traffic on all streets and future streets between Maple Drive and Colby Parkway shall stop before entering Colby Woods Drive.
82. Traffic on Rocklyn Drive shall stop at its intersection with 78th Street.
83. Traffic on NW 124th Street shall stop at its intersection with Hickman Road.
84. Traffic on NW 128th Drive shall stop at its intersection with Hickman Road.

85. Traffic on NW 142nd Street shall stop at its intersection with Hickman Road.
86. Traffic on NW 138th Street shall stop at its intersection with NW 42nd Avenue.
87. Traffic on NW 42nd Avenue shall stop at its intersection with NW 128th Street.
88. Traffic on NW 128th Street shall stop at its intersection with Douglas Avenue.
89. Traffic on Aurora Avenue shall stop at its intersection with Mary Lynn Drive.
90. Traffic on Urbandale Avenue shall stop at its intersection with New York Avenue.
91. Traffic on 60th Street shall stop at its intersection with Oakwood Drive.
92. Traffic on 61st Street shall stop at its intersection with Oakwood Drive.
93. Traffic on the Douglas Avenue frontage road shall stop at its intersection with 109th Street.
94. Traffic on 100th Street shall stop at its intersection with N.W. 54th Avenue.
95. Traffic southbound on 71st Street shall stop at its intersection with Iltis Drive.
96. Traffic on 101st Street shall stop at Sutton Drive.
97. Traffic on 103rd Street shall stop at Sutton Drive.
98. Traffic on all streets between Hickman Road and Douglas Parkway shall stop at 142nd Street.
99. Traffic on Parkside Circle shall stop at 99th Street.
100. Traffic on Airline Avenue shall stop at 69th Street.
101. Traffic on Airline Avenue shall stop at 67th Street.
102. Traffic on Airline Avenue shall stop at 65th Street.
103. Traffic on Madison Avenue shall stop at 65th Street.
104. Traffic on Meredith Drive shall stop at 100th Street.
105. Traffic on Douglas Parkway shall stop at 128th Street.
106. Traffic on all streets and all future streets between Hickman Road and the north corporate limit shall stop before entering 128th Street and 124th Street.
107. Traffic westbound on N.W. 30th Avenue (Urbandale Avenue) shall stop before entering N.W. 127th Court.

108. Traffic on N.W. 54th Avenue shall stop at 100th Street.
109. Traffic on all streets between Colby Parkway and Douglas Avenue shall stop at 83rd Street.

110. Traffic on all streets between 83rd Street and 79th Street shall stop at Dennis Drive.
111. Traffic on Douglas Avenue frontage road shall stop at 79th Street.
112. Traffic on all streets except Meredith Drive, between Interstate 35/80 and Douglas Avenue shall stop at Northwest Urbandale Drive.
113. Traffic on 106th Circle shall stop at Justin Drive.
114. Traffic on all streets between Douglas Avenue and Meredith Drive shall stop at 121st Street.

65.02 YIELD REQUIRED. Every driver of a vehicle shall yield in accordance with the following:

(Code of Iowa, Sec. 321.345)

1. Traffic on 92nd Street shall yield before entering Patricia Drive.
2. Traffic on New York Avenue shall yield before entering Patricia Drive.
3. Traffic on Dennis Drive shall yield before entering Elm Drive.
4. Traffic on Wilden Drive shall yield before entering Elm Drive.
5. Traffic on Elm Drive shall yield before entering Palm Drive.
6. Traffic on Elm Drive shall yield before entering Roseland Drive.
7. Traffic on Palm Drive shall yield before entering Roseland Drive.
8. Traffic on Delwood Drive shall yield before entering Roseland Drive.
9. Traffic on Airline Avenue shall yield before entering 67th and 69th Streets.
10. Traffic on 71st Street, north of Airline Avenue, shall yield before entering Airline Avenue.
11. Traffic on Airline Avenue, west of 71st Street, shall yield before entering 71st Street.
12. Traffic on 74th Street shall yield before entering Palm Drive.
13. Traffic on 83rd Street shall yield before entering Madison Avenue.
14. Traffic on Beechwood Drive shall yield before entering Ashwood Drive.

15. Traffic on 65th Street shall yield before entering Townsend Avenue.
16. Traffic on 92nd Street shall yield before entering New York Avenue.
17. Traffic on 74th Street shall yield before entering Beechwood Drive.
18. Traffic on Maple Drive shall yield before entering Beechwood Drive.
19. Traffic entering Merle Hay frontage road from Merle Hay Road at approximate Stations 146+50, 164+50, 169+15 and 174+00 shall yield before entering frontage road.
20. Traffic on Benton Drive shall yield before entering 78th Street.
21. Traffic on Brookshire Drive shall yield before entering 78th Street.
22. Traffic on Delwood Drive shall yield before entering 78th Street.
23. Traffic entering Prairie Avenue from 109th Street from other than at right angles shall yield.
24. Traffic entering 109th Street from Prairie Avenue other than at right angles shall yield.
25. Traffic on Roseland Drive and Briarwood Lane shall yield before entering North Walnut Creek Drive.
26. Traffic on Melanie Drive shall yield before entering Monroe Court.
27. Traffic on Linda Circle shall yield before entering Linda Drive.
28. Traffic on Melanie Drive shall yield before entering Valdez Drive.
29. Traffic on Dennis Drive shall yield before entering Melanie Drive.
30. Traffic entering 83rd Street extended from Douglas Avenue frontage road shall yield.
31. Traffic on Eula Drive shall yield before entering Dennis Drive.
32. Traffic on Eula Drive shall yield before entering Linda Drive.
33. Traffic on Horton Avenue and Madison Avenue shall yield before entering 71st Street.
34. All traffic entering Douglas Avenue median cross-overs shall yield to oncoming traffic except when directed to proceed otherwise by a police officer or traffic control signal and/or device.
35. Traffic entering 67th Street from Hammontree Drive shall yield.
36. Traffic on 78th shall yield before entering Ashwood.
37. Traffic on Madison Avenue shall yield before entering 92nd Drive.
38. Traffic on Hickory Lane shall yield before entering 65th Street.
39. Traffic on Winston Avenue shall yield before entering Greenview Drive.

65.03 SCHOOL STOPS.

1. At the following school crossing zones every driver of a vehicle approaching said zone shall bring the 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 vehicle shall have passed through such school crossing zone.

(Code of Iowa, Sec. 321.249)

- A. Airline Avenue at its intersection of 81st Street;
 - B. 74th Street south of the intersection of Oliver Smith Drive;
 - C. 72nd Street at its intersection with Prairie Avenue;
 - D. Traffic on Aurora Avenue shall stop at a school stop sign located near 7700 Aurora Avenue in front of Junior High School;
 - E. *School Bus Stop* and *School Bus Stop Ahead* signs shall be posted on Douglas at 92nd Street and 86th Street at Horton Circle.
 - F. Aurora Avenue at its intersection with 82nd Street;
 - G. 92nd Street north of its intersection with Dewey Gibbs Road in front of Valerius School;
 - H. Mary Lynn Drive at its intersection with Dewey Gibbs Road;
 - I. 72nd Street at its intersection with Hickman Frontage Road;
 - J. 73rd Street at its intersection with Hickman Road;
 - K. Hickman Road at its intersection with 73rd Street;
 - L. 78th Street at its intersection with Roseland Drive;
 - M. Colby Woods Drive at its intersection with Roseland Drive;
 - N. Elm Drive 250 feet northwest of northwest right-of-way line of Roseland Drive;
 - O. Roseland Drive at its intersection with 74th Street.
2. Adult crossing guards for school crossings are hereby authorized to direct pedestrian traffic at the following locations:
- A. Aurora Avenue at its intersection with 72nd Street;
 - B. Aurora Avenue at its intersection with 64th Street;
 - C. 72nd Street at its intersection with Maryland Drive;
 - D. Hickman Road at its intersection with 73rd Street;
 - E. 82nd Street at its intersection with Aurora Avenue;
 - F. 73rd Street at its intersection with Hickman Road.

65.04 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 driving onto the sidewalk area and thereafter shall proceed into the sidewalk area only when able to do so without danger to pedestrian traffic and shall yield the right-of-way to any vehicular traffic on the street into which the vehicle is entering.

(Code of Iowa, Sec. 321.353)

65.05 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.

65.06 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 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)

65.07 OFFICIAL TRAFFIC CONTROLS. Every driver shall observe and comply with the directions provided by official traffic control signals at the following intersections:

(Code of Iowa, Sec. 321.256)

1. 66th Street and Douglas Avenue;
2. 70th Street and Douglas Avenue;
3. 70th Street and Hickman Road;
4. 72nd Street and Aurora Avenue;
5. 72nd Street and Douglas Avenue;
6. 73rd Street and Hickman Road;
7. 75th Street and Douglas Avenue;
8. 78th Street and Hickman Road;
9. 83rd Street and Douglas Avenue;
10. 86th Street, Midblock at Hy-Vee Grocery;
11. 86th Street and Aurora Avenue;
12. 86th Street and Colby Parkway;
13. 86th Street and Douglas Avenue;
14. 86th Street and Hickman Road;
15. 86th Street and 1-35/80 North Ramp;
16. 86th Street and 1-35/80 South Ramp;
17. 86th Street and Meredith Drive;
18. 100th Street and Douglas Avenue;
19. 100th Street and Hickman Road;
20. 100th Street and NW Urbandale Drive;
21. 104th Street and Hickman Road;
22. 109th Street and Douglas Avenue;
23. 111th Street and Hickman Road;
24. 121st Street and Douglas Parkway;
25. Merle Hay Road and Aurora Avenue;
26. 6305 Aurora Avenue;
27. Douglas Avenue Bridge over 1-35/80;
28. Hickman and 1-35/80 Exit;
29. Mary Lynn Drive and Douglas Avenue;

30. Meredith Drive and Merle Hay Road;
31. 100th Street and Norfolk Southern Railroad;
32. Douglas Avenue and Norfolk Southern Railroad;
33. NW Urbandale Drive and Highway 141 Ramp;
34. NW Urbandale Drive and Meredith Drive;
35. Patricia Drive and Hickman Road.

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CHAPTER 66

LOAD AND WEIGHT RESTRICTIONS

66.01 Temporary Embargo

66.03 Limitation in the Use of Streets by Certain Vehicles

66.02 Permits for Excess Size and Weight

66.01 TEMPORARY EMBARGO. If the Council 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 & 472)

66.02 PERMITS FOR EXCESS SIZE AND WEIGHT. The Public Works Department, at the direction of the Council, may, upon application 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. Immediately upon issuing such permit the Public Works Department shall notify the Police Chief thereof.

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

66.03 LIMITATION IN THE USE OF STREETS BY CERTAIN VEHICLES. The Council may, by resolution, deny or restrict the use of any street to certain types of vehicles when the recommendation for such restriction has been submitted to the Council by the Public Works Director on showing that such use would either tend to destroy the pavement or would tend to create a hazard endangering the public safety or health. If such resolution is passed, it is the duty of the Public Works Department to post signs along such street informing the general public of such restriction. When the signs are erected giving notice of such restrictions, any person failing to comply with such notice shall be deemed guilty of a misdemeanor.

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CHAPTER 67
PEDESTRIANS

67.01 Walking in Street
67.02 Hitchhiking

67.03 Pedestrian Crossing
67.04 Use Sidewalks

67.01 WALKING IN STREET. Pedestrians shall at all times when walking on or along a street, walk on the left side of the street.

(Code of Iowa, Sec. 321.326)

67.02 HITCHHIKING. 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)

67.03 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)

67.04 USE SIDEWALKS. Where sidewalks are provided it is unlawful for any pedestrian to walk along and upon an adjacent street.

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CHAPTER 68

ONE-WAY TRAFFIC

68.01 ONE-WAY TRAFFIC REQUIRED. Upon the following streets and alleys vehicular traffic, other than permitted cross traffic, shall move only in the indicated direction when appropriate signs are in place.

(Code of Iowa, Sec. 321.236 [4])

1. Traffic traveling on the frontage road along the south side of Douglas Avenue shall be restricted to westbound one-way travel from the intersection of 109th Street to a point 335 feet from the west edge of 109th Street.

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CHAPTER 69

PARKING REGULATIONS

69.01 Park Adjacent to Curb

69.02 Park Adjacent to Curb - One-way Street

69.03 Angle Parking

69.04 Angle Parking – Manner

69.05 Parking for Certain Purposes Illegal

69.06 Parking Prohibited

69.07 Persons with Disabilities Parking

69.08 No Parking Zones

69.09 Parking Restricted on Narrow Streets

69.10 Parking at Urbandale Pool

69.11 Truck Parking Limited

69.12 Snow Removal

69.13 Fire Lanes

69.14 School Bus Loading Zones

69.01 PARK 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)

69.02 PARK ADJACENT TO CURB - ONE-WAY STREET. No person shall stand or park a vehicle on the left-hand side of a one-way street other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the left-hand wheels of the vehicle within eighteen (18) inches of the curb or edge of the roadway except as hereinafter provided in the case of angle parking.

(Code of Iowa, Sec. 321.361)

69.03 ANGLE PARKING. Angle or diagonal parking is permitted only in the following locations:

(Code of Iowa, Sec. 321.361)

1. The north side of Douglas Avenue from the east line of Lot 16, Burnstedt Acres, to west line of Lot 16, Burnstedt Acres at an angle of twenty-five degrees (25°);
2. The east side of 70th Street from the north line of Lot 17, Burnstedt Acres, to the north line of Lot 20, Burnstedt Acres, at an angle of ninety degrees (90°);
3. The east side of 66th Street from south line of Lot 12, Allied Development Plat No. 1, to a point fifteen (15) feet south of north line of said Lot 12, Allied Development Plat No. 1, at an angle of forty-five degrees (45°);
4. The north side of Oliver Smith Drive from a point 25 feet east of the east right-of-way line of 66th Street, also being the southwest corner of Lot 15, Corn Belt Acres, an Official Plat, to the east curb line of 66th Street to the south of Oliver Smith Drive, EXCEPT a 20-foot wide portion of said area being 10 feet on each side of a fire hydrant, at an angle of ninety degrees (90°). Parking shall not be permitted on the east side of 66th Street for a distance of

about 20 feet north of the north curb line of Oliver Smith Drive. More particularly, parking shall not be permitted in the west 30 feet of Lot A, Urbandale Knolls, an Official Plat, nor adjacent to the south eight feet of Lot 15, Corn belt Acres.

69.04 ANGLE PARKING - MANNER. 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 a diagonal 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)

69.05 PARKING FOR CERTAIN PURPOSES ILLEGAL. No person shall park a vehicle upon public property for more than twenty-four (24) hours or for any of the following principal purposes:

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

1. Sale. Displaying such vehicle for sale;
2. Repairing. For lubricating, repairing or for commercial washing of such vehicle except such repairs as are necessitated by an emergency;
3. Advertising. Displaying advertising;
4. Merchandise Sales. Selling merchandise from such vehicle except in a duly established market place or when so authorized or licensed under this Code of Ordinances.

69.06 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 a crosswalk.
(Code of Iowa, Sec. 321.358 [5])
2. Center Parkway. On the center parkway or dividing area of any divided street.
(Code of Iowa, Sec. 321.236 [1])
3. Mailboxes. Within a distance of 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 from 8:00 a.m. to 5:00 p.m. except on Sundays and holidays.
(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, or within ten (10) feet of an intersection of any street or alley.
(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. Railroad Crossing. Within fifty (50) feet of the nearest rail of a railroad crossing, except when parked parallel with such rail and not exhibiting a red light.
(Code of Iowa, Sec. 321.358 [8])
10. 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])
11. 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])
12. 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])
13. 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 Public Works Department may cause curbs to be painted with a yellow color and erect no parking or standing signs.
(Code of Iowa, Sec. 321.358 [13])
14. Churches, Nursing Homes and Other Buildings. A space of fifty (50) feet is hereby 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, taxicab stand, 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)
15. 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 the 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])

16. 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])

17. Area Between Lot Line and Curb Line. The unpaved portion of any street between the curb line and the lot line, except that on recommendation of the Public Works Department, duly approved by resolution of the Council, parking may be permitted at such locations when requested in writing by property owners. Each such location must be properly marked by approved metal signs at the extremities of such location. The expense of such signs shall be borne by the property owner.

18. In More Than One Space. In any designated parking space so that any part of the vehicle occupies more than one such space or protrudes beyond the markings designating such space.

19. Fire Lanes. In any area designated as a fire lane.

69.07 PERSONS WITH DISABILITIES PARKING. The following regulations shall apply to the establishment and use of persons with disabilities parking spaces:

1. Nonresidential Off-street Facilities. Nonresidential off-street parking facilities shall set aside persons with disabilities parking spaces in accordance with the following:

A. Municipal off-street public parking facilities or an entity providing nonresidential parking in off-street public parking facilities shall provide not less than two percent (2%) of the total parking spaces in each parking facility as persons with disabilities parking spaces, rounded to the nearest whole number of persons with disabilities parking spaces. However, such parking facilities having ten (10) or more parking spaces shall set aside at least one persons with disabilities parking space.

(Code of Iowa, Sec. 321L.5[3a])

B. An entity providing off-street nonresidential public parking facilities shall review the utilization of existing persons with disabilities parking spaces for a one-month period not less than once every twelve months. If upon review, the average occupancy rate for persons with disabilities parking spaces in a facility exceeds sixty percent (60%) during normal business hours, the entity shall provide additional persons with disabilities parking spaces as needed.

(Code of Iowa, Sec. 321L.5[3b])

C. An entity providing off-street nonresidential parking as a lessor shall provide a persons with disabilities parking space to an individual requesting to lease a parking space, if that individual possesses a persons with disabilities parking permit issued in accordance with Section 321L.2 of the Code of Iowa.

(Code of Iowa, Sec. 321L.5[3c])

D. A new nonresidential facility in which construction has been completed on or after July 1, 1991, providing parking to the general public shall provide persons with disabilities parking spaces as stipulated below:

TOTAL PARKING SPACES IN LOT	REQUIRED MINIMUM NUMBER OF PERSONS WITH DISABILITIES PARKING SPACES
10 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	†
1001 and over	‡
† Two percent (2%) of total	
‡ Twenty (20) spaces plus one for each 100 over 1000	

(Code of Iowa, Sec. 321L.5[3d])

2. Residential Buildings and Facilities. All public and private buildings and facilities, temporary and permanent, which are residences and which provide ten (10) or more tenant parking spaces, excluding extended health care facilities, shall designate at least one persons with disabilities parking space as needed for each individual dwelling unit in which a person with a disability resides. Residential buildings and facilities which provide public visitor parking of ten (10) or more spaces shall designate persons with disabilities parking spaces in the visitors' parking area in accordance with the table contained in subsection (1)(D) of this section.

(IAC, 661-18.7[321L])

3. Business District. With respect to any on-street parking areas provided by the City within the business district, not less than two percent (2%) of the total parking spaces within each business district shall be designated as persons with disabilities parking spaces.

(Code of Iowa, Sec. 321L.5[4a])

4. Other Spaces. Any other person may set aside persons with disabilities parking spaces on the person's property provided each parking space is clearly and prominently designated as a persons with disabilities parking space. No unauthorized person shall establish any on-street persons with disabilities parking space without first obtaining Council approval.

(Code of Iowa, Sec. 321L.5[3e])

5. 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 an operator of a motor vehicle not displaying a persons with disabilities parking permit;
- B. Use by an operator of a motor vehicle displaying a persons with disabilities parking permit but not being used by a person issued a permit or being transported in accordance with Section 321L.2[1b] of the Code of Iowa;
- C. Use by a motor vehicle in violation of the rules adopted under Section 321L.8 of the Code of Iowa.

69.08 NO PARKING ZONES. No one shall stop, stand or park a vehicle in any of the following specifically designated no parking zones except when necessary to avoid conflict with other traffic or in compliance with the direction of a peace officer or traffic control signal.

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

1. 20 feet north from the corner of 86th Street and Douglas Avenue on the east side;
2. On the north side of Hickman Road from a point 100 feet east of 72nd Street to a point 100 feet west of 73rd Street;
3. On the east and west sides of 72nd Street between Hickman Road and Douglas Avenue;
4. On the west side of 70th Street from the south edge of its intersection with Palm Drive to the north edge of its intersection with Madison Avenue;
5. On the east side of 71st Street from the centerline of Douglas Avenue at its intersection with 71st Street to its intersection with Madison Avenue;
6. On the south side of Douglas Avenue on the right-of-way abutting thereto from the center of 68th Street at its intersection with Douglas Avenue, to a point 150 feet west from the center of 68th Street at its intersection with Douglas Avenue;
7. On the east side of 68th Street from the centerline of Douglas Avenue at its intersection with 86th Street to a point 200 feet south of said centerline of Douglas Avenue at its intersection with 68th Street;
8. On the east side of 64th Street from the intersection of 64th Street and Douglas Avenue north to the intersection of 64th Street and Madison;
9. On the east side of 70th Street from a point of beginning 128 feet north of Douglas Avenue and continuing north to the south lot line of 3825 - 70th Street;

10. On the east and west sides of 70th Street for a distance of 72½ feet north and for a distance of 72½ feet south of the centerline of Oliver Smith Drive;
11. On the east side of 64th Street from centerline of Roseland Drive for a distance of 100 feet north and 100 feet south on said 64th Street;
12. On the north and south sides of Douglas Avenue from east corporate limits to west corporate limits, except as otherwise provided for a loading zone on the north side of Douglas Avenue;
13. West side of 70th Street from the edge of its intersection with Douglas Avenue to the north edge of its intersection with Madison Avenue;
14. The north side of Aurora Avenue from the intersection of Aurora Avenue and Merle Hay Road west to the intersection of Aurora Avenue and 86th Street; and the south side of Aurora Avenue from a point 1,320 feet west of the intersection of Aurora Avenue and Merle Hay Road to the intersection of Aurora Avenue and 86th Street, except that parking is allowed on the south side of Aurora Avenue between Northwest Country Club and 83rd Street;
15. Both sides of 86th Street from its intersection with Douglas Avenue to its intersection with Meredith Drive;
16. Both sides of 86th Street from its intersection with Hickman Road to Douglas Avenue;
17. Both sides of Merle Hay frontage street for its entirety within the City and from approximately Station 139+50 to Station 180+73; except parking shall be allowed between hours of 6:00 p.m. and 2:00 a.m. on the east side only of the frontage road beginning 25 feet south of the intersection with Meredith Drive;
18. Both sides of Meredith Drive from the east corporate line to the west corporate line and both sides of Oakwood Drive from its intersection with Merle Hay frontage road to a point 150 feet west thereof;
19. Both sides of Dennis Drive from Douglas Avenue to 75th Street;
20. On the east side of 66th Street from the north right-of-way of Douglas Avenue to the south right-of-way of Madison Avenue and from the south right-of-way of Douglas Avenue to the north right-of-way of Oliver Smith Drive; (This shall be deemed to restrict parking as above stated on the traveled portions of the pavement but shall not prohibit head-in parking for one motor vehicle on hard surface parking area adjoining same.)
21. On both sides of Beverly Drive, from the north right-of-way line of Hickman Road frontage road north 150 feet;
22. Both sides of 73rd Street from its junction with Hickman Road north to its junction with 72nd Street;

23. Both sides of Hickman Road frontage road for its entirety within the City; i.e., from approximately Iowa State Highway Commission stationing for U.S. Highway #6, Station 613+23.29 to Station 720+87.7;
24. On the south side of Oliver Smith Drive from the intersection of 72nd Street and west for a distance of 150 feet;
25. On the east side of 72nd Street north of Prairie for a distance of 25 feet in the parking space provided; however, said space may be used for the parking of bicycles and motorcycles;
26. On the west side of 71st Street south of Aurora for a distance of 25 feet in the parking space provided; however, said space may be used for the parking of bicycles and motorcycles;
27. On the east side of Mary Lynn Drive from its intersection with Dennis Drive and 200 feet north;
28. On the north side of Dennis Drive west of 100th Street;
29. On both sides of all present and future frontage roads west of 86th Street;
30. On both sides of 104th Street;
31. On both sides of 106th Street;
32. On all streets intersecting 72nd Street south of Douglas for a distance of 25 feet from the right-of-way lane;
33. On the north side of Sheridan Avenue from the intersection on Rocklyn Drive and east 50 feet;
34. Subject to all other provisions of this chapter, between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, from the first day of September through the first day of June, on the north and south sides of Prairie Avenue from 71st Street to 72nd Street (It is the duty of the Public Works Director to cause necessary and appropriate signs to be posted along said streets as set forth in this subsection informing the general public of such restrictions.)
35. On both sides of 60th Street between Townsend and Meredith and on both sides of Townsend between 59th Street and 61st Street;
36. On the east side of 59th Street between Townsend and Meredith Drive between the hours of 10:00 p.m. and 2:00 a.m.;
37. On the south and east sides of Parkview Drive between 86th Street and Meredith Drive;
38. On the east side of 64th Street from Aurora Avenue to a point 300 feet north of the Aurora Avenue right-of-way line, between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, when school is in session;

39. On the north side of Brookshire Drive between Delwood and 78th Street;
40. On the north side of Maryland Drive, 150 feet west of 70th Street;
41. On the east side of 92nd Street from Dewey Gibbs Road to 100 feet south;
42. On the north side of Twana from Northwest Country Club Drive to Parkview Drive;
43. On the north side of Greenbelt Drive from Parkview Drive to 83rd Place;
44. On the east side of 83rd Place from Greenbelt Drive to Alpine Drive;
45. On the north side of Sharon Drive from Lockner Drive west to its intersection with Oakwood Drive;
46. On the south side of Oakwood drive from Lockner Drive west to its intersection with Sharon Drive;
47. On the south side of Oakwood Drive from 86th Street east to 85th Street;
48. On the east side of 85th Street from Oakwood Drive north to Hickory Lane;
49. On the north side of Hickory Lane from 86th Street east to 85th Street;
50. On the east side of 66th Street from Meredith North to Hickory Lane;
51. On the north side of Hickory Lane from 66th Street to 67th Street;
52. On the west side of 67th Street from Meredith north to Hickory Lane;
53. On the south and west sides of Sandler Drive from Beverly Drive to Eula Drive;
54. On both sides of Aurora from 112th Street to 114th Street;
55. On both sides of 114th Street from Douglas Avenue to Meredith Drive;
56. On both sides of 109/112th from Douglas to Meredith;
57. On the south side of the Hickman Frontage Road from 106th Street to 104th Street;
58. On the west side of 106th Street from Hickman Frontage Road to Buena Vista Court;
59. On the north side of Buena Vista Court from 106th Street to 104th Street;
60. On the east side of 83rd Street from Meredith to Iltis Drive;
61. On the south side of Tanglewood from 100th Street to 95th Street;
62. On the east side of 95th Street from Tanglewood to Meredith;

63. On both sides of Roseland Drive from 64th Street to 66th Street;
64. On the north side of Quail Run from Patricia Drive to Quail Ridge and along the east side of Quail Ridge from Quail Run south to where Quail Ridge becomes an east-west street, at which point parking is prohibited on the south side;
65. On both sides of present 100th Street and all future segments of 100th Street as they are constructed from Hickman Road to the north City limits;
66. On the north side of 78th Street starting at the west lot line of 4813 78th Street west for a distance of 300 feet;
67. On both sides of 72nd Street from its intersection with Douglas Avenue to its intersection with Aurora Avenue except parking is permitted along the east side of 72nd Street from Prairie to Aurora in the “head-in” designated parking stalls; also, parking is permitted along the east side of 72nd Street between the hours of 6:00 p.m. to 7:00 a.m. from Douglas to Prairie;
68. On both sides of all streets entering 86th Street for a distance of 100 feet from the 86th Street right-of-way line;
69. On the north side of Dewey Gibbs Road for a distance of 150 feet west of the 92nd Street right-of-way line;
70. On the east side of 81st Street from Airline Avenue to Madison Avenue between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, from the 20th day of August through the 5th day of June;
71. On the east side of 84th Street from Meredith Drive to a point 150 feet south of the south right-of-way line of Sharon Circle;
72. On the north side of Prairie Avenue from 72nd Street to a point 100 feet west of the west right-of-way line of 72nd Street;
73. On the north side of Palm Avenue from 70th Street to a point 60 feet west of the west right-of-way line of 70th Street;
74. Along the north side of Prairie between 71st Street and 72nd Street, Monday through Friday, 8:00 a.m. to 4:00 p.m., from August 15, to June 1;
75. Along the north side of Townsend Avenue from the east property line of Lot 14, Alpine Village Plat 2, westerly to the west property line of Lot 16, Alpine Village Plat 2;
76. On the north side of Airline Avenue from the east property line of 7609 Airline Avenue to the east right-of-way line of 77th Street;
77. On the north side of Roseland Drive from the east property line of 7009 Roseland Drive to the west property line of 7015 Roseland Drive;
78. On the east side of Beverly Drive from the north right-of-way line of Linda Drive to a point 200 feet north of the north right-of-way line of Linda Drive;

79. On both sides of 121st Street from Douglas Parkway to Meredith Drive;
80. On both sides of 99th Street from its southern intersection with 100th Street to its northern intersection with 100th Street;
81. On both sides of Colby Parkway from 86th Street to 83rd Street;
82. On both sides of 83rd Street from Colby Parkway to Douglas Avenue;
83. On both sides of Dennis Drive from 79th Street to 83rd Street;
84. On both sides of 79th Street from Dennis Drive to Douglas Avenue;
85. On both sides of Northwest Urbandale Drive from Interstate 35/80 to Douglas Avenue;
86. On both sides of Aurora Avenue from 104th Street to Northwest Urbandale Drive.

69.09 PARKING RESTRICTED ON NARROW STREETS. Except as otherwise provided in this chapter, parking of vehicles on the streets which have a paved or unpaved width for vehicular traffic not in excess of 34 feet shall be permitted only on that side of the street where houses and other building have or would have odd numbers. Signs showing such restrictions may be posted upon such streets. It is the intent of this section to allow parking on one side of the street if not expressly prohibited by other provisions of this Code.

69.10 PARKING AT URBANDALE POOL. Parking is restricted in the seven parking stalls which lie immediately to the east of the three stalls for persons with disabilities in Row 1 of the parking facility of the Urbandale Pool, which now lies south and east of the pool building and immediately east of the north-south pool access road, as follows:

1. Arrow signs will be placed at the northern-most and southern-most of the seven stalls. The northern-most arrow will point south, the southern-most arrow will point north.
2. Between the arrow signs another sign will be placed which shall read "Parking restricted to pool patrons only from 8:00 a.m. to 9:00 p.m., Monday through Sunday."
3. Violators will be towed away at the owner's expense as authorized in this Code of Ordinances.
4. Owners may redeem their impounded vehicles as provided in Chapter 70 of this Code of Ordinances.

69.11 TRUCK PARKING LIMITED. No person shall park a motor truck, semi-trailer, or other motor vehicle with trailer attached if the truck has a freight capacity greater than one ton, except when such vehicles are actually engaged in the delivery or receiving of merchandise or cargo, on any streets abutting property zoned for R-1, R-2 or R-3 occupancy, as defined in the City's zoning ordinance. When actually receiving or delivering merchandise or cargo such vehicle shall be stopped or parked in a

manner which will not interfere with other traffic. The provisions of this section shall not apply to pickup, light delivery or panel delivery trucks.

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

69.12 SNOW REMOVAL. The Public Works Director is authorized to declare a snow event, as defined in the City's snow and ice removal policy, that will cause enactment of these snow parking restrictions. During a designated snow event, no vehicle shall be parked in or on any part of a public street or right-of-way of a public street during snow removal operations, or before such operations have removed or cleared accumulated snow or ice from the street to each curb or shoulder edge. The registered owner of a vehicle parked in violation of this section shall be subject to Sections 70.03 and 70.06 of this Code of Ordinances.

69.13 FIRE LANES. No person shall stop, stand or park a vehicle in a fire lane as provided herein.

(Code of Iowa, Sec. 321.236)

1. Fire Lanes Established. The Police Chief may designate fire lanes on any private road or driveway where deemed necessary to assure access to property or premises by authorized emergency vehicles.
2. Signs and Markings. Wherever a fire lane has been designated, the Public Works Department shall cause appropriate signs and markings to be placed identifying such fire lanes and the parking prohibition established by this section.
3. Exception. The provisions of this section do not apply to authorized emergency vehicles.

69.14 SCHOOL BUS LOADING ZONES. No one shall stop, stand or park a vehicle in any of the following designated school bus loading zones except when necessary to avoid conflict with other traffic or in compliance with the direction of a peace officer.

1. On Dewey Gibbs Road from 92nd Street to a point 140 feet west.
2. On Airline Avenue from a point 75 feet west of 81st Street to a point 170 feet west.
3. On 74th Street from Roseland Drive to a point 165 feet north.

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CHAPTER 70

TRAFFIC CODE ENFORCEMENT PROCEDURES

70.01 Arrest or Citation

70.02 Scheduled Violations

70.03 Parking Violations: Alternate

70.04 Parking Violations: Vehicle Unattended

70.05 Presumption in Reference to Illegal Parking

70.06 Impounding Vehicles

70.07 Habitual Violators

70.01 ARREST OR CITATION. Whenever a peace officer has reasonable cause to believe that a person has violated any provision of the Traffic Code, such officer may:

1. Immediate Arrest. Immediately arrest such person and take such person before a local magistrate, or
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.

(Code of Iowa, Sec. 805.6, 321.485)

70.02 SCHEDULED VIOLATIONS. For violations of the Traffic Code which are designated by Section 805.8 of the Code of Iowa to be scheduled violations, the scheduled fine for each of those violations shall be as specified in Section 805.8 of the Code of Iowa.

(Code of Iowa, Sec. 805.6, 805.8)

70.03 PARKING VIOLATIONS: ALTERNATE. Admitted violations of parking restrictions imposed by this Code of Ordinances may be charged upon a simple notice of a fine as provided on the notice, payable at the office of the City Clerk. Failure to pay a parking citation-complaint within thirty (30) days of its issuance or to contest such citation in a timely manner under the provisions of this section shall render the charges contained therein admitted.

1. Payment of Parking Citation-Complaint: Persons receiving a citation-complaint who desire to admit and pay the violation may do so in one of the following ways:

A. Place the amount specified on the face of the citation-complaint in the envelope provided and mail within thirty (30) days of the date issued.

B. Appear in person no sooner than seventy-two (72) hours but no more than thirty (30) calendar days after the date of issuance of the citation-complaint (place and time of appearance will be the Clerk's office between the hours of 8:00 a.m. and 4:00 p.m. Monday through

Friday, except holidays) and pay in person the amount specified on the face of the citation-complaint to the Clerk.

C. Persons wishing to contest the citation-complaint may do so by appearing in person in the office of the Clerk no sooner than seventy-two (72) hours but not more than ten (10) calendar days after the date of issuance of the citation-complaint between the hours of 8:00 a.m. and 4:00 p.m. Monday through Friday, except holidays.

2. Notification of Contest and Assignment of Court Dates. Persons wishing to contest the citation-complaint will do so in writing on forms provided by the Clerk. At the time of filing of the contest, a date and time of court appearance will be established by the Clerk and notice thereof provided to the person contesting the citation-complaint. The person contesting the citation-complaint will be required to post an unsecured appearance bond in the amount specified pursuant to Section 805.6(1) of the Code of Iowa, providing for the setting of unsecured appearance bonds for a scheduled fine. The Clerk shall forward the citation-complaint to the Traffic Division of the office of the Clerk of the District Court for Polk or Dallas County.

70.04 PARKING VIOLATIONS: VEHICLE UNATTENDED. When a vehicle is parked in violation of any provision of the Traffic Code, and the driver is not present, the notice of fine or citation as herein provided shall be attached to the vehicle in a conspicuous place.

70.05 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:

1. Described Vehicle. The particular vehicle described in the information was parked in violation of the Traffic Code, and
2. Registered Owner. The defendant named in the information was the registered owner at the time in question.

70.06 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 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])

2. Illegally Parked Vehicle. When any vehicle is left unattended and is so illegally parked as to constitute a definite hazard or obstruction to the normal

movement of traffic, or when any vehicle is a habitual violator under Section 70.07 of this Code of Ordinances.

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

3. Snow Removal. When any vehicle is left parked in violation of a ban on parking during snow removal operations.

4. Parked Over Twenty-four (24) Hour Period. When any vehicle is left parked for a continuous period of twenty-four (24) hours or more. If the owner is found the owner shall be given an opportunity to remove the vehicle.

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

5. 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, as well as the fines associated with any outstanding parking tickets.

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

70.07 HABITUAL VIOLATORS. Any vehicle on which four or more overtime and/or illegal parking citations or complaints from the City have been issued and have become delinquent shall be deemed to be a habitual violator. For purposes of this chapter, a delinquent parking citation or complaint is one which has not been paid within thirty (30) days of the date upon which the violation occurred. No person shall park a vehicle and permit it to remain standing upon any public street or public metered lot or City-owned parking facility in the City when there are four or more delinquent parking citations or complaints from the City outstanding against that vehicle. A violation of this section shall place such vehicle in the status of an illegally parked vehicle and the vehicle may be dealt with pursuant to Section 70.06 of this Code of Ordinances.

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CHAPTER 75

ALL-TERRAIN VEHICLES AND SNOWMOBILES

75.01 Purpose

75.02 Definitions

75.03 General Regulations

75.04 Places of Operation

75.05 Negligence

75.06 Accident Reports

75.07 Time Restriction

75.08 Speed Regulated

75.01 PURPOSE. The purpose of this chapter is to regulate the operation of all-terrain vehicles and snowmobiles within the City.

75.02 DEFINITIONS. For use in this chapter the following terms are 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, or a two-wheeled, off-road motorcycle, that is limited in engine displacement to less than eight hundred (800) cubic centimeters and in total dry weight to less than seven hundred fifty (750) pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.

(Code of Iowa, Sec. 321G.1[1])

2. “Snowmobile” means a motorized vehicle weighing less than one thousand (1,000) 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, Sec. 321G.1[18])

75.03 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 Resource Commission of the Department of Natural Resources governing their registration, numbering, equipment and manner of operation.

(Code of Iowa, Ch. 321G)

75.04 PLACES OF OPERATION. The operators of ATV’s and snowmobiles shall comply with the following restrictions as to where ATV’s and snowmobiles may be operated within the City:

1. Streets. ATV's and snowmobiles shall not be operated at any time within the right-of-way or upon any interstate, highway, freeway, road or streets within the City except as provided in subsection 2.

(Code of Iowa, Sec. 321G.9[4a])

2. Exceptions. ATV's and snowmobiles may be operated on prohibited streets only under the following circumstances:

A. Emergencies. ATV's and snowmobiles may be operated on any street in an emergency during the period of time when and at locations where snow upon the roadway renders travel by conventional motor vehicles impractical.

(Code of Iowa, Sec. 321G.9[4c])

B. Direct Crossing. ATV's and snowmobiles may make a direct crossing of a prohibited street provided:

(1) The crossing is made at an angle of approximately ninety degrees (90°) to the direction of the street and at a place where no obstruction prevents a quick and safe crossing;

(2) The ATV or snowmobile is brought to a complete stop before crossing the street;

(3) The driver yields the right-of-way to all on-coming traffic which constitutes an immediate hazard; and

(4) In crossing a divided street, the crossing is made only at an intersection of such street with another street.

(5) A snowmobile shall not be operated on or across a public highway by a person under sixteen (16) years of age.

(Code of Iowa, Sec. 321G.9[2])

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

(Code of Iowa, Sec. 321G.13[8])

4. Trails. ATV's shall not be operated on snowmobile trails and snowmobiles shall not be operated on all-terrain vehicle trails except where so designated.

(Code of Iowa, Sec. 321G.9[4f and g])

5. Parks and Other City Land. ATV's and snowmobiles shall not be operated in any park, playground or upon any other City-owned property without the express permission of the City. A snowmobile shall not be operated on any City land without a snow cover of at least one-tenth of one inch.

6. Sidewalk or Parking. ATV's and snowmobiles shall not be operated upon the public sidewalk or that portion of the street located between the curb line and the sidewalk or property line commonly referred to as the "parking" except for purposes of crossing the same to a public street upon which operation is authorized by this chapter.

75.05 NEGLIGENCE. The owner and operator of an ATV or snowmobile are liable for any injury or damage occasioned by the negligent operation of the ATV or snowmobile.

(Code of Iowa, Sec. 321G.18)

75.06 ACCIDENT REPORTS. Whenever an ATV or snowmobile is involved in an accident resulting in injury or death to anyone or property damage amounting to two hundred dollars (\$200.00) or more, either the operator or someone acting for the operator shall immediately notify a law enforcement officer and shall file an accident report within forty-eight (48) hours, in accordance with State law.

(Code of Iowa, Sec. 321G.10)

75.07 TIME RESTRICTION. Where the use of a snowmobile or ATV is permitted, they may be used only between the hours of 9:00 a.m. and 10:00 p.m.

75.08 SPEED REGULATED. Snowmobiles and ATV's shall not be driven in excess of thirty-five (35) miles per hour in the City.

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CHAPTER 76

BICYCLE REGULATIONS

76.01 Scope of Regulations

76.02 Traffic Code Applies

76.03 Double Riding Restricted

76.04 Two Abreast Limit

76.05 Bicycle Paths

76.06 Speed

76.07 Emerging from Alley or Driveway

76.08 Carrying Articles

76.09 Riding on Sidewalks

76.10 Towing

76.11 Improper Riding

76.12 Parking

76.13 Equipment Requirements

76.14 Special Penalty

76.01 SCOPE OF REGULATIONS. These regulations 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])

76.02 TRAFFIC CODE APPLIES. 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 the State declaring rules of the road applicable to vehicles or by the traffic code of the City applicable to the driver of a vehicle, except as to those provisions which by their nature can have no application. Whenever such person dismounts from a bicycle the person shall be subject to all regulations applicable to pedestrians.

(Code of Iowa, Sec. 321.234)

76.03 DOUBLE RIDING RESTRICTED. 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 [3 and 4])

76.04 TWO ABREAST LIMIT. 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. All bicycles ridden on the roadway shall be kept to the right and shall be operated as near as practicable to the right-hand edge of the roadway.

(Code of Iowa, Sec. 321.236 [10])

76.05 BICYCLE PATHS. 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.

(Code of Iowa, Sec. 321.236 [10])

76.06 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])

76.07 EMERGING FROM ALLEY OR DRIVEWAY. The operator 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])

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

(Code of Iowa, Sec. 321.236 [10])

76.09 RIDING ON SIDEWALKS. The following shall apply to riding bicycles on sidewalks:

1. Speed. Bicycles may be operated upon public sidewalks in a careful and prudent manner and at a rate of speed not exceeding eight (8) miles per hour.

2. Certain Sidewalks Restricted. When signs are erected on any sidewalk or roadway prohibiting the riding of bicycles thereon by any person, no person shall disobey the signs.

(Code of Iowa, Sec. 321.236 [10])

3. Yield Right-of-way. 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.

(Code of Iowa, Sec. 321.236 [10])

76.10 TOWING. It is unlawful for any person riding a bicycle upon the streets of the City to be towed or to tow any other vehicle not specifically designed to be towed by a bicycle.

76.11 IMPROPER RIDING. No person shall ride a bicycle in an irregular or reckless manner such as zigzagging, stunting, speeding or otherwise so as to disregard the safety of the operator or others.

76.12 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 or at the curb, in such a manner as to afford the least obstruction to pedestrian traffic. In addition, there shall be no parking where posted on the Urbandale Bike Trail.

(Code of Iowa, Sec. 321.236 [10])

76.13 EQUIPMENT REQUIREMENTS. Every person riding a bicycle shall be responsible for providing and using equipment as provided herein:

1. Lamps Required. Every bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a

distance of at least three hundred (300) feet to the front and with a lamp on the rear exhibiting a red light visible from a distance of three hundred (300) feet to the rear except that a red reflector on the rear, of a type which shall be visible from all distances from fifty (50) feet to three hundred (300) feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle, may be used in lieu of a rear light.

(Code of Iowa, Sec. 321.397)

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

(Code of Iowa, Sec. 321.236 [10])

76.14 SPECIAL PENALTY. Any person violating the provisions of this chapter may, in lieu of the scheduled fine for bicyclists or standard penalty provided for violations of the Code of Ordinances, allow the person's bicycle to be impounded by the City for not less than five (5) days for the first offense, ten (10) days for a second offense and thirty (30) days for a third offense.

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CHAPTER 77

BICYCLE IDENTIFICATION PLATES

77.01 Identification Plates Required
77.02 Identification Plates or Decals

77.03 Maintenance of Records
77.04 Alteration of Serial Number or Plate Number

77.01 IDENTIFICATION PLATES REQUIRED. No person who resides within the City shall ride or propel a bicycle on any street or upon any public path set aside for the exclusive use of bicycles unless such bicycle has been issued an identification plate and the plate or decal is attached thereto as provided herein.

(Code of Iowa, Sec. 321.236 [10])

1. Application. Application for a bicycle identification plate or decal shall be made upon a form provided by the City and shall be made to the Police Department. A fee of two dollars (\$2.00) shall be paid to the City before each identification plate is issued.

2. Transfer of Identification Plate. Upon the sale or other transfer of ownership of a bicycle the identification plate shall be transferred to the new owner and the records of the City changed to reflect the new ownership.

(Code of Iowa, Sec. 321.236 [10])

3. Identification Plate Valid. Registration made under this chapter shall be effective on date of issuance. The licenses shall be valid for a period of five (5) years.

77.02 IDENTIFICATION PLATES OR DECALS. Identification plates or decals are required as follows:

1. Issued. The Police Department, upon receipt of a completed application, shall issue an identification plate or decal bearing the identification plate number assigned to the bicycle and the name of the City.

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

2. Attached to Bicycle. The Police Department shall cause such identification plate or decal to be firmly attached to the bicycle for which issued in such position as to be plainly seen from the rear.

(Code of Iowa, Sec. 321.236 [10])

3. Removal. No person shall remove an identification plate or decal from a bicycle unless said bicycle is dismantled and no longer operated upon any street in the City.

(Code of Iowa, Sec. 321.236 [10])

4. Lost Identification Plate. In the event of loss by the owner of a license plate, a duplicate plate shall be obtained from the Police Department within five (5) days, upon application and payment of one dollar (\$1.00).

77.03 MAINTENANCE OF RECORDS. The Police Department shall keep a record of the number of each identification plate, the date issued, the name and address of the person to whom issued, and the number on the frame of the bicycle for which issued, and a record of all bicycle identification plate fees collected.

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

77.04 ALTERATION OF SERIAL NUMBER OR PLATE NUMBER. It is unlawful for any person to willfully or maliciously remove, destroy, mutilate or alter the manufacturer's serial frame number or the identification plate information on any bicycle registered pursuant to the provisions of this chapter.

CHAPTER 80

ABANDONED VEHICLES

80.01 Definitions

80.02 Authority to Take Possession of Abandoned Vehicles

80.03 Notice by Mail

80.04 Notification in Newspaper

80.05 Extension of Time

80.06 Fees for Impoundment

80.07 Disposal of Abandoned Vehicles

80.08 Disposal of Totally Inoperable Vehicles

80.09 Proceeds from Sales

80.10 Duties of Demolisher

80.01 DEFINITIONS. For use in this chapter the following terms are defined:
(Code of Iowa, Sec. 321.89[1])

1. “Abandoned vehicle” means any of the following:
 - 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 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 ten (10) days. However, a police authority may declare the vehicle abandoned within the ten-day period by 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 State Patrol or any law enforcement agency of a county or city.

80.02 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 any abandoned vehicle on private property. 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])

80.03 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 the vehicle 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 the 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 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 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 reclaiming 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])

80.04 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 80.03. 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 mailed notice in Section 80.03.

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

80.05 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, obtain an additional five (5) days within which the motor vehicle or personal property may be reclaimed.

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

80.06 FEES FOR IMPOUNDMENT. The owner or lienholder shall pay an impoundment fee of five dollars (\$5.00) per day if stored by the City, or towing and storage fees, if stored in a public garage, whereupon said vehicle shall be released. At least once each year, the Council may take bids from privately owned garages for schedules of fees for towing and storing impounded vehicles or vehicles taken up because of being illegally parked. Thereupon, the Council shall designate such of the bidders as are geographically located to tow and store such vehicles at a minimum cost in the event City facilities are not available for towing or storing vehicles to be impounded. The Police Chief is hereby authorized to direct the public garage designated by the Council as aforesaid and located nearest to such vehicle to tow and store the same until disposed of as provided in this section. Such garage is hereby authorized to retain such vehicles until the fees for towing and storage, on the basis of the bid, are paid.

80.07 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])

80.08 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 of a motor vehicle whose title certificate is faulty, lost or destroyed, may dispose of such motor vehicle to a demolisher for junk, without a title and without notification procedures, if such motor vehicle lacks an engine or two (2) or more wheels or other structural part which renders the vehicle totally inoperable. The police authority shall give the applicant a certificate of authority. The applicant shall then apply to the County Treasurer for a junking

certificate and shall surrender the certificate of authority in lieu of the certificate of title.

(Code of Iowa, Sec. 321.90[2e])

80.09 PROCEEDS FROM SALES. Proceeds from the sale of any abandoned vehicle shall be applied to the expense of 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 lienholder 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 from the Department of Transportation.

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

80.10 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 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 90

WATER SERVICE SYSTEM

90.01 BOARD OF TRUSTEES. Pursuant to an election held March 3, 1936, the management and control of the municipally owned water utility is in the hands of the Water Utility Board of Trustees. (*See Chapter 25 of this Code of Ordinances.*)

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CHAPTER 95

SANITARY SEWER SYSTEM

95.01 Definitions
95.02 Prohibited Acts

95.03 Use of Easements
95.04 Uniform Plumbing Code

95.01 DEFINITIONS. For use in these chapters, unless the context specifically indicates otherwise, the following terms are defined:

1. “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])

2. “Building sewer” means the extension from the building drain to the public sewer or other place of disposal.

(IAC, 567-69.3[1])

3. “Natural outlet” means any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

4. “Public sewer” means a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

5. “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.

6. “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.

7. “Sewage works” or “sewage system” means all facilities for collecting, pumping, treating, and disposing of sewage.

8. “Sewer” means a pipe or conduit for carrying sewage.

95.02 PROHIBITED ACTS. No person shall do, or allow, any of the following:

1. Damage Sewer System. 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, Sec. 716.1)

2. Surface Run-off or Groundwater. Connect a roof downspout, sump pump, exterior foundation drain, areaway drain, or other source of surface run-off or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

3. Manholes. Open or enter any manhole of the sewer system, except by authority of the City.

4. Objectionable Wastes. Place or deposit in any unsanitary manner on public or private property within the City, or in any area under the jurisdiction of the City, any human or animal excrement, garbage, or other objectionable waste.

5. Septic Tanks. Construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage except in accordance with the provisions of this Code of Ordinances regulating the construction of such facilities.

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

6. Untreated Discharge. Discharge to any natural outlet within the City, or in any area under its jurisdiction, any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided.

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

95.03 USE OF EASEMENTS. Authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

95.04 UNIFORM PLUMBING CODE. Connection requirements, construction standards and penalties for violations association with building sewers and connections to the City's public sewer are provided in the Uniform Plumbing Code, as adopted and amended by the City.

CHAPTER 96

INDUSTRIAL WASTE PRETREATMENT

96.01 General Adoption	96.25 Continuation of Expired Permits
96.02 Intent and Construction	96.26 Permit Modifications
96.03 Purpose and Policy	96.27 Permit Transfer
96.04 Jurisdiction	96.28 Denial of Permit
96.05 Abbreviations	96.29 Permit Violations
96.06 Interpretation and Definitions	96.30 Periodic Compliance Reports
96.07 User Requirements	96.31 Certification and Signatory Requirements
96.08 Discharge Prohibitions	96.32 Monitoring Facilities
96.09 Local Limits for Specific Pollutants	96.33 Inspection, Sampling, and Record Keeping Authority
96.10 National Categorical Pretreatment Standards	96.34 Confidential Information
96.11 State Requirements	96.35 Public Notification of Significant Noncompliance
96.12 City's Right of Revision	96.36 Significant Noncompliance (SNC)
96.13 Pretreatment	96.37 Administrative Actions
96.14 Dilution Prohibited	96.38 Actions Authorized
96.15 Spill Containment	96.39 Civil Penalties
96.16 Treatment Upsets	96.40 Criminal Penalties
96.17 Treatment Bypass	96.41 Performance Bonds
96.18 Fees	96.42 Revocation of Permit
96.19 Classes of Permit	96.43 Termination of Service
96.20 Permit Requirements	96.44 Reinstatement of Service
96.21 Permit Applications - Baseline Monitoring Reports	96.45 Emergency Disconnection of Service
96.22 Categorical Industries - Report on Compliance	96.46 Elimination of Discharge; Reinstatement
96.23 Permit Contents	96.47 Additional Remedies
96.24 Permit Duration and Renewal	

96.01 GENERAL ADOPTION. The provisions of this chapter are enacted to aid in the enforcement of the pretreatment regulations set forth herein. The City or Urbandale, by enacting this chapter, designates the City of Des Moines as ICA Operating Agency as the enforcement agency under this chapter. Employees, agents and officers of the City of Des Moines while acting to enforce the provisions of this chapter for the ICA Operating Agency are empowered to make such inspections, issue such orders or permits and take such actions within the corporate boundaries of the City of Urbandale as are authorized by this chapter. The ICA Operating Agency is also authorized to impose and collect all fees or penalties authorized by this chapter and the ICA Operating Agency is authorized to bill directly and collect from contributors penalties, fees, charges and surcharges. The failure to pay any fee, charge, penalty or surcharge is a municipal infraction and shall also be grounds to discontinue sewer service. The enforcement of this chapter in the City of Urbandale is not dependent upon passage of this or a similar ordinance by other cities or ICA constituent communities.

96.02 INTENT AND CONSTRUCTION. This chapter seeks to implement provisions of the Act, the General Pretreatment Regulations, and the Iowa Administrative Code, Chapter 567, Sections 62.4 and 62.8. This chapter is to be construed and applied in accordance with the Clean Water Act Amendments, the General Pretreatment Regulations, the Iowa Administrative Code and the purpose and policy provisions set forth in Section 96.03 herein.

96.03 PURPOSE AND POLICY. This chapter regulates the use of sewers, private wastewater disposal, the installation and connection of building sewers, the discharge of water and waste into the sewers and drains of the ICA system, the discharge of water and waste into the sewers and drains of the Des Moines Sewage System systems, and the discharge Des Moines ICA POTW. This chapter sets forth uniform requirements for dischargers into the wastewater collection and treatment systems of Des Moines and the ICA. The objectives of this chapter are:

1. To prevent the introduction of pollutants into the POTW that may interfere with the operation of the system or interfere with sludge management and disposal;
2. To prevent the introduction of pollutants into the POTW that may pass through the system inadequately treated and ultimately into receiving water, the atmosphere, or otherwise be incompatible with the system;
3. To protect workers' safety and health and to protect against damage to the POTW;
4. To provide for equitable distribution of treatment and industrial pretreatment costs resulting from pollutants introduced into the POTW.

96.04 JURISDICTION. The provisions of this chapter are applicable in their entirety to all uses and contributors of wastewater, directly or indirectly, into the wastewater treatment works of the City, or into the wastewater collection system of the City of Urbandale and/or the Urbandale Sanitary Sewer District, or into the wastewater collection and treatment system of the City or the ICA without regard to whether the physical facilities of such contributors, or the physical portion of the wastewater collection system is situated within or outside the corporate limits of the City of Urbandale and/or the Urbandale Sanitary Sewer District. Service shall be extended outside the City of Urbandale and/or the Urbandale Sanitary Sewer District only pursuant to contract, which contract shall subject each such contract user to the provisions of this chapter upon terms acceptable to the Administrator.

96.05 ABBREVIATIONS. The following abbreviations have the designated meanings:

BETX	Benzene, Ethylbenzene, Toluene, and Xylene
BOD	Biochemical Oxygen Demand
BMR.....	Baseline Monitoring Report
C.....	Celsius
CRF	Code of Federal Regulations
COD	Chemical Oxygen Demand
EPA.....	Environmental Protection Agency
F	Fahrenheit
GPD.....	Gallons per day
IDNR.....	Iowa Department of Natural Resources
lb/day	Pounds per day
MGD	Million gallons per day

mg/l.....	Milligrams per liter
NCPS.....	National Categorical Pretreatment Standards or Categorical Standards
NH ₃ -N	Ammonia Nitrogen
NPDES	National Pollution Discharge Elimination System
O & G.....	Oil and Grease
POTW	Publicly Owned Treatment Works
SCP.....	Spill Control Plan
SIC	Standard Industrial Classification
SNC.....	Significant Noncompliance
RCRA.....	Resource Conservation & Recovery Act
TCLP	Toxicity Characteristic Leaching Procedure
TFE.....	Trichlorotrifluoroethane
TKN.....	Total Kjeldahl Nitrogen
TOH.....	Total Organic Hydrocarbons
TPH	Total Purgeable Hydrocarbons
TRC	Technical Review Criteria
TSS.....	Total Suspended Solids
TTO	Total Toxic Organics
USC.....	United States Code
USEPA	United States Environmental Protection Agency

96.06 INTERPRETATION AND DEFINITIONS. This chapter shall be construed and interpreted to conform with 40 CFR Chapter I and it is the intent of this chapter that it comply with said Federal regulations. For use in this chapter the following terms are defined:

1. “Act” or “Clean Water Act” means the 1972 Federal Water Pollution Control Act, the 1977 Clean Water Act, and the 1987 Water Quality Act, as amended.
2. “Administrator” means the Administrator of the Des Moines Wastewater Division or his or her authorized deputy, agent, or representative.
3. “Approval authority” means the Iowa Department of Natural Resources.
4. “Authorized representative” means:
 - A. an executive officer of a corporation;
 - B. a general partner of a partnership;
 - C. the proprietor of a proprietorship;
 - D. the conservator, trustee, attorney in fact, receiver or other person or agent authorized in law and in fact to act on behalf of users which are not corporations, partnerships, or proprietorships or on behalf of other entities which must legally act through an agent;

- E. any other authorized representative of A, B, C, or D, above if the authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the discharge originates, such as the position of plant manager or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company and the written authorization is submitted to the Administrator.
- F. any other person authorized by law to act on behalf of any entity.
5. “Baseline Monitoring Report” means the report required by 40 CFR Part 403.12 (b) (1-7).
6. “Biochemical Oxygen Demand (BOD)” means the analysis of BOD as described in EPA Methods.
7. “Building drain” means that part of the lowest horizontal piping of a drainage system which receives the discharge from waste and other drainage pipes inside the wall of the building and conveys it to the building sewer, beginning three (3) feet outside the building wall.
8. “Building sewer” or “lateral sewer” means the sewer extending from the building drain to the connection with the POTW.
9. “Bypass” means the intentional diversion of waste streams from any portion of an industrial user’s pretreatment facility.
10. “Categorical user” means a user subject to NCPS.
11. “Chemical Oxygen Demand (COD)” means the measurement of the susceptibility of a sample to oxidation by a strong chemical oxidant expressed in mg/l and using EPA Methods.
12. “City” means the city of Des Moines as operating agency and enforcement agency of the ICA both within its own corporate boundaries and within all territory encompassed by the ICA.
13. “City Council” means the Des Moines city council.
14. “City Manager” means the Des Moines city manager.
15. “Combined Waste Stream Formula” means the formula as found in 40 CFR Part 403.6(e).
16. “Composite sample” means a representative sample using a minimum of three grab sample aliquots obtained over a period of time and mixed using either a flow proportional or time proportional method.
17. “Conventional pollutant” means BOD, COD, O&G, suspended solids, pH, ammonia nitrogen, total Kjeldahl nitrogen and fecal coliform bacteria.
18. “Corporation Counsel” means the attorney appointed by the Des Moines City Council as corporation counsel for the City of Des Moines.

19. “Discharge” or “indirect discharge” means the introduction of treated or untreated wastewater into the POTW.
20. “Dissolved solids” means the concentration of residue left in an evaporating dish after evaporation and drying at defined temperatures using EPA methods or standard methods.
21. “Domestic sewage” shall mean all household-type waste discharged from places of human habitation including sanitary convenience, kitchen and laundry waste. Domestic sewage is further defined as waste which does not exceed daily maximum limits of 300 mg/1 COD, 200 mg/1 BOD, 250 mg/1 suspended solids, 100 mg/1 oil & grease, 30 mg/1 TKN, and 15 mg/1 NH₃-N at a discharge rate of 100 gallons per capita per day. This loading is equal to 0.25 pounds of COD, 0.17 pounds of BOD, 0.20 pounds of suspended solids, 0.083 pounds of oil & grease, 0.025 pounds of TKN and 0.013 pounds of NH₃-N per capita per day.
22. “Domestic user” means all users discharging only domestic sewage from premises consisting of any building or parts of building designed for or occupied by one or more persons as a single housekeeping unit, including such units within multifamily dwellings, flats and apartment buildings.
23. “EPA Methods” means the USEPA approved standard procedures for wastewater analysis as prescribed in 40 CFR Part 136 and shall include alternate methods approved by the approval authority.
24. “Fecal coliform” means bacteria common to the intestinal tracts of humans and animals whose presence in water is an indication of pollution.
25. “Garbage” means solid waste from the domestic and commercial preparation, cooking and dispensing of food, and from the commercial handling, storage and sale of produce.
26. “Grab sample” means a single aliquot sample collected either directly or by means of a mechanical device.
27. “Headworks” means the main wet well at the POTW treatment plant prior to any treatment process.
28. “ICA” or “Integrated Community Area” means the Des Moines Integrated Community Area consisting of the ICA constituent communities who are by joint government action, as defined in the ICA agreements as from time to time amended, committed to utilize the wastewater treatment plant (POTW) and certain outfall and interception sewers of the wastewater treatment system and to support the operating and capital costs thereof through payments to the ICA Operating Agency.
29. “Industrial user” see “user.”
30. “Industrial waste” means the liquid waste from industrial users as distinct from domestic sewage.

31. “Interference” means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:
- A. Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
 - B. Causes a violation of any requirement of the POTW’s NPDES permit (including an increase in the magnitude or duration of a violation) or prevents sewage sludge use or disposal in compliance with any Federal, State or local regulations or permits.
32. “Limit” means the maximum allowable discharge of a given pollutant as in the following definitions:
- A. “Daily maximum limit” means the maximum allowable discharge of pollutant during a calendar day. Where daily maximum limitations are expressed in units of mass the daily discharge is the total mass discharged over the course of the day. Where daily maximum limitations are expressed in terms of concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.
 - B. “Monthly average limit” means the maximum allowable value for the average of all measurements of a pollutant obtained during one calendar month.
33. “National Categorical Pretreatment Standards (NCPS)” or “Categorical Standards” means any limitations on pollutant discharges to POTW’s promulgated by USEPA that apply to specified process wastewater of particular industrial categories.
34. “National Pollution Discharge Elimination System (NPDES) Permit” means a permit issued pursuant to the Act.
35. “New source” shall be as defined by 40 CFR 403.3(k).
36. “Nonconventional pollutants” means all pollutants which are not included in the definition of conventional pollutants.
37. “NH₃-N” means the ammonia nitrogen concentration in mg/l as determined using EPA methods.
38. “Oil and Grease (O&G)” means any material recovered as a substance that is soluble in TFE and which may further be divided into a mineral and non-mineral fraction using EPA approved methods or standard methods.
39. “Pass through” means a discharge which exits the POTW into water of the state in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW’s NPDES permit (including an increase in the magnitude or duration of a violation) or other permit issued to the POTW by IDNR or USEPA.

40. "Person" means any individual, partnership, co-partnership, firm, company, society, corporation trust, estate, municipality, governmental entity, group or any other legal entity or their legal representatives, agents or assigns.
41. "pH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
42. "Pollution" means the alteration of chemical, physical, biological, or radiological integrity of water as a result of human activity or enterprise.
43. "POTW Treatment Plant" means that portion of the POTW which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.
44. "Pretreatment" means the reduction, elimination, or alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into the POTW.
45. "Pretreatment facility" means the equipment used to accomplish pretreatment.
46. "Pretreatment requirements" means any substantive or procedural requirement related to pretreatment standards, imposed on an industrial user.
47. "Pretreatment standards" means for any specified pollutant, the city of Des Moines' prohibitive discharge standards as set forth in Section 96.08 of this chapter, the specific limitations on discharge as set forth in Section 96.09, the State of Iowa pretreatment standards or the NCPS, whichever standard is most stringent.
48. "Properly shredded garbage" means the waste from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles are carried freely under the flow conditions normally prevailing in the POTW, with no particle greater than one-half inch in any dimension.
49. "Publicly owned treatment works (POTW)" means a treatment works as defined by Section 212 of the Act, and includes the POTW owned by the Des Moines ICA and operated by the city of Des Moines as operating agency pursuant to the ICA Agreement, and includes all waste water treatment facilities of the city of Des Moines and of the ICA constituent communities. This definition includes any devices and systems used in the storage, treatment, conveying, recycling and reclamation of municipal sewage or industrial waste of a liquid nature or that convey wastewater to a POTW, regardless of ownership.
50. "Sampling chamber" or "sampling maintenance hole" means a device or structure suitable and appropriate to permit sampling and flow measurement of a wastewater stream to determine compliance with this chapter.
51. "Severe property damage" means substantial physical damage to property, damage to a pretreatment facility causing it to become inoperable, or substantial and permanent loss of natural resources which can reasonably be

expected to occur in the absence of a Bypass. Severe property damage does not mean economic loss caused by delays in production.

52. "Sewage" means and includes wastewater.
53. "Sewage system" means sewers, intercepting sewers, pipes or conduits, pumping stations, force mains, and all other constructions, devices and appliances appurtenant thereto used for collecting or conducting sewage to a point of treatment or ultimate disposal.
54. "Significant user" means:
- A. All categorical users;
 - B. All industrial users that:
 - (1) Discharge 25,000 gallons per day or more of process wastewater (excludes sanitary, non-contact cooling, and boiler blowdown wastewater);
 - (2) Contribute a process waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - (3) Contribute a discharge that has a reasonable potential, in the opinion of the Administrator, to adversely affect the POTW treatment plant by causing interference or pass through.
55. "Sludge" means the solids separated from the liquids during the wastewater treatment process.
56. "Slug" or "slug load" means any discharge of water or wastewater which in concentration of any pollutant, measured using a grab or composite sample, is more than five (5.0) times the allowable concentration as set forth in Sections 96.08 and 96.09 of this chapter or in a user's most recent wastewater discharge permit or exceeds a slug concentration level specified in a wastewater discharge permit. A discharge with pH outside the allowable range by more than one standard unit (S.U.) or a flow rate in excess of two (2.0) times the maximum flow limit established in a wastewater discharge permit shall also be a slug.
57. "Standard Industrial Classification (SIC)", means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, most recent edition.
58. "Standard methods" means the laboratory procedures set forth in the latest edition of Standard Methods for the Examination of Wastewater prepared and published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation.

59. “Storm sewer” means a sewer which carries storm water, surface water and drainage but excludes sewage and industrial waste other than unpolluted cooling water.
60. “T” when used as a portion of a chemical name, shall designate “total” such as in “cyanide-T” where “T” means “total” cyanide.
61. “TKN” shall mean the total Kjeldahl nitrogen concentration expressed in mg/1 as determined using EPA methods or standard methods.
62. “Total metals” means the sum of the concentration of metals specified in a wastewater discharge permit.
63. “Total Suspended Solids (TSS)” shall mean the portion of total solids retained by a filter using EPA methods or standard methods.
64. “Total Toxic Organics” means the summation of all quantified values greater than 0.01 milligrams per liter for the toxic organics as specified in the applicable regulation.
65. “Toxic pollutant” means any pollutant or combination of pollutants listed in 40 CFR Part 403 Appendix B.
66. “Unpolluted water” means water containing none of the following: free or emulsified oil and grease; substances that may impart taste, odor or color characteristics; volatile, explosive, toxic or poisonous substances in suspension or solution; explosive, odorous or otherwise obnoxious gases. Such water shall not contain more than 25 mg/1 of suspended solids, and not more than 25 mg/1 of BOD.
67. “Upset” means an exceptional incident in which there is unintentional and temporary noncompliance with pretreatment standards because of factors beyond the reasonable control of the user. An Upset does not include noncompliance to the extent caused by operational error, improperly designed pretreatment facilities, inadequate pretreatment facilities, lack of preventive maintenance, or careless or improper operation.
68. “User” or “industrial user” means a source of discharge into a POTW from any source other than a domestic user.
69. “Waste hauler” means a private contractor licensed by the City to deliver wastewater to the POTW and includes all persons required to have a license under section 21-23 of the Des Moines Municipal Code.
70. “Wastewater discharge permit” means the document or documents issued to a user by the City in accordance with the terms of this chapter.
71. “Wastewater Division” means the division within Des Moines city government duly assigned the task of operating the Des Moines ICA Wastewater Treatment Plant.
72. “Water of the State” means all streams, lakes, ponds, marshes, water courses, waterways, wells, springs, reservoirs, aquifers, irrigation systems,

drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the State of Iowa or any portion thereof.

96.07 USER REQUIREMENTS. The following requirements apply to all users of the POTW:

1. All users shall promptly notify the POTW in advance of any substantial change in the volume or character of pollutants in their discharge.
2. New or increased contributions of pollutants or changes in the nature of pollutant discharged to the POTW shall require prior approval by the Administrator.
3. Industrial users shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. The notification shall comply with the requirements set forth in 40 CFR 403.12(p).
4. Introduction or contribution of any pollutants without the notice and approval required by this section is prohibited. Upon the receipt of notice required by this section the Administrator shall within 180 days or less approve the discharge if the Administrator finds the proposed discharge meets applicable pretreatment standards and requirements and would not cause the POTW to violate its NPDES permit. The Administrator shall deny permission for the discharge if he or she finds applicable pretreatment standards and requirements are not met or the discharge would cause the POTW to violate its NPDES permit. In lieu of denial of permission the Administrator may allow such contribution or discharge upon conditions which would not violate applicable pretreatment standards or requirements and would not cause the POTW to violate its NPDES permit.

Any part of this section notwithstanding, upon receipt of the notice required by this section, the Administrator may require, in addition to the requirements of this section, that an industrial user obtain a permit under this chapter.

96.08 DISCHARGE PROHIBITIONS. The following general prohibitions apply to all users of the POTW unless the user is subject to a more restrictive NCPS, IDNR, or wastewater discharge permit limit. The following substances are prohibited from discharge to the POTW:

1. Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than 140°F (60°C) using test methods referenced in 40 CFR 261.21. At no time shall two successive readings on a meter capable of reading L.E.L. (lower explosive limit) at the nearest accessible point to the POTW, at the point of discharge into the POTW, or at any point in the POTW be more than five percent (5%), nor any single reading greater than ten percent (10%);

2. Substances which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0 or greater than 10.5;
3. Solid or viscous pollutants which will cause obstruction to the flow in the POTW resulting in interference. Such pollutants include, but are not limited to: grease, garbage with particles greater than one-half (1/2) inch in any dimension, animal tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, tar, asphalt residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing waste, or tumbling and deburring stones, and wastewater containing fat, wax, O&G, or other substances which may solidify or become viscous at temperatures between 32° and 150°F (0° and 65°C);
4. Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate or pollutant concentration which will cause interference or pass through at the Des Moines POTW treatment plant or which constitutes a slug load as defined in this chapter;
5. Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case wastewater or vapor having a temperature higher than 150°F (65°C) at the point of introduction into the POTW; and in no case wastewater or vapor which alone or in concert with other discharges produces a temperature at the POTW treatment plant greater than 104°F (40°C);
6. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;
7. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems or a public nuisance;
8. Any trucked or hauled pollutants, except at discharge points designated by the POTW;
9. Radioactive wastes unless they comply with Atomic Energy Commission Act of 1954 (68 Stat. 919 as amended and part 20, Sub-Part D - Waste Disposal, Section 20.303 of the Regulations issued by the Atomic Energy Commission, or amendments thereto);
10. Any wastewater containing concentrations of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries, and lime residues), or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate), which exceed 3000 mg/l non-volatile or 3000 mg/l total dissolved solids unless approved by the Administrator;
11. Pollutants causing excessive discoloration (such as, but not limited to, dye waste and vegetable tanning solutions).

96.09 LOCAL LIMITS FOR SPECIFIC POLLUTANTS.

1. General Provisions.
 - A. Dilution. Dilution of the discharge from a pretreatment facility or from a regulated process is prohibited as a method for treatment of wastes in order to meet the limits set forth in this chapter.
 - B. Sample Location. Measurement of pollutant concentrations to determine compliance shall be made at the point immediately following the pretreatment facility and before mixture with other waters, unless another point is designated by the Administrator. If necessary, the concentrations so measured shall be recomputed to exclude the effect of any dilution that is improper using the combined waste stream formula.
2. Headworks Limits - Average Mass. The average composite loading of all users contributing the following specific pollutants to the POTW shall not exceed the allowable total pounds. The allocation of pollutants between industrial and non-industrial sources may be adjusted by the Administrator provided that the average allowable total loading for any pollutant at the headworks of the POTW treatment plant is not exceeded.

	30-day Average Allowable Pounds/Day	
POLLUTANT	TOTAL	INDUSTRIAL
BOD	195,600	135,153
TSS	300,400	208,463
NH ₃	13,000	6,959
TKN	27,760	16,950
	Daily Average Allowable Pounds/Day	
POLLUTANT	TOTAL	INDUSTRIAL
Arsenic - T	1.0	0.3
Barium - T	444.0	227.0
Cadmium - T	13.2	8.8
Chromium - T	336.0	220.0
Chromium - Hex	151.0	143.0
Copper - T	33.0	6.1
Cyanide - T	10.8	7.2
Fluoride - T	1,141.0	487.0
Lead - T	69.5	39.1
Manganese - T	269.0	233.0
Mercury - T	12.7	12.2
	Daily Average Allowable Pounds/Day	
POLLUTANT	TOTAL	INDUSTRIAL
Nickel - T	64.2	46.8
Phenols - T	303.0	287.0

Selenium - T	22.7	21.7
Silver - T	28.4	24.8
Zinc - T	138.0	18.2

3. Discharge Concentration Limits and Review Criteria.

A. The admission into the POTW of any materials, water or waste having a pollutant concentration greater than the limits in subsections C, D and E below, or containing pollutants not listed herein, shall be subject to the review and approval of the Administrator. After review of the proposed discharges, the Administrator may:

- (1) Reject the waste for reasons consistent with Section 96.03.
- (2) Require pretreatment to an acceptable pollutant concentration for discharge to the POTW.
- (3) Require control of the quantities and rates of discharge of the water or waste to prevent slug loads, provided that the City of Urbandale shall retain control over the use of its local sewers for purposes of capacity allocation and surcharge prevention.
- (4) Require payment to cover the added cost of handling and treatment of water and waste or any combination thereof.
- (5) Reduce the maximum or average mass loading of present and prospective individual users on any reasonable prorated basis to meet headworks loading limits at the POTW treatment plant.
- (6) Require the user to obtain a wastewater discharge permit and be subject to any of the rules and regulations contained therein.
- (7) Require the user to meet local limits or NCPS in cases where local limits are more restrictive than NCPS provided that headworks loading limits are met.
- (8) Initiate enforcement action in response to any noncompliance with this chapter using the enforcement procedures outlined in this chapter.
- (9) Take any combination of steps (1) through (7) as appropriate.

B. Users discharging wastewater to the POTW having pollutant concentrations or flows greater than the following shall be considered non-domestic for purposes of sewer charges and may be regulated or permitted by the Administrator as appropriate:

POLLUTANT	DAILY MAXIMUM (mg/l)
BOD	200
TSS	250
COD	300
O&G - T	100
TKN	30
NH ₃ - N	15
An average daily flow greater than 5,000 gallons or having an unusual concentration of flow constituting a Slug Load as defined herein.	

C. Pollutant Limits. Average and maximum concentration limits for users without an NCPS for these pollutants shall be:

POLLUTANT	MONTHLY AVERAGE (mg/l)	DAILY MAXIMUM (mg/l)
Arsenic - T	0.0046	0.0069
Barium - T	4.12	6.18
Cadmium - T	0.16	0.24
Chromium - T	4.00	6.00
Chromium - Hex	2.60	3.90
Copper - T	0.50	0.75
Cyanide - T	0.13	0.20
Fluoride - T	7.58	11.37
Lead - T	0.71	1.07
Manganese - T	4.24	6.36
Mercury - T	0.23	0.35
Nickel	0.85	1.28
POLLUTANT	MONTHLY AVERAGE (mg/l)	DAILY MAXIMUM (mg/l)
O&G - T	----	400.00
O&G - Mineral	----	100.00
Phenols - T	5.21	7.82
Selenium - T	0.39	0.59
Silver - T	0.45	0.68
TPH	----	10.00
Zinc - T	1.00	1.50
pH Range - not lower than 5.0 or greater than 10.5		
Temperature (liquids or vapors) - not greater than 150°F at point of entry into POTW		

D. Waste Hauler Pollutant Limits - Daily maximum. Wastes delivered to the POTW by truck or rail shall not exceed the following maximum concentrations in any load:

POLLUTANT	(mg/l)
COD	100,000
O&G - T	50,000
Arsenic - T	0.04
Cadmium - T	2.70
Chromium - T	72.00
Copper - T	69.00
Cyanide - T	0.75
Lead - T	19.50
Mercury - T	0.35
Nickel - T	10.80
Zinc - T	255.00
Selenium - T	0.68
TOH	10.00
pH Range - Not lower than 5.0 or greater than 12.0	

E. Gasoline Cleanup Projects - Daily Maximum Limit. Discharge of wastewater from sites where gasoline is being removed from soil or groundwater shall meet the following limits prior to discharge to the POTW:

POLLUTANT	(mg/l)
Benzene	0.050
BETX	0.750

4. No provision of this section shall be construed to provide lesser discharge standards than are presently or may hereafter be imposed and required by USEPA or IDNR, nor to allow the average allowable total loading for any pollutant at the headworks of the POTW treatment plant to be exceeded.

96.10 NATIONAL CATEGORICAL PRETREATMENT STANDARDS. Users subject to National Categorical Pretreatment Standards (NCPS) as contained in 40 CFR Chapter I, Subchapter N, Part 405-471, shall comply with the standards and applicable reporting requirements under 40 CFR 403.12. New sources of categorical discharge shall meet NCPS in the shortest feasible time but in no case longer than 90 days from the commencement of discharge. Failure to comply shall be a violation of this chapter and subject the user to enforcement action. The POTW shall notify all known affected categorical users of the applicable reporting requirements under 40 CFR 403.12. Failure of the POTW to notify the user shall not relieve the user of the duty, if any, to comply with NCPS.

96.11 STATE REQUIREMENTS. State requirements and limitations on discharges shall apply in any case where they are more stringent than USEPA or City requirements and limitations unless allowed by the State.

96.12 CITY'S RIGHT OF REVISION. The City reserves the right to establish more stringent limitations or requirements on discharges to the POTW than those contained in this chapter if deemed necessary to comply with the purpose and policy objectives presented in Section 96.03.

96.13 PRETREATMENT.

1. A user discharging, or with potential to discharge, any waste into the POTW as set forth in Sections 96.08, 96.09 or 96.10 shall be required by the Administrator to construct, install and operate, at the user's sole expense, such pretreatment facilities as may be required in order to:

A. Reduce the objectionable characteristics or constituents to within the maximum limits provided for in Sections 96.08 and 96.09, 96.10, 96.11;

B. Control the quantities and rates of discharge of such wastewater;

C. Reduce the pollutants to such concentration and flows as may be contained in the user's wastewater discharge permit;

D. Prevent the discharge of liquid waste containing O&G, sand in excessive amounts, any flammable waste, or other harmful pollutants. All traps or similar devices shall be of a type and capacity needed to perform effectively and shall be readily and easily accessible for cleaning and inspection. All traps or devices shall be provided and maintained in efficient operating condition at all times. Materials removed from traps shall be considered unacceptable for disposal at the POTW treatment plant unless specifically approved by the Administrator.

2. All plans, specifications, technical operating data and other information pertinent to the proposed operation and maintenance of pretreatment facilities shall be reviewed and approved by the Administrator prior to construction. Design and installation of such facilities shall be subject to the requirements of all applicable codes, subchapters and laws, including local zoning regulations. The review and approval of such plans and operating procedures shall, in no way, relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Administrator under the provisions of this chapter. Any subsequent changes in the pretreatment facilities or method of operations shall be reported to and be acceptable to the Administrator prior to the user's initiations of the changes.

3. Users shall continuously maintain all pretreatment facilities required by this chapter in satisfactory and effective operating condition at the sole expense of such user.
4. No provision contained in this chapter shall be construed to prevent or prohibit a separate or special agreement between the City and any user whereby wastewater containing waste of unusual strength, character or composition may be accepted by the city for treatment, subject to additional payment by such user; provided, however, that such agreement shall have the prior approval of the City Council, shall not conflict with IDNR and USEPA requirements, and shall be consistent with Sections 96.09(2), 96.10, 96.11, and 96.13(6) of this chapter.
5. The Administrator may reject any waste which, in the opinion of the Administrator, may cause interference or pass through.
6. Users shall obtain the specific approval of the Administrator prior to discharging any waste resulting from a pretreatment facility to the POTW. The Administrator may develop a documentation system to track the transportation and final disposition of any pretreatment waste. Pretreatment waste regulated by this section shall include waste generated as a result of pretreatment processes used to comply with NPDES permits, air pollution permits, wastewater discharge permits, soil/groundwater reclamation processes, and pollutants resulting from a spill of any liquid or solid material or the cleanup of any such spill. Pretreatment waste is prohibited from disposal to the water of the State except as specifically permitted by IDNR.

96.14 DILUTION PROHIBITED. Users shall not increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate pretreatment to achieve compliance with the limitations contained in the NCPS, or with any other pollutant-specific limitation developed by the City.

96.15 SPILL CONTAINMENT.

1. Users having the ability to cause interference or pass through at the POTW or to discharge a slug shall provide protection from accidental discharge to the POTW of prohibited materials or other substances regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be at the user's cost and expense.
2. Spill Containment Plan (SCP). Users meeting the criteria in subsection 1 thereof shall develop a SCP. The plan shall require the approval of the Administrator and shall contain the following:
 - A. A description of discharge practices, including non-routine batch discharges;
 - B. A description of stored chemicals;
 - C. Procedures for immediately notifying the POTW of slug discharges, including any that would violate the discharge prohibitions

in Section 96.08 of this chapter. Notification procedures shall comply with paragraphs 3 and 4 of this section;

D. A description of procedures and structures necessary to prevent adverse POTW impact from accidental spills including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

E. A schedule for the completion or implementation of necessary procedures and structures. Complete implementation and installation of any procedures or structures shall be according to the shortest possible schedule but in no case longer than one year. Review and approval of such plans and operating procedures shall not relieve the user from the responsibility to modify and operate its facility as necessary to meet the requirements of this chapter.

3. Users shall immediately telephone and notify the POTW in the case of an accidental or deliberate discharge of pollutants which violates Section 96.08 of this chapter or is a slug load. Any discharge into the POTW of a substance which is a listed or characteristic waste under Section 3001 of RCRA must be immediately reported to the USEPA Regional Director, IDNR, and the POTW. Notifications required in this section shall include the name of caller, location and time of discharge, pollutant concentration, volume and the corrective actions taken.

4. Users shall submit a written report to the Administrator within five (5) days following such an accidental or deliberate discharge describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Users shall submit follow up reports as may be required by the Administrator. Such report, or reports, shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such report relieve the user of any fines, civil penalties, or other liability which may be imposed by this chapter or otherwise. Failure to report accidental or deliberate discharges may, in addition to any other remedies available to the City, result in the revocation of the discharger's wastewater discharge permit.

5. Users shall control production or all discharges to the extent necessary to maintain compliance with all applicable regulations upon reduction, loss, or failure of its pretreatment facility until the facility is restored or an alternative method of pretreatment is provided. This requirement applies in the situation where, among other things, the primary source of power to the user's pretreatment facility is reduced, lost or fails.

6. Users required to have a SCP must permanently post a notice in English and the language of common use on the user's bulletin board or other prominent place advising employees whom to call should a prohibited discharge occur. Users shall insure that all employees who are in a position to cause, discover, or observe such an accidental discharge are advised of the emergency notification procedures.

96.16 TREATMENT UPSETS. Users shall inform the Administrator within one (1) hour of becoming aware of an upset in operations that places it in a temporary state of noncompliance with the pollutant limits in this chapter. Users shall provide a follow-up written report to the Administrator within five (5) days. The report must demonstrate that the pretreatment facility was being operated in a prudent and appropriate manner and shall contain:

1. A description of the upset, its cause(s), and impact on the user's compliance status;
2. The duration of noncompliance, including exact dates and times of noncompliance, and if the noncompliance is continuing, the time by which compliance is reasonably expected to be restored;
3. All steps taken or planned to reduce, eliminate, and prevent recurrence of such an upset.

96.17 TREATMENT BYPASS.

1. Bypass is prohibited unless it is unavoidable to prevent loss of life, personal injury, or severe property damage or no feasible alternatives exist such as the use of auxiliary treatment facilities, retention of untreated waste, or maintenance during normal periods of equipment down time.
2. The user may allow a bypass to occur which does not cause a violation of pretreatment standards, but only if it is for essential maintenance to assure efficient operation.
3. Notification of Bypass:
 - A. Anticipated Bypass. If the user knows in advance of the need for a bypass, it shall submit prior written notice, at least ten (10) days before the date of the bypass, to the Administrator.
 - B. Unanticipated Bypass. The user shall immediately notify the Administrator and submit a written notice to the POTW within five (5) days. This report shall specify:
 - (1) A description of the bypass, its cause and the duration;
 - (2) Whether the bypass has been corrected;
 - (3) The steps being taken or to be taken to reduce, eliminate and prevent a reoccurrence of the bypass.

4. Proper notification shall not relieve the user of liability for treatment costs and fees or other remedies as provided for in Section 96.13.

96.18 FEES. To provide for the recovery of costs from users of the City POTW and for the implementation of the pretreatment program established by this chapter, the following fees shall be applicable to discharges by all users:

1. All users shall be subject to the following:
 - A. The wastewater discharge permit application fee shall be \$100.00 for any permit except soil/groundwater remediation permits which shall be \$25.00.
 - B. The annual fee for a Class A wastewater discharge permit shall be \$800.00.
 - C. The annual fee for a Class B wastewater discharge permit shall be \$300.00.
 - D. The fee paid by each industrial user when an accidental discharge or slug load occurs shall be up to \$1,000.00. Said fee shall reimburse the City for any costs incurred as a result of the discharge.
 - E. The fee for sampling a user’s discharge shall be \$50.00/day when using a 24-hour automatic sampler. The fee for subsequent consecutive days and for collecting grab samples shall be \$25.00/day. When a sampling event must be rescheduled due to failure of the user’s sampling equipment or due to a sampler seal (used to detect sample tampering) being broken, a trip charge of \$25.00 and a rescheduling fee of \$50.00 shall be assessed. The trip charge fee may be waived if the user informs the POTW of sampling equipment failure prior to eight o’clock (8:00) a.m. of a scheduled sampling day.
 - F. Laboratory analysis fees for those analysis performed by the City shall be:

LABORATORY ANALYSIS FEES	
Test	Cost/Sample
BOD	\$ 20.00
COD	20.00
TSS	10.00
pH	5.00
Oil and Grease, Total	35.00
O & G, Mineral/Non-mineral	35.00
Nitrogen, Ammonia	15.00
Nitrogen, Nitrate	15.00
TKN	30.00
Phosphorous, Total	25.00
Potassium	12.00

Calcium Carbonate Equivalent	15.00
Soil Analysis - each pollutant	20.00
Arsenic	20.00
Selenium	20.00
Mercury	25.00
Other metals (per parameter)	15.00
Hydrocarbon/BETX	125.00
Priority Pollutants	560.00
TCLP	1,500.00
LABORATORY ANALYSIS FEES (continued)	
Test	Cost/Sample
Pesticide Screen - Endrin, Lindane, Toxaphene, Methoxychlor	90.00
Herbicide	
2,4-D	90.00
2,4,5-TP	90.00
USEPA Tests:	
624	330.00
625	330.00
Fatty Acids, Free & Total	185.00

G. Fees for analysis performed by laboratories other than the POTW laboratory shall be the full cost of each analysis.

H. Fees for annual or biannual inspections of permitted users shall be \$100.00 for those holding a Class A permit and \$50.00 for those holding a Class B permit.

I. Fees for copying and mailing documents shall be \$1.00 for the initial page and \$0.25 for each additional page. No charges shall be assessed for requests for copies received from individuals or agencies served by the Des Moines POTW provided the number of pages requested does not exceed ten.

J. Fees for past due reminders sent each thirty (30) days that a balance remains unpaid shall be \$5.00.

K. Prohibitive waste charges for each pollutant discharged in excess of permit or ordinance limits shall be \$25.00/day for Class B permit holders and \$50.00/day for Class A permit holders. High strength charges shall double if discharges are slug loads. Payment of fees does not preclude other enforcement action and may not be paid in lieu of compliance with discharge limitations.

2. All users contributing wastewater in excess of the concentrations hereafter listed shall be assessed a surcharge, which shall be in addition to the rates and charges ordinarily billed to such users for sewer use:

LABORATORY ANALYSIS FEES	
POLLUTANT	SURCHARGE
Suspended solids in excess of 250 mg/l	\$ 0.14/lb
BOD in excess of 200 mg/l	0.10/lb
TKN in excess of 30 mg/l	0.54/lb
Oil & Grease in excess of 100 mg/l	0.06/lb

Chemical Oxygen Demand (COD) in excess of 300 mg/l may be used at the discretion of the Administrator in lieu of BOD. In such case the excess COD concentration shall be multiplied by the known BOD/COD ratio or by a ratio of two-thirds (2/3) to establish an equivalent BOD concentration.

Ammonia Nitrogen (NH₃-N) in excess of 15 mg/l may be used at the discretion of the Administrator in lieu of TKN by multiplying the excess NH₃-N concentration times two (2) to establish an equivalent TKN concentration.

96.19 CLASSES OF PERMIT. Permit classifications shall be as follows:

1. Class A Permit - Issued to users discharging 50,000 gallons per day or more of process wastewater (excludes sanitary, non-contact cooling, and boiler blowdown).
2. Class B Permit - Issued to users discharging less than 50,000 GPD of process wastewater.

96.20 PERMIT REQUIREMENTS.

1. All new industrial users shall notify the Administrator of the nature and characteristics of their proposed discharge 180 days prior to commencing discharge. A notification form prescribed by the City shall be used for this purpose.
2. Significant users shall discharge wastewater, either directly or indirectly, into the POTW only after obtaining a wastewater discharge permit from the Administrator. Obtaining a wastewater discharge permit does not relieve a user of the obligation to obtain other permits required by Federal, State, or local law.
3. Other users, including waste haulers, shall obtain permits as required by the Administrator.

96.21 PERMIT APPLICATIONS — BASELINE MONITORING REPORTS.

Users applying for a wastewater discharge permit or submitting a baseline monitoring report shall submit the following information as required by 40 CFR 403.12 or by the Administrator:

1. Users applying for a wastewater discharge permit must submit an application form prescribed by the City and accompanied by the application fee. All new significant users must submit such application 180 days prior to the date of any wastewater discharge. Existing users subject to new NCPS

must, within 180 days after the effective date of the standard, submit such an application. The following information is required:

- A. Name, address, and location of facility (if different from the mailing address);
- B. Name of a person or agent authorized to accept legal service of process;
- C. Standard Industrial Classification (SIC) code of both the industry as a whole and any processes for which NCPS have been promulgated and a list of any environmental control permits held by or for the facility;
- D. Wastewater constituents and characteristics including any pollutants in the discharge which are limited by any Federal, State, or local standards with sampling and analysis performed in accordance with EPA approved methods, and meeting the following requirements:
 - (1) The user shall identify the pretreatment standards applicable to each regulated process if the user is a categorical user.
 - (2) All samples shall be representative of daily operations.
 - (3) A minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organics. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques where feasible. The Administrator may waive flow proportional composite sampling for any user that demonstrates that flow-proportional sampling is not feasible. In such cases, samples may be obtained through time-proportional techniques or through a minimum of four (4) grab samples where the user demonstrates that such sampling will provide a representative sample of the effluent being discharged.
 - (4) Where the flow of the stream being sampled is less than or equal to 250,000 GPD, the user must analyze three (3) samples within a two-week period. Where the flow of the stream being sampled is greater than 250,000 GPD, the user must analyze six (6) samples within a two-week period.
 - (5) Samples must be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists and prior to mixing with other waste. If nonregulated wastewater is mixed with regulated wastewater prior to pretreatment, the user must measure the flows and concentrations necessary to allow use of the combined waste stream formula of 40 CFR 403.6(e) in order to evaluate compliance with pretreatment standards. Where an

alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e), this adjusted limit along with supporting data shall be submitted to the Administrator. Users not subject to categorical standards shall submit analysis of wastewater representative of the effluent discharged to the POTW.

(6) The Administrator may allow the submission of an application which utilizes only historical data so long as the data provides information sufficient to determine the need for pretreatment.

(7) A statement indicating the time, date and place of sampling, methods of analysis, and certifying that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW shall accompany each Application/Baseline Monitoring Report unless such sampling and analysis was performed by the City.

- E. Time and duration of all discharges;
- F. Daily maximum, daily average, and monthly average wastewater flow rates, including daily, monthly, and seasonal variations, if any;
- G. Description of activities, facilities, and plant processes at the site, including a list of all raw materials and chemicals used at the facility which are or could accidentally or intentionally be discharged to the POTW;
- H. The site plans, floor plans and mechanical and plumbing plans and details to show all sewers, floor drains, and appurtenances by size, location and elevation. The plans shall include a schematic process diagram which indicates all points of discharge to the POTW. All plans must be certified for accuracy by a professional engineer registered in the State of Iowa;
- I. Each product produced by type, amount, process or processes and rate of production;
- J. Type and amount of raw materials processed (average and maximum per day);
- K. Number and type of employees, and hours of operation, and proposed or actual hours of operation of the pretreatment facility;
- L. A statement, reviewed by an authorized representative of the user (as defined in Section 96.06 and certified to by a professional engineer registered in the State of Iowa, indicating whether pretreatment standards are being met on a consistent basis and if not whether additional operation and maintenance (O&M) or additional

pretreatment is required for the user to meet pretreatment standards and requirements;

M. If additional pretreatment or O&M will be required to meet pretreatment standards or requirements, then the user shall supply a compliance schedule indicating the shortest time schedule necessary to accomplish installation or adoption of such additional pretreatment or O&M. The completion date in this schedule shall not be longer than the compliance date established for the applicable pretreatment standard. The following conditions apply to this schedule:

- (1) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such schedule shall include, where applicable, but not limited to, dates for the hiring of an engineer, completing preliminary plans, executing contracts for major components, commencing construction, beginning operation, and conducting routine operations);
- (2) No increment referred to in subsection (1) above shall exceed nine (9) months, nor shall the total compliance period exceed eighteen (18) months;
- (3) No later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Administrator, including as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and if appropriate, the steps being taken by the user to return to the established schedule. In no event shall more than nine (9) months elapse between such progress reports to the Administrator.

N. If additional pretreatment and/or operation and maintenance will be required to meet the limits on discharge into the POTW set forth in Sections 96.08, 96.09, 96.10, or any other limits set by the Administrator, a plan shall be provided by the user giving the shortest schedule by which the user will provide the needed equipment, operation, or maintenance changes and additions to meet such limits. The completion date in this schedule shall not be later than the compliance date established for the NCPS. In the case of a compliance schedule for meeting NCPS the following condition shall apply:

- (1) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required to meet the applicable NCPS (such schedule shall include, where applicable, but not be limited to,

dates for the hiring of an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction and completing construction).

(2) No time increment in the schedule may exceed nine (9) months.

(3) No later than fourteen (14) days after each date in the schedule and the final date for compliance, the user shall submit a progress report to the POTW stating whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return to the schedule established. In no case shall more than nine (9) months elapse between such progress reports to the POTW.

O. Any additional information required by the Administrator to evaluate a permit application.

2. All applications and reports must contain the certification statement and be signed in accordance with Section 96.31.

96.22 CATEGORICAL INDUSTRIES — REPORT ON COMPLIANCE. Users subject to NCPS shall submit a report to the city containing the information described in Section 96.21 subsections A, C, D, E, and K within 90 days following the date for final compliance with applicable NCPS or, in the case of a new source, following commencement of discharge. Users subject to equivalent mass or concentration limits shall provide a reasonable measure of the user's long term production rate. For all other users subject to NCPS expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All reports must contain the certification statement and be signed in accordance with Section 96.31 of this chapter.

96.23 PERMIT CONTENTS. Wastewater discharge permits shall include such conditions as are reasonably deemed necessary by the Administrator to prevent pass through or interference, protect the quality of the water body receiving the POTW's effluent, protect worker health and safety, facilitate POTW sludge management and disposal, protect ambient air quality, and protect against damage to the POTW collection system or plant. The Administrator may include, but need not be limited to, the following:

1. Limits on the average or maximum rate of discharge, time of discharge, or requirements for flow regulation and equalization;
2. Limits on the average or maximum concentration, mass, or other measure of identified wastewater constituents or properties;

3. Requirements for the installation of pretreatment technology or construction of appropriate containment devices, etc., designed to reduce, eliminate, or prevent the introduction of pollutants into the POTW;
4. Development and implementation of spill control plans or other special conditions including additional management practices necessary to adequately prevent accidental, unanticipated, or prohibited discharges;
5. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
6. Requirements for installation and maintenance of inspection, sampling, and flow monitoring facilities and equipment for each separate discharge into the POTW;
7. Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests, and reporting schedules;
8. Compliance schedules;
9. Requirements for submission of technical reports or discharge reports and which may include production data;
10. Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the Administrator and affording the Administrator or the Administrator's representatives, access thereto;
11. Requirements for the notification of any substantial change in the manufacturing processes, pretreatment processes, quantity or quality of waste discharged to the POTW 90 days prior to such change. The Administrator shall approve, deny or condition a changed discharge prior to a change occurring in accordance with the provisions of Section 96.07(4) of this chapter;
12. Requirements for notification of excessive, accidental, or slug discharges;
13. Other conditions as deemed appropriate by the Administrator to ensure compliance with this chapter, and State and Federal laws, rules, and regulations;
14. A statement that compliance with the permit does not relieve the permittee of responsibility for compliance with all applicable Federal pretreatment standards, including those which become effective during the term of the permit.

96.24 PERMIT DURATION AND RENEWAL. Permits shall be issued for a specified period, not to exceed five (5) years. Permit fees shall be due annually to the City regardless of the term of permit. Permitted users shall apply for new permit by submitting a completed permit application a minimum of ninety (90) days prior to the expiration of the user's existing permit.

96.25 CONTINUATION OF EXPIRED PERMITS. Expired permits shall remain effective and enforceable until the permit is reissued unless the user is notified of permit termination by the City.

96.26 PERMIT MODIFICATIONS. The Administrator may modify the permit for good cause including, but not limited to, the following:

1. To incorporate any new or revised Federal, State, or local pretreatment standard or requirement (after becoming aware of more stringent standards or requirements, the POTW will update permits within 90 days);
2. Material or substantial alterations or additions to the dischargers' operation processes, or discharge volume or character which were not considered in drafting the effective permit;
3. A change in any condition in either the industrial user or the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
4. Information indicating that the permitted discharge poses a threat to the POTW, POTW personnel or the receiving water;
5. Violation of any terms or conditions of the permit;
6. Misrepresentation of or grant of variance from such categorical standards pursuant to 40 CFR 4.3.13; or
7. To correct typographical or other errors in the permit;
8. To reflect transfer of the facility ownership or operation to a new owner/operator;
9. Upon request of the permittee, provided such request does not create a violation of any applicable requirements, standards, laws, or rules and regulations.

The filing of a request by the permittee for permit modification, revocation and reissuance, termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

96.27 PERMIT TRANSFER. Users shall not reassign or transfer a wastewater discharge permit to a new owner. New owners must apply for a new wastewater discharge permit sixty (60) days prior to a change in ownership.

96.28 DENIAL OF PERMIT. The Administrator may deny a permit to any user whose discharge of material to POTW, whether shown upon application or determined after inspection and testing conducted by the City, is not in conformity with this chapter or whose application is incomplete or does not comply with the requirements of Section 96.21.

96.29 PERMIT VIOLATIONS. Any violations of the terms, conditions, or limits of a user's wastewater discharge permit shall be deemed a violation of this chapter and subject the user to all enforcement procedures outlined in this chapter.

96.30 PERIODIC COMPLIANCE REPORTS. Periodic compliance reports are required as follows:

1. Significant users shall submit to the Administrator, during the months of January and July, a report indicating the nature, concentration, and flow of pollutants in the effluent which are limited by permit or pretreatment standards for the preceding six month period. This report shall include a record of the monthly average flows and the daily flow for each analysis date during the reporting period. At the discretion of the Administrator and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Administrator may agree to alter the months during which the above reports are to be submitted. More frequent reports may be required by the Administrator.
2. The Administrator may impose mass limitations on users. In such cases, the report required by the above paragraph shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. All analysis shall be performed using EPA approved methods using sampling techniques approved by IDNR.
3. Users shall meet the certification and signatory requirements in Section 96.31 for each report submitted under this section. Where the City itself collects all the information required for the report, including flow data, the industrial user will not be required to submit a periodic compliance report.
4. Users must notify the POTW of all violations identified as a result of self monitoring to the POTW by telephone, during normal business hours, within 24 hours of the time the User becomes aware of such violation. The user must also submit the results of repeat analyses to the POTW within thirty (30) days after becoming aware of the violation together with a complete report on all steps taken to resolve the violation. The user need not repeat the analyses if:
 - A. The POTW performs sampling of the industrial user at a frequency of at least once per month, or
 - B. The POTW performs sampling of the user between the time when the user performs its initial sampling and the time when the user receives the results of this sampling;
5. Users who monitor any pollutant more frequently than required by the City or who self-monitor in addition to city monitoring, using EPA methods or standard methods, shall report the monitoring results to the POTW in accordance with this section.

96.31 CERTIFICATION AND SIGNATORY REQUIREMENTS.

1. All applications or reports submitted by a user shall contain the following certification statement:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

2. All applications and reports shall be signed by an authorized representative of the user as defined in Section 96.06. Users shall maintain a current and accurate authorization on file with the Administrator.

96.32 MONITORING FACILITIES.

1. Permitted users, when required by the Administrator, shall provide and operate monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer, or internal drainage systems at their own expense. The Administrator may require the placement of such monitoring facilities at the end of each process where pollutants are used, produced, or treated. The monitoring facility should normally be situated on the user's premises and located so that it will not be obstructed by landscaping or parked vehicles.

2. When required by permit and within 90 days of written notification, users shall install a sampling chamber for each separate discharge of the building sewer in accordance with plans and specifications approved by the City. Users shall provide ample room in or near such sampling chamber to allow accurate sampling and preparation of samples for analysis. Users shall maintain all sampling and measuring equipment in a safe and proper operating condition at all times and at the expense of the user which shall be safely, easily and independently accessible to authorized representatives of the City. Users shall certify all flow measuring devices to be in proper working condition once per year using a qualified technician acceptable to the Administrator.

- A. Each sampling chamber shall contain a flume unless another device is approved by the city, with a recording and totalizing device for measurement of the liquid quantity.

- B. At the discretion of the Administrator, metered water supply to a user may be used as the volume quantity where it is substantiated that the metered water supply and waste quantities are approximately the

same, or where a measurable adjustment agreed to by the Administrator is made in the metered water supply to determine the liquid waste quantity. Separate meters may be used to subtract water which is not discharged to the POTW or is discharged to a sewer other than the sampled location.

C. Samples shall be taken at a frequency and volume determined by the Administrator, and shall be properly refrigerated and preserved in accordance with EPA approved methods. The sample shall be composited in proportion to the flow for a representative 24-hour sample. A time proportioned 24-hour sample may be used if flow proportioned sampling is determined by the City to be impractical. Grab samples shall be used where appropriate.

3. Users must inform the Administrator prior to breaking a sampler seal, used by the City to detect sample tampering, unless necessary to prevent loss of life, personal injury, or severe property damage. Users must not place additional seals or locks upon a sampler which may be used by the City without first obtaining approval from the Administrator.

96.33 INSPECTION, SAMPLING, AND RECORD KEEPING AUTHORITY.

Users shall give the following authorities to the City:

1. Users shall permit authorized representatives or agents of the City to enter upon all properties and all parts of the premises within the corporate limits of the City of Urbandale, within the extended jurisdiction of the City of Urbandale, or upon properties of users with wastewater discharge permits for the purposes of inspection, sampling, records examination, records copying, or the performance of any of their duties. This shall include the right to set up, on the user's property, such devices as are necessary to conduct sampling, inspection, compliance monitoring, or metering operations as may be required in pursuance of the implementation and enforcement of this chapter.

2. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements in the security measures so that, upon presentation of suitable identification, personnel from the City will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

3. All users subject to any of the reporting requirements of this chapter shall maintain copies of reports and records of all information as required in 40 CFR 403.12(o) resulting from any monitoring activities required by this chapter for a minimum of three (3) years and shall make such records available for inspection and copying by the City. This period of retention shall be extended until the completion of any unresolved negotiation, hearing, or litigation involving a purported violation.

96.34 CONFIDENTIAL INFORMATION.

1. Except as herein provided, information and data obtained from user reports, questionnaires, permit applications and inspections, shall be made available to the public or other governmental agencies without restriction. If the user specifically requests and is able to demonstrate that the release of such information would divulge information concerning processes or methods of production entitled to protection under law as trade secrets of the user or would give advantage to competitors and serve no public purpose the Administrator shall not make such information available to the public but such information shall be available to the USEPA or IDNR.
2. Decisions by the Administrator to deny confidential status for information may be appealed using the procedures in Section 96.29. In determining whether information is confidential, the provision of Chapter 22 of the Code of Iowa shall prevail.
3. Effluent data and city enforcement actions will not be considered confidential records or information.

96.35 PUBLIC NOTIFICATION OF SIGNIFICANT NONCOMPLIANCE.

The City shall annually publish, in the largest daily newspaper published in the ICA community, a list of users which at any time during the previous twelve months, were in significant noncompliance as defined in Section 96.36 of this chapter.

96.36 SIGNIFICANT NONCOMPLIANCE (SNC). Any violation of pretreatment requirements (i.e., but not limited to: limits, sampling, analysis, reporting, meeting compliance schedules, and regulatory deadlines) is an instance of noncompliance for which the user is liable for enforcement, including penalties and injunctive relief. Instances of SNC are user violations which meet one or more of the following criteria:

1. Violations of wastewater discharge limits.
 - A. Chronic violations. Sixty-six percent (66%) or more of the measurements exceed the same daily maximum limit or the same average limit in a 6-month period (any magnitude of exceedance).
 - B. Technical Review Criteria (TRC) violations. Thirty-three percent (33%) or more of the measurements exceed the same daily maximum limit or the same average limit by more than the TRC in a 6-month period. (e.g., limit x TRC = the point at which a violation becomes a TRC violation). There are two groups of TRC's:

Group I for conventional pollutants (BOD, TSS, O&G)	TRC = 1.4
Group II for all other pollutants	TRC = 1.2
 - C. Any other violation(s) of a wastewater discharge permit limit (average or daily maximum) that the Administrator believes has caused, alone or in combination with other discharges, interference

(including slug loads) or pass through; or endangered the health of the public or of the personnel of the City or the City of Urbandale.

D. Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the environment and has resulted in the exercise of emergency authority to halt or prevent such a discharge.

2. Violations of compliance schedule milestones, contained in a wastewater discharge permit or enforcement order, for starting construction, completing construction, and attaining final compliance by ninety (90) days or more after the schedule date.
3. Failure to provide reports for compliance schedules, self-monitoring data, or any other report required by the POTW within thirty (30) days from the due date.
4. Failure to accurately report noncompliance.
5. Any other violations or group of violations that the Administrator considers to be significant.

When a user is in SNC, the Administrator is directed to: (a) report the information to IDNR as part of the annual pretreatment performance summary of permitted user noncompliance; (b) include the user in the annual public notification according to Section 96.35; (c) address SNC through appropriate enforcement actions or document in a timely manner the reasons for withholding enforcement.

96.37 ADMINISTRATIVE ACTIONS.

1. The Administrator may issue a written notice to the user giving specific nature of violations which shall include the frequency, magnitude and impact of the violation upon the POTW. The notice may also include the following:
 - A. An order requiring a plan of action for preventing reoccurrence of the violation;
 - B. An order requiring specific action for accomplishing remediation;
 - C. An order requiring the User to respond in writing within thirty (30) days.
2. The Administrator is empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the user responsible for any noncompliance. Such orders will include specific action to be taken by the user to correct noncompliance within a time period specified by the order.
3. The Administrator may issue enforceable orders or schedules to require compliance with pretreatment standards including appropriate interim limits.

Such orders and schedules may be incorporated into a revised wastewater discharge permit and shall not require the consent of the user.

96.38 ACTIONS AUTHORIZED. Where there has been noncompliance with any provision of this chapter the Administrator may request, and corporation counsel (or any attorney representing the City) is authorized to bring an action in equity or at law to seek the issuance of a preliminary or permanent injunction or both or such other relief as may be appropriate to compel compliance by the user with this chapter. No other authorization from the City Council for the bringing of such action shall be required. In addition to other remedies provided under this or other provisions of this chapter, in any action brought to enforce the provisions of this chapter, the Des Moines city council authorizes and directs corporation counsel to seek to recover all actual damages suffered by the City including all actual damages and losses related to costs of repair and remediation of the POTW, costs of administration reasonably related to any particular violation and attorney fees.

96.39 CIVIL PENALTIES.

1. Each violation of any provision of this chapter or of a permit issued under this chapter is declared to be a municipal infraction. Each day that a violation of a provision of this chapter continues and each day that a violation of permit issued under this chapter continues shall be considered a separate municipal infraction.
2. Any person who knowingly makes a false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter or a wastewater discharge permit or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this chapter commits a municipal infraction.
3. Violation of a pretreatment standard or requirement referred to in 40 CFR of Chapter 1, Section 403.8 is a municipal infraction and shall be punished by a civil penalty not to exceed \$1,000 for each day said violation exists or continues. All other municipal infractions shall be punishable by a civil penalty. In addition to the penalties established in this section for municipal infractions, corporation counsel, or the Urbandale City Attorney shall seek all other appropriate remedies allowed by law in regard to the abating correction or discontinuance of activities which constitute municipal infractions under this chapter.

96.40 CRIMINAL PENALTIES. Any violation of this chapter or of a permit issued pursuant to this chapter and any false statement, representation or certification made in any reports, plans, records or other documents filed or required to be maintained pursuant to this chapter or a wastewater discharge permit and any falsification, tampering or knowingly rendering inaccurate any monitoring device or method required under this chapter is a misdemeanor.

96.41 PERFORMANCE BONDS. The Administrator may decline to reissue a permit to any user who has failed to comply with the provision of this chapter or any order or previous permit issued hereunder unless such user first files a satisfactory bond payable to the City in a sum not to exceed the value determined by the Administrator to be necessary to achieve compliance giving due consideration to the number and magnitude of previous violations, potential need for remediation and stating the reasons which support the amount of bond in a written order directed to the user, but in no case shall said bond be required to be greater than \$25,000. The user shall use a bond form prescribed by the City.

96.42 REVOCATION OF PERMIT.

1. Conditions for Revocation. Any user who violates this chapter, any condition of its wastewater discharge permit, or any of the following, is subject to having its permit revoked in accordance with the procedures of this section:
 - A. Failure to accurately report the wastewater constituents and characteristics of its discharge;
 - B. Failure of the user to report substantial changes in process activity or in volume or character of pollutants being introduced into the POTW at least 90 days prior to such change;
 - C. Tampering with monitoring equipment;
 - D. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling;
 - E. Violation of permit conditions;
 - F. Failure to report an upset, failure, or bypass of user's pretreatment facilities;
 - G. Failure to pay fines, fees, or sewer user charges;
 - H. Failure to follow enforcement orders or compliance schedules;
 - I. Failure to correct a condition that impedes or alters the POTW's ability to monitor the user's discharge or has the potential to cause interference or pass through;
2. Procedures for Revocation.
 - A. Any permit issued to a user pursuant to this chapter may be revoked for any action which is subject to revocation under Section

96.42(1). No revocation shall issue except upon notice delivered to the user by mailing the notice in the regular mail addressed to the user at the address listed on the wastewater discharge permit, a minimum of ten (10) days prior to the date set for hearing before the City Manager or his or her designee. Such notice shall inform the user of the time, date and place of the hearing, the purpose of the hearing, and shall set out the reasons therefor.

B. If, after such a hearing, the Des Moines city manager or designee makes a finding based on substantial evidence that actions subject to revocation under Section 96.42(1) have occurred as alleged, the City Manager or designee may continue suspension of or revoke the permit; the determination of whether to revoke such permit shall be in the discretion of the Des Moines city manager or his or her designee and shall be dependent upon the circumstances surrounding violations by the user of Section 96.42(1) and their severity.

C. The decision of the Des Moines city manager or designee to continue suspension or to revoke the permit of a user whose discharge occurs within the City may be appealed to the Des Moines city council. The decision of the Des Moines city manager or designee to continue suspension or to revoke the permit of a user whose discharge occurs within another ICA constituent community may be appealed to the ICA appeal committee established in Section 96.42(2)(E). In order to appeal such decision, written notice of appeal must be filed with the Des Moines city clerk within three (3) days after receipt of the decision. Failure to file such written notice of appeal shall constitute a waiver of right to appeal the decision of the Des Moines city manager or designee.

D. The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the Des Moines city clerk. An appeal hearing before the Des Moines city council shall be scheduled at the next regular council meeting, if such notice is received by five o'clock (5:00) p.m. on the Wednesday before the next regular council meeting. If notice is not received by the above designated time, the hearing will be scheduled for the next following council meeting, if notice is received within three (3) days after receipt of the decision by the Des Moines city manager or designee. An appeal hearing before the ICA appeal committee shall be scheduled to occur not less than seven (7) days and not more than thirty (30) days after the Des Moines city clerk's receipt of the appeal notice. The hearing may be continued for good cause. The hearing shall be confined to the record made before the Des Moines city manager or designee and the arguments of the parties or their representatives, but no additional evidence shall be taken. After such hearing, the City Council of Des Moines or appeal committee, as the case may be, may affirm or reverse the order of the City Manager or designee. Such determination shall be

contained in a written decision and shall be filed with the Des Moines city clerk within three (3) days after the hearing, or any continued session thereof.

E. Final appeal for users located in the City of Urbandale will be heard by a three-person ICA appeal committee composed of the ICA representative from the community where the discharge is or will occur, the chairperson of the ICA management agency, and an ICA representative from another constituent community to be appointed by the chairperson. In the event of the chairperson's conflict of interest or unavailability, the chairperson shall appoint an ICA representative from another constituent community as a member of the appeal committee. The ICA representative for the City shall not be appointed to serve on the appeal committee. Final appeals shall be decided by majority vote of the Des Moines city council or the appeal committee. If the appeal committee affirms the action of the Des Moines city manager or his or her designee, continuing the suspension or revocation, the appeal committee shall so state and order in its written decision. The Des Moines city clerk shall report in the official minutes the action taken by the city council.

F. A user whose permit has been revoked shall not be eligible for another permit until thirty (30) days after the violating conditions have been corrected to the satisfaction of the Administrator.

96.43 TERMINATION OF SERVICE.

1. When ordered by the Des Moines city council or when fees and surcharges remain unpaid ninety (90) days after having been billed, the following notice shall be forwarded by registered mail, return receipt requested, certified mail, or personal service to the occupants at the address of the building being served by the City:

NOTICE OF INTENT TO TERMINATE SERVICE

You are hereby notified that due to (insert reason for termination), the wastewater service to the building located at (insert address) will be terminated within thirty (30) days hereafter unless you have corrected the above situation. Your service will be disconnected and your building will be red-tagged as unfit for human occupancy on the thirty-fifth (35th) day after date of this notice.

Dated _____

Wastewater Division of Des Moines

By _____
Administrator

2. The City of Urbandale hereby declares that it is against public policy for a building which has been red-tagged by the wastewater division to be occupied by human inhabitants after appropriate notice has been given that the building is “a public nuisance and unfit for human occupancy.”

3. In the event that such user fails to correct the cause for the above notice, the following notice shall be forwarded by registered mail, return receipt requested, certified mail, or personal service to the occupants of the building and also affixed to the building or housing unit within a building:

NOTICE OF TERMINATION

You are hereby notified that there has been no response to the Notice of Intent to Terminate Service and the thirty-day period stated therein has elapsed. You are hereby notified that on (here insert date five (5) days after service of this notice), the City of Urbandale will physically disconnect the building sewer of your building from the sewage system to which it is connected and will red-tag the building located at (here insert address) as “unfit for human occupancy.”

Dated _____

Wastewater Division of Des Moines

By _____
Administrator

4. The manner of severance and procedure for disconnection shall be determined by the City of Urbandale. Upon completion of said disconnection, the Administrator shall forward to the occupant of the building by registered mail return receipt requested, certified mail, or personal service a bill for the cost of making the disconnection, including all costs for labor and materials incurred by the City of Urbandale, and a one hundred dollar (\$100.00) service charge for supervision by the wastewater division.

96.44 REINSTATEMENT OF SERVICE. In the event of severance of service, the service may be reinstated in the following manner:

1. Upon payment of any delinquency in full, plus penalties, plus the cost of the disconnection and the one hundred dollar (\$100.00) supervision fee, and an inspection by the Administrator to determine whether the original cause for termination has been corrected, the wastewater division will issue a permit for reconnection of the building service line to the POTW. Such reconnection costs for the City of Urbandale, plus inspection fees for the wastewater division in accordance with this chapter, shall be at the sole expense of the user.

2. Upon reconnection and payment of all costs described above, the City of Urbandale, through its agents, shall remove the red-tag from the building

and the building shall, so far as this chapter is concerned, be “fit for human occupancy.”

96.45 EMERGENCY DISCONNECTION OF SERVICE.

1. Conditions for Immediate Disconnection of Service. The Administrator may, after informal notice, suspend the wastewater treatment service or wastewater permit of a user whenever such suspension is necessary in order to stop an actual or threatened discharge presenting or causing an imminent or substantial endangerment to the health or welfare of persons, the POTW, or the environment.

2. Procedures for Immediate Disconnection.

A. When the Administrator determines that a discharge as described in Section 1 exists, a verbal order shall be issued (followed immediately by a written order) to the user stating the problem and requiring immediate cessation of the discharge. Users verbally notified of a suspension of the wastewater treatment service or the wastewater permit shall immediately stop or eliminate all discharges. In the event of a user’s failure to comply immediately and voluntarily with the suspension order, the Administrator shall take immediate action to eliminate the discharge including disconnection from the POTW. Methods of informal notice to a user shall include, but not be limited to, any of the following; personal conversations between user and personnel of the City, telephone calls, letters, hand delivered messages or notices posted at the user’s premises or point of discharge.

B. Users responsible, in whole or in part, for imminent endangerment shall submit a detailed written report describing the causes of the endangerment and the measures taken to prevent any future occurrence to the Administrator prior to the hearing described in Section 96.42(2).

96.46 ELIMINATION OF DISCHARGE/REINSTATEMENT. Users notified of a disconnection of wastewater treatment service under Sections 96.42, 96.43 or 96.45 shall immediately stop or eliminate the discharge. In the event of a failure of the user to comply voluntarily with the disconnection or revocation order, the City of Urbandale shall take such steps as the Administrator deems necessary, including immediate severance of the sewer connection. The Administrator shall reinstate the wastewater discharge permit or the wastewater treatment service upon proof of the elimination of the noncomplying discharge.

96.47 ADDITIONAL REMEDIES.

1. In addition to remedies available to the City set forth elsewhere in this chapter, if the City is fined by IDNR or USEPA for violations of the city NPDES permit or violations of water quality standards as the result of a discharge of pollutants by identifiable user(s), then the fine, including all legal,

sampling, analytical testing costs and any other related costs sustained by the City shall be charged to the responsible user(s). Such charge shall be in addition to any other remedies the City may have under this chapter, at law or in equity.

2. If the discharge from any user results in a deposit, obstruction, damage or other impairment to the POTW, the user shall become liable to the City for any expense, loss, or damage caused by the violations or discharge. The City may add to the user's charges and fees the costs assessed for any cleaning, repair, or replacement work caused by the violations or discharge.

3. The remedies provided in this chapter shall not be exclusive and the City may seek whatever other remedies are authorized by statute, at law or in equity against any persons violating the provisions of this chapter.

4. In addition to any other remedies provided in this chapter, the City may initiate an action, either in law or in equity, to obtain an injunction against further violations of this chapter, and for judgment for all costs incurred by the City occasioned by the user's violation of any requirements of this chapter.

[The next page is 601]

CHAPTER 105

SOLID WASTE CONTROL

105.01 Purpose	105.10 Control of Fire
105.02 Definitions	105.11 Separation of Yard Waste Required
105.03 Sanitary Disposal Required	105.12 Grass Clippings and Backyard Composting
105.04 Health and Fire Hazard	105.13 Littering Prohibited
105.05 Fires — Open Burning Prohibited	105.14 Open Dumping Prohibited
105.06 Exceptions	105.15 Toxic and Hazardous Waste
105.07 Fires — Variance from Open Burning Prohibition	105.16 Waste Storage Containers
105.08 Exceptions — Permit Required	105.17 Prohibited Practices
105.09 Emergency Condition — Chief May Prohibit	105.18 Sanitary Disposal Project Designated

105.01 PURPOSE. The purpose of the chapters in this Code of Ordinances pertaining to Solid Waste Control is to provide for the sanitary storage, collection and disposal of solid waste and, thereby, to protect the citizens of the City from such hazards to their health, safety and welfare as may result from the uncontrolled disposal of solid waste.

105.02 DEFINITIONS. For use in these chapters the following terms are defined:

1. “Collector” means any person authorized to gather solid waste from public and private places.
2. “Commercial premises” means any business, industry, institution, church, or nonprofit organization and all multi-family dwelling units exceeding two (2) dwelling units, not in individual ownership.
3. “Director” means the director of the State Department of Natural Resources or any designee.
(Code of Iowa, Sec. 455B.101[2b])
4. “Discard” means to place, cause to be placed, throw, deposit or drop.
(Code of Iowa, Sec. 455B.361[2])
5. “Dwelling unit” means 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.
6. “Litter” means any garbage, rubbish, trash, refuse, waste materials or debris.
(Code of Iowa, Sec. 455B.361[1])
7. “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.
8. “Residential premises” means a single-family detached dwelling or a duplex. Single-family attached dwelling units or row-type housing units

having individual ownership shall be considered residential premises regardless of the total number of such units which may be included in a given housing development, provided that an agreement for collection is entered into between the homeowners' association and the City.

9. "Residential waste" means any refuse or garbage generated on the premises as a result of residential/household activities and fitting into an approved container or properly bundled in accordance with these chapters. The following items are specifically excluded from the residential waste classification:

- A. Furniture and appliances, including box springs and mattresses;
- B. Dead animals;
- C. Animal or human wastes;
- D. Vehicle parts, oil, grease, gasoline and other petroleum products;
- E. Construction debris, paint, thinners, solvents, toxic and radioactive materials;
- F. Trees, dirt, rubble, yard waste;
- G. Ammunition and hazardous wastes including all materials classified as hazardous by the U.S. Federal Government, State of Iowa and/or the Des Moines Metropolitan Solid Waste Agency.

10. "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)

11. "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 Director.

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

12. "Solid waste" means garbage, refuse, rubbish, and other similar discarded solid or semisolid materials, including but not limited to such materials resulting from industrial, commercial, agricultural, and domestic activities. Solid waste may include vehicles, as defined by subsection one of Section 321.1 of the Code of Iowa.

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

105.03 SANITARY DISPOSAL REQUIRED. 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 of Chapter 50 or by initiating proper action in district court.

(Code of Iowa, Ch. 657)

105.04 HEALTH AND FIRE HAZARD. It is unlawful for any person to permit to accumulate on any premises, improved or vacant, or on any public place, such quantities of solid waste that constitute a health, sanitation or fire hazard.

105.05 FIRES - OPEN BURNING PROHIBITED. No person shall kindle or maintain any bonfire or refuse fire or burn any paper or similar combustible debris or authorize any such fire to be kindled or maintained on any private land within the boundaries of the City.

105.06 EXCEPTIONS. This prohibition does not apply to indoor or outdoor fireplaces or barbecue grills used solely for entertainment or the preparation of food for human consumption. This prohibition does not apply to flare stacks operated in compliance with all other applicable State and local rules and regulations.

105.07 FIRES - VARIANCE FROM OPEN BURNING PROHIBITION. Any person wishing to conduct open burning of materials not exempted in Section 105.06 may make application for a variance to the Fire Chief of the City. Each application for a variance shall contain the following:

1. The name, address and telephone number of the person submitting the application or, if such person is a legal entity, the name and address of the individual authorized to accept service of process on its behalf and the name of the person in charge of the premises where such open burning is to be conducted.
2. The type of business or activity involved.
3. The nature of the materials to be open burned; including type, quantity, and method of ignition and estimate of time required to complete the open burning of such materials.
4. The exact location of the proposed open burning site.
5. The reason or reasons for considering that compliance with the prohibition of open burning will produce serious hardship without equal or greater benefits to the public, and the reasons why no other reasonable method of disposal can be used without resulting in a hazard to health or property.
6. The signature of the person making the application, following an affirmation that all statements are true and correct.

All variances issued shall be subject to the approval and or conditions specified by the Fire Chief of the City. A variance may be issued for a maximum of ninety (90) days.

105.08 EXCEPTIONS - PERMIT REQUIRED. A person may kindle or maintain a bonfire, rubbish fire, or authorize such fire to be kindled or maintained, if such

person first obtains a permit or the proper authorization from the Fire Chief of the City if following conditions are met:

1. Such person is an authorized City employee operating under the authority of the City to conduct such a fire.
2. The purpose of the fire is the instruction of public employees in the methods of fire fighting.
3. The purpose of the fire is to instruct employees in the methods of fighting fires on private property used for industrial purposes.
4. The purpose of the fire is for public gatherings under legitimate sponsorship of civic, fraternal, religious, educational or similar organizations.

105.09 EMERGENCY CONDITION - CHIEF MAY PROHIBIT. The Fire Chief of the City may suspend any and all open burning allowed in Section 105.08 of this chapter, and any and all permits or variances for open burning, when atmospheric conditions or local conditions make such open burning hazardous; said Fire Chief shall inform the public of such proclamation by widely publicizing the open burning prohibition through the means of the news media.

105.10 CONTROL OF FIRE. Any fire permitted under this chapter shall be constantly attended and controlled by competent person or persons until such fire is entirely extinguished and no such fire shall be started within twenty-five (25) feet of any combustible wall, fence, building or structure.

105.11 SEPARATION OF YARD WASTE REQUIRED. All yard waste shall be separated by the owner or occupant from all other solid waste accumulated on the premises and shall be composted on the premises or placed in approved yard waste bags distributed by Metro Waste Authority designated for use by City residents and set out for collection. When not in approved bags, tree limbs of less than two (2) inches in diameter and brush will be collected provided they are securely tied in bundles not more than forty-eight (48) inches long or eighteen (18) inches in diameter. A sticker distributed by Metro Waste Authority designated for use by City residents must be attached to each bundle. All larger tree limbs, branches, trunks and stumps will be collected by appointment by the City.

105.12 GRASS CLIPPINGS AND BACKYARD COMPOSTING. Residents are encouraged to leave grass clippings on the lawn and backyard compost yard waste. Information is available at the Public Works Office to all residence and commercial establishments. Owners and occupants are encouraged to accumulate on their property such quantities of yard waste as can be properly composted without creating offensive odors, litter, fire or vector problems. Such composting so carried out shall be deemed to be an alternative disposition of the disposal of yard waste in satisfaction of any requirement in this chapter to separate yard waste. Backyard composting shall be limited to yard waste produced on the property where the composting is taking place.

105.13 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.

(Code of Iowa, Sec. 455B.363)

105.14 OPEN DUMPING PROHIBITED. 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 and IAC, 567-100.2)

105.15 TOXIC AND HAZARDOUS WASTE. No person shall deposit in a solid waste container or otherwise offer for collection any toxic or hazardous waste. Such materials shall be transported and disposed of as prescribed by the Director. As used in this section, "toxic and hazardous waste" means waste materials, including but not limited to, poisons, pesticides, herbicides, acids, caustics, pathological waste, flammable or explosive materials and similar harmful waste which requires special handling and which must be disposed of in such a manner as to conserve the environment and protect the public health and safety.

(IAC, 567-100.2)

(IAC, 567-102.14[2] and 400-27.14[2])

105.16 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 Specifications. Waste storage containers shall comply with the following specifications:

A. Residential. Residential waste containers whether they be reusable, portable containers or heavy duty disposable garbage bags shall be of not more than thirty (30) gallons in nominal capacity, and shall be leak-proof and waterproof. The total weight of any individual container and contents shall not exceed sixty-five (65) pounds. If galvanized rubber, plastic, or fiberglass containers are used, they shall be fitted with a fly-tight lid which shall be kept in place except when depositing or removing the contents thereof. They shall also have handles, bails or other suitable lifting devices or features and be of a type originally manufactured for the storage of residential waste with

tapered sides for easy emptying and they shall be of light-weight and sturdy construction. Other containers as approved by the City may also be used.

B. Apartment Dumpsters. Single-family attached dwelling units consisting of eight (8) or more units shall furnish dumpsters of sufficient size or number to handle all residential waste. All residential waste placed in dumpsters must be in bags. Such dumpsters shall be placed at a location approved by the City and shall be compatible with existing City equipment.

C. Commercial. Every person owning, managing, operating, leasing or renting any commercial premise where solid waste accumulates and where its storage in portable containers as required in paragraph A of this subsection is impractical, shall maintain metal bulk storage containers or dumpsters.

2. Storage of Containers. On days other than collection day, solid waste containers shall be stored in a building on the premises, to the rear of the building not closer to the property line than five (5) feet; and/or at a location specified in a site plan approved by the City.

3. Location of Containers for Collection. 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 shall be placed at the curb line before six-thirty o'clock (6:30) a.m. on the day of collection but shall not be so placed before five o'clock (5:00) p.m. of the day prior to regularly scheduled collection day and shall be promptly removed from the curb line following collection.

4. Nonconforming Containers. Solid waste containers which are not adequate will be collected together with their contents and disposed of after due notice to the owner.

5. Owner's Responsibility. All owners of residential and commercial premises shall be responsible for proper storage of all garbage and yard waste to prevent materials from leaving the premises except at collection. Fenced enclosures for the storage of solid waste containers may be required by the City.

6. Other Approved Items. Minor amounts of residential construction debris will be accepted from occupied dwellings if placed in an approved container as defined by this chapter. Cardboard boxes would be collected providing they are flattened, bundled, and no longer than four (4) feet, higher than eighteen (18) inches or wider than two (2) feet.

105.17 PROHIBITED PRACTICES. It is unlawful for any person to:

1. Unlawful Use of Containers. Deposit refuse in any solid waste containers not owned by such person 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 as such, whether such equipment or collectors be those of the City, or those of any other authorized waste collection service.
3. 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.
4. 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.

105.18 SANITARY DISPOSAL PROJECT DESIGNATED. The sanitary landfill facilities operated by Metro Solid Waste Agency and any properly licensed solid waste transfer stations are hereby designated as the official "Public Sanitary Disposal Project" for the disposal of solid waste produced or originating within the City.

CHAPTER 106

COLLECTION OF SOLID WASTE

106.01 Collection Service
106.02 Collection Vehicles
106.03 Loading
106.04 Frequency of Collection

106.05 Collection of Yard Waste
106.06 Bulky Rubbish
106.07 Right of Entry
106.08 Private Collector's Permit
106.09 Yard Waste Collection Fees

106.01 COLLECTION SERVICE. The City shall provide by contract for the collection of solid waste, except bulky rubbish as provided in Section 106.06, from residential premises only. The owners or operators of commercial, industrial or institutional premises shall provide for the collection of solid waste produced upon such premises.

106.02 COLLECTION VEHICLES. Vehicles or containers used for the collection and transportation of garbage and similar putrescible waste or solid waste 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.

(IAC, 567-104.9[455B])

106.03 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 therefrom, and shall be covered to prevent blowing or loss of material.

106.04 FREQUENCY OF COLLECTION. All solid waste shall be collected from residential premises at least once each week and from commercial premises as frequently as may be necessary, but not less than once each week.

106.05 COLLECTION OF YARD WASTE. Yard waste will be collected separately, but on the same day as other solid waste.

106.06 BULKY RUBBISH. Bulky rubbish which is too large or heavy to be collected in the normal manner of other solid waste may be collected by the collector upon request in accordance with procedures therefor established by the Council.

106.07 RIGHT OF ENTRY. Solid waste collectors are hereby authorized to enter upon private property for the purpose of collecting solid waste therefrom as required by this chapter; however, solid waste collectors shall not enter dwelling units or other residential buildings.

106.08 PRIVATE COLLECTOR'S PERMIT. No person shall engage in the business of collecting, transporting, processing or disposing of solid waste other than

waste produced by that person within the City without first obtaining from the City an annual permit in accordance with the following:

1. Application. Application for a solid waste collector's permit shall be made to the Clerk and provide the following:

A. Name and Address. The full name and address of the applicant, and if a corporation, the names and addresses of the officers thereof.

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 type of waste to be hauled, frequency, routes and method of collection and transportation to be used.

D. Disposal. A statement as to the precise location and method of disposal or processing facilities to be used.

2. Insurance. No collector's permit shall be issued until and unless the applicant therefor, in addition to all other requirements set forth, shall file and maintain with the City evidence of satisfactory public liability insurance covering all operations of the applicant pertaining to such business and all equipment and vehicles to be operated in the conduct thereof in the following minimum amounts:

Bodily Injury	- \$100,000 per person.
	- \$300,000 per occurrence.
Property Damage	- \$ 50,000.

Each insurance policy required hereunder shall include as a part thereof provisions requiring the insurance carrier 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 fee in the amount of five dollars (\$5.00) per vehicle shall accompany the application. In the event the requested permit is not granted, the fee paid shall be refunded to the applicant.

4. Permit Issued. If the Council upon investigation finds the application to be in order and determines that the applicant 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 requested permit shall be issued to be effective for a period of one year from the date approved.

5. Permit Renewal. An annual permit may be renewed simply upon payment of the required fee, provided the applicant agrees to continue to operate in substantially the same manner as provided in the original application and provided the applicant furnishes the Clerk with a current listing of vehicles, equipment and facilities in use.

6. Permit Not Transferable. No permit authorized by this chapter may be transferred to another person.
7. Permit Revocation. Failure on the part of any such permittee to collect, transport, and dispose solid waste in accordance with laws and ordinances of the City shall be cause for the Council on reasonable notice and hearing to revoke such permit. In the event a permit is revoked by the Council, such permittee may be ineligible for reinstatement or renewal thereof, or for a new permit, for a period of sixty (60) days from the date of such revocation and thereafter only upon posting bond with the City in an amount sufficient to hold the City harmless from any and all claims which might be expected from the Des Moines Metropolitan Area Solid Waste Agency for revenue loss which would follow from a future violation of said delivery requirements over a sixty (60) day period, based upon the volume of solid waste proposed to be handled by the applicant for the sixty (60) day period following the issuance of such new permit.
8. Owner May Transport. Nothing herein is to be construed so as to prevent the owner from transporting solid waste accumulating upon premises owned, occupied or used by said owner, provided such refuse is disposed of properly in an approved sanitary disposal project.
9. Grading or Excavation Excepted. No 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 rights-of-way.

106.09 YARD WASTE COLLECTION FEES.

1. Bags and Stickers. Metro Waste Authority shall establish the cost of each bag and each sticker.
2. Tree limbs, branches, trunks and stumps:

A.	Up to one-half dump truck load	\$25.00
B.	One-half to one dump truck load	\$30.00
C.	Each additional dump truck load in excess of one	\$20.00

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CHAPTER 110

NATURAL GAS FRANCHISE

110.01 Franchise Granted

110.02 Regulatory Power of City

110.01 FRANCHISE GRANTED. Iowa Power and Light Company, a corporation, its successors or assigns are hereby granted and vested with the right, franchise and privilege for a period of twenty-five (25) years from and after the adoption and approval of the ordinance codified by this chapter, as provided by law, to acquire, construct, operate and maintain in the City the necessary facilities for the production, distribution, transmission and sale of gas for public and private use and to construct and maintain along, upon, across, and under the streets, highways, avenues, alleys, bridges and public places the necessary fixtures and equipment for such purposes.

110.02 REGULATORY POWER OF CITY. The franchise shall not be exclusive and shall not restrict in any manner the right of the City Council or any other governing body of the City in the exercise of any regulatory power which it may now have or hereafter be authorized or permitted by the laws of the State.

EDITOR'S NOTE

Ordinance No. 549 adopting a gas franchise for the City was passed and adopted on May 16, 1975.

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CHAPTER 111

ELECTRIC FRANCHISE

111.01 Franchise Granted

111.02 Regulatory Power of City

111.01 FRANCHISE GRANTED. Iowa Power and Light Company, a corporation, its successors or assigns are hereby granted and vested with the right, franchise and privilege for a period of twenty-five (25) years from and after the adoption and approval of the ordinance codified by this chapter, as provided by law, to acquire, construct, operate and maintain in the City the necessary facilities for the production, distribution, transmission and sale of electric energy for public and private use and to construct and maintain along, upon, across, and under the streets, highways, avenues, alleys, bridges and public places the necessary fixtures and equipment for such purposes.

111.02 REGULATORY POWER OF CITY. The franchise shall not be exclusive and shall not restrict in any manner the right of the City Council or any other governing body of the City in the exercise of any regulatory power which it may now have or hereafter be authorized or permitted by the laws of the State.

EDITOR'S NOTE

Ordinance No. 548 adopting an electric franchise for the City was passed and adopted on May 16, 1975.

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CHAPTER 112

TELEPHONE FRANCHISE

112.01 Franchise Granted

112.02 Reservations of Power.

112.03 Construction of Telephone Utilities

112.04 Indemnification of City

112.05 Right of Eminent Domain

112.06 Franchise Tax

112.07 Lease or Assignment of Franchise

112.08 Deregulation

112.01 FRANCHISE GRANTED. A nonexclusive franchise is hereby granted to Northwestern Bell Telephone Company, a corporation, its successors and assigns (herein the “Grantee”), for a term of twenty-five (25) years from the effective date of the ordinance codified by this chapter, to acquire, construct, operate and maintain the necessary facilities for the operation of a general telephone system (herein the “Telephone Utilities”), within the present or future corporate limits of the City, and the Grantee is granted the right, franchise and authority to construct, install and maintain such Telephone Utilities over, across and under the streets, highways, avenues, alleys, bridges and public grounds of the City and to furnish telephone services to the City and its inhabitants for all lawful purposes, including public and private use, and upon such terms, conditions, restrictions and regulations as may be adopted pursuant to this chapter.

112.02 RESERVATION OF POWERS. The Grantee shall, at all times during the term of the franchise, be subject to all lawful exercise of police power by the City and to such other reasonable regulations as the City may hereinafter by resolution or ordinance provide. The franchise shall not restrict in any manner the right of the City in the exercise of any power which it now has or which may hereafter be authorized or permitted by the laws of the State.

112.03 CONSTRUCTION OF TELEPHONE UTILITIES. All Telephone Utilities shall be constructed or reconstructed in conformance with applicable rules and regulations imposed upon the Grantee or ordered by the Federal or State government and the applicable ordinances of the City in effect at the time of the construction or reconstruction.

112.04 INDEMNIFICATION OF THE CITY. Grantee shall hold the City harmless from liability and damages in any manner arising out of the exercise by the Grantee of the rights, privileges and franchise granted hereby.

112.05 RIGHT OF EMINENT DOMAIN. The Grantee shall have the power to appropriate and condemn private property for the purpose of providing telephone service to the extent necessary to serve a public use and in a reasonable relationship to an overall plan of providing telephone services in the public interest. The procedure to be followed in any such condemnation actions shall be that which is set forth in Chapter 472 of the Code of Iowa.

112.06 FRANCHISE TAX. If during the term of the franchise there shall be enacted by the Iowa General Assembly a valid taxing statute authorizing the City to collect a tax on the telephone revenues received by the Grantee from its customers in the City, then if such tax is levied by the City, the Grantee, subject to the approval of the State Utilities Board, will include such tax as a separate item on its customer's bills, identified as "City of Urbandale Franchise Tax," and remit the sums collected to the City under the terms and provisions of such enacted statute.

112.07 LEASE OR ASSIGNMENT OF FRANCHISE. The franchise shall apply to, inure to and bind the parties hereto and their successors.

112.08 DEREGULATION. If, during the term of the franchise, there shall be enacted by the Iowa General Assembly a valid statute abolishing the State Utilities Board and deregulating telephone rates, the City's residents shall not be charged any different rates for their telephone services than the City of Des Moines residents.

EDITOR'S NOTE

Ordinance No. 83-5 adopting a telephone franchise for the City was passed and adopted on July 19, 1983.

CHAPTER 113

CABLE TELEVISION FRANCHISE

113.01	Grantee	113.19	Poles, Attachments
113.02	Franchise	113.20	Reserved Rights, City Poles
113.03	Assignment or Transfer	113.21	Filing Maps
113.04	Not Exclusive	113.22	Other City Regulations
113.05	Surety Bond	113.23	Protecting City
113.06	Channels Furnished for City's Use	113.24	Location of Facilities
113.07	Service to Schools	113.25	Restoration of Streets
113.08	Additional Services Provided	113.26	Relocation of Facilities
113.09	Leasing Channels	113.27	Moving Buildings
113.10	Emergency Warning System	113.28	Trimming Trees
113.11	Two-Way Communications	113.29	Safety Barricades and Lights
113.12	Franchise Fee	113.30	Removal on Termination
113.13	Annual Accounting	113.31	Performance Provisions
113.14	Service Rules and Regulations	113.32	Liability Protection
113.15	Rates	113.33	Equitable Rates and Services
113.16	Quality of Reception	113.34	Activities Prohibited
113.17	Installation Standards; Use of Streets	113.35	Compliance with FCC Regulations
113.18	Technical Standards		

113.01 GRANTEE. Heritage Cablevision, Inc., a corporation organized under the laws of the State of Iowa, its successors and assigns (hereinafter collectively referred to as "Grantee"), are hereby granted and vested with the right, franchise and authority, for a period of twenty-five (25) years from and after the adoption of the ordinance codified in this chapter, to construct and operate a cable television or community antenna television system and to sell and supply to individuals, firms and corporations, public and private, at any and all places within the corporate limits of the City, as said limits now are or hereafter at any time may be established, audio and video communications services.

113.02 FRANCHISE. The City grants to Grantee, subject to the provisions herein, the right to erect, install, construct, reconstruct, replace, repair, maintain and operate in or upon, under, above, across and from the streets, avenues, highways, sidewalks, bridges and other public ways, easements, rights-of-way, and lands, as now existing and all extensions thereof and additions thereto, in the City, all equipment, facilities, appurtenances and apparatus of any nature, for the purpose of receiving, amplifying, transmitting and distributing electrical and electronic energy, pictures, sounds, signals, impulses and communications, uni-directional, and multi-directional, of any nature and description, audio and video, embracing any and all of the frequencies of the electromagnetic spectrum, by studios, cameras, projectors, recorders, antennas, transmitters, microwaves, wires, cables, coaxial cables, and wave guides and to otherwise engage in the business, services, and activities generally known as and practiced now and in the future by, cable television systems providing audio and video communications services, in accordance with the laws of the United States of America, the State of Iowa and the City.

113.03 ASSIGNMENT OR TRANSFER. The Grantee shall not assign or transfer any right granted under this chapter to any other person without prior consent of the Council, which consent shall not be unreasonably withheld, provided that the Grantee shall have the right to assign the franchise to a corporation wholly owned by the Grantee or to a limited partnership of which the Grantee is a general partner without prior consent of the City.

113.04 NOT EXCLUSIVE. This franchise shall be nonexclusive and shall not restrict the Council in the exercise of its regulatory power or prevent it from granting any other cable television system franchise or franchises.

113.05 SURETY BOND. The Grantee shall obtain suitable surety or liability bond in the amount of \$10,000.00 payable to the City, which shall be forfeited in the event of default of construction of the system contemplated under this chapter. Said bond shall not be allowed to lapse without prior notice to and approval from the City.

113.06 CHANNELS FURNISHED FOR CITY'S USE. The Grantee shall furnish without charge to the City or its assigns cable systems channels to be used by the City or its assigns for whatever purpose it wishes. The channel space herein gratuitously furnished the City or its assigns shall not be used in any commercial manner or means and shall not be set over or assigned to any person other than one engaged in public or free education, community service or providing health, public safety, instructional or welfare services to the City or its inhabitants, and no subscriber of the Grantee shall be in any manner at any time charged any rate or fees for the use of the channel space herein gratuitously given to the City or its assigns.

113.07 SERVICE TO SCHOOLS.

1. The Grantee shall provide, when available other than on an experimental basis, and when the elementary and secondary schools, both public and private, of the City decide that their programming needs require it, the type of cable that will permit school buildings within the City and selected classrooms within said school buildings, not only to receive cable broadcasts, but also to permit live cable broadcasts to originate from each building, and selected classrooms in those buildings. Such a two-way cable system shall be linked at the Grantee's expense to the Grantee's head-end permitting programs originating live in the school buildings to be transmitted over the educational channels.

2. The Grantee shall provide a color capable line, without charge, to all present and future school buildings, both public and private, within the limits of the City. Grantee shall also provide cable, jacks and splitters free of charge and shall provide labor at Grantee's cost for wiring whatever classrooms may eventually be selected to receive cable telecast. Grantee will provide maintenance for the system at Grantee's cost. Grantee shall update its equipment so as properly to serve the schools as improvements are made in the same and shall supply the same to the school buildings in the City as directed above.

3. Grantee shall provide the schools with access to its studio and other facilities, equipment and materials needed to produce and transmit educational programs at reasonable times and upon reasonable notice to the Grantee. Grantee shall also provide technical assistance as is needed for such purpose at no charge to the schools.
4. Grantee shall provide to the schools such equipment it owns and technology it has, at reasonable times and upon reasonable request, as will permit said schools to produce and transmit programs of an educational nature without cost to the district.
5. Grantee shall provide to the schools textbooks such as are available to them on matters such as equipping, purchasing, installing and operating the school district's own studio facilities.
6. 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, until it first seeks the approval of the Council, which may give blanket authority, and the approval of the schools involved.
7. Grantee shall make available to the elementary and secondary schools, both public and private, a minimum of one audio only channel, which shall be capable of producing a signal receivable on an FM receiver. The schools shall pay all costs associated with the programming, transmission and distribution of the FM audio programming, but shall not be obligated to Grantee to pay for the use of Grantee's facilities or channel.
8. Grantee shall supply free installation and service to primary and secondary schools and all municipally-owned buildings located within the City.

113.08 ADDITIONAL SERVICES PROVIDED.

1. Grantee shall furnish without charge to any organization or group within the City, or any individual resident of the City, upon request, channel space for whatever purposes the organization, group or individual wishes. The channel space herein gratuitously furnished the organization, group or individual shall not be used in any commercial manner or means and no subscriber of Grantee shall be in any manner at any time charged any rates or fees for the use of said channel space.
2. Grantee shall provide programming on a minimum of one channel, a significant portion of which is produced by Grantee, dealing with the needs and affairs of the City, and of interest to the citizens of the City.
3. Grantee shall maintain in the City the necessary facilities and equipment and make the same available at reasonable times and for reasonable durations, and without cost, for use by the City, the school districts and organizations, groups or individuals in the City for the production of programming on channel space allowed to them. Grantee shall make known to

the residents of the City the existence of its facilities and equipment and shall encourage their use.

113.09 LEASING CHANNELS. Grantee shall have the right to lease channel space to any organization, group or individual who is not entitled to channel space under any other provisions of this chapter. The charges for such leased channel space shall be reasonable, and the Grantee may not discriminate unreasonably between individuals or groups of users who desire to lease channel space. Grantee shall make its rates for leased channel space public and its records of leasing available. Nothing herein, however, prohibits the Grantee from providing channel space without cost as a public service to any person not otherwise entitled to channel space who wishes to provide educational, informational or community programming to the residents of the City. Nothing herein prohibits the Grantee from providing more favorable rates to businesses or residents of the City not otherwise entitled to channel space, or from agreeing with the same that they shall receive reduced costs or free channel space in return for the production of programming requested by the Grantee.

113.10 EMERGENCY WARNING SYSTEM. The Grantee shall provide an emergency warning system so that emergency information may be given simultaneously on all channels of Grantee's cable television system.

113.11 TWO-WAY COMMUNICATIONS. The Grantee shall design, engineer and construct the cable television system so that it has the potential for "two-way" communications, and Grantee shall make this service available when it becomes practical and available on other than an experimental basis.

113.12 FRANCHISE FEE. There is hereby imposed upon the Grantee and by its acceptance of the franchise, it agrees that there shall be paid by the Grantee to the City, an annual franchise fee equal to five percent (5%) of the gross subscriber receipts of the Grantee derived by it from the furnishing of audio and video communications services by cable television to subscribers within the corporate limits of the City during the term of the franchise, payment to be paid to the City Treasurer ten (10) days after the billings of the Grantee have been sent to the subscribers on an estimated basis, the final payment to be made not later than April 1 for the year ending December 31 next preceding. Such payment shall be deemed compensation for use of the City's property rights, service rendered, supervision and inspection of equipment and facilities and shall be in addition to all Federal, State and local taxes and fees assessed against all businesses in the City.

113.13 ANNUAL ACCOUNTING. Grantee shall keep complete records of accounts showing dates and payments received and shall furnish an annual accounting by a certified public accountant to the City on the payment date as provided above. The Council shall have the right, power and authority to inspect the monthly service charge records of the Grantee at the premises of the Grantee during the business hours of any workday, or at any other reasonable time and place provided the Grantee is given no less than seven (7) days' notice.

113.14 SERVICE RULES AND REGULATIONS. Grantee shall have the right to prescribe service rules and regulations for the conduct of its business with its subscribers and service users, not inconsistent with the provisions of the franchise or with the rules and regulations of the Federal Communications Commission, and other applicable laws, rules and regulations. The Grantee shall submit to the City the form of its service agreement between Grantee and its subscribers and channel users, shall furnish the City a full schedule of its charges to be paid by subscribers before soliciting for subscribers within the City, and shall furnish the City any amendments or alterations in the service agreement or schedule of charges.

113.15 RATES. All rates for service shall be reasonable, compensatory and nondiscriminatory in accordance with applicable Federal and State laws and regulations. Except as otherwise provided in the franchise, the Grantee shall have the right, privilege and authority to change the rates and charges in accordance with applicable Federal and State laws and regulations.

113.16 QUALITY OF RECEPTION. The Grantee shall, during the term of the franchise, furnish reasonable, adequate and efficient cable television service to the residents of the City wherever possible, and the Grantee shall maintain its system in reasonable repair and working order and provide adequate facilities for such maintenance. These requirements shall be temporarily suspended in the event of natural disaster or emergency conditions or other circumstances beyond the reasonable control of the Grantee.

113.17 INSTALLATION STANDARDS; USE OF STREETS. Grantee's plant and equipment, including the antenna site, head-end, distribution system, towers, structures, poles, wires, underground cable and appurtenances shall be installed in accordance with good engineering practices, and shall be located, erected, constructed, reconstructed, replaced, removed, repaired, maintained and operated so as not to endanger or interfere with the lives of persons or to interfere with the improvements the City may deem proper to make or to unnecessarily hinder or obstruct pedestrian or vehicular traffic to public ways, places and structures. Erection, installation, construction, replacement, removal, repair, maintenance, and operation of the system shall be in accordance with the provisions of the National Electrical Code of the National Fire Protection Association and National Electric Safety Code (outside work) and such applicable laws of the State and applicable ordinances of the City which may now be in effect or enacted in the future. All installations shall be of permanent nature, durable and maintained in a safe, suitable, and substantial condition, in good order and repair.

113.18 TECHNICAL STANDARDS. Grantee's cable television system shall be so designed, engineered, and maintained by Grantee so as not to interfere with the television and radio reception of residents of the City who are not subscribers to its services.

113.19 POLES, ATTACHMENTS. The City hereby grants the right, privilege and authority to the Grantee to lease, rent or in any other manner obtain the use of poles with overhead lines, conduits, trenches, ducts, lines, cables, and other equipment and facilities from any and all holders of public licenses and franchises within the corporate limits of the City, and to use such poles, conduits, trenches, ducts, lines, and cables on existing poles owned by other holders of public licenses for the installation of its cable. When either Northwestern Bell Telephone Company or Iowa Power and Light Company have a pole on which the Grantee can string its cable, then the Grantee will share the pole.

113.20 RESERVED RIGHTS, CITY POLES. The City shall retain and hereby does retain the right to utilize the existing poles for future City use, and to require removal of the cable by Grantee when existing poles are not sufficient to adequately handle the proposed City use and Grantee's cable.

113.21 FILING MAPS. Grantee shall submit to the Council detailed drawings of the location of the underground cable in the City right-of-way and shall not deviate from said drawings unless prior approval is obtained from the City.

113.22 OTHER CITY REGULATIONS. Grantee shall be required to conform to all present City codes, including but not limited to plumbing and electrical codes and any ordinance providing for the manner and method of cutting streets, excavations in the right-of-way, backfills, etc. Grantee shall restore all property of the City and of the inhabitants thereof to its original condition after the installation of either overhead or underground cable.

113.23 PROTECTING CITY. The Grantee shall hold the City harmless from any damage which Grantee's cable, equipment or other integral parts of its system may incur as a result of any action by any City employee when carrying out said employee's duties.

113.24 LOCATION OF FACILITIES. The poles used for Grantee's distribution system shall be those which are already erect, when and where practicable, providing mutually satisfactory rental agreements can be entered into with the power and/or telephone companies. Grantee shall have the right to erect, install and maintain its own towers, poles, lines, guys, anchors, underground cables, trenches, conduits and ducts as may be necessary for the proper construction and maintenance of the antenna site, head-end and distribution system, provided that poles, lines, underground cables, conduits, trenches or ducts placed on municipal properties shall first have their location approved by the Council. All transmission and distribution structures, lines and equipment erected by Grantee within the City shall be so located as to cause minimum interference with the proper use of streets, alleys and other public ways and places and to cause minimum interference with the rights or reasonable convenience of property owners who adjoin any of the said streets, alleys or other public ways and places. Grantee shall not place poles or other fixtures when the same will interfere with any gas, electric, or telephone fixtures, water hydrant or main, and all such poles

or other fixtures placed in any street shall be placed at the outer edge of the sidewalk and inside the curb line, and those placed in alleys shall be placed close to the line of the lot abutting on said alley, and then in such a manner as not to interfere with the usual travel on said street, alleys and public ways. The Grantee shall not commence any construction of its facilities without the prior permission and approval of the Council.

113.25 RESTORATION OF STREETS. In case of any disturbance of pavement, sidewalk, driveway or other surfacing, Grantee shall at its own cost and expense and in a manner approved by the Council, replace and restore all paving, sidewalk, driveway or surface of any street or alley disturbed, in as good a condition as before said work was commenced.

113.26 RELOCATION OF FACILITIES. 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.

113.27 MOVING BUILDINGS. Grantee shall, on the request of any person holding a building moving permit issued by the City, temporarily raise or lower its wires to permit the moving of buildings. The expense of such temporary removal, raising, or lowering of wires shall be paid by the person requesting the same, and Grantee shall be given not less than five (5) days' advance notice to arrange for such temporary wire changes.

113.28 TRIMMING TREES. The 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 cables of the Grantee. All trimming shall be done under the supervision and direction of the City and at the expense of the Grantee.

113.29 SAFETY BARRICADES AND LIGHTS. Any opening or obstruction in the streets or other public ways made by the Grantee in the course of the construction, operation or removal of cable installation shall be guarded and protected at all times by the placement of adequate barriers, fences or boarding, the bounds of which during periods of dusk and darkness shall be clearly designated by warning lights. Grantee shall, whenever it is deemed necessary by the Council, install such steel plates as may be necessary to allow a public roadway to remain open while Grantee is excavating in the course of the construction, operation or removal of installations.

113.30 REMOVAL ON TERMINATION. Upon termination of the franchise, Grantee shall remove its poles, cable television transmission and distribution system and other appurtenances from the streets and sidewalks of the City, when ordered to do so by the City, and shall restore such streets and sidewalks to their original condition.

113.31 PERFORMANCE PROVISIONS. If Grantee shall fail to comply with any of the provisions of the franchise, or default in any of its obligations hereunder, except for causes beyond the reasonable control of Grantee, and shall fail within thirty (30) days after written notice from the City to commence and, within a reasonable time, complete the correction of such default of noncompliance, the Council of the City shall have the right after notice and public hearing to revoke its franchise and all rights of Grantee hereunder. In the event Grantee shall be adjudicated bankrupt or placed in receivership, the City may declare the franchise forfeited and terminated.

113.32 LIABILITY PROTECTION. Grantee shall at all times defend, indemnify, protect and save harmless the City and its political subdivisions from and against any and all liability, losses and physical damage to property and bodily injury or death to the City or to persons, 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 hold the City and its political subdivisions 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 expense any action brought against the City and its political subdivisions by reason of the erection, construction, replacement, removal, maintenance and operation of Grantee's cable television system. Grantee shall also carry worker's compensation insurance coverage on its employees who are engaged in any manner in the erection, construction, replacement, repair, maintenance and operations of Grantee's plant and equipment. Grantee shall be notified of any claim, demand or action brought against the City or its political subdivisions for which the City or its political subdivisions may seek reimbursement or defense as provided hereunder, and the City or its political subdivisions shall not settle, capitulate or admit any such claim, demand or action.

113.33 EQUITABLE RATES AND SERVICES. 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; provided, however, this section shall not be deemed to prohibit the establishment of a graduated scale of charges and classified rate schedules to which any customer coming within such classifications shall be entitled.

113.34 ACTIVITIES PROHIBITED. Grantee shall not engage in the business of selling, leasing, renting or servicing television or radio receivers or their parts and accessories in connection with the operation of its cable television system. Grantee and its employees shall not require or attempt to direct its subscribers to deal with any particular firm or person in regard to the above activities.

113.35 COMPLIANCE WITH FCC REGULATIONS. Grantee shall at all times comply with all rules and regulations of the Federal Communications Commission or any other duly authorized agency of the United States of America and any laws duly

enacted by the United States Congress or Iowa General Assembly, and any and all rules and regulations of said FCC or other duly authorized U.S. governmental agency, and said duly enacted laws shall immediately become a part of this chapter and in all manner and respects be binding upon Grantee.

EDITOR'S NOTE

Ordinance No. 81-23 adopting a cable television franchise for the City was passed and adopted on December 17, 1981.

CHAPTER 114

REGULATION OF CABLE TELEVISION RATES AND ESTABLISHMENT OF CUSTOMER SERVICE STANDARDS

114.01 Administration of Rules and Regulations
114.02 Rate Regulation Proceedings

114.03 Cable Programming Service Tier
114.04 Delegation of Powers Permitted

114.01 ADMINISTRATION OF RULES AND REGULATIONS. The City has the legal authority to administer and shall enforce against any non-municipally owned cable television system operator, as permitted therein, the provisions of Part 76, Subpart N of the Rules and Regulations of the Federal Communications Commission (FCC), concerning Cable Rate Regulation, 47 C.F.R. §§76.900 *et. seq.*, as they currently read and hereafter may be amended, which are herewith incorporated by reference.

114.02 RATE REGULATION PROCEEDINGS. Any rate regulation proceedings conducted under Section 114.01 shall provide a reasonable opportunity for consideration of the views of any interested party, including but not limited to, the City or its designee, the Cable Operator, subscribers, and residents of the franchise area. In addition to all other provisions required by the laws of the State of Iowa and by the City, and in order to provide for such opportunity for consideration of the views of any interested party, the City shall take the following actions:

1. The City shall publish notice as provided in Section 362.4 of the Code of Iowa and shall mail, by certified mail, to the Cable Operator a notice of the intent to conduct a public proceeding on basic service tier rates and/or charges for equipment to receive such basic service tier, as defined by the FCC.
2. The public notice shall state, among other things, that cable television rates are subject to municipal review and explain the nature of the rate review in question; that any interested party has a right to participate in the proceeding; that public views may be submitted in the proceeding, explaining how they are to be submitted and the deadline for submitting any such views; that a decision concerning the reasonableness of the cable television rates in question will be governed by the Rules and Regulations of the FCC; and that the decision of the City is subject to review by the FCC.
3. The City shall conduct a public proceeding to determine whether or not the rates or proposed rate increases comply with applicable Federal and State laws and regulations. The City may delegate by resolution the responsibility to conduct the proceeding to any duly qualified and eligible individual(s) or entity. If the City or its designee cannot determine that a proposed rate or rate increase complies with applicable Federal and State laws and regulations

within the time period permitted by the FCC rules and regulations, the City may take any and all actions authorized by Federal and State law.

4. In the course of the rate regulation proceeding, the City may request additional information from the Cable Operator that is reasonably necessary to determine if the basic service tier rates and equipment charges comply with applicable Federal and State laws and regulations. Any such additional information submitted to the City shall be verified by an appropriate official of the cable television system supervising the preparation of the response on behalf of the entity, and submitted by way of affidavit or under penalty of perjury, stating that the response is true and accurate to the best of that person's knowledge, information and belief formed after reasonable inquiry.

5. The City may request proprietary information, provided that the City shall consider a timely request from the Cable Operator that said proprietary information shall not be made available for public information, consistent with the procedures set forth in Section 0.459 of the FCC Rules and Regulations. Furthermore, said proprietary information may be used only for the purpose of determining whether or not the rates and charges comply with applicable Federal and State laws and regulations, or for the purpose of determining the appropriate rate level based on a cost-of-service showing submitted by the Cable Operator.

6. The City may exercise all powers under the laws of evidence applicable to administrative proceedings under the laws of the State of Iowa and by this Code of Ordinances to discover any information relevant to the rate regulation proceeding, including, but not limited to, subpoena, interrogatories, production of documents, and deposition.

7. Upon termination of the rate regulation proceeding, the City shall adopt by resolution and release a written decision as to whether or not the rates or proposed rate increase are reasonable or unreasonable, and, if unreasonable, its remedy, including prospective rate reduction, rate prescription, and refunds.

8. Consistent with FCC Rules and Regulations, the City's decision may be reviewed only by the FCC.

9. The City shall be authorized, at any time, whether or not in the course of a rate regulation proceeding, to gather information as necessary to exercise its jurisdiction as authorized by the laws of the State of Iowa, the Communications Act of 1934, as amended, and the FCC Rules and Regulations. Any information submitted to the City shall be verified by an appropriate official of the cable television system supervising the preparation of the response on behalf of the entity, and submitted by way of affidavit or under penalty of perjury, stating that the response is true and accurate to the best of that person's knowledge, information and belief formed after reasonable inquiry.

114.03 CABLE PROGRAMMING SERVICE TIER. With regard to the cable programming service tier, as defined by the Communications Act of 1934, as amended, and the FCC Rules and Regulations, the Cable Operator shall give notice to the City of any change in rates for the cable programming service tier or tiers, any change in the charge for equipment required to receive the tier or tiers, and any changes in the nature of the services provided, including the program services included in the tier or tiers. Said notice shall be provided within five (5) business days after the change becomes effective. The Cable Operator shall not be required to give notice of rates if not required to do so under applicable Federal and State laws.

114.04 DELEGATION OF POWERS PERMITTED. The City may delegate by resolution its powers to enforce this chapter to municipal employees or officers (the "cable official"). The cable official will have the authority to:

1. Administer oaths and affirmations;
2. Issue subpoenas;
3. Examine witnesses;
4. Rule upon questions of evidence;
5. Take or cause depositions to be taken;
6. Conduct proceedings in accordance with this chapter;
7. Exclude from the proceeding any person engaging in contemptuous conduct or otherwise disrupting the proceedings;
8. Hold conferences for the settlement or simplification of the issues by consent of the parties; and
9. Take actions and make decision or recommend decisions in conformity with this chapter.

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CHAPTER 115

PARK REGULATIONS

115.01 Public Meetings	115.14 Animals or Pets
115.02 Travel and Speed	115.15 Curfew
115.03 Designated Parking Areas	115.16 Ice Skating
115.04 Hitching Animals, Parking and One-way Traffic	115.17 Unauthorized Signs
115.05 Commercial Vehicles	115.18 Moving Benches and Tables
115.06 Destruction of Plant Life	115.19 Removal of Wood, Grass or Gravel
115.07 Fires	115.20 Baseballs
115.08 Fireworks, Weapons and Explosives	115.21 Golf Balls
115.09 Waste Material	115.22 Power-driven Model Airplanes
115.10 Disorderly and Obscene Conduct; Nuisances	115.23 Responsibility of Parent or Guardian
115.11 Swimming in Lakes and Ponds	115.24 Posting Rules
115.12 Structures, Equipment and Animals	115.25 Leases
115.13 Posted Notices	

115.01 PUBLIC MEETINGS. Public meetings, religious, political or otherwise, including picnic parties and entertainment for charitable or religious purposes, may be held in any public park upon first obtaining permission from the Director of Parks and Recreation. Such assemblages shall be conducted in a lawful and orderly manner, shall be under the supervision of a Parks Department employee and shall occupy such ground or building as may be assigned to or reserved for them.

115.02 TRAVEL AND SPEED. No person shall ride or drive any motorized vehicle or animal of any nature upon any sidewalks, walking paths, walkways, bikeways, cement areas or grass areas within the confines of the City parks. No person shall ride or drive in any public park except upon the established roadways and shall not exceed a speed limit of fifteen (15) miles per hour at any time [or ten (10) miles per hour through play areas], as so posted.

115.03 DESIGNATED PARKING AREAS. No person shall park automobiles or other vehicles in any public park except in the places designated by the custodian of the park, and such automobiles and other vehicles shall be parked at night pursuant to park curfew limitations.

115.04 HITCHING ANIMALS; PARKING AND ONE-WAY TRAFFIC. No person shall hitch a horse or other animal in any public park except at the area provided for such purposes, and no automobiles or other vehicles shall be permitted to stand in any of the public driveways in any such park where signs to the contrary are posted. Vehicles shall not be driven contrary to one-way traffic signs.

115.05 COMMERCIAL VEHICLES. No person shall drive a truck or other commercial vehicle of any kind along or over any park roads or drives except for delivery of its load for use in such parks.

115.06 DESTRUCTION OF PLANT LIFE. No person shall in any manner deface, injure or remove any tree, shrub or plant standing or growing in any public park or pick or destroy any flowers or seeds growing therein.

115.07 FIRES. No fires shall be lighted or made in any public park except by permission of the custodian, however this section does not apply to fires in stoves, pits or ovens provided by the parks for use in picnic cooking.

115.08 FIREWORKS, WEAPONS AND EXPLOSIVES. No person shall use firearms, weapons, firecrackers, fireworks or explosives of any character in any public park, except by approval of the Council upon recommendation of the Parks and Recreation Commission.

115.09 WASTE MATERIAL. No person shall deposit upon or litter the ground with any form of waste material or throw or place any foreign or waste substances in any lake or wading pool in any public park. All such waste material shall be deposited in receptacles provided for such purpose.

115.10 DISORDERLY AND OBSCENE CONDUCT; NUISANCES. No person shall use any loud, violent, obscene or profane language while in any public park, nor shall any person conduct himself or herself in a disorderly or obscene manner or commit any nuisance therein.

115.11 SWIMMING IN LAKES AND PONDS. No person shall swim or bathe in any lake or pond in any public park.

115.12 STRUCTURES, EQUIPMENT AND ANIMALS. No person shall disturb, damage or interfere with any building, equipment or improvements of any kind made or being made in or about any public park or disturb or interfere with birds or animals kept or found therein.

115.13 POSTED NOTICES. No person shall enter upon portions of any public park in disregard of signs or posted notices forbidding the same.

115.14 ANIMALS OR PETS. No animals or pets shall be allowed to run at large in any public park. Any animal or pet found in any such park shall be deemed to be found running at large, unless the owner carries such animal or pet or leads the same by a chain, strap or rope not exceeding six (6) feet in length, or keeps any such animal or pet confined in a wagon, automobile or other vehicle by a chain, rope or strap not exceeding six (6) feet in length. It is the duty of the custodian of parks or any person in the employ of the Parks Department to remove and impound any animal or pet running at large in any public park.

115.15 CURFEW. No person shall remain in any public park between the hours of ten-thirty o'clock (10:30) p.m. and six o'clock (6:00) a.m. unless special permission has been given by the Director of Parks and Recreation for such person or group of persons.

115.16 ICE SKATING. No person shall throw any stone, dirt, stick or other missile or obstruction upon the ice in any park. No person shall engage in tandem skating, games, racing or other activities on the ice except as allowed by the custodian of the park. No person shall walk, run or skate on any ice when signs are posted indicating the ice is unsafe.

115.17 UNAUTHORIZED SIGNS. No person shall post, paste, fasten, paint or affix any placard, bill, notice or sign upon any structure, tree, stone, fence or enclosure along or within any park.

115.18 MOVING BENCHES AND TABLES. No person shall remove from any park any benches, seats or tables or move the same from their proper places in the park except for arranging benches or tables within designated picnic areas.

115.19 REMOVAL OF WOOD, GRASS OR GRAVEL. No person shall cut or remove any wood, turf, grass, soil, rock, sand or gravel from any public park, without written permission from the Director of Parks and Recreation.

115.20 BASEBALLS. No one shall throw, hit or play with a baseball in any City park except in designated areas.

115.21 GOLF BALLS. No one shall drive, hit or play with a golf ball in any City park except in designated areas.

115.22 POWER-DRIVEN MODEL AIRPLANES. No one shall fly, glide or play with a power-driven airplane in any City park except in designated areas.

115.23 RESPONSIBILITY OF PARENT OR GUARDIAN. No parent, guardian or custodian of a minor shall permit or allow such minor to do any act prohibited by any provision of this chapter.

115.24 POSTING RULES. Printed copies of the rules set out in this chapter shall be posted in conspicuous places in the public parks of the City.

115.25 LEASES.

1. Parks Director to Sign Lease. The Director of Parks and Recreation or a designated deputy thereof is hereby authorized to sign on behalf of the City any lease, rental or grant of use for any building, equipment or shelter house that private individuals, associations or corporate entities wish to enter into.
2. Accounts of Lessee. If any lease is entered into by the City for the use, operation and control of shelter houses, buildings, land or equipment of the Parks Department, the lessee shall keep separate, itemized accounts of the receipts and disbursements made by the lessee and shall render the City a periodic detailed itemized financial statement of the receipts and disbursements as are required in the lease. The lessee shall also make such

accounts available to the City for its inspections and audit during normal hours of business.

3. Disbursement and Use of Profits. The net profits referred to in subsection 2 above, except when the lease shall provide otherwise, shall be kept in a trust fund in the office of the Clerk and disbursed and used only for the purpose of improving, repairing and maintaining the grounds, equipment, facilities and buildings connected with and forming a part of the Parks Department. It is understood that any such profits paid to the City shall be gifts to the City upon the conditions contained in this chapter and shall be disbursed only for the purpose contemplated by this chapter and the lease that was entered into between the parties.

4. Indemnity. Any lease or sublease of any shelter house, buildings, equipment or land of the Parks Department shall contain a provision saving the City harmless from liability to the public growing out of or connected with the use, occupancy, operation and control of said park property. No lease shall be assigned without the written consent of the Parks and Recreation Director.

5. Inspection of Records of Lessee. The Parks and Recreation Director reserves the right, through duly authorized agents, to inspect the books and records of any lessee during any reasonable business hours and at such time as shall not interfere with the use of the leased premises.

6. Rules and Regulations. All lessees shall be obligated to follow strictly all rules and regulations set forth by this chapter, the Parks and Recreation Commission and the Parks and Recreation Director when using, pursuant to any lease, any shelter house, building, equipment or land of the Parks Department. The Commission may prescribe, from time to time, new rules and regulations governing the use of the parks, which rules and regulations shall become effective upon adoption by the Council and upon being posted in the various parks of the City.

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CHAPTER 116

CEMETERY

116.01 Definition

116.02 Interment

116.03 Cemetery Operator

116.04 Records

116.05 Maintenance of Cemetery Grounds and Public
Improvements

116.06 Maintenance of Grave Markers

116.07 Trespassing or Vandalism in Cemetery

116.08 Cemetery Regulations

116.01 DEFINITION. The term “cemetery” means the McDivitt Grove Cemetery, which is a municipal cemetery under the provisions of Sections 566.14 to 566.18 of the Code of Iowa.

1. The McDivitt Grove Cemetery, owned by the Webster Township, Iowa and operated by the Webster Township Board of Trustees, is transferred by this chapter to the City of Urbandale, Iowa.
2. The status of McDivitt Grove Cemetery, as a non-perpetual care cemetery, is transferred by this chapter from Webster Township, Iowa, to the City of Urbandale, Iowa.
 - A. “Non-perpetual care cemetery” means a cemetery which has not established a perpetual care fund for the maintenance, repair, and care of all interment spaces subject to perpetual care within the cemetery.
 - B. The City shall indicate that McDivitt Grove Cemetery is a non-perpetual care cemetery in accordance with Iowa Code, 566A.5.

116.02 INTERMENT. Burial in McDivitt Grove Cemetery shall be restricted to the interment of human bodies and restricted to the interment of cremated human remains.

116.03 CEMETERY OPERATOR. The Director of Parks and Recreation for the City shall serve as the City’s Cemetery Operator and shall supervise the cemetery operations, and shall have the powers and duties as are necessary for the enforcement of the provisions in the Cemetery Regulations.

116.04 RECORDS. A permanent record of all interments made in the cemetery will be maintained by the Department of Parks and Recreation, in accordance with the Cemetery Regulations, and the records shall at all times be open to public inspection.

1. The records for the McDivitt Grove Cemetery, owned by the Webster Township, Iowa, shall be transferred to and maintained by the City of Urbandale, Iowa.
2. The City of Urbandale shall create and maintain its records for the McDivitt Grove Cemetery, after the transfer date.

116.05 MAINTENANCE OF CEMETERY GROUNDS AND PUBLIC IMPROVEMENTS. The Department of Parks and Recreation shall maintain or may enter into an agreement with a public or private organization to maintain:

1. The cemetery grounds and vegetation;
2. The existing or future physical improvements of the cemetery grounds (fence, gate, sidewalks);
3. The row and lot markers or other forms of identification utilized for administrative purposes by the City to determine the location of a deceased.

116.06 MAINTENANCE OF GRAVE MARKERS.

1. Maintenance of the cemetery does not include perpetual care or repairs to a headstone, tombstone, monument, or other indicator to individually identify a deceased (hereinafter referred to as “grave markers”).

2. The grave marker is the private property of the individual who purchased it and subsequent heirs, and shall be maintained by the owner and/or subsequent heirs.

A. It is the responsibility of the owner and/or subsequent heirs of the grave marker to make repairs to a grave marker after notice by the City, in writing, sent by ordinary mail.

B. If the City is unable to locate the owner and/or subsequent heirs of a grave marker which is in need of repair, the City’s Cemetery Operator or designated representative may authorize reasonable repairs to be paid for by the City.

(1) The City is not obligated to repair a grave marker to its approximate state when original.

(2) The City has the right to remove a grave marker that is in disrepair.

(3) The City is not obligated to replace a grave marker with the like or same.

116.07 TRESPASSING OR VANDALISM IN CEMETERY. Any person who trespasses upon a cemetery under the jurisdiction of the City by defacing, damaging, destroying or removing any grave marker or other form of notification identifying the location of the deceased, grave, burial site, or other form of interment; or any grounds or vegetation (flower, shrub, tree, etc.) or physical improvements (fence, gate, sidewalk, etc.), or anything in or belonging to the cemetery, is guilty of a misdemeanor and liable for any and all damage.

116.08 CEMETERY REGULATIONS. The Cemetery Regulations shall be adopted by, and may be amended by, resolution of the Council.

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CHAPTER 120

LIQUOR LICENSES AND WINE AND BEER PERMITS

120.01 License or Permit Required
120.02 General Prohibition
120.03 Investigation

120.04 Action by Council
120.05 Prohibited Sales and Acts

120.01 LICENSE OR PERMIT REQUIRED. No person shall manufacture for sale, import, sell, or offer or keep for sale, alcoholic liquor, wine, or beer without first securing a liquor control license, wine permit or beer permit in accordance with the provisions of Chapter 123 of the Code of Iowa.

(Code of Iowa, Sec. 123.22, 123.122 & 123.171)

120.02 GENERAL PROHIBITION. It is unlawful to manufacture for sale, sell, offer or keep for sale, possess or transport alcoholic liquor, wine or beer except upon the terms, conditions, limitations and restrictions enumerated in Chapter 123 of the Code of Iowa, and a license or permit may be suspended or revoked or a civil penalty may be imposed for a violation thereof.

(Code of Iowa, Sec. 123.2, 123.39 & 123.50)

120.03 INVESTIGATION. Upon receipt of an application for a liquor license, wine or beer permit, the Clerk may forward it to the Police Chief, 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. The Fire Chief may also inspect the premises to determine if they conform to the requirements of the City. The Council shall take no action on any application for a license or permit for any premises which does not conform to the applicable law and ordinances, resolutions and regulations of the City.

(Code of Iowa, Sec. 123.30)

120.04 ACTION BY COUNCIL. The Council shall either approve or disapprove the issuance of the liquor control license or retail wine or beer permit and shall endorse its approval or disapproval on the application, and thereafter the application, necessary fee and bond, if required, shall be forwarded to the Alcoholic Beverages Division of the State Department of Commerce for such further action as is provided by law.

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

120.05 PROHIBITED SALES AND ACTS. A person or club holding a liquor license or retail wine or beer permit and the person's or club's agents or employees shall not do any of the following:

1. Sell, dispense or give to any intoxicated person, or one simulating intoxication, any alcoholic liquor, wine or beer.

(Code of Iowa, Sec. 123.49 [1])

2. Sell or dispense any alcoholic beverage, wine or beer on the premises covered by the license or permit, or permit its consumption thereon between the hours of two o'clock (2:00) a.m. and six o'clock (6:00) a.m. on a weekday, and between the hours of two o'clock (2:00) a.m. on Sunday and six o'clock (6:00) a.m. on the following Monday; however, a holder of a license or permit granted the privilege of selling alcoholic liquor, beer or wine on Sunday may sell or dispense alcoholic liquor, beer or wine between the hours of eight o'clock (8:00) a.m. on Sunday and two o'clock (2:00) a.m. of the following Monday, and further provided that a holder of any class of liquor control license or the holder of a class "B" beer permit may sell or dispense alcoholic liquor, wine or beer for consumption on the premises between the hours of eight o'clock (8:00) a.m. on Sunday and two o'clock (2:00) a.m. on Monday when that Monday is New Year's Day and beer for consumption off the premises between the hours of eight o'clock (8:00) a.m. on Sunday and two o'clock (2:00) a.m. on the following Monday when that Sunday is the day before New Year's Day.

(Code of Iowa, Sec. 123.49 [2b and 2k] & 123.150)

3. Sell alcoholic beverages, wine or beer to any person on credit, except with bona fide credit card. This provision does 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. Employ a person under eighteen (18) years of age in the sale or serving of alcoholic liquor, wine or beer for consumption on the premises where sold.

(Code of Iowa, Sec. 123.49 [2f])

5. In the case of a retail beer or wine permittee, knowingly allow the mixing or adding of alcohol or any alcoholic beverage to beer, wine or any other beverage in or about the permittee's place of business.

(Code of Iowa, Sec. 123.49 [2i])

6. Knowingly permit any gambling, except in accordance with Iowa law, or knowingly permit any solicitation for immoral purposes, or immoral or disorderly conduct on the premises covered by the license or permit.

(Code of Iowa, Sec. 123.49 [2a])

7. Knowingly permit or engage in any criminal activity on the premises covered by the license or permit.

(Code of Iowa, Sec. 123.49 [2j])

8. Keep on premises covered by a liquor control license any alcoholic liquor in any container except the original package purchased from the Alcoholic Beverages Division of the State Department of Commerce and except mixed drinks or cocktails mixed on the premises for immediate consumption.

(Code of Iowa, Sec. 123.49 [2d])

9. Reuse for packaging alcoholic liquor or wine any container or receptacle used originally for packaging alcoholic liquor or wine; or adulterate,

by the addition of any substance, the contents or remaining contents of an original package of an alcoholic liquor or wine; or knowingly possess any original package which has been reused or adulterated.

(Code of Iowa, Sec. 123.49 [2e])

10. Allow any person other than the licensee, permittee or employees of the licensee or permittee to use or keep on the licensed premises any alcoholic liquor in any bottle or other container which is designed for the transporting of such beverages, except as allowed by State law.

(Code of Iowa, Sec. 123.49 [2g])

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CHAPTER 121

CIGARETTE PERMITS

121.01 Definitions
121.02 Permit Required
121.03 Application
121.04 Fees
121.05 Issuance and Expiration

121.06 Refunds
121.07 Persons Under Legal Age
121.08 Self-service Sales Prohibited
121.09 Permit Revocation

121.01 DEFINITIONS. For use in this chapter the following terms are defined:
(Code of Iowa, Sec. 453A.1)

1. “Carton” means a box or container of any kind in which ten or more packages or packs of cigarettes or tobacco products are offered for sale, sold or otherwise distributed to consumers.
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. However, this definition is not to be construed to include cigars.
3. “Package” or “pack” means a container of any kind in which cigarettes or tobacco products are offered for sale, sold or otherwise distributed to consumers.
4. “Place of business” means any place where cigarettes are sold, stored or kept for the purpose of sale or consumption by a retailer.
5. “Retailer” means every person who sells, distributes or offers for sale for consumption, or possesses for the purpose of sale for consumption, cigarettes, irrespective of the quantity or amount or the number of sales.
6. “Self-service display” means any manner of product display, placement or storage from which a person purchasing the product may take possession of the product, prior to purchase, without assistance from the retailer or employee of the retailer, in removing the product from a restricted access location.
7. “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 suitable for chewing or smoking in a pipe or otherwise, or for both chewing and smoking, but does not mean cigarettes.

121.02 PERMIT REQUIRED. It is unlawful for any person, other than a holder of a retail permit, to sell cigarettes at retail and no retailer shall distribute, sell 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)

121.03 APPLICATION. A completed application on forms provided by the State Department of Revenue and Finance and accompanied by the required fee shall be filed with the Clerk. Renewal applications shall be filed at least five (5) days prior to the last regular meeting of the Council in June. If a renewal application is not timely filed, and a 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)

121.04 FEES. The fee for a retail cigarette permit shall be as follows:

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

FOR PERMITS GRANTED DURING:	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

121.05 ISSUANCE AND EXPIRATION. Upon proper application and payment of the required fee, a permit shall be issued. Each permit issued shall describe clearly the place of business for which it is issued and shall be nonassignable. All permits expire on June 30 of each year.

121.06 REFUNDS. A retailer may surrender an unrevoked permit and receive a refund from the City, except during April, May or June, in accordance with the schedule of refunds as provided in Section 453A.13 of the Code of Iowa.

(Code of Iowa, 453A.13)

121.07 PERSONS UNDER LEGAL AGE. No person shall sell, give or otherwise supply any tobacco, tobacco products or cigarettes to any person under eighteen (18) years of age. The provision of this section includes prohibiting a minor from purchasing cigarettes or tobacco products from a vending machine. If a retailer or employee of a retailer violates the provisions of this section, the Council shall, after written notice and hearing, and in addition to the standard penalty, assess the following:

1. For a first violation, the violator shall be assessed a civil penalty in the amount of three hundred dollars (\$300.00). Failure to pay the civil penalty as ordered under this subsection shall result in automatic suspension of the permit for a period of fourteen (14) days.

2. For a second violation within a period of two (2) years, the violator's permit shall be suspended for a period of thirty (30) days.
3. For a third violation within a period of five (5) years, the violator's permit shall be suspended for a period of sixty (60) days.
4. For a fourth violation within a period of five (5) years, the violator's permit shall be revoked.

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, Sec. 453A.2, 453A.22 and 453A.36[6])

121.08 SELF-SERVICE SALES PROHIBITED. Beginning January 1, 1999, except for the sale of cigarettes through a cigarette vending machine as provided in Section 453A.36 (6) of the Code of Iowa, 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.

(Code of Iowa, Sec. 453A.36A)

121.09 PERMIT REVOCATION. Following a written notice and an opportunity for a hearing, as provided by the Code of Iowa, the Council may revoke a permit issued pursuant to this chapter for a violation of Division I of Chapter 453A of the Code of Iowa or any rule adopted thereunder. If a permit is revoked, no new permit shall be issued to the retailer or for the place of business for one (1) year after the date of revocation unless good cause to the contrary is shown to the Council.

(Code of Iowa, Sec. 453A.22)

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CHAPTER 122

PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS

122.01 Purpose	122.11 Time Restriction
122.02 Definitions	122.12 Revocation of License
122.03 License Required	122.13 Notice
122.04 Application for Peddler or Solicitor License	122.14 Hearing
122.05 Application for Transient Merchant License	122.15 Record and Determination
122.06 License Fees	122.16 Appeal
122.07 Bond Required	122.17 Effect of Revocation
122.08 License Issued	122.18 Rebates
122.09 Display of License	122.19 License Exemptions
122.10 License Not Transferable	122.20 Charitable and Nonprofit Organizations

122.01 PURPOSE. The purpose of this chapter is to protect residents of the City against fraud, unfair competition and intrusion into the privacy of their homes by licensing and regulating peddlers, solicitors and transient merchants.

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

1. “Peddler” means any person carrying goods or merchandise who sells or offers for sale for immediate delivery such goods or merchandise from house to house or upon the public street. “Peddler” also means any representative of an organization, group or candidate for public office who calls on residences without the previous consent of the occupant for the purpose of distributing any kind of goods or written materials.
2. “Solicitor” means any person who solicits or attempts to solicit from house to house or upon the public street any contribution or donation or any order for goods, services, subscriptions or merchandise to be delivered at a future date.
3. “Transient merchant” means any person who engages in a temporary or itinerant merchandising business and in the course of such business hires, leases or occupies any building or structure whatsoever, or who operates out of a vehicle which is parked anywhere within the City limits. Temporary association with a local merchant, dealer, trader or auctioneer, or conduct of such transient business in connection with, as a part of, or in the name of any local merchant, dealer, trader or auctioneer does not exempt any person from being considered a transient merchant.

122.03 LICENSE REQUIRED. Any person engaging in peddling, soliciting or in the business of a transient merchant in the City without first obtaining a license as herein provided is in violation of this chapter.

122.04 APPLICATION FOR PEDDLER OR SOLICITOR LICENSE. All peddlers or solicitors shall submit an application, in writing, to be filed with the Clerk

for the purpose of obtaining a license as required under this chapter. Such application shall set forth the applicant's name, permanent and local address and business address, if any, and a brief physical description of the applicant including age, height, weight and color of hair as well as make, year, and color of the vehicle to be used by the applicant. The application shall also set forth the applicant's employer, if any, and the employer's address, the nature of the applicant's business, the last three places of such business and the length of time sought to be covered by the license. In addition the applicant shall also list the name(s) and address(es) of the firm(s) from whom orders are solicited. An application fee of five dollars (\$5.00) shall be paid at the time of filing such application to cover the cost of investigating the facts stated therein.

122.05 APPLICATION FOR TRANSIENT MERCHANT LICENSE. All transient merchants before offering for sale any goods, wares or merchandise in the City shall obtain a license from the Clerk. The application for a license shall include the following: (a) a declaration under oath of the number of days the applicant intends to engage in such business in the City; (b) a true invoice or detailed statement of the amount of goods, wares, merchandise or stock it is proposed to offer for sale within the City, and a specific statement of their location; (c) a statement as to whether the merchandise is on the premises from which it is to be sold or in a warehouse or storage facility; and (d) the name and address of the grower, manufacturer or distributor for which said goods, wares, merchandise or stock was purchased or is to be purchased. For purposes of this section the following are exempt from the transient merchants licensing requirements:

1. Growers or producers who offer for sale their own products.
2. Persons who deliver merchandise or services sold through a duly accredited permanent merchandising business.
3. Church or religious societies that conduct sales of goods, wares, or merchandise when the proceeds thereof shall be applied to the payment of the expenses thereof and to charitable or religious objects for which the charitable or religious society exists.

122.06 LICENSE FEES. The following license fees shall be paid to the Clerk prior to the issuance of any license.

1. Solicitors and Peddlers. In addition to the application fee for each person actually soliciting or peddling (principal or agent), a fee for the principal of twenty dollars (\$20.00) for up to ninety (90) days.
2. Transient Merchants.
 - A. For one day \$ 20.00
 - B. For one week..... \$ 50.00
 - C. For up to thirty (30) days \$ 150.00

122.07 BOND REQUIRED. Before a license under this chapter is issued to a transient merchant, an applicant shall provide to the Clerk evidence that the applicant

has filed a bond with the Secretary of State in accordance with Chapter 9C of the Code of Iowa.

122.08 LICENSE ISSUED. If the Clerk finds the application is completed in conformance with the requirements of this chapter, the facts stated therein are found to be correct and the license fee paid, a license shall be issued immediately.

122.09 DISPLAY OF LICENSE. Each solicitor or peddler shall keep such license in possession at all times while doing business in the City and shall, upon the request of prospective customers, exhibit the license as evidence of compliance with all requirements of this chapter. Each transient merchant shall display publicly such merchant's license in the merchant's place of business.

122.10 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.

122.11 TIME RESTRICTION. All peddler's and solicitor's licenses shall provide that said licenses are in force and effect only between the hours of nine o'clock (9:00) a.m. and eight o'clock (8:00) p.m. Monday through Saturday and one o'clock (1:00) p.m. to five o'clock (5:00) p.m. on Sunday.

122.12 REVOCATION OF LICENSE. After notice and hearing, the Clerk may revoke any license issued under this chapter for the following reasons:

1. **Fraudulent Statements.** The licensee has made fraudulent statements in the application for the license or in the conduct of the business.
2. **Violation of Law.** The licensee has violated this chapter or has otherwise conducted the business in an unlawful manner.
3. **Endangered Public Welfare, Health or Safety.** The licensee has conducted the business in such manner as to endanger the public welfare, safety, order or morals.

122.13 NOTICE. The Police Chief shall send a notice to the licensee at the licensee's local address, not less than ten (10) days before the date set for a hearing on the possible revocation of a license. Such notice shall contain particulars of the complaints against the licensee, the ordinance provisions or State statutes allegedly violated, and the date, time and place for hearing on the matter.

122.14 HEARING. The Police Chief 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 authorized representative, fail to appear without good cause, the Police Chief may proceed to a determination of the complaint.

122.15 RECORD AND DETERMINATION. The Police Chief shall make and record findings of fact and conclusions of law, and shall revoke a license only when

upon review of the entire record the Police Chief finds clear and convincing evidence of substantial violation of this chapter or State law.

122.16 APPEAL. If the Police Chief revokes or refuses to issue a license, the Police Chief shall make a part of the record the reasons therefor. 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 Police Chief by a majority vote of the Council members present and the Police Chief shall carry out the decision of the Council.

122.17 EFFECT OF REVOCATION. Revocation of any license shall bar the licensee from being eligible for any license under this chapter for a period of one year from the date of the revocation.

122.18 REBATES. No rebates of fees paid shall be given.

122.19 LICENSE EXEMPTIONS. The following are excluded from the application of this chapter.

1. Newspapers. Persons delivering, collecting for or selling subscriptions to newspapers.
2. Route Sales. Route delivery persons who make deliveries at least weekly and who only incidentally solicit additional business or make special sales.
3. Resale or Institutional Use. Persons customarily calling on businesses or institutions for the purposes of selling products for resale or institutional use.

122.20 CHARITABLE AND NONPROFIT ORGANIZATIONS. Authorized representatives of charitable or nonprofit organizations operating under the provisions of Chapter 504A of the Code of Iowa desiring to solicit money or to distribute literature are exempt from the license fees of Section 122.06. All such organizations shall comply with the application requirements of Section 122.04 and Section 122.05. If the Clerk finds that the organization is a bona fide charity or nonprofit organization the Clerk shall issue, free of charge, a license containing the appropriate information to each solicitor/peddler. In the event the Clerk denies the exemption from Section 122.06, the authorized representatives of the organization may appeal the decision to the Council, as provided in Section 122.16 of this chapter.

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CHAPTER 123
HOUSE MOVERS

-- RESERVED FOR FUTURE USE --

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CHAPTER 124

LICENSING OF SECONDHAND GOODS DEALERS

124.01 Definition	124.07 Segregation of Suspected Stolen Goods
124.02 Exemptions	124.08 Release of Stolen Property
124.03 Fixed Premises and License Required	124.09 Concealing Articles to Prevent Identification
124.04 License	124.10 Disposing of Stolen Goods
124.05 Records	124.11 Disposal of Articles
124.06 Examination of Premises by Peace Officers	124.12 Purchase From Minors

124.01 DEFINITION. “Secondhand goods dealer” means any person, other than a pawnbroker or a junk dealer, who purchases, collects, trades, sells or deals in any manner whatsoever in any secondhand goods, antiques, precious gems or metals, jewelry or any type of used personal property article whatsoever.

124.02 EXEMPTIONS. This chapter does not apply to the following:

1. Any person selling new, unused articles and receiving or taking in used articles or trade from the purchasers of the new articles against the purchase price of said new articles, or selling such new articles for the current market value;
2. Any person collecting antique items for personal use only;
3. Casual and occasional sales of used household goods by the owner thereof to the public, on a non-receiving basis, and the seller, at the time of the sale, is not engaged for profit in the business of selling goods of that or a similar nature; this category includes those sales only referred to as “garage sales”;
4. Articles received by secondhand goods dealers for which no consideration is given or promised.

124.03 FIXED PREMISES AND LICENSE REQUIRED. No person shall engage in business as a dealer in secondhand goods unless said person has a fixed premises where said business is conducted, either on a continuing basis or from time to time, unless said person has first obtained a license to engage in that business at that premises. For purposes of this section, “fixed premises” includes any non-mobile premises where such business is conducted in the dealing of secondhand goods, whether or not that premises remains in the same location during the period the license is in effect.

124.04 LICENSE.

1. All persons wishing to engage in the dealing of secondhand goods shall first apply to the office of the Clerk and fill out a form stating said person’s address and the names, addresses and phone numbers of all parties connected

with said person, and pay a fee as set by resolution of the Council for said license as issued by the Clerk.

2. A license issued under this section shall be valid and effective until January 1 of the year following the year of issuance and may be renewed annually upon payment of the required fee, as determined by resolution of the Council. Such license may be suspended or revoked for any reason whatsoever due to violations of any provisions of this Code of Ordinances, the Code of Iowa or violations of the laws of the United States.

3. If, during the effective period of a license issued under this section, a licensed dealer changes the location of the licensed premises within the City, such dealer shall inform the Clerk of such change of location immediately and shall have a new premises to be licensed noted on the license. There is no additional fee charged for changing location of the licensed premises.

4. A license issued under this chapter shall be prominently displayed at the licensed premises during hours when the premises is open for business.

124.05 RECORDS.

1. Every secondhand goods dealer, except professional numismatists and philatelists, shall keep records in which the dealer accurately, intelligently and legibly enters, in the English language, at the time of purchasing or receiving any article whatsoever, the following:

- A. The value of the article;
- B. The amount paid for the article;
- C. The description of the article;
- D. The article serial number and model number, if any;
- E. The name of the person from whom the article is purchased or received, said person's residence address, social security number, height, weight, age, race and any other features of the person.
- F. Date, time and place of said transaction.

2. Every secondhand goods dealer, except professional numismatists and philatelists, shall also record the date of the disposition of said article or any part or portion thereof and to whom it was disposed or redeemed, including said person's address. Said disposition report shall be located in the same book and at the same place where the receiving goods for said articles are located.

3. The record shall, at all times, be open for examination by any peace officer and shall be kept on file for a minimum of 180 days.

4. Any person who fails to keep such records or fails to make required entries therein or intentionally or knowingly makes any false or unintelligible entry, or any entry which said person has reason to believe is untrue or who fails to make the inquiries necessary to enable said person to make such entries

or any of them, or who fails to produce records when requested by an officer having the authority to examine them, or who destroys or negligently permits such records to be destroyed or lost, shall be guilty of a simple misdemeanor.

124.06 EXAMINATION OF PREMISES BY PEACE OFFICERS. When a peace officer has substantial reason to believe that any secondhand goods dealer has in his or her possession or on the premises any stolen property, the peace officer shall have the right, and it shall be the peace officer's duty, to enter, search and examine the premises of such dealer for the purposes of discovering such stolen property. No person shall knowingly hinder, obstruct, prevent or attempt to prevent any peace officer operating pursuant to this section from entering upon or examining the premises of any secondhand goods dealer for the purpose of discovering stolen property.

124.07 SEGREGATION OF SUSPECTED STOLEN GOODS. Each secondhand goods dealer shall, upon the request of peace officers, segregate items or categories of items which said officer reasonably suspects may be stolen goods. All segregated items shall be so held for a period of thirty (30) days unless sooner released from segregation by the officer ordering such segregation or the designee of such officer.

124.08 RELEASE OF STOLEN PROPERTY. Secondhand goods dealers shall release to the Police Department any property determined by a peace officer to be stolen property. The Police Department, upon receiving such stolen items, shall issue to the secondhand goods dealer in possession of the items, a receipt particularly describing the item, the date and time it was released to the Police Department, and the name and signature of the officer making receipt thereof.

124.09 CONCEALING ARTICLES TO PREVENT IDENTIFICATION. No secondhand goods dealer shall conceal, secrete or destroy for the purposes of concealing any article purchased or received by said dealer for the purpose of preventing identification thereof by any officer or any person claiming the same.

124.10 DISPOSING OF STOLEN GOODS. No secondhand goods dealer shall sell, melt up, break up or otherwise dispose of any article which said dealer has reason to believe has been stolen, or which is adversely claimed by any person, or which said dealer has been notified not to sell or otherwise dispose of by any peace officer, without first obtaining a permit, in writing, from the Police Department.

124.11 DISPOSAL OF ARTICLES. No secondhand goods dealer, except professional numismatists and philatelists, shall sell or otherwise dispose of, dismantle, destroy, alter, mutilate in any way or change the color or form of any article until fifteen (15) days after receiving such property.

124.12 PURCHASE FROM MINORS. No secondhand goods dealer shall purchase or receive any personal property from any minor without first receiving legible written consent of the parent or guardian of such minor.

CHAPTER 125

LICENSING OF PAWNBROKERS

125.01 Definition

125.02 License

125.03 Records

125.04 Report Required

125.05 Destroying, Disposing of or Dismantling Articles

125.06 Change or Mutilation of Jewelry

125.07 Purchases From Minors

125.08 Concealing Articles to Prevent Identification

125.09 Sales During Redemption Period

125.10 Holding Articles of Clothing

125.11 Search for Stolen Property

125.12 Examination of Premises by Officers

125.13 Disposing of Stolen Goods or Goods For Which
There Is Adverse Claim

125.01 DEFINITION. “Pawnbroker” means a person who makes loans or advancements upon pawn, pledge or deposit of personal property or who receives actual possession of personal property as security for loans, with or without a mortgage or a bill of sale thereon.

125.02 LICENSE.

1. Any person wishing to be a pawnbroker must apply for a license at the office of the Clerk. The application shall state the name and place of residence of the person, the business to be transacted, the place where it is to be carried on, the date issued and the time it will expire, as well as the names, addresses and phone numbers of all individuals connected with the applicant if the applicant is a firm or corporation. A photograph of the applicant shall also be provided at the time of application.
2. The fee for the issuance of a license to engage in business as a pawnbroker shall be in the amount as set by resolution of the Council, which fee shall be tendered prior to the issuance of the license.
3. A license issued under this chapter shall be valid and effective until January 1 of the year following the year of issuance and may be renewed annually upon payment of the required fee, as determined by resolution of the Council. Such license may be suspended or revoked for any violation of this Code of Ordinances, the Code of Iowa or the laws of the United States.
4. Any person conducting several separate places of business as a pawnbroker shall pay the license fee and procure a license for each place.

125.03 RECORDS.

1. Every pawnbroker shall keep a book in which he or she accurately and intelligently enters, in ink, in the English language, at the time of purchasing or receiving any personal property, the following:
 - A. The name of the person from whom the property is purchased or received and said person’s place of business;
 - B. A particular, detailed and accurate description of each article;

- C. The estimated value of such article;
 - D. The amount paid, advanced or loaned;
 - E. The date and hour of the transaction;
 - F. The time when the article is to be redeemed or brought back;
 - G. Any mortgage or bill of sale taken or receipt or pawn ticket given;
 - H. When and by whom an article was brought back or redeemed;
 - I. When and to whom and how an article was disposed of, if not redeemed.
2. Every pawnbroker's license and books shall at all times be open to examination by any peace officer or other law enforcement officer.
3. A pawnbroker is guilty of a misdemeanor if he or she does any of the following:
- A. Fails to keep such records as required in this chapter;
 - B. Fails to make required entries in the records;
 - C. Intentionally or knowingly makes any false or unintelligible entry, or any entry which he or she has reason to believe is untrue;
 - D. Fails to make the inquiries necessary to enable said person to make such entries;
 - E. Fails to produce license or records book when requested by an officer having the authority to examine them;
 - F. Destroys or negligently permits such records book to be destroyed or lost.

125.04 REPORT REQUIRED. Every pawnbroker shall submit to the Police Department each week a record of all items received on pawn or purchased outright. Such record shall include all information required by Section 125.03(1). Any pawnbroker who fails to submit such report is guilty of a misdemeanor.

125.05 DESTROYING, DISPOSING OF OR DISMANTLING ARTICLES.

1. No person purchasing or receiving any personal property or article whatsoever in the course of dealing as a pawnbroker shall melt, destroy, alter or otherwise dispose of the same without making the report required in Section 125.04 of this chapter, or within fifteen (15) days after the report is made, except upon written permission from the Police Chief.
2. No person purchasing or receiving any used bicycle, motorcycle, automobile or any bicycle, motorcycle or automobile tube, tire or other accessories shall sell or dispose of the same without making the report required

in Section 125.04, or within fifteen (15) days after such report is made, except upon written permission of the Police Chief.

3. Every bicycle, motorcycle or automobile purchased or received shall be kept intact for a period of fifteen (15) days unless permission to dismantle the same has been obtained in writing from the Police Chief.

125.06 CHANGE OR MUTILATION OF JEWELRY. No article of jewelry shall be changed in its form or altered or mutilated in any way whatsoever within the time fixed for the sale or redemption.

125.07 PURCHASES FROM MINORS. No pawnbroker shall purchase or receive any personal property from any minor without first receiving the consent in writing from the parent or guardian, a copy of which must be filed with the Police Chief at the time of filing the report required in Section 125.04.

125.08 CONCEALING ARTICLES TO PREVENT IDENTIFICATION. No pawnbroker shall conceal, secrete or destroy, for the purpose of concealing, any article purchased or received by said pawnbroker for the purpose of preventing identification thereof by any officer or any person claiming to own the same.

125.09 SALES DURING REDEMPTION PERIOD. No pawnbroker shall sell or otherwise dispose of any article during the time any person has a right to buy back or redeem the same.

125.10 HOLDING ARTICLES OF CLOTHING. All articles of clothing taken in pawn or purchased outright shall be held in the same condition in which they were received for fifteen (15) days following filing of the report required in Section 125.04 and during this period shall not be cleaned, repaired, dyed or altered in any manner whatsoever.

125.11 SEARCH FOR STOLEN PROPERTY. Whenever any peace officer reasonably knows that a pawnbroker has in his or her possession or on his or her premises any stolen property, said officer shall have the right and duty to enter and search the premises of such person for the purpose of discovering stolen property, with or without a warrant.

125.12 EXAMINATION OF PREMISES BY OFFICERS. No pawnbroker or any person shall refuse or resist or attempt to prevent a peace officer or other law enforcement officer, with or without a warrant, from examining the premises occupied by the pawnbroker for the purpose of discovering stolen property.

125.13 DISPOSING OF STOLEN GOODS OR GOODS FOR WHICH THERE IS ADVERSE CLAIM. No pawnbroker shall sell or permit to be redeemed or otherwise dispose of any article which the pawnbroker has reason to believe has been stolen, or which is adversely claimed by any person, or which the pawnbroker has

been notified not to sell, release or otherwise dispose of by a peace officer or other law enforcement officer, without first obtaining written permission from the Police Chief.

CHAPTER 126

MASSAGE TECHNICIANS

126.01 Definitions

126.02 Unlawful Acts

126.01 DEFINITIONS. For the purposes of this chapter the following words and phrases have the meanings herein set forth, unless it is apparent from the context that a different meaning is intended.

1. “Massage establishment” means any place of business wherein any of the treatments, techniques, or methods of treatment referred to in subsection 2 are administered, practiced, used, given or applied.
2. “Massage” or “massage service” means any method of treating the external parts of the body, consisting of rubbing, stroking, kneading, tapping, or vibrating; such treatments being performed by the hand or any other body parts, or by any mechanical or electrical instrument.
3. “Massage patron” means any person who receives, or pays to receive, a massage or massage services from a massage technician for value.
4. “Massage technician” means any person who engages in the business of performing massage services on or for other persons by use of any or all of the treatments, techniques or methods of treatment referred to in subsection 2 of this section.

126.09 UNLAWFUL ACTS.

1. No massage technician shall administer a massage:
 - A. If said massage technician believes, knows or should know that he or she is not free of any contagious or communicable disease or infection.
 - B. To any massage patron exhibiting any skin fungus, skin inflammation or skin eruption; provided, however, that a physician duly licensed to practice in the State may certify that such person may be safely massaged prescribing the condition therefor.
 - C. To any person who is not free of communicable disease or infection or whom the massage technician believes or has reason to believe is not free of communicable disease or infection.
2. No massage patron receiving a massage shall caress or fondle the massage technician administering the massage.
3. No massage technician shall masturbate or fondle the genital area of a massage patron.

4. No massage technician shall administer a massage to a massage patron unless such technician's sexual and genital body parts are completely covered by opaque clothing.
5. No massages shall be administered to persons of different sexes in the same room or enclosure at the same time.
6. No massage technician shall administer any massage services, and no massage patron shall receive a massage from a massage technician, at any place other than a massage establishment.
7. No massage establishment owner or manager shall allow or knowingly permit massage technicians in his or her employ to administer massage services to a massage patron at any location other than a massage establishment.

CHAPTER 127

MUSIC FESTIVALS AND CONCERTS

127.01 Definition

127.02 Applicability; Exemptions

127.03 License Required; Fee

127.04 Application

127.05 Authorization of License

127.01 DEFINITION. For use in this chapter, a “music festival or concert” is the production of music by professional or amateur musicians, or by recording, held in any public or private place for the purpose of conducting a concert for listening by the audience.

127.02 APPLICABILITY; EXEMPTIONS. Any music festival or concert conducted or permitted, when something of value is charged or required for admission to or participation in the same, is subject to the provisions of this chapter; provided, however, upon proof submitted to the Council, officers and employees of the United States or the State of Iowa and any subdivision or agency of the United States or State of Iowa, while in the performance of official duties, and any organization acting under the authority of Chapter 504A of the Code of Iowa, are exempt from the provisions of this chapter.

127.03 LICENSE REQUIRED; FEE. It is unlawful for any person to conduct or permit to be conducted any music festival or concert subject to the provisions of this chapter without first procuring a license from the Clerk and paying a fee of one hundred dollars (\$100.00). Such license is valid only for the time and place stated thereon.

127.04 APPLICATION. Application shall be made to the Clerk, and the following information and assurances shall be provided by the applicant:

1. Capacity of site;
2. Estimated audience;
3. Security provisions;
4. Availability of beer, liquor or wine;
5. Prior music festivals or concerts conducted by the applicant;
6. Number of security officers and their hours of employment;
7. Certificate of insurance providing coverages in amounts determined by the Council to be adequate;
8. Agreement pursuant to which the applicant agrees to indemnify, defend and save harmless the City, its agents, officers and employees, from and

against all claims, lawsuits, damages, losses and expenses in any manner resulting from or arising out of the activity or event covered by the license.

127.05 AUTHORIZATION OF LICENSE. After review of all the above, and if satisfied that the applicant has met all the requirements of this chapter and that the proposed music festival or concert will not be detrimental to the public safety and welfare and that the applicant has met requirements of all other applicable State and local laws and ordinances, then the Council, by four-fifths (4/5) majority vote, may authorize the Clerk to issue a license to the applicant for a music festival or concert, which license shall state on its face the following:

1. The site of the music festival or concert;
2. Maximum number of people to be admitted;
3. Minimum number of security officers to be on duty at the site and the hours for which they are employed;
4. Duration of the music festival or concert, which shall not be longer than the hours of employment of the security officers.

CHAPTER 128

LICENSING OF PUBLIC DANCE HALLS

128.01 Definition

128.02 When Dancing Prohibited

128.03 License Required

128.04 License Application

128.05 License Fee

128.06 License Issued

128.07 Closing Hours

128.08 Age Limit

128.09 Beer and Alcoholic Beverages

128.10 Persons and Conduct Prohibited

128.11 Refusal to Obey Orders

128.12 Police Supervision

128.01 DEFINITION. A public dance hall, within the meaning of this chapter, is any building, hall, room, enclosure, structure, platform, floor or place wherein any dance on any occasion is conducted or permitted and wherein the floor space set aside or used for dancing purposes exceeds one hundred fifty (150) square feet, and for which admission to or participation in anything of value is charged or required, or to which persons or the public generally are admitted with or without the payment of a fee, or to which persons or the public are invited by general or private invitation.

128.02 WHEN DANCING PROHIBITED. Dancing is prohibited on premises operating under a liquor control license and/or Class B beer or wine permit except that it may be permitted by the holder thereof provided the floor space used for dancing purposes therein contains at least two hundred (200) square feet and provided that proper application is made and license secured under this chapter.

128.03 LICENSE REQUIRED. No person shall operate a public dance hall within the City without first securing a license therefor in accordance with the provisions of this chapter. School dances are exempt from the licensing requirements of this chapter.

128.04 LICENSE APPLICATION. A written application shall be filed with the Clerk and shall contain such information as required by the Clerk and Council.

128.05 LICENSE FEE. The license fee for each public dance hall is one hundred dollars (\$100.00) per year, and is nonrefundable. Any person operating or conducting a hall or place in which a public dance is to be conducted for one occasion only shall pay a license fee of ten dollars (\$10.00) for the dance to be conducted in said hall or place.

128.06 LICENSE ISSUED. Upon Council approval of the application and payment of the license fee, the Clerk shall issue a license. All licenses shall expire one year from the date of issuance.

128.07 CLOSING HOURS. It is unlawful to keep open or operate a public dance hall on any day between the hours of one o'clock (1:00) a.m. and one o'clock (1:00) p.m., except on Saturday and Sunday, when it is unlawful to keep open or operate a

public dance hall between the hours of two o'clock (2:00) a.m. and one o'clock (1:00) p.m. Exceptions to such hours will be made only when a written extension of time is secured from the Mayor or Council in advance for each and every specific extension thereof. Licensees also operating under a liquor control license and/or Class B beer or wine permit shall specifically operate under the provisions of Chapter 123 of the Code of Iowa.

128.08 AGE LIMIT. It is unlawful to attempt to attend or to permit or allow the attendance of any person who has not reached the age of sixteen (16) years at any dance unless such person is accompanied by the parents, guardian or other responsible person having proper custody of such minor. It is unlawful for any person to falsely represent himself or herself regarding the age of such person or regarding parent, guardian or other person having proper custody of such minor in order that such minor may attend or remain at any public dance. This section does not prohibit specific dances for young people under the age of sixteen (16) years, provided the organization or concern sponsoring the specific dances abides by all other sections of this chapter.

128.09 BEER AND ALCOHOLIC BEVERAGES. It is unlawful for a dance hall license holder or operator to allow any beer or other alcoholic beverages in any form in a public dance hall, or for any person to bring on the premises or to drink or furnish to others for drinking any beer or alcoholic beverages, unless such licensee or operator has a valid Class B beer or wine permit and/or a valid liquor control license; in such event, the beer or alcoholic beverages must be purchased on the premises and in strict compliance with the State laws and the City ordinances regulating the same. It is unlawful for any person to drink any beer or alcoholic beverages outside of the licensee's building, but still on the licensee's premises, including driveways, parkings and parking lots.

128.10 PERSONS AND CONDUCT PROHIBITED. It is unlawful for any licensee or for any person conducting or having charge of a public dance hall to allow or permit any indecent act to be committed therein or any disorder or conduct of a violent or vulgar character or to allow any person known to be of bad moral character to remain therein. It is unlawful for any person to enter, remain or leave the licensee's premises in a noisy, loud, violent or quarrelsome manner whereby such person is deemed a nuisance under Chapter 657.2[1] of the Code of Iowa.

128.11 REFUSAL TO OBEY ORDERS. It is unlawful for any person to refuse to leave a licensee's premises or otherwise to disobey any order of the licensee or a peace officer given in the discharge of duties to preserve order at a dance or to otherwise enforce the provisions of this chapter.

128.12 POLICE SUPERVISION. Each public dance hall shall be under the proper police supervision during the time of any public dance therein, and the person conducting or operating any public dance hall shall prohibit any disorderly or boisterous conduct in such dance hall. The City reserves the right to determine the number of peace officers or reserves necessary to constitute proper police supervision.

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CHAPTER 129

LICENSING OF AUCTIONEERS AND AUCTIONS

129.01 License Required
129.02 Application
129.03 Duration of License

129.04 Fee
129.05 Use of Sidewalks and Streets Prohibited

129.01 LICENSE REQUIRED. It is unlawful for any auctioneer to conduct a sale in the City without having a license as provided in this chapter.

129.02 APPLICATION. Any person desiring such license shall file with the Clerk an application in writing duly verified by the person proposing to sell, dispose of or offer for sale any merchandise at public auction. Application may be made for an annual license to cover numerous auctions or a separate license for individual auctions may be applied for. Any application made for a specific sale must be made at least twenty-four (24) hours prior to the proposed date for such auction sale. The application shall state the following:

1. The name and address of the company making the application and the number of years in business.
2. The names of the auctioneer(s) who will be conducting the sale(s).
3. The locations of the last three auctions conducted by the applicant.

129.03 DURATION OF LICENSE. The license for an auctioneer's sale shall expire at midnight of the day authorized for the sale. An annual license for auctioneer's sales shall expire one (1) year from date of issuance.

129.04 FEE. The fee for a license for an auctioneer's sale is five dollars (\$5.00) and an annual license fee is twenty dollars (\$20.00).

129.05 USE OF SIDEWALKS AND STREETS PROHIBITED. An auctioneer shall not use any part of a public street, alley, sidewalk or other public place as a location for conducting a sale.

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CHAPTER 135

SIDEWALK REGULATIONS

135.01 Removal of Snow, Ice and Accumulations	135.11 Building Permit to Require Sidewalk
135.02 Dumping of Snow	135.12 Application
135.03 Added Safety Measures	135.13 Specifications for Sidewalks
135.04 Fires on Sidewalks	135.14 Sidewalk Inspections
135.05 Fuel on Sidewalks	135.15 Paid by Abutting Property Owner
135.06 Defacing	135.16 Schedule of Assessments
135.07 Debris on Sidewalks	135.17 Filing of Schedule of Assessments
135.08 Water over Sidewalks	135.18 Objections to Schedule of Assessments
135.09 Responsibility for Maintenance	135.19 Adoption of Schedule of Assessments
135.10 Permit Required	135.20 Cost of Repairing Sidewalks

135.01 REMOVAL OF SNOW, ICE AND ACCUMULATIONS. It is the responsibility of the abutting property owners to remove snow, ice and accumulations promptly from sidewalks. When the City receives a complaint that snow or ice or accumulations of snow or ice or any unsafe condition has remained on any sidewalk for twenty-four (24) hours or more, the City may notify the abutting property owners that such snow or ice or accumulations of snow or ice or unsafe conditions are to be removed by the abutting property owner within the next twelve (12) hours or that said abutting property owner shall be subject to criminal prosecution.

135.02 DUMPING OF SNOW. It is unlawful for any persons to remove snow, ice and accumulations from private premises and to deposit the same upon any public highway, street, avenue, alley, public square and commons within the City.

135.03 ADDED SAFETY MEASURES. When ice has so formed upon any sidewalk that it cannot be removed, the owner, occupant or person in charge of abutting property shall keep such ice sprinkled with salt, ashes, sawdust or sand in such manner as to prevent such sidewalk from being dangerous to persons using the same.

135.04 FIRES ON SIDEWALKS. It is unlawful for a person to make a fire of any kind on any sidewalk.

135.05 FUEL ON SIDEWALKS. It is unlawful for a person to place or allow any fuel to remain upon any sidewalk.

135.06 DEFACING. It is unlawful for a person to scatter or place any paste, paint or writing on any sidewalk.

135.07 DEBRIS ON SIDEWALKS. It is unlawful for a person to throw or deposit on any sidewalk any glass, nails, glass bottle, tacks, wire, cans, trash, garbage, rubbish, litter, offal, or any other debris, or any other substance likely to injure any person, animal or vehicle.

135.08 WATER OVER SIDEWALKS. It is unlawful for an abutting property owner to allow water from an improperly located eave or drain or from any roof to fall or drain onto a public sidewalk.

135.09 RESPONSIBILITY FOR MAINTENANCE. It is the responsibility of the abutting property owner to repair, replace or reconstruct, or cause to be repaired, replaced or reconstructed, any damaged, defective or broken sidewalks and to maintain in a safe and hazard-free condition all sidewalks outside the lot and property lines and inside the curb lines or traveled portion of the public street. If a sidewalk is deemed by the City to be unsafe and posing a public hazard, the City shall provide written notification to the abutting property owner that repair or efforts to repair said damage or condition to the sidewalk must be completed within thirty (30) days of the date of notification. Failure or refusal by the abutting property owner, upon due notification by the City, to take corrective action will be cause for civil action.

135.10 PERMIT REQUIRED. Any person desiring to construct, reconstruct or repair any sidewalk within the corporate limits of the City shall, before commencing such construction, reconstruction or repair, apply for a permit to the City's Building Department.

135.11 BUILDING PERMIT TO REQUIRE SIDEWALK. Any person applying for a building permit for the purpose of erecting a new structure for occupancy shall also apply for a sidewalk permit covering the same premises set forth in the building permit if a full sidewalk is not already located thereon. Such application shall include the full frontage on the street side of all lots and in the case of corner lots shall include both street sides of said lots. The requirements for a sidewalk permit in this section shall be in addition to the requirements for the construction of sidewalks by a subdivider as set forth in the City's subdivision regulations. Where subdivisions are platted with rear lot walks, these walks shall be installed according to the requirements of the City's subdivision regulations. These improvements shall be paid for by the Developer and said permit obtained by same. In the event that the sidewalk cannot be constructed at the time of the building permit, a bond or other surety may be required in lieu of sidewalk construction.

135.12 APPLICATION. The application for a permit shall contain the following:

1. The name and address of the property owner of the property abutting the location where the sidewalk shall be constructed, reconstructed or repaired.
2. A sketch or diagram showing the location, width and thickness of the sidewalk to be constructed, reconstructed or repaired and all entryways or driveways, crossing the said sidewalk so as to provide access to the abutting property.
3. The name of the contractor or party who is to perform the construction, reconstruction, or repair.

The Clerk shall assess and applicant shall pay before any permit is issued a fee in the sum of ten dollars (\$10.00) and in the case of rear lot walks the fee is eight dollars (\$8.00) per lot adjoining.

135.13 SPECIFICATIONS FOR SIDEWALKS. A complete set of specifications for all walks, including ramps for persons with disabilities at intersections are available at the Community Development Department of the City.

135.14 SIDEWALK INSPECTIONS. The Building Department personnel are authorized to inspect, approve or disapprove the application for and construction of all sidewalks located within the corporate limits of the City. The party constructing, reconstructing or repairing any sidewalk shall call for inspections by notifying the inspector of sidewalks of the City when the subgrade has been brought to the elevation and grade as established by the City, and the forms have been set. A further inspection shall be called for and required upon completion of the sidewalk and removal of the forms but before the sidewalk is backfilled. Upon completion of all work and inspections as hereinbefore set out, the inspector of sidewalks for the City shall so certify upon the space provided on the permit to construct, reconstruct, or repair sidewalk and shall certify that the sidewalk has been completed in accordance with the specifications and plans of the City.

135.15 PAID BY ABUTTING PROPERTY OWNER. The actual cost of repairing broken or defective sidewalks shall be paid by the owner of the property abutting thereon and shall be assessed against such property. This also applies to rear lot sidewalks.

135.16 SCHEDULE OF ASSESSMENTS. Whenever any sidewalk has been repaired as provided in this chapter, the City official shall cause to be prepared a schedule giving the name of the owner, so far as known, a description of the property, the date when the work was done, and the amount charged to each lot, and for what work and materials the charge was made. Such schedule shall include all the work done under the provisions of this chapter for the twelve (12) month period ending on the 31st day of March of each year and as soon thereafter as practicable such schedule shall be filed with the City Clerk.

135.17 FILING OF SCHEDULE OF ASSESSMENTS. Upon the filing of the schedule of assessments for sidewalk repair with the Clerk, the Council shall, by resolution, set a date as the last date for filing written objections to the schedule of assessments, and the Clerk shall thereupon publish a notice in a newspaper of general circulation in the City, which notice shall be published at least twenty (20) days prior to the last day for filing written objections to the schedule of assessments, and which notice shall be in form and substance as follows:

<p>NOTICE OF ASSESSMENT FOR REPAIR OF SIDEWALK AND/OR REMOVAL OF SNOW AND ICE</p>
<p>TO: The owners of the following described real estate situated in the City of Urbandale, Polk County, Iowa: [Give legal description of real estate]</p>
<p>YOU AND EACH OF YOU ARE HEREBY NOTIFIED that a schedule has been prepared and is now on file in the Office of the City Clerk of the City of Urbandale, Iowa, showing assessments for the cost of repairing sidewalks in front of the above described real estate for the twelve (12) month period ending March 31, ____, and that said schedule shows the description of the said real estate to be assessed, the names of the owners thereof so far as known, the amount to be assessed to each parcel or lot or part thereof, and for what the assessments are made.</p>
<p>YOU ARE FURTHER NOTIFIED THAT any and all objections which you, or any of you, have to the said schedule of assessments, or any part thereof, must be filed in writing in the Office of the City Clerk of the City of Urbandale, Iowa, on or before _____, ____; otherwise, any objections to the said schedule will be considered as waived.</p>
<p>YOU ARE FURTHER NOTIFIED that thereafter and at a meeting of the City Council to be held at or before the first regular meeting of the City Council in June, ____, the City Council will adopt and approve a final schedule of assessments and cause such to be certified to the County Auditor for collection as provided by law and ordinance.</p>
<p>CITY OF URBANDALE, IOWA By _____ City Clerk</p>

135.18 OBJECTIONS TO SCHEDULE OF ASSESSMENTS. The Council shall consider all objections to the schedule of assessments for repairing sidewalks duly filed, and shall, by resolution, at or before the first regular meeting in June finally approve a schedule of assessments.

135.19 ADOPTION OF SCHEDULE OF ASSESSMENTS. Upon adoption by the Council, the schedule of assessments for repairing sidewalks and the resolution approving such shall be certified by the Clerk to the County Auditor for collection in the manner provided by law.

135.20 COST OF REPAIRING SIDEWALKS. The cost of repairing sidewalks shall be paid from the proper fund and when collected shall be credited to such fund.

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CHAPTER 136

VACATION AND DISPOSAL OF STREETS

136.01 Power to Vacate

136.02 Planning and Zoning Commission

136.03 Notice of Vacation Hearing

136.04 Findings Required

136.05 Disposal of Vacated Streets or Alleys

136.06 Disposal by Gift Limited

136.01 POWER TO VACATE. When, in the judgment of the Council, it would be in the best interest of the City to vacate a street, alley, portion thereof or any public grounds, the Council may do so by ordinance in accordance with the provisions of this chapter.

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

136.02 PLANNING AND ZONING COMMISSION. Any proposal to vacate a street, alley, portion thereof or any public grounds shall be referred by the Council to the Planning and Zoning Commission for its study and recommendation prior to further consideration by the Council. The Commission shall submit a written report including recommendations to the Council within thirty (30) days after the date the proposed vacation is referred to the Commission.

(Code of Iowa, Sec. 392.1)

136.03 NOTICE OF VACATION HEARING. The Council shall cause to be published a notice of public hearing of the time at which the proposal to vacate shall be considered.

136.04 FINDINGS REQUIRED. No street, alley, portion thereof or any public grounds shall be vacated unless the Council finds that:

1. Public Use. The street, alley, portion thereof or any public ground 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)

136.05 DISPOSAL OF VACATED STREETS OR ALLEYS. When in the judgment of the Council it would be in the best interest of the City to dispose of

a vacated street or alley, portion thereof or public ground, the Council may do so in accordance with the provisions of Section 364.7, Code of Iowa.

(Code of Iowa, Sec. 364.7)

136.06 DISPOSAL BY GIFT LIMITED. The City may not dispose of a vacated street or alley, or portion thereof, by gift except to a governmental body for a public purpose.

(Code of Iowa, Sec. 364.7[3])

EDITOR'S NOTE			
The following ordinances, not codified herein and specifically saved from repeal, have been adopted vacating certain streets, alleys and/or public grounds and remain in full force and effect.			
ORDINANCE NO.	ADOPTED	ORDINANCE NO.	ADOPTED
81-27	November 24, 1981	96-30	October 22, 1996
83-4	June 21, 1983	97-3	February 25, 1997
83-6	June 21, 1983	97-23	December 30, 1997
83-9	August 16, 1983	98-17	May 5, 1998
83-17	October 11, 1983	98-18	May 5, 1998
91-2	January 8, 1991	98-24	August 11, 1998
91-12	September 3, 1991	98-25	July 28, 1998
91-13	September 17, 1991	98-28	August 11, 1998
91-22	October 29, 1991	98-29	September 22, 1998
91-26	December 10, 1991	98-30	September 22, 1998
92-9	April 28, 1992	98-33	October 6, 1998
92-21	November 24, 1992	98-36	November 3, 1998
92-26	January 19, 1993	99-20	September 7, 1999
93-4	June 22, 1993	99-22	October 5, 1999
93-5	June 8, 1993	99-27	October 19, 1999
93-6	August 12, 1993	99-31	November 30, 1999
94-1	February 1, 1994	99-32	November 30, 1999
95-3	March 14, 1995		
95-2	March 14, 1995		
95-10	March 28, 1995		
95-11	May 9, 1995		
95-14	May 23, 1995		
95-30	December 19, 1995		
96-2	March 26, 1996		
96-4	March 26, 1996		
96-6	April 8, 1996		
ORDINANCE NO.	ADOPTED	ORDINANCE NO.	ADOPTED

CHAPTER 137

STREET GRADES

137.01 Established Grades

137.02 Record Maintained

137.01 ESTABLISHED GRADES. The grades of all streets, alleys and sidewalks, which have been heretofore established by ordinance are hereby confirmed, ratified and established as official grades.

137.02 RECORD MAINTAINED. The Clerk shall maintain a record of all established grades and furnish information concerning such grades upon request.

EDITOR'S 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.

ORDINANCE NO.	ADOPTED	ORDINANCE NO.	ADOPTED
399	September 1, 1970		
85-17	December 30, 1985		
85-18	December 30, 1985		
88-7	August 9, 1988		
88-12	August 23, 1988		
89-23	October 28, 1989		
91-14	October 1, 1991		
92-17	October 22, 1992		
92-18	December 17, 1992		
92-23	January 14, 1993		
95-17	June 1, 1995		
95-16	June 1, 1995		
95-20	July 27, 1995		
97-1	April 4, 1997		
97-14	July 11, 1997		
97-25	January 23, 1998		

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CHAPTER 138

NAMING OF STREETS

138.01 Naming New Streets
138.02 Changing Name of Street
138.03 Recording Street Names

138.04 Official Street Name Map
138.05 Revision of Street Name Map

138.01 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. Resolution. All street names, except streets named as a part of a subdivision or platting procedure, shall be named by resolution.
3. Planning and Zoning Commission. Proposed street names shall be referred to the Planning and Zoning Commission for review and recommendation.

138.02 CHANGING NAME OF STREET. The Council may, by resolution, change the name of a street.

138.03 RECORDING STREET NAMES. Following official action naming or changing the name of a street, the Clerk shall file a copy thereof with the County Recorder, County Auditor and County Assessor.

(Code of Iowa, Sec. 354.26)

138.04 OFFICIAL STREET NAME MAP. Streets within the City are named as shown on the Official Street Name Map which is hereby adopted by reference and declared to be a part of this chapter. The Official Street Name Map shall be identified by the signature of the Mayor, and bearing the seal of the City under the following words: "This is to certify that this is the Official Street Name Map referred to in Section 138.04 of the Code of Ordinances of Urbandale, Iowa."

138.05 REVISION OF STREET NAME MAP. If in accordance with the provisions of this chapter, changes are made in street names, such changes shall be entered on the Official Street Name Map promptly after the change has been approved by the Council with an entry on the Official Street Name Map as follows: "On (date), by official action of the City Council, the following changes were made in the Official Street Name Map: (brief description)," which entry shall be signed by the Mayor and attested by the Clerk.

CHAPTER 139

CONTROLLED ACCESS FACILITIES

139.01 Exercise of Police Power
139.02 Definition
139.03 Right of Access Limited

139.04 Access Controls Imposed
139.05 Unlawful Use of Controlled Access Facility
139.06 Permitted Access Points

139.01 EXERCISE OF POLICE POWER. This chapter shall be deemed an exercise of the police power of the City under Chapter 306A, Code of Iowa, for the preservation of the public peace, health, safety and for the promotion of the general welfare.

(Code of Iowa, Sec. 306A.1)

139.02 DEFINITION. The term “controlled access facility” means a highway or street especially designed for through traffic, and over, from or to which owners or occupants of abutting land or other persons have no right or easement or only a controlled right or easement of access, light, air or view by reason of the fact that their property abuts upon such controlled access facility or for any other reason.

(Code of Iowa, Sec. 306A.2)

139.03 RIGHT OF ACCESS LIMITED. No person has any right of ingress or egress to or from abutting lands onto or across any controlled access facility, except at such designated points at which access is permitted.

(Code of Iowa, Sec. 306A.4)

139.04 ACCESS CONTROLS IMPOSED. There are hereby fixed and established controlled access facilities within the City, described as follows:

(Code of Iowa, Sec. 306A.3)

1. Douglas Avenue;
2. Merle Hay Road.

139.05 UNLAWFUL USE OF CONTROLLED ACCESS FACILITY. It is unlawful for any person to:

(Code of Iowa, Sec. 306A.3 and 321.366)

1. Cross Dividing Line. Drive a vehicle over, upon or across any curb, central dividing section, or other separation or dividing line on such controlled access facilities.
2. Turns. Make a left turn or a semicircular or U-turn except through an opening provided for that purpose in the dividing curb section, separation or line.

3. Use of Lanes. Drive any vehicle except in the proper lane provided for that purpose and in the proper direction and to the right of the central dividing curb, separation, section or line.
4. Enter Facility. Drive any vehicle into the controlled access facility from a local service road except through an opening provided for that purpose in the dividing curb or dividing section or dividing line which separates such service road from the controlled access facility property.

139.06 PERMITTED ACCESS POINTS. Points of access existing at the time of the original establishment of the controlled access facilities and those authorized by ordinances adopted by the Council are on file in the office of the Clerk. These allowable access points are contained in Ordinances No. 125, 129, 181, 182, 227, 234, 239, 87-18, 94-4 and 96-9.

BUILDING AND PROPERTY REGULATIONS

Editor's Note: All Community Development Department Building and Property related ordinances are contained in a separate volume of this Code of Ordinances.

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ZONING AND SUBDIVISION REGULATIONS

Editor's Note: All Zoning and Subdivision related ordinances are contained in a separate volume of this Code of Ordinances.