

# **CITY OF ALEXANDER CODE OF ORDINANCES**

**2025**

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**Recodified By: THE CITY OF ALEXANDER, January 2025**

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## **TITLE 1 GENERAL PROVISIONS**

### **CHAPTER 1 GENERAL PROVISIONS**

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

1. “Building” means any man-made structure permanently affixed to the ground;
2. “City” means the City of Alexander, Iowa, or the area within the territorial limits of the City and such territory outside of the City over which the City has jurisdiction or control by virtue of any constitutional or statutory provision;
3. “Clerk” means Clerk-Treasurer.
4. “Computation of time” means the time within which an act is to be done. It shall be computed by excluding the first day and including the last day; and if the last day is Sunday or a legal holiday, that day shall be excluded;
5. “Council” means the City Council of the City. All its members or all Council persons mean the total number of Council persons provided by the City charter under the general laws of the state;
6. “County” means the County of Franklin, Iowa;
7. “Delegation of Authority” means whenever a provision appears requiring an officer of the City to do some act or make certain inspections, it is to be construed to authorize the officer to designate, delegate, and authorize subordinates to perform the required act or make the required inspection unless the terms of the provision or section designate otherwise.
8. “Fiscal Year” means July 1 to June 30.
9. “Law” denotes applicable federal law, the Constitution and statutes of the State of Iowa, the Ordinances of the City; and when appropriate, any and all rules and regulations which may be promulgated thereunder;

10. “May” confers a power;
11. “Month” means a calendar month;
12. “Must” states a requirement;
13. “Oath” shall be construed to include an affirmative or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words “affirm” and “affirmed” shall be equivalent to the words “swear” and “sworn”;
14. “Or” may be read “and” and “and” may be read “or” if the sense requires it;
15. “Ordinance” means a law of the City; however, an administrative action, order or directive, may be in the form of a resolution;
16. “Owner” applied to a building or land includes any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or part of such building or land;
17. “Person” means natural person, any other legal entity, or the manager, lessee, agent, servant, officer, or employee of any of them;
18. “Personal property” includes money, goods, chattels, things in action and evidence of debt;
19. “Preceding” and “following” mean next before and next after, respectively;
20. “Property” includes real and personal property;
21. “Real property” includes any interest in land;
22. “Shall” imposes a duty;
23. “Sidewalk” means that portion of a street between the curb line and the adjacent property line intended for the use of pedestrians;
24. “State” means the State of Iowa;
25. “Street” includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in this City which have been or may hereafter be dedicated

and open to public use, or such other public property so designated in any law of this state;

26. “Tenant” and “occupant” applied to a building or land, includes any person who occupies whole or a part of such building or land, whether alone or with others;
27. “Title of Office”. Use of the title of any officer, employee, board or commission means that officer, employee, department, board or commission of the City;
28. “Writing” and “Written” include printed, typewritten, or electronically transmitted such as facsimile or electronic mail;
29. “Year” means a calendar year;
30. All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases and such other as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning;
31. When an act is required by an Ordinance the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed as to include all such acts performed by an authorized agent.

**1-1-2 GRAMMATICAL INTERPRETATION.** The following grammatical rules shall apply in the Ordinances of the City;

1. Gender. Any gender includes the other gender;
2. Singular and Plural. The singular number includes the plural and the plural includes the singular;
3. Tenses. Words used in the present tense include the past and the future tenses and vice versa;
4. Use of Words and Phrases. Words and phrases not specifically defined shall be construed according to the content and approved usage of the language.

**1-1-3 PROHIBITED ACTS INCLUDE CAUSING, PERMITTING.** Whenever in this Code any act or omission is made unlawful, it includes causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission. A principal is responsible for

the unauthorized acts or omissions committed by an agent or employee which have been authorized by the principal.

**1-1-4 CONSTRUCTION.** The provisions of this Code are to be construed with a view to affect its objects and to promote justice.

**1-1-5 AMENDMENT.** All Ordinances of the City Council passed thereafter shall be in the form of an addition or amendment to the Alexander Municipal Code of 2020 constituting this Municipal Code, and shall include proper references to chapter and section to maintain the orderly codification of the Ordinances.

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

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

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

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

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

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

## **TITLE I GENERAL PROVISIONS**

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

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

## TITLE I GENERAL PROVISIONS

### CHAPTER 3 PENALTY

**1-3-1 GENERAL PENALTY.** The doing of any act prohibited or declared to be unlawful, an offense, or a misdemeanor by the City Code or any Ordinance or Code herein adopted by reference, or the omission or failure to perform any act or duty required by this City Code or any Ordinance or Code or any Ordinance or Code herein adopted by reference is, unless another penalty is specified, punishable in accordance with Iowa Code Section 903.1(1)(a).

*(Code of Iowa, Sec. 903.1 (1)(a))*

**1-3-2 CIVIL PENALTY – MUNICIPAL INFRACTION**

*(Code of Iowa, Sec. 364.22)*

#### 1. Definitions

- a. **Municipal Infraction.** Except those provisions specifically provided under state law as a felony, an aggravated misdemeanor, or a serious misdemeanor, or a simple misdemeanor under Chapters 687 through 747 of the Iowa Code, the doing of any act prohibited or declared unlawful, an offense or a misdemeanor by the Code of Ordinances City of Alexander, or any Ordinance or Code herein adopted by reference, or omission or failure to perform any act or duty required by the Code of Ordinances City of Alexander, or any Ordinance or Code herein adopted by reference, is a “municipal infraction” and is punishable by civil penalty as provided herein.
- b. **Officer.** The term “officer” shall mean any employee or official authorized to enforce the Code of Ordinances of the City of Alexander.
- c. **Repeat Offense.** The term “repeat offense” shall mean a recurring violation of the same section of the Code of Ordinances.

#### 2. Violations, Penalties, and Alternative Relief.

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

#### Schedule of Civil Penalties

First Offense:	Not more than seven hundred fifty dollars (\$750.00).
Repeat Offense:	Not more than one thousand dollars (\$1,000.00).

- b. Each day that a violation occurs or is permitted to exist by the violator constitutes a separate offense.
- c. Seeking a civil penalty as authorized in this chapter does not preclude the City from seeking alternative relief from the court in the same action.

### 3. Civil Citations

- a. Any officer authorized by the City to enforce the Code of Ordinances may issue a civil citation to a person who commits a municipal infraction.
- b. The citation may be served by personal service, substituted service, or by certified mail, return receipt requested, or by publication as provided in the Iowa Rules of Civil Procedure.
- c. The original of the citation shall be sent to the Clerk of the district court. If the infraction involves real property, a copy of the citation shall be filed with the County Treasurer.
- d. The citation shall serve as notification that a civil offense has been committed and shall contain the following information:
  - i. The name and address of the defendant.
  - ii. The name or description of the infraction attested to by the officer issuing the citation
  - iii. The location and time of the infraction
  - iv. The amount of civil penalty to be assessed or the alternative relief sought, or both
  - v. The manner, location, and time in which the penalty may be paid
  - vi. The time and place of court appearance
  - vii. The penalty for failure to appear in court
  - viii. The legal description of the affected property, if applicable

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

## **TITLE I GENERAL PROVISIONS**

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

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

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

#### **1-1-1 1-4-2 GENERAL**

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

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

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

“You are hereby notified that an evidentiary hearing will be held before the Alexander City Council at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at the hour \_\_\_\_\_, upon the notice and order served upon you. You may be present at the hearing. You may be, but

need not be, represented by counsel. You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You may request the issuance of subpoenas to compel the attendance of witnesses and production of books, documents, or other things by filing an affidavit therefore with the City Clerk.”

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

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

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

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

7. Official notice.

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

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

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

**1-4-6 METHOD AND FORM OF DECISION.**

1. Hearings before the City Council where a contested case is heard before the City Council, no member thereof who did not hear the evidence or alternatively has not read or listened to the entire record of the proceedings shall vote on or take part in the decision. The City Council may designate a member or members to preside over the receipt of evidence. Such member or members shall prepare findings of fact for the City Council.
2. Form of decision. The decision shall be in writing and shall contain findings of fact, a determination of the issues presented, and the requirements to be complied with. A copy of the decision shall be delivered to the parties personally or sent to them by certified mail, postage prepaid, return receipt requested.
3. Effective date of decision. The effective date of the decision shall be stated therein.



## **TITLE II POLICY AND ADMINISTRATION**

### **CHAPTER 1 CITY CHARTER**

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

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

*(Code of Iowa, Sec. 372.4)*

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

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

*(Code of Iowa, Sec. 372.4)*

*(Code of Iowa, Sec. 376.2)*

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

*(Code of Iowa, Sec. 372.4)*

*(Code of Iowa, Sec. 376.2)*

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

*(Code of Iowa, Sec. 372.1)*

2-1-7 CORPORATE LIMITS. The corporate limits of the City as of January 1, 1980 are described as follows:

All of sections 5,6,7, and 8 in Scott Township of Franklin County, Iowa.

## **TITLE II POLICY AND ADMINISTRATION**

### **CHAPTER 2 APPOINTMENT AND QUALIFICATION OF MUNICIPAL OFFICERS**

**2-2-1 CREATION OF APPOINTIVE OFFICERS.** There are hereby created the following appointive officers: Clerk, Attorney, and Superintendent of Waterworks.

**2-2-2 APPOINTMENT OF OFFICERS.** The Mayor shall appoint a Mayor Pro Tempore. The Mayor shall also appoint the Superintendent of Public Works and City Clerk, with the approval of the City Council.

All other officers shall be appointed or selected by the City Council unless otherwise provided by law or Ordinance. *(Code of Iowa, Sec. 374.4(3))*

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

**2-2-4 VACANCIES IN OFFICES.** A vacancy in an appointive office shall be filled in the same manner as the original appointment. A vacancy in an elective office shall be filled by a majority vote of all members of the City Council, unless filled by election in accordance with State law.

**2-2-5 BONDS REQUIRED.** Each municipal officer required by law or Ordinance to be bonded shall, before entering upon the duties of the office, execute to the City a good and sufficient bond, to be approved by the City Council, conditioned on the faithful performance of the duties and the proper handling and accounting for the money and property of the City in the official's charge unless the City Council shall have provided for a blanket position surety bond. *(Code of Iowa, Sec. 64.13)*

**2-2-6 SURETY.** Any association or corporation which makes a business of ensuring the fidelity of others and which has authority to do such business within Iowa shall be accepted as surety on any of the bonds.

**2-2-7 BLANKET POSITION BOND.** The City Council shall provide for a blanket position bond to cover all officers and employees of the City, but the City Council may provide by resolution for a surety bond for any other officer or employee that the City Council deems necessary. The City shall pay the premium on any official bond.

*(Code of Iowa, Sec. 64.13)*

2-2-8 BONDS FILED. All bonds when duly executed shall be filed with the Clerk, except that the Clerk's bond shall be filed with the Mayor. (*Code of Iowa, Sec. 64.23*)

2-2-9 BOARDS AND COMMISSIONS.

1. Membership and Sections. Membership and selections of members of boards and commissions shall be as specified in this Chapter or the Code of Iowa. Any committee, board, or commission so established shall cease to exist upon the accomplishment of the special purpose for which it was created, or when abolished by a majority vote of the City Council or as specified in the Code of Iowa.
2. Residency Requirement: No person shall be appointed or reappointed to a committee, board, or commission or ad hoc committee created by such committee, board, or commission unless such person is, at the time of such appointment or reappointment, a resident of the City, and any person so appointed or reappointed shall maintain such residency during the term of the appointment or reappointment. Any member of a committee, board, or commission or ad hoc committee created by such committee, board, or commission who fails to maintain such residency shall be deemed removed as of the date of such change of residency, any provision in this Code to the contrary notwithstanding.
3. Removal of Members of Boards and Commissions: The City Council may remove any member of any board or commission, which it has established.

## **TITLE II POLICY AND ADMINISTRATION**

### **CHAPTER 3 POWERS AND DUTIES OF MUNICIPAL OFFICERS**

2-3-1 GENERAL DUTIES. Each municipal officer shall exercise the powers and perform the duties prescribed by law and Ordinance, or as otherwise directed by the City Council unless contrary to State law or City charter. *(Code of Iowa, Sec. 372.13(4))*

2-3-2 BOOKS AND RECORDS. All books and records required to be kept by law or Ordinance shall be open to inspection by the public upon request, except records required to be confidential by state or federal law. *(Code of Iowa, Sec. 22.1, 22.2, and 22.7)*

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

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

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

1. The Mayor shall supervise all departments of the City and give direction to department heads concerning the functions of the departments. The Mayor shall have the power to examine all functions of the municipal departments, their records, and to call for special reports from department heads at any time. *(Code of Iowa, Section 372.14(1))*
2. The Mayor shall act as presiding officer at all regular and special City Council meetings. The Mayor pro tem shall serve in this capacity in the Mayor's absence. *(Code of Iowa, Section 372.14(1) and (3))*
3. The Mayor may veto an Ordinance, amendment, or resolution within fourteen days after passage. The Mayor shall explain the reasons for the veto in a written message to the City Council at the time of the veto. Within thirty days after the Mayor's veto, the City Council may pass the measure again by a vote to not less than two-thirds of all of the members of the City Council. If the Mayor vetoes an ordinance, amendment, or resolution and City Council repasses the measure after the Mayor's veto, a resolution becomes effective immediately upon repassage, and an Ordinance or amendment

becomes a law when the Ordinance or a summary of the Ordinance is published, unless a subsequent effective date is provided within the Ordinance or amendment.

If the Mayor takes no action on an Ordinance, amendment, or resolution, a resolution becomes effective fourteen days after the date of passage and an Ordinance or amendment becomes a law when the ordinance or a summary of the Ordinance is published, but not sooner than fourteen days after the date of passage, unless a subsequent effective date is provided within the Ordinance or amendment. *(Code of Iowa, Sec. 380.6)*

4. The Mayor shall represent the City in all negotiations properly entered into in accordance with law or Ordinance. The Mayor shall not represent the City where this duty is specifically delegated to another officer by law or Ordinance.
5. The Mayor shall, whenever authorized by the City Council, sign all contracts on behalf of the City.
6. The Mayor shall call special meetings of the City Council when the Mayor deems such meetings necessary to the interests of the City.
7. The Mayor shall make such oral or written reports to the City Council at the first meeting of every month as referred. These reports shall concern municipal affairs generally, the municipal departments, and recommendations suitable for City Council action.
8. Immediately after taking office the Mayor shall designate one member of the City Council as Mayor pro tempore. The Mayor pro tempore shall be vice-president of the City Council. Except for the limitations otherwise provided herein, the Mayor pro tempore shall perform the duties of the Mayor in cases of absence or inability of the Mayor to perform the duties of the office. In the exercise of the duties of the office the Mayor pro tempore shall not have power to appoint, employ or discharge from employment officers or employees without the approval of the City Council. The Mayor pro tempore shall have the right to vote as a member of the City Council.

*(Code of Iowa, Sec. 372.14(3))*

9. The Mayor shall, upon order of the City Council, secure for the City such specialized and profession services not already available to the City. In executing the order of the City Council the Mayor shall conduct said duties in accordance with the City Ordinance and the laws of the State of Iowa.
10. The Mayor shall sign all licenses and permits which have been granted by the City Council, except those designated by law or Ordinance to be issued by another municipal officer.

11. Upon authorization of the City Council, the Mayor shall revoke permits or licenses granted by the City Council when their terms, the Ordinances of the City, or the laws of the State of Iowa are violated by holders of said permits or licenses.
12. The Mayor shall order to be removed, at public expense, any nuisance for which no person can be found responsible and liable. This order shall be in writing. The order to remove said nuisances shall be carried out by the Police Chief.

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

1. The Clerk shall attend all regular and special City Council meetings and prepare and publish a condensed statement of the proceedings thereof, to include the total expenditure from each City fund. The statement shall further include a list of all claims allowed, a summary of all receipts and the gross amount of all claims.  
*(Code of Iowa, Sec. 372.13(4) and (6))*
2. The Clerk shall record each measure taken by the City Council, stating where applicable whether the Mayor signed, vetoed, or took no action on the measure and what action the City Council made upon the Mayor's veto.  
*(Code of Iowa, Sec. 380.7(1))*
3. The Clerk shall cause to be published either the entire text or a summary of all Ordinances and amendments enacted by the City, "Summary" shall mean a narrative description of the terms and conditions of an Ordinance setting forth the main points of the Ordinance in a manner calculated to inform the public in a clear and understandable manner the meaning of the Ordinance and which shall provide the public with sufficient notice to conform to the desired conduct required by the Ordinance. The description shall include the title of the Ordinance, an accurate and intelligible abstract or synopsis of the essential elements of the Ordinance, a statement that the description is a summary, the location, and the normal business hours of the office where the Ordinance may be inspected, when the Ordinance becomes effective, and the full text of any provisions imposing fines, penalties, forfeitures, fees, or taxes. Legal descriptions of property set forth in Ordinances shall be described in full, provided that maps or charts may be substituted for legal descriptions when they contain sufficient detail to clearly define the area with which the Ordinance is concerned. The narrative description shall be written in a clear and coherent manner and shall, to the extent possible, avoid the use of technical or legal terms not generally familiar to the public, the narrative description shall include definitions of those terms.

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

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

4. The Clerk shall maintain copies of all effective City Ordinances and codes for public review.  
*(Code of Iowa, Sec. 380.7(4))*
5. The Clerk shall publish notice of public hearings, elections and other official actions as required by State and City law.  
*(Code of Iowa, Sec. 362.3)*
6. The Clerk shall certify all measures establishing any zoning district, building lines, or fire limits, and a plat showing each district, lines or limits to the recorder of the county containing the affected parts of the City.  
*(Code of Iowa, Sec. 380.11)*
7. The Clerk shall be the chief accounting officer of the City.
8. The Clerk shall keep separate accounts for every appropriation, department, public improvement or undertaking, and for every public utility owned or operated by the City. Each account shall be kept in the manner required by law.  
*(Code of Iowa, Sec. 384.20)*
9. Following City Council adoption for the budget, the Clerk shall certify the necessary tax levy for the following year to the County Auditor and the County Board of Supervisors.  
*(Code of Iowa, Sec. 384.16(5))*
10. The Clerk shall report to the City Council at the first meeting of each month the status of each municipal account as of the end of the previous month.
11. The Clerk shall balance all funds with the bank statement at the end of each month.
12. The Clerk shall prepare the annual public report, publish it, and send a certified copy to the State Auditor and other State officers as required by law.  
*(Code of Iowa, Sec. 384.22)*
13. The Clerk shall maintain all City records as required by law.  
*(Code of Iowa, Sec. 372.13(3) and (5))*
14. The Clerk shall have custody and be responsible for the safekeeping of all writings or documents in which the municipality is a party in interest unless otherwise specifically directed by law or Ordinance.  
*(Code of Iowa, Sec. 372.13(4))*
15. The Clerk shall file and preserve all receipts, vouchers, and other documents kept, or that may be required to be kept, necessary to prove the validity of every transaction and the identity of every person having any beneficial relation thereto.
16. The Clerk shall furnish upon request to any municipal officer a copy of any record, paper or public document under the Clerk's control when it may be necessary to such officer in

the discharge of the Clerk's duty. The Clerk shall furnish a copy to any citizen when requested upon payment of the fee set by City Council resolution. The Clerk shall, under the direction of the Mayor or other authorized officer, affix the seal of the corporation to those public documents or instruments which by Ordinance are required to be attested by the affixing of the seal. *(Code of Iowa, Sec. 380.7(4), Sec. 22.2 and 22.7)*

17. The Clerk shall attend all meetings of committees, boards and commissions of the City. The Clerk shall record and preserve a correct record of the proceedings of such meetings. *(Code of Iowa, Sec. 372.13(4))*
18. The Clerk shall keep and file all communications and petitions directed to the City Council or to the City generally. The Clerk shall endorse thereon the action of the City Council taken upon matters considered in such communications and petitions. *(Code of Iowa, Sec. 372.13(4))*
19. The Clerk shall issue all licenses and permits approved by the City Council, and keep a record of licenses and permits issued which shall show a date of issuance, license or permit number, official receipt number, name of person to whom issued, term of license or permit, and purpose for which issued. *(Code of Iowa, Sec. 372.13(4))*
20. The Clerk shall inform all persons appointed by the Mayor or City Council to offices in the municipal government of their position and the time at which they shall assume the duties of their office. *(Code of Iowa, Sec. 372.13(4))*
21. The Clerk shall preserve a complete record of every City election, regular or special and perform duties required by law or Ordinance of the City Clerk in regard to elections. *(Code of Iowa, Sec. 376.4)*
22. The Clerk shall draw all warrants/checks for the City upon the vote of the City Council. *(Code of Iowa, Sec. 372.13(4))*
23. The Clerk shall show on every warrant/check the fund on which it is drawn and the claim to be paid. *(Code of Iowa, Sec. 372.13(4))*
24. The Clerk shall keep a warrant/check record in a form approved by the City Council, showing the number, date, amount, payee's name, upon what fund drawn, and for what claim each warrant/check is issued. *(Code of Iowa, Sec. 372.13(4))*
25. The Clerk shall bill and collect all charges, rents or fees due the City for utility and other services, and give a receipt therefor. *(Code of Iowa, Sec. 372.13(4))*
26. Annually, the Clerk shall prepare and submit to the City Council an itemized budget of revenues and expenditures. *(Code of Iowa, Sec. 384.16)*

27. The Clerk shall keep the record or each fund separate.  
*(Code of Iowa, Sec. 372.13(4) and 384.85)*
28. The Clerk shall keep an accurate record for all money or securities received by the Clerk on behalf of the municipality and specify date, from whom, and for what purposes received.  
*(Code of Iowa, Sec. 372.13(4))*
29. The Clerk shall prepare a receipt in duplicate for all funds received. The Clerk shall give the original to the party delivering the funds, and retain the duplicate.  
*(Code of Iowa, Sec. 372.13(4))*
30. The Clerk shall keep a separate account of all money received by the Clerk for special assessments.  
*(Code of Iowa, Sec. 372.13(4))*
31. The Clerk shall, immediately upon receipt of monies to be held in the Clerk's custody and belonging to the City, deposit the same in banks selected by the City Council in amounts not exceeding monetary limits authorized by the City Council.  
*(Code of Iowa, Sec. 372.13(4))*

**2-3-7 POWERS AND DUTIES OF THE CITY ATTORNEY.** The duties of the City Attorney shall be as follows:  
*(Code of Iowa, Sec. 372.13(4))*

1. Upon request, the City Attorney shall attend regular meetings of the City Council and attend those special meetings of the City Council at which the City Attorney is required to be present.
2. The City Attorney shall, upon request, formulate drafts for contracts, forms and other writings which may be required for the use of the City.
3. The City Attorney shall keep in proper files a record of all official opinions and a docket or register of all actions prosecuted and defined by the City Attorney accompanied by all proceedings relating to said actions.
4. The City Attorney shall, upon request, give an opinion in writing upon all questions of law relating to municipal matters submitted by the City Council, the Mayor, members of the City Council individually, municipal boards or the head of any municipal department.
5. The City Attorney shall prepare those Ordinances when the City Council may desire and direct to be prepared and report to the City Council upon all Ordinances before their final passage by the City Council and publication.

6. The City Attorney shall act as Attorney for the City in all matters affecting the City's interest and appear on behalf of the City before any court, tribunal, commission, or board. The City Attorney shall prosecute or defend all actions and proceedings when so requested by the Mayor or City Council.
7. The City Attorney shall, however, if directed by the City Council, appear to defend any municipal officer or employee in any cause of action arising out of or in the course of the performance of the duties of his or her office or employment.
8. The City Attorney shall sign the name of the City to all appeal bonds and to all other bonds or papers of any kind that may be essential to the prosecution of any cause in court, and when so signed the City shall be bound upon the same.
9. The City Attorney shall make a written report to the City Council and interested department heads of the defects in all contracts, documents, authorized power of any City officer, and Ordinances submitted to said City Attorney or coming under said City Attorney's notice.
10. The City Attorney shall, upon request, after due examination, offer a written opinion on and recommend alterations pertaining to contracts involving the City before they become binding upon the City or are published.

2-3-8 POWERS AND DUTIES OF THE SUPERINTENDENT OF PUBLIC WORKS. The duties of the superintendent of public utilities shall be as follows:

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

1. The Superintendent shall be responsible for the management, operation, and maintenance of municipal utilities.
2. The Superintendent shall keep records of accounts payable, revenues, accounts receivable, expenditures made, depreciation of plant and equipment, and a continuous up-to-date inventory of all goods and supplies. The Superintendent shall keep all other records ordered to be kept by the Mayor in addition to those provided for by law or Ordinance.
3. The Superintendent with assistance from the City Clerk, shall make a report as requested to the Mayor and City Council on the present state of the public utilities. In this report shall be specifically stated the financial condition, production, and the general condition of the entire utilities' enterprise. The Superintendent shall, at the close of every year, compile (or cause to be compiled) a written annual report of the activities and general condition of the public utilities of the City. This report shall contain a statement of the

general progress and accomplishments of the plants and systems for the year covered in the report; a statement of financial operations for the year showing revenues, expenditures, and profits or losses; a summary of the history of the financial operations of the plant for the past five (5) years showing total revenue, cost of operations, depreciation, interest on bonds and net profits; a statement of free services rendered to the municipality during the year and their estimated cash value; a statement of the rate schedules that are presently in effect; and a balance sheet with statement of all assets, liabilities and reserves.

## **TITLE II POLICY AND ADMINISTRATION**

### **CHAPTER 4 SALARIES OF MUNICIPAL OFFICERS**

2-4-1 COUNCIL MEMBER. The salaries of each City Council member shall be \$25.00 for each meeting of the City Council attended, but in no event shall any City Council member be paid more than \$600.00 in any one year. *(Code of Iowa, Sec. 372.13(8))*

2-4-2 MAYOR. The Mayor shall receive an annual salary of \$1,200.00 to be paid in equal monthly installments of \$100.00. *(Code of Iowa, Sec. 372.13(8))*

*\*Editor's Note: Increase effective following election and office taken January 2026 (previously \$600/annually, monthly installments of \$50.00)*

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

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

## **TITLE II POLICY AND ADMINISTRATION**

### **CHAPTER 5 CITY FINANCE**

**2-5-1 BUDGET ADOPTION.** Annually, the City shall prepare and adopt a budget, and shall certify taxes as follows: *(Code of Iowa, Sec. 384.16)*

1. A budget shall be prepared for at least the following fiscal year. When required by rules of the State City finance committee, a tentative budget shall be prepared for one or two ensuing years. The proposed budget shall show estimates of the following:
  - a. Expenditures for each program.
  - b. Income from sources other than property taxation.
  - c. Amount to be raised by property taxation, and the property tax rate expressed in dollars per one thousand dollars valuation.

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

2. Not less than ten nor more than twenty days before the date that the budget must be certified to the County Auditor, the Clerk shall provide a sufficient number of copies of the budget to meet reasonable demands of taxpayers, and have them available for distribution at the offices of the Mayor and Clerk and at the City library, if any, or at three places designated by Ordinance for posting notices.
3. The City Council shall set a time and place for public hearing on the budget before the final certification date and shall publish notice before the hearing as provided in Iowa law. Proof of publication shall be filed with the County Auditor.
4. At the hearing, any resident or taxpayer of the City may present to the City Council objections to any part of the budget for the following fiscal year or arguments in favor of any part of the budget.

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

**2-5-2 BUDGET AMENDMENT.** The City budget as finally adopted for the following fiscal year becomes effective July first and constitutes the City appropriation for each program and purpose specified therein until amended. The City budget for the current fiscal year may be amended for any of the following purposes: *(Code of Iowa, Sec. 384.18)*

1. To permit the appropriation and expenditures of unexpended, unencumbered cash balances on hand at the end of the preceding fiscal year which had not been anticipated in the budget.
2. To permit the appropriation and expenditure of amounts anticipated to be available from sources other than property taxation, and which had not been anticipated in the budget.
3. To permit transfers from the debt service fund, the capital improvements reserve fund, the emergency fund, or other funds established by State law, to any other City fund, unless specifically prohibited by State law.
4. To permit transfers between programs within the general fund.

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

**2-5-3 BUDGET PROTEST.** Within a period of ten days after the final date that the budget or amended budget may be certified to the County Auditor, persons affected by the budget may file a written protest with the County Auditor, specifying their objection to the budget or any part of it. A protest must be signed by qualified voters equal in number to one-fourth of one percent of the votes cast for governor in the last preceding general election in the City, but not less than ten persons, and the number need not be more than one hundred persons.

*(Code of Iowa, Sec. 384.19)*

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

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

*(Code of Iowa, Sec. 384.20)*

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

*(Code of Iowa, Sec. 384.22)*

**2-5-6 COUNCIL TRANSFERS.** When the City Clerk determines that one or more appropriation accounts need added authorizations to meet required expenditures therein the City Clerk shall inform the City Council or if the City Council upon its own investigation so determines, and another account within the same programs has an appropriation in excess of foreseeable needs, or, in the case of a clear emergency or unforeseeable need, the contingency account has an unexpended appropriation which alone or with the other accounts can provide the needed appropriations, the City Council shall set forth by resolution the reductions and increases in the appropriations and the reason for such transfers. Upon the passage of the resolution and approval by the Mayor, as provided by law for resolutions, the City Clerk shall cause the transfers to be set out in full in the minutes and be included in the published proceedings of the City Council. Thereupon the Clerk, and where applicable, the City Treasurer, shall cause the appropriation to be revised upon the appropriation expenditure ledgers of the City, but in no case shall the total of the appropriation of a program be increased except for transfers from the contingency account nor shall the total appropriation for all purposes be increased except by a budget amendment made after notice and hearing as required by law for such amendments.

*(Iowa Administrative Code, Sec. 545.2.4(384,388))*

**2-5-7 ADMINISTRATIVE TRANSFERS.** The City Clerk shall have power to make transfers within a single activity between objects of expenditures within activities without prior City Council approval.

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

Council as a resolution including all such administrative transfers to date in the fiscal year for consideration and passage as presented, or as amended by the City Council.

*(Iowa Administrative Code, Sec. 545.2.4(384,388))*

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

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

2-5-9 EXPENDITURES. No expenditure shall be authorized by any City officer or employee except as herein provided. Purchases not exceeding three hundred dollars (\$300.00) may be made by those officials authorized by the City Council. Purchases from petty cash shall be excepted.

*(Code of Iowa, Sec. 721.2(1))*

2-5-10 AUTHORIZATIONS TO EXPEND. All purchases other than those excepted herein shall be authorized by the City budget officer after determining whether the purchase, if a major item, has been authorized by the budget or other City Council approval. The Clerk shall then check the availability of an appropriation sufficient to pay for such a purchase. A purchase may be made only if there is an appropriation sufficient for the purchase and for other anticipated or budgeted purposes. If no adequate appropriation is available for the expenditure contemplated, the Clerk shall allow the purchase until a budget amendment is made in accordance with power delegated by City Council and within the limits set by law and the City Council. The Clerk shall draw a warrant/check only upon an invoice received, or progress billing for a public improvement, supported by a signed receipt or other certification indicating the material has been delivered of the quality and in the quantities indicated or the services have been performed satisfactorily to the extent invoiced.

*(Code of Iowa, Sec. 721.2(1))*

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

*(Code of Iowa, Sec. 384.20)*

2-5-12 BUDGET ACCOUNTS. The Clerk shall set up such individual accounts to record receipts by source and expenditures by program and purpose as will provide adequate information and control for budgetary purposes as planned and approved by the City Council. Each individual account shall be maintained within its proper fund as required by City Council order or State law and shall be so kept that receipts can be immediately and directly compared with specific estimates and expenditures can be related to the appropriation which authorized it.

No expenditure shall be posted except to the appropriation for the function and purpose for which the expense was incurred. *(Code of Iowa, Sec. 384.20)*

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

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

## **TITLE II POLICY AND ADMINISTRATION**

### **CHAPTER 6 POSTING**

2-6-1 PURPOSE. The City of Alexander, Iowa has a population of two hundred (200) or less as shown by the last preceding certified federal census, and Ordinance and amendments and publications of notices of elections, hearings and other official actions may be made by posting in three public places designated by the City Council.

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

2-6-2 LISTING; LENGTH OF NOTICE. The three (3) public places where Ordinances, amendments and public notices of elections, hearings and other official actions are to be displayed are:

Alexander City Hall  
Alexander Public Library  
Alexander Post Office

The City Clerk is hereby directed to post all Ordinances, amendments and City Council actions promptly after passage and to post all such matters not less than four (4) nor more than twenty (20) days before the date of election, hearing or other action, or as otherwise required by State law, and to leave them so posted for not less than seven (7) days after the first date of posting.

*(Code of Iowa, Sec. 380.7)*

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

## **TITLE II POLICY AND ADMINISTRATION**

### **CHAPTER 7 CITY ELECTIONS**

**2-7-1 PURPOSE.** The purpose of this chapter is to designate the method by which candidates for elective municipal offices in the City shall be nominated and elected.

**2-7-2 NOMINATING METHOD TO BE USED.** All candidates for elective municipal offices shall be nominated under the provisions of Chapter 45 of the Code of Iowa.

*(Code of Iowa, Sec. 376.3)*

**2-7-3 NOMINATIONS BY PETITION.** Nominations for elective municipal offices of the City may be made by nomination paper or papers signed by not less than ten eligible electors, residents of the City.

*(Code of Iowa, Sec. 45.1)*

**2-7-4 ADDING NAME BY PETITION.** The name of a candidate placed upon the ballot by any other method than by petition shall not be added by petition for the same office.

*(Code of Iowa, Sec. 45.2)*

**2-7-5 PREPARATION OF PETITION.** Each eligible elector shall add to the signature the elector's residence address, and date of signing. The person whose nomination is proposed by the petition may not sign it. Before filing said petition, there shall be endorsed thereon or attached thereto an affidavit executed by the candidate, which affidavit shall contain:

1. Name and Residence. The name and residence (including street and number, if any) of said nominee, and the office to which nominated.
2. Name on Ballot. A request that the name of the nominee be printed upon the official ballot for the election.
3. Eligibility. A statement that the nominee is eligible to be a candidate for the office and if elected will qualify as such officer.
4. Organization Statement. A statement, in the form required by Iowa law, concerning the organization of the candidate's committee.

Such petition when so verified shall be known as a nomination paper.

*(Code of Iowa, Sec. 45.5)*

**2-7-6 FILING, PRESUMPTION, WITHDRAWALS, OBJECTIONS.** The time and place of filing nomination petitions, the presumption of validity thereof, the right of a candidate so nominated to withdraw and the effect of such withdrawal, and the right to object to the legal

sufficiency of such petitions, or to the eligibility of the candidate, shall be governed by the appropriate provisions of Chapter 44 of the Code of Iowa.

**2-7-7 PERSONS ELECTED.** The candidates who receive the greatest number of votes for each office on the ballot are elected, to the extent necessary to fill the positions open.

**2-7-8 PRIMARY AND RUNOFF ABOLISHED.** The Council has adopted Chapters 44 and 45 of the Code of Iowa for conducting elections and in accordance with Section 376.6(2), Code of Iowa, no primary, or runoff election will be conducted for City offices.

**TITLE II POLICY AND ADMINISTRATION****CHAPTER 8 POLICE DEPARTMENT**

**2-8-1 ENFORCEMENT PROVISIONS.** The City Council shall provide for law enforcement by utilizing the various peace officers available. These various enforcement options shall include, but not be limited to, local citizens, night watchmen, city peace officers, Franklin County Sheriff's Department, and the Iowa State Patrol. The Council shall employ whatever means to ensure law enforcement by resolution.

**2-8-2 DELEGATION OF AUTHORITY.** The City Council, in its provision of law enforcement, hereby identifies the options listed in 2-8-1 as the person or entity identified as the Police Chief to carry out the duties specified in the Alexander Code of Ordinances.

## **TITLE II POLICY AND ADMINISTRATION**

### **CHAPTER 9 CITY COUNCIL**

**2-9-1 POWERS AND DUTIES.** The powers and duties of the City Council include, but are not limited to the following:

1. General. All powers of the City are vested in the City Council except as otherwise provided by law or ordinance. (*Code of Iowa, Sec. 364.2(1)*)
2. Wards. By ordinance, the City Council may divide the City into wards based upon population, change the boundaries of wards, eliminate wards or create new wards. (*Code of Iowa, Sec. 372.13(7)*)
3. Fiscal Authority. The City Council shall apportion and appropriate all funds, and audit and allow all bills, accounts, payrolls and claims, and order payment thereof. It shall make all assessments for the cost of street improvements, sidewalks, sewers and other work, improvement or repairs which may be specially assessed. (*Code of Iowa, Sec. 364.2(1), 384.16 & 384.38(1)*)
4. Public Improvements. The City Council shall make all orders for the doing of work, or the making or construction of any improvements, bridges or buildings. (*Code of Iowa, Sec. 364.2(1)*)
5. Contracts. The City Council shall make or authorize the making of all contracts, and no contract shall bind or be obligatory upon the City unless either made by ordinance or resolution adopted by the City Council, or reduced to writing and approved by the City Council, or expressly authorized by ordinance or resolution adopted by the City Council. (*Code of Iowa, Sec. 364.2(1) & 384.95 through 384.102*)
6. Employees. The City Council shall authorize, by resolution, the number, duties, term of office and compensation of employees or officers not otherwise provided for by the State law or the Code of Ordinances. (*Code of Iowa, Sec. 372.13(4)*)
7. Setting Compensation for Elected Officers. By ordinance, the City Council shall prescribe the compensation of the Mayor, City Council members, and other elected City officers, but a change in the compensation of the Mayor does not become effective during the term in which the change is adopted, and the City Council shall not adopt such an ordinance changing the compensation of any elected officer during the months of November and December in the year of a regular City election. A change in compensation of City Council members becomes effective for all City Council members at the beginning of the term of the City Council members elected at the election next following the change in compensation. (*Code of Iowa, Sec. 372.13(8)*)

2-9-2 EXERCISE OF POWER. The City Council shall exercise a power only by the passage of a motion, a resolution, an amendment, or an ordinance in the following manner:

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

1. Approved Action by the City Council. Passage of an ordinance, amendment, or resolution requires an affirmative vote of not less than a majority of the City Council members. A motion to spend public funds in excess of twenty five thousand dollars (\$25,000) on any one project, or a motion to accept public improvements and facilities upon their completion also requires an affirmative vote of not less than a majority of the City Council members. Each Council member's vote on an ordinance, amendment or resolution must be recorded. *(Code of Iowa, Sec. 380.4)*
2. Overriding Mayor's Veto. Within thirty (30) days after the Mayor's veto, the City Council may repass the ordinance or resolution by a vote of not less than two-thirds of the City Council members, and the ordinance or resolution becomes effective upon repassage and publication. *(Code of Iowa, Sec. 380.6(2))*
3. Measures Become Effective. Measures passed by the City Council, other than motions, become effective in the following ways:
  - a. If the Mayor signs the measure, a resolution becomes effective immediately upon signing and an ordinance or amendment becomes a law when published, unless a subsequent effective date is provided within the measure. *(Code of Iowa, Sec. 380.6(1))*
  - b. If the Mayor vetoes a measure and the City Council repasses the measure after the Mayor's veto, a resolution becomes effective immediately upon repassage, and an ordinance or amendment becomes a law when published unless a subsequent effective date is provided with the measure. *(Code of Iowa, Sec. 380.6(2))*
  - c. If the Mayor takes no action on the measure, a resolution becomes effective fourteen (14) days after the date of passage and an ordinance or amendment becomes law when published, but not sooner than fourteen (14) days after the passage, unless a subsequent effective date is provided within the measure. *(Code of Iowa, Sec. 380.6(3))*

2-9-3 MEETINGS. Procedures for giving notice of meetings of the City Council and other provisions regarding the conduct of City Council meetings are contained in Section 5.06 of this Code of Ordinances. Additional particulars relating to City Council meetings are the following:

1. Regular Meetings. The regular meetings of the City Council are on the 1<sup>st</sup> Tuesday of each month at six o'clock (6:00) p.m. in the Alexander Public Library. If such a day falls on a legal holiday or for other reason the meeting is held on such different day or time as determined by the City Council.

2. Special Meetings. Special meetings shall be held upon call of the Mayor or upon written request of a majority of the members of the City Council submitted to the City Clerk. Notice of a special meeting shall specify the date, time, place and subject of the meeting and such notice shall be given personally or left at the usual place of residence of each member of the City Council. A record of the service of notice shall be maintained by the City Clerk.

*(Code of Iowa, Sec. 372.13(5))*

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

*(Code of Iowa, Sec. 372.13(1))*

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

*(Code of Iowa, Sec. 372.13(5))*

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

## TITLE III COMMUNITY PROTECTION

### CHAPTER 1 OFFENSES

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

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

1. Engage in fighting or violent behavior or invite or defy another person to fight, provided that participants in athletic contests may engage in such conduct which is reasonably related to that sport. *(Code of Iowa, Sec. 723.4(1))*
2. Make unusually loud or excessive noise which results in the disturbance of the peace and the public quiet of a neighborhood. *(Code of Iowa, Sec. 723.4(2))*
3. Willfully permit upon any premises owned, occupied, possessed or controlled by such person any unusually loud or excessive noise in such a manner calculated to provoke a breach of the peace of others, or the public quiet of the neighborhood. *(Code of Iowa, Sec. 723.4(2))*
4. Direct abusive language or make any threatening gesture which the person knows or reasonably should know is likely to provoke a violent reaction by another. *(Code of Iowa, Sec. 723.4(3))*
5. Without lawful authority or order of authority, disturb any lawful assembly or meeting of persons by conduct intended to disrupt the meeting or assembly. *(Code of Iowa, Sec. 723.4(4))*
6. Without authority, obstruct any street, sidewalk, highway, or other public way. *(Code of Iowa, Sec. 723.4(7))*
7. Without authority, solicit contributions, distribute literature, or otherwise peddle or sell goods and services within the traveled portion of any roadway. *(Code of Iowa, Sec. 364.12(2)(a))*

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

**3-1-4 STREETS.**

1. Removal of safeguards or danger signals. No person shall willfully remove, tear down, destroy, deface, or carry away from any highway, street, alley, avenue or bridge any lamp, obstruction, guard or other article or things, or extinguish any lamp or other light,

erected, or placed thereupon for the purpose of guarding or enclosing unsafe or dangerous places in said highway, street, alley, avenue, or bridge without the consent of the person in control thereof.

*(Code of Iowa, Sec. 716.5)*

2. Obstructing or defacing streets. No person shall obstruct, deface, or injure any public road in any manner by breaking up, plowing or digging within the boundary lines thereof, without permission from the Mayor.

*(Code of Iowa, Sec. 716.1)*

3. Allowing water, snow, ice and accumulations on sidewalk. No abutting property owner shall allow water from an improperly located eave or drain, or from any roof, to fall onto a public sidewalk, or fail to remove snow, ice and accumulations from the sidewalks promptly. Upon failure by the abutting property owner to perform the action required under this subsection within a reasonable time, the City may perform the required action and assess the costs against the abutting property.

*(Code of Iowa, Sec. 364.12(2)(b and e))*

4. Removal of hydrant caps, sewer caps or manhole covers. No person shall remove or carry away hydrant caps, sewer caps or manhole covers without the consent of the person in control thereof.

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

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

*(Code of Iowa, Sec. 364.1)*

2. Putting debris on streets and sidewalks. No person shall throw or deposit on any street or sidewalk any glass bottle, glass, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, or any other debris, or any other substance likely to injure any person, animal, or vehicle.

*(Code of Iowa, Sec. 321.369)*

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

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

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

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

6. Discharging firearms or fireworks.

*(Code of Iowa, Sec. 727.2)*

- a. No person, firm, or corporation shall discharge or fire any cannon, gun, bomb, pistol, air gun, or other firearms or set off or burn firecrackers, torpedoes, sky rockets, roman candles, or other fireworks of like construction or any fireworks containing any explosive or inflammable compound, or other device containing any explosive.
- b. The City Council may upon application in writing, grant a permit for the display and use of fireworks by any organization or groups of individuals when such fireworks display will be handled by a competent operator.
- c. The City Council may, upon application in writing, grant a permit for the operation of a firing range in which the discharge of firearms for training, recreational or competitive events would be allowed upon showing that the range would be under the direction of a competent organization, group or individual.
- d. In the interest of public health and safety and at such times as approved by the Chief of Police, the police or their designee may use firearms to control rodent or animal problems when it is evident that conventional control methods have not resolved the problem.
- e. Nothing herein shall be construed to prohibit the use of blank cartridges for a show or the theatre, or for signal purposes in athletic sports or by railroads, or trucks, for signal purposes, or by a recognized military organization and provided further that nothing in this section shall apply to any substance or composition prepared and used for medicinal or fumigation purposes.

7. Possession of Fireworks.

- a. Definition. The term "fireworks" includes any explosive composition, or combination of explosives, substances or articles prepared for the purpose of producing a visible or audible effect by combustion, explosion or detonation and includes blank cartridges, firecrackers, torpedoes, sky rockets, Roman Candles or other fireworks of like construction and fireworks containing any explosive or flammable compound, or other device containing any explosive substance. The term "fireworks" does not include gold star-producing sparklers on wires that contain no magnesium or chlorate or perchlorate, flutter sparklers in paper tubes that do not exceed 1/8 inch diameter, toy snakes that contain no mercury, or caps used in cap pistols.
- b. Exemption. The use of blank cartridges for a show or the theater, or for signal purposes in athletic events, or by railroads or trucks for signal purposes, or by recognized military organizations is exempt from this Subsection.
- c. Prohibition. No person shall possess fireworks except as provided in this Chapter.
8. Abandoned refrigerators. No person shall place, or allow to be placed, any discarded, abandoned, unattended or unused refrigerator, ice box or similar container equipped with an air-tight door or lid, snap lock, or other locking device which cannot be released from the inside, in a location accessible to children, outside any building, dwelling, or within an unoccupied or abandoned building or dwelling, or other structure, under such person's control without first removing the door, lid, snap lock, or other locking device from said icebox, refrigerator or similar container. This provision applies equally to the owner of any such refrigerator, icebox or similar container, and to the owner or occupant of the premises where the hazard is permitted to remain. *(Code of Iowa, Sec. 727.3)*
9. Impersonating an officer. No person shall falsely represent themselves or falsely assume to be any law enforcement officer, judge or magistrate. It shall be unlawful to wear or adopt the uniform or insignia of any law enforcement officer on any street or public place. *(Code of Iowa, Sec. 718.2)*
10. Harassment of City Employees.
  - a. It shall be unlawful for any person to willfully prevent, resist or obstruct or attempt to prevent, resist, or obstruct any City employee from the performance of any official duty.

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

11. Antenna and radio wires. No person shall allow, locate, or maintain any antenna wires, antenna supports, radio wires or television wires to exist over any street, alley, highway, sidewalk, or public property. (*Code of Iowa, Sec. 364.12(2)*)

12. Barbed wire. No person shall install, allow to be installed or use barbed wire without the consent of the City Council. (*Code of Iowa, Sec. 364.1*)

13. Playing in streets. No person shall coast, sled or play games on streets or highways except in areas blocked off by the Chief of Police for such purposes. (*Code of Iowa, Sec. 364.12*)

14. Regulation of nighttime use of streets by various animals. No person shall ride or lead a horse, donkey, or mule, or to use any such animal to convey a wagon, carriage, or other similar conveyance within the corporate limits of the City of Alexander between  $\frac{1}{2}$  hour after sunset to  $\frac{1}{2}$  hour prior to sunrise, unless such animal is both preceded and followed by a motorized vehicle with fully illuminated lights within 50 feet in front of and 50 feet behind such animal.

### 3-1-6 PUBLIC PROPERTY.

- 1. Defacing public grounds. No person shall cut, break or deface any tree or shrub in a public park or on any avenue thereto by willfully defacing, cutting, breaking or injuring, except by the authority of the Mayor. (*Code of Iowa, Sec. 364.12(2)*)
- 2. Injuring new pavement. No person shall injure new pavement in any street, alley, or sidewalk by willfully driving, walking, or making marks on such pavement before it is ready for use. (*Code of Iowa, Sec. 364.12(2)*)
- 3. Destroying Park equipment. No person shall destroy or injure any property or equipment in public swimming pools, playgrounds, or parks by willfully defacing, breaking, damaging, mutilating, or cutting. (*Code of Iowa, Sec. 364.12(2)*)
- 4. Injury to public library books or property. No person shall willfully, maliciously, or wantonly tear, deface, mutilate, injure, or destroy, in whole or in part, any newspaper, periodical, book, map, pamphlet, chart, picture or other property belonging to any public library or reading room.

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

*(Code of Iowa, Sec. 716.1)*

6. Injury to gravestones or property in cemetery. No person shall willfully and maliciously destroy, mutilate, deface, injure or remove any tomb, vault, monument, gravestone or other structure placed in any public or private cemetery, or any fences, railing or other work for the protection, ornamentation of said cemetery, or of any tomb, vault, monument or gravestone, or other structure aforesaid, on any cemetery lot within such cemetery, or willfully and maliciously destroy, cut, break or injure any tree, shrub, plant or lawn within the limits of said cemetery, or drive outside of said avenues and roads, and over the grass or graves of said cemetery.

*(Code of Iowa, Sec. 716.1)*

7. Injury to fire apparatus. No person shall willfully destroy or injure any engines, hose carriage, hose, hook and ladder carriage, or other things used and kept for extinguishment of fires.

*(Code of Iowa, Sec. 716.1)*

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

*(Code of Iowa, Sec. 716.1)*

9. Obstructing or defacing roads. No person shall obstruct, deface or injure any public road by breaking up, plowing or digging within the boundary lines thereof, except by written authorization of the Mayor.

*(Code of Iowa, Sec. 716.1)*

10. Injury to roads, railways, and other utilities. No person shall maliciously injure, remove or destroy any electric railway or apparatus belonging thereto, or any bridge, rail or plank road, or place or cause to be placed, any obstruction on any electric railway, or on any such bridge, rail or plank road; or willfully obstruct or injure any public road or highway; or 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, electric railway, or telephone or telegraph system; or break down and destroy or injure and deface any electric light, telegraph or telephone instrument; or in any way cut, break or injure the wires of any apparatus belonging thereto; or willfully without proper authorization tap, cut injure, break, disconnect, connect, make any connection with, or destroy any of the wires, mains, pipes, conduits, meters or other apparatus belonging to, or attached to, the power plant or

distributing system of any electric light plant, electric motor, gas plant or water plant; or aid or abet any other person in so doing. *(Code of Iowa, Sec. 716.1)*

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

*(Code of Iowa, Sec. 727.8)*

12. Obstructing ditches and breaking levees. No person shall divert, obstruct, impede, or fill up, without legal authority, any ditch, drain, or watercourse, or break down any levee established, constructed, or maintained under any provision of law.

*(Code of Iowa, Sec. 716.1)*

## **TITLE III COMMUNITY PROTECTION**

### **CHAPTER 2 NUISANCES**

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

1. The term “nuisance” means whatever is injurious to health, indecent, or unreasonably offensive to the senses or an obstacle to the free use of property, so as essentially to unreasonably interfere with the comfortable enjoyment of life or property. The following are declared to be nuisances: *(Code of Iowa, Sec. 657.1)*
  - a. The erecting, continuing, or using any building or other place for the exercise of any trade, employment, or manufacture, which by occasioning noxious exhalations, unreasonably offensive smells, or other annoyances, becomes injurious and dangerous to the health, comfort, or property of individuals or the public. *(Code of Iowa, Sec. 657.2(1))*
  - b. The causing or suffering any offal, filth, or noisome substance to accumulate or to remain in any place to the prejudice of others. *(Code of Iowa, Sec. 657.2(2))*
  - c. The obstructing or impeding without legal authority the passage of any navigable river, harbor, or collection of water. *(Code of Iowa, Sec. 657.2(3))*
  - d. The polluting or rending unwholesome or impure the water of any river, stream, or pond, or unlawfully diverting the same from its natural course or state, to the injury or prejudice of others. *(Code of Iowa, Sec. 657.2(4))*
  - e. The obstructing or encumbering by fences, buildings, or otherwise the public roads, private ways, streets, alleys, commons, landing places, or burying grounds. *(Code of Iowa, Sec. 657.2(5))*
  - f. Houses of ill fame, kept for the purpose of prostitution and lewdness, gambling houses, or houses resorted to for the use of controlled substances or houses where drunkenness, quarreling, fighting or breaches of the peace are carried on or permitted to the disturbance of others. *(Code of Iowa, Sec. 657.2(6))*
  - g. Billboards, signboards, and advertising signs, whether erected and constructed on public or private property, which so obstruct and impair the view of any portion or part of a public street, avenue, highway, boulevard, or alley or of a railroad or street railway track as to render dangerous the use thereof, especially near intersecting streets. *(Code of Iowa, Sec. 657.2(7))*
  - h. Cotton-bearing cottonwood trees and all other cotton-bearing poplar trees in the City.

- i. Any object or structure hereafter erected within 1,000 feet of the limits of any municipal or regularly established airport or landing place, which may endanger or obstruct aerial navigation, including take-off and landing.  
*(Code of Iowa, Sec. 657.2(8))*
- j. The depositing or storing of inflammable junk, such as old rags, rope, cordage, rubber, bones, and paper, by any person, including a dealer in such articles, unless it be in a building of fire-resistant construction. *(Code of Iowa, Sec. 657.2(9))*
- k. The emission of dense smoke, noxious fumes, or fly ash.  
*(Code of Iowa, Sec. 657.2(10))*
- l. Dense growth of all weeds, grasses, vines, brush, or other vegetation in the City so as to constitute a health, safety, or fire hazard including any City owned property between the abutting property line and the street right-of-way.  
*(Code of Iowa, Sec. 657.2(11))*
- m. All trees infected with any declared pest such as Dutch elm disease, emerald ash borer or any diseases or pests declared at a later date.  
*(Code of Iowa, Sec. 657.2(12))*
- n. Effluent from septic tank or drain field running or ponding on the ground in the open.
- o. Any article or substance placed upon a street, alley, sidewalk, public ground, or in any ditch, waterway, or gutter so as to obstruct the drainage.  
*(Code of Iowa, Sec. 716.1)*
- p. Accumulations of rubbish or trash tending to harbor vermin, rodents, and rank growth of weeds or other vegetation and plants, which is conductive to hazard.  
*(Code of Iowa, Sec. 657.2)*
- 2. The term “property owner” means the contract purchaser if there is one of record, otherwise the record holder of legal title. *(Code of Iowa, Sec. 364.1)*

**3-2-2 NUISANCES PROHIBITED.** The creation or maintenance of a nuisance is prohibited, and a nuisance, public or private, may be abated in the manner provided in this chapter.  
*(Code of Iowa, Sec. 657.3)*

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

- 1. The removal of diseased or infested trees or dead wood within a property owners lot, to include the Right-of-Way and/or Easement and up to the curb line or abutment of the street or alley adjoining the property. *(Code of Iowa, Sec. 364.12(3)(b))*
- 2. The removal, repair, or dismantling of dangerous buildings or structures.  
*(Code of Iowa, Sec. 364.12(3)(c))*

3. The numbering of buildings. *(Code of Iowa, Sec. 364.12(3)(d))*
4. The connection to public drainage system from abutting property when necessary for public health or safety. *(Code of Iowa, Sec. 364.12(3)(e))*
5. The connection to public sewer systems from abutting property, and the installation of sanitary toilet facilities and removal of other toilet facilities on such property. *(Code of Iowa, Sec. 364.12(3)(f))*
6. Grass and weeds:
  - a. Every property owner shall cut, mow, and maintain all grass, weeds, and brush upon the owner's property and adjacent to the curb line or outer boundary of any street which shall include the parking area abutting the owner's property, to a uniform height as defined in 3-2-3(6)(b).
  - b. Grass, weeds, and brush shall be cut, mowed, and maintained so as not to exceed the following height specifications: Developed residential areas – not to exceed 6", Undeveloped residential areas – not to exceed 8", Business and Industrial areas – not to exceed 6", Agricultural areas – not to exceed 15". Grass, weeds, and brush which are allowed to grow in excess of the specified limitations shall be deemed to be a violation of this chapter.
  - c. Every property owner shall cut and control noxious weeds upon the owner's property and adjacent to the curb line or outer boundary of any street, which shall include the parking area abutting the owner's property, by cutting noxious weeds to ground level or use of herbicides to eliminate or eradicate such weeds. Noxious weeds include any weed growth or plant designated as noxious by the State Department of Natural Resources rules or regulations or by the Code of Iowa.
  - d. Upon discovery of violation of this section, the City may initiate abatement procedures as outlined in Title III, Chapter 2 of this Code of Ordinances. The City shall assess a \$200.00 per subdivided lot and/or any part of a subdivided lot as the expense of each mowing of grass, weeds, or brush. Only one notice will be given per year to violators of this section, the City will have the grass mowed as often as necessary when it is allowed to grow longer than specified in Title III, Chapter 2, Section 3-2-3, 6(b) of this Code of Ordinances.
  - e. No property owner shall cut, mow, or deposit in any fashion any grass, weeds, brush, or leaves upon a City Street.
7. The maintenance, by the property owner, of all property outside the lot and property lines and inside the curb lines upon public streets, including maintaining a fifteen (15) foot clearance above the street from trees extending over the streets, except as provided in Section 3-2-3(1).

**3-2-4 NOTICE TO ABATE NUISANCE OR CONDITION.** Whenever the Mayor or other authorized municipal officer finds that a nuisance or other condition exists which is listed in

Section 3, the Mayor or officer shall cause to be served upon the property owner as shown by the records of the County Auditor a written notice to abate the nuisance within a reasonable time after notice.

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

**3-2-5 CONTENTS OF NOTICE TO ABATE.** The notice to abate shall contain:

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

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

**3-2-6 METHOD OF SERVICE.** The notice may be served by certified mail or personal service to the property owner as shown by the records of the County Auditor.

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

**3-2-7 REQUEST FOR HEARING AND APPEAL.** Any person ordered to abate a nuisance or condition may have a hearing with the officer ordering the abatement as to whether a nuisance or prohibited condition exists. A request for a hearing must be made in writing and delivered to the officer ordering the abatement within the time stated in the notice, or it will be conclusively presumed that a nuisance or prohibited condition exists and it must be abated as ordered.

At the conclusion of the hearing, the hearing officer shall render a written decision as to whether a nuisance or prohibited condition exists. If the officer finds that a nuisance or prohibited condition exists, the officer must order it abated within an additional time which must be reasonable under the circumstances. An appeal from this decision may be had by immediately filing a written notice with the hearing officer. This appeal shall be heard before the City Council at a time and place fixed by the Council. The findings of the Council shall be conclusive and, if a nuisance or prohibited condition is found to exist, it shall be ordered abated within a time reasonable under the circumstances.

**3-2-8 ABATEMENT IN EMERGENCY.** If it is determined that an emergency exists by reason of the continuing maintenance of the nuisance or condition, the City may perform any action that may be required under this chapter without prior notice, and assess the costs as

provided herein, after notice to the property owner under the applicable provision of Sections 3-2-4 and 3-2-5 and hearing as provided in Section 3-2-7. *(Code of Iowa, Sec. 364.12(3)(h))*

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

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

**3-2-10 COLLECTION OF COST OF ABATEMENT.** The Clerk shall mail a statement of the total expense incurred to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within one month, the City Clerk shall certify the costs to the County Treasurer and they shall then be collected with, and in the same manner, as general property taxes.

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

**3-2-11 INSTALLMENT PAYMENT OF COST OF ABATEMENT.** If the amount expended to abate the nuisance or condition exceeds \$100, the City may permit the assessment to be paid in up to ten annual installments, to be paid in the same manner and at the same rate of interest charged delinquent real estate taxes by the County Treasurer.

*(Code of Iowa, Sec. 364.13)*

**3-2-12 CONDEMNATION OF NUISANCE.** The City may condemn a residential building found to be a public nuisance and take title to the property for the public purpose of disposing of the property under Section 364.7 by conveying the property to a private individual for rehabilitation or for demolition and construction of housing.

*(Code of Iowa, Sec. 364.12A)*

## **TITLE III COMMUNITY PROTECTION**

### **CHAPTER 3 TRAFFIC CODE**

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

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

1. “Park and parking” means the stopping or standing of a vehicle, except for the purpose of, and while actually engaged in, loading or unloading merchandise or passengers.
2. “Stand or standing” means the halting of a vehicle, whether occupied or not, except for the purpose of and while actually engaged in receiving or discharging passengers.
3. “Stop,” when required means complete cessation of movement.
4. “Stop or stopping,” when prohibited, means any halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.
5. “Business districts” means: the territory contiguous to and including a highway when fifty percent or more of the frontage thereon for a distance of three hundred feet or more is occupied by buildings in use for business.
6. “Residential districts” means all areas of the City not included in business districts.

*(Code of Iowa, Sec. 321.1)*

**3-3-3 TRAFFIC ACCIDENT REPORTS.** The driver of a vehicle involved in an accident within the limits of this City shall file a report as and when required by the Iowa Department of Transportation. A copy of this report shall be filed with the Chief of Police. All such reports shall be for the confidential use of the police department and shall be subject to the provisions of Section 321.271 of the Code of Iowa.

The City shall maintain a suitable system of filing traffic accident reports.

*(Code of Iowa, Sec. 321.266)*

**3-3-4 POLICE DEPARTMENT TO SUBMIT ANNUAL REPORTS.** The Police Chief shall prepare annually a traffic report which shall be filed with the Mayor. Such report shall contain information on traffic matters in this City concerning the number of traffic accidents, the number of persons killed or injured, the number and nature of violations, and other pertinent traffic data including the plans and recommendations for future traffic safety activities.

## ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS

**3-3-5 AUTHORITY OF POLICE AND FIRE DEPARTMENT OFFICIALS.** Provisions of this chapter and the Iowa law relating to motor vehicles and law of the road shall be enforced by the officers of the police department. The officers of the police department are hereby authorized to direct all traffic by voice, hand or signal in conformance with traffic laws. In the event of a fire or other emergency, officers of the police department may direct traffic as conditions require notwithstanding the provisions of the traffic laws. Officers of the fire department may direct or assist the police in directing traffic threat or in the immediate vicinity.

*(Code of Iowa, Sec. 321.229)*

**3-3-6 REQUIRED OBEDIENCE TO PROVISIONS OF THIS CHAPTER AND STATE LAW.** Any person who shall willfully fail or refuse to comply with any lawful order of a police officer or direction of a fire department officer during a fire, or who fails to abide by the provisions of this chapter and the applicable provisions of the following Iowa Statutes relating to motor vehicles and the law of the road is in violation of this chapter. These sections of the Code are adopted by reference:

1. 321.98 Operation without registration
2. 321.180 Violations of instruction permit limitations.
3. 321.193 Violation of conditions of restricted license.
4. 321.194 Violation of conditions of minor's school license
5. 321.216 Unlawful use of license.
6. 321.218 Driving without a valid license (as to simple misdemeanor offenses only).
7. 321.219 Permitting unauthorized minor to drive.
8. 321.220 Permitting unauthorized person to drive.
9. 321.229 Failure to comply with lawful order of peace officer.
10. 321.231 Failure of driver of emergency vehicle to exercise caution while on emergency run (stop signs and signals).
11. 321.232 Radar jamming devices.
12. 321.234 Failure to observe seating requirements.
13. 321.236 (Parking) Violation of local ordinance (not a state offense).
14. 321.256 Failure to obey traffic control device.
15. 321.257 Failure to obey or yield to pedestrian or to official traffic control signal.
16. 321.260 Unlawful possession of, or interference with traffic control device.
17. 321.264 Striking unattended vehicle.
18. 321.265 Striking fixtures upon a highway.
19. 321.275 Motorcycle and motorized bicycles violations.

20.	321.277	Reckless driving.
21.	321.278	Drag racing prohibited.
22.	321.285	Speed restrictions.
23.	321.286	Truck speed limits (highway).
24.	321.287	Bus speed limits (highway).
25.	321.288	Failure to maintain control.
26.	321.294	Failure to maintain minimum speed when directed by officer.
27.	321.295	Excessive speed on bridge.
28.	321.297	Driving on wrong side of two-way highway.
29.	321.298	Failure to yield half of roadway upon meeting vehicle.
30.	321.299	Passing on wrong side.
31.	321.303	Unsafe passing.
32.	321.304	Unlawful passing.
33.	321.305	Violating one-way traffic designation.
34.	321.306	Improper use of lanes.
35.	321.307	Following too closely.
36.	321.308	Following too closely (trucks and towing vehicles).
37.	321.309	Failure to use approved drawbar.
38.	321.310	Unlawful towing of four-wheeled trailer.
39.	321.311	Turning from improper lane.
40.	321.312	Making U-Turn on curve or hill.
41.	321.313	Unsafe starting of a stopped vehicle.
42.	321.314	Unsafe turn or failure to give signal.
43.	321.315	Failure to give continuous turn signal.
44.	321.316	Failure to signal stop or rapid deceleration.
45.	321.317	Signal light requirements; see equipment violation
46.	321.318	Incorrect hand signal.
47.	321.319	Failure to yield to vehicle on right.
48.	321.320	Failure to yield upon left turn.
49.	321.321	Failure to yield upon entering through highway.
50.	321.322	Failure to obey stop or yield sign.
51.	321.323	Unsafe backing on highway.
52.	321.324	Failure to yield to emergency vehicle.
53.	321.325	Pedestrian disobeying traffic control signal.
54.	321.326	Pedestrian walking on wrong side of highway.
55.	321.327	Pedestrian right-of-way.
56.	321.328	Pedestrian failing to use crosswalk.
57.	321.329	Vehicle failing to yield to pedestrian.
58.	321.331	Soliciting ride from within roadway.
59.	321.332	Unlawful use of white cane.

60.	321.333	Failure to yield to blind person.
61.	321.340	Driving in or through safety zone.
62.	321.341	Failure to properly stop at railroad crossing.
63.	321.342	Failure to obey stop sign at railroad crossing.
64.	321.343	Failure to stop certain cargo or passenger vehicle at railroad crossing.
65.	321.344	Unlawful movement of construction equipment across railroad track.
66.	321.353	Unsafe entry into sidewalk or roadway.
67.	321.354	Stopping on traveled part of highway.
68.	321.358	Stopping, standing, or parking where prohibited.
69.	321.360	Prohibited parking in front of certain buildings.
70.	321.361	Parking too far from curb/angular parking.
71.	321.362	Parking without stopping engine and setting brake.
72.	321.363	Driving with obstructed view or control.
73.	321.365	Coasting upon downgrade.
74.	321.366	Improper use of median, curb, or controlled access facility.
75.	321.367	Failure to maintain distance fire-fighting vehicle.
76.	321.368	Crossing unprotected fire hose.
77.	321.369	Putting debris on highway/roadway.
78.	321.370	Removing injurious material.
79.	321.371	Clearing up wrecks.
80.	321.372	School bus provisions.
81.	321.377	Excessive speed of school bus.
82.	321.381	Driving or towing unsafe vehicle.
83.	321.382	Operating underpowered vehicle.
84.	321.383	Failure to display reflective device on slow-moving vehicles.
85.	321.384	Failure to use headlamps when required.
86.	321.385	Insufficient number of headlamps.
87.	321.386	Insufficient number of headlamps-motorcycles and motorized bicycles.
88.	321.387	Improper rear lamp.
89.	321.388	Improper registration plate lamp.
90.	321.389	Improper rear reflector.
91.	321.390	Reflector requirements.
92.	321.391	Improper type of reflector.
93.	321.392	Improper clearance lighting on truck or trailer.
94.	321.393	Lighting device color and mounting.
95.	321.394	No lamp or flag on rear-projecting load.
96.	321.395	Parking on certain roadways without parking lights.

97.	321.397	Improper light on bicycle.
98.	321.398	Improper light on other vehicle.
99.	321.402	Improper use of spotlight.
100.	321.403	Improper use of auxiliary driving lights.
101.	321.404	Improper brake light.
102.	321.408	Back-up lamps.
103.	321.409	Improperly adjusted headlamps.
104.	321.415	Failure to dim.
105.	321.419	Improper headlighting when night driving.
106.	321.420	Excessive number of driving lights.
107.	321.422	Lights of improper color-front or rear.
108.	321.423	Special light/signal provision.
109.	321.430	Defective braking equipment.
110.	321.431	Brake performance ability.
111.	321.432	Defective audible warning device.
112.	321.433	Unauthorized use of emergency audible warning devices on motor vehicle.
113.	321.434	Use of siren or whistle on bicycle.
114.	321.436	Defective or unauthorized muffler system.
115.	321.437	Mirrors
116.	321.438	Windshields.
117.	321.439	Defective windshield wiper.
118.	321.440	Defective tires.
119.	321.441	Unauthorized use of metal tire or track.
120.	321.442	Unauthorized use of metal projection on wheels.
121.	321.444	Failure to use safety glass.
122.	321.445	Failure to maintain or use safety belts.
123.	321.446	Failure to secure child.
124.	321.449	Special regulations.
125.	321.450	Hazardous materials.
126.	321.454	Width and length violations.
127.	321.455	Excessive side projection of load – passenger vehicle.
128.	321.456	Excessive height.
129.	321.457	Excessive length.
130.	321.458	Excessive projection from front of vehicle.
131.	321.459	Excessive weight – dual axels (each over 2000 lb. over)
132.	321.460	Spilling loads on highways.
133.	321.461	Excessive tow-bar length.
134.	321.462	Failure to use required towing equipment.
135.	321.463	Maximum gross weight.

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

## TRAFFIC CONTROL DEVICES

3-3-7 AUTHORITY TO INSTALL TRAFFIC-CONTROL DEVICES. The Chief of Police shall cause to be placed and maintained traffic-control devices when and as required under this chapter or other Ordinances of this City to make effective their provisions, and may so cause to be placed and maintained such additional, emergency, or temporary traffic-control devices for the duration of an emergency or temporary condition as traffic conditions may require, to regulate traffic under the traffic Ordinances of this City or under the State law or to guide or warn traffic.

The Chief of Police shall keep a record of all traffic-control devices maintained by the department.

All traffic-control devices shall comply with current standards established by the Manual of Uniform Traffic Control Devices for Streets and Highways.

*(Code of Iowa, Sec. 321.255 and 321.256)*

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

1. To designate and maintain by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where, due to traffic conditions, there is particular danger to pedestrians crossing the street or roadway, and at such other places as traffic conditions require.
2. To mark lanes for traffic on street pavements at such places as traffic conditions require, consistent with the traffic Code of this City. Where traffic lanes have been marked, it shall be unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of a lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

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

Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon the street or any portion thereof except drivers of vehicles

having business or whose residences are within the closed area, and then the driver shall exercise the greatest care in driving upon the street or portion thereof.

## TURNING MOVEMENTS

**3-3-10 TURNING MARKERS, BUTTONS AND SIGNS.** The Chief of Police may cause markers, buttons, or signs to be placed within or adjacent to intersections, and thereby require and direct, as traffic conditions require, that a different course from that specified by the State law be traveled by vehicles turning at intersections, and when markers, buttons, or signs are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by the markers, buttons, or signs, including right-hand turns at intersections with automatic traffic signals.

*(Code of Iowa, Sec. 321.311)*

**3-3-11 AUTHORITY TO PLACE RESTRICTED TURN SIGNS.** The Chief of Police is authorized to determine those intersections, as traffic conditions require, at which the drivers of vehicles shall not make a right or left turn. The making of turns may be prohibited between certain hours of any day, in which event the same shall be plainly indicated on signs.

**3-3-12 OBEDIENCE TO NO-TURN SIGNS.** Whenever authorized signs are erected indicating that no right or left turn is permitted, no driver of a vehicle shall disobey the directions of any such signs.

**3-3-13 "U" TURNS.** It shall be unlawful for a driver to make a "U" turn except at an intersection. "U" turns are prohibited at intersections within the business district and at intersections where there are automatic traffic signals.

## ONE-WAY STREETS AND ALLEYS

**3-3-14 AUTHORITY TO DESIGNATE ONE-WAY STREETS AND ALLEYS.** Whenever any traffic Code of this City designates any one-way street or alley the Chief of Police shall cause to be placed and maintained signs giving notice thereof and the regulation shall not be effective unless the signs are in place. Signs indicating the direction of traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited. It shall be unlawful for any person to operate any vehicle in violation of markings, signs, barriers or other devices placed in accordance with this section.

**3-3-15 AUTHORITY TO RESTRICT DIRECTION OF MOVEMENT ON STREETS DURING CERTAIN PERIODS.** The Chief of Police is authorized to determine and recommend to the Council certain streets, or specified lanes thereon, upon which vehicular traffic shall proceed in one direction during one period and the opposite direction during another period of the day

and shall, upon authority given by Ordinance, place and maintain appropriate markings, signs, barriers, or other devices to give notice thereof. The Chief of Police may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the center line of the roadway.

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

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

#### SPECIAL STOPS REQUIRED

**3-3-16 THROUGH HIGHWAYS.** Streets or portions of streets described below are declared to be through highways:

C 25

S14

*(Code of Iowa, Sec. 321.345 and 321.350)*

**3-3-17 AUTHORITY TO ERECT STOP SIGNS.** Whenever any Ordinance of this City designates and describes a through highway it shall be the duty of the Chief of Police to cause to be placed and maintained a stop sign on each and every street intersecting through highway except as modified in the case of intersecting through highways.

**3-3-18 STOPS AT INTERSECTION THROUGH HIGHWAYS AND OTHER INTERSECTIONS.** At the intersections of through highways and at intersections upon streets other than through highways, where because of heavy cross-traffic or other traffic conditions, particular hazard exists, the Chief of Police is hereby authorized to determine whether vehicles shall stop or yield at one or more entrances to the intersection and shall present recommendations to the Council, and, upon approval of the Council, an appropriate sign shall be erected at every place where a stop or yield is required.

**3-3-19 STOP WHEN TRAFFIC IS OBSTRUCTED.** Notwithstanding any traffic-control signal indication to proceed, no driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle.

**3-3-20 SCHOOL STOPS.** When a vehicle approaches an authorized school stop, the driver shall bring the vehicle to a full stop at a point ten feet from the approach side of the crosswalk marked by an authorized school stop sign, and thereafter proceed in a careful and prudent manner until the driver shall have passed such school site.

#### PEDESTRIANS' RIGHTS AND DUTIES

3-3-21 PROHIBITED CROSSING. Pedestrians crossing a street in the business district shall cross in the crosswalks only. *(Code of Iowa, Sec. 321.327)*

3-3-22 PEDESTRIANS ON LEFT. Where sidewalks are provided it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway. Where sidewalks are not provided pedestrians at all times when walking on or along a roadway, shall walk on the left side of the roadway. *(Code of Iowa, Sec. 321.326)*

#### METHOD OF PARKING

3-3-23 STANDING OR PARKING CLOSE TO CURB. No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the right-hand wheels of the vehicle within eighteen inches of the curb or edge of the roadway except as provided in the case of angle parking and vehicles parked on the left-hand side of one-way streets. *(Code of Iowa, Sec. 321.361)*

3-3-24 SIGNS OR MARKINGS INDICATING ANGLE PARKING. The Chief of Police, as traffic conditions require, shall determine upon what streets angle parking shall be permitted and shall mark or sign the streets or portions thereof indicating the method of angle parking. The determination shall be subject to approval by council resolution.

*(Code of Iowa, Sec. 321.361)*

3-3-25 OBEDIENCE TO ANGLE PARKING SIGNS OR MARKINGS. Upon those streets or portions of streets that have been signed or marked for angle parking, no person shall park or stand a vehicle other than at an angle to the curb or edge of the roadway or in the center of the roadway as indicated by the signs and markings.

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

3-3-26 STOPPING, STANDING, OR PARKING PROHIBITED IN SPECIFIED PLACES. No person shall stop, stand, or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control device, in any of the following places: *(Code of Iowa, Sec. 321.358)*

1. On a sidewalk.
2. In front of a public or private driveway.
3. Within an intersection.
4. Within five (5) feet of either side of the point on the curb nearest to a fire hydrant.
5. On a crosswalk.

6. Within ten (10) feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of the roadway.
7. Within fifty (50) feet of the nearest rail of a railroad crossing, except when parked parallel with such rail and not exhibiting a red light.
8. Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance when properly signposted.
9. Alongside or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic.
10. On the roadway side of any vehicle stopped or parked at the edge or curb of street.
11. Opposite the entrance to a garage or driveway in such a manner or under such conditions as to leave available less than twenty (20) feet of the width of the roadway for the free movement of vehicular traffic.
12. Upon any street or in any alley in any part of the City in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway of such street or alley for the free movement of vehicular traffic, except, when necessary, in obedience to traffic regulations or traffic signs, or signals of a police officer.
13. At any place where official signs or curb markings prohibit stopping, standing, or parking.
14. Within ten (10) feet of the crosswalk at all intersections within the City.
15. In any alley under any fire escape at any time.

**3-3-27 AUTHORITY TO PAINT CURBS AND ERECT SIGNS PROHIBITING STANDING OR PARKING.** When, because of restricted visibility or when standing or parked vehicles constitute a hazard to moving traffic, or when other traffic conditions require, the Chief of Police may cause curbing to be painted with a yellow or orange color and erect "no parking" or "standing" signs. It shall be unlawful for the operator of any vehicle to stand or park a vehicle in an area so painted or sign-posted. It shall be unlawful for any person, other than after having first secured the permission of the Chief of Police, to paint any curbing, sidewalk or street with yellow or orange colored paint or to erect "no parking" signs.

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

**3-3-28 AUTHORITY TO IMPOUND VEHICLES.** Members of the police department are authorized to remove, or cause to be removed, a vehicle from a street, public alley, or highway to the nearest garage or other place of safety, or to a garage designated or maintained by the police department, or otherwise maintained by the City, under the following circumstances:

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

2. When any vehicle is left unattended upon a street and constitutes a definite hazard or obstruction to the normal movement of traffic.
3. When any vehicle is left parked upon a street for a continuous period of forty-eight hours or more. A diligent effort shall first be made to locate the owner. If the owner is found, the owner shall be given the opportunity to remove the vehicle.
4. When any vehicle is left parked in violation of a ban on parking during a snow emergency as proclaimed by the Mayor.

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

#### STOPPING, STANDING, OR PARKING

**3-3-29 PARKING SIGNS REQUIRED.** Whenever by this or any other chapter of this City Code any parking time limit is imposed or parking is prohibited on designated streets or portions of streets it shall be the duty of the Police Chief to erect appropriate signs giving notice thereof and the regulations shall not be effective unless signs are erected and in place at the time of any alleged offense. When signs are erected giving notice thereof, no person shall disobey the restrictions stated on such signs. *(Code of Iowa, Sec. 321.236)*

**3-3-30 PARKING DURING SNOW EMERGENCY.** No person shall park, abandon, or leave unattended any vehicle on any public street, alley, or City-owned off-street parking area during any snow emergency proclaimed by the Mayor unless the snow has been removed or plowed from said street, alley or parking area and the snow has ceased to fall. A snow emergency parking ban shall continue from its proclamation through the duration of the snow or ice storm and the forty-eight-hour period after cessation of the storm except as above provided upon streets which have been fully opened.

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

*(Code of Iowa, Sec. 321.236)*

**3-3-31 ALL-NIGHT PARKING PROHIBITED.** No person, except physicians or other persons on emergency calls, shall park a vehicle on any street marked to prohibit all night parking and giving notice thereof, for a period of time longer than thirty minutes between the hours of 2 a.m. and 5 a.m. of any day.

3-3-32 TRUCK PARKING LIMITED. Trucks licensed for ten (10) tons or more shall not be parked on public streets.

**(Supplement Record – 22-01 – 7/5/22)**

#### MISCELLANEOUS DRIVING RULES

3-3-33 VEHICLES NOT TO BE DRIVEN ON SIDEWALKS. The driver of a vehicle shall not drive upon or within any sidewalk area.

3-3-34 CLINGING TO VEHICLES. No person shall drive a motor vehicle on the streets of this City unless all passengers of the vehicle are inside the vehicle in the place intended for their accommodation. No person shall ride on the running board of a motor vehicle or in any other place not customarily used for carrying passengers. No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself or herself to any vehicle upon a roadway.

3-3-35 PARKING FOR CERTAIN PURPOSES PROHIBITED. No person shall park a vehicle upon the roadway for the principal purpose of:

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

3-3-36 DRIVING THROUGH FUNERAL OR OTHER PROCESSION. No driver of any vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when the vehicles are conspicuously designated as required in this chapter. This provision shall not apply at intersections where traffic is controlled by traffic-control signals or police officers.

3-3-37 DRIVERS IN PROCESSION. Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practical and shall follow the vehicle ahead as closely as is practical and safe.

3-3-38 FUNERAL PROCESSIONS TO BE IDENTIFIED. A funeral procession composed of vehicles shall be identified as such by the display upon the outside of each vehicle of a pennant or other identifying insignia or by such other method as may be determined and designated by the police department.

3-3-39 LOAD RESTRICTIONS UPON VEHICLES USING CERTAIN STREETS. When signs are erected giving notice thereof, no person shall operate any vehicle licensed in excess of the amounts specified on the signs at any time upon any of the following streets within the City and none other:

3-3-40 TRUCK ROUTES.

1. Every motor vehicle licensed for ten (10) tons or more, having no fixed terminal within the City or making no scheduled or definite stops within the City for the purpose of loading or unloading, shall travel over such streets as may be designated within the City and none other.
2. Any motor vehicle licensed for ten (10) tons or more, having a fixed terminal, making a scheduled or definite stop within the City for the purpose of loading or unloading, shall proceed over or upon the designated routes set out in this section to the nearest point of its scheduled or definite stop and shall proceed thereto, load or unload and return, by the most direct route to its point of departure from the designated route.
3. The owner, or any other person, employing or otherwise directing the driver of any vehicle shall not require or knowingly permit the operation of such vehicle upon a street in any manner contrary to this section.
4. Designated truck routes are limited to the intersecting County roads "State Street" otherwise known as "Balsam Avenue" and "Villa Avenue" otherwise known as "190<sup>th</sup> Street", and the section of "Harriman Street" from "Scale Road" and traveling North and North-west to "State Street" and vice-versa.

3-3-41 VEHICULAR NOISE.

1. It shall be unlawful for any person to make, continue or cause any disturbing, excessive or offensive noise which results in discomfort or annoyance to any reasonable person of normal sensitivity by means of radio, compact disk player, stereo, speakers, cassette tape player or similar sound device in a motor vehicle.
2. The operation of any radio, compact disc player, stereo, speakers, cassette tape player or similar sound device in such a manner so as to be audible at a distance of two hundred feet (200') from the motor vehicle shall constitute evidence of a *prima facie* violation of this section.

3-3-42 ENGINE AND COMPRESSION BRAKES.

1. It shall be unlawful for the driver of any vehicle to use or operate or cause to be used or operated within the City, any engine brake, compression brake or mechanical exhaust

device designed to aid in the braking or deceleration of any vehicle that results in excessive, loud, unusual, or explosive noise from such vehicle.

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

## BICYCLE REGULATIONS

**3-3-43 DEFINITIONS.** For the purpose of this Chapter the following terms are defined:

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

- a. A device having two wheels and having at least one saddle or seat for the use of a rider which is propelled by human power.
- b. A device having two or more wheels with fully operable peddles and an electric motor less than seven hundred fifty watts (one horsepower), whose maximum speed on a paved level surface, when powered solely by such a motor while ridden, is less than twenty miles per hour.

*(Code of Iowa, Sec. 321.1)*

**3-3-44 TRAFFIC CODE APPLIES TO PERSONS RIDING BICYCLES.** Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to drivers of vehicles by the laws of this State regarding rules of the road applicable to vehicles or by the traffic Ordinances of this City applicable to drivers of vehicles, except as to those provisions which by their nature can have no application. Whenever a person dismounts from a bicycle such person shall be subject to all regulations applicable to pedestrians.

**3-3-45 RIDING ON BICYCLES.** A person propelling a bicycle shall not ride other than astride a permanent and regular seat.

No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

**3-3-46 RIDING ON ROADWAYS AND BICYCLE PATHS.** Every person operating a bicycle upon a roadway shall ride as near to the right-hand side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

Persons riding bicycles upon a roadway shall not ride more than two (2) abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.

**3-3-47 SPEED.** No person shall operate a bicycle at a speed greater than is reasonable and prudent under existing conditions.

**3-3-48 EMERGING FROM ALLEY OR DRIVEWAY.** The operators of a bicycle emerging from an alley, driveway, or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right of way to all pedestrians approaching on the sidewalk or sidewalk area, and upon entering the roadway shall yield the right of way to all vehicles approaching on said roadway.

**3-3-49 CARRYING ARTICLES.** No person operating a bicycle shall carry any package, bundle, or article which prevents the rider from keeping at least one hand upon the handle bars.

**3-3-50 PARKING.** Bicycles shall be parked upon the roadway of a street against the curb, or upon the sidewalk in a rack to support bicycles, or against a building, or at the curb, in such a manner as to afford the least obstruction to pedestrian traffic.

**3-3-51 RIDING ON SIDEWALKS.** No person shall ride a bicycle on a sidewalk within a business district.

When signs are erected on a sidewalk or roadway prohibiting the riding of bicycles on the sidewalk or roadway, no person shall disobey such signs.

Whenever a person is riding a bicycle upon a sidewalk, the person shall yield the right of way to any pedestrian and shall give a timely audible signal before overtaking and passing a pedestrian.

**3-3-52 LAMPS AND OTHER EQUIPMENT ON BICYCLES.** Every bicycle when in use at nighttime shall be equipped with a lamp on the front that emits a white light visible from a distance of at least 500 feet to the front and with a red reflector on the rear of a type that is visible from all distances from 50 feet to 300 feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector.

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

## SNOWMOBILES

**3-3-53 SNOWMOBILE DEFINITIONS.**

1. "Snowmobile" means a self-propelled vehicle designed for travel on snow or ice in a natural terrain steered by wheels, skis or runners.
2. "Operate" means to control the operation of a snowmobile.
3. "Operator" means a person who operates or is in actual control of a snowmobile.

**3-3-54 PERMITTED AREAS OF OPERATION.** Snowmobiles will be allowed to operate in the City on public streets with adequate snow cover.

The route established herein shall be the only permitted snowmobile route and the snowmobiles shall be operated within the roadways of said public streets and shall also be subject to the following regulations.

**3-3-55 REGULATIONS.** It shall be unlawful for any person to operate a snowmobile under the following circumstances:

1. On private property of another without the express permission to do so by the owner or occupant of said property.
2. On public school grounds, park property, playgrounds, recreational areas and golf courses without express permission to do so by the proper public authority.
3. In a manner so as to create loud, unnecessary or unusual noise so as to disturb or interfere with the peace and quiet of other persons.
4. In a careless, reckless or negligent manner so as to endanger the safety of any person or property of any other person.
5. Without having such snowmobile registered as provided for by Iowa Statute except that this provision shall not apply to the operation of a snowmobile on the private property of the owner by the owner or a member of his immediate family.
6. Within the right-of-way of any public street or alley within the City unless the operator shall have a valid driver's license; or an instruction permit and accompanied by a qualified licensed driver.
7. No person shall operate a snowmobile in the City from eleven o'clock (11:00) p.m. to ten o'clock (10:00) a.m., except for the purpose of loading and unloading a snowmobile from another vehicle or trailer.

**3-3-56 EQUIPMENT REQUIRED.** All snowmobiles operated within the City shall have the following equipment:

1. Mufflers which are properly attached and which reduce the noise of operation of the vehicle to the minimum noise necessary for operating the vehicle and no person shall use a muffler cut-out, by-pass, or similar device on said vehicle.
2. Adequate brakes in good operating condition and at least one headlight and one taillight in good operating condition.
3. A safety or so-called “dead-man” throttle in operating condition; a safety or “dead-man” throttle is defined as a device which when pressure is removed from the accelerator or throttle causes the motor to be disengaged from the driving track.

**3-3-57 UNATTENDED VEHICLES.** It is unlawful for the owner or operator to leave or allow a snowmobile to be or remain unattended on public property while the motor is running or the key left in the ignition.

**3-3-58 RESTRICTION OF OPERATION.** The City Council may, by resolution, prohibit the operation of snowmobiles within the right-of-way of the public roads, streets or alley or other City property within the City when the public safety and welfare so requires.

**3-3-59 TRAFFIC REGULATION.** Each person operating a snowmobile shall strictly observe all traffic signs and signals and all other traffic rules and regulations applicable thereto, and shall obey the orders and directions of any police officer of the City authorized to direct or regulate traffic.

#### OFF-ROAD VEHICLES

**3-3-60 DEFINITIONS.** For use in this Chapter the following terms are defined:

1. “All-terrain vehicle” means a motorized flotation-tire vehicle with no less than three and not more than six low-pressure tires that is limited in engine displacement to less than one thousand cubic centimeters and in total dry weight to less than one thousand pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.

Off-road motorcycles shall be considered all-terrain vehicles for the purpose of registration. Off-road motorcycles shall also be considered all-terrain vehicles for the purpose of titling if a title has not previously been issued pursuant to Chapter 321. An operator of an off-road motorcycle is subject to provisions governing the operation of all-terrain vehicles in this Chapter, but is exempt from the safety instruction and certification program requirements of Sections 321I.25 and 321I.26.

2. “Off-road motorcycle” means a two-wheeled motor vehicle that has a seat or saddle designed to be straddled by the operator and handlebars for steering control and that is intended by the manufacturer for use on natural terrain. “Off-road motorcycle” includes a motorcycle that was originally issued a certificate of title and registered for highway use under Chapter 321, but which contains design features that enable operation over natural terrain.
3. “Off-road utility vehicle” means a motorized flotation-tire vehicle with not less than four and not more than six low-pressure tires that is limited in engine displacement to less than one thousand five hundred cubic centimeters and in total dry weight to not more than one thousand eight hundred pounds and that has a steering wheel for control.

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

**3-3-61 GENERAL REGULATIONS.** No person shall operate an ATV, off-road motorcycle, or off-road utility vehicle within the City in violation of Chapter 321I of the Code of Iowa or in violation of 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, Sec. 321I)*

**3-3-62 OPERATION OF ALL-TERRAIN VEHICLES.** The operators of ATVs, off-road motorcycles, and off-road utility vehicles shall comply with the following restrictions as to where the vehicles may be operated within the City:

1. Streets. On streets only in accordance with Sec. 321.234A of the Code of Iowa or on such streets as may be designated by resolution of the City Council for the sport of driving.

*(Code of Iowa, Sec. 321I.10(1)(2a))*

2. Trails. Not be operated on snowmobile trails except where designated.

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

3. Railroad Right-of-way. Shall not be operated on an operating railroad right-of-way. May be driven 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. 3321I.14(h))*

4. Parks and Other City Land. Not be operated in any park, playground or upon any other property owned by the City without the express permission of the City.
5. Sidewalk or Parking. 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 “parking.”

Not be operated without suitable and effective muffling devices. An all-terrain vehicle shall comply with the sound level standards and testing procedures established by the society of automotive engineers under SAEJ1287.

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**3-3-63 NEGLIGENCE.** The owner and operator of an ATV, an off-road motorcycle, or an off-road utility vehicle is liable for any injury or damage occasioned by the negligent operation of the ATV, off-road motorcycle, or off-road utility or snowmobile. The owner of an ATV, an off-road motorcycle, or an off-road utility vehicle shall be liable for any such injury or damage only if the owner was the operator of the ATV, off-road motorcycle, or off-road utility vehicle at the time the injury or damage occurred or if the operator had the owner's consent to operate the ATV, off-road motorcycle, or off-road utility vehicle at the time the injury or damage occurred.

*(Code of Iowa, Sec. 321I.19)*

**3-3-64 ACCIDENT REPORTS.** Whenever an ATV, off-road motorcycle, or off-road utility vehicle is involved in an accident resulting in injury or death to anyone or property damage amounting to one thousand dollars (\$1,000.00) or more, either the operator or someone acting for the operator shall immediately notify a law enforcement officer and shall file an accident report, in accordance with State law.

*(Code of Iowa, Sec. 321I.11)*

## GOLF CARTS

**3-3-65 DEFINITIONS.** For use in this ordinance "golf cart" is defined as a motorized 4-wheeled vehicle designed to transport person(s) on a golf course.

**3-3-66 OPERATION OF GOLF CARTS.** Golf carts may be operated on City streets by persons possessing a valid driver's license. The City Council may impose restrictions and conditions in addition to those set forth in this section. A golf cart shall not be operated upon a City Street which is a primary road extension, i.e., State or Federal Highway, but shall be allowed to cross a City Street which is a primary road extension through the City. The golf cart shall be equipped with adequate brakes. The golf cart shall be operated only on the streets from sunrise to sunset. Golf carts operated on City streets need not be registered under Chapter 321 of the Code of Iowa.

## PENALTIES AND PROCEDURE

**3-3-67 NOTICE OF FINE PLACED ON ILLEGALLY PARKED VEHICLE.** Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by any Ordinance of this City or State law, the officer finding such a vehicle shall prepare a notice of parking fine giving the registration number, and other identifying information to such vehicle in a conspicuous place and directing the driver of the vehicle to appear within thirty days, or to pay the local scheduled fine.

**3-3-68 PRESUMPTION IN REFERENCE TO ILLEGAL PARKING.** In any prosecution charging a violation of any parking Ordinance or State law governing the standing, stopping, or

parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such Ordinance or law, together with proof that the defendant named in the complaint was at the time of such parking violation the registered owner of such vehicle, shall constitute *prima facie* evidence that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which such violation occurred.

**3-3-69 LOCAL PARKING FINES.** Scheduled fines as follows are established, payable by mail or in person at the City Clerk's office within thirty days of the violation, for the following parking violations:

Penalty After 30 Days		
1. Overtime parking	\$5	\$10
2. Prohibited parking	\$5	\$10
3. No parking zone	\$5	\$10
4. Blocking alley	\$5	\$10
5. Illegal parking	\$5	\$10
6. Street cleaning	\$5	\$10
7. Snow removal ban	\$25	\$50
8. Persons w disabilities park	\$100	\$200

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

**3-3-70 FAILURE TO PAY PARKING CITATIONS.** If a violator of the restrictions on stopping, standing, or parking under the parking Ordinances of this City or of State law fails to make payment of the scheduled fine as specified on a parking citation affixed to such motor vehicle within the thirty (30) days, the City shall send the owner of the motor vehicle to which the parking citation was affixed a letter informing the owner of the violation and warning that in the event the penalty is not paid within five days from date of mailing, a court citation will be issued requiring a court appearance and subjecting the violator to court costs.

## **TITLE III COMMUNITY PROTECTION**

### **CHAPTER 4 FIRE PROTECTION**

**3-4-1 ESTABLISHMENT AND PURPOSE.** A fire department will be contracted with by resolution to prevent and extinguish fires and to protect the lives and property against fires, to promote fire prevention and fire safety, and to answer all emergency calls for which there is no other established agency.

## **TITLE III COMMUNITY PROTECTION**

### **CHAPTER 5 CURFEW FOR MINORS**

**3-5-1 PREAMBLE.** The City of Alexander recognizes that all citizens including minors have certain inalienable rights and that among them are the rights of liberty and the pursuit of happiness. Further, all citizens including minors have the right to freedom of religion, freedom of speech, freedom of assembly, and of association. This section should be interpreted to avoid any construction that would result in the appearance of interference with the free exercise of religious worship and political association and this Ordinance shall not be construed to mean that the City intends to interfere with a minor's freedom of association for political, economic, religious, or cultural matters or association for purposes such as marches, demonstrations, picketing, or prayer vigils which are otherwise lawful and peaceful assemblies. *(Code of Iowa, Sec. 364.1)*

**3-5-2 FINDINGS AND PURPOSE.** The City Council has determined that there has been an increase in juvenile violence and crime by persons under the age of 17 in the City of Alexander; and

Persons under the age of 17 are particularly susceptible by their lack of maturity and experience to participate in unlawful and gang-related activities and to be victims of older perpetrators of crime; and

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

**3-5-3 DEFINITIONS.** In this chapter:

1. Curfew hours means 11:00 p.m. until 5:00 a.m.
2. Emergency means an unforeseen combination of circumstances or the resulting state that call for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.
3. Establishment means any privately-owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.
4. Guardian means:
  - a. A person who, under court order, is the guardian of the person of a minor; or
  - b. A public or private agency with whom a minor has been placed by a court.

5. Minor means any person under age 17 years of age.
6. Operator means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.
7. Parent means a person who is:
  - a. A biological parent, adoptive parent, or step-parent of another person; or
  - b. At least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.
8. Public place means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.
9. Remain means to:
  - a. Linger or stay; or
  - b. Fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.
10. Serious Bodily Injury means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss of impairment of the function of any bodily member or organ.

#### 3-5-4 OFFENSES.

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

#### 3-5-5 DEFENSES.

1. It is a defense to prosecution under this chapter that the minor was:
  - a. Accompanied by the minor's parent or guardian;
  - b. On an errand at the direction of the minor's parent or guardian, without any detour or stop;
  - c. In a motor vehicle involved in interstate travel;
  - d. Engaged in an employment activity, or going to or returning home from employment activity, without any detour or stop;
  - e. Involved in an emergency;

- f. On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence;
- g. Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the City of Alexander, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the City of Alexander, a civic organization, or another similar entity that takes responsibility for the minor;
- h. Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or
- i. Married or had been married.

2. It is a defense to prosecution under Subsection 3-5-4(3) that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

### 3-5-6 ENFORCEMENT.

1. Before taking any enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in Section 3-5-5 is present.
2. A minor who is in violation of this Ordinance shall be reunited with the minor's parent or guardian or custodian or other adult taking the place of the parent or shall be taken home by the police officers of the City of Alexander.

“Editor’s Note: The courts have carefully scrutinized curfew Ordinances and before enacting such an Ordinance, you should consult with your City Attorney. See Maquoketa v. Russell, 484 NW2d, 179 (Iowa 1992) and Quit v. Strauss, 8 F2d 260 (1993).”

## **TITLE III COMMUNITY PROTECTION**

### **CHAPTER 6 CIGARETTE LICENSE**

**3-6-1 DEFINITIONS.** For use in this chapter the following terms are defined as follows:

1. “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 shall not be construed to include cigars. (*Code of Iowa, Sec. 453A.1(2)*)
2. “Retailer” means and includes every person in this State who sells, distributes, or offers for sale for consumption, or possess for the purpose of sale for consumption, cigarettes irrespective of quality or amount of the number of sales. (*Code of Iowa, Sec. 453A.1(19)*)
3. “Place of business” means and includes any place where cigarettes are sold or where cigarettes are stored, within or without the State of Iowa, by the holder of an Iowa permit or kept for the purpose of sale or consumption; or if sold from any vehicle or train, the vehicle or train on which or from which such cigarettes are sold shall constitute a place of business.

(*Code of Iowa, Sec. 453A.1(17)*)

**3-6-2 PERMIT REQUIRED.** No retailer shall distribute, sell, or solicit the sale of any cigarettes within the City of Alexander, Iowa, 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.

(*Code of Iowa, Sec. 453A.13*)

**3-6-3 ISSUANCE.** The City Council shall issue or renew a permit, upon a determination that such issuance or renewal will not be detrimental to the public health, safety, or morals, when a retailer who is not a minor has filed with the City Clerk a completed application on forms provided by the State Department of Revenue and Finance and accompanied by the fee provided in Section 3-6-5.

(*Code of Iowa, Sec. 453A.13(2)(a)*)

**3-6-4 EXPIRATION.** Permits expire on June 30 of each year.

(*Code of Iowa, Sec. 453A.13(3)*)

**3-6-5 FEES.** The fee for permits issued or renewed in July, August, or September is \$75.00. The fee for permits issued in October, November, or December is \$56.25; in January, February or March, \$37.50; and in April, May or June, \$18.75. (*Code of Iowa, Sec. 453A.13(3)*)

**3-6-6 SUSPENSION; REVOCATION; CIVIL PENALTY.**

1. If a retailer or employee of a retailer has violated Section 453A.2, 453A.36, subsection 6 or 453A.39, Code of Iowa, the City Council, in addition to the other penalties fixed for such violations in this section, shall assess a penalty after giving the permit holder an opportunity to be heard, upon ten (10) days written notice, stating the reasons for the contemplated action and the time and place at which the person may appear and be heard, as follows:
  - a. For a first violation, the retailer 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.
  - b. For a second violation within a period of two (2) years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars (\$1,500.00) or the retailer's permit shall be suspended for a period of thirty (30) days. The retailer may select its preference in the penalty to be applied under this paragraph.
  - c. For a third violation within a period of three (3) years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars (\$1,500.00) and the retailer's permit shall be suspended for a period of thirty (30) days.
  - d. For a fourth violation within a period of three (3) years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars (\$1,500.00) and the retailer's permit shall be suspended for a period of sixty (60) days.
  - e. For a fifth violation with a period of four (4) years, the retailer's permit shall be revoked.
  - f. If an employee of a retailer violates section 453A.2, subsection 1, the retailer shall not be assessed a penalty under subsection 2, and the violation shall be deemed not to be a violation of section 453A.2, subsection 1, for the purpose of determining the number of violations for which a penalty may be assessed pursuant to subsection 2, if the employee holds a valid certificate of completion of the tobacco compliance employee training program pursuant to section 453A.2A at the time of the violation. A retailer may assert only once in a four (4) year period the bar under either this subsection or subsection 4 against assessment of a penalty pursuant to subsection 2, for a violation of section 453A.2, that takes place at the same place of business location.
  - g. If an employee of a retailer violates section 453A.2, subsection 1, the retailer shall not be assessed a penalty under subsection 2, and the violation shall be deemed not to be a violation of section 453A.2, subsection 1, for the purpose of determining the number of violations for which a penalty may be assessed pursuant to subsection 2, if the retailer provides written documentation that the

employee of the retailer has completed an in-house tobacco compliance employee training program or a tobacco compliance employee training program which is substantially similar to the I Pledge program which is approximately one (1) hour in length as developed by the alcoholic beverages division of the Department of Commerce. A retailer may assert only once in a four (4) year period the bar under this subsection against assessment of a penalty pursuant to subsection 2, for a violation of section 453A.2, that takes place at the same place of business location.

2. If a retail permit is suspended or revoked under this section, the suspension or revocation shall only apply to the place of business at which the violation occurred and shall not apply to any other place of business to which the retail permit applies but at which the violation did not occur.
3. The City Clerk shall report the suspension or revocation of a retail permit under this section to the Iowa Department of Public Health within thirty (30) days of the suspension or revocation of any retail permit. *(Code of Iowa, Sec. 453A.22)*

**3-6-8 PERMITS NOT TRANSFERABLE.** A permit shall not be transferable to another place of business or retailer. However, if a retailer who holds a valid permit moves the place of business, the City Council, if it decides to issue a new permit for the new place of business, shall not charge any additional fee for the unexpired term of the original permit if the retailer has not received a refund for surrender of the original permit.

**3-6-9 DISPLAY.** The permit shall be displayed in the place of business so that it can be seen easily by the public.

**3-6-10 SMOKING REGULATIONS.** Chapter 142D of the Iowa Code is hereby adopted by reference. *(Code of Iowa, Sec 453A.13(10))*

## **TITLE III COMMUNITY PROTECTION**

### **CHAPTER 7 ALCOHOLIC BEVERAGES**

**3-7-1 PURPOSE.** The purpose of this chapter is to provide for administration of licenses and permits and for local regulations and procedures for the conduct of the sale of consumption of beer, wine, and liquor, for the protection of safety, health, and general welfare of this community.

*(Code of Iowa, Sec. 364.1)*

**3-7-2 REQUIRED OBEDIENCE TO PROVISIONS OF THIS CHAPTER AND STATE LAW.** The following sections of the Iowa Code are hereby adopted by reference:

1. 123.2 and 123.3 General Prohibition and Definitions
2. 123.18 Favors From Licensee or Permittee
3. 123.22 State Monopoly
4. 123.28 Open Alcoholic Beverage Containers
5. 123.30 Liquor Control Licenses – Classes
6. 123.31 Application Contents
7. 123.33 Records
8. 123.34 Expiration – License or Permit
9. 123.35 Simplified Renewal Procedure
10. 123.36 Liquor Fees – Sunday Sales
11. 123.38 Nature of Permit or License – Surrender – Transfer
12. 123.39 Suspension or Revocation of License or Permit – Civil Penalty
13. 123.40 Effect of Revocation
14. 123.44 Gifts of Liquors Prohibited
15. 123.46 Consumption in Public Places – Intoxication – Right to Chemical Test – Notifications – Exoneration
16. 123.47 Persons Under Legal Age – Penalty
17. 123.49 Miscellaneous Prohibitions
18. 123.50 Criminal and Civil Penalties
19. 123.51 Advertisements for Alcoholic Liquor, Wine or Beer
20. 123.52 Prohibited Sale
21. 123.90 Penalties Generally
22. 123.95 Premises Must Be Licensed – Exception as to Conventions and Social Gatherings
23. 123.122 through 123.145 Beer Provisions (Division II)
24. 123.150 Sunday Sales Before New Year's Day
25. 123.171 through 123.182 Wine Provisions (Division V)

26. 321.284 Open Containers in Motor Vehicles – Drivers
27. 321.284A Open Containers in Motor Vehicles – Passengers

**3-7-3 ACTION BY COUNCIL.** The City Council shall approve or disapprove the application. Action taken by the City Council shall be endorsed on the application. The application, fee, penal bond, and certificate of dram shop liability insurance (if applicable) shall be forwarded to the Iowa Alcoholic Beverages Division for further action as provided by law.

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

**3-7-4 TRANSFERS.** The City Council may, in its discretion, authorize a licensee or permittee to transfer the license or permit from one location to another within the City, provided that the premises to which the transfer is to be made would have been eligible for a license or permit in the first instance and the transfer will not result in the violation of any law or Ordinance. An applicant for a transfer shall file with the application for transfer proof of dram shop liability insurance and penal bond covering the premises to which the license is to be transferred.

*(Code of Iowa, Sec. 123.38)*

## **TITLE III COMMUNITY PROTECTION**

### **CHAPTER 8 JUNK AND ABANDONED VEHICLES**

**3-8-1 PURPOSE.** The purpose of this chapter is to protect the health, safety, and welfare of the citizens and safety of property of this City by providing for removal of abandoned motor vehicles and the elimination of the open storage of abandoned and junk motor vehicles and machinery except in authorized places. *(Code of Iowa, Sec. 3641.1)*

**3-8-2 DEFINITIONS.** For the Purpose of this chapter, the following terms are defined as follows:

1. “Abandoned vehicle” means any of the following:
  - a. A vehicle that has been left unattended on public property for more than twenty-four hours and lacks current registration plates or two or more wheels or other parts which render the vehicle inoperable; or unsafe or
  - b. A vehicle that has remained illegally on public property for more than twenty-four hours; or
  - c. A vehicle that has been unlawfully parked on private property or has been placed on private property without the consent of the owner or person in control of the property for more than twenty-four hours; or
  - d. A vehicle parked on the street determined by the Chief of Police to create a hazard to other vehicular traffic. *(Code of Iowa, Sec. 321.89(1)(b))*
2. “Private property” means any real property within the City which is not public property as defined in this section.
3. “Public property” means any public right-of-way open for the purposes of vehicular travel.
4. A “junk vehicle” means any vehicle without current license plates or which has any one of the following characteristics:
  - a. Any vehicle with a broken or cracked windshield, or window or headlight or any other cracked or broken glass
  - b. Any vehicle with a broken or loose fender, door or bumper or hood or door handle or window handle or steering wheel, trunk top or trunk handle or tail pipe.
  - c. Any vehicle which has become the habitat of rats, mice, or snakes, or any other vermin or insects.
  - d. Any motor vehicle if it lacks an engine or two or more wheels or other structural parts which render said motor vehicle totally inoperable, or which cannot be moved under its own power or has not been used as an operating vehicle for a period of ninety (90) days or more.

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

*(Cedar Falls v. Flett 330 N.W. 2<sup>nd</sup> 251, 253, Iowa 1983)*

Mere licensing of such vehicle shall not constitute a defense to the finding that the vehicle is a junk vehicle. Variances may be applied for to the City Council.

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

### 3-8-3 REMOVAL OF ABANDONED VEHICLES.

- 1. The Chief of Police or Mayor may, without prior notice or hearing, remove and impound any abandoned vehicle as defined in section 3-8-2(1). The Chief of Police or Mayor may hire other personnel, equipment, and facilities for the purpose of removing, preserving, storing, or disposing of abandoned vehicles.
- 2. The impoundment and storage of all vehicles pursuant to this chapter shall be in such areas or places designated by the City Council.
- 3. When a vehicle is taken into custody and impounded under the provisions of this chapter, the Chief of Police or Mayor if the Chief of Police is unavailable, shall maintain a record of the vehicle, listing the color, year of manufacture, manufacturer’s trade name, body style, vehicle identification number, and license plate and year displayed on the vehicle. The records shall include the date and hour of tow, location towed from, location towed to, person or firm doing the towing, reason for towing, and the name of the officer authorizing the tow. *(Code of Iowa, Sec. 321.89(2))*
- 4. Nothing in this chapter shall govern the procedures of any police officer in taking into custody and impounding any vehicle to be used or proposed to be used as evidence in a criminal case involving crimes other than violations of this chapter.

### 3-8-4 NOTIFICATION OF OWNERS AND LIENHOLDERS.

- 1. When a vehicle is taken into custody under the provisions of this chapter or under any provisions of State law, the Chief of Police or Mayor if the Chief of Police is unavailable, shall notify, within three days, by certified mail with five-days return receipt, the last known registered owner of the vehicle, all lienholders of record, and any known claimant to the vehicle or to personal property found in the vehicle, addressed to their last known

addresses of record, that the abandoned vehicle has been taken into custody. Notice shall be deemed given when mailed. The notice shall:

- a. Describe the year, make, model, and serial number of the vehicle.
- b. Describe the personal property found in the vehicle.
- c. Describe the location of the facility where the vehicle is being held.
- d. Inform the persons receiving notice:
  - i. Of their right to reclaim the vehicle and personal property within ten days after the effective date of the notice;
  - ii. That the right can be exercised upon payment of all towing, preservation, notice, and storage charges resulting from placing the vehicle in custody;
  - iii. That failure of the owner or lienholders to exercise their right to reclaim the vehicle within the reclaiming period shall be deemed a waiver by the owner and all lienholders of all right, title, claim, and interest in the vehicle;
  - iv. That failure to reclaim the vehicle is deemed consent to the sale of the vehicle at a public auction or disposal of the vehicle to a demolisher.
- e. State that any person claiming rightful possession of the vehicle or personal property by the Chief of Police or the assessment of fees and charges provided by this chapter may request a hearing to contest these matters in accordance with the provisions of Section 3-8-6.
- f. State that a request for a hearing must be in writing and received by the department prior to the expiration of the ten day reclaiming period.
- g. State that in the event a hearing is requested immediate release of the vehicle may be obtained by posting a cash bond as required by Section 3-8-5.

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

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

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

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

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

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

4. If the persons receiving notice do not request a hearing or exercise their right to reclaim the vehicle or personal property within the reclaiming period, the owner of the vehicle or

owners of the personal property shall no longer have any right, title, claim, or interest in or to the vehicle.

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

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

### 3-8-5 IMPOUNDMENT FEES AND BOND.

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

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

2. The amount of the charges specified in a-e shall be set by the City Council. The notice charges shall be limited to the actual cost.
3. If a hearing is requested under Section 3-8-4(1)(e), the owner or person lawfully entitled to possession of the vehicle shall be permitted to secure the immediate release of the vehicle upon posting a cash bond in the amount equal to the sum of:
  - a. The fees required by Section 3-8-5(1)
  - b. The amount of the fine or penalty for each violation for which there is an outstanding or otherwise unsettled traffic violation notice or warrant.

### 3-8-6 HEARING PROCEDURES.

1. The registered owner, any lienholder of record, or duly authorized agents thereof, may object to the legality of the impoundment or the assessment of fees and request a hearing thereon. No person shall be entitled to more than one hearing on each impoundment. Upon receipt of a timely objection to the impoundment, the objector shall be informed of the reason for the impoundment and a hearing shall be held, without unnecessary delay, before the City Council pursuant to 1-4-1 at seq. *(Code of Iowa, Sec. 321.89(3))*

### 3-8-7 AUCTION OR DISPOSAL OF ABANDONED VEHICLES. The Chief of Police shall follow the procedures in State law for the auction or disposal of abandoned vehicles.

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

### 3-8-8 JUNK VEHICLES DECLARED A NUISANCE. Except as hereinafter provided, it is hereby declared that the parking, leaving, or storage of a junk vehicle upon either public or

private property within the corporate limits of the City of Alexander, Iowa, constitutes a threat to the health and safety of the citizens and is nuisance within the meaning of Section 657.1 of the Code of Iowa. If any junk vehicle is stored upon private property or public property in violation thereof, the owner of the property shall be liable for said violation.

**3-8-9 NOTICE TO ABATE.**

1. Whenever the Chief of Police or Mayor if the Chief of Police is unavailable, shall find a junk vehicle placed or stored on private property within the City in violation of Section 3-8-8, the Chief of Police shall notify, by certified mail with five days' return receipt, the following persons:
  - a. The owner of the property.
  - b. The occupant of the property.
2. The notice to abate shall:
  - a. Describe, to the extent possible, the year, make, model, and color of the vehicle.
  - b. Describe the location of the vehicle.
  - c. State that the vehicle constitutes a nuisance under the provisions of this chapter.
  - d. State that the owner of the property shall remove or repair the said junk vehicle within ten days.

**3-8-10 ABATEMENT BY MUNICIPALITY.** If the person notified to abate a nuisance or condition neglects or fails to abate as directed, the City may perform the required action to abate, keeping an accurate account of the expense incurred. The itemized expense account shall be filed with the City Clerk who shall pay such expenses on behalf of the municipality.

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

**3-8-11 COLLECTION OF COST OF ABATEMENT.** The Clerk shall mail a statement of the total expense incurred to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within one month, the Clerk shall certify the costs to the County Treasurer and the costs shall then be collected with, and in the same manner, as general property taxes.

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

**3-8-12 EXCEPTIONS.** This chapter shall not apply to the following:

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

3-8-13 INTERFERENCE WITH ENFORCEMENT.  
with the enforcement provision of this chapter.

No person shall interfere in any way

## **TITLE III COMMUNITY PROTECTION**

### **CHAPTER 9 DANGEROUS BUILDINGS**

**3-9-1 ENFORCEMENT OFFICER.** The Mayor is responsible for the enforcement of this chapter

**3-9-2 GENERAL DEFINITION OF UNSAFE.** All buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health, or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, are, for the purpose of this chapter, unsafe buildings. All such unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified in this chapter.

*(Code of Iowa, Sec. 657A.1 & 364.12[3a])*

**3-9-3 UNSAFE BUILDING.** “Unsafe building” means any structure or mobile home meeting any or all of the following criteria:

1. **Various Inadequacies.** Whenever the building or structure, or any portion thereof, because of (a) dilapidation, deterioration, or decay; (b) faulty construction; (c) the removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such building; (d) the deterioration, decay or inadequacy of its foundation; or (e) any other cause, is likely to partially or completely collapse.
2. **Manifestly Unsafe.** Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
3. **Inadequate Maintenance.** Whenever, a building or structure, used or intended to be used for dwelling purposes, because of dilapidation, decay, damage, faulty construction, or otherwise, is determined by any health officer to be unsanitary, unfit for human habitation or in such condition that it is likely to cause sickness or disease.
4. **Fire Hazard.** Whenever any building or structure, because of dilapidated condition, deterioration, damage, or other cause, is determined by the Fire Marshal or Fire Chief to be a fire hazard.
5. **Abandoned.** Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six (6) months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

**3-9-4 NOTICE TO OWNER.** The enforcement officer shall examine or cause to be examined every building or structure or portion thereof reported as dangerous or damaged and, if such is found to be an unsafe building as defined in this chapter, the enforcement officer shall

give to the owner of such building or structure written notice stating the defects thereof. This notice may require the owner or person in charge of the building or premises, within forty-eight (48) hours or such reasonable time as the circumstances require, to commence either the required repairs or improvements or demolition and removal of the building or structure or portions thereof, and all such work shall be completed within ninety (90) days from date of notice, unless otherwise stipulated by the enforcement officer. If necessary, such notice shall also require the building, structure, or portion thereof to be vacated forthwith and not reoccupied until the required repairs and improvements are completed, inspected and approved by the enforcement officer.

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

1. **Notice Served.** Such notice shall be served by sending certified mail to the owner of record, according to Section 364.12[3h] of the Code of Iowa, if the owner is found within the City limits. If the owner is not found within the City limits such service may be made upon the owner by registered mail or certified mail. The designated period within which said owner or person in charge is required to comply with the order of the enforcement officer shall begin as of the date the owner receives such notice.
2. **Hearing.** Such notice shall also advise the owner that he or she may request a hearing before the Council on the notice by filing a written request for hearing within the time provided in the notice.

**3-9-5 CONDUCT OF HEARING.** If requested, the Council shall conduct a hearing in accordance with the following: Notice. The owner shall be served with written notice specifying the date, time and place of hearing.

1. **Owner's Rights.** At the hearing, the owner may appear and show cause why the alleged nuisance shall not be abated.
2. **Determination.** The Council shall make and record findings of fact and may issue such order as it deems appropriate.

**3-9-6 POSTING OF SIGNS.** The enforcement officer shall cause to be posted at each entrance to such building a notice to read: "DO NOT ENTER. UNSAFE TO OCCUPY. CITY OF ALEXANDER, IOWA." Such notice shall remain posted until the required repairs, demolition, or removal are completed. Such notice shall not be removed without written permission of the enforcement officer and no person shall enter the building except for the purpose of making the required repairs or of demolishing the building.

**3-9-7 RIGHT TO DEMOLISH.** In case the owner fails, neglects, or refuses to comply with the notice to repair, rehabilitate, or to demolish and remove the building or structure or portion thereof, the Council may order the owner of the building prosecuted as a violator of the provisions of this chapter and may order the enforcement officer to proceed with the work specified in such notice. A statement of the cost of such work shall be transmitted to the Council.

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

**3-9-8 COSTS.** Costs incurred under Section 3-9-7 shall be paid out of the City Treasury. Such costs shall be charged to the owner of the premises involved and levied as a special assessment against the land on which the building or structure is located, and shall be certified to the County Treasurer for collection in the manner provided for other taxes.

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



## **TITLE IV MENTAL AND PHYSICAL HEALTH**

### **CHAPTER 1 ANIMAL CONTROL**

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

1. The term "dogs" shall mean animals of the canine species whether altered or not.
2. The term "at large" shall mean any animal found off the premises of the owner and not under the control of a competent person, restrained within a motor vehicle, housed in a veterinary hospital or kennel, on a leash or "at heel" beside a competent person and obedient to that person's command.
3. The term "owner" shall mean any person owning, keeping, sheltering or harboring an animal.

**4-1-2 IMMUNIZATION.** All dogs six (6) months or older shall be vaccinated against rabies. It shall be a violation of this Ordinance for any dog to not be vaccinated against rabies. A tag showing evidence of proper vaccination shall be worn by every dog when not confined.

*(Code of Iowa, Sec. 351.33)*

**4-1-3 AT LARGE PROHIBITED.** No owner or person having custody of an animal shall permit such animal to run at large. *(Code of Iowa, Sec. 351.41)*

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

1. Damages, soils, defiles, or defecates on private property other than the owner's or on public walks and recreation areas unless such waste is immediately removed and properly disposed of by the owner.
2. Causes unsanitary, dangerous, or offensive conditions.
3. Causes a disturbance by excessive barking or other noisemaking or chases vehicles, or molests, attacks, or interferes with persons or other domestic animals on public property.

*(Code of Iowa, Sec. 657.1)*

**4-1-5 IMPOUNDING.**

1. Any dog found at large in violation of Sections 4-1-3 and 4-1-4 of this chapter shall be seized and impounded, or, at the discretion of the Mayor, the owner may be served a summons to appear before a proper court to answer charges made thereunder.
2. Owners of dogs shall be notified within two (2) days that upon payment of actual costs, including transportation and other related costs, plus cost of food and care in a reasonable

amount, the dog will be returned. If the impounded dogs are not recovered by their owners within seven (7) days after notice, the dogs shall be disposed of as provided in Section 717B.4 Code of Iowa.

3. Any animal found to have bitten a person or other animal shall be confined as directed by the Mayor.
4. This section shall not apply to a law enforcement dog or horse used by the law enforcement agency, that is acting in the performance of its duties, which has bitten a person.

*(Code of Iowa, Sec. 351.39)*

#### 4-1-6 DANGEROUS ANIMALS.

1. Dangerous Animals Prohibited. No person shall keep, shelter, or harbor for any purpose within the City limits, a dangerous animal.
2. Definitions. A dangerous animal is:
  - a. Any animal which is not naturally tame or gentle, and which is of a wild nature or disposition, and which is capable of killing, inflicting serious injury upon, or causing disease among human beings or domestic animals, and having known tendencies as a species to do so.
  - b. The following are animals which shall be deemed to be dangerous animals per se:
    - i. Lions, tigers, jaguars, leopards, cougars, lynx, and bobcats;
    - ii. Wolves, coyotes, and foxes;
    - iii. Badgers, wolverines, weasels, skunks, and mink;
    - iv. Raccoons;
    - v. Bears;
    - vi. Monkeys, chimpanzees, and apes;
    - vii. Alligators and crocodiles;
    - viii. Scorpions; gila monsters;
    - ix. Snakes that are venomous or constrictors;
    - x. Pit bulls meaning any dog this is an American Pit Bull Terrier, American Staffordshire Terrier, Staffordshire Bull Terrier, or any dog displaying the majority of physical traits of any one or more of the above breeds (more so than any other breed), or any dog exhibiting those distinguishing characteristics which substantially conform to the standards established by the American Kennel Club or United Kennel Club for any of the above breeds.
    - xi. Any cross breed of such animals which have similar characteristics of the animals specified above.
  - c. Any animals declared to be dangerous by the City Council.
3. Dangerous Animals Exceptions. The keeping of dangerous animals shall not be prohibited in the following circumstances:

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

**4-1-7 KEEPING A VICIOUS ANIMAL.** It shall be unlawful for any person or persons to harbor or keep a vicious animal within the City. A vicious animal is deemed so when it shall have attacked or bitten any person without provocation, or when the propensity to attack or bite persons or other animals shall exist and such propensity is known or ought reasonably be known to the owner thereof.

**4-1-8 KENNEL DOGS.** Kennel dogs which are kept or raised solely for the bona fide purpose of sale and which are kept under constant restraint are not subject to the provisions of this ordinance.

## **TITLE V HUMAN DEVELOPMENT – EDUCATION AND CULTURE**

### **CHAPTER 1 LIBRARY SERVICES**

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

**5-1-2 LIBRARY TRUSTEES.** The board of trustees of the Alexander Public Library, hereinafter referred to as the board, consists of four (4) members. All board members shall be appointed by the Mayor with the approval of the City Council. The elected president of the Board shall be a non-voting member of the Board except in the instance of a tie vote on any Board Agenda item among the members present. *(Code of Iowa, Sec. 392.5)*

**5-1-3 QUALIFICATIONS OF TRUSTEES.** All of the members of the board shall be bona fide citizens and residents within the Alexander zip code (50420). Members shall be over the age of eighteen (18) years.

#### **5-1-4 ORGANIZATION OF THE BOARD.**

1. **Terms of office.** All appointments to the board shall be for five (5) years, except to fill vacancies. Each term shall commence on July first. Appointments shall be made every two (2) years of one-third the total number as near as possible, to stagger the terms.

*(Code of Iowa, Sec. 336.5)*

2. **Vacancies.** The position of any trustee shall be declared vacant if said trustee moves permanently from the City or if said trustee is absent from six (6) consecutive regular meetings of the board, except in the case of sickness or temporary absence from the City. Vacancies in the board shall be filled by the City Council, and the new trustee shall fill out the unexpired term for which the appointment is made. *(Code of Iowa, Sec. 336.6)*

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

*(Code of Iowa, Sec. 336.7)*

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

1. To meet and elect from its members a president, a secretary, and such other officers as it deems necessary. *(Code of Iowa, Sec. 336.8(1))*
2. To have charge, control and supervision of the public library, its appurtenances, fixtures, and rooms containing the same. *(Code of Iowa, Sec. 336.8(2))*
3. To direct and control all the affairs of the library.

4. To employ a librarian, and authorize the librarian to employ such assistants and employees as may be necessary for the proper management of the library, and fix their compensation; provided, however, that prior to such employment, the compensation of the librarian, assistants and employees shall have been fixed and approved by a majority of the members of the board voting in favor thereof. *(Code of Iowa, Sec. 336.8(3))*
5. To remove by a two-thirds vote of the board the librarian and provide procedures for the removal of assistants or employees for misdemeanor, incompetency or inattention to duty, subject however, to the provisions of Chapter 35C, Code of Iowa.  
*(Code of Iowa, Sec. 336.8(4))*
6. To select, or authorize the librarian to select, and make purchases of books, pamphlets, magazines, periodicals, papers, maps, journals, other library materials, furniture, fixtures, stationary and supplies for the library within budgetary limits set by the board.  
*(Code of Iowa, Sec. 336.8(5))*
7. To authorize the use of the library by non-residents of the City and to fix charges therefor.  
*(Code of Iowa, Sec. 336.8(6))*
8. To make and adopt, amend, modify, or repeal rules and regulations, not inconsistent with Ordinances and the law, for the care, use, government and management of the library and the business of the board, fixing and enforcing penalties for violations.  
*(Code of Iowa, Sec. 336.8(7))*
9. To have exclusive control of the expenditure of all funds allocated for library purposes by the City Council, and of all monies available by gift or otherwise for the erection of library buildings, and of all other monies belonging to the library including fines and rentals collected, under the rules of the board. *(Code of Iowa, Sec. 336.8(8))*
10. To accept gifts of real property, personal property, or mixed property, and devises and bequests, including trust funds; to take the title to said property in the name of the library; to execute deeds and bills of sale for the conveyance of said property; and to expend the funds received by them from such gifts, for the improvement of the library.  
*(Code of Iowa, Sec. 336.8(9))*
11. To keep a record of its proceedings.
12. To enforce the performance of conditions of gifts, donations, devises, and bequests accepted by the City. The board shall enforce performance by taking action against the City Council.
13. To have authority to make agreements with the local County historical associations, where such exists, and to set apart the necessary room and to care for such articles as may come into the possession of the association. The trustees are further authorized to purchase necessary receptacles and materials for the preservation and protection of such articles as are in their judgment of a historical and educational nature and pay for the same out of funds allocated for library purposes. *(Code of Iowa, Sec. 336.17)*

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

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

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

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

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

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

1. By lending the books or other materials of the library to non-residents on the same terms and conditions as to residents of the City, or upon payment of a special non-resident library fee.
2. By establishing depositories of library books or other materials to be loaned to non-residents.
3. By establishing bookmobiles or a traveling library so that books or other library materials may be loaned to non-residents.
4. By establishing branch libraries for lending books or other library materials to non-residents.

**5-1-8 LIBRARY ACCOUNTS.** All money appropriated by the City Council from the general fund for the operation and maintenance of the library shall be set aside in an account for the library. Expenditures shall be paid for only on orders of the board, signed by its president and secretary. The warrant writing officer is the Treasurer appointed by the library board.**5-1-9 ANNUAL REPORT.** The board shall make a report to the City Council immediately after the close of the municipal fiscal year. This report shall contain statements of the condition of the library, the number of books added thereto, the number circulated, the amount of funds collected, and the amount of money expended in the maintenance of the library during the year, together with such further information required by the City Council.

Editor's Note: The Council may retain the power to hire, discharge, set salaries, expend funds unless the library board was in existence prior to July 1, 1974. (See Sections 5-1-5(4), 5-1-5(5), 5-1-5(9) and 5-1-8.

Any proposal to alter the composition, manner of selection, or charge of a library board, or to replace it with an alternate form of administrative agency, is subject to the approval of the voters of the City. See Code of Iowa, Sec. 392.5.

## TITLE VI PHYSICAL ENVIRONMENT

### CHAPTER 1 MOBILE HOME REGULATION

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

1. “Factory-built structure” means any structure which is, wholly or in substantial part, made, fabricated, formed, or assembled in manufacturing facilities for installation, or assembly and installation, on a building site. “Factory-built structure” includes the terms “mobile home”, “manufactured home”, and “modular home”.  
*(Code of Iowa, Sec. 103A.3(8))*
2. “Manufactured home” means a factory-built structure built under authority of 42 U.S.C. Section 5403, that is required by federal law to display a seal from the United States Department of Housing and Urban Development, and was constructed on or after June 15, 1976.  
*(Code of Iowa, Sec. 435.1(3))*
3. “Mobile home” means any vehicle without motive power used or so manufactured or constructed as to permit its being used as conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but shall also include any such vehicle with motive power not registered as a motor vehicle in Iowa. Mobile homes were constructed before June 15, 1976.  
*(Code of Iowa, Sec. 435.1(5))*
4. “Mobile home park” means a site, lot, field, or tract of land upon which three or more mobile homes or manufactured homes, or a combination of any of these homes, are placed on developed spaces and operated as a for-profit enterprise with water, sewer, or septic, and electrical services available.  
*(Code of Iowa, Sec. 435.1(6))*
5. “Modular home” means a factory-built structure which is manufactured to be used as a place of human habitation, is constructed to comply with the Iowa State Building Code for modular factory-built structures.  
*(Code of Iowa, Sec. 435.1(7))*

6-1-2 LOCATION OF MOBILE HOMES. All mobile homes shall be placed or parked in a mobile home park unless permitted otherwise by State law. This section shall not apply to mobile homes parked or placed upon private property as part of a dealer’s or a manufacturer’s stock not used as a place for human habitation.

6-1-3 SPECIAL PERMITS FOR LOCATION OF MOBILE HOMES OUTSIDE MOBILE HOME PARKS. The City Council, upon application of a mobile home owner, may grant a permit for a mobile home to be located for a limited time on premises outside mobile home parks. The City Council shall issue such special permits when it appears that location within local mobile home park is impracticable or impossible and public health, safety, and welfare interests will not be seriously affected by granting the permit. Special permits shall not be

granted for periods in excess of five (5) year(s) but upon expiration of a special permit reapplication may be made. Application for the permit shall include:

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

**6-1-4 EMERGENCY AND TEMPORARY PARKING.** Emergency or temporary parking of mobile homes upon the streets, alleys, or highways, or any other public or private place for a period not in excess of seven days shall not constitute a violation of 6-1-2, but such parking shall be subject to any prohibitions or regulations contained in other Ordinances of this City.

**6-1-5 TRAFFIC CODE APPLICABLE.** The owner of a mobile home park may elect to have City traffic provisions of the City Code apply to real property in the mobile home park and any person located on the real property. The owner of a mobile home park may waive this right by filing a waiver with the County Recorder.

**6-1-6 BUILDING REQUIREMENTS.** All mobile homes, modular homes and factory built homes as defined in the Iowa Code located outside a mobile home park shall comply with all Ordinances relating to residences or homes in the community and shall be affixed to a permanent perimeter foundation unless it is incompatible with the structural design of the home. Any home located outside a mobile home park on the date this ordinance takes effect shall be exempt from the permanent foundation requirement. *(Code of Iowa, Sec. 435.26)*

## TITLE VI PHYSICAL ENVIRONMENT

### CHAPTER 2 UTILITIES – PRIVATE AND SEMI-PUBLIC SEWER SYSTEMS

**6-2-1 PURPOSE.** The purpose of this chapter is to establish rules and regulations governing the treatment and disposal of sanitary sewage within the City in order to protect the public health, safety and welfare.

**6-2-2 DEFINITIONS.** For use in these chapters, unless the context specifically indicates otherwise, the following terms are defined:

1. **“Building sewer”** means the extension from the building drain to the public sewer or other place of disposal.
2. **“Natural outlet”** means any outlet into a watercourse, pond, ditch, lake, or other body of surface of groundwater.
3. **“Private sewer systems”** means a system which provides for the treatment or disposal of domestic sewage from four or fewer dwelling units, or equivalent of less than 10 bedrooms on a continuing basis.
4. **“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.
5. **“Semi-public sewage disposal systems”** means a system for the treatment or disposal of domestic sewage which is not a private sewage disposal system and which is not owned by a city, or a sanitary sewer district, or a designated and approved management agency under Section 208 of the Federal Water Pollution Control Act.
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. **“Sewer”** means a pipe or conduit for carrying sewage.
8. **“Watercourse”** means a channel in which a flow of water occurs, either continuously or intermittently.

**6-2-3 CONNECTION REQUIRED.** All building sewers shall be connected to a private or semi-public sewage system complying with the provisions of this chapter.

**6-2-4 COMPLIANCE WITH STATE REGULATIONS.** The type, capacity, location and layout of a private or semi-public sewage disposal system shall comply with all regulations of the State Department of Natural Resources. *(IAC, 567-69.3(3))*

6-2-5 DISCHARGES TO NATURAL OUTLETS PROHIBITED. No septic tank or cesspool shall be permitted to discharge to any natural outlet, unless NPDES Permit No. 4 is filed with the State of Iowa. *(IAC, 567-69.3(3))*

6-2-6 MAINTENANCE OF FACILITIES. The owner of private and semi-public sewage disposal facilities shall operate and maintain the facilities in a sanitary manner at all times and at no expense to the City.

6-2-7 ADDITIONAL REQUIREMENTS. No statement contained in this chapter shall be constructed to interfere with any additional requirements that may be imposed by any health officer acting in an official capacity. A copy of the permit must be sent to the City Clerk in order to be in compliance with this chapter.

6-2-8 DISPOSAL OF WASTE. It shall be unlawful for any person to place any effluent or waste from cesspools, septic tanks or privy vaults in any other location in the City except in such location as may be designated by the Council. The rate or charge for receiving such waste shall be determined by resolution of the Council.

6-2-9 ALL SEWER SYSTEMS MUST BE INSPECTED. All residential homes and businesses within the City must have their septic system inspected by the Franklin County Sanitarian to determine if their septic system is up to Iowa Code, including a leach field, and will issue a permit only if the septic system is brought up to code. The Franklin County Sanitarian will then notify the City Clerk and the Iowa Department of Natural Resources. This must be completed by December 31, 2024.

6-2-10 PERMIT REQUIREMENTS. No work shall commence on any construction, reconstruction, or alteration of any onsite wastewater treatment and disposal system until a permit has been approved and issued by the Franklin County Sanitarian. All work must commence in accordance with the provisions of the permit and Iowa Code.

*(IAC, 567-69.1(445B))*

6-2-11 SEPTIC REPAIRS. An application for septic repair must be completed and the repair permit fee paid prior to repairing a septic system. Repairs that require a permit include:

1. Replacing the septic tank
2. Changing the line between the house and the septic tank
3. Changing the line between the septic tank and the box
4. Adding or changing one or two septic field lines
5. Replacing the distribution box
6. Adding cleanouts

## **TITLE VI PHYSICAL ENVIRONMENT**

### **CHAPTER 3 UTILITIES – WATER SYSTEM**

**6-3-1 ENFORCEMENT.** The Superintendent of public utilities shall supervise the installation of water service pipes and their connections to the water main and enforce all regulations pertaining to water services in this City in accordance with this chapter. This chapter shall apply to all replacements of existing service pipes as well as to new ones. The City Council shall make such rules, not in conflict with the provisions of this chapter, as needed for the detailed operation of the waterworks. In the event of an emergency the Superintendent may make temporary rules for the protection of the system until due consideration by the City Council may be had.

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

**6-3-2 ADOPTION OF STATE PLUMBING CODE.** The installation of any water-service pipe and any connection with the municipal water system shall comply with all pertinent and applicable provisions, whether regulatory, procedural or enforcement provisions, of the State Plumbing Code as amended and as published by the Iowa Department of Public Health, which is hereby adopted. An official copy of the State Plumbing Code as adopted and a certified copy of this Ordinance are on file in the office of the City Clerk for public inspection.

**6-3-3 APPROVAL REQUIRED.** All installation of water service pipes and connections to the municipal water system shall be made by a plumber approved by this City. The Superintendent shall have the power to suspend the approval of any plumber for violation of any of the provisions of this Ordinance. A suspension, unless revoked, shall continue until the next regular meeting of the City Council. The Superintendent shall notify the plumber immediately by personal written notice of the suspension, the reasons for the suspension, and the time and place of the City Council meeting at which the plumber will be granted a hearing. At this City Council meeting the Superintendent shall make a written report to the City Council stating the Superintendent's reasons for the suspension, and the City Council, after fair hearing, shall revoke the suspension or take any further action that is necessary and proper.

**6-3-4 MANDATORY CONNECTIONS.** All residences and business establishments within the City limits intended or used for human habitation, occupancy or use shall be connected to the public water supply if it is reasonably available and if the building is not furnished with pure and wholesome water from some other source.

**6-3-5 PERMIT.** Before any person, firm, corporation or other association shall make a connection with the public water system, a written permit must be obtained from the Superintendent. The application for the permit shall be filed with the Superintendent on blanks

furnished by the Superintendent. The application shall include a legal description of the property, the name of the property owner, the name and address of the person who will do the work, and the general uses of the water. No different or additional uses shall be allowed except by written permission of the Superintendent. The Superintendent shall issue the permit, bearing the Superintendent's signature and stating the time of issuance, if the proposed work meets all the requirements of this Ordinance and if all fees required under this Ordinance have been paid. Work under any permit must be begun within six (6) months after it is issued. The Superintendent may at any time revoke the permit for any violation of this Ordinance and require that the work be stopped. The owner or plumber may appeal such action in the manner provided in Section 6-3-3 of this Ordinance. *(Code of Iowa, Sec. 372.13(4))*

**6-3-6 WATER SERVICE PIPE.** The pipe from the water main to the building served. Pipes must be as specified in the State Plumbing Code.

1. **WATER SUPPLY CONTROL.** The plumber who makes the connection to the municipal water system shall install a main shut-off valve of the inverted key type on the water service pipe near the curb with a suitable lock of a pattern approved by the Superintendent. The shut-off valve shall be covered with a heavy metal cover having the letter "W" marked thereon, visible and even with the pavement or ground. The plumber also shall install a shut-off valve and waste cock on every service pipe inside the building near the entrance of the water-service pipe into the building; this must be located so that the water can be shut off conveniently and the pipes drained. Where one service pipe is installed to supply more than one customer, there shall be separate shut-off valves inside the building for each customer so that service to one customer can be shut off without interfering with service to the others.
2. **RESPONSIBILITY FOR WATER SERVICE PIPE.** All costs and expenses incident to the installation and maintenance of the water service pipe from the main to the building served shall be borne by the owner. Whereas, the City owns the Water Main and the Curb Stop and the building served owns everything from the Curb Stop to the building. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation or maintenance of said water service pipe.
3. **FAILURE TO MAINTAIN.** When any portion of the water service pipe which is the responsibility of the property owner becomes defective or creates a nuisance and the owner fails to correct such nuisance the City may do so and assess the costs thereof to the property *(Code of Iowa Sec. 364.12(3)(a)(h))*

**6-3-7 MAKING THE CONNECTION.** Any connection with the municipal water system must be made under the direct supervision of the Superintendent or Superintendent's authorized assistant. All taps in the water main must be at least twelve (12) inches apart and on the side and near the top and not in any case within eighteen (18) inches of the hub.

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

6-3-8 EXCAVATIONS. Excavations to do work under this Ordinance shall be dug so as to occasion the least possible inconvenience to the public and to provide for the passage of water along the gutter. All such excavations shall have proper barricades at all times, and warning lights placed from one-half hour before sunset to one-half hour after sunrise. In refilling the excavation the earth must be laid in layers and each layer tamped thoroughly to prevent settlement, and this work, and any street, sidewalk, pavement or other public property that is affected, must be restored to as good a condition as it was previous to the excavation. The plumber must maintain the affected area in good repair to the satisfaction of the City Council for three months after refilling. All water service pipes must be laid so as to prevent rupture by settlement or freezing. No excavation shall be made within six (6) feet of any laid water or sewer pipe while the ground is frozen, and no water or sewer pipe shall be exposed to frost, except by special written permission of the Superintendent.

6-3-9 INSPECTION AND APPROVAL. All water-service pipes and their connections to the municipal water system must be inspected and approved in writing by the Superintendent before they are covered, and the Superintendent shall keep a record of such approvals. If the Superintendent refuses to approve the work, the plumber or owner must proceed immediately to correct the work so that it will meet with the Superintendent's approval. Every person who uses or intends to use the municipal water system shall permit the Superintendent or the Superintendent's authorized assistants to enter the premises to inspect and make necessary alterations or repairs at all reasonable hours and on proof of authority.

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

6-3-10 COMPLETION BY THE CITY. Should any excavation by left open or partly refilled for twenty-four (24) hours after the water-service pipe is installed and connected with the municipal water system, or should the work be improperly done, the Superintendent shall have the right to finish or correct the work, and the City Council shall assess the costs to the property owner or the plumber. If the plumber is assessed, the plumber must pay the costs before the plumber can receive another permit, and the plumber's bond required by the Plumbing Ordinance shall be security for the assessment. If the property owner is assessed, such assessment shall be collected with an in the same manner as general property taxes.

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

6-3-11 METER ACCURACY AND TEST. All water shall be supplied through meters that accurately measure the amount of water supplied to any building. The Superintendent or the Superintendent's assistant shall make a test of the accuracy of any water meter at any time when requested in writing. If it is found that such meter overruns to the extent of five (5) percent or more, the cost of the tests shall be paid by the City and a refund shall be made to the customer for overcharges collected since the last known date of accuracy but not for longer than six (6) months. If the meter is found to be accurate or slow less than two (2) percent fast, the patron shall pay the reasonable costs of the tests.

**6-3-12 METER REPAIRS.** Whenever a meter is found to be out of order the Superintendent shall have it repaired. If it is found that damage to the meter has occurred due to the carelessness or negligence of the customer or property owner, or the meter is not owned by the City, then the property owner shall be liable for the cost of repairs or replacement.

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

## **TITLE VI PHYSICAL ENVIRONMENT**

### **CHAPTER 4 UTILITIES – REFUSE COLLECTION**

**6-4-1 DEFINITIONS.** For use in this chapter, the following terms are defined as follows:

1. “Refuse.” Includes all garbage, rubbish, ashes, or other substances offensive to sight or smell, dangerous to the public health or detrimental to the best interests of the community except dead animals not killed for food.
2. “Garbage.” Includes all animal, fruit, vegetable, and other refuse resulting from the preparation of food and drink.
3. “Rubbish.” Includes all other refuse not falling within the term “garbage” except those objects too large to be placed in cans or bags.
4. “Can” or “Bag.” Means a container for the storage of garbage or rubbish.

**6-4-2 ADMINISTRATION.** Administration of this chapter shall be by the City Council, or such employee designated by the City Council. (*Code of Iowa, Sec. 372.13(4)*)

**6-4-3 STORAGE AND COLLECTIONS.** Compliance will be adhered to the current collections contract as agreed to by and between the City Council and the contracted waste hauler. Upon changes or modifications to said collections contract, notification to the public will be made via a notice as well as copies of the revised conditions shall be available at City Hall.

All containers for garbage and rubbish shall be kept as provided in the rules and regulations for collection of refuse.

**6-4-4 NECESSITY OF PERMIT.** No person shall collect garbage or rubbish except such person’s unless otherwise by contract or permit approved by the City Council.

In the event any business, firm, or corporation may elect to dispose of refuse or waste matter as may accumulate on any premises, property, or location, the same may be done provided that such disposal and transporting of any refuse or waste matter complies with the provisions of this chapter, is approved by the City and a permit issued by the Clerk.

**6-4-5 BURNING OF REFUSE.**

1. It shall be unlawful for any person to burn or incinerate any garbage, rubbish, or refuse within the City except by permission of the City Council.

2. This section shall not apply to any incinerator operated under a license granted by the City or any burning conducted under the direction of the fire department for training purposes.
3. This section shall not apply to outdoor cooking appliances used for residential recreational purposes using commonly acceptable fuels.

**6-4-6 REFUSE OTHER THAN GARBAGE.** Each person shall dispose of all refuse other than garbage and rubbish accumulation on the premises such person owns or occupies before it becomes a nuisance. If it does become a nuisance, it shall be subject to provisions of Title III, Chapter 2 of this Code.

**6-4-7 SANITARY LANDFILL.** The City Council by resolution may designate a sanitary landfill and establish reasonable rules and regulations necessary to control its use by the public and make charge for the use thereof.

## **TITLE VI PHYSICAL ENVIRONMENT**

### **CHAPTER 5 UTILITIES – BILLING CHARGES**

**6-5-1 UTILITY DEFINED.** For use in this chapter, utility is the water, and refuse collection systems operated by the City.

**6-5-2 DISTRICTS.** There shall be one water district which encompasses all of the City of Alexander, Iowa.

**6-5-3 DISPOSITION OF FEES AND CHARGES.** All money received under this chapter shall be deposited in the City treasury not later than the last day of the month in which it was received and a written report of the amount and source of the fees and charges shall be on file with the City Clerk.

**6-5-4 BILLING, PENALTY.** Utility bills shall be due on the twentieth (20<sup>th</sup>) of the month following the period for which service is billed. Payment shall be made to the City Clerk. Bills shall become delinquent after the last day of the month in which it is due and bills paid after that date shall have added a penalty of ten percent (10%) of the total amount of the utility bill.

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

**6-5-5 DISCONTINUING SERVICE, FEES.**

1. If any account is not paid within thirty days from the end of any given period, the service to such owner or person so supplied with the utility shall be discontinued after the following procedures have been complied with:
  - a. The Superintendent shall place a disconnect or discontinuance notice at the property. Providing the following notice to customers: "You are advised that you may request a hearing on this matter to the City Clerk by noon on the day preceding the scheduled shut-off date or discontinuance of service."
  - b. When a hearing is requested by a customer, the Mayor or the Mayor's designee shall conduct a hearing within two (2) days following the request. The customer shall have the right to present evidence or propose a payment plan. The decision of the Mayor is final.
  - c. The Superintendent/City of Alexander shall not be liable in the event that the curb stop malfunctions or breaks during the course of shut off. See 6-3-6(2)
2. If service is discontinued for nonpayment of fees and charges, or for the violation of any Ordinance, a fee of Two-Hundred Dollars (\$200.00) shall be paid to the City Clerk in addition to the rates or charges then due before such service is restored. If any such service charge is not paid within sixty (60) days from the date it is due, the same shall

constitute a lien upon the premises served by said municipal system, which said lien shall be collected in the same manner as taxes. *(Code of Iowa, Sec. 384.84(2))*

**(Supplement Record – 25-02 – 1/7/2025)**

3. A lien shall not be certified to the County Treasurer for collection unless thirty (30) days prior written notice by ordinary mail of the intent to certify a lien is given to the account holder of the delinquent account. If the account holder is a tenant, and if the owner or property lessor of the property has made written request for notice, the notice shall also be given to the owner. *(Code of Iowa, Sec. 384.84(3))*
4. If the property in which there are delinquent utilities owing is sold before the City certifies the lien to the County Treasurer, the City may certify the delinquent utilities against another property located in this state owned by the delinquent user. *(Code of Iowa, Sec. 384.84(3)(a)(3))*
5. It is unlawful to tamper with, obstruct access to, or remove water shut off valve or meter. Only the Water Superintendent, Water Assistant, or third-party contractor with express permission from the City has authority to turn water on/off, or otherwise maintenance curb stops or meter. Both curb stop and meter should be fully accessible to authorized parties. Cars or other large objects placed on top of curb stop will be towed/removed at the expense of the property owner.
6. Service may be disconnected in the event of tampering with the equipment furnished by the utility, including, but not limited to: disconnecting wires to a meter, turning water on/off at the curb stop, or damaging the meter or curb stop rendering them useless. Violators of this section will be prosecuted at the full extent of the law and be responsible for all expenses related to repairing and replacing equipment, legal fees, and damages.

**6-5-6 RESIDENTIAL RENTAL PROPERTY.** For residential rental property where a charge for water service is separately metered and paid directly by the tenant, the rental property is exempt from a lien for those delinquent charges incurred after the property lessor gives written notice to the City that the tenant is liable for the charges and a non-refundable of \$50.00 is paid to the utility. Upon receipt, the City shall acknowledge the notice and deposit. A written notice shall contain the name of the tenant responsible for charges, address of the property that the tenant is to occupy, and the date that the occupancy begins. A change in tenant shall require a new written notice and deposit. The lien exemption for rental property does not apply to charges for repairs to a water service if repair charges become delinquent.

A lien shall not be certified to the County Treasurer for collection unless thirty (30) days prior written notice by ordinary mail of the intent to certify a lien is given to the account holder of the delinquent account. If the account holder is a tenant, and if the owner or property lessor of the property had made a written request for notice, the notice shall also be given to the owner or property lessor. *(Code of Iowa, Sec. 384.84(3))*

6-5-7 REFUNDABLE CUSTOMER GUARANTEE DEPOSITS. A refundable customer deposit of \$175.00 shall be required of all water service customers, except for those who were currently receiving service at the passage of this Ordinance and for the residence in which they resided at the time. Deposits are non-transferrable and will be refunded upon vacating the residence minus any outstanding balance owed to the City for utilities or fines.

6-5-8 ~~HOOK-UP FEES.~~ ~~Hook-up fees shall be required of all new customers. The hook-up fee is \$35.00.~~

6-5-9 WATER RATES. Water shall be furnished at the following monthly rates per property serviced within the City limits: *(Code of Iowa, Sec. 384.84(1))*

\*Rates effective upon passage of Ordinance

Usage	Rate
First 220 Cubic Feet	\$39.86
All over 220 Cubic Feet	\$0.38 per 10 Cubic Feet
Bulk Water Rate	\$1.00/10 CF

The minimum charge shall be \$39.86 per household or business building per billing month.

\*Rates effective July 1, 2026

Usage	Rate
First 220 Cubic Feet	\$41.27
All over 220 Cubic Feet	\$0.41
Bulk Water Rate	\$1.00/10 CF

The minimum charge shall be \$41.27 per household or business building per billing month.

\*Rates effective July 1, 2027

Usage	Rate
First 220 Cubic Feet	\$42.69
All over 220 Cubic Feet	\$0.44
Bulk Water Rate	\$1.00/10 CF

The minimum charge shall be \$42.69 per household or business building per billing month.

\*Rates effective July 1, 2028

Usage	Rate
First 220 Cubic Feet	\$44.10
All over 220 Cubic Feet	\$0.47
Bulk Water Rate	\$1.00/10 CF

The minimum charge shall be \$44.10 per household or business building per billing month.

\*Rates effective July 1, 2029

Usage	Rate
First 220 Cubic Feet	\$45.52
All over 220 Cubic Feet	\$0.50
Bulk Water Rate	\$1.00/10 CF

The minimum charge shall be \$45.52 per household or business building per billing month.

Meters will be read quarterly; usage charges will be estimated for two billing cycles based on previous reading and reconciled with the next quarterly reading.

Bulk Water Rate shall not be charged for use by the Fire Department in conducting normal operations of the Fire Department.

**(Supplement Record – 25-02 – 1/7/2025)**

6-5-10 REFUSE COLLECTION RATES. There shall be collected by the city for its service in collecting garbage and rubbish, the following mandatory fees:

1. Residence Rate. For each resident with pickup, bags shall be purchased at the library or grocery store. Garbage will not be collected unless it is in an approved bag.
2. Commercial Rate. Rates for commercial establishments shall be negotiated between the establishment and the waste hauler.
3. Landfill Fee. There shall be an added charge of \$6.50 per month for landfill charges. This landfill charge will appear on the City water bill and is subject to the same terms and requirements as the water bill.

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

6-5-11 MOSQUITO CONTROL RATES. A fee of \$1.25 per moth for mosquito control services shall be added to the City water bill and subject to the same terms and requirements as the water bill.

Footnote: See Code of Iowa, Sec 384.38(3) concerning establishing districts and connection fees.

## **TITLE VI PHYSICAL ENVIRONMENT**

### **CHAPTER 6 STREET CUTS AND EXCAVATIONS**

**6-6-1 EXCAVATION PERMIT REQUIRED.** Excavating within the right-of-way of public streets and alleys, and of public grounds, and the cutting of surfacing or pavings of the traveled way therein, shall not be done by any person, firm, association, or corporation without obtaining a permit from the City Clerk. *(Code of Iowa, Sec. 364.12(2))*

**6-6-2 APPLICATION FOR PERMIT.** No person shall commence excavation in any public street or public ground until that person has applied to the City Clerk for an excavation permit. Such application shall indicate the location of the excavation, the name and address of the applicant who is to do the work, whether public liability insurance is in force, and that the applicant has checked the underground map of all utilities, and other owners of underground facilities, and that the applicant has notified those persons or companies of the time that excavation will commence. The making of an application shall be deemed notice to the City of the plan to cut the street surfacing or pavements, and to obstruct the public way. Such permits shall not be valid until six hours after receipt unless the Clerk waives this requirement.

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

**6-6-3 SAFETY MEASURES.** Any person, firm, or corporation cutting a pavement or surfacing or excavating in the streets shall erect suitable barricades, maintain warning lights from sunset to sunrise each night, and take such other precautions as necessary for the safety of the public, whether vehicles or pedestrians. Vehicles, equipment, materials, excavated material, and similar items shall likewise be protected by lights and warning devices, such as traffic cones, flags, etc. Where traffic conditions warrant, the party excavating may be required to provide flagmen, if in the judgment of the Chief of Police the public safety requires it. Compliance with City Ordinances and regulations shall not be deemed to waive the requirements that the party excavating shall comply with all the requirements of the labor safety laws and the rules of the Iowa Department of Labor, nor shall any failure be deemed a responsibility of the City.

**6-6-4 BACKFILLING AND RESTORATION.** Any person excavating in the streets shall be responsible for the backfilling of the excavation in accordance with City specifications and the restoration of the pavement or surfacing to as good a condition as that existing prior to the

excavation. If any excavator fails to backfill or restore the pavement or surfacing properly within forty-eight hours of the completion of the underground work, the City reserves the right to backfill and resurface or install new paving and charge the cost thereof to the party excavating. If any backfilling or pavement or surfacing restoration is not in accordance with the City specifications, the Superintendent is authorized to remove such material as is necessary and to backfill and restore the pavement or surfacing properly.

**6-6-5 RULES AND REGULATIONS.** The City Council may by resolution establish such rules and regulations for the manner of making cuts and related matters involving excavations.

The City of Alexander may, by resolution, waive its right to review the subdivision or waive the requirements of any of its standards or conditions for approval of the subdivision in the extraterritorial area. Such resolution shall be certified and recorded with the plat.

Procedures for certifying approval of subdivisions in the extraterritorial area of the City shall be the same as those established for other subdivisions with the City unless waived by the Governing Body.

*(Code of Iowa, Sec. 354.8 and 354.9)*

## **TITLE VI PHYSICAL ENVIRONMENT**

### **CHAPTER 7 SIDEWALK REGULATIONS**

**6-7-1 PURPOSE.** The purpose of this chapter is to improve and maintain sidewalks in a safe condition, to require owners of abutting property to maintain, repair, replace, construct, or reconstruct sidewalks.

**6-7-2 DEFINITIONS.** As used in this chapter, the following terms have these meanings:

1. **Defective Sidewalk.** Any public sidewalk exhibiting one or more of the following characteristics:
  - a. Vertical separations equal to three-fourths (3/4) inch or more.
  - b. Horizontal separations equal to three-fourths (3/4) inch or more.
  - c. Holes or depressions equal to three-fourths (3/4) inch or more and at least four (4) inches in diameter.
  - d. Spalling over fifty (50) percent of the surface of a single square of the sidewalk with one or more depressions equal to one-half (1/2) inch or more.
  - e. Spalling over less than fifty (50) percent of a single square of the sidewalk with one or more depressions equal to three-fourths (3/4) inch or more.
  - f. A single square of sidewalk cracked in such a manner that no part thereof has a piece greater than one square foot.
  - g. A sidewalk with any part thereof missing to the full depth.
  - h. A change from design or construction grade equal to or greater than three-fourths (3/4) inch per foot.
2. **Sidewalk Improvements.** The construction, reconstruction, repair, replacement, or removal of a public sidewalk or the excavating, filling, or depositing of material in the public right-of-way in connection therewith.
3. **Owner.** The person owning the fee title or the contract purchaser for purposes of notification required herein. For all other purposes, "owner" shall include the lessee, or person in possession.

**6-7-3 CLEANING SNOW, ICE, AND ACCUMULATIONS.** It shall be the duty of the owner to keep sidewalks abutting the owner's property clear of the natural accumulations of snow or ice. If the owner fails to do so within twenty-four (24) hours after deposit of accumulation, the Mayor may have the natural accumulations of snow or ice removed without notice to the property owner. The Mayor shall give the Council an itemized and verified statement of the removal costs and a legal description of the property at the next regular Council meeting. The costs shall be reviewed by the Council, and if found correct, shall be assessed

against the property as taxes. The City Clerk shall be directed to certify the costs to the County Treasurer for collection as provided in Section 364.12 of the Code of Iowa.

*(Code of Iowa, Sec. 364.12(2b)(2e))*

**6-7-4 MAINTENANCE RESPONSIBILITY.** The abutting property owner or owners shall be responsible for the repair, replacement or reconstruction of all broken or defective sidewalks to a safe condition and to maintain in a safe condition all sidewalks in the abutting street right-of-way.

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

**6-7-5 LIABILITY OF ABUTTING OWNER.** As provided in Section 364.14, Code of Iowa, in the event the owner of property abutting any public sidewalk fails or refuses to perform any act required of them by this Ordinance and in the event an action is brought against the City for personal injuries alleged to have been caused by a defect in or the condition of said sidewalk, the City may notify in writing the said abutting owner that it claims the injury was caused by their negligence and/or their failure to repair the defect or eliminate the condition complained of. The notice shall state the pendency of the action, the name of the plaintiff, the name and location of the court where the action is pending, a brief statement of the alleged facts from which the cause arose, that the City believes that the person notified is liable to it for any judgment rendered against the City, and asking the person to appear and defend.

A judgment obtained in the suit is conclusive in any action by the City against any person so notified, as to the existence of the defect or condition or other cause of the injury or damage, as to the liability of the City to the plaintiff in the first named action, and as to the amount of the damage or injury. The City may maintain an action against the person notified to recover the amount of the judgment together with all the expenses incurred by the City in the suit.

*(Code of Iowa, Sec. 364.14)*

**6-7-6 ORDERING SIDEWALK IMPROVEMENTS.** The City Council may order the construction, reconstruction, repair, or replacement of permanent sidewalks upon any street or court. Notice of this order shall be sent to the owner by certified mail. The notice shall include the fact that the owner may request a hearing by the Council within fifteen (15) days of receipt of the notice.

**6-7-7 REPAIRING DEFECTIVE SIDEWALKS.** It shall be the duty of the abutting property owner at any time, or upon receipt of thirty (30) days' notice from the City, to repair, replace, or reconstruct all broken or defective sidewalks in the abutting street right-of-way. If, after the expiration of the thirty (30) days as provided in the notice, the required work has not been done or is not in the process of completion, the Mayor shall order the work to proceed to repair, replace, or reconstruct the sidewalk. Upon completion of the work, the Mayor shall submit to the Council an itemized and verified statement of expenditures for material and labor, and the legal description of the property abutting the sidewalk on which work has been performed. These costs

shall be assessed to the property as taxes. The City Clerk shall be directed to certify the costs to the County Treasurer for collection as provided in Section 364.12 of the Code of Iowa.

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

**6-7-8 NOTICE OF INABILITY TO REPAIR OR BARRICADE.** It shall be the duty of the owner of the property abutting the sidewalk, or of the contractor or agent of the owner, to notify the City immediately in the event the owner is unable to make necessary sidewalk improvements or to install or erect warnings and barricades as required by this chapter.

**6-7-9 STANDARD SIDEWALK SPECIFICATIONS.** Sidewalks constructed, repaired, or replaced under the provisions of this chapter shall be of the following construction and meet the following standards:

1. Portland cement concrete shall be the only material used in the construction and repair of sidewalks unless otherwise authorized by the City Council.
2. Sidewalks shall be on one-course construction.
3. Concrete may be placed directly on compact and well-drained soil. Where soil is not well drained, a four (4) inch sub-base of compact, clean, coarse gravel, sand, or cinders shall be laid. The adequacy of the soil drainage is to be determined by the Superintendent of Public Works.
4. The sidewalk bed shall be graded to the established grade.
5. Residential sidewalks shall be at least four (4) feet wide, or match existing sidewalks, and four (4) inches thick, and each section shall be no more than four (4) feet in length. In the central business district, sidewalks shall extend from the property line to the curb unless the Council shall establish a different distance due to the circumstances. Each section shall be four (4) inches thick and no more than (6) feet in length and width. All driveway areas shall not be less than six (6) inches in thickness.
6. Residential sidewalks shall be located with the inner edge (edge nearest the abutting private property) on the property line, unless the Council shall establish a different distance due to the circumstances.
7. All elevations of sidewalks are to be established by the City Council with assistance from the Superintendent of Public Works on a case-by-case basis.
8. All sidewalks shall slope at least one-quarter (1/4) inch per foot toward the curb, but in no event more than one-half (1/2) inch per foot toward the curb.
9. All sidewalks shall have a steel trowel finish followed by a "broom" or a "wood float" finish.
10. Ramps for the disabled. There shall not be less than two (2) curb cuts or ramps per lineal block which shall be located on or near the cross-walks at intersections. Each curb cut or ramp shall be at least thirty (30) inches wide, shall be sloped at not greater than one inch of rise per twelve (12) inches lineal distance, except that a slope no greater than one inch of rise per eight (8) inches lineal distance may be used where necessary, shall have a

nonskid surface, and shall otherwise be so constructed as to allow reasonable access to the crosswalk for physically disabled persons using the sidewalk.

*(Code of Iowa, Sec. 216C.9))*

11. All sidewalk improvements on public property, whether performed by the owner of the abutting property or by the City, shall be performed under the supervision and inspection of the City Superintendent of Public Works, and in accordance with the standard sidewalk specifications set forth in this chapter.

**6-7-10 PERMITS FOR CONSTRUCTION OR REMOVAL.** No person shall make any sidewalk improvements unless such person shall obtain a permit from the City Clerk. The permit shall state that the person will comply with the Ordinances of the City and with the specifications for sidewalks adopted by the City. The permit also shall state that the work will be done under the direction and approval of the City Superintendent of Public Works. All such permits shall be issued without charge and a copy thereof, with the application, shall be filed and preserved in the office of the City Clerk. The permit shall state when the work is to be commenced and when the work is to be completed. The time of completion for the sidewalk improvements may be extended by the City Council. All permits for sidewalk improvements not ordered by resolution of the City Council shall be issued in compliance with this chapter. The City Council may withhold the issuance of any permit for any sidewalk improvements for a sufficient period to determine the necessity for the proposed improvements or when weather conditions will adversely affect the sidewalk improvements.

**6-7-11 FAILURE TO OBTAIN PERMIT; REMEDIES.** Whenever any sidewalk improvements are made that do not conform to the provisions of this chapter and with the specifications, or when any sidewalk improvements are made without a permit, the Mayor shall serve notice to obtain a permit upon the property owner and upon the contractor doing the work. If the sidewalk is in the course of construction, the notice shall order the work to stop until a permit is obtained and the work is corrected to comply with the specifications. If the sidewalk work has been completed, the owner shall obtain permit immediately and perform any needed corrections within five (5) days from receipt of the permit. If the owner fails to comply with this notice, the Mayor shall have the work completed and the costs assessed to the property owner as provided in this chapter.

**6-7-12 INSPECTION AND APPROVAL.** Upon final completion, the Superintendent of Public Works shall inspect the work and may order corrections if the work does not meet specifications. When the work does meet all requirements of this chapter, the specifications, and the permit, the Superintendent of Public Works shall indicate this on both copies of the permit.

**6-7-13 BARRICADES AND WARNING LIGHTS.** Proper warning lights and barricades shall be placed to protect persons from materials, equipment, and dangerous conditions.

Placement and maintenance of adequate warnings is the responsibility of the constructor, the owner, and the lessee of the property.

**6-7-14 INTERFERENCE WITH SIDEWALK IMPROVEMENTS.** No person shall knowingly or willfully drive any vehicle upon any portion of any sidewalk or approach thereto while it is in the process of being improved, or upon any portion of any completed sidewalk or approach thereto, or shall remove or destroy any part or all of any sidewalk or approach thereto, or shall remove, destroy, mar, or deface any sidewalk at any time or destroy, mar, remove, or deface any notice or warning device provided by this chapter.

**6-7-15 SPECIAL ASSESSMENTS FOR CONSTRUCTION AND REPAIR.** The City Council may assess the cost of initial construction, improvements, and/or repair of sidewalks in the City according to the special assessment procedures established in Chapter 384, division IV, Code of Iowa.

*(Code of Iowa, Sec. 384.38)*

**6-7-16 NOTICE OF ASSESSMENT FOR REPAIR OR CLEANING COSTS.** When the Mayor submits a bill for sidewalk improvements or for removal of accumulations as provided in this chapter, the City Clerk shall send a notice of such facts to the owner of the abutting property. The notice may be given either by personal service or by certified mail to the last known address of the owner. The notice shall contain a statement of the work performed, the cost of the work that is being assessed, a description of the property affected, and the fact that the person may pay the amount assessed within thirty (30) days without interest or penalty. The notice also shall indicate that the person may object to such assessment and given the place and time at which Council will hear such objections. The time set for hearing shall be at least fifteen (15) days after the service or mailing of the notice.

*(Code of Iowa, Sec. 384.50)*

**6-7-17 HEARING AND ASSESSMENT.** At the time and place designed in the Notice, the Council shall consider all objections to the assessment, correct all errors or omissions, and adopt a corrected list as the amounts to be assessed against the property.

*(Code of Iowa, Sec. 384.51)*

**6-7-18 BILLING AND CERTIFYING TO COUNTY.** Thirty (30) days after the Council's decision, the City Clerk shall certify any unpaid amounts to the County Treasurer. The unpaid assessments shall constitute a lien against the property and shall be collected by the County Treasurer in the same manner as other taxes. Any assessment that exceeds \$100 may be paid in installments as set by Council, not exceeding ten, in the same manner and at the same interest rates as for special assessments under Chapter 384, division IV, Code of Iowa. No interest shall be charged for assessments, or parts thereof, paid within thirty (30) days of the time the Council determined the final amounts.

*(Code of Iowa, Sec. 384.60)*

6-7-19 ADAAG COMPLIANCE. All construction, repair, and maintenance of sidewalks shall comply with Americans with Disabilities Guidelines (ADAAG).

## **TITLE VI PHYSICAL ENVIRONMENT**

### **CHAPTER 8 NUMBERING OF BUILDINGS**

**6-8-1 BUILDINGS TO BE NUMBERED.** All buildings now or hereafter erected within the City limits shall be assigned numbers and the owners notified of the assigned number. The owners shall cause the numbers to be placed and maintained on their property.

**6-8-2 NUMBERING SYSTEM.** Numbers shall be assigned in accordance with the 911 system in the County and developed by the City Council.

**6-8-3 MANDATORY NUMBERING.** The placing of numbers is mandatory.

**6-8-4 TYPE OF NUMBERS, SIZE.** The numbers shall be conspicuously displayed on the portion of the building or premise which faces the street. All numbers shall be of durable substance, clearly legible and the numerals shall be not less than five inches in height.

**6-8-5 ENFORCEMENT.** If numbers meeting the requirements of this ordinance have not been placed on each building, the City shall cause individual notice to be given to the owner of buildings not numbered, requiring compliance within a reasonable time set in the notice, and if not completed by such time, the City shall cause proper numbers to be installed and the reasonable cost of the installation billed to such owner.

## **TITLE VI PHYSICAL ENVIRONMENT**

### **CHAPTER 9 BUILDING PERMITS**

**6-9-1 PURPOSE.** The purpose of this Chapter is to provide the City Council notice of the type of structure, the kind of construction, the location of any structure to be erected or added within the corporation, the location of any structure on any specific lot within the corporation and to provide reasonable rules for the erection, reconstruction, altering and repair of all kinds of structures.

**6-9-2 STRUCTURE DEFINED.** Anything constructed or erected with a fixed location on the ground that protrudes above the ground or surface level of a parcel of property. Structures include, but are not limited to, buildings, walls, fences, billboards, aboveground storage tanks, and similar uses.

**6-9-3 PERMIT REQUIRED.** No structure shall be erected, reconstructed, altered or added to without first securing a permit from the City Council.

**6-9-4 APPLICATION.** All requests for a building permit shall be submitted to the City Clerk on forms supplied by the City.

**6-9-5 PLANS REQUIRED.** Plans and specifications of any proposed structure shall be filed with the application for the permit.

**6-9-6 LOCATION OF STRUCTURE.** A complete showing and description of the real estate involved and the location of the structure on the real estate shall be filed with the application.

**6-9-7 FRONT YARD REQUIREMENTS.** There shall be a front yard of not less than twenty (20) feet, except as follows:

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

3. Where lots have a double frontage, the front yard as required herein shall be provided on both streets:

**6-9-8 SIDE YARD REQUIREMENTS.** No building shall be erected closer than five (5) feet to either side lot line, except in the business district where no side yard is required.

**6-9-9 REAR YARD REQUIREMENTS.** There shall be a rear yard provided for each structure of not less than thirty (30) feet or twenty percent (20%) of the depth of the lot, whichever amount is smaller, except in the business district where no rear yard is required.

**6-9-10 SPECIAL REQUIREMENTS FOR RESIDENCES.** Any structure which is to be a residence for living shall meet the following special requirements.

1. A residence shall have a minimum of 1,000 square feet of livable space on the main floor.
2. All residences shall have a permanent perimeter foundation constructed of cement, concrete blocks with mortar or other permanent material approved by the City Council. All foundations shall have footings that extend below the frost line.

**6-9-11 VARIANCES.** The city council may grant a variance to sections 6-9-8, 6-9-9, and 6-9-10 where the setback requirements would cause a hardship on the property owner.

**6-9-12 FENCES.** No setback requirements shall be applicable to the construction of a fence.

**6-9-13 CURB CUTS.** No curb cut shall be constructed or permitted without first obtaining a building permit.

**6-9-14 AUTHORITY OF CITY COUNCIL.** The City Council shall have full authority to accept or reject any plans and specifications submitted.

**6-9-15 PERMIT ISSUED.** Permits shall be issued by the City Clerk in duplicate, one copy for the applicant and one copy to be retained in the City records.

**6-9-16 LIMITATIONS ON PERMIT.** In the event that construction covered by a permit is not initiated and underway within one year from the date of issuance of a permit, such permit shall be deemed void and of no effect. All permits shall expire and be void twelve (12) months after issuance by the City Clerk. If construction is not completed a new application and fee must be submitted.



**TITLE VII SPECIAL ORDINANCES**

**CHAPTER 1 TELEPHONE FRANCHISE**

The Telephone Franchise Ordinance granted to Frontier Communications is contained in its entirety in the Office of the City Clerk in City Hall, Alexander, Iowa, and is hereby included by reference.

## **TITLE VII SPECIAL ORDINANCES**

### **CHAPTER 2 ELECTRIC FRANCHISE**

The Electric Franchise Ordinance granted to Alliant Energy is contained in its entirety in the Office of the City Clerk in City Hall, Alexander, Iowa, and is hereby included by reference.

## **TITLE VII SPECIAL ORDINANCES**

### **CHAPTER 3 GAS FRANCHISE**

The Gas Franchise Ordinance granted to Alliant Energy is contained in its entirety in the Office of the City Clerk in City Hall, Alexander, Iowa, and is hereby included by reference.