

MILES CODE OF ORDINANCES

State legislation at any time can be enacted that would change the current law as adopted in your City Code. ECIA has no duty or responsibility to keep you updated on law changes. However, ECIA will make every attempt to notify you when legislative changes occur that have an impact on your City Code. It is the municipality's responsibility to either repeal or amend the ordinances impacted by the legislative changes. ECIA advises you to have your City Attorney review your City Code and the legislative changes that occur after the date of the City's last codification. ECIA cannot provide legal advice

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, transmitted, in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise, without the prior written permission of ECIA.

**CODIFIED BY: EAST CENTRAL INTERGOVERNMENTAL ASSOCIATION
7600 COMMERCE PARK
DUBUQUE, IOWA 52002**

TABLE OF CONTENTS

TITLE I GENERAL PROVISIONS	1
CHAPTER 1 GENERAL PROVISIONS	1
CHAPTER 2 RIGHT OF ENTRY	5
CHAPTER 3 PENALTY	6
CHAPTER 4 PROCEDURE FOR HEARINGS BY THE CITY COUNCIL	9
TITLE II POLICY AND ADMINISTRATION	12
CHAPTER 1 CITY CHARTER	12
CHAPTER 2 APPOINTMENT AND QUALIFICATIONS OF MUNICIPAL OFFICERS	13
CHAPTER 3 POWERS AND DUTIES OF MUNICIPAL OFFICERS	15
CHAPTER 4 SALARIES OF MUNICIPAL OFFICERS	23
CHAPTER 5 CITY FINANCE	24
CHAPTER 6 POSTING	28
CHAPTER 7 NOMINATIONS FOR ELECTIVE MUNICIPAL OFFICES	29
CHAPTER 8 POLICE DEPARTMENT	30
CHAPTER 9 CITY COUNCIL	31
TITLE III COMMUNITY PROTECTION	34
CHAPTER 1 OFFENSES	34
CHAPTER 2 NUISANCES	41
CHAPTER 3 TRAFFIC CODE	49
CHAPTER 4 RESERVED	81
CHAPTER 5 RESERVED	82
CHAPTER 6 CURFEW FOR MINORS	83
CHAPTER 7 REGULATING PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS	87
CHAPTER 8 CIGARETTE LICENSE	90
CHAPTER 9 ALCOHOLIC BEVERAGES	93
CHAPTER 10 JUNK AND ABANDONED VEHICLES	95
CHAPTER 11 SEX OFFENDERS - REPEALED	101
CHAPTER 12 RECREATIONAL VEHICLES	102
CHAPTER 13 BURNING	104
TITLE IV MENTAL AND PHYSICAL HEALTH	106
CHAPTER 1 ANIMAL CONTROL	106
CHAPTER 2 CEMETERY	111
TITLE V HUMAN DEVELOPMENT - EDUCATION AND CULTURE	113
CHAPTER 1 CITY PARKS	113
TITLE VI PHYSICAL ENVIRONMENT	114
CHAPTER 1 MOBILE HOME REGULATION	114
CHAPTER 2 UTILITIES - SANITARY SYSTEM	116
CHAPTER 3 UTILITIES - WATER SYSTEM	128
CHAPTER 4 UTILITIES - REFUSE COLLECTION AND RECYCLING	131
CHAPTER 5 UTILITIES - BILLING CHARGES	136
CHAPTER 6 STREET CUTS AND EXCAVATIONS	142

CHAPTER 7 CABLE TELEVISION	144
CHAPTER 8 RESTRICTED RESIDENCE DISTRICT	150
CHAPTER 9 TAX INCREMENT FINANCING.....	154
CHAPTER 10 FLOOD PLAIN MANAGEMENT	158
CHAPTER 11 WATER WELL PROTECTION	173
CHAPTER 12 REGULATIONS FOR THE CONTRUCTION OF FENCES.....	177
CHAPTER 13 SIDEWALK REGULATIONS	181
CHAPTER 14 BUILDING PERMITS	187
CHAPTER 15 PORTABLE STORAGE CONTAINERS.....	190
CHAPTER 16 OUTDOOR FURNACES.....	193
TITLE VII SPECIAL ORDINANCES	194
CHAPTER 1 STREET GRADES – RESERVED.....	194
CHAPTER 2 VACATED STREETS AND ALLEYS - RESERVED	195
CHAPTER 3 ELECTRIC FRANCHISE.....	196
CHAPTER 4 GAS FRANCHISE	198
CHAPTER 5 TELEPHONE FRANCHISE - RESERVED	203
CHAPTER 6 CABLE FRANCHISE.....	204

TITLE I GENERAL PROVISIONS

CHAPTER 1 GENERAL PROVISIONS

1-1-1	Definitions	1-1-6	Severability
1-1-2	Grammatical Interpretation	1-1-7	Catchlines, Titles, Headings and Notes
1-1-3	Prohibited Acts Include Causing, Permitting	1-1-8	Amendments to City Code. Effect of New Ordinances, Amendatory Language
1-1-4	Construction		
1-1-5	Amendment		

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.
(ECIA Model Code Amended in 2011)

2. "City" means the City of Miles, 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. "City 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 City Council persons mean the total number of City Council persons provided by the City charter under the general laws of the state;

6. "County" means the County of Jackson, Iowa;

7. "Fiscal Year" means July 1 to June 30.

8. "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.

(ECIA Model Code Amended in 2010)

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, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them;

18. "Personal property" includes money, goods, chattels, things in action and evidences of debt;

19. "Preceding" and "following" mean next before and next after, respectively;

20. "Property" includes real and personal property;

21. "Real property" includes lands, tenements and hereditaments;

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. "Written" includes printed, typewritten, mimeographed or multigraphed;

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

(Code of Iowa, Sec. 380.2)

1-1-6 SEVERABILITY. If any section, provision or part of the City Code 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.

(ECIA Model Code Amended in 2010)

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

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

2. Amendments to any of the provisions of this City Code may be made by amending such provisions by specific reference to the section or subsection number of this City Code in substantially the following language: "That section _____ of the Code of Ordinances, City of _____, 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 _____, 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.

(ECIA Model Code Amended in 2010)

TITLE I GENERAL PROVISIONS

CHAPTER 2 RIGHT OF ENTRY

1-2-1 Right of Entry

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

TITLE I GENERAL PROVISIONS

CHAPTER 3 PENALTY

1-3-1 General Penalty
1-3-2 Civil Penalty - Municipal
Infraction

1-3-3 Scheduled Fines

1-3-1 GENERAL PENALTY. The doing of any act prohibited or declared to be unlawful, an offense, or a misdemeanor by the City Code or any Ordinance or Code herein adopted by reference, or the omission or failure to perform any act or duty required by this City Code or any Ordinance or Code or any Ordinance or Code herein adopted by reference is, unless another penalty is specified, punishable in accordance with Iowa Code Section 903.1(1)(a). No violation of the City Code shall subject an individual to incarceration.

Code of Iowa, Sec. 903.1(1)(a)
(ECIA Model Code Amended in 2008)
(ECIA Model Code Amended in 2009)
(ECIA Model Code Amended in 2010)
(ECIA Model Code Amended in 2020)

1-3-2 CIVIL PENALTY - MUNICIPAL INFRACTION.
(Code of Iowa, Sec. 364.22)

1. Definitions.

a. Municipal Infraction. Except those provisions specifically provided under state law as a felony, an aggravated misdemeanor, or a serious misdemeanor or a simple misdemeanor under Chapters 687 through 747 of the Iowa Code, the doing of any act prohibited or declared to be unlawful, an offense or a misdemeanor by the Miles Code of Ordinances or any Ordinance or Code herein adopted by reference, or omission or failure to perform any act or duty required by the Miles Code of Ordinances 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 Miles Code of Ordinances.

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)
(ECIA Model Code Amended during 2010)

b. Each day that a violation occurs or is permitted to exist by the violator constitutes a separate offense.

c. Seeking a civil penalty as authorized in this Chapter does not preclude the City from seeking alternative relief from the court in the same action.

3. Civil Citations

a. Any officer authorized by the City to enforce the Code of Ordinances may issue a civil citation to a person who commits a municipal infraction.

b. The citation may be served by personal service 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.
(ECIA Model Code Amended in 2011)

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

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

4. Seeking a civil penalty as authorized in Section 364.22, Code of Iowa, does not preclude the City from seeking alternative relief from the court in the same action. Such relief may include the imposition of a civil penalty by entry of a personal judgment against the defendant, directing that the payment of the civil penalty be suspended or deferred under conditions imposed by the court, ordering the defendant to abate or cease the violation or authorizing the City to abate or correct the violation, or ordering that the City's cost for abatement or correction of the violation be entered as a personal judgment against the defendant or assessed against the property where the violation occurred, or both. If a defendant willfully violates the terms of an order imposed by the court, such violation will be subject to a contempt of court action.

5. This section does not preclude a peace officer from issuing a criminal citation for violation of a City Code or regulation if criminal penalties are also provided for the violation, nor does it preclude or limit the authority of the City to enforce the provisions of the Code of Ordinances by criminal sanctions or other lawful means. Each day that a violation occurs or is permitted to exist by the defendant constitutes a separate offense. The violation of any provision of this Code of Ordinances or any regulation promulgated thereunder shall also constitute a simple misdemeanor punishable by a fine of not less than \$65.00 but not to exceed \$625.00. No violation of the City Code shall subject an individual to incarceration. A simple misdemeanor criminal charge filed pursuant to this Code of Ordinances shall only subject an individual to a monetary fine.

(ECIA Model Code Amended in 2017)

(ECIA Model Code Amended in 2020)

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

TITLE I GENERAL PROVISIONS

CHAPTER 4 PROCEDURE FOR HEARINGS BY THE CITY COUNCIL

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

1-4-1 PURPOSE AND INTENT.

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

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

1-4-2 GENERAL.

1. Record. A record of the entire proceedings shall be made by tape recording or by any other means of permanent recording determined to be appropriate by the City Council.

2. Reporting. The proceedings at the hearing may also be reported by a court reporter at the expense of any party.

3. Continuances. The City Council may grant continuances for good cause shown.

4. Oaths, Certification. The City Council or any member thereof has the power to administer oaths and affirmations.

5. Reasonable dispatch. The City Council and its representatives shall proceed with reasonable dispatch to conclude any matter before it. Due regard shall be shown for the convenience and necessity of any parties or their representatives.

1-4-3 FORM OF NOTICE OF HEARING.

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

"You are hereby notified that an evidentiary hearing will be held before the _____ City Council at _____ on the _____ day of _____, 20____, at the hour _____, upon the notice and order served upon you. You may be present at the hearing. You may be, but need not be, represented by counsel. You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you.

You may request the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by filing an affidavit therefor with the City Clerk."

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

1-4-5 CONDUCT OF HEARING.

1. Rules. Hearings need not be conducted according to the technical rules relating to evidence and witnesses.

2. Oral evidence. Oral evidence shall be taken only on oath or affirmation.

3. Hearsay evidence. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions in courts of competent jurisdiction in this state.

4. Admissibility of evidence. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely 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 has not read the entire record of the proceedings shall vote on or take part in the decision. The City Council may designate a member or members to preside over the receipt of evidence. Such member or members shall prepare findings of fact for the City Council.

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

3. Effective date of decision. The effective date of the decision shall be stated therein.

TITLE II POLICY AND ADMINISTRATION

CHAPTER 1 CITY CHARTER

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

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

2-1-2 FORM OF GOVERNMENT. The form of government of the City of Miles, 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 Miles, 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)

TITLE II POLICY AND ADMINISTRATION

CHAPTER 2 APPOINTMENT AND QUALIFICATIONS OF MUNICIPAL OFFICERS

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

2-2-1 CREATION OF APPOINTIVE OFFICERS. There are hereby created the following appointive officers: Clerk-Treasurer, Police Chief, Attorney, and Superintendent of Public Utilities.

2-2-2 APPOINTMENT OF OFFICERS. The Mayor shall appoint a Mayor Pro Tempore and shall appoint and may dismiss the Police Chief with the consent of a majority of the City Council.

The City Council shall appoint the City Clerk-Treasurer and the Superintendent of Public Utilities.

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

(ECIA Model Code Amended in 2014)

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

(Code of Iowa, Sec. 64.13)

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

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

(Code of Iowa, Sec. 64.13)

2-2-8 BONDS FILED. All bonds when duly executed shall be filed with the City Clerk, except that the City Clerk's bond shall be filed with the Mayor.

(Code of Iowa, Sec. 64.23)

2-2-9 BOARDS AND COMMISSIONS.

1. Membership and Sections. Membership and selections of members of boards and commissions shall be as specified in this Chapter or the Code of Iowa. Any committee, board, or commission so established shall cease to exist upon the accomplishment of the special purpose for which it was created, or when abolished by a majority vote of the City Council or as specified in the Code of Iowa.

2. Residency Requirement: No person shall be appointed or reappointed to a committee, board, or commission or ad hoc committee created by such committee, board, or commission unless such person is, at the time of such appointment or reappointment, a resident of the City, and any person so appointed or reappointed shall maintain such residency during the term of the appointment or reappointment. Any member of a committee, board, or commission or ad hoc committee created by such committee, board, or commission who fails to maintain such residency shall be deemed removed as of the date of such change of residency, any provision in this Code to the contrary notwithstanding.

3. Removal of Members of Boards and Commissions: The City Council may remove any member of any board or commission, which it has established.

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

(ECIA Model Code Amended in 2014)

TITLE II POLICY AND ADMINISTRATION

CHAPTER 3 POWERS AND DUTIES OF MUNICIPAL OFFICERS

2-3-1	General Duties	2-3-8	Powers and Duties of the City Attorney
2-3-2	Books and Records	2-3-9	Powers and Duties of the Superintendent of Public Utilities
2-3-3	Deposits of Municipal Funds	2-3-10	Powers and Duties of the Superintendent of Public Works
2-3-4	Transfer of Records and Property To Successor	2-3-11	Powers and Duties of the Fire Chief
2-3-5	Powers and Duties of the Mayor		
2-3-6	Powers and Duties of the City Clerk		
2-3-7	Powers and Duties of the Police Chief – Reserved		

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.

(Code of Iowa, Sec. 22.1, 22.2, and 22.7)

2-3-3 **DEPOSITS OF MUNICIPAL FUNDS.** The City Clerk shall deposit all funds collected on behalf of the municipality within five days of their receipt.

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

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

1. The Mayor shall supervise all departments of the City and give direction to department heads concerning the functions of the departments. The Mayor shall have the power to examine all functions of the municipal departments, their records, and to call for special reports from department heads at any time.

(Code of Iowa, Section 372.14(1))

2. The Mayor shall act as presiding officer at all regular and special City Council meetings. The Mayor pro tem shall serve in this capacity in the Mayor's absence.

(Code of Iowa, Sec. 372.14(1) and (3))

3. The Mayor may veto an Ordinance, amendment, or resolution within fourteen days after passage. The Mayor shall explain the reasons for the veto in a written message to the City Council at the time of the veto. Within thirty days after the Mayor's veto, the City Council may pass the measure again by an affirmative vote of not less than two-thirds of all of the members of the City Council. If the Mayor vetoes an ordinance, amendment, or resolution and the City Council repasses the measure after the Mayor's veto, a resolution becomes effective immediately upon repassage, and an Ordinance or amendment becomes a law when the Ordinance or a summary of the Ordinance is published, unless a subsequent effective date is provided within the Ordinance or amendment.

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

(Code of Iowa. Sec. 380.6)

(ECIA Model Code Amended in 2008)

4. The Mayor shall make appropriate provision that duties of any absentee office be carried on during the Mayor's absence.

5. 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.

6. The Mayor shall, whenever authorized by the City Council, sign all contracts on behalf of the City.

7. The Mayor shall call special meetings of the City Council when the Mayor deems such meetings necessary to the interests of the City.

8. 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.

9. 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 employ or discharge from employment officers or employees that the Mayor has the power to appoint, employ or discharge. The Mayor pro tempore shall have the right to vote as a member of the City Council.

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

10. The Mayor shall, upon order of the City Council, secure for the City such specialized and professional services not already available to the City. In executing the order of the City Council the Mayor shall conduct said duties in accordance with the City Ordinance and the laws of the State of Iowa.

11. The Mayor shall sign all licenses and permits, which have been granted by the City Council, except those designated by law or Ordinance to be issued by another municipal officer.

12. Upon authorization of the City Council, the Mayor shall revoke permits or licenses granted by the City Council when their terms, the Ordinances of the City, or the laws of the State of Iowa are violated by holders of said permits or licenses.

13. The Mayor shall order to be removed, at public expense, any nuisance for which no person can be found responsible and liable. This order shall be in writing. The order to remove said nuisances shall be carried out by the Mayor.

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

1. The Clerk shall attend all regular and special City Council meetings and prepare and publish a condensed statement of the proceedings thereof, to include the total expenditure from each City fund, within fifteen (15) days of the City Council meeting. The statement shall further include a list of all claims allowed, a summary of all receipts and the gross amount of the claims.

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

(ECIA Model Code Amended in 2014)

2. The City 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 City Clerk shall cause to be published either the entire text or a summary of all Ordinances and amendments enacted by the City. "Summary" shall mean a narrative description of the terms and conditions of an Ordinance setting forth the main points of the Ordinance in a manner calculated to inform the public in a clear and understandable manner the meaning of the Ordinance and which shall provide the public with sufficient notice to conform to the desired conduct required by the Ordinance. The description shall include the title of the Ordinance, an accurate and intelligible abstract or synopsis of the essential elements of the Ordinance, a statement that the description is a summary, the location and the normal business hours of the office where the Ordinance may be inspected, when the Ordinance becomes effective, and the full text of any provisions imposing fines, penalties, forfeitures, fees, or taxes. Legal descriptions of property set forth in Ordinances shall be described in full, provided that maps or charts may be substituted for legal descriptions when they contain sufficient detail to clearly define the area with which the Ordinance is concerned. The narrative description shall be written in a clear and coherent manner and shall, to the extent possible, avoid the use of technical or legal terms not generally familiar to the

public. When necessary to use technical or legal terms not generally familiar to the public, the narrative description shall include definitions of those terms.

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

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

4. The City Clerk shall maintain copies of all effective City Ordinances and codes for public use.

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

5. The City 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 City 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 City Clerk shall be the chief accounting officer of the City.

8. The City 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 City 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 City 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 City Clerk shall balance all funds with the bank statement at the end of each month.

12. The City 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 City Clerk shall maintain all City records as required by law.

(Code of Iowa, Sec. 372.13(3) and (5))

14. The City 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 City 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 as it may be necessary to such officer in the discharge of the duties of the municipal officer. The Clerk shall furnish a copy of any record, paper or public document under the control of the Clerk, which is not a "confidential record" as defined under Iowa Code Section 22.7, 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 municipal 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)
(ECIA Model Code Amended in 2020)

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

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

18. The City Clerk shall keep and file all communications and petitions directed to the City Council or to the City generally. The City 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 City 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 City 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 City 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 City 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 City 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 City 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 City 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 City Clerk shall prepare and submit to the City Council an itemized budget of revenues and expenditures.

(Code of Iowa, Sec. 384.16)

27. The City Clerk shall keep the record of each fund separate.

(Code of Iowa, Sec. 372.13(4) and 384.85)

28. The City Clerk shall keep an accurate record for all money or securities received by the City 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 City Clerk shall prepare a receipt in duplicate for all funds received. The City Clerk shall give the original to the party delivering the funds, and retain the duplicate.

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

30. The City Clerk shall keep a separate account of all money received by the City Clerk for special assessments.

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

31. The City Clerk shall, immediately upon receipt of monies to be held in the City 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 POLICE CHIEF – RESERVED

2-3-8 POWERS AND DUTIES OF THE CITY ATTORNEY. The duties of the City Attorney shall be as follows:

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

1. The City Attorney shall be so situated in a convenient location to maintain necessary coordination with the general governmental activities of the municipality.

2. If requested, the City Attorney shall attend every regular meeting of the City Council and attend those special meetings of the City Council at which the City Attorney is required to be present.

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

4. 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.

5. 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.

6. 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.

7. 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.

8. The City Attorney shall not appear on behalf of any municipal office or employee before any court or tribunal for the purely private benefit of said officer or employee. The City Attorney shall, however, if directed by the 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.

9. 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.

10. 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.

11. 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.

2-3-9 POWERS AND DUTIES OF THE SUPERINTENDENT OF PUBLIC UTILITIES. 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 all municipal utilities.

2. The Superintendent shall keep all records ordered to be kept by the Mayor in addition to those provided for by law or Ordinance.

3. The Superintendent shall make a report every month in writing 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.

TITLE II POLICY AND ADMINISTRATION

CHAPTER 4 SALARIES OF MUNICIPAL OFFICERS

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

2-4-3 Other Officers

2-4-1 CITY COUNCIL PERSON. The salary of each City Council Person shall be \$50.00 for each meeting of the City Council and each committee meeting authorized by the Mayor, not to exceed more than twelve regular meetings and six special meetings per year effective January 1, 2002.

(Code of Iowa, Sec. 372.13(8))
(Ord. 01-2, Passed June 6, 2001)

2-4-2 MAYOR. The Mayor shall receive an annual salary of \$2,500.00 effective January 1, 2004
(Code of Iowa, Sec. 372.13(8))
(Ord. 01-2, Passed June 6, 2001)
(Ord. 03-1, Passed September 3, 2003)

2-4-3 OTHER OFFICERS. The compensation of all other officers and employees shall be set by resolution of City Council.

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

TITLE II POLICY AND ADMINISTRATION

CHAPTER 5 CITY FINANCE

2-5-1	Budget Adoption	2-5-8	Budget Officer
2-5-2	Budget Amendment	2-5-9	Authorizations to Expend
2-5-3	Budget Protest	2-5-10	Accounting
2-5-4	Accounts and Programs	2-5-11	Budget Accounts
2-5-5	Annual Report	2-5-12	Contingency Accounts
2-5-6	City Council Transfers		
2-5-7	Administrative Transfers		

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

(Code of Iowa, Sec. 384.16)

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

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

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

2. Not less than twenty days before the date that the budget must be certified to the County Auditor and not less than ten days before the date set for hearing, the Clerk shall provide a sufficient number of copies of the budget to meet reasonable demands of taxpayers, and have such copies of the budget 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.

(ECIA Model Code Amended in 2012)

(ECIA Model Code Amended in 2014)

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

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

(ECIA Model Code Amended in 2014)

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 CITY 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 City Clerk, and where applicable, the City Treasurer, shall cause the appropriation to be revised upon the appropriation expenditure ledgers of the City, but in no case shall the total of the appropriation of a program be increased except for transfers from the contingency account nor shall the total appropriation for all purposes be increased except by a budget amendment made after notice and hearing as required by law for such amendments.

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

2-5-7 ADMINISTRATIVE TRANSFERS – RESERVED.

(ECIA Model Code Amended in 2014)

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 AUTHORIZATIONS TO EXPEND. All purchase orders other than those excepted herein shall be authorized by the City budget officer after determining whether the purchase, if a major item, has been authorized by the budget or other City Council approval. The City Clerk shall then determine whether a purchase order may be issued by checking the availability of an appropriation sufficient to pay for such a purchase. A purchase order may be issued only if there is an appropriation sufficient for the purchase and for other anticipated or budgeted purposes. If no adequate appropriation is available for the expenditure contemplated the City Clerk shall not issue a purchase order until a budget amendment to transfer of appropriation is made in accordance with power delegated by City Council and within the limits set by law and the City Council. The City

Clerk shall draw a warrant/check only upon an invoice received, or progress billing for a public improvement, supported by a purchase order and a signed receipt or other certification indicating the material has been delivered of the quality and in the quantities indicated or the services have been performed satisfactorily to the extent invoiced.

2-5-10 ACCOUNTING. The City 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 City 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)

2-5-11 BUDGET ACCOUNTS. The City 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)

2-5-12 CONTINGENCY ACCOUNTS. Whenever the City Council shall have budgeted for a contingency account the City Clerk shall set up in the accounting records but the City 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 fact set out in the minutes for the information of the Mayor and City Council.

(ECIA Model Code Amended in 2020)

TITLE II POLICY AND ADMINISTRATION

CHAPTER 6 POSTING

- | | | | |
|-------|---------------------------|-------|--------------------------|
| 2-6-1 | Purpose | 2-6-3 | Removing Notice Unlawful |
| 2-6-2 | Listing; Length of Notice | | |

2-6-1 **PURPOSE.** The City of Miles, Iowa has no newspaper published within the corporate limits of the City, and publications of notice of elections, Ordinances and amendments may be made by posting in three public places which have been permanently designated by Ordinance.
(Code of Iowa, Sec. 362.3(2))

2-6-2 **LISTING, LENGTH OF NOTICE.** The three public places where public notice of Ordinances and other matters permitted to be posted are to be displayed are:

Miles Post Office
Clinton National Bank
Miles City Hall

The City Clerk is hereby directed to promptly post all Ordinances, amendments, and City Council actions after passage. The City Clerk is directed to post all such matters not less than four (4) nor more than twenty (20) days before the date of the election, hearing, or other action as required pursuant to Section 362.3 (Iowa Code) or as otherwise required by law.
(Code of Iowa, Sec. 380.7)
(ECIA Model Code Amended in 2020)

2-6-3 **REMOVING NOTICE, UNLAWFUL.** Removal of a public notice by persons other than the City Clerk shall be punishable under Chapter 1-3 of this Code. 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 NOMINATIONS FOR ELECTIVE MUNICIPAL OFFICES

2-7-1 Nominating Method

2-7-1 NOMINATING METHOD. For the 1975 municipal election and in subsequent municipal elections of the City of Miles, Iowa, all candidates for elective municipal offices shall be nominated by the procedures set forth in Chapter 45 of the Code of Iowa.

The method prescribed herein for nominating candidates shall remain in effect until or unless changed by ordinance.

TITLE II POLICY AND ADMINISTRATION

CHAPTER 8 POLICE DEPARTMENT

2-8-1 Contract Law Enforcement

2-8-1 CONTRACT LAW ENFORCEMENT. In lieu of the appointment of a Police Chief by the Mayor, the City Council may contract with the County Sheriff or any other qualified lawful entity to provide law enforcement services within the City and in such event the Sheriff or such other entity shall have and exercise the powers and duties of the Police Chief as provided herein. In this case, the City of Miles contracts with the City of Preston for police services.

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

(Amended during 2021 codification)

TITLE II POLICY AND ADMINISTRATION

CHAPTER 9 CITY COUNCIL

2-9-1 Powers and Duties
2-9-2 Exercise of Power

2-9-3 Meetings

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

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 364.2(1) & 384.95 through 384.102)

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

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

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

A change in the compensation of City Council members becomes effective for all City Council members at the beginning of the term of the City Council members elected at the election next following the change in compensation.

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

2-9-2 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)

(Amended in 2008)

2. Overriding Mayor's Veto. Within thirty (30) days after the Mayor's veto, the City Council may repass the ordinance or resolution by a vote of not less than two-thirds of the City Council members, and the ordinance or resolution becomes effective upon repassage and publication.

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

3. Measures Become Effective. Measures passed by the City Council, other than motions, become effective in one of the following ways:

a. If the Mayor signs the measure, a resolution becomes effective immediately upon signing and an ordinance or amendment becomes a law when published, unless a subsequent effective date is provided within the measure.

(Code of Iowa, Sec. 380.6(1))

b. If the Mayor vetoes a measure and the City Council repasses the measure after the Mayor's veto, a resolution becomes effective immediately upon repassage, and an ordinance or amendment becomes a law when published unless a subsequent effective date is provided with the measure.

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

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

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

2-9-3 MEETINGS.

1. Regular Meetings. The regular meetings of the City Council are on the 1st Wednesday of each month at 6 o'clock p.m. in the City Council Chambers at City Hall. If such day falls on a legal holiday or for other reason, the meeting will be held on such different day or time as determined by the City Council.

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

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

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

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

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

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

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

|

TITLE III COMMUNITY PROTECTION

CHAPTER 1 OFFENSES

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

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

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

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

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

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

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

3. Willfully permit upon any premises owned, occupied, possessed or controlled by such person any unusually loud or excessive noise in such a manner calculated to provoke a breach of the peace of others, or the public quiet of the neighborhood.

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

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

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

5. Without lawful authority or order of authority, disturb any lawful assembly or meeting of persons by conduct intended to disrupt the meeting or assembly.

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

6. Without authority, obstruct any street, sidewalk, highway or other public way.

(Code of Iowa, Sec. 723.4(7))

7. Without authority, solicit contributions, distribute literature, or otherwise peddle or sell goods and services within the traveled portion of any roadway.

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

3-1-3 PUBLIC MORALS.

1. Indecent exposure. It shall be unlawful for any person to expose such person's genitals, pubes, female nipples, or buttocks to a person other than the person's spouse, or who commits a sex act in the presence or view of a third person, if the person does so to arouse or satisfy the sexual desires of either party and the person knows, or reasonably should know, that the act is offensive to the viewer.

(Code of Iowa, Sec. 709.9)

2. Public Urination/Defecation. It shall be unlawful for any person to urinate or defecate in a public place, other than a structure equipped with a toilet and/or urinal, in the presence of or in view of another person if the person knows, or reasonably should know, that such behavior would be offensive to a reasonable person.

(ECIA Model Code Amended in 2020)

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 within twenty-four (24) hours after any snowfall. Failure to remove such snowfall shall result in the City removing the snow at a rate of \$50.00 per hour with a minimum charge of \$50.00. This charge will be assessed to the property owner.

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

(Ord. No. 02-2, Passed August 7, 2002)

(Ord. No. 05-6, Passed December 7, 2005)

(Ord. 11-2, Passed February 1, 2012)

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 on the floor of any structure within the City limits.

(Code of Iowa, Sec. 364.1)

2. Putting glass, etc., 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 and fireworks.

(Code of Iowa, Sec. 727.2)

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

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

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

d. In the interest of public health and safety and at such times as approved by the 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, flitter sparklers in paper tubes that do not exceed 1/8 inch in diameter, toy snakes that contain no mercury, or caps used in cap pistols.

b. Exemption. The use of blank cartridges for a show or the theater, or for signal purposes in athletic events, or by railroads or trucks for signal purposes, or by recognized military organizations is exempt from this Subsection.

c. Prohibition. No person shall possess fireworks except as provided in this Chapter.

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 of bodily or property harm to any City employee or to any member of his or her 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. Littering Prohibited.

a. As used in this Code, “discard” means to place, cause to be placed, throw, deposit or drop, and “litter” means any garbage, rubbish, trash, refuse, waste material and yard waste.

b. No person shall discard any litter within the City of Miles, except as provided and approved by the City of Miles, by collecting and discarding such litter in approved areas or approved receptacles.

c. It is unlawful for any person to deposit or place any garbage, rubbish, trash, refuse, waste material or yard waste in any street, alley, lane, public place, private property, or body of water within the City.

d. It is unlawful to place garbage, refuse or yard waste on the private property of another, or into another garbage, refuse or yard waste containers for the purpose of being hauled away.

e. It is unlawful to permit garbage, yard waste or refuse to remain for more than ten (10) days on private property that is under one’s ownership, possession or control. Yard waste may be retained more than ten (10) days if composting is being completed.

f. Notwithstanding the above provisions, garbage, refuse or yard waste may be placed on the untraveled portions of streets, alleys, lanes, public places or on private property to be hauled away, provided the garbage, refuse or yard waste containers are kept in place in the manner prescribed in this Code of Ordinances.

(ECIA Model Code Amended in 2017)

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, 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. 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.

(Code of Iowa, Sec. 716.1)

9. 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)

10. 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)

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

(Code of Iowa, Sec. 716.1)

TITLE III COMMUNITY PROTECTION

CHAPTER 2 NUISANCES

3-2-1	Definitions	3-2-7	Request for Hearing and Appeal
3-2-2	Nuisances Prohibited	3-2-8	Abatement in Emergency
3-2-3	Other Conditions Regulated	3-2-9	Abatement by Municipality
3-2-4	Notice to Abate Nuisance or Condition	3-2-10	Collection of Cost of Abatement
3-2-5	Contents of Notice to Abate	3-2-11	Installment Payment of Cost of Abatement
3-2-6	Method of Service	3-2-12	Condemnation of Nuisance

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

1. NUISANCES DECLARED. The term "nuisance" means whatever is injurious to health, indecent, or unreasonably offensive to the senses or an obstacle to the free use of property, so as essentially to unreasonably interfere with the comfortable enjoyment of life or property. Nuisances shall include, but not be limited to, those activities and items hereinafter set forth in this section below:

(Code of Iowa, Sec. 657.1)
(ECIA Model Code Amended in 2017)

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 corrupting or rendering unwholesome or impure the water of any river, stream, or pond, or unlawfully diverting the same from its natural course or state, to the injury or prejudice of others.

(Code of Iowa, Sec. 657.2(4))

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 as defined in Code of Iowa 124.101 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, unless such object or structure constitutes a proper use or enjoyment of the land on which the same is located.

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

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

(ECIA Model Code Amended in 2017)

m. Trees infected with Dutch elm disease.

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

n. Reserved.

(ECIA Model Code Amended in 2020)

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 conducive to hazard.

(Code of Iowa, Sec. 657.2)

q. Causing or suffering any refuse, garbage, obnoxious substances, hazardous wastes, junk or salvage materials to be collected or to remain in any place to the prejudice to others; causing or suffering any refuse, garbage, obnoxious substances, hazardous wastes, junk or salvage materials or other offensive or disagreeable substances to be thrown, left or deposited in or upon any street, avenue, alley, sidewalk, park, public square, public enclosure, lot, vacant or occupied, or upon any pond or pool of water; except for compost piles established and maintained with written permission from the Jackson County Public Health Department and junk or salvage materials property stored in accordance with the Miles Municipal Code;

r. Diseased or damaged trees or shrubs. Any dead, diseased or damaged trees or shrubs, which may harbor insects or diseased pests or diseases injurious to other trees or shrubs or any healthy tree which is in such a state of deterioration that any part of such tree may fall and damage property or cause injury to persons.

s. Any ditch, drain or water course which is now or hereafter may be constructed so as to prevent surface water and overflow water from adjacent lands entering or draining into and through the same; any storm water detention basis not maintained in an appropriate manner so as to allow its proper function.

t. Stagnant water standing on any property, any property, container or material kept in such condition that water can accumulate and stagnate.

u. Infestations of vermin such as rats, mice, skunks, snakes, starlings, pigeons, bees, wasps, cockroaches or flies.

v. Facilities for the storage or processing of sewage, such as privies, vaults, sewers, private drains, septic tanks, cesspools and drainage fields, which have failed or do not function properly or which are overflowing, leaking or emanating odors; septic tanks, cisterns and cesspools which are abandoned or no longer in use unless they are empty and cleaned with clean fill; an evolved cesspools or septic tank which does not comply with the Jackson County Department of Health regulation.

w. Unoccupied buildings or unoccupied portions of buildings which are unsecured.

x. Dangerous buildings or structures.

y. Abandoned buildings.

z. Any hazardous thing or condition on property which may contribute to injury of any person present on the property; hazards include, but are not limited to, open holes, open wells, open foundation, dangerous trees or limbs, abandoned and unsecured refrigerators or trapping devices.

aa. The storage, parking, leaving or permitting the storage, parking or leaving of any inoperable or obsolete vehicle upon private property within the City for a period in excess of 48 hours, unless exempted herein. This section shall not apply to any vehicle enclosed within a building on private property or to any vehicle held in connection with a legal junk yard or automobile or truck-oriented use operated in the appropriate zone and in compliance with the Miles Municipal Code of Ordinances.

bb. All junk yard or salvage operations except those permitted by ordinance and operating in full compliance with the Miles Municipal Code of Ordinances.

cc. The open burning of trash, refuse, garbage, junk or salvage materials, yard waste, leaves and tree trimmings shall be prohibited within the City limits, provided, however, the City Council may designate up to three weekends each year to allow City residents to burn leaves and tree trimmings in accordance with the City's Open Burning Policy. Outdoor cooking or burning of wood is permitted if performed in a container constructed of steel, brick or masonry and the fire is no larger than two feet in diameter. Additional open burning may be permitted upon written request, only with the special permission of the City Council provided the burning is in compliance with Open Burning Policy guidelines established by the City in consultation with the Fire Department.

dd. Any accumulations of ice, water and snow on public sidewalks, or the failure to remove said accumulations within 48 hours after the creation of such accumulations exist, shall constitute a nuisance and shall be abated pursuant to the provisions specified in the Miles Municipal Code of Ordinances.

ee. Any nuisance described as such or declared by Chapter 657 of the Code of Iowa.

ff. The sounding of any horn or other signaling device on any vehicle on any street, public or private place within the City, except as a danger warning, which makes a loud or harsh sound to the disturbance or annoyance of any person and can be plainly audible at a distance of 50 feet.

gg. The use of amplified sound creating a disturbance or annoyance to others and can be plainly heard 50 feet from the source of the amplified sound.

hh. Yelling, shouting, hooting, whistling or singing at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in the vicinity.

ii. The erection, excavation, demolition, alteration, repair or construction of any building or other property between the hours of 7:00 p.m. and 9:00 a.m., except in the case of an emergency of a public health and safety nature, with the approval of the City.

jj. No person shall obstruct, deface, destroy or damage any public right-of-way in any manner by breaking up, plowing or digging within the right-of-way without City permission.

kk. No person shall throw or deposit on any public or private property any glass bottle, glass, nails, tacks, wire, cans, trash, garbage, rubbish, litter or any other debris or like substance which may damage or damage any person, animal or vehicle or which may annoy, damage or become dangerous to the health, comfort or property of individuals or the public.

ll. Causing or suffering any refuse, garbage, obnoxious substances, hazardous wastes, junk or salvage materials to be collected or to remain in any place to the disturbance of others.

mm. Causing or suffering any refuse, garbage, obnoxious substances, hazardous wastes, junk or salvage materials or other offensive or disagreeable substances to be thrown, left or deposited in or upon any street, alley, avenue, sidewalk, park, public square, public enclosure, lot, vacant or occupied.

nn. The storage of any appliances, scrap metal, indoor furniture, broken furniture, used building material, unstacked wood, broken toys, broken bicycles and tricycles, bathroom fixtures and similar objects visible from the public right-of-way or adjoining property.

oo. Pipes, lumber, drywall, flooring, roofing shingles and other building material left on the property visible from the public right-of-way or adjoining property for a period of time exceeding 72 hours.

pp. Rusty, deteriorated, dilapidated or unusable play equipment visible from any adjoining property.

qq. Dilapidated dwelling units exhibiting peeling paint, untreated wood, broken gutters, broken windows, dry rot, missing banisters, railings and spindles, broken doors and the like creating an eyesore and offending members of the public.

(This is not an exclusive or exhaustive list of possible nuisances. The Council must decide what is needed and appropriate for its community.)

(ECIA Model Code Amended in 2020)

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 hereby prohibited, and a nuisance may be abated by criminal citation, municipal infraction or as otherwise provided in this Ordinance or Code of Iowa.

(Code of Iowa, Sec. 657.3)

(ECIA Model Code Amended in 2017)

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

1. The removal of diseased trees or dead wood, but not diseased trees and dead wood outside the lot and property lines and inside the curb lines upon the public street.

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

2. The removal, repair, or dismantling of dangerous buildings or structures.

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

3. The numbering of buildings.

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

4. The connection to public drainage systems from abutting property when necessary for public health or safety.

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

5. The connection to public sewer systems from abutting property, and the installation of sanitary toilet facilities and removal of other toilet facilities on such property.

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

6. The cutting or destruction of weeds or other growth which constitutes a health, safety, or fire hazard.

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

7. Location of Trees and Shrubs: No tree or shrub shall be planted between the sidewalk and the curb or street. In those situations where no sidewalk exists, no tree or shrub shall be planted within 10 (ten) feet of the curb or street. No trees shall be planted in the terrace.

(Ord. 00-1, Passed November 1, 2000)

(Amended during 2021 codification)

3-2-4 NOTICE TO ABATE NUISANCE OR CONDITION. Whenever the Mayor or other authorized municipal officer finds that a nuisance or other prohibited condition exists, the Mayor or officer may notify the property owner as shown by the records of the County Auditor to abate the nuisance within a reasonable time after notice. Notice and opportunity to abate the nuisance is not required prior to bringing legal action.

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

(ECIA Model Code Amended in 2014)

(ECIA Model Code Amended in 2017)

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

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

1. A description of what constitutes the nuisance or other condition.

2. The location of the nuisance or condition.

3. A statement of the act or acts necessary to abate the nuisance or condition.

4. A reasonable time within which to complete the abatement.

5. A statement that if the nuisance or condition is not abated as directed and no request for hearing is made within the time prescribed, the City will abate it and assess the costs against such person.

3-2-6 METHOD OF SERVICE. The notice may be sent by regular mail to the property owner as shown by the records of the County Auditor.

(Code of Iowa, Sec. 364.12(3)(h))
(ECIA Model Code Amended in 2014)

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/employee ordering the abatement within seven (7) working days of the receipt of the notice or the right to a hearing shall be waived. If an appeal is not filed as set forth herein, 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. The property owner may appeal this decision by filing written notice with the City Clerk within five (5) calendar days of the decision. 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.

(ECIA Model Code Amended in 2017)

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 the nuisance at a rate of \$50.00 per hour with a minimum charge of \$50.00. 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))
(Ord. 11-3, Passed February 1, 2012)

3-2-10 COLLECTION OF COST OF ABATEMENT. The City Clerk shall mail a statement of the total expense incurred to the property owner who has failed to abide by the notice to abate, and if

the amount shown by the statement has not been paid within one month, the City Clerk shall certify the costs to the County Auditor 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, commercial or industrial building found to be abandoned and a public nuisance and take title to the property for the public purpose of disposing of the property under Chapter 657A by conveying the property to a private individual for rehabilitation or for demolition and construction of housing.

(Code of Iowa, Sec. 364.12A)

(ECIA Model Code Amended in 2014)

(ECIA Model Code Amended in 2017)

TITLE III COMMUNITY PROTECTION

CHAPTER 3 TRAFFIC CODE

- 3-3-1 Short Title
- 3-3-2 Definitions
- 3-3-3 Authority of Sheriff, City Municipal Police, and Fire Department Officials

ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS

- 3-3-4 Traffic Accident Reports
- 3-3-5 Traffic Accident Studies
- 3-3-6 Driver's Files Maintained
- 3-3-7 Sheriff, Department, City Municipal Police, or Any Other Designated Law Enforcement Officer to Submit Monthly Reports
- 3-3-8 Required Obedience to Provisions of This Chapter and State Law

SPEED REGULATIONS

- 3-3-9 State Speed Laws Applicable
- 3-3-10 Parks, Alleys, Cemeteries and Parking Lots
- 3-3-11 Emergency Vehicles
- 3-3-12 Operation On Approach of Emergency Vehicles
- 3-3-13 Changing State Speed Limits in Certain Zones
- 3-3-14 Turning Markers, Buttons and Signs
- 3-3-15 Authority to Place Restricted Turn Signs
- 3-3-16 Obedience To No-Turn Signs
- 3-3-17 "U" Turns

TRAFFIC CONTROL DEVICES

- 3-3-18 Authority To Install Traffic Control Devices

SPECIAL STOPS REQUIRED

- 3-3-19 Through Highways
- 3-3-20 Authority To Erect Stop Signs
- 3-3-21 Stops or Yield At Intersecting Through Highways and Other Intersections
- 3-3-22 Stop When Traffic Is Obstructed
- 3-3-23 School Stops
- 3-3-24 Required For Enforcement Purposes - When
- 3-3-25 City Council To Designate Crosswalks, Establish and Mark Traffic Lanes
- 3-3-26 Play Streets
- 3-3-27 Stopping, Standing, or Parking Prohibited in Specified Places
- 3-3-28 Authority To Paint Curbs and Erect Signs Prohibiting Standing or Parking
- 3-3-29 Parking Signs Required
- 3-3-30 Prohibited Parking During Snow Emergency
- 3-3-31 Enforcement
- 3-3-31A All-Night Parking Prohibited
- 3-3-32 Vehicle Parking Limited
- 3-3-33 Parking in Alleys
- 3-3-34 Double Parking
- 3-3-35 Loading Zones
- 3-3-36 Limited Parking Zones
- 3-3-37 Special Parking Zones
- 3-3-38 Parking Space For Persons With Disabilities
- 3-3-38A Parking Violations: Alternate
- 3-3-39 Parking Violations: Vehicle Unattended
- 3-3-40 Presumption In Reference To Illegal Parking

METHOD OF PARKING

- 3-3-41 Standing or Parking Close To Curb

- 3-3-42 Standing or Parking On The Left-
Hand Side Of One-Way Streets
- 3-3-43 Signs Or Markings Indicating Angle
Parking
- 3-3-44 Obedience To Angle Parking Signs
or Markings
- 3-3-45 Parking For Certain Purposes
Prohibited

LOAD AND WEIGHT RESTRICTIONS

- 3-3-46 Load Restrictions Upon Vehicles
Using Certain Streets
- 3-3-47 Temporary Embargo
- 3-3-48 Permits For Excess Size and Weight
- 3-3-49 Truck Routes

ONE-WAY STREETS AND ALLEYS

- 3-3-50 Authority To Designate One-Way
Streets and Alleys
- 3-3-51 One-Way Streets and Alleys
- 3-3-52 Authority To Restrict Direction of
Movement on Streets During Certain
Periods
- 3-3-53 Authority To Impound Vehicles

PEDESTRIANS' RIGHTS AND DUTIES

- 3-3-54 Prohibited Crossing
- 3-3-55 Pedestrians on Left
- 3-3-56 Persons Propelling Push Carts Or
Riding Animals To Obey Traffic
Regulations
- 3-3-57 Use of Coasters, Roller Skates and
Similar Devices Restricted

MISCELLANEOUS DRIVING RULES

- 3-3-58 Vehicles Not Be Driven On
Sidewalks
- 3-3-59 Clinging To Vehicles
- 3-3-60 Trespassing On Guarded Streets
Or Other Areas Prohibited
- 3-3-61 Regulating The Hauling Or Carrying
Of Certain Chattels

- 3-3-62 Driving Through Funeral Or Other
Procession
- 3-3-63 Drivers In A Procession
- 3-3-64 Funeral Processions To Be Identified
- 3-3-65 Intent To Injure
- 3-3-66 Obstruction To Driver's View
- 3-3-67 Parades And Processions - Permit
Required When
- 3-3-68 Quiet Zones
- 3-3-69 Squealing Tires

BICYCLE REGULATIONS

- 3-3-70 Definitions
- 3-3-71 Traffic Code Applies To Persons
Riding Bicycles
- 3-3-72 Riding On Bicycles
- 3-3-73 Riding On Roadways and Bicycle
Paths
- 3-3-74 Speed
- 3-3-75 Emerging From Alley Or Driveway
- 3-3-76 Carrying Articles
- 3-3-77 Parking
- 3-3-78 Riding On Sidewalks
- 3-3-79 Lamps And Other Equipment On
Bicycles

SNOWMOBILES, 3-WHEEL AND 4-WHEEL ATVS

- 3-3-80 Definitions
- 3-3-81 Permitted Areas of Operation
- 3-3-82 Regulations
- 3-3-83 Equipment Required
- 3-3-84 Unattended Vehicles
- 3-3-85 Restriction of Operation
- 3-3-86 Traffic Regulation

PENALTIES AND PROCEDURE ON ARREST

- 3-3-87 Citation Placed On Illegally Parked
Vehicle
- 3-3-88 Presumption In Reference To Illegal
Parking
- 3-3-89 Local Parking Fines

- 3-3-90 Failure To Pay Parking Citations
- 3-3-91 Vehicular Noise
- 3-3-92 Engine and Compression Brakes

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 by Chapter 321 of the Code of Iowa, such definitions shall apply to this Ordinance.

1. Alley. "Alley" means that portion of a platted block intended for purposes of vehicular traffic and ordinarily known as an alley.

2. Authorized Emergency Vehicle. "Authorized emergency vehicle" means vehicles of the fire department, police vehicles, emergency unit vehicles and such ambulances and emergency vehicles as may be designated or authorized by the City Council either by order of or consent of the City Council.

3. Bicycle. "Bicycle" means every device propelled by human power upon which any person may ride, having two tandem wheels either of which is over twenty inches in diameter, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels.

4. Business District. "Business district" shall mean the territory contiguous to and including a highway when fifty percent (50%) or more of the frontage thereon for a distance of three hundred (300) feet or more is occupied by buildings in use for business.

5. Crosswalk. "Crosswalk" means:

a. That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or in the absence of curbs, from the edges of the traversable roadway.

b. Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

6. Curb Loading Zone. "Curb loading zone" means a space adjacent to a curb reserved for the exclusive use of vehicles during loading or unloading of passengers or materials.

7. Driver. "Driver" means every person who drives or is in actual physical control of a vehicle.

8. Freight Curb Loading Zone. "Freight curb loading zone" means a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of freight.

9. Intersection. "Intersection" means the area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at or approximately at right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

10. Laned Roadway. "Laned roadway" means a roadway which is divided into two or more clearly marked lanes for vehicular traffic.

11. Motorcycle. "Motorcycle" means every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.

12. Motor Vehicles. "Motor vehicles" means every vehicle which is self-propelled.

13. No Passing Zone. "No passing zone" means that part of a roadway where official signs are in place prohibiting vehicles from overtaking and passing vehicles proceeding in the same direction or a distinctive centerline or off-centerline is marked, which distinctive line also so directs traffic, or as so declared in the sign manual adopted by the Iowa Department of Transportation.

14. Official Time Standard. Whenever certain hours are named herein they shall mean Central Standard Time or Daylight Savings Time, as may be currently in use in this City.

15. Official Traffic-Control Devices. "Official traffic control devices" means all signs, signals, markings and devices not inconsistent with this Chapter placed or erected by authority of the City Council.

16. Park. "Park", when prohibited, means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading.

17. Passenger Curb Loading Zone. "Passenger curb loading zone" means a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

18. Pedestrian. "Pedestrian" means any person afoot.

19. Person. "Person" means every natural person, firm, co-partnership, association or corporation.

20. Police Officer. "Police Officer" means every officer of the Jackson County Sheriff Department, City Municipal Police or any officer authorized to direct or regulate traffic or to make arrests for violation of traffic regulations.

21. Private Road or Driveway. "Private road or driveway" means every way or place in private ownership and used for vehicular travel by the owner and those having expressed or implied permission from the owner, but not by other persons.

22. Railroad. "Railroad" means a carrier of persons or property upon cars, operated upon stationary rails.

23. Railroad Train. "Railroad train" means a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails.

24. Residence District. "Residence district" shall mean the territory contiguous to and including a

highway not comprising a business, suburban or school district, where forty percent (40%) or more of the frontage on such a highway for a distance of three hundred (300) feet or more is occupied by dwellings or by dwellings and buildings in use for business.

25. Right-of-Way. "Right-of-way" means the privilege of the immediate use of the roadway.

26. Roadway. "Roadway" means that portion of a street or highway improved, designed or ordinarily used for vehicular travel; in the event a highway includes two or more separate roadways, the term roadway as used herein refers to any such roadway separately but not to all such roadways collectively.

27. Safety Zone. "Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

28. School District. "School district" shall mean the territory contiguous to and including a highway for a distance of two hundred (200) feet in either direction from a school house.

29. Sheriff. "Sheriff" means the Sheriff of Jackson County.

30. Sidewalk. "Sidewalk" means that portion of a street between the curb lines or the lateral lines of a roadway and the adjacent property lines, intended for the use of pedestrians.

31. Stop. "Stop", when required, means complete cessation of movement.

32. Stopping or Standing. "Stopping or standing", when prohibited, means any stopping or standing of a vehicle whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic-control sign or signal.

33. Street or Highway. "Street or highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

34. Suburban District. "Suburban district" shall mean all other parts of the City not included in the business, school or residence districts.

35. Through Highway. "Through highway" means every street or highway or portion thereof at the entrances of which vehicular traffic from intersecting streets or highways is required to stop before entering or crossing the same and when stop signs are erected as provided in this Chapter.

36. Traffic. "Traffic" means pedestrians, ridden or herded animals, vehicles and other conveyances either singly or together, while using any street for purposes of travel.

37. Traffic-Control Signal. "Traffic-control signal" means any device, whether manually, electrically or mechanically operated, by which traffic is alternatively directed to stop and to proceed.

38. Vehicle. "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails.

ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS

3-3-3 AUTHORITY OF SHERIFF, CITY MUNICIPAL 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 sheriff's department.

The officers of the sheriff's department, City municipal police, or any other designated officer are hereby authorize 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 sheriff's department, county municipal police, or any other designated officer may direct traffic as conditions require notwithstanding the provision of the traffic laws.

Officers of the fire department, when at the scene of a fire, may direct or assist the sheriff's department, the City municipal police, or any other designated officer in directing traffic thereat or in the immediate vicinity.

3-3-4 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 Public Transportation. A copy of this report will be filed with the sheriff. All such reports shall be for the confidential use of the sheriff's department, City municipal police, or any other designated law enforcement officer, and shall be subject to the provisions of Section 321.271 of the Code of Iowa. The sheriff, county municipal police, or designated law enforcement officer shall maintain a suitable system of filing traffic accident reports.

3-3-5 TRAFFIC ACCIDENT STUDIES. Whenever the accidents at any particular location become numerous, the sheriff's department, municipal police, or any other designated law enforcement officer may conduct studies of such accidents and propose remedial measures.

3-3-6 DRIVER'S FILES MAINTAINED. The sheriff's department, City municipal police, or any other designated law enforcement officer shall maintain a suitable record of all traffic accidents.

3-3-7 SHERIFF DEPARTMENT, CITY MUNICIPAL POLICE, OR ANY OTHER DESIGNATED LAW ENFORCEMENT OFFICER TO SUBMIT MONTHLY REPORTS. The sheriff's department, City municipal police, or any other designated law enforcement officer may prepare monthly 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 and injured, the number and nature of violations, and other pertinent traffic data including the plans and recommendations for future traffic safety activities.

3-3-8 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).

SPEED REGULATIONS

3-3-9 STATE SPEED LAWS APPLICABLE. No person shall drive or operate a vehicle at a speed greater than, nor less than is reasonable and prudent under the conditions and having regard to the traffic, surface, and width of the street or highway and of any other conditions then existing and no person shall drive or operate any vehicle upon a street or highway at a speed greater than will permit such person to bring it to a stop within the assured clear distance ahead, such driver or operator having the right to assume, however, that all persons using said street or highway will observe the law. The state traffic laws regulating the speed of vehicles, and specifically Section 321.285 of the 1991 Code of Iowa, and any amendments thereto, shall be applicable upon all streets within this City except that the following speed restrictions are adopted:

1. Business district, twenty miles per hour;
2. Residence district, twenty-five miles per hour;
3. School district, fifteen miles per hour;
4. Suburban district, forty-five miles per hour.

3-3-10 PARKS, ALLEYS, CEMETERIES AND PARKING LOTS. A speed in excess of fifteen (15) miles per hour in any public park, alley, cemetery or parking lot, unless specifically designated otherwise in this article, is unlawful.

3-3-11 EMERGENCY VEHICLES. The speed limitations set forth in this article do not apply to authorized emergency vehicles when responding to emergency calls and the driver's thereof sound audible signal by bell, siren or whistle. This provision does not relieve such driver from the duty to drive with due regard for the safety of others.

3-3-12 OPERATION ON APPROACH OF EMERGENCY VEHICLES. Upon the immediate approach of an authorized emergency vehicle with any lamp or device displaying a red light or flashing red light from directly in front thereof, or when the driver is giving audible signal by siren, exhaust whistle or bell, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the highway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

3-3-13 CHANGING STATE SPEED LIMITS IN CERTAIN ZONES. It is hereby determined that the speed permitted by state law upon the following streets or portions thereof is greater or less than is necessary for the safe operation of vehicles thereon, and it is hereby declared that the maximum speed limit upon these streets or portions thereof described shall be as follows:

1. Increased speed limit: None.
2. Lower speed limit: School District 15 mph.

TURNING MOVEMENTS

3-3-14 **TURNING MARKERS, BUTTONS AND SIGNS.** The City Council may cause markers, buttons or signs to be placed within or adjacent to intersections, and thereby require and direct, as traffic conditions require, that a different course from that specified by the state law be traveled by vehicles turning at intersections, and when markers, buttons or signs are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such markers, buttons or signs, including right-hand turns at intersections with automatic traffic signals.

3-3-15 **AUTHORITY TO PLACE RESTRICTED TURN SIGNS.** The City Council is hereby 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 such turns may be prohibited between certain hours of any day, in which event the same shall be plainly indicated on signs.

3-3-16 **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.

3-3-17 **"U" TURNS.** It shall be unlawful for a driver to make a "U" turn except at an intersection provided, however, that "U" turns are prohibited at intersections within the business district and at intersections where there are automatic traffic signals.

TRAFFIC CONTROL DEVICES

3-3-18 **AUTHORITY TO INSTALL TRAFFIC CONTROL DEVICES.** The City Council shall cause to be placed and maintained traffic-control devices when and as required under the Ordinances of this City to make effective its provisions, and may so cause to be placed and maintained such additional, emergency or temporary traffic-control devices for the duration of an emergency or temporary condition as traffic conditions may require to regulate traffic under the traffic ordinances of this City or under state law or to guide or warn traffic.

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

SPECIAL STOPS REQUIRED

3-3-19 **THROUGH HIGHWAYS.** Streets or portions of streets described below are hereby declared to be through highways:

Highway 64 and Ferry Road

3-3-20 **AUTHORITY TO ERECT STOP SIGNS.** Whenever any Ordinance of this City designates and describes a through highway it shall be the duty of the City Council to cause to be placed and maintained a stop sign on each and every street intersecting such through highway except as hereinafter

modified in the case of intersecting through highways.

3-3-21 STOPS OR YIELD AT INTERSECTING THROUGH HIGHWAYS AND OTHER INTERSECTIONS. At the intersections of through highways and at intersections upon streets other than through highways, where, because of heavy cross-traffic or other traffic conditions, particular hazard exist, the City Council shall determine whether vehicles shall stop or yield at one or more entrances to any such intersection and shall erect an appropriate sign at every such place when a stop or yield is required and every driver of a vehicle or motorized person-driven equipment shall stop or yield at such sign or at a clearly marked stop line before entering an intersection except when directed to proceed by a police officer or traffic control signal.

Stop Signs

1. Stop at Section Road on Lincoln going South
2. Stop at Section Road on Lincoln going North
3. Stop at Section Road on Washington going North
4. Stop at Ferry Road on Section Road going West
5. Stop at Ferry Road on Section Road going East
6. Stop at Hwy 64 on Ferry Road going North
7. Stop at Hwy 64 on Ferry Road going South

(Ord. No. 02-2, Passed August 7, 2002)

8. Stop at Hwy 64 on Section Road going West
9. Stop at Section Road on Grant going North
10. Stop at Section Road on Harrison going North
11. Stop at Section Road on Wilson going North
12. Stop at Orson on Wilson going North
13. Stop at Ferry Road on Orson going West
14. Stop at Ferry Road on Allen going West
15. Stop at Allen on Ferry Road going South
16. Stop at Allen on Ferry Road going North
17. Stop at Allen on Washington going South
18. Stop at Allen on Washington going North
19. Stop at Allen on Lincoln going South
20. Stop at Allen on Lincoln going North
21. Stop at Allen on Grant going South
22. Stop at Allen on Grant going North
23. Stop at Allen on Harrison going South
24. Stop at Allen on Wilson going South
25. Stop at Ferry Road on Forrest going West
26. Stop at Forrest on Washington going North
27. Stop at Ferry Road on Centennial going West
28. Stop at Centennial on Washington going East

(Ord. No. 02-2, Passed August 7, 2002)

29. Stop at Grant on Centennial going East

(Ord. No. 02-2, Passed August 7, 2002)

30. Stop at Grant on Centennial going West

31. Stop at Grant on Forrest going East (Ord. No. 02-2, Passed August 7, 2002)
32. Stop at Grant on Forrest going West (Ord. No. 02-2, Passed August 7, 2002)
33. Stop at Forrest on Washington going South (Ord. No. 02-2, Passed August 7, 2002)
34. Stop at Forrest on Lincoln going South
35. Stop at Wilson on Allen going West (Amended during Codification, per Res. 452)
36. Stop at Z-40 on Country Rd. going West (Amended during Codification, per Res. 442)
37. Stop at Z-40 on Luett Rd. going West (Amended during Codification, per Res. 442)
38. Stop at Orson on Wilson going South (Ord. No. 02-2, Passed August 7, 2002)
39. Stop at Wilson on Orson going East (Ord. No. 02-2, Passed August 7, 2002)
40. Stop at Section Rd. on Kennedy going North (Ord. No. 02-2, Passed August 7, 2002)
41. Stop at Section Rd. on Adams going North (Ord. No. 02-2, Passed August 7, 2002)
42. Stop at Lincoln on Alley next to Keeney Welding going east (Ord. No. 04-1, Passed August 4, 2004)
43. Stop at Lincoln on Hillcrest going west. (Ord. No. 04-1, Passed August 4, 2004)

Yield Intersections

1. Yield at Orson on Washington going South
2. Yield at Orson on Washington going North
3. Yield at Orson on Lincoln going South
4. Yield at Orson on Lincoln going North
5. Yield at Orson on Grant going South
6. Yield at Orson on Grant going North
7. Yield at Orson on Harrison going South
8. Yield at Orson on Harrison going North

3-3-22 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 said driver is operating.

3-3-23 SCHOOL STOPS. When a driver of a vehicle approaches an authorized school stop, said driver shall bring such vehicle to a full stop at a point ten (10) feet from the approach side of the crosswalk marked by an authorized school stop sign, and thereafter proceed in a careful and prudent manner until said driver shall have passed such school site.

3-3-24 REQUIRED FOR ENFORCEMENT PURPOSES--WHEN. No provisions of this Chapter for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in regular position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, such section shall be effective even though no signs are erected or in place.

3-3-25 CITY COUNCIL TO DESIGNATE CROSSWALKS, ESTABLISH AND MARK TRAFFIC LANES. The City Council is hereby authorized:

1. To designate and maintain by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where due to traffic conditions there is particular danger to pedestrians crossing the street or roadway, and at such other places as traffic conditions require.

2. To mark lanes for traffic on street pavements at such places as traffic conditions require, consistent with the traffic ordinances of this City. Where such traffic lanes have been marked, it shall be unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of any such lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

3-3-26 PLAY STREETS. The City Council shall have 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 any such street or portion thereof except drivers of vehicles having business or whose residences are within such closed area, and then any said driver shall exercise the greatest care in driving upon any such street or portion thereof.

3-3-27 STOPPING, STANDING, OR PARKING PROHIBITED IN SPECIFIED PLACES. No person shall stop, stand or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control device, in any of the following places:

(Code of Iowa, Sec. 321.358)

1. On a sidewalk.
2. In front of a public or private driveway.
3. Within an intersection.
4. Within five (5) feet of either side of the point on the curb nearest to a fire hydrant.
5. On a crosswalk.
6. Within ten (10) feet upon the approach to any flashing beacon, stop sign, or traffic-control

signal located at the side of the roadway.

7. Within fifty (50) feet of the nearest rail of a railroad crossing, except when parked parallel with such rail and not exhibiting a red light.

8. Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance when properly signposted.

9. Alongside or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic.

10. On the roadway side of any vehicle stopped or parked at the edge or curb of street.

11. Opposite the entrance to a garage or driveway in such a manner or under such conditions as to leave available less than twenty (20) feet of the width of the roadway for the free movement of vehicular traffic.

12. Upon any street or in any alley in any part of the City in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway of such street or alley for the free movement of vehicular traffic, except when necessary in obedience to traffic regulations or traffic signs, or signals of a police officer.

13. At any place where official signs or curb markings prohibit stopping, standing or parking.

14. Within ten (10) feet of the crosswalk at all intersections within the City.

15. In an alley under any fire escape at any time.

(Ord. No. 02-2, Passed August 7, 2002)

3-3-28 **AUTHORITY TO PAINT CURBS AND ERECT SIGNS PROHIBITING STANDING OR PARKING.** When, because of restricted visibility or when standing or parked vehicles constitute a hazard to moving traffic, or when other traffic conditions require, the City Council may cause curbs to be painted with a yellow or orange color and erect no parking or standing signs. It shall be unlawful for the operator of any vehicle to stand or park a vehicle in an area so painted or sign-posted. It shall be unlawful for any person, other than after having first secured the permission of the City Council, to paint any curbing, sidewalk or street with yellow or orange colored paint or to erect "no parking" signs.

(Ord. No. 02-2, Passed August 7, 2002)

3-3-29 **PARKING SIGNS REQUIRED.** Whenever by this or any other Chapter of this City any parking time limit is imposed or parking is prohibited on designated streets or portions of streets it shall be the duty of the City Council to erect appropriate signs giving notice thereof and no such regulations shall be effective unless signs are erected and in place at the time of any alleged offense. When signs are so erected giving notice thereof, no person shall disobey the restrictions stated on such signs.

3-3-30 **PROHIBITED PARKING DURING SNOW EMERGENCY.** During street cleaning and

maintenance emergencies the following emergency procedures may be invoked by the Mayor and/ or City Maintenance Department.

1. Notification to the citizens of Miles of such an emergency may be made by radio broadcast from the following radio station: KMAQ Maquoketa, Iowa Phone No. 563-652-2426.

2. Snow Removal Emergency. A snow removal emergency shall be deemed to exist after an accumulation of three inches (3") or more of snow, or after declaration of a snow removal emergency by a public radio announcement, and shall be deemed to continue for a period of twenty-four (24) hours thereafter unless such period of time shall be shortened or extended by declaration of the Mayor or City Maintenance through a public radio announcement.

3. Following the notification to Miles residents that snow emergency maintenance procedures have been declared, all vehicles parked along Ferry Road will be moved as well as east and west streets will be moved by their owners to north and south streets. When work has been completed on east and west streets all vehicles will be moved to east and west until all work has been completed on north and south streets.

4. Parking Restrictions. It shall be unlawful for any person to park or leave unattended or unoccupied any vehicle upon a designated snow route within the City, during the existence of a snow removal emergency. On streets of the City, it shall be unlawful for any person to park or leave unattended or unoccupied any vehicle in a parking place that has not been cleared of snow.

(Ord. 21-03, Passed February 3, 2021)

3-3-31 ENFORCEMENT. Any vehicle not in compliance with section 3-3-31 may be towed at the owner's expense and fined by citation issuance \$50.00.

3-3-31A 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 (30) minutes between the hours of 2 a.m. and 5 am of any day.

3-3-32 VEHICLE PARKING LIMITED. The parking of a motor truck, semi-trailer, or other motor vehicle with trailer attached; a recreational vehicle; or motor vehicles or trailers of any kind or type without current license plates shall be in violation of the following regulations:

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

1. Truck Parking Limited.

a. Parking Restricted. Excepting only when such vehicles are actually engaged in the delivery or receiving of merchandise or cargo, no person shall park or leave unattended any vehicle more than nineteen (19) feet in length on any streets within the City. When actually receiving or delivering merchandise or cargo such vehicle shall be stopped or parked in a manner which will not interfere with other traffic, and such receiving and delivery time shall not exceed thirty (30) minutes of any one time.

b. Noise. No such vehicle shall be left standing or parked upon any street, alley, public or private parking lot, or drive of any service station with the engine, auxiliary engine, air compressor, refrigerating equipment or other device in operation giving off audible sounds excepting only the drive of a service station when actually being serviced, and then in no event for more than thirty (30) minutes.

c. Livestock. No such vehicle containing livestock shall be parked on any street, alley or highway for a period of time of more than thirty (30) minutes.

2. Recreational Vehicles. It shall be unlawful to park a boat trailer, utility trailer, or unoccupied motor home, travel or camping trailer, on any public street, alley or place for a period of time in excess of twenty-four (24) hours. Upon application to the Police Department, emergency or temporary parking for occupied travel trailers, campers and motor homes may be permitted at designated locations on public streets, alleys, or any other public or private place for a three (3) day period, subject to extended time of up to three (3) days upon reapplication, and subject to any other prohibitions or regulations imposed by traffic and parking ordinances of the City.

3. Unlicensed Vehicles and Trailers. Motor vehicles or trailers of any kind or type without current license plates shall be parked or stored on any lot other than in completely enclosed buildings.

(Ord. 13-2, Passed October 2, 2013)

3-3-33 PARKING IN ALLEYS.

1. No person shall park or allow to stand any vehicle in any alley where official signs indicate that parking is prohibited.

2. In alleys where parking is not prohibited, no person shall park a vehicle or allow a vehicle to stand in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand or park a vehicle within an alley in such a position as to block the driveway entrance to any building or other abutting property.

3-3-34 DOUBLE PARKING. No motor vehicle shall be permitted to stop and double-park within the City. Parking parallel with and more than eighteen inches from the curb shall be considered double parking.

3-3-35 LOADING ZONES. The City Council shall by resolution from time to time establish such loading zones as the City Council may deem advisable, and no parking shall be permitted in said loading zones except for the purpose of loading or unloading.

3-3-36 LIMITED PARKING ZONES. The City Council may from time to time establish limited parking zones upon the streets and alleys of the City.

Limited Time Parking - No Parking for more than twenty-four consecutive hours on Ferry Road, which is the main street of Miles.

No Parking - No parking from 6:00 a.m. to 6:00 p.m. Monday through Friday on Forrest Street, the south side of the City Park.

No Parking - No parking on Section Road from Ferry Road to the alley.

No Parking – No parking on the south side of Section Road from Ferry Road to a point twenty feet from the intersection of Section Road and Ferry Road.

(Res. No. 433, Passed Sept. 6, 2000)

(Res. No. 435, Passed Sept. 6, 2000)

(Ord. 05-2, Passed July 6, 2005)

(Ord. 11-1, Passed February 1, 2012)

3-3-37 SPECIAL PARKING ZONES. The City Council may from time to time establish by resolution parking zones restricted for doctors and physicians and which areas shall be designated by proper signs signifying such zones.

3-3-38 PARKING SPACE FOR PERSONS WITH DISABILITIES. The City Council finds there is a need for permanent parking places for persons with disabilities in order that various facilities and businesses within the City will be accessible to, and be functional for, persons with disabilities.

1. Special parking places are hereby set aside as special parking places for persons with disabilities and shall be designated as special parking places only for parking motor vehicles displaying a special identification device issued by the Iowa Department of Transportation.

2. Parking spaces designated as special parking places for persons with disabilities shall be identified with a parking sign bearing the international symbol of accessibility.

3. The use of a space designated for persons with disabilities by a motor vehicle not displaying a special identification device issued by the Iowa Department of Transportation, or by a motor vehicle displaying such a device but not being used by a person with a disability, as operator or passenger, is a misdemeanor. A fine may be imposed upon the owner, operator or lessee of the motor vehicle. The fine for each violation is one-hundred dollars (\$100.00).

(Ord. 92-1, Passed March 5, 1992)

(Updated During Codification)

3-3-38A PARKING VIOLATIONS: ALTERNATE. Admitted violations of any parking restrictions imposed by this Chapter may be charged upon a simple notice of a fine of ten dollars (\$10.00).

(Ord. 06-2, Passed September 6, 2006)

3-3-39 PARKING VIOLATIONS: VEHICLE UNATTENDED. When a vehicle is parked in violation of this Chapter and the driver is not present, the notice of fine or citation as hereinbefore provided shall be attached to the vehicle in a conspicuous place.

3-3-40 PRESUMPTION IN REFERENCE TO ILLEGAL PARKING. In any proceeding charging a standing or parking violation, a prima facie presumption that the registered owner was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred, shall be raised by proof that:

1. The particular vehicle described in the information was parked in violation of this Chapter,

and

2. The defendant named in the information was the registered owner at the time in question.

METHOD OF PARKING

3-3-41 **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 (18) inches of the curb or edge of the roadway except as hereinafter provided in the case of angle parking and vehicles parked on the left-hand side of one-way streets.

3-3-42 **STANDING OR PARKING ON THE LEFT-HAND SIDE OF ONE-WAY STREETS.** No person shall stand or park a vehicle on the left-hand side of a one-way street other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the left-hand wheels of the vehicle within eighteen (18) inches of the curb or edge of the roadway except as hereinafter provided in the case of angle parking.

3-3-43 **SIGNS OR MARKINGS INDICATING ANGLE PARKING.** The City Council as traffic conditions require, shall determine upon what streets angle parking shall be permitted and shall mark or sign such streets or portions thereof indicating the method of angle parking. Such determination shall be subject to approval by City Council resolution. No part of any vehicle, or the load thereon, when parked within a diagonal parking district, shall extend into the roadway more than a distance of sixteen (16) feet when measured at right angles to the adjacent curb or edge of roadway.

3-3-44 **OBEDIENCE TO ANGLE PARKING SIGNS OR MARKINGS.** Upon those streets or portions of streets which have been signed or marked for angle parking, no person shall park or stand a vehicle other than at an angle to the curb or edge of the roadway or in the center of the roadway as indicated by such signs and markings.

Angle Parking:

Wilson Street in front of the School.

On the south side of Allen Street, located on the north side of the Presbyterian church building.
(Res. No. 549, Passed March 7, 2007)

3-3-45 **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 such vehicle except in a duly established market place or when so authorized or licensed under the Ordinances of this City, and

4. Storage or as junkage or dead storage for more than forty-eight (48) hours.
5. Washing, greasing or repairing such vehicle, except repairs necessitated by an emergency.

LOAD AND WEIGHT RESTRICTIONS

3-3-46 LOAD RESTRICTIONS UPON VEHICLES USING CERTAIN STREETS. When signs are erected giving notice thereof, no person shall operate any vehicle with a gross weight in excess of the amounts specified on such signs at any time upon any of the following streets or parts of streets.

Load Restrictions - None.

3-3-47 TEMPORARY EMBARGO. If the City Council declares an embargo when it appears by reason of deterioration, rain, snow, or other climatic conditions that certain streets will be seriously damaged or destroyed by vehicles weighing in excess of an amount specified by the signs, no such vehicles shall be operated on streets so designated by such signs.

3-3-48 PERMITS FOR EXCESS SIZE AND WEIGHT. The City Council may, upon application in writing and good cause being shown therefor, issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight or load exceeding the maximum specified by state law over those streets named in the permit which are under the jurisdiction of the City and for which the City is responsible for maintenance.

3-3-49 TRUCK ROUTES.

1. Every motor vehicle weighing five (5) tons or more, when loaded or empty, having no fixed terminal within the City or making no scheduled or definite stops within the City for the purpose of loading or unloading shall travel over or upon the following streets within the City and none other no designated truck route.

2. Any motor vehicle weighing five (5) tons or more, when loaded or empty, 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 said designated route not to exceed thirty minutes.

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.

ONE-WAY STREETS AND ALLEYS

3-3-50 AUTHORITY TO DESIGNATE ONE-WAY STREETS AND ALLEYS. Whenever any traffic ordinance of this City designates any one-way street or alley the City Council shall place and maintain signs giving notice thereof and no such regulation shall be effective unless such 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 such markings, signs, barriers or other devices so placed in accordance with this section.

3-3-51 ONE-WAY STREETS AND ALLEYS. Upon the following streets and alleys vehicular traffic shall move only the indicated direction.

NONE.

(Ord. 13-4, Passed December 4, 2013)

3-3-52 AUTHORITY TO RESTRICT DIRECTION OF MOVEMENT ON STREETS DURING CERTAIN PERIODS. The City Council is hereby authorized to determine certain streets, or specified lanes thereon upon which vehicular traffic shall proceed in one direction during one period and the opposite direction during another period of the day and shall upon authority given by ordinance place and maintain appropriate markings, signs, barriers, or other devices to give notice thereof. The City Council may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the center line of the roadway.

It shall be unlawful for any person to operate any vehicle in violation of such markings, signs, barriers or other devices so 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:

Restrict Direction - None.

3-3-53 AUTHORITY TO IMPOUND VEHICLES. Members of the sheriff's department, City municipal police or any other designated law enforcement officer are hereby authorized to remove, or cause to be removed, a vehicle from a street, public alley or highway to the nearest garage or other place of safety, or to a garage designated or maintained by the sheriff department, or otherwise maintained by the City, under the circumstances hereinafter enumerated.

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

2. When any vehicle is left unattended upon a street and is so illegally parked as to constitute a definite hazard, obstruction to the normal movement of traffic, or blocking a private driveway.

3. When any vehicle is left parked upon a street for a continuous period of forty-eight (48) hours or more. A diligent effort shall first be made to locate the owner. If the owner is found he shall be given an 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.

Whenever an officer removes a vehicle from a street as authorized in this section and the officer knows who is the owner thereof, such officer shall immediately give or cause to be given notice in writing to such owner of the fact of such removal and the reasons therefor and of the place to which such vehicle has been removed. In the event any such vehicle is stored in a public garage, a copy of such notice shall be given to the proprietor of such garage.

Whenever an officer removes a vehicle from a street under this section and does not know and is unable to ascertain the name of the owner, or for any other reason is unable to give the notice to the owner as hereinafter provided, and in the event the vehicle is not returned to the owner within a period of three days, then and in that event the officer shall immediately send or cause to be sent a written report of such removal by mail to the State Department whose duty it is to register motor vehicles and shall file a copy of such notice with the proprietor of any public garage in which the vehicle may be stored. Such notice shall include a complete description of the vehicle, the date, time and place from which removed, the reasons for such removal, and the name of the garage or place where the vehicle is stored.

PEDESTRIANS' RIGHTS AND DUTIES

3-3-54 PROHIBITED CROSSING. Pedestrians crossing a street in the business district shall cross in the crosswalks only.

3-3-55 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 shall at all times when walking on or along a roadway, walk on the left side of such roadway.

3-3-56 PERSONS PROPELLING PUSH CARTS OR RIDING ANIMALS TO OBEY TRAFFIC REGULATIONS. Every person propelling any push cart or riding any animal upon a roadway, and every person driving any animal-drawn vehicle shall be subject to the provisions of those sections applicable to the driver of any vehicle, except those provisions of which by their nature can have no application.

3-3-57 USE OF COASTERS, ROLLER SKATES AND SIMILAR DEVICES RESTRICTED. No person upon roller skates or riding in or by means of any coaster, toy vehicles or similar device shall go upon any roadway except while crossing a street or a crosswalk, and when so crossing such person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians. This section shall not apply upon any street while set aside as a play street as authorized by ordinance of this City.

MISCELLANEOUS DRIVING RULES

3-3-58 VEHICLES NOT BE DRIVEN ON SIDEWALKS. The driver of a vehicle shall not drive upon or within any sidewalk area except at a driveway.

3-3-59 CLINGING TO VEHICLES. No person shall drive a motor vehicle on the streets of this City

unless all passengers of said vehicle are inside said 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 said person to any vehicle upon a roadway.

3-3-60 TRESPASSING ON GUARDED STREETS OR OTHER AREAS PROHIBITED. It is unlawful for the driver of any vehicle or for any pedestrian, without authority, to trespass on foot or with any vehicle or any conveyance, upon any street or alley or any part thereof, which is enclosed or guarded with safeguards or indicated by signs or signals, placed or erected for the purpose of guarding or protecting the repairing, constructing, reconstructing, grading, resurfacing or paving of any street or alley or any part thereof, or for the purpose of guarding or protecting the constructing or reconstructing of any sewers, water, light, gas or other public work thereon.

3-3-61 REGULATING THE HAULING OR CARRYING OF CERTAIN CHATTELS. It is unlawful for any person to haul or convey upon streets, alleys or public places within the corporate limits of the City, in or upon any vehicle, building material, fixtures, tools, machines or other inanimate chattels which extend more than four feet beyond the rear of such vehicle, or more than three feet in front of such vehicle, without displaying a red signal during the period from one-half hour before sunrise to one-half hour after sunset, and a red light during the period from one-half hour after sunset to one-half hour before sunrise.

3-3-62 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 such vehicles are conspicuously designated as required in this Ordinance.

3-3-63 DRIVERS IN A PROCESSION. Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practical and shall follow the vehicle ahead as closely as is practical and safe.

3-3-64 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 sheriff's department, City municipal police or any other designated law enforcement officer.

3-3-65 INTENT TO INJURE. It is unlawful for any person, with intent to commit any malicious mischief, injury or other crime, to climb into or upon a vehicle whether it is in motion or at rest, or, with like intent, to manipulate any of the levers, starting mechanisms or devices while the same is at rest or unattended, or with like intent, to set in motion any vehicle while the same is at rest or unattended.

3-3-66 OBSTRUCTION TO DRIVER'S VIEW. No person shall drive a vehicle when it is so loaded, or when there are in the front seat such number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle. No person in such vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with the driver's control over the driving mechanism of the vehicle.

3-3-67 PARADES AND PROCESSIONS -- PERMIT REQUIRED WHEN. No procession or parade containing fifty or more persons or ten or more vehicles, excepting forces of the United States Army, Navy or Marine Corps, the military force of this state and the forces of the sheriff and fire departments, shall occupy, march or proceed along any street except in accordance with a permit issued by the City Council and such other regulations as are set forth herein which may apply.

3-3-68 QUIET ZONES. Whenever authorized signs are erected indicating a quiet zone, no person operating a motor vehicle within any such zone shall sound the horn or other warning device of such vehicle except in an emergency.

3-3-69 SQUEALING TIRES. No person shall squeal the tires of any vehicle within the City limits.

(Ord. 94-2, Passed October 5, 1994)

BICYCLE REGULATIONS

3-3-70 DEFINITIONS. For the purpose of this Chapter the following terms are defined:

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

a. A device having two wheels and having at least one saddle or seat for the use of a rider which is propelled by human power.

b. A device having two or more wheels with fully operable peddles and an electric motor less than seven hundred fifty watts (one horsepower), whose maximum speed on a paved level surface, when powered solely by such a motor while ridden, is less than twenty miles per hour.

(Code of Iowa, Sec. 321.1)

(Amended during 2008 codification)

3-3-71 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 the driver of a vehicle by the laws of this state declaring rules of the road applicable to vehicles or by the traffic ordinances of this City applicable to the driver of a vehicle, except as to those provisions which by their nature can have no application. Whenever such person dismounts from a bicycle said person shall be subject to all regulations applicable to pedestrians.

3-3-72 RIDING ON BICYCLES. A person propelling a bicycle shall not ride other than astride a permanent and regular seat attached thereto.

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

3-3-73 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 useable path for bicycles has been provided adjacent to a roadway bicycle riders shall use such path and shall not use the roadway.

3-3-74 SPEED. No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

3-3-75 EMERGING FROM ALLEY OR DRIVEWAY. The operators of a bicycle emerging from an alley, driveway or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right of way to all pedestrians approaching on said sidewalk or sidewalk area, and upon entering the roadway shall yield the right of way to all vehicles approaching on said roadway.

3-3-76 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.

3-3-77 PARKING. No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle or against a building or at the curb, in such manner as to afford the least obstruction to pedestrian traffic.

3-3-78 RIDING ON SIDEWALKS. No person shall ride a bicycle upon a sidewalk within a business district.

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

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

3-3-79 LAMPS AND OTHER EQUIPMENT ON BICYCLES. Every bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred (500) feet to the front and with a red reflector on the rear of a type which shall be visible from all distances from fifty (50) feet to three hundred (300) feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred (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-WHEEL AND 4-WHEEL ATVS

(Amended during 2008 codification)

3-3-80 SNOWMOBILE, 3-WHEEL AND 4-WHEEL ATV DEFINITIONS.

1. “Snowmobile, 3-wheel and 4-wheel ATV” 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-wheel and 4-wheel ATV.

3. “Operator” means a person who operates or is in actual control of a snowmobile, 3-wheel and 4-wheel ATV.

3-3-81 PERMITTED AREAS OF OPERATION. Snowmobiles, 3-wheel and 4-wheel ATV will be allowed to operate in the City as follows:

1. East-West Traffic: On Section Road. Beginning where said Section Road leaves Iowa Highway No. 64 and continuing due east, past the Miles Cemetery, to the East Corporate limits of the City of Miles, Iowa.

2. South Traffic: On Ferry Road. Beginning at Iowa Highway No. 64 and continuing due south for two blocks to an intersection with an alley on the west and right side of Ferry Road, running south-westerly. Thence on the winding alley extending to and exiting on Ferry Road. Thence straight south to the south corporate limits of the City of Miles, Iowa.

3. Access Streets. The closest and most direct route from the snowmobile owners home or place of business to the nearest of the above-approved routes.

4. North Traffic: North traffic will use the following route because subsection 2 above is one-way to the south. All snowmobile traffic to the north will turn right on Centennial St. (between locker & Mill) then left on Washington St. (past the park on west side) to Section Road. Go left one block to Ferry Road then right out of City to the north.

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.

3-3-82 REGULATIONS. It shall be unlawful for any person to operate a snowmobile, 3-wheel and 4-wheel ATV 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, 3-wheel and 4-wheel ATV registered as provided for by Iowa Statute except that this provision shall not apply to the operation of a snowmobile, 3-wheel and 4-wheel ATV on the private property of the owner by the owner or a member of the owner's 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 designated by permit, emergency, or snow related route.

7. No person shall operate a snowmobile, 3-wheel and 4-wheel ATV in the City from two o'clock (2:00) a.m. to ten o'clock (10:00) a.m. except for the purpose of loading and unloading a snowmobile, 3-wheel and 4-wheel ATV from another vehicle or trailer.

3-3-83 EQUIPMENT REQUIRED. All snowmobiles, 3-wheel and 4-wheel ATVs 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, bypass or similar device on said vehicle.

2. Adequate brakes in good condition and at least one headlight and one taillight.

3. Snowmobiles, 3-wheel and 4-wheel ATV routes within the city of Miles will be closed to ATVs from the 1st day of May until the 1st day of October of every year. Any ATVs running during those months will be charged

4. 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.

3-3-84 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.

3-3-85 RESTRICTION OF OPERATION. The City Council may, by resolution, prohibit the operation of snowmobiles, 3-wheel and 4-wheel ATVs within the right-of-way of the public roads, streets or alleys or other City property within the City when the public safety and welfare so requires.

3-3-86 TRAFFIC REGULATION. Each person operating a snowmobile, 3-wheel and 4-wheel ATV 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.

PENALTIES AND PROCEDURE ON ARREST

3-3-87 CITATION PLACED ON ILLEGALLY PARKED VEHICLE. Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by

any Ordinance of this City or State law, the officer finding such vehicle shall prepare a written parking citation giving the registration number, and other identifying information to such vehicle in a conspicuous place and directing the driver of the vehicle to appear at the place designated in the citation within seven days, or to pay the local scheduled fine established by the section titled "LOCAL PARKING FINES" in this Chapter at the City Clerk's office as provided therein.

3-3-88 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.

3-3-89 LOCAL PARKING FINES. Scheduled fines as follows are established, payable by mail or in person at the City Clerk's office within seven days of the violation, for the following parking violations:

- | | |
|--------------------------------------|----------|
| 1. Overtime parking | \$ 20.00 |
| 2. Prohibited parking | \$ 20.00 |
| 3. No parking zone | \$ 20.00 |
| 4. Blocking alley | \$ 20.00 |
| 5. Illegal parking | \$ 20.00 |
| 6. Street cleaning | \$ 20.00 |
| 7. Snow removal ban | \$ 25.00 |
| 8. Persons with disabilities parking | \$100.00 |

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

(Ord. 06-2, Passed September 6, 2006)

(Amended during 2008 codification)

3-3-90 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 seven 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 such letter is disregarded for a period of five days from date of mailing, a court citation will be issued requiring a court appearance and subjecting the violator to court costs.

3-3-91 VEHICULAR NOISE.

1. It shall be unlawful for any person to make, continue or cause any disturbing, excessive or offensive noise which results in discomfort or annoyance to any reasonable person of normal sensitivity by means of radio, compact disk player, stereo, speakers, cassette tape player or similar sound device in a motor vehicle.

2. The operation of any radio, compact disk player, stereo, speakers, cassette tape player or

similar sound device in such a manner so as to be audible at a distance of two hundred (200') from the motor vehicle shall constitute evidence of a prima facie violation of this section.

3-3-92 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.

TITLE III COMMUNITY PROTECTION

CHAPTER 4 RESERVED

TITLE III COMMUNITY PROTECTION

CHAPTER 5 RESERVED

TITLE III COMMUNITY PROTECTION

CHAPTER 6 CURFEW FOR MINORS

3-6-1	Title	3-6-5	Exceptions
3-6-2	Purpose	3-6-6	Responsibility of Adults
3-6-3	Definitions	3-6-7	Enforcement Procedures
3-6-4	Curfew Established	3-6-8	Penalties

3-6-1 TITLE. This Ordinance shall be known as the Miles, Iowa Juvenile Curfew.

3-6-2 PURPOSE. The City Council of the City of Miles, Iowa, hereby determines that a curfew for minors is necessary to promote the public health, safety, morals and general welfare of the City, and specifically to achieve the following purposes:

1. Reinforce the primary authority and responsibility of adults responsible for minors.
2. Protect the public from the illegal acts of minors committed individually and in groups and/or gangs after the curfew hour.
3. Protect minors from improper influences and criminal activity by individuals and groups and/or gangs that prevail in public places after the curfew hour.

3-6-3 DEFINITIONS.

1. "Knowingly" means knowledge which a responsible adult should reasonably expect to have concerning the whereabouts of a minor in that responsible adult's custody. It is intended to continue to hold the neglectful or careless adult responsible for a minor to a reasonable standard of adult responsibility through an objective test. It shall, therefore, be no defense that an adult responsible for a minor was completely indifferent to the activities or conduct or whereabouts of the minor.

2. "Minor" means an unemancipated person under the age of eighteen (18) years.

3. "Non-secured Custody" means custody in an unlocked multipurpose area, such as a lobby, office or interrogation room which is not designed, set aside or used as a secure detention area, and the person arrested is not physically secured during the period of custody in that area; the person is physically accompanied by a police officer or a person employed by the facility where the person arrested is being held; and the use of the area is limited to providing nonsecure custody only or while waiting transfer to an appropriate juvenile facility, or to court, for contacting of and release to the person's parents, or other responsible adult, or for other administrative purposes; but not for longer than six (6) hours without the oral and written order of a judge or magistrate authorizing the detention. A judge shall not extend the period of time in excess of six hours beyond the initial six hour period.

4. "Public places" shall include shopping areas, parking lots, parks, playgrounds, streets, alleys, sidewalks dedicated to public use; and shall also include such parts of buildings and other premises whether publicly or privately owned which are used by the general public or to which the general public is invited commercially for a fee or otherwise or in or on which the general public is permitted without specific invitation; or to which the general public has access.

5. "Responsible Adult" means a parent, guardian or other adult specifically authorized by law, or authorized by a parent or guardian to have custody or control of a minor.

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

3-6-4 CURFEW ESTABLISHED.

1. Unless accompanied by a responsible adult, no minor under the age of eighteen (18) years shall be in any public place during the following times:

- a. Sunday - Thursday 11 p.m. through 5 a.m.
- b. Friday - Saturday 12 midnight through 5 a.m.

3-6-5 EXCEPTIONS. The following are exceptions to the juvenile curfew:

- 1. The minor is accompanied by a responsible adult.
- 2. When the minor is on the sidewalk of the property where the minor resides, or on either side of the place where the minor resides and the adult responsible for the minor is given permission for the minor to be there.
- 3. The minor is present at or is traveling between home and one of the following:
 - a. Minor's place of employment within one hour after the end of work.
 - b. Minor's place of religious activity, within one hour after the end of the religious activity.
 - c. Governmental or political activity, within one hour after the end of the activity.
 - d. School activity, within one hour after the end of the activity.
 - e. Assembly such as a march, protest, demonstration, sit-in, or meeting of an association for the advancement of economic, political, religious or cultural matter; or for any other activity protected by the First Amendment of the U.S. Constitution within one hour after the end of the assembly, association meeting, or other activity protected by the First Amendment.

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

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

3-6-6 RESPONSIBILITY OF ADULTS. It is unlawful for a responsible adult knowingly to permit or to allow a minor to be in any public place in the City of Miles, Iowa, within the time periods prohibited by this Section, unless the minor's presence falls within one of the above sections.

3-6-7 ENFORCEMENT PROCEDURES.

1. Determination of age. In determining the age of the juvenile in absence of convincing evidence such as birth certificate or a driver's license, a police officer on the street shall, in the first instance, use his or her best judgment in determining age.

2. Grounds for arrest. Conditions of custody. Grounds for arrest are that the person refuses to sign the citation without qualification; persists in violating the Ordinance; refuses to provide proper identification or identify the person's self; or constitutes an immediate threat to the person's own safety or the safety of the public. A law enforcement officer who arrests a minor for a curfew violation may keep the minor in custody either in a shelter care facility or in any non-secured setting. The officer shall not place bodily restraints, such as handcuffs, on the minor unless the minor physically resists or threatens physical violence when being taken into custody. A minor shall not be placed in detention following a curfew violation.

3. Notification of a responsible adult. After a minor is taken into custody, the law enforcement officer shall notify the adult responsible for the minor as soon as possible. The minor shall be released to the adult responsible for the minor upon the promise of such person to produce the minor in court as such time as the court may direct. If a minor is issued a citation to appear for a violation of this Ordinance, a law enforcement officer shall notify the adult responsible for the minor as soon as possible, within 24 hours of the violation.

3-6-8 PENALTIES.

1. Responsible adult's first violation -- warning. In the case of a first violation by a minor, the chief of police or the chief's designee, shall, by certified mail, send to the adult responsible for the minor, written notice of the violation with warning that any subsequent violation will result in full enforcement of the curfew against both the responsible adult and the minor, with applicable penalties.

2. Responsible adult's second violation -- simple misdemeanor. Any responsible adult is defined in this Ordinance who, following a receipt of a warning, knowingly allows the minor to violate any of the provisions of this Section shall be guilty of a simple misdemeanor, and upon conviction, shall be punished by a fine not to exceed FIVE HUNDRED DOLLARS (\$500) or community service as ordered by the Court.

(Ord. No. 02-2, Passed August 7, 2002)

3. Minor's violation -- simple misdemeanor. Any violations of the provisions of this Ordinance by a minor person under the age of eighteen (18) years of age, the minor shall be guilty of a simple misdemeanor. Upon conviction, the person shall be punished by a fine not to exceed FIVE HUNDRED DOLLARS (\$500) or to perform community service as ordered by the court.

(Ord. 94-1, Passed May 4, 1994)

(Ord. No. 02-2, Passed August 7, 2002)

TITLE III COMMUNITY PROTECTION

CHAPTER 7 REGULATING PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS

3-7-1	Definitions	3-7-6	Consumer Protection Law
3-7-2	Exemptions	3-7-7	Bond Required
3-7-3	Permits	3-7-8	Obstruction of Pedestrian or
3-7-4	Requirements		Vehicular Traffic
3-7-5	Hours of Solicitation		

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

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

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

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

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

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

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

3-7-3 PERMITS. Before any person or organization engages in any of the practices defined herein, they must comply with all applicable Ordinances, and must also obtain from the City Clerk a permit in accordance with the provisions of sections 3-7-4 and 3-7-5. This permit shall extend no longer than sixty days. A fee of \$10.00 shall be paid at the time of registration to cover the cost of investigation and issuance.

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

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

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

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

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

3-7-7 BOND REQUIRED. Before a permit under this Chapter is issued, each person subject to this Ordinance shall post with the City Clerk, a bond, by a surety company authorized to insure the fidelity of others in Iowa, in the amount of \$1,000 to the effect that the registrant and the surety consent to the forfeiture of the principal sum of the bond or such part thereof as may be necessary: (1) to indemnify the City for any penalties or costs occasioned by the enforcement of this Chapter, and (2) to make payment of any judgment rendered against the registrant as a result of a claim or litigation arising out of or in connection with the registrant's peddling or solicitation. The bond shall not be retired until one year from the expiration of the permit.

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

3-7-9 DISPLAY OF LICENSE. Each solicitor or peddler shall at all times while doing business in this City keep in his or her possession the license provided for in Section 3-7-6 of this Chapter, and shall, upon the request of prospective customers, exhibit the license as evidence that he or she has complied with all requirements of this Chapter. Each transient merchant shall display publicly the license in his or her place of business.

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

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

TITLE III COMMUNITY PROTECTION

CHAPTER 8 CIGARETTE LICENSE

3-8-1	Definitions	3-8-6	Refunds
3-8-2	Permit Required	3-8-7	Suspension; Revocation; Civil
3-8-3	Issuance		Penalty
3-8-4	Expiration	3-8-8	Permits not Transferable
3-8-5	Fees	3-8-9	Display

3-8-1 **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 or 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))

3-8-2 **PERMIT REQUIRED.** No retailer shall distribute, sell, or solicit the sale of any cigarettes within the City of Miles, 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)

3-8-3 **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 3-8-5.

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

3-8-4 **EXPIRATION.** Permits expire on June 30 of each year.

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

3-8-5 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))

3-8-6 REFUNDS. A retailer may surrender an unrevoked permit in July, August, or September for a refund of \$56.26; in October, November, or December, for \$37.50; or in January, February, or March, for \$18.75.

(Code of Iowa, Sec. 453A.13(4))

3-8-7 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's permit shall be suspended for a period of thirty (30) days.

c. For a third violation within a period of three (3) years, the retailer's permit shall be suspended for a period of sixty (60) days.

d. For a fourth violation within a period of three (3) years, the retailer's permit shall be revoked.

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)

3-8-8 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.

3-8-9 DISPLAY. The permit shall be displayed in the place of business so that it can be seen easily by the public.

(Code of Iowa, Sec. 453A.13(10))

TITLE III COMMUNITY PROTECTION

CHAPTER 9 ALCOHOLIC BEVERAGES

3-9-1	Purpose	3-9-3	Action by City Council
3-9-2	Required Obedience to Provisions of this Chapter and State Law	3-9-4	Transfers

3-9-1 **PURPOSE.** The purpose of this Chapter is to provide for administration of licenses and permits and for local regulations and procedures for the conduct of the sale and consumption of beer, wine, and liquor, for the protection of the safety, health, and general welfare of this community.
(Code of Iowa, Sec. 364.1)

3-9-2 **REQUIRED OBEDIENCE TO PROVISIONS OF THIS CHAPTER AND STATE LAW.**
The following sections of the Iowa Code are hereby adopted by reference:

1. 123.2 and 123.3 General Prohibition and Definitions
2. 123.18 Favors From Licensee or Permittee
3. 123.22 State Monopoly
4. 123.28 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 - 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

3-9-3 ACTION BY CITY COUNCIL. The City Council shall approve or disapprove the application. Action taken by the City Council shall be endorsed on the application. The application, fee, penal bond, and certificate of dram shop liability insurance (if applicable) shall be forwarded to the Iowa Alcoholic Beverages Division for further action as provided by law.

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

3-9-4 TRANSFERS. The City Council may, in its discretion, authorize a licensee or permittee to transfer the license or permit from one location to another within the City, provided that the premises to which the transfer is to be made would have been eligible for a license or permit in the first instance and the transfer will not result in the violation of any law or Ordinance. An applicant for a transfer shall file with the application for transfer proof of dram shop liability insurance and penal bond covering the premises to which the license is to be transferred.

(Code of Iowa, Sec. 123.38)

TITLE III COMMUNITY PROTECTION

CHAPTER 10 JUNK AND ABANDONED VEHICLES

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

3-10-1 PURPOSE. The purpose of this Chapter is to protect the health, safety, and welfare of the citizens and safety of property of this City by providing for removal of abandoned motor vehicles and the elimination of the open storage of abandoned and junk motor vehicles and machinery except in authorized places.

(Code of Iowa, Sec. 3641.1)

3-10-2 DEFINITIONS. For the purpose of this Chapter, the following terms are defined as follows:

1. "Abandoned vehicle" means any of the following:

a. A vehicle that has been left unattended on public property for more than twenty-four hours and lacks current registration plates or two or more wheels or other parts which render the vehicle totally inoperable; or

b. A vehicle that has remained illegally on public property for more than twenty-four hours; or

c. A vehicle that has been unlawfully parked on private property or has been placed on private property without the consent of the owner or person in control of the property for more than twenty-four hours; or

d. A vehicle that has been legally impounded by order of the Chief of Police and has not been reclaimed for a period of ten days; or

e. Any 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 vehicle which contains gasoline or any other flammable fuel.

e. Any motor vehicle if it lacks an engine or two or more wheels or other structural parts which render said motor vehicle totally inoperable.

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

(Cedar Falls v. Flett 330 N.W. 2nd 251, 253, Iowa 1983)

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

3-10-3 REMOVAL OF ABANDONED VEHICLES.

1. The Chief of Police may, without prior notice or hearing, remove and impound any abandoned vehicle as defined in section 3-10-2 (1). The Chief of Police 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 shall maintain a record of the vehicle, listing the color, year of manufacture, manufacturer's trade name, body style, vehicle identification number, and license plate and year displayed on the vehicle. The records shall include the date and hour of tow, location towed from,

location towed to, person or firm doing the towing, reason for towing, and the name of the officer authorizing the tow.

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

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

3-10-4 NOTIFICATION OF OWNERS AND 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 shall notify, within three days, by certified mail with five-days return receipt, the last known registered owner of the vehicle, all lienholders of record, and any other known claimant to the vehicle or to personal property found in the vehicle, addressed to their last known addresses of record, that the abandoned vehicle has been taken into custody. Notice shall be deemed given when mailed. The notice shall:

- a. Describe the year, make, model, and serial number of the vehicle.
- b. Describe the personal property found in the vehicle.
- c. Describe the location of the facility where the vehicle is being held.
- d. Inform the persons receiving notice:

(1) of their right to reclaim the vehicle and personal property within ten days after the effective date of the notice;

(2) that the right can be exercised upon payment of all towing, preservation, notice, and storage charges resulting from placing the vehicle in custody;

(3) that failure of the owner or lienholders to exercise their right to reclaim the vehicle within the reclaiming period shall be deemed a waiver by the owner and all lienholders of all right, title, claim, and interest in the vehicle;

(4) that failure to reclaim the vehicle is deemed consent to the sale of the vehicle at a public auction or disposal of the vehicle to a demolisher.

e. State that any person claiming rightful possession of the vehicle or personal property who disputes the planned disposition of the vehicle or personal property by the 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 3-10-6.

f. State that a request for a hearing must be in writing and received by the department prior to the expiration of the ten day reclaiming period.

g. State that in the event a hearing is requested immediate release of the vehicle may be obtained by posting a cash bond as required by Section 3-10-5.

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

2. The owner 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))

3-10-5 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 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 3-10-4 (1)(e), the owner or person lawfully entitled to possession of the vehicle shall be permitted to secure the immediate release of the vehicle upon posting a cash bond in an amount equal to the sum of:

a. the fees required by Section 3-10-5(1)

b. the amount of the fine or penalty for each violation for which there is an outstanding or otherwise unsettled traffic violation notice or warrant.

3-10-6 HEARING PROCEDURES.

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

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

3-10-7 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))

3-10-8 JUNK VEHICLES DECLARED A NUISANCE. Except as hereinafter provided, it is hereby declared that the parking, leaving, or storage of a junk vehicle upon either public or private property within the corporate limits of the City of Miles, Iowa, constitutes a threat to the health and safety of the citizens and is a nuisance within the meaning of Section 657.1 of the Code of Iowa. If any junk vehicle is stored upon private property or public property in violation thereof, the owner of the property shall be liable for said violation.

3-10-9 NOTICE TO ABATE.

1. Whenever the Chief of Police shall find a junk vehicle placed or stored on private property within the City in violation of Section 3-10-8, 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.

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

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

3-10-11 COLLECTION OF COST OF ABATEMENT. The City Clerk shall mail a statement of the total expense incurred to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within one month, the City Clerk shall certify the costs to the County Treasurer and the costs shall then be collected with, and in the same manner, as general property taxes.

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

3-10-12 EXCEPTIONS. This Chapter shall not apply to the following:

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

3-10-13 INTERFERENCE WITH ENFORCEMENT. No person shall interfere in any way with the enforcement provision of this Chapter.

TITLE III COMMUNITY PROTECTION

CHAPTER 11 SEX OFFENDERS - REPEALED

The Code of Ordinances of the City of Miles, Iowa, 2010 is hereby amended by repealing Chapter 11, Sex Offenders in its entirety.

(Ord. 14-2, Passed November 5, 2014)

TITLE III COMMUNITY PROTECTION

CHAPTER 12 RECREATIONAL VEHICLES

3-12-1 Purpose
3-12-2 Definitions

3-12-3 Restrictions
3-12-4 Removal of Recreational Vehicles

3-12-1 PURPOSE. The purpose of this Ordinance shall be to regulate within the corporate city limits of the City of Miles, Iowa, the use of recreational vehicles".

3-12-2 DEFINITIONS. As used in this Ordinance the following terms shall mean and are defined as follows:

1. "Recreational vehicle" shall mean a vehicle towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or used for temporary dwelling, recreational or sporting purposes.

a. Recreational vehicles include, but are not limited to, travel trailers, motor homes, fifth wheel trailers, pick-up campers, camping trailers, converted trucks and buses, self-contained campers, boats, personal water crafts, snowmobiles, trailers, fishing houses, farm implement, farm machinery, and other recreational based vehicles designed for transporting, carrying or housing persons.

b. Recreational vehicles exempt from this ordinance include municipal vehicles and any contractors hired by the City of Miles.

3-12-3 RESTRICTIONS.

1. Recreational vehicles shall only be permitted in designated camping areas or recreational vehicle parks.

2. Recreational vehicles may only be parked or stored (for a period of more than thirty (30) consecutive days) in an enclosed garage or within the approved setback requirements in the front yard, side yards and/or rear yard of properties within the City of Miles. The approved setback requirements established in this Ordinance are 12 feet from the street on the front property line, 6 feet from the side property line, and 3 feet from street/the rear property line.

3. Recreational vehicles shall not be used for human occupancy on any residential properties or commercial properties within the City of Miles.

4. Recreational vehicles shall not be parked on the street from sunset to sunrise.

3-12-4 REMOVAL OF RECREATIONAL VEHICLES.

1. A recreational vehicle that is parked on the street or in any other area except as permitted under this Ordinance will be removed, towed and impounded at the owner's expense.

2. A recreational vehicle that is parked or stored in the yard of a property in violation of the setback requirements established in this Ordinance will be removed, towed and impounded at the owner's expense.

3. A law enforcement officer may remove, tow and impound any recreational vehicle as defined in Section 3-12-2(1) and (2), after a 48 tag is in place. A law enforcement officer may hire other personnel, equipment, and facilities for the purpose of removing, towing, preserving, storing, impounding and/or disposing of any recreational vehicle at the owner's expense.

4. The impoundment and storage of a recreational vehicle pursuant to this Section 3-12-4 shall be in such areas or places as designated by the City Council of the City of Miles, Iowa and shall be at the owner's expense.

5. Upon removal, towing, impoundment and storage of a recreational vehicle under the provisions of this Section 3-12-4, the law enforcement agency shall maintain an impoundment record of the recreational vehicle which shall include: the color, year of manufacture, manufacturer's trade name, body style, vehicle identification number, license plate number and the year displayed on the recreational vehicle. The impoundment record shall also include the date and hour of the tow, the location from which the recreational vehicle was removed and towed, the location to which the recreational vehicle was towed, the name of the person or entity towing the recreational vehicle, the reason for towing the recreational vehicle, and the name of the law enforcement officer authorizing the removal, towing, storage and impoundment of the recreational vehicle.

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

6. Nothing in this Chapter shall govern the procedures of any law enforcement officer taking possession of, removing, and impounding any recreational vehicle to be used or proposed to be used as evidence in a criminal case involving crimes other than the violations of this Chapter.

(Ord. 20-2, Passed September 9, 2020)

TITLE III COMMUNITY PROTECTION

CHAPTER 13 BURNING

3-13-1	Definition of Terms	3-13-4	Compliance
3-13-2	Open Burning	3-13-5	Incinerators
3-13-3	Exemptions		

3-12-1 DEFINITION OF TERMS.

1. Backyard burning. The burning of rubbish originating on the premises by individuals domiciled on the premises.
2. Chimney or Stack. Any flue, conduit, or duct permitting the discharge or passage of air contaminants into the open air, or constructed or arranged for this purpose.
3. Garbage. All solid and semi-solid putrescible and non-putrescible animal and vegetable wastes resulting from the hauling, preparing, cooking, storing, and serving of food or of material intended for use as food, but excluding recognized industrial by-products.
4. Open Burning. Any burning of combustible materials wherein the products of combustion are emitted into the open air without passing through a chimney or stack.
5. Refuse. Garbage, rubbish, and all other putrescible and non-putrescible wastes, except sewage and water-carried trade wastes.
6. Rubbish. All waste materials of non-putrescible nature.
7. Salvage Operations. Any business, industry, or trade engaged wholly or in part in salvaging or reclaiming any project or material, including but not limited to, chemicals, drums, metals, motor vehicles, or shipping containers.
8. Trade Waste. All solid or liquid material or rubbish resulting from building operations, construction, or the conduct of any business, industry, or trade, including but not limited to chemicals, cinders, grease, paint, plastic product, and other forms of liquid or solid waste materials.

3-12-2 OPEN BURNING.

1. No person shall allow, cause, or permit open burning of refuse, including trade wastes, nor shall a person conduct salvage operation by open burning, except where a variance has been granted by the air pollution control authority of the State of Iowa.
2. No person shall burn garbage except in approved incinerators so maintained and operated as to prevent the emission of objectionable odors or particulate matter, as provided hereafter.

3-12-3 EXEMPTIONS. The condition below are exempt from these rules and regulations.

1. Cooking of Food. Open fires used only for the cooking of food for human consumption, or for recreational purposes except for the premises for permanent commercial establishments.
2. Premise Fires. Fires for the open burning of leaves, and plant material grown on the premises or deposited thereon by the elements shall be permitted. However, burning of these materials shall be permitted only after sundown and shall be permitted only on the property owner's property. Burning on city owned property including streets, sidewalks and terraces shall be not be permitted.
3. Diseased Trees. Burning of diseased trees shall be permitted only at the predetermined site.
4. Disaster Rubbish. The open burning of rubbish produced during community disasters, including dead trees, in cases where the Governor of Iowa has declared an official emergency condition exists.
5. Flare Stacks. Flare stacks for the combustion of waste gases.
6. Training Fires. Fires set for the purpose of bona fide instruction and training of public or industrial employees in the methods of fighting fires.
7. Cleaning and Grubbing Rubbish. The open burning of combustible material produced in cleaning, grubbing, and construction operations, provided that such burning shall be limited to areas located at least one-fourth (1/4) miles from any building.

3-12-4 COMPLIANCE.

1. Nothing in these rules and regulations is intended to permit any practice which is a violation of any statute, ordinance, or regulations.
2. A violation of the rules and regulations issued in this section is a simple misdemeanor and shall be acted upon accordingly.

3-12-5 INCINERATORS. Equipment or facilities for enclosed burning or refuse shall have a stack adequate to maintain a draft sufficient combustion and the stack shall have a screen sufficiently fine to prevent ejection of particles of burning material. Such installations shall not be installed until approved by the City Council. Such equipment and facilities shall be maintained and operated so that no objectionable smoke or odor shall result, in accordance with State Law and rules on particulates and smoke density.

(Ord. 21-05, Passed April 7, 2021)

TITLE IV MENTAL AND PHYSICAL HEALTH

CHAPTER 1 ANIMAL CONTROL

4-1-1	Definitions	4-1-6	Impounding
4-1-2	Immunization	4-1-7	Dangerous Animals
4-1-3	Kennel Dogs	4-1-8	Keeping a Vicious Dog or Cat
4-1-4	At Large Prohibited	4-1-9	Animal Welfare
4-1-5	Animal Nuisances	4-1-10	Livestock and Poultry Prohibited

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

1. The term "dogs" shall mean both male and female 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 or persons, firm, association or corporation owning, keeping, sheltering or harboring an animal.

4-1-2 **IMMUNIZATION.** All dogs six (6) months or older shall be vaccinated against rabies.
(Code of Iowa, Sec. 351.33)

4-1-3 **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.

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

(Code of Iowa, Sec. 351.41)

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

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

2. Causes unsanitary, dangerous or offensive conditions.

3. Causes a disturbance by excessive barking or other noisemaking or chases vehicles, or molests, attacks or interferes with persons or other domestic animals on public property.
(Code of Iowa, Sec. 657.1)

4-1-6 IMPOUNDING.

1. Any dog found at large in violation of Sections 4-1-2, 4-1-3, or 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. Dogs not recovered by their owners within seven (7) days after notice, the dogs shall be disposed of in a humane manner as directed by the City Council.
(Code of Iowa, Sec. 351.37)

3. Any animal found to have bitten a person or other animal shall be confined as directed by the Mayor.
(Code of Iowa, Sec. 351.39)

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)

4-1-7 DANGEROUS ANIMALS.

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

2. Definitions. A dangerous animal is:

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

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

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

- (2) Wolves, coyotes, and foxes;

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

- (4) Raccoons;

- (5) Bears;

- (6) Monkeys, chimpanzees, and apes;

(7) Alligators and crocodiles;

(8) Scorpions; gila monsters;

(9) Snakes that are venomous or constrictors;

(10) "Vicious animal" means any animal, except for a dangerous animal per se, as listed above, that has bitten or clawed a person or persons and the attack was unprovoked, or when propensity to attack or bite persons exists and is known or ought reasonably to be known to the owner, or any animal that has exhibited vicious tendencies in present or past conduct, including such that said animal.

A. Has bitten or clawed a person or persons on two separate occasions within a twelve-month period; or

B. Did bite or claw once causing injuries above the shoulders of a person; or

C. Could not be controlled or restrained by the owner at the time of the attack to prevent the occurrence; or

D. Has attacked any domestic animal or fowl on three separate occasions within a twelve-month period.

(Ord. 17-2, Passed August 2, 2017)

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

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

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

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

4-1-9 ANIMAL WELFARE.

1. It shall be unlawful for any person to commit animal neglect against an animal. For purposes of this section, ANIMAL NEGLECT occurs when a person impounds or confines, in any place, and the person does any of the following:

- a. Fails to supply the animal during confinement with a sufficient quantity of food or water;
- b. Fails to provide a confined dog or cat with adequate shelter;
- c. Tortures, deprives of necessary sustenance, mutilates, beats, or kills an animal by any means which causes unjustified pain, distress, or suffering.

2. A person who negligently commits animal neglect is guilty of a simple misdemeanor. A person who intentionally commits animal neglect, without serious injury to or death of the animal, is guilty of a simple misdemeanor.

3. The city shall not issue any animal licenses to any person who is found guilty or pleads guilty to animal abuse, in violation of Iowa Code §717B.2, animal neglect in violation of this section or Iowa Code §717B.3, or animal torture in violation of Iowa Code §717B.3A, or any person residing in the same household.

(Ord. 21-02, Passed February 24, 2021)

4-1-10 **LIVESTOCK AND POULTRY PROHIBITED.** It is unlawful for a person to keep or harbor any cattle, swine, sheep, llamas, horses, jacks, goat, guinea fowl, ostriches, poultry (domestic chickens, turkeys, geese and ducks), or similar domestic animals raised for home use or for profit within the city except by written consent of the Council except by written consent of the City Health Officer or except in compliance with City's zoning regulations. Buildings, yards and enclosures for cattle, goats, swine or domestic fowl must at all times be kept clean and free from filth and stagnant water.

(Ord. 21-02, Passed February 24, 2021)

4-1-11 **LIVESTOCK NEGLECT.** It is unlawful for a person who impounds or confines livestock in any place to fail to provide the livestock with care consistent with customary animal husbandry practices or to deprive the livestock of necessary sustenance or to injure or destroy livestock by any means which causes pain or suffering in a manner inconsistent with customary animal husbandry practices.

(Iowa Code § 717.2)

(Ord. 21-02, Passed February 24, 2021)

4-1-12 **DAMAGE OR INTERFERENCE.** It is unlawful for the owner of an animal to allow or permit such animal to pass upon the premises of another thereby causing damage to, or interference with, the premises.

(Ord. 21-02, Passed February 24, 2021)

4-1-13 **ANNOYANCE OR DISTURBANCE.** It is unlawful for the owner, custodian or person exercising control of an animal to allow or permit such animal to cause serious annoyance or disturbance to any person or persons by frequent or habitual howling, yelping, barking, or otherwise; by running after or chasing persons, bicycles, automobiles or other vehicles.

(Ord. 21-02, Passed February 24, 2021)

4-1-14 ANIMAL WASTE. It is unlawful for any owner, custodian or person exercising control of any animal to permit or allow such animal to discharge or deposit on any property in which such person has no proprietary interest any feces or other waste matter. In the event any such animal does discharge or deposit such matter in such a location, and the owner, custodian or person exercising control of the animal is present, such person shall immediately remove and lawfully dispose of such matter. It is unlawful for the owner, custodian or person exercising control of any animal to permit excrement or droppings from said animal to collect on the premises of said person, causing odor or unsanitary conditions.

(Ord. 21-02, Passed February 24, 2021)

TITLE IV MENTAL AND PHYSICAL HEALTH

CHAPTER 2 CEMETERY

4-2-1	Trustee	4-2-5	Perpetual Care Registry
4-2-2	Sale of Rights of Interment	4-2-6	Cemetery Capital Fund
4-2-3	Price of Rights of Interment in Miles Cemetery	4-2-7	Interment Costs
4-2-4	Establishment of Trust Fund	4-2-8	Hours Cemetery Is Closed

4-2-1 TRUSTEE. The City of Miles, Iowa, owns and operates a cemetery known as the Miles Cemetery. As provided in Section 523I.502, Code of Iowa (2015) (the “Iowa Cemetery Act”), the City of Miles, Iowa hereby states its willingness and intention to act as the permanent trustee for the perpetual maintenance of interment spaces in the Miles Cemetery.

4-2-2 SALE OF RIGHTS OF INTERMENT. The sale or transfer of interment rights in the Miles Cemetery shall be evidenced by a Certificate of Interment Rights and Interment Rights Agreement, which establishes and evidences is the conveyance of the exclusive right of interment in an identified interment space, upon payment in full of the purchase price. The Certificate of Interment Rights and Interment Rights Agreement shall disclose all information required by Iowa Code Chapter 523I (“the Iowa Cemetery Act”) including, but not limited to, the amount or percentage of money to be placed in the Perpetual Care Trust fund as set forth in Section 4-2-4 of this Ordinance.

4-2-3 PRICE OF RIGHTS OF INTERMENT IN MILES CEMETERY. The price of the right of interment in a full lot for interment spaces shall be fixed at One Thousand Dollars (\$1000) for each full lot. The price of the right of interment in one-half lot (two interment spaces) shall be fixed at Six Hundred Dollars (\$600) for each half lot.

4-2-4 ESTABLISHMENT OF TRUST FUND. A perpetual trust is hereby established for the Miles Cemetery in accordance with the Iowa Cemetery Act. A restricted fund is created to be known and designated as the “Perpetual Care Trust Fund”. The Perpetual Care Trust Fund shall be funded with the deposit of an amount equal to twenty percent (20%) of the gross selling price from each sale of the right of interment in an interment space within the Miles Cemetery or \$50.00, whichever is greater. The Perpetual Care Trust Fund shall be administered in accordance with the purposes and provisions of the Iowa Cemetery Act.

The Perpetual Care Trust Fund shall be maintained separate from all operating funds of the Miles Cemetery. The principal of the Perpetual Care Trust Fund shall not be reduced voluntarily except as specifically permitted by the Iowa Cemetery Act and applicable administrative regulations.

4-2-5 PERPETUAL CARE REGISTRY. The Miles Cemetery shall maintain a registry of individuals who have purchased interment rights in Miles Cemetery subject to the Perpetual Care Trust Fund requirements of the Iowa Cemetery Act, which registry shall include the amounts deposited in the Perpetual Care Trust Fund.

4-2-6 CEMETERY CAPITAL FUND. A sum equal to twelve and one-half percent (12.5%) of the purchase price from each sale of the right of interment in an interment space within the Miles Cemetery shall be deposited into a Cemetery Capital Fund. The funds deposited into the Cemetery Capital Fund shall be invested at the direction of the City Council. The accrued interest and the principal in the Cemetery Capital Fund shall be used as needed in the discretion of the City Council to purchase additional land for the Miles Cemetery.

4-2-7 INTERMENT COSTS. The base fee for opening a single grave shall be Seven Hundred Dollars (\$700.00). The basic fee for a multiple grave opening (one burial on top of another) shall be Seven Hundred Dollars (\$700.00) for the bottom grave opening and Six Hundred Fifty Dollars (\$650.00) for the top grave opening. The basic fee for opening a baby grave shall be One Hundred Fifty Dollars (\$150.00). The basic fee for interment of urns containing ashes shall be Two Hundred Dollars (\$200.00). The basic fee for interment of a small vault (2'x 2') containing ashes shall be Two Hundred Dollars (\$200.00). The basic fee for interment of one limb shall be One Hundred Fifty Dollars (\$150.00).

During the winter months there shall be an additional fee assessed of Two Hundred Dollars (\$200.00). If it is required that a grave be opened, or that a grave be filled, on Saturday, Sunday or a holiday, then there shall be an additional fee assessed of Two Hundred Dollars (\$200.00).

4-2-8 HOURS CEMETARY IS CLOSED. The Miles Cemetery shall be closed during the time period from sunset to sunrise. No person shall enter into the Miles Cemetery during the time it is closed.

(Ord. 96-1 Amendment 4, Passed June 5, 1996)

(Ord. 00-3, Passed December 6, 2000)

(Ord. 02-1, Passed July 9, 2002)

(Ord. 03-2, Passed November 5, 2003)

(Ord. 05-4, Passed November 3, 2005)

(Ord. 12-1, Passed February 1, 2012)

(Ord. 16-2, Passed July 6, 2016)

(Ord. 20-3, Passed September 9, 2020)

TITLE V HUMAN DEVELOPMENT - EDUCATION AND CULTURE

CHAPTER 1 CITY PARKS

5-1-1 Purpose

5-1-7 Park Hours

5-1-1 PURPOSE. The City Park was established for the benefit of the citizens of the City of Miles. The purpose of this Chapter is to establish the rules and regulations necessary for the operation of that Park.

5-1-2 PARK HOURS. The Miles City Park shall be closed from 11:00 p.m. until 6:00 a.m. each day. No person shall enter or be in the park during that time period.

(Ord. 00-2, Passed December 6, 2000)

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 1 MOBILE HOME REGULATION

6-1-1	Definitions	6-1-4	Emergency and Temporary
6-1-2	Location of Mobile Homes		Parking
6-1-3	Special Permits for Location of	6-1-5	Traffic Code Applicable
	Mobile Homes Outside Mobile	6-1-6	Building Requirements
	Home Parks		

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

1. "Mobile home" means any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but shall also include any such vehicle with motive power not registered as a motor vehicle in Iowa. A "mobile home" is not built to a mandatory building code, contains no State or federal seals, and was built before June 15, 1976.

(Code of Iowa, Sec. 435.1)

(Ord. No. 02-2, Passed August 7, 2002)

2. "Mobile home park" shall mean any site, lot, field or tract of land upon which three or more occupied mobile homes, manufactured homes, or modular homes or a combination of any of these homes are placed on developed spaces and operated as a for-profit enterprise with water, sewer or septic, and electrical services available.

(Code of Iowa, Sec. 435.1(4))

(Ord. No. 02-2, Passed August 7, 2002)

3. "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))

(ECIA Model Code Amended in 2010)

4. "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))

(ECIA Model Code Amended in 2010)

5. "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))
(ECIA Model Code Amended in 2010)

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

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

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

(Ord. No. 02-2, Passed August 7, 2002)

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

(Code of Iowa, Sec. 435.26)
(Ord. No. 02-2, Passed August 7, 2002)

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 2 UTILITIES - SANITARY SYSTEM

6-2-1	Definitions	6-2-6	Protection from Damage
6-2-2	Use of Public Sewers Required	6-2-7	Powers and Authority to
6-2-3	Private Sewage Disposal		Inspectors
6-2-4	Building Sewers and Connections	6-2-8	Sewer Connection Fee
6-2-5	Use of the Public Sewers	6-2-9	Penalties

6-2-1 DEFINITIONS. Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

1. "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 C, expressed in milligrams per liter or parts per million.

2. "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

(IAC 567-69.3(1))

3. "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

(IAC 567-69.3(1))

4. "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.

5. "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sales of produce.

6. "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

7. "Natural Outlet" shall mean any outlet into watercourse, pond, ditch, or other body of surface or groundwater.

8. "Person" shall mean any individual, firm, company, association, society, corporation, or group.

9. "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

10. "Properly Shredded Garbage" shall mean the waste from the preparation, cooking, dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

11. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

12. "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

13. "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.

14. "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.

15. "Sewage Works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

16. "Sewer" shall mean a pipe or conduit for carrying sewage.

17. "Slug" shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation.

18. "Storm Drain" (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes other than unpolluted cooling water.

19. "Superintendent" shall mean the Superintendent of Public Utilities of the City of Miles or the Superintendent's authorized deputy, agent, or representative.

20. "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

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

6-2-2 USE OF PUBLIC SEWERS REQUIRED.

1. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City or in any area under the jurisdiction of said City, any human or animal excrement, garbage, or other objectionable waste.

2. It shall be unlawful to discharge to any natural outlet within the City, or in any area under the jurisdiction of said City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.

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

3. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

4. The owner of any house, building, or property used for human occupancy, employment, recreation, or other purposes, situated within the City and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the City, is hereby required at such owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Ordinance, provided that said public sewer is within one hundred fifty (150) feet of the property line. Billing for sanitary sewer service shall begin the date of official notice to connect to the public sewer.

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

(IAC 567-69.3(3))

5. Hook-up Fees. There is a fee of one hundred dollars (\$100.00) to each property owner to hook on to the City sewer system. This fee is to be collected at the time a building permit is issued at City Hall.

(Amended during 2021 codification)

6-2-3 PRIVATE SEWAGE DISPOSAL.

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

2. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Superintendent. A permit and inspection fee of forty dollars (\$40.00) shall be paid to the City at the time the application is filed.

(Amended during 2021 codification)

3. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. The Superintendent shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 72 hours of the receipt of notice by the Superintendent.

4. The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Natural Resources of the State of Iowa and the County Health Department. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 15,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

5. At such times as a public sewer becomes available to a property served by a private sewage disposal system, as provided in 6-2-2(4), a direct connection shall be made to the public sewer in compliance with this Ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

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

6. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.

7. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the County Health Officer.

8. When a public sewer becomes available, the building sewer shall be connected at the building owner's expense, to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

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

6-2-4 BUILDING SEWERS AND CONNECTIONS.

1. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.

2. There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or the owner's agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee of \$5.00 dollars for a residential or commercial building sewer permit and \$15.00 dollars for an industrial building sewer permit shall be paid to the City at the time the application is filed.

Before a permit may be issued for excavating for plumbing in any public street, way or alley, the person applying for such permit shall have executed unto the City of Miles and deposited with the City Clerk a corporate surety in the sum of five thousand dollars (\$5,000.00) conditioned that the applicant will perform faithfully all work with due care and skill, and in accordance with the laws, rules and regulations established under the authority of any Ordinances of the City of Miles pertaining to plumbing. This bond shall state that the person will indemnify and save harmless the City of Miles and the owner of the premises against all damages, costs, expenses, outlay and claims of every nature and kind arising out of unskillfulness or negligence on the applicant's part in connection with plumbing or excavating for plumbing as prescribed in this Ordinance. Such bond

shall remain in force and must be executed for a period of two (2) years except that on such expiration it shall remain in force as to all penalties, claims and demands that may have accrued thereunder prior to such expiration.

3. All cost and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

4. A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

5. Old building sewers may be used in connection with new building sewers only when they are found, upon examination and testing by the Superintendent, to meet all requirements of this Ordinance. The Superintendent may require that the old sewer be excavated for the purpose of facilitating inspection. No old cesspool or septic tank shall be connected to any portion of a building sewer that is also connected to the public sewer. Cesspools and septic tanks shall be located, and drained in a manner approved by the Superintendent and removed or filled with sand, crushed rock or any other solid material approved by the Superintendent, except as exempted by the Superintendent.

6. The building sewer shall be constructed in accordance with applicable portions of the last published (State Plumbing Code of Iowa), applicable specifications of the American Society for Testing and Materials (ASTM) and applicable portions of the Water Pollution Control Federation (WPCF) Manual of Practice No. 9."

a. Each connection to the public sewer shall be made to the fittings designated for that property. If a fitting in the public sewer is not available for the designated property, the connection shall then be made under the direct supervision of the Superintendent. Connections to the public sewer not made to an existing wye or tee shall be made by a hole cutter or careful chisel cutting. The connection shall be rendered water and gas tight, by use of rubber gaskets. The building sewer shall not protrude into the public sewer.

b. All building sewers shall be constructed of the following materials conforming to the indicated standards:

Vitrified Clay Pipe VCP

(1) Pipe and Fittings - ASTM C-700 "Standard Specification for Vitrified Clay Pipe, Extra Strength, Standard Strength and Perforated."

(2) Coupling and Joints - ASTM C-425 "Standard Specification for Compression Joints for Vitrified Clay Pipe and Fittings".

Extra Heavy Cast Iron Soil Pipe

(1) Pipe and Fittings - ASTM A-74 "Standard Specification for Cast Iron Soil Pipe and Fittings."

(2) Joints - ASTM C-564 "Standard Specification for Rubber Gaskets for Cast Iron Soil Pipe and Fittings."

Polyvinyl Chloride (PVC)

Polyvinyl Chloride (PVC) and joints shall be installed according to the manufacturers' recommendations and shall conform to:

(1) Pipe - A.S.T.M. D-3034, "Type P.S.M. Poly (PVC) and Fittings."

Minimum wall thickness:

4" - 0.125"

6" - 0.180"

8" - 0.240"

10" - 0.300"

(2) Joints - A.S.T.M. D-1869, A.S.T.M. D-1312, "Flexible Elastomeric Seals."

c. No building sewer for residential or commercial buildings shall be less than four inches in diameter. No building sewer for industries or multiple dwellings shall be less than six inches in diameter.

d. Unless otherwise authorized, all building sewers shall have a grade of not less than one - eighth (1/8) inch per foot. A grade of one-fourth (1/4) inch per foot shall be used wherever practical.

e. All excavation shall be open trench work unless authorized by the Superintendent. The foundation in the trench shall be formed to prevent any subsequent settlement of the pipes. If the foundation is good firm earth, the earth shall be pared or molded to give a full support to the lower quadrant of each pipe. Bell holes shall be dug. Where the floor of the trench is of hard or rocky material, the trench shall be excavated to four inches below the pipe and brought back to the proper grade with gravel, coarse sand or similar material so as to provide a firm foundation and uniform support for the building sewer line. Backfilling shall be placed in layers and solidly tamped or packed up to two feet above the pipe. Back-filling shall not be done until final inspection is made by the Superintendent. Building sewers shall be laid straight at uniform grade between connections or fittings.

f. Cleanouts shall be provided for each change in direction or grade if the change exceeds 45 degrees and at least every 100 feet.

7. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. The depth shall be sufficient to afford protection from frost. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the said Superintendent. Pipe laying and backfill shall be performed in accordance with A.S.T.M. Specification (Designation C12). No backfill shall be placed until the work has been inspected by the Superintendent or the Superintendent's representative. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

8. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

9. The connection of the building sewer into the public sewer shall conform to the requirements of the Plumbing Code or other applicable rules and regulations of the City, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

10. Each and every part of the building sewer shall be inspected and approved by the Superintendent before being concealed or back-filled. The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or the Superintendent's representative.

11. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

12. The City shall, in no event, be held responsible for claims made against it by reason of the breaking of any mains or service pipes, or by reason of any other interruption of the service caused by the breaking of machinery or stoppage for necessary repairs; and no person shall be entitled to damages nor have any portion of a payment refunded for any interruption.

13. The premises receiving sanitary sewer service, shall at all reasonable hours, be subject to inspection by duly authorized personnel of the City.

14. The Owner of the property served by a building sewer shall be responsible for the operation, maintenance, repair, blockage, surface replacement, and any damage resulting from operation, maintenance repair and blockage of said building sewer, from the point of connection with the building drain to the Public Sewer.

6-2-5 USE OF THE PUBLIC SEWERS.

1. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Applications may be cancelled and/or sewer service discontinued by the City for any violation of any rule, regulation or condition of service, and especially for any of the following reasons:

a. Misrepresented in the application as to the property or fixtures to be serviced by the sanitary sewer system.

b. Non-payment of bills.

c. Improper or imperfect service pipes and fixtures, or failure to keep same in suitable state of repair.

2. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm sewer, combined sewer, or natural outlet.

3. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

a. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

b. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) mg/l as CN in the wastes as discharged to the public sewer.

c. Any waters or wastes having a ph lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

d. Solid or viscous substances in quantities of such size capable of causing obstruction to the flow of sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

e. Any water or wastes having (1) a 5-day bio-chemical oxygen demand greater than 300 parts per million by weight, or (2) containing more than 350 parts per million by weight, or suspended solids, or (3) having an average daily flow greater than 2 percent of the average sewage flow of the City, shall be subject to the review of the Superintendent. Where necessary in the opinion of the Superintendent, the owner shall provide at the owner's expense, such preliminary

treatment as may be necessary to (1) reduce the biochemical oxygen demand to 300 parts per million by weight, or (2) reduce the suspended solids to 350 parts per million by weight, or (3) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent and no construction of such facilities shall be commenced until said approvals are obtained in writing.

4. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming an opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

- a. Any liquid or vapor having a temperature higher than one hundred fifty (150) F (65 C).
- b. Any water or wastes containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150 F) (0 and 65 C).
- c. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Superintendent.
- d. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- e. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances, or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.
- f. Any waters or wastes containing phenols or other taste-or-odor-producing substances, - in such concentrations exceeding limits which may be established by the Superintendent as necessary after treatment of the composite sewage, to meet with requirements of the State, Federal, or other public agencies with jurisdiction for such discharge to the receiving waters.
- g. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.
- h. Any waters or wastes having a pH in excess of 9.5.
- i. Materials which exert or cause:

(1) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

(2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

(3) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

(4) Unusual volume of flow or concentration of waters constituting "slugs" as defined herein.

j. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

5. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in 6-2-5(4), and which in the judgment of the Superintendent, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

a. Reject the wastes,

b. Require pretreatment to an acceptable condition for discharge to the public sewers.

c. Require control over the quantities and rates of discharge, and/or

d. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provision of 6-2-5(10) of this article.

If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent, and subject to the requirements of all applicable codes, Ordinances, and laws.

6. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.

7. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense.

8. When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at the owner's expense, and shall be maintained by the owner so as to be safe and accessible at all times.

9. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24 hour composite of all outfalls where pH's are determined from periodic grab samples).

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

6-2-6 PROTECTION FROM DAMAGE.

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

(Code of Iowa, Sec. 716.1)

6-2-7 POWERS AND AUTHORITY TO INSPECTORS.

1. The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Ordinance. The Superintendent or the Superintendent's representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other

industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

2. While performing the necessary work on private properties referred to in 6-2-7(1), the Superintendent or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against loss or damage to its property by the City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 6-2-5(8).

3. The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

6-2-8 SEWER CONNECTION FEE. There is a fee of one hundred dollars (\$100.00) to each property owner to hook on to the City Sewer System. This fee is to be collected at the time a building permit is issued at City Hall.

(Amended during 2021 codification)

6-2-9 PENALTIES.

1. Any person found to be violating any provision of this Ordinance except Section 6-2-6 shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

2 Any person violating any of the provisions of this Ordinance is liable to the City for any expense, loss, or damage occasioned the City by reason of such violations.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 3 UTILITIES - WATER SYSTEM

6-3-1	Enforcement	6-3-6	Water Supply Control
6-3-2	Adoption of State Plumbing Code	6-3-7	Excavations
6-3-3	Mandatory Connections	6-3-8	Inspection and Approval
6-3-4	Permit	6-3-9	Completion by the City
6-3-5	Hook-Up Fees	6-3-10	Shutting Off the Water Supply

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 **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.

6-3-4 **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 City Clerk.

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

6-3-5 **HOOK-UP FEES.** There is a fee of one hundred dollars (\$100.00) to each property owner to hook on to the City water system. This fee is to be collected at the time a building permit is issued at City Hall.

(Amended during 2021 codification)

6-3-6 **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.

6-3-7 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.

6-3-8 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))

6-3-9 COMPLETION BY THE CITY. Should any excavation be 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 and in the same manner as general property taxes.

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

6-3-10 SHUTTING OFF THE WATER SUPPLY. After giving reasonable notice, the City Clerk may shut off the supply of water to any customer because of any substantial violation of this Chapter. The supply shall not be turned on again until all violations have been corrected and the City Clerk has ordered the water to be turned on. To protect the health and safety of occupants of

such a structure, and to protect the health and safety of all citizens, it shall be unlawful for any person to occupy a building or structure during the period of time that water has been shut off to that building or structure pursuant to this section.

(Ord. 91-1, August 7, 1991)

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 4 UTILITIES - REFUSE COLLECTION AND RECYCLING

REFUSE COLLECTION

- 6-4-1 Definitions
- 6-4-2 Duty to Provide Cans
- 6-4-3 Administration
- 6-4-4 Storage
- 6-4-5 Collections
- 6-4-6 Necessity of Permit
- 6-4-7 Burning of Refuse
- 6-4-8 Refuse Other Than Garbage
- 6-4-9 Removal of Material Placed At
The Curb
- 6-4-10 Leaf Burning
- 6-4-10A Yard Waste Requirements

RECYCLING

- 6-4-11 Properly Prepared Recyclables
- 6-4-12 Scope of Service
- 6-4-13 Replacement of Recycling
Containers
- 6-4-14 Transportation of Recyclable
Materials
- 6-4-15 Protection of Recyclable Materials
- 6-4-16 Compensation
- 6-4-17 Recycling Center
- 6-4-18 Enforcement

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.

4. "Container". Means a container for the storage of garbage or rubbish which is:

- a. Provided by Republic Services.

(Amended during 2021 codification)

5. "Yard Waste". Means organic debris (grass clippings, leaves, garden refuse, flowers) which is produced as part of yard and garden development and maintenance.

6. "Recyclable Materials". The technical ability of a material to be reused in manufacture with the requirement that a recycling collection, processing and market system be in place and economically functioning in order for a material to be recyclable for the purpose of this agreement. Recyclable materials (as defined herein) are itemized as newspaper, glass bottles and containers,

aluminum cans, plastic milk jugs, plastic water jugs, and plastic 2 liter pop bottles, and any other materials that may hereinafter be added or deleted from the list at the City Council's discretion.

7. "Recycling Containers". Provided by Republic Services.

6-4-2 DUTY TO PROVIDE CANS. Cans or containers shall be kept covered and reasonably clean at all times. They shall be in a position readily accessible to the collector.

6-4-3 ADMINISTRATION. Administration of this Chapter shall be by the City Clerk-Treasurer.
(Code of Iowa, Sec. 372.13(4))

6-4-4 STORAGE. All garbage must be drained and that accumulated from dwellings must be wrapped in paper and placed in a can. All rubbish shall be placed in a can except as otherwise provided.

(Amended during 2021 codification)

6-4-5 COLLECTIONS. All garbage and rubbish shall be taken from dwellings at least once each week and from public establishments as frequently as the City Council may require.

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

6-4-6 NECESSITY OF PERMIT. No person shall collect garbage or rubbish except such person's unless otherwise by contract or permit approved by the City Council and issued by the City Clerk-Treasurer.

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 City Clerk-Treasurer.

6-4-7 BURNING OF REFUSE.

It shall be unlawful to burn any garbage, refuse or rubbish within the City limits. Combustible materials which normally can burn without odor may be burned in trash containers and incinerators provided objectionable odors and smoke nuisance does not occur.

6-4-8 REFUSE OTHER THAN GARBAGE. Each person shall dispose of all refuse other than garbage and rubbish accumulation on the premises such person owns or occupies before it becomes a nuisance. If it does become a nuisance, it will be dealt with as provided in this Code.

6-4-9 REMOVAL OF MATERIAL PLACED AT THE CURB. No one shall scavenge or remove refuse, garbage, rubbish or yard waste that has been placed at curbside for pick up whether in container or placed along side.

6-4-10 LEAF BURNING. Leaf burning is permitted in the City of Miles, subject to the following:

1. Do not burn leaves if the smoke will hinder your neighbor in any way.
2. Do not burn leaves on the streets or any portion of tar on the streets.
3. Do not start a fire after 6:00 p.m.; all fires must be out before dark.
4. All ashes from burning must be picked up as soon as they are out.
5. Be considerate of your neighbors in the process of burning.

(Ordinance Passed September 8, 1986)

6-4-10A YARD WASTE REQUIREMENTS.

1. Burning of Refuse/Yard Waste.

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

b. 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.

c. This section shall not apply to outdoor cooking appliances used for residential recreational purposes using commonly acceptable fuels.

d. Yard waste may be burned during the open burning seasons of April 1st through May 15th and October 15th through November 30th of each year or any other time designated by the City Council.

(Amended during 2021 codification)

2. Separation of Yard Wastes Required.

a. All yard waste shall be separated by the owner or occupant from all other garbage and refuse accumulated on the premises and shall be composted on the premises or placed in bags, containers, or packages and set out for collection by the City of Miles (grass clippings and leaves must be separated). Such yard waste shall be containerized or bundled in such a manner as to prevent loose debris and shall not exceed the thirty (30) gallon volume or fifty (50) pound weight limitation.

b. All leaves must be bagged to curb side and will be picked up in timely manner between the dates of September 15th and November 15th. No burning of leaves during these dates (September 15-November 15). Outside of these dates normal yard waste regulation will apply as stated above in section 6-4-10A(1).

c. Tree limbs less than 4" in diameter and brush shall be securely tied in bundles and no more than 6' long and 18" in diameter when not placed in storage containers.

(Amended during 2021 codification)

3. Yard Waste Collection Dates. The City of Miles shall establish dates for collection of yard waste as necessary by motion of the City Council and publication of dates by public notice in the official newspaper.

(Amended during 2021 codification)

4. Storm Damage. Yard waste bundling or container requirements for collection shall not be enforced for storm damage debris if the Mayor has declared a storm damage exception.

(Amended during 2021 codification)

RECYCLING

6-4-11 PROPERLY PREPARED RECYCLABLES.

1. Newspaper.

a. Magazines may be bundled and placed inside or beside the recycling bin.

b. Newspapers may be bundled and placed beside the recycling bin.

(Ord. No. 02-2, Passed August 7, 2002)

2. Glass containers.

a. Only bottles and jars are acceptable.

b. Clear, brown and green glass are all acceptable.

c. Everything should be rinsed and free of visible food debris.

d. Caps or lids must be removed.

e. Labels can be left on.

f. No Pyrex, window glass, mirrors or dishes.

3. Cans.

a. Aluminum and tin cans are acceptable.

b. Crushing cans is desirable and highly recommended.

c. Labels must be removed from tin cans.

- d. Aluminum cans should be rinsed and free of visible food debris.
- 4. Plastic Milk and Water Jugs and Soda Containers.
 - a. Plastic (HDPE) milk and water jugs are acceptable.
 - b. Soda (PET) bottles, detergent bottles and other plastic food containers are acceptable.
 - c. Milk jugs should be rinsed and free of food debris.
 - d. Crushing is desirable and highly recommended.

6-4-12 SCOPE OF SERVICE.

1. Contractor: Contractor shall collect and remove all recyclables placed in or adjacent to recycling containers at the curbside on public streets, from all residential dwelling units receiving residential curbside solid waste collection service in the City. Contractor shall furnish all labor and equipment required to perform curbside collections of recyclables. Collection will be done on a weekly basis taking place on Wednesday.

6-4-13 REPLACEMENT OF RECYCLING CONTAINERS. Republic Services will provide replacement containers as needed.

6-4-14 TRANSPORTATION OF RECYCLABLE MATERIALS. Contractor shall transport the collected recyclables to an approved recycling center. The Contractor shall be responsible for the proper disposal of all recyclables upon pick-up from residences and shall be responsible for the sale of such recyclable materials.

6-4-15 PROTECTION OF RECYCLABLE MATERIALS. City agrees to take such steps as may be reasonably practical to protect Contractor's ownership and the City's interest in all recyclables placed at the curbside for collection by Contractor under the terms of the Agreement.

6-4-16 RESERVED.

6-4-17 RECYCLING CENTER. The Contractor shall select a recycling processing center. The recycling center shall accept all recyclables as defined herein. The recyclables collected from the residential dwelling units shall be processed at the curb. Title to the recyclables brought to the recycling center shall be with Contractor and Contractor shall have the responsibility for the sale of such recyclables.

6-4-18 ENFORCEMENT. The Contractor shall be prohibited from collection of trash found to include recyclable materials that should have been separated. The Contractor shall notify the resident in writing of explanations of violations. The City Council shall be notified by the Contractor of the identity of residents not complying with this Ordinance, including in this a description of the type of violation.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 5 UTILITIES - BILLING CHARGES

6-5-1	Utility Defined	6-5-9	Fees Due
6-5-2	Districts	6-5-10	Rate of Sewer Rent and Manner of Payment
6-5-3	Disposition of Fees and Charges	6-5-11	Determination and Payment of Sewer Rent From Premises With Private Water Systems
6-5-4	Billing, Penalty	6-5-12	Customer Guarantee Deposits
6-5-5	Discontinuing Services, Fees		
6-5-6	Residential Rental Property		
6-5-7	Water Rates		
6-5-8	Refuse Collection Rates		

6-5-1 UTILITY DEFINED. For use in this Chapter, utility is the sewer, water, and refuse collection systems operated by the City. A “sewer system” is composed of main sewers, sewage pumping stations, treatment and disposal plants, lateral sewers, drainage conduits or channels, and sewer connections in public streets for private property.

6-5-2 DISTRICTS. There shall be one sewer and water district which encompasses all of the City of Miles, 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 first of the month following the period for which service is billed. Payment shall be made to the City Clerk-Treasurer. Bills shall become delinquent after the twentieth of the month in which due, and bills paid after said day shall have added a penalty of ten (10) percent of the amount of the bill, on any unpaid balance. When the twentieth falls on Saturday or Sunday, the City Clerk-Treasurer shall accept payment on the next office day without penalty.

Resident may opt to be billed every six months by contacting the City Clerk. Utility bills for this option are due March and August 20th, based on the flat rate charge. Bills shall become delinquent after the twentieth of the month in which due, and bills paid after said day shall have added a penalty of ten (10) percent of the amount of the bill, on any unpaid balance. When the twentieth falls on Saturday or Sunday, the City Clerk-Treasurer shall accept payment on the next office day without penalty.

(Code of Iowa, Sec. 384.84(1))
(Amended during 2009 codification)
(Amended during 2021 codification)

6-5-5 DISCONTINUING SERVICE, FEES.

1. On or after the delinquent date specified in Section 6-5-4, the service to such owner or person so supplied with the utility shall be discontinued after the following procedures have been complied with:

a. The City Clerk shall send a disconnect or discontinuance notice by ordinary mail providing the following notice to customers: "You are advised that you may request a hearing on this matter to the City Clerk by noon on the day preceding the scheduled shut-off date or discontinuance of service."

b. When a hearing is requested by a customer, the Mayor or the Mayor's designee shall conduct a hearing within two (2) days following the request. The customer shall have the right to present evidence or propose a payment plan. The decision of the Mayor is final.

c. No disconnection will take place if the forecast for the next 24 hours indicates that the temperature will drop below 20 degrees Fahrenheit, furthermore, no disconnection will take place on a weekend or holiday or after 2:00 p.m. on a weekday unless the City is prepared to reconnect service on that same day.

2. If service is discontinued for nonpayment of fees and charges, or for the violation of any Ordinance, a fee of \$40.00 shall be paid to the City Clerk in addition to the rates or charges then due before such service is restored. There will be also a \$30.00 charge for a shutoff notice hand delivered to your residence. 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.

(Ord. 21-01, Passed February 3, 2021)
(Code of Iowa, Sec. 384.84(2))

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

(Code of Iowa, Sec. 384.84 (3))

4. If the property in which there are delinquent utilities owing is sold before the City certifies the lien to the County Treasurer, the City may certify the delinquent utilities against another property located in this state owned by the delinquent user.

(Code of Iowa, Sec. 384.84(3)(a)(3))

5. There will be no extension of water service after the current billing, unless an extension is preapproved due to extenuating circumstances. The City Clerk or the Clerk's authorized representative will determine whether to authorize an extension of time to pay, based on individual circumstances and the customer's payment history. Repeat violators will not be extended past the shutoff date at the discretion of the City.

6. Persons receiving service outside the City limits shall be deemed to have accepted the requirements of the water service and rules set by the City Council and its authorized representatives. Persons receiving water service outside the city limits shall be charged a rate of 1-1/2 times the rate charged to premises located within the corporate city limits of the City.
(ECIA Model Code Amended in 2017)

6-5-6 RESIDENTIAL RENTAL PROPERTY.

1. The owner of a property receiving utility service shall be responsible for the payment of all charges for service delivered to the property. The City of Miles agrees to bill the property owner, or said property owner's designated manager of the property, for service received by a tenant in the same manner as the City of Miles bills owner-occupied dwellings.

The property owner is responsible for payment of charges incurred by a tenant. Monies received from the property owner will be applied to the oldest outstanding account for which the property owner is responsible. Failure of property owner to make payment within two (2) months of first billing will have outstanding debt placed against said owner's property tax.

(Ord. No. 02-2, Passed August 7, 2002)

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

(Code of Iowa, Sec. 384.84(3))

6-5-7 WATER RATES. Water shall be furnished at the following monthly rates within the City limits:

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

1. Commercial rates for metered buildings:

The first 5,000 gallons	\$40.50
All over 5,000 gallons	\$3.99/1,000 gallons
The first 100,000 gallons...	\$350.00
All over 100,000 gallons...	\$3.23/1,000 gallons

2. Commercial flat rate user rates:

Farms.....	\$38.00
All other users.....	\$38.00 Commercial/per unit

School rate. The Easton Valley School will pay a rate of \$375.00 per month to the City of Miles.

3. Residential rates: Residential buildings shall mean only those buildings that have a water connection. The minimum charge shall be \$36.00 per unit within each building per billing month.

4. Purchasers of bulk water shall be charged \$6.75 per 1000 gallons.

5. Exemption to rates: Commercial and industrial users of water shall be exempt from paying for water during the first twelve (12) months of the start-up of the commercial or industrial business. The commercial or industrial business shall apply to the City Council for this exemption.

(Ord. 01-5, Passed December 5, 2001)

(Ord. 02-4, Passed December 4, 2002)

(Ord. 03-3, Passed January 7, 2004)

(Ord. 05-3, Passed August 3, 2005)

(Ord. 07-1, Passed June 6, 2007)

(Ord. 08-1, Passed June 4, 2008)

(Ord. 10-1, Passed May 5, 2010)

(Ord. 12-3, Passed December 5, 2012)

(Ord. 14-1, Passed June 5, 2014)

(Ord. 15-1, Passed June 3, 2015)

(Ord. 15-3, Passed February 3, 2016)

(Ord. 16-1, Passed July 6, 2016)

(Ord. 17-1, Passed June 7, 2017)

(Ord. 18-1, Passed June 6, 2018)

(Ord. 19-1, Passed June 5, 2019)

(Ord. 20-1, Passed June 3, 2020)

(Amended during 2021 codification)

6-5-8 REFUSE COLLECTION RATES. There shall be collected by the City for its services in collecting garbage and rubbish, the following mandatory fees:

1. Residence Rate. For each resident with alley or curb pickup, \$27.00 per month for one garbage or rubbish collection each week. This will pay for regular garbage and recyclable pickup. In the event that alley or curb pickup for any residence is not feasible, the Mayor is hereby empowered to enter into an agreement with such resident for any additional charge to be paid by such resident for any other location of pickup that may be agreed upon. Resident will no longer be able to use any other types of garbage cans. If a resident needs another garbage can, it will be an additional \$15.00 per month.

Anyone bringing refuse into the City for pickup at the City shed will be billed one (1) household rate, per month.

(Amended during 2021 codification)

2. Business Rates. In so far as the City of Miles receives collection of Business fees for the company providing collection service under contract with the City, the following rates have been set by the City:

a. Businesses receiving commercial service shall pay \$40.00 per month to the City of Miles, and

b. Businesses receiving: 2-yard dumpster service shall pay \$92.00 monthly
4-yard dumpster service shall pay \$140.00 monthly.
6-yard dumpster service shall pay \$190.00 monthly.
8-yard dumpster service shall pay \$242.00 monthly.

c. Businesses receiving: 2-yard recycling dumpster service shall pay \$45.00 monthly
4-yard recycling dumpster service shall pay \$65.00 monthly
6- yard recycling dumpster service shall pay \$91.00 monthly
8-yard recycling dumpster service shall pay \$117.00 monthly.

3. School rate. The Easton Valley School shall pay \$400.00 per month to the City of Miles.

The company providing collection service under contract with the City will provide dumpsters at the City Park and City garage free of all charges.

(Ord. No. 8, Passed December 1, 1993)

(Ord. 05-1, Passed June 1, 2005)

(Ord. 14-1, Passed June 5, 2014)

(Ord. 15-1, Passed June 3, 2015)

(Ord. 15-2, Passed November 4, 2015)

(Ord. 15-3, Passed February 3, 2016)

(Ord. 16-1, Passed July 6, 2016)

(Ord. 20-1, Passed June 3, 2020)

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

(Amended during 2021 codification)

6-5-9 FEES DUE. Collection fee to consumer is an annual premium payable to the City of Miles in monthly payments. No credit may be given a vacationing consumer since the City is also on an annual “per resident” contract with the hauler. Special consideration may be given by the City Council if the consumer is away due to ill health (hospitalization or nursing home care)

6-5-10 RATE OF SEWER RENT AND MANNER OF PAYMENT.

1. Sewer rates. The rate of sewer rent shall be \$48.00 per month for each unit within each premise within the sewer district created in 6-5-2, except: \$450.00 per month for Easton Valley School. All will be billed for 12 months per year. The rent shall be paid with the water bill at the same time as payment of the water bill is due and under the same condition as to penalty for late payment, at the office of the City Clerk-Treasurer, beginning with the next payment after the enactment of this Ordinance, or, if connection has not been made, after the connection to the sewer system is made.

2. Exemption to rates: Commercial and industrial users of the sewer system shall be exempt from paying for sewer during the first twelve (12) months of the start-up of the commercial or

industrial business. The commercial or industrial business shall apply to the City Council for this exemption.

3. Approved dumping of outside waste into the sewer system, shall be \$100/load up to 1500 gallons.

(Code of Iowa, Sec. 384.84(1))
(Ord. 01-6, Passed December 5, 2001)
(Ord. 02-3, Passed December 4, 2002)
(Ord.07-1, Passed June 6, 2007)
(Ord. 08-2, Passed June 4, 2008)
(Ord. 10-2, Passed May 5, 2010)
(Ord. 12-3, Passed December 5, 2012)
(Ord. 14-1, Passed June 5, 2014)
(Ord. 15-1, Passed June 3, 2015)
(Ord. 15-3, Passed February 3, 2016)
(Ord. 16-1, Passed July 6, 2016)
(Ord. 17-1, Passed June 7, 2017)
(Ord. 18-1, Passed June 6, 2018)
(Ord. 19-1, Passed June 5, 2019)
(Ord. 20-1, Passed June 3, 2020)

6-5-11 DETERMINATION AND PAYMENT OF SEWER RENT FROM PREMISES WITH PRIVATE WATER SYSTEMS. Users whose premises have a private water system shall pay a sewer rent in proportion to the water used and determined by the City Council either by an estimate agreed to by the user or by metering the water system. The rates shall be the same as provided in Section 6-5-10 applied as if a City water bill were to be paid. Rent shall be paid at the same time and place as provided in Section 6-5-10.

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

6-5-12 CUSTOMER GURANTEE DEPOSITS. Customer deposits shall be required of all customers who are tenants, or others having no established credit record, and of those who have an unacceptable credit record or who have prior of failure to pay water bills rendered. Such deposit shall be equal to the typical bill for the type of use contracted for, and be set to the nearest five (\$5.00) dollars. Deposits of customers having established acceptable credit records for three (3) years shall have their deposits returned. An occurrence or recurrence of a bad payment record may be the occasion for the City Clerk to require a new or larger deposit for the continuation of service.

(Ord. 21.01, Passed February 3, 2021)

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 6 STREET CUTS AND EXCAVATIONS

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

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

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

6-6-2 APPLICATION FOR PERMIT. 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 City 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 City Clerk may provide on the form for the certification that the applicant has notified all utilities and other parties required by this Ordinance.

Before a permit may be issued for excavating for plumbing in any public street, way or alley, the person applying for such permit shall have executed unto the City of Miles and deposited with the City Clerk a corporate surety in the sum of five thousand dollars (\$5,000.00) conditioned that he will perform faithfully all work with due care and skill, and in accordance with the laws, rules and regulations established under the authority of any ordinances of the City of Miles pertaining to plumbing. This bond shall state that the person will indemnify and save harmless the City of Miles and the owner of the premises against all damages, costs, expenses, outlay and claims of every nature and kind arising out of unskillfulness or negligence on that person's part in connection with plumbing or excavating for plumbing as prescribed in this Chapter. Such bond shall remain in force and must be executed for a period of two (2) years except that on such expiration it shall remain in force as to all penalties, claims and demands that may have accrued thereunder prior to such expiration.

6-6-3 PERMIT FEES. The permit fee shall be \$15.00 for the cost of each inspection.

A single excavation shall be deemed to constitute all the digging necessary for a single connection, or a cut for installing a main not exceeding 100 feet in length. An additional fee of \$5.00 shall be required for every additional 100 feet, or major fraction thereof, of main excavation.

6-6-4 SAFETY MEASURES. Any person, firm, or corporation cutting a pavement or surfacing or excavating in the streets shall erect suitable barricades, maintain warning lights from sunset to sunrise each night, and take such other precautions as necessary for the safety of the public, whether vehicles or pedestrians. Vehicles, equipment, materials, excavated material, and similar items shall likewise be protected by lights and warning devices, such as traffic cones, flags, etc. Where traffic conditions warrant, the party excavating may be required to provide flagmen, if in the judgment of the Chief of Police the public safety requires it. Compliance with City Ordinances and regulations shall not be deemed to waive the requirements that the party excavating shall comply with all the requirements of the labor safety laws and the rules of the Iowa Department of Labor, nor shall any failure be deemed a responsibility of the City.

6-6-5 BACKFILLING AND RESTORATION. Any person excavating in the streets shall be responsible for the backfilling of the excavation in accordance with City specifications and the restoration of the pavement or surfacing to as good a condition as that existing prior to the excavation. If any excavator fails to backfill or restore the pavement or surfacing properly within forty-eight hours of the completion of the underground work, the City reserves the right to backfill and resurface or install new paving and charge the cost thereof to the party excavating. If any backfilling or pavement or surfacing restoration is not in accordance with the City specifications, the Mayor is authorized to remove such material as is necessary and to backfill and restore the pavement or surfacing properly.

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

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 7 CABLE TELEVISION

6-7-1	Definitions	6-7-13	Area of Service
6-7-2	Capacity and Basic Service	6-7-14	Occupancy of City Property
6-7-3	Permission From Schools	6-7-15	Two Way System
6-7-4	Business Office; Complaints	6-7-16	Non-Interference
6-7-5	Records	6-7-17	Tree Trimming
6-7-6	Service Rules	6-7-18	F.C.C. Certificate
6-7-7	Quality of Signal	6-7-19	Liability of Grantee
6-7-8	Equipment Standards	6-7-20	Preferential Rates Prohibited
6-7-9	Joint Use; Poles; Undergrounding	6-7-21	Assigning Franchise
6-7-10	Maps	6-7-22	Compliance With Laws; Future Conformance
6-7-11	City Codes and Ordinances		
6-7-12	Unauthorized Connections	6-7-23	Discontinuing Customer's Service

6-7-1 DEFINITIONS. The following words and phrases, when used in this Chapter, shall for the purposes of this Ordinance have the meanings described to them in this section:

1. Basic Service. Shall mean the initial minimum level of service provided for by Preston Area Cablevision; it shall include but not be limited to channels WHBF, WOC, WQAD, KIIN, and other programs sources from satellites or local origination.

2. Additional Service. Is service provided by Grantee for which a special charge is made based on a program content and provided beyond basic service.

3. Cable Television System. The term cable television system shall mean any facility that, in whole or in part, receives directly, or indirectly over the air, and amplifies or otherwise modifies the signals transmitting programs broadcast by one or more television or radio stations and distributes such signals, by wire or cable, to subscribing members of the public who pay for such services.

4. Channel. The term channel shall mean the segment of the electromagnetic spectrum to which a source of television transmission is assigned.

5. City. The term City shall mean the City of Miles, Iowa. When the context so requires, the term City shall mean and include the City, its officers, agents, employees, servants and independent contractors.

6. FCC. The term FCC shall mean the Federal Communications Commission.

7. Franchise. The term franchise shall mean the rights, privileges, and authority granted by the City to the Grantee hereunder and shall include all of the terms and conditions of this Chapter.

8. Grantee. The term Grantee shall mean the person granted a franchise by an election. When the context so requires, the term Grantee shall mean and include the Grantee, its officers, agents, employees, servants and independent contractors thereof.

9. Person. The term person shall mean any individual, or any corporation, business, firm or other entity, and shall be construed as singular or plural, or masculine, feminine or neuter, as the context may require.

10. Private Property. The term private property shall mean all property, real, personal, or mixed, owned by a private person, including property owned by a public utility not owned by or operated by the City.

11. Property of the Grantee. The term property of the Grantee shall mean all property, real, personal, or mixed, owned by the private person.

12. Public Property. The term public property shall mean all property, real, personal, or mixed, owned or used by the City, including property owned or used by a public utility owned or operated by the City.

6-7-2 CAPACITY AND BASIC SERVICE.

1. Capacity and programming the Grantee shall provide a minimum initial forward band with capability of 300 MHZ. The system shall have a 35 channel capability when used with a converter.

2. The Grantee shall initially provide the local channels plus satellite channels for basic service. In addition, there will be at least two (2) premium channels available for extra cost as outlined in the rate schedule, the minimum total shall be twelve (12) channels.

6-7-3 PERMISSION FROM SCHOOLS. Grantee shall not televise, tape, or in any way reproduce or show to the general public any school activity, either as a public service, or as a commercial activity, without the prior approval of the schools involved.

6-7-4 BUSINESS OFFICE; COMPLAINTS. Grantee shall maintain an office or a designated agent within the City of Miles, Iowa for the purpose of receiving, investigating, and responding to service complaints from subscribers. Grantee shall make every reasonable effort to resolve any and all complaints to the satisfaction of the subscriber.

6-7-5 RECORDS. Grantee shall keep complete records of accounts showing the number of subscribers and furnish an annual report to the City Council, the report will give a month by month record of the number of subscribers.

6-7-6 SERVICE RULES. Grantee shall have the right to prescribe service rules and regulations for the conduct of its business with its subscribers and service users, not inconsistent with the provisions of its franchise or with the rules and regulations of the Federal Communications Commission, and other applicable laws, rules and regulations. Grantee shall submit to the City the form of its service agreement between Grantee and its subscriber and channel users shall furnish the

City a full schedule of its charges to be paid by subscribers before soliciting for subscribers within it City, and shall furnish the City any amendments or alterations in the service agreement or schedule of charges.

6-7-7 QUALITY OF SIGNAL. Grantee shall, during the period of its franchise, furnish reasonable, adequate and efficient cable television reception service to the residents of the City wherever possible, and Grantee shall maintain its system in reasonable repair and working order and provide adequate facilities for such maintenance. These requirements shall be temporarily suspended in the event of natural disaster or emergency conditions or other circumstances beyond the control of Grantee.

6-7-8 EQUIPMENT STANDARDS. Grantee's plant and equipment, including the antenna site, headend, distribution system, towers, structures, poles, wires, underground cable and appurtenances shall be installed in accordance with good engineering practices, and shall be located, erected, constructed, reconstructed, replaced, removed, repaired, maintained and operated so as not to endanger or interfere with the lives of persons or to make, or to unnecessarily hinder, or obstruct pedestrian or vehicular traffic to public ways, places and structures.

All installations shall be of permanent nature, durable, and maintained in a safe, suitable and substantial condition, in a good order and repair.

6-7-9 JOINT USE; POLES: UNDERGROUNDING. The City hereby grants the right, privilege, and authority to Grantee to lease, rent, or in any other manner obtain the use of poles with overhead lines, conduits, trenches, ducts, lines, cables and other equipment and facilities from any and all holders of public licenses and franchises within the corporate limits of the City, and to use such poles, conduits, trenches, ducts, lines and cables in the course of its business. Grantee shall install its cables on existing poles owned by other holders of public licenses and franchises within the corporate limits of the City whenever possible for the installation of its cable. Grantee shall only be allowed to erect its own poles upon receiving the permission of the City Council to do so.

6-7-10 MAPS. Grantee shall file with the City Clerk a copy, true and accurate, of maps and/or plats of all existing and proposed installations upon the streets. These maps and plats shall confirm to the requirements of the City Clerk and shall be kept continuously up to date.

6-7-11 CITY CODES AND ORDINANCES. Grantee shall be required to conform to all present City codes, including but not limited to plumbing and electrical codes and any Ordinance providing for the manner and method of cutting streets, excavations in the right of way, backfills, etc. Grantee shall restore all property of the City and of the inhabitants thereof to its original condition after the installation of either overhead or underground cable.

6-7-12 UNAUTHORIZED CONNECTIONS.

1. It shall be unlawful for any person to injure the property of the Grantee or to deliberately interfere with the dissemination of cable television and any person so doing if found guilty shall be punishable under subsection 3 of this section or by state statute.

2. It shall be unlawful for any person to intercept or receive signals of the Grantee without having subscribed for said services and entered into an agreement to pay for said services, and person so doing if found guilty shall be punishable under subsection 3 of this section or by state statute.

3. Any person violating any of the provisions of subsection 1 and 2 above of this section shall upon conviction be subject to fine of not to exceed \$500.00.

6-7-13 AREA OF SERVICE.

1. Nothing in this Ordinance shall be construed so as to prevent the Grantee from supplying cable service to other cities or rural areas.

2. It shall be the obligation of the Grantee to serve all residents of the City except to the extent that density of homes, adverse terrain, or other factors render providing service impractical, technically unfeasible or economically non-compensatory.

3. The Grantee shall have the right to enter into cost sharing or other compensatory agreements with individual residents of the City precluded from service under 6-7-13(2).

6-7-14 OCCUPANCY OF CITY PROPERTY. In the event the Grantee desires to use any City property for the purpose of attaching cable, locating antennas or a structure for the enclosure of its equipment or otherwise use a City facility, the Grantee shall negotiate with the City an agreement for the use thereof.

6-7-15 TWO WAY SYSTEM. In the event a two way system is required by any subscriber the Grantee shall have the right to negotiate individually the charges required to be compensatory for the installation, operation and maintenance of the two way system.

6-7-16 NON-INTERFERENCE. All transmission and distribution structures, lines, and equipment erected by Grantee within the City shall be so located as to cause minimum interference with the proper use of streets, alleys, and other public ways and places and to cause minimum interference with the rights and/or reasonable convenience of property owners who adjoin any of the said streets, alleys or other public ways and places.

6-7-17 TREE TRIMMING. Grantee shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks, and public places of the City so as to prevent the branches of such trees from coming in contact with the wires and cables of the Grantee, all trimming to be done under the supervision and direction of the City and at the expense of the Grantee.

6-7-18 F.C.C. CERTIFICATE. Grantee shall apply to the Federal Communications Commission for a certificate of compliance within a reasonable period (not exceeding 90 days) from the date of the granting of its franchise. Within one year of the grant of such certificate by the FCC, Grantee shall complete significant construction of its basic truck line, and within two years, Grantee shall complete installation of its entire system. Grantee shall be entitled to a reasonable and sufficient extension of the schedule specified herein the event of a legal challenge or threat of such challenge

to the ability of the Grantee to provide on its cable television system broadcast signals not available off-the-air in the City, and in the event construction is delayed by acts of God, earthquake, lightning, flood, fire, explosion, vandalism, disturbance, late delivery of equipment, supplies or machinery by suppliers, late performance by suppliers or services, or other similar causes reasonably beyond Grantee's control.

6-7-19 **LIABILITY OF GRANTEE.** Grantee shall at all times defend, indemnify, protect and save harmless the City and other political subdivision in the area from and against any and all liability, losses and physical damage to property and bodily injury or death to the City or to person, including payments made under workmen's compensation laws, which may arise out of or be caused by the erection, construction, replacement, removal, maintenance, and operation of Grantee's cable television system, and resulting from or by any negligence, fault, or misconduct on the part of the Grantee, its agents, officers, servants and employees. Grantee shall carry public liability insurance in the amounts of not less than \$100,000 to \$300,000 for the protection of itself and the City and the political subdivisions. Grantee shall hold the City and the political subdivisions harmless against damages resulting from legal action which maybe be brought against it in connection with the establishment and/or operation of Grantee's cable television system in the City, and shall defend at its own expense any action brought against the City and its political subdivisions by reason of the erection, construction, replacement, removal, maintenance, and operation of the Grantee's cable television system. Grantee shall also carry Workman's Compensation Insurance coverage on all its employees who are engaged in any manner in the erection, construction, replacement, repair, maintenance, and operations of Grantee's plant and equipment. Grantee shall be notified of any claim, demand, or action brought against the City or its political subdivisions for which the City or its political subdivisions may seek reimbursement or defense as provided hereunder, and the City or its political subdivisions shall not settle, capitulate, or admit any such claim, demand or action.

6-7-20 **PREFERENTIAL RATES PROHIBITED.** Grantee shall not, as to rates, charges, service facilities, rules, regulations or in any other respects, make or grant any preference or advantage to any person nor subject any person to any prejudice or disadvantage; provide, however, this section shall not be deemed, to prohibit the establishment of a graduated scale of charges and classified rate schedules to which any customer coming within such classifications shall be entitled.

6-7-21 **ASSIGNING FRANCHISE.** Grantee shall not sell, transfer or encumber its system or its franchise, without first securing the approval of the City Council; however, Grantee is hereby specifically authorized to assign or encumber its system and franchise for the purpose of financing the construction or operation of its system in the City. If Grantee shall decide to sell its system and franchise, the City is given the right of first refusal to purchase the system and franchise for fair market value as determined by the existing offers from other bonafide purchasers.

6-7-22 **COMPLIANCE WITH LAWS; FUTURE CONFORMANCE.** Grantee shall at all times comply with all rules and regulations of the FCC or any duly authorized agency of the United States of America, and all laws duly enacted now or here-after by the United States Congress or Iowa General Assembly. This Chapter shall be conformed, within one year of their date of adoption, to any and all rules and regulations relating to the permissible term of cable television franchises which may hereafter be adopted by the FCC.

6-7-23 DISCONTINUING CUSTOMER'S SERVICE. Grantee may terminate service to any user not paying the established rates when payment shall be delinquent for ten days after billing. In addition, Grantee may charge an installation charge to commence service terminated for non-payment.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 8 RESTRICTED RESIDENCE DISTRICT

6-8-1	Purpose	6-8-8	Set Back
6-8-2	Definitions	6-8-9	Foundation Required
6-8-3	District Described	6-8-10	Protest
6-8-4	Rules and Regulations	6-8-11	Existing Nonconforming Structures
6-8-5	Buildings Permitted	6-8-12	Fees
6-8-6	Buildings Requiring Special Permits to Locate Within Restricted Districts	6-8-13	Action to Abate
6-8-7	Special Permits	6-8-14	Certifying Ordinance

6-8-1 **PURPOSE.** The purpose of this Ordinance is to establish a restricted residence district in the City of Miles, Iowa, and to provide reasonable rules and regulations for the erection, reconstruction, altering, and repairing of buildings of all kinds, and to provide that there shall be no use in such district except for residences, schoolhouses, churches, and other similar structures, except when a permit is granted in accordance with this Ordinance.

(Code of Iowa, Sec. 414.1 and 414.24)

6-8-2 **DEFINITIONS.** For use in this Ordinance, the following terms are defined:

1. "Residence" is a building used exclusively for a dwelling. No business or occupation shall be conducted therein or in conjunction therewith whereby sales or services are made in a manner that the public served enters upon the residential property. The following are excepted: a beauty shop, conducted solely by the occupant and one person not resident on the property; music or art teacher, a rooming or boarding house with no more than two guests; and for which uses no external or internal alterations of the structure are made and no more than one sign indicating said occupation shall be displayed (but the sign may be double faced) nor shall the sign have a single face area of over one square foot.

2. "School" is a building used for educational purposes, public or private, that is regulated by the State Department of Public Education.

3. "Residential accessory use" is a building or structure customarily used in conjunction with a dwelling, namely a storage shed, a tool or "summer" house not exceeding one-hundred (100) square feet floor area, or a private swimming pool properly fenced and screened not exceeding one-hundred (100) square feet.

(Ord. No. 02-2, Passed August 7, 2002)

Any other building on residential property shall not be deemed a residential accessory use if not incidental to a residential purpose, nor if it is used in conjunction with or for the business of selling goods or rendering services.

4. "Church", or "church school" is a building used for public worship, or connected with a building so used, for instruction in religious beliefs, or for the conduct of activities related to church affairs.

6-8-3 DISTRICT DESCRIBED. The following restricted residence district is hereby designated and established.

The entire City of Miles shall be considered a restricted residence district.

6-8-4 RULES AND REGULATIONS. As permitted under Section 414.24 of the Code of Iowa, there are hereby adopted the following rules and regulations for the erection, reconstruction, altering, and repairing of buildings of all kinds within restricted districts established by this Ordinance for the use and occupancy of such buildings, and for the granting of permits to erect, reconstruct, alter, or repair any structure other than a residence, residential accessory use, school, church, or church school within said district.

6-8-5 BUILDINGS PERMITTED. No buildings or other structures shall be erected, reconstructed, altered, repaired, or occupied within said district without first obtaining a permit from the City Council.

In the event that construction covered by a permit is not initiated and underway within ninety (90) days 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

6-8-6 BUILDINGS REQUIRING SPECIAL PERMITS TO LOCATE WITHIN RESTRICTED DISTRICTS. Construction of clinics, offices, hospitals, utility buildings and substations, any type of commercial stores and warehouses, plant nurseries, farm buildings, and industrial buildings and structures may be authorized by special permit to locate within the restricted residential district only if it appears that said use and the type of building will be compatible with the residential character of the district, and if the particular use could not practicably be built in an unrestricted area, or if the restricted district boundaries cannot be amended logically, considering topography, access to railroad or highway or other proper reason acceptable to the City Council.

6-8-7 SPECIAL PERMITS. A written special permit shall be required for the erection, reconstruction, alteration, or repair of any building and for its occupancy and use within the restricted residential district of this City except for buildings for residences, residential accessory use, schools, churches, and church schools. The permit shall be applied for in writing, accompanied by plans and specifications sufficient to determine compliance with applicable Ordinances of the City. The application shall be made to the City Clerk at least seven (7) days before the City Council meeting at which City Council action is taken. No permit shall or will be granted until notice of the application has been posted or the fact of application has been set out in the published proceedings of the City Council at least four days prior to the meeting at which final action is taken to grant or deny the permit. Such permit shall require a three-fourths vote of all the members of the City Council.

An application and permit shall be required for any building that is excepted by this Chapter (residences, schools, and churches) for the purposes of enforcement of the building code. Such application and permit shall pertain only to the said building code regulations.

6-8-8 SET BACK. No residential building or residential accessory use building shall be erected hereafter on a lot closer to the street property line on which it fronts than the set back of the nearest adjacent existing building except that no new construction shall be made closer than twelve (12) feet, nor further than thirty (30) feet from said front line.

Residences or buildings located on corner lots shall meet the same set backs as required for such structure that front only one street.

The foundation of a residence or other building exempted from permit shall be located in the restricted district at least six (6) feet from the side lot lines, an exception being, that on the back one third (1/3) of the lot a foundation may be located three (3) feet from the lot line, if desired.

(Ord. No. 78, 1958)

(Ord. 13-1, Passed May 1, 2013)

6-8-9 FOUNDATION REQUIRED. It shall be unlawful to build, enlarge or alter or move from the outside to within the municipality, or from one part of the municipality to another part of the municipality, any wall, structure, building or part thereof, unless such wall structure, building or part thereof shall have or be placed upon a foundation constructed of any suitable material, other than wood. All foundations shall be of such thickness and constructed in such manner, as to be able to carry the load imposed thereon.

6-8-10 PROTEST. No permit shall be granted when sixty (60) percent of the resident real estate owners in said district within six hundred (600) feet of the proposed building and occupancy object thereto, except by a three-fourths (3/4) vote of all the members of the City Council.

6-8-11 EXISTING NONCONFORMING STRUCTURES. Nonconforming structures or buildings lawfully in existence prior to or on the effective date of this Chapter (Ordinance 92-2, Passed July 1, 1992) shall continue unabated.

6-8-12 FEES. There shall be a permit fee of \$40.00 for such permit. Any person commencing construction without a permit shall pay a permit fee of \$80.00. If a permit is rejected the fee shall be returned to the applicant.

(Ord. No. 02-2, Passed August 7, 2002)

(Ord. 13-3, Passed December 4, 2013)

(Amended during 2021 codification)

6-8-13 ACTION TO ABATE. Any building or structure erected, reconstructed, altered, or repaired in violation of the provisions of this Ordinance shall be deemed unlawful and a nuisance and it shall be abated by action in the district court. Such action for abatement shall be prosecuted in the name of the municipality.

6-8-14 CERTIFYING ORDINANCE. Within thirty (30) days after this Ordinance becomes effective the City Clerk shall prepare or have prepared a plat of the restricted residence district as established by this Ordinance and certify such Ordinance and plat to the County Recorder.

(Code of Iowa, Sec. 380.11)

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 9 TAX INCREMENT FINANCING

MILES ECONOMIC DEVELOPMENT DISTRICT

- 6-9-1 Purpose
- 6-9-2 Definitions
- 6-9-3 Provisions for Division of Taxes
Levied On Taxable Property in the
Urban Renewal Areas

MILES ECONOMIC DEVELOPMENT DISTRICT #2

- 6-9-4 Purpose
- 6-9-5 Definitions
- 6-9-6 Provisions for Division of Taxes
Levied on Taxable Property in the
Urban Renewal Areas

MILES ECONOMIC DEVELOPMENT DISTRICT

6-9-1 PURPOSE. The purpose of this Ordinance is to provide for the division of taxes levied on the taxable property in Urban Renewal Areas of the City of Miles, Iowa, each year by and for the benefit of the state, City, county, school districts or other taxing districts after the effective date of this Ordinance in order to create a special fund to pay the principal of and interest on loans, moneys advanced to or indebtedness, including bonds proposed to be issued by the City of Miles to finance projects in such areas.

6-9-2 DEFINITIONS. For use within this Ordinance the following terms shall have the following meanings:

"City" shall mean the City of Miles, Iowa.

"County" shall mean the County of Jackson, Iowa.

"Urban Renewal Area" shall mean the "Miles Economic Development District", the boundary of which is set out below, such area having been identified in the Urban Renewal Plan approved by the City Council by resolution adopted on October 16, 1991:

MILES ECONOMIC DEVELOPMENT DISTRICT

A parcel of land located in the SW 1/4 SW 1/4 of Section 30, Township 84 North, Range 6 East of the 5th PM, City of Miles, Jackson County. Said parcel is described as follows: Commencing at the SW corner of said Section 30; thence North 0 degrees 12 minutes West 610.75 feet, along the West line of said SW 1/4 SW 1/4; thence North 89 degrees 48 minutes East 33.00 feet, to the point of beginning; thence Northeasterly 648.26 feet along a 2212.00 foot radius curve concave Northwesterly and having a chord bearing North 40 degrees 40 3/4 minutes East 645.95 feet; thence North 32 degrees 17 minutes East 266.66 feet, to a point on the North line of said SW 1/4 SW 1/4; thence South 89 Degrees 52 1/2 minutes West 565.98 feet, along said North line; thence South 0 degrees 12 minutes East 714.06 feet, to the point of beginning; containing 5.16 acres more or less, subject to a 20 foot wide easement for stock

pass usage, described as beginning at the NE corner of the above described tract; thence South 32 degrees 17 minutes west 175.00 feet.

NOTE: The West line of the SW 1/4 of said section 30 is assumed to bear North 0 degrees 12 minutes West for the purpose of this description.

All in City of Miles, Jackson County, Iowa.

6-9-3 PROVISIONS FOR DIVISION OF TAXES LEVIED ON TAXABLE PROPERTY IN THE URBAN RENEWAL AREAS. After the effective date of this Ordinance, the taxes levied on the taxable property in an Urban Renewal Area each year by and for the benefit of the State of Iowa, the City, the County and any school district or other taxing district in which an Urban Renewal Area is located, shall be divided as follows:

(1) that portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in an Urban Renewal Area, as shown on the assessment roll as of January 1 of the calendar year preceding the effective date of this Ordinance, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid. For the purpose of allocating taxes levied by or for any taxing district which did not include the territory in an Urban Renewal Area on the effective date of this Ordinance, but to which the territory has been annexed or otherwise included after the effective date, the assessment roll as of January 1 of the calendar year preceding the effective date of this Ordinance shall be used in determining the assessed valuation of the taxable property in the Urban Renewal Area on the effective date.

(2) that portion of the taxes each year in excess of such amounts shall be allocated to and when collected be paid into a special fund of the City to pay the principal of and interest on loans, moneys advanced to or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.9(1), of the Code of Iowa, incurred by the City to finance or refinance, in whole or in part, projects in an Urban Renewal Area, except that taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this Ordinance. Unless and until the total assessed valuation of the taxable property in an Urban Renewal Area exceeds the total assessed value of the taxable property in such area as shown by the assessment roll referred to in subsection (1) of this section, all of the taxes levied and collected upon the taxable property in an Urban Renewal Area shall be paid into the funds for the respective taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes. When such loans, advances, indebtedness, and bonds, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in an Urban Renewal Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

(3) the portion of taxes mentioned in subsection (2) of this section and the special fund into which that portion shall be paid may be irrevocably pledged by the City for the payment of the principal and interest on loans, advances, bonds issued under the authority of Section 403.9(1) of the Code of Iowa, or indebtedness incurred by the City to finance or refinance in whole or in part projects in an Urban

Renewal Area.

(4) as used in this section, the word "taxes" includes, but is not limited to, all levies on an ad valorem basis upon land or real property.

(Ord. 91-2, November 8, 1991)

MILES ECONOMIC DEVELOPMENT DISTRICT #2

6-9-4 PURPOSE. The purpose of this Ordinance is to provide for the division of taxes levied on the taxable property in Urban Renewal Areas of the City of Miles, Iowa, each year by and for the benefit of the state, City, county, school districts or other taxing districts after the effective date of this Ordinance in order to create a special fund to pay the principal of and interest on loans, moneys advanced to or indebtedness, including bonds proposed to be issued by the City of Miles to finance projects in such areas.

6-9-5 DEFINITIONS. For use within this Ordinance the following terms shall have the following meanings:

"City" shall mean the City of Miles, Iowa.

"County" shall mean the County of Jackson, Iowa.

"Urban Renewal Area" shall mean the "Miles Economic Development District #2", the boundary of which is set out below, such area having been identified in the Urban Renewal Plan approved by the City Council by resolution adopted on July 1, 1992:

MILES ECONOMIC DEVELOPMENT DISTRICT #2

LOT B OF DEPOT PLACE IN Section 36, T84N, R5E of the 5th P.M. in the City of Miles, Jackson County, Iowa according to the recorded plat thereof.

(Ord. No. 02-2, Passed August 7, 2002)

6-9-6 PROVISIONS FOR DIVISION OF TAXES LEVIED ON TAXABLE PROPERTY IN THE URBAN RENEWAL AREAS. After the effective date of this Ordinance, the taxes levied on the taxable property in an Urban Renewal Area each year by and for the benefit of the State of Iowa, the City, the County and any school district or other taxing district in which an Urban Renewal Area is located, shall be divided as follows:

(1) that portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in an Urban Renewal Area, as shown on the assessment roll as of January 1 of the calendar year preceding the effective date of this Ordinance, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid. For the purpose of allocating taxes levied by or for any taxing district which did not include the territory in an Urban Renewal Area on the effective date of this Ordinance, but to which the territory has been annexed or otherwise included after the effective date, the assessment roll

as of January 1 of the calendar year preceding the effective date of this Ordinance shall be used in determining the assessed valuation of the taxable property in the Urban Renewal Area on the effective date.

(2) that portion of the taxes each year in excess of such amounts shall be allocated to and when collected be paid into a special fund of the City to pay the principal of and interest on loans, moneys advanced to or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.9(1), of the Code of Iowa, incurred by the City to finance or refinance, in whole or in part, projects in an Urban Renewal Area, except that taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this Ordinance. Unless and until the total assessed valuation of the taxable property in an Urban Renewal Area exceeds the total assessed value of the taxable property in such area as shown by the assessment roll referred to in subsection (1) of this section, all of the taxes levied and collected upon the taxable property in an Urban Renewal Area shall be paid into the funds for the respective taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes. When such loans, advances, indebtedness, and bonds, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in an Urban Renewal Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

(3) the portion of taxes mentioned in subsection (2) of this section and the special fund into which that portion shall be paid may be irrevocably pledged by the City for the payment of the principal and interest on loans, advances, bonds issued under the authority of Section 403.9(1) of the Code of Iowa, or indebtedness incurred by the City to finance or refinance in whole or in part projects in an Urban Renewal Area.

(4) as used in this section, the word "taxes" includes, but is not limited to, all levies on an ad valorem basis upon land or real property.

(Ord. 92-1A, Passed July 1, 1992)

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 10 FLOOD PLAIN MANAGEMENT

6-10-1	Statutory Authority, Findings of Fact and Purpose	6-10-5	Nonconforming Uses
6-10-2	General Provisions	6-10-6	Penalties for Violation
6-10-3	Flood Plain Management Standards	6-10-7	Amendments
6-10-4	Administration	6-10-8	Definitions

6-10-1 STATUTORY AUTHORITY, FINDINGS OF FACT AND PURPOSE

1. The Legislature of the State of Iowa has in Chapter 364, Code of Iowa, as amended, delegated the power to cities to exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges and property of the city or of its residents, and to preserve and improve the peace, safety, health, welfare, comfort and convenience of its residents.

2. Findings of Fact

a. The flood hazard areas of the city of Miles are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare of the community.

b. These flood losses, hazards, and related adverse effects are caused by: (i) The occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being inadequately elevated or otherwise protected from flooding and (ii) the cumulative effect of obstructions on the flood plain causing increases in flood heights and velocities.

3. Statement of Purpose

It is the purpose of this Ordinance to protect and preserve the rights, privileges and property of city of Miles and its residents and to preserve and improve the peace, safety, health, welfare, and comfort and convenience of its residents by minimizing those flood losses described in Section IB1 of this Ordinance with provisions designed to:

a. Restrict or prohibit uses which are dangerous to health, safety or property in times of flood or which cause excessive increases in flood heights or velocities.

b. Require that uses vulnerable to floods, including public facilities which serve such uses, be protected against flood damage at the time of initial construction or substantial

improvement.

c. Protect individuals from buying lands which may not be suited for intended purposes because of flood hazard.

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

6-10-2 GENERAL PROVISIONS

1. Lands to Which Ordinance Apply

The provisions of this Ordinance shall apply to all areas having special flood hazards within the jurisdiction of the city of Miles. For the purpose of this Ordinance, the special flood hazard areas are those areas designated as Zone A on the Flood Insurance Rate Map for Jackson County and Incorporated Areas, city of Miles, Panel 19097C0525D, dated December 17, 2010, which is hereby adopted and made a part of this Ordinance.

(Ordinance 10-3, Passed November 3, 2010)

2. Rules for Interpretation of Flood Hazard Boundaries

The boundaries of the Special Flood Hazard areas shall be determined by scaling distances on the official Flood Hazard Boundary Map. When an interpretation is needed as to the exact location of a boundary, the City Clerk shall make the necessary interpretation. The City Council shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the City Clerk in the enforcement or administration of this Ordinance.

3. Compliance

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

4. Abrogation and Greater Restrictions

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

5. Interpretation

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall

not be deemed a limitation or repeal of any other powers granted by State statutes.

6. Warning and Disclaimer of Liability

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

7. Severability

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

6-10-3 FLOOD PLAIN MANAGEMENT STANDARDS

All uses must be consistent with the need to minimize flood damage and meet the following applicable performance standards. Where 100-year flood data has not been provided on the Flood Hazard Boundary Map, the Iowa Department of Natural Resources shall be contacted to compute such data. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination.

1. All development within the special flood hazard areas shall:
 - a. Be consistent with the need to minimize flood damage.
 - b. Use construction methods and practices that will minimize flood damage.
 - c. Use construction materials and utility equipment that are resistant to flood damage.
 - d. Obtain all other necessary permits from federal, state and local governmental agencies including approval when required from the Iowa Department of Natural Resources.
2. Residential buildings - All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one (1) foot above the 100-year flood level. Construction shall be upon compacted fill which shall, at all points, be no lower than 1.0 ft. above the 100-year flood level and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers) may be allowed subject to favorable consideration by the City Council, where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding.

All new residential structures shall be provided with a means of access which will be passable by wheeled vehicles during the 100-year flood.

3. Non-residential buildings - All new or substantially improved non-residential buildings shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the 100-year flood level, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 100-year flood; and that the structure, below the 100-year flood level is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to National Geodetic Vertical Datum) to which any structures are floodproofed shall be maintained by the Administrator.

4. All new and substantially improved structures:

a. Fully enclosed areas below the "lowest floor" (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:

(1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

(2) The bottom of all openings shall be no higher than one foot above grade.

(3) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

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

b. New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

c. New and substantially improved structures must be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

5. Factory-built homes:

a. All factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one (1) foot above the 100-year flood level.

b. All factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

6. Utility and Sanitary Systems:

a. On-site waste disposal and water supply systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.

b. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters. Wastewater treatment facilities (other than on-site systems) shall be provided with a level of flood protection equal to or greater than one (1) foot above the 100-year flood elevation.

c. New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities (other than on-site systems) shall be provided with a level of protection equal to or greater than one (1) foot above the 100-year flood elevation.

d. Utilities such as gas or electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.

7. Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one (1) foot above the 100-year flood level. Other material and equipment must either be similarly elevated or (i) not be subject to major flood damage and be anchored to prevent movement due to flood waters or (ii) be readily removable from the area within the time available after flood warning.

8. Flood control structural works such as levees, flood walls, etc. shall provide, at a minimum, protection from a 100-year flood with a minimum of 3 ft. of design freeboard and shall provide for adequate interior drainage. In addition, the Department of Natural Resources shall approve structural flood control works.

9. Watercourse alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, the Department of Natural Resources must approve such alterations or relocations.

10. Subdivisions (including factory-built home parks and subdivisions) shall be consistent

with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals (including the installation of public utilities) shall meet the applicable performance standards of this Ordinance. Subdivision proposals intended for residential use shall provide all lots with a means of access which will be passable by wheeled vehicles during the 100-year flood. Proposals for subdivisions greater than five (5) acres or fifty (50) lots (whichever is less) shall include 100-year flood elevation data for those areas located within the Special Flood Hazard Area.

11. Accessory Structures

a. Detached garages, sheds, and similar structures accessory to a residential use are exempt from the 100-year flood elevation requirements where the following criteria are satisfied.

- (1) The structure shall not be used for human habitation.
- (2) The structure shall be designed to have low flood damage potential.
- (3) The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.
- (4) The structure shall be firmly anchored to prevent flotation which may result in damage to other structures.
- (5) The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one foot above the 100-year flood level.
- (6) Exemption from the 100-year flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

12. Recreational Vehicles

a. Recreational vehicles are exempt from the requirements of Section III E of this Ordinance regarding anchoring and elevation of factory-built homes when the following criteria are satisfied.

- (1) The recreational vehicle shall be located on the site for less than 180 consecutive days, and,
- (2) The recreational vehicle must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system and is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

b. Recreational vehicles that are located on the site for more than 180 consecutive days or are not ready for highway use must satisfy requirements of Section III E of this Ordinance regarding anchoring and elevation of factory-built homes.

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

6-10-4 ADMINISTRATION

1. Appointment, Duties and Responsibilities of Flood Plain Administrator

a. The City Clerk is hereby appointed to implement and administer the provisions of this Ordinance and will herein be referred to as the Administrator.

b. Duties of the Administrator shall include, but not necessarily be limited to the following:

(1) Review all flood plain development permit applications to assure that the provisions of this Ordinance will be satisfied.

(2) Review flood plain development applications to assure that all necessary permits have been obtained from federal, state and local governmental agencies including approval when required from the Department of Natural Resources for flood plain construction.

(3) Record and maintain a record of the elevation (in relation to National Geodetic Vertical Datum) of the lowest floor (including basement) of all new or substantially improved structures in the special flood hazard area.

(4) Record and maintain a record of the elevation (in relation to National Geodetic Vertical datum) to which all new or substantially improved structures have been floodproofed.

(5) Notify adjacent communities/counties and the Department of Natural Resources prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications to the Federal Emergency Management Agency.

(6) Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this Ordinance.

2. Flood Plain Development Permit

a. Permit Required - A Flood Plain Development Permit issued by the Administrator shall be secured prior to any flood plain development (any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, excavation or drilling operations), including the placement of factory-built

homes.

b. Application for Permit - Application shall be made on forms furnished by the Administrator and shall include the following:

(1) Description of the work to be covered by the permit for which application is to be made.

(2) Description of the land on which the proposed work is to be done (i.e., lot, block, track, street address or similar description) that will readily identify and locate the work to be done.

(3) Indication of the use or occupancy for which the proposed work is intended.

(4) Elevation of the 100-year flood.

(5) Elevation (in relation to National Geodetic Vertical Datum) of the lowest floor (including basement) of buildings or of the level to which a building is to be floodproofed.

(6) For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements.

(7) Such other information as the Administrator deems reasonably necessary (e.g., drawings or a site plan) for the purpose of this Ordinance.

c. Action on Permit Application - The Administrator shall, within a reasonable time, make a determination as to whether the proposed flood plain development meets the applicable standards of this Ordinance and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefore. The Administrator shall not issue permits for variances except as directed by the City Council.

d. Construction and Use to be as Provided in Application and Plans - Flood Plain Development Permits based on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance. The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that the finished fill, building floor elevations, floodproofing, or other flood protection measures were accomplished in compliance with the provisions of this Ordinance, prior to the use or occupancy of any structure.

3. Variance

a. The City Council may authorize upon request in specific cases such variances

from the terms of this Ordinance that will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship. Variances granted must meet the following applicable standards.

(1) Variances shall only be granted upon: (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local codes or ordinances.

(2) Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(3) In cases where the variance involves a lower level of flood protection for buildings than what is ordinarily required by this Ordinance, the applicant shall be notified in writing over the signature of the Administrator that: (i) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction increases risks to life and property.

b. Factors Upon Which the Decision of the Council Shall be Based - In passing upon applications for Variances, the Council shall consider all relevant factors specified in other sections of this Ordinance and:

(1) The danger to life and property due to increased flood heights or velocities caused by encroachments.

(2) The danger that materials may be swept on to other land or downstream to the injury of others.

(3) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.

(4) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

(5) The importance of the services provided by the proposed facility to the City.

(6) The requirements of the facility for a flood plain location.

(7) The availability of alternative locations not subject to flooding for the proposed use.

(8) The compatibility of the proposed use with existing development and

development anticipated in the foreseeable future.

(9) The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.

(10) The safety of access to the property in times of flood for ordinary and emergency vehicles.

(11) The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.

(12) The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities (sewer, gas, electrical and water systems), facilities, streets and bridges.

(13) Such other factors which are relevant to the purpose of this Ordinance.

c. Conditions Attached to Variances - Upon consideration of the factors listed above, the Council may attach such conditions to the granting of variances as it deems necessary to further the purpose of this Ordinance. Such conditions may include, but not necessarily be limited to:

(1) Modification of waste disposal and water supply facilities.

(2) Limitation of periods of use and operation.

(3) Imposition of operational controls, sureties, and deed restrictions.

(4) Requirements for construction of channel modifications, dikes, levees, and other protective measures, provided such are approved by the Department of Natural Resources and are deemed the only practical alternative to achieving the purpose of this Ordinance.

(5) Floodproofing measures.

6-10-5 NONCONFORMING USES

1. A structure or the use of a structure or premises which was lawful before the passage or amendment of this Ordinance, but which is not in conformity with the provisions of this Ordinance, may be continued subject to the following conditions:

a. If such use is discontinued for six (6) consecutive months, any future use of the building premises shall conform to this Ordinance.

b. Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.

2. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty (50) percent of the market value of the structure before the damage occurred, unless it is reconstructed in conformity with the provisions of this Ordinance. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, provided that the alteration shall not preclude its continued designation.

6-10-6 PENALTIES FOR VIOLATION. Violations of the provisions of this Ordinance or failure to comply with any of the requirements shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than five hundred dollars (\$500) or imprisoned for not more than thirty (30) days. Nothing herein contained prevent the city of Miles from taking such other lawful action as is necessary to prevent or remedy violation.

6-10-7 AMENDMENTS. The regulations and standards set forth in this Ordinance may from time to time be amended, supplemented, changed, or repealed. No amendment, supplement, change, or modification shall be undertaken without prior approval of the Department of Natural Resources.

6-10-8 DEFINITIONS. Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.

1. Base Flood. The flood having one (1) percent chance of being equaled or exceeded in any given year. (See 100-year flood).

2. Basement. Any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see "lowest floor."

3. Development. Any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

4. Existing Construction. Any structure for which the "start of construction" commenced before the effective date of the first floodplain management regulations adopted by the community. May also be referred to as "existing structure".

5. Existing Factory-Built Home Park or Subdivision. A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management regulations adopted by the community.

6. Expansion of Existing Factory-Built Home Park or Subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

7. Factory-Built Home. Any structure, designed for residential use which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this Ordinance factory-built homes include mobile homes, manufactured homes and modular homes and also includes "recreational vehicles" which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.

8. Factory-Built Home Park. A parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.

9. Flood. A general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.

10. Flood Elevation. The elevation floodwaters would reach at a particular site during the occurrence of a specific flood. For instance, the 100-year flood elevation is the elevation of flood waters related to the occurrence of the 100-year flood.

11. Flood Insurance Rate Map (FIRM). The official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.

12. Flood Plain. Any land area susceptible to being inundated by water as a result of a flood.

13. Flood Plain Management. An overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of flood plains, including but not limited to emergency preparedness plans, flood control works, floodproofing and flood plain management regulations.

14. Floodproofing. Any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.

15. Floodway. The channel of a river or stream and those portions of the flood plains adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one (1) foot.

16. Floodway Fringe. Those portions of the flood plain, other than the floodway, which can be filled, leveed, or otherwise obstructed without causing substantially higher flood levels or flow velocities.

17. Historic Structure. Any structure that is:

a. Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing of the National Register;

b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,

d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by either i) an approved state program as determined by the Secretary of the Interior or ii) directly by the Secretary of the Interior in states without approved programs.

18. Lowest Floor. The floor of the lowest enclosed area in a building including a basement except when all the following criteria are met:

a. The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of Section IIID1 of this Ordinance and

b. The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking or storage, and

c. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the 100-year flood level, and

d. The enclosed area is not a "basement" as defined in this section.

In cases where the lowest enclosed area satisfies criteria a,b,c, and d above, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria above.

19. New Construction (new buildings, factory-built home parks) Those structures or development for which the start of construction commenced on or after the effective date of the first floodplain management regulations adopted by the community.

20. New Factory-Built Home Park or Subdivision. A factory-built home park or

subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the effective date of flood plain management regulations adopted by the community.

21. One Hundred (100) Year Flood. A flood, the magnitude of which has a one (1) percent chance of being equaled or exceeded in any given year or which, on the average, will be equaled or exceeded at least once every one hundred (100) years.

22. Recreational Vehicle. A vehicle which is:

- a. Built on a single chassis;
- b. Four hundred (400) square feet or less when measured at the largest horizontal projection;
- c. Designed to be self-propelled or permanently towable by a light duty truck; and
- d. Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

23. Special Flood Hazard Area. The land within a community subject to the "100-year flood". This land is identified as Zone A on the community's Flood Hazard Boundary Map.

24. Start of Construction. Includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement, was within 180 days of the permit date. The actual start means either the first placement or permanent construction of a structure on a site, such as pouring of a slab or footings, the installation of pile, the construction of columns, or any work beyond the stage of excavation; or the placement of a factory-built home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

25. Structure. Anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factory-built homes, storage tanks, and other similar uses.

26. Substantial Damage. Damage of any origin sustained by a structure whereby the cost

of restoring the structure to its before damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

27. Substantial Improvement. Any improvement to a structure which satisfies either of the following criteria:

a. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (i) before the "start of construction" of the improvement, or (ii) if the structure has been "substantially damaged" and is being restored, before the damage occurred. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by local code enforcement official and which are the minimum necessary to assure safe living conditions. The term also does not include any alteration of an "historic structure", provided the alteration will not preclude the structure's designation as an "historic structure".

b. Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after first floodplain management regulations adopted by the community shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.

28. Variance. A grant of relief by a community from the terms of the flood plain management regulations.

29. Violation. The failure of a structure or other development to be fully compliant with the community's flood plain management regulations.

(Ord. 07-3, Passed October 3, 2007)

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 11 WATER WELL PROTECTION

6-11-1	Designation of Wells	6-11-5	Exception
6-11-2	Definitions	6-11-6	Nonconforming Use
6-11-3	Shallow Well Protection		
6-11-4	Deep Well Protection		

6-11-1 DESIGNATION OF WELLS. The council shall designate each water well within the City as being a “shallow well” or a “deep well” for the purposes of this chapter.

6-11-2 DEFINITIONS. For use in this chapter, the following terms are defined:

1 “Aquifer” means a rock formation, group of rock formations or part of rock formation that contains enough saturated permeable materials to yield significant quantities of water.

2. “Contamination” means the presence of any harmful or deleterious substances in the water supply or able to enter the water supply.

3. “Deep public well” means a public well located and constructed in such a manner that there is not a continuous layer of low permeable soil or rock at least five (5) feet thick located at least twenty-five (25) feet below the normal ground surface and above the aquifer from which the water is to be drawn.

4. “Shallow public well” means a public well located and constructed in such that there is not a continuous layer of low permeable soil or rock at least five (5) feet thick located at least twenty-five (25) feet below the normal ground surface and above the aquifer from which the water is to be drawn.

5. “Well” means a pit or hole sunk into the earth to reach are resource supply such a water.

6-11-3 SHALLOW WELL PROTECTION. No structure or facility of the following enumerated and listed types shall be located within the distance hereinafter set forth after each structure or facility from a shallow public well within the City.

1. Well house floor drains – 5 feet;
2. Water treatment plant wasted – 50 feet;
3. Sanitary and industrial discharges – feet 400 feet;
4. Floor drains from pump house to surface:
 - a. 5 to 10 feet – water main materials enclosed in concrete permitted;

5. Floor drains to sewer, water plant wastes, storm or sanitary sewers or drains:
 - a. None permitted within 25 feet;
 - b. 25-75 feet, must be water main material;
 - c. 75 to 200 feet, must be watertight sewer pipe;
6. Force Mains
 - a. None permitted within 75 feet;
 - b. 75 to 200 feet, must be water main materials;
7. Land application of solid waste – 400 feet
8. Irrigation of wastewater – 400 feet
9. Concrete vaults and septic tanks – 200 feet;
10. Mechanical wastewater treatment plants – 250 feet;
11. Soil absorption field – 250 feet;
12. Lagoons – 1,000 feet;
13. Chemicals:
 - a. Application to ground surface – 200 feet;
 - b. Above ground storage – 200 feet;
 - c. On or underground storage – 200 feet;
14. Animal pasturage – 50 feet;
15. Animal enclosure – 250 feet;
16. Animal wastes:
 - a. Land application of solids – 250 feet;
 - b. Land application of liquid or slurry – 250 feet;

- c. Storage tank – 250 feet;
 - d. Solids stockpile – 250 feet;
 - e. Storage basin or lagoon – 1,000 feet
- 17. Earthen silage storage trench or pit – 250 feet;
 - 18. Basements, pits, sumps – 10 feet;
 - 19. Flowing streams or other surface water bodies – 50 feet;
 - 20. Cemeteries – 200 feet
 - 21. Private wells – 400 feet;

6-11-4 DEEP WELL PROTECTION. No structure or facility of the following enumerated and listed types shall be located within the distance hereinafter set forth after each structure or facility from a deep public well within the City.

- 1. Well house floor drains – 5 feet;
- 2. Water treatment plant wastes – 50 feet;
- 3. Sanitary and industrial discharges – 400 feet;
- 4. Floor drains from pump house to surface:
 - a. 5 to 10 feet – water main materials enclosed in concrete permitted
- 5. Floor drains to sewer, water plant wastes, storm or sanitary sewers or drains:
 - a. 75 to 200 feet, must be watertight sewer pipe;
- 6. Force Mains:
 - a. 75 to 200 feet, must be water main materials;
- 7. Land application of solid waste – 200 feet;
- 8. Irrigation of wastewater – 200 feet;
- 9. Concrete vaults and septic tanks – 100 feet;
- 10. Mechanical wastewater treatment plants – 200 feet;

11. Soil absorption fields – 200 feet;
12. Chemicals:
 - a. Application to ground surface – 100 feet;
 - b. Above ground storage – 100 feet;
 - c. On or underground storage - 200 feet;
13. Animal enclosure – 200 feet;
14. Animal wastes;
 - a. Land application of solids – 200 feet;
 - b. Land application of liquid or slurry – 200 feet;
 - c. Storage tank – 200 feet;
 - d. Solids stockpile – 200 feet;
 - e. Storage basin or lagoon – 400 feet;
15. Basements, pits, sumps – 10 feet;
16. Cemeteries – 200 feet;

6-11-5 EXCEPTION. Proscriptions as set forth in Section 6-3A-3 and 6-3A-4 apply to all public water wells existing within the City except public water wells formerly abandoned for use by resolution of the council.

6-11-6 NONCONFORMING USES. The use of structures or facilities existing as of May 5, 2021 may be continued even though such use may not conform with the regulations of this chapter. However, such structures or facilities may not be enlarged, extended, reconstructed or substituted subsequent to the date of adoption of such Ordinance.

(Ord. 07-4, Passed November 7, 2007)
(Amended during 2021 codification)

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 12 REGULATIONS FOR THE CONTRUCTION OF FENCES

6-12-1	Permit	6-12-9	Location
6-12-2	Front Yard	6-12-10	Exceptions
6-12-3	Height	6-12-11	Fence Posts
6-12-4	Corner Lots	6-12-12	Sight Triangle Area
6-12-5	Access on Corner Lots	6-12-13	Fence Height: Obstruction of View
6-12-6	Materials	6-12-14	Swimming Pools
6-12-7	Retaining Wall	6-12-15	Penalty
6-12-8	Maintenance		

6-12-1 **PERMIT.** A permit for a fence is required from the City Council as provided for in Section 6-14-3 “Permit Required”. Also, in addition to the provisions of Section 6-14-4 “Application”, all applications shall require a lot survey to establish lot lines or show proof of survey pins on property. No permit fee for constructing fences is required.

6-12-2 **FRONT YARD.** No privacy fences shall be allowed in front yards. Decorative fences can be up to four feet (4’) but not be in the sight triangle.

6-12-3 **HEIGHT.** Fences or other similar structure, wall, or hedge can be erected up to a height of six feet (6’).

6-12-4 **CORNER LOTS.** The side yard adjacent to the street shall be set back ten feet (10’) from side property line.

6-12-5 **ACCESS ON CORNER LOTS.** No fences, whether wood, metal, masonry or concrete, nor other obstruction including shrubbery (hedges, trees, bushes) nor any combination of materials, shall be erected or maintained which blocks the access from a front yard through both sides to the rear yard, unless a gate approved by the City Council is installed on at least one side.

6-12-6 **MATERIALS.** Fences shall be constructed of wood, chain-link, PVC/resin, stone and wrought iron or masonry materials only. Wood fences shall utilize standard building lumber only. Barbed wire and/or electrified fences are not permitted, and are defined as any fence that includes in its material barbs, blades, razors, electric current or other features specifically designed to injure or abrade an individual or animal who attempts to negotiate the fence.

6-12-7 **RETAINING WALL.** Where a retaining wall protects a cut below or a fill above the natural grade and is located on the separating lots, such retaining walls may be topped by a fence, wall or hedge of the same height that would otherwise be permitted at that location if no retaining wall existed. In no event shall the combination of wall and fence exceed six feet (6’).

6-12-8 MAINTENANCE. All fences and retaining walls must be maintained in a state of good repair. Hedges and bushes must be kept trimmed and maintained not to exceed height of fence as provided for in Section 6-12-3.

6-12-9 LOCATION. All fences, walls or hedges shall be erected three feet from the alley, side yard and rear yard, two feet from the sidewalk and 10 feet from the edge of the road if there's not a sidewalk provided that the fences, walls or hedges shall conform with the provisions of Section 6-12-7.

6-12-10 EXCEPTIONS. Fences required by state law to surround or enclose public utilities, public schools or other public buildings are exempt from this Ordinance. Fences for uses such as tennis or sports courts may be a maximum of fifteen feet (15') high if the fence meets all of the required setbacks for an accessory building, as provided for in the Zoning Ordinance.

6-12-11 FENCE POSTS. Fence posts shall be placed on the inside of the fence (side facing installer), unless fencing is installed on both sides of post, eliminating a front or back look.

6-12-12 SIGHT TRIANGLE AREA. The Sight Triangle Area is defined as that portion of a corner lot lying within a triangle area formed by measuring back along the property lines adjacent to the intersecting streets to a point on each property line twenty feet (20') from the intersection of said property lines and then connecting the two (2) points thus establishing a third line.

6-12-13 FENCE HEIGHT: OBSTRUCTION OF VIEW. It shall be unlawful for the owner, occupant or person in control of any corner lot in the City to erect, maintain or permit to grow any obstruction to the view of drivers of motor vehicles over a height of three feet (3') and all trees shall be trimmed so that no foliage hangs down closer than seven feet (7') to the ground within the "sight triangle area" of said lot.

6-12-14 SWIMMING POOLS. All residential swimming pools will be required to have fencing as required by Iowa Code section 641.15.4(5)(1). The set back from the fence line will be four (4') feet.

6-12-15 PENALTY. A violation of these regulations shall be enforced under the provisions of Title I, Chapter 3, "General Penalty" of this Code.

TABLE 1
IOWA ADMINISTRATIVE CODE
SEPARATION DISTANCES

[Effective 2/11/06, appeared in 567-Ch 43.3(7), Table A]

SOURCE OF CONTAMINATION	REQUIRED MINIMUM DISTANCE FROM WELL, IN FEET	
	Deep Well ¹	Shallow Well ¹
WASTEWATER STRUCTURES:		
Point of Discharge to Ground Surface		
Sanitary & industrial discharges	400	400
Water treatment plant wastes	50	50
Well house floor drains	5	5
Sewers & Drains²		
Sanitary & storm sewers, drains	0 – 25 feet: prohibited 25 – 75 feet if water main pipe 75 – 200 feet if sanitary sewer pipe	0 – 25 feet: prohibited 25 – 75 feet if water main pipe 75 – 200 feet if sanitary sewer main pipe
Sewer force mains	0 – 75 feet: prohibited 75 – 400 feet if water main pipe 400 – 1000 feet if water main or sanitary sewer pipe	0 – 75 feet: prohibited 75 – 400 feet if water main pipe 400 – 1000 feet if water main or sanitary sewer main pipe
Water plant treatment process wastes that are treated onsite	0 – 5 feet: prohibited 5 – 50 feet if sanitary sewer pipe	0 – 5 feet: prohibited 5 – 50 feet if sanitary sewer main pipe
Water plant wastes to sanitary sewer	0 – 25 feet: prohibited 25 – 75 feet if water main pipe 75 – 200 feet if sanitary sewer pipe	0 – 25 feet: prohibited 25 – 75 feet if water main pipe 75 – 200 feet if sanitary sewer main pipe
Well house floor drains to sewers	0 – 25 feet: prohibited 25 – 75 feet if water main pipe 75 – 200 feet if sanitary sewer pipe	0 – 25 feet: prohibited 25 – 75 feet if water main pipe 75 – 200 feet if sanitary sewer main pipe
Well house floor drains to surface	0 – 5 feet: prohibited 5 – 50 feet if sanitary sewer pipe	0 – 5 feet: prohibited 5 – 50 feet if sanitary sewer main pipe
Land Disposal of Treated Wastes		
Irrigation of wastewater	200	400
Land application of solid wastes ³	200	400
Other		
Cesspools & earth pit privies	200	400
Concrete vaults & septic tanks	100	200
Lagoons	400	1000

Mechanical wastewater treatment plants	200	400
Soil absorption fields	200	400
CHEMICALS:		
Chemical application to ground surface	100	200
Chemical & mineral storage above ground	100	200
Chemical & mineral storage on or under ground	200	400
Transmission pipelines (such as fertilizer, liquid petroleum, or anhydrous ammonia)	200	400
ANIMALS:		
Animal pasturage	50	50
Animal enclosure	200	400
Earthen silage storage trench or pit	100	200
Animal Wastes		
Land application of liquid or slurry	200	400
Land application of solids	200	400
Solids stockpile	200	400
Storage basin or lagoon	400	1000
Storage tank	200	400
MISCELLANEOUS:		
Basements, pits, sumps	10	10
Cemeteries	200	200
Cisterns	50	100
Flowing streams or other surface water bodies	50	50
Railroads	100	200
Private wells	200	400
Solid waste landfills and disposal sites ⁴	1000	1000

¹ Deep and shallow wells, as defined in 567—40.2(455B): A deep well is a well located and constructed in such a manner that there is a continuous layer of low permeability soil or rock at least 5 feet thick located at least 25 feet below the normal ground surface and above the aquifer from which water is to be drawn. A shallow well is a well located and constructed in such a manner that there is not a continuous layer of low permeability soil or rock (or equivalent retarding mechanism acceptable to the department) at least 5 feet thick, the top of which is located at least 25 feet below the normal ground surface and above the aquifer from which water is to be drawn.

² The separation distances are dependent upon two factors: the type of piping that is in the existing sewer or drain, as noted in the table, and that the piping was properly installed in accordance with the standards.

³ Solid wastes are those derived from the treatment of water or wastewater. Certain types of solid wastes from water treatment processes may be land-applied within the separation distance on an individual, case-by-case basis.

⁴ Solid waste means garbage, refuse, rubbish, and other similar discarded solid or semisolid materials, including but not limited to such materials resulting from industrial, commercial, agricultural, and domestic activities

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 13 SIDEWALK REGULATIONS

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

6-13-1 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.

6-13-2 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.

6-13-3 CLEANING SNOW, ICE, AND ACCUMULATIONS. It shall be the duty of the owner to keep sidewalks abutting the owner's property clear of the natural accumulations of snow or ice. If the owner fails to do so within twenty four (24) hours after deposit of accumulation, the Mayor may have the natural accumulations of snow or ice removed without notice to the property owner. The Mayor shall give the Council an itemized and verified statement of the removal costs and a legal description of the property at the next regular Council meeting. The costs shall be reviewed by the Council, and if found correct, shall be assessed against the property as taxes. The City Clerk shall be directed to certify the costs to the County Treasurer for collection as provided in Section 364.12 of the Code of Iowa.

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

6-13-4 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))

6-13-5 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)

6-13-6 ORDERING SIDEWALK IMPROVEMENTS. The City Council may order the construction, reconstruction, repair, or replacement of permanent sidewalks upon any street or court. Notice of this order shall be sent to the owner by certified mail. The notice shall include the fact that the owner may request a hearing by the Council within fifteen (15) days or receipt of the notice.

6-13-7 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))

6-13-8 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.

6-13-9 STANDARD SIDEWALK SPECIFICATIONS. Sidewalks constructed, repaired, or replaced under the provisions of this chapter shall be of the following construction and meet the following standards:

1. Portland cement concrete shall be the only material used in the construction and repair of sidewalks unless otherwise authorized by the City Council.
2. Sidewalks shall be on one-course construction.
3. Concrete may be placed directly on compact and well-drained soil. Where soil is not well drained, a four (4) inch sub-base of compact, clean, coarse gravel, sand, or cinders shall be laid. The adequacy of the soil drainage is to be determined by the Superintendent of Public Works.
4. The sidewalk bed shall be graded to the established grade.
5. Residential sidewalks shall be at least four (4) feet wide, or match existing sidewalks, and four (4) inches thick, and each section shall be no more than four (4) feet in length. In the central business district, sidewalks shall extend from the property line to the curb unless the Council shall establish a different distance due to the circumstances. Each section shall be four (4) inches thick and no more than six (6) feet in length and width. All driveway areas shall not be less than six (6) inches in thickness.

6. Residential sidewalks shall be located with the inner edge (edge nearest the abutting private property) on the property line, unless the Council shall establish a different distance due to the circumstances.

7. All elevations of sidewalks are to be established by the City Council with assistance from the Superintendent of Public Works on a case-by-case basis.

8. All sidewalks shall slope at least one-quarter ($1/4$) inch per foot toward the curb, but in no event more than one-half ($1/2$) inch per foot toward the curb.

9. All sidewalks shall have a steel trowel finish followed by a "broom" or a "wood float" finish.

10. Ramps for the disabled. There shall not be less than two (2) curb cuts or ramps per lineal block which shall be located on or near the cross-walks at intersections. Each curb cut or ramp shall be at least thirty (30) inches wide, shall be sloped at not greater than one inch of rise per twelve (12) inches lineal distance, except that a slope no greater than one inch of rise per eight (8) inches lineal distance may be used where necessary, shall have a nonskid surface, and shall otherwise be so constructed as to allow reasonable access to the crosswalk for physically disabled persons using the sidewalk.

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

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

6-13-10 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.

6-13-11 FAILURE TO OBTAIN PERMIT; REMEDIES. Whenever any sidewalk improvements are made that do not conform to the provisions of this chapter and with the specifications, or when any sidewalk improvements are made without a permit, the Mayor shall serve notice to obtain a

permit upon the property owner and upon the contractor doing the work. If the sidewalk is in the course of construction, the notice shall order the work to stop until a permit is obtained and the work is corrected to comply with the specifications. If the sidewalk work has been completed, the owner shall obtain a permit immediately and perform any needed corrections within five (5) days from receipt of the permit. If the owner fails to comply with this notice, the Mayor shall have the work completed and the costs assessed to the property owner as provided in this chapter.

6-13-12 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.

6-13-13 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.

6-13-14 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.

6-13-15 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)

6-13-16 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)

6-13-17 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)

6-13-18 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)

6-13-19 ADAAG COMPLIANCE. All construction, repair, and maintenance of sidewalks shall comply with Americans with Disabilities Guidelines (ADAAG).

(ECIA Model Code Amended in 2011)

(Amended during 2021 codification)

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 14 BUILDING PERMITS

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

6-14-1 **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.

6-14-2 **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.

6-14-3 **PERMIT REQUIRED.** No structure shall be erected, reconstructed, altered or added to without first securing a permit from the City Council.

6-14-4 **APPLICATION.** All requests for a building permit shall be submitted to the City Clerk on forms supplied by the City and accompanied with the appropriate fee for such permit.

6-14-5 **FEES.** There shall be a permit fee of \$40.00 for such permit. Any person commencing construction without a permit shall pay a permit fee of \$80.00. If a permit is rejected the fee shall be returned to the applicant.

6-14-6 **PLANS REQUIRED.** Plans and specifications of any proposed structure shall be filed with the application for the permit.

6-14-7 **LOCATION OF STRUCTURE.** A complete showing and description of the real estate involved and the location of the structure on the real estate shall be filed with the application. The perimeter of the structure shall be staked prior to submitting an application.

1. Height of structure. Side walls shall have a maximum height of 10'-0" measured from floor to ceiling at the interior of the structure.

6-14-8 FRONT YARD REQUIREMENTS. There shall be a front yard of not less than twenty (20) feet, except as follows:

1. Where a structure is to be erected on a parcel of land that is within one hundred (100) feet of existing structures on both sides, the minimum front yard shall be a line drawn between the closest front corners of the adjacent structures on the two sides, or

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

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

6-14-9 SIDE YARD REQUIREMENTS. No building shall be erected closer than fifteen (15) feet to either side lot line, except in the business district where no side yard is required.

6-14-10 REAR YARD REQUIREMENTS. There shall be a rear yard provided for each structure of not less than twenty-five (25) 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.

6-14-11 SPECIAL REQUIREMENTS FOR RESIDENCES. Any structure which is to be a residence for living shall meet the following special requirements.

1. A residence shall have a minimum of 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.

6-14-12 VARIANCES. The city council may grant a variance to sections 6-14-8, 6-14-9, and 6-14-10 where the setback requirements would cause a hardship on the property owner.

6-14-13 FENCES. No setback requirements shall be applicable to the construction of a fence.

6-14-14 CURB CUTS. No curb cut shall be constructed or permitted without first obtaining a building permit.

6-14-15 AUTHORITY OF CITY COUNCIL. The City Council shall have full authority to accept or reject any plans and specifications submitted.

6-14-16 PERMIT ISSUED. Permits shall be issued by the City Clerk in duplicate, one copy for the applicant and one copy to be retained in the City records.

6-14-17 LIMITATIONS ON PERMIT. In the event that construction covered by a permit is not initiated and underway within one year from the date of issuance of a permit, such permit shall be deemed void and of no effect. All permits shall expire and be void twelve (12) months after issuance by the City Clerk. If construction is not completed a new application and fee must be submitted.

Editor's Note: If this Ordinance is adopted be sure that the provisions of this Ordinance are consistent with the provisions of the Restricted Residence Ordinance if the City has one. Specifically, the set back and permit fee requirements should be reviewed.

(Amended during 2021 codification)

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 15 PORTABLE STORAGE CONTAINERS

6-15-1	Definitions	6-15-5	Stacking
6-15-2	Residential Property	6-15-6	Good Repair
6-15-3	Commercial Property	6-15-7	Compliance
6-15-4	Industrial Property		

6-15-1 DEFINITION. “Portable storage container” is defined as a container fabricated for the purpose of transporting freight or goods on a truck, railroad, railcar, or ship, including cargo containers, steel cargo containers, shipping containers, freight containers, portable storage containers, cargo boxes, sea vans, or storage units that are placed on private property and used for storage of clothing, equipment, goods, household or office fixtures, furnishings, construction materials, and merchandise.

6-15-2 RESIDENTIAL PROPERTY.

1. The use of portable storage containers on a property used for residential purposes is prohibited, except for the following uses:

a. A portable storage container may be used on a residential property when a building permit has been issued for construction of a residential unit on that parcel. The portable storage container shall be allowed to remain on the residential parcel during construction only. The portable storage container must be removed within ten (10) days after completion of the construction project or expiration of the building permit.

b. Portable storage containers shall not impede traffic or pedestrians. No portable storage container shall be located in a fire lane, public utility easement, or on public right-of-way, including streets, sidewalks, and parking strips.

6-15-3 COMMERCIAL PROPERTY.

1. Portable storage containers are prohibited on a property used for commercial purposes, except as follows:

a. Portable storage containers may be used for shipping and receiving merchandise and goods, provided that the storage container does not remain on the property for more than five (5) business days.

b. Portable storage containers may be used for storing merchandise or goods sold or used at the commercial property on which it is located, provided that the portable storage container is in an area that is not visible from any public street and is not in any designated parking areas, fire lane, or public right-of-way.

c. Portable storage containers may be used for construction or remodeling purposes when a building permit has been issued for construction on the commercial property. The portable storage container must be removed within ten (10) days after final building inspection or after the building permit has expired.

6-15-4 INDUSTRIAL PROPERTY.

1. The use of a portable storage container is permissible on an industrial/manufacturing property, provided the portable storage container is not stored on public right-of-way, in a fire lane, in the front of the property, or in any area visible from a public street.

2. No portable storage container shall be placed or located in any aisle or driving lane, fire lane, public utility easement, or public right-of-way, including streets, sidewalks, and parking.

6-15-5 STACKING. Portable storage containers may not be stacked on top of one another, and stacking of any other materials on top of or around any storage containers shall be prohibited in all districts.

6-15-6 GOOD REPAIR.

1. Portable storage containers must be kept in good repair and be secured against unauthorized entry and comply with any state and local health regulations.

2. A portable storage container is not in a state of good repair when it is incapable of being moved intact, contains holes in the container due to damage or rust, cannot be secured against unauthorized entry, or has become infested with vermin, insects, or other pests.

3. A portable storage container that has deteriorated and is no longer in a state of good repair must be removed immediately.

6-15-6 RESIDENTIAL USE.

1. A portable storage container may not be used as a dwelling or living quarters.

2. A portable storage container may not be used for camping, cooking, or recreational purposes in any district.

6-15-7 COMPLIANCE. A portable storage container existing on any property in the city on the date of final passage of this ordinance shall either be removed from the property or brought into

compliance with the provisions of this ordinance within thirty (30) days of the ordinance's effective date.

(ECIA Model Code Amended in 2020)

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 16 OUTDOOR FURNACES

6-16-1	Purpose	6-16-3	Existing Outdoor Furnaces
6-16-2	Definitions		

6-16-1 PURPOSE. The Miles City Council finds that smoke, odors and emissions caused by the use of outdoor furnaces can be detrimental to the public health and deprive residents of the enjoyment of their property. The purpose of this Chapter is to ban the installation and construction of outdoor furnaces and establish regulations and restrictions regarding the existing outdoor furnaces within the City of Miles, to promote the public health, comfort, safety and welfare of the public.

6-16-2 DEFINITIONS. For the purposes of this Chapter, the following definitions apply:

1. “Existing Outdoor Furnaces” means any outdoor furnace in existence as of May 5, 2021.
2. “Outdoor Furnace” means any equipment, device or apparatus which is installed, affixed or situated outdoors or within another structure for the primary purpose of burning fuel to produce heat or energy used in whole or in part as a heating system to provide heat and/or hot water to any structure.
3. “Stack” or “Chimney” means any vertical structure enclosing a flue or flues that carry off smoke, exhaust and other emissions from an outdoor furnace.

6-16-3 EXISTING OUTDOOR FURNACES. Any outdoor furnace in existence on May 5, 2021, shall be permitted to remain, subject to the following requirements: None.

No new outdoor furnaces are permitted in the city of Miles.

TITLE VII SPECIAL ORDINANCES
CHAPTER 1 STREET GRADES – RESERVED

TITLE VII SPECIAL ORDINANCES

CHAPTER 2 VACATED STREETS AND ALLEYS - RESERVED

TITLE VII SPECIAL ORDINANCES

CHAPTER 3 ELECTRIC FRANCHISE

	Preamble	7-3-5	Meters
7-3-1	Franchise Establishment	7-3-6	Modern System
7-3-2	Construction of System	7-3-7	Not Exclusive
7-3-3	Excavation/Restoration of Existing Public Property		
7-3-4	Existing Facilities and Equipment		

PREAMBLE An Ordinance granting to INTERSTATE POWER AND LIGHT COMPANY, ("Company"), its successors and assigns, the right and franchise to acquire, construct, reconstruct, erect, maintain and operate in the City of Miles, Jackson County, Iowa, works and plants for the manufacture and generation of electricity and a distribution system for electric light, heat and power and the right to erect and maintain the necessary poles, lines, wires, conduits and other appliances for the distribution of electric current along, under and upon the streets, alleys and public places in the City of Miles, Jackson County, Iowa, to supply individuals, corporations, communities and municipalities both inside and outside of said City with electric light, heat and power for the period of twenty-five (25) years and granting to said Company the right of eminent domain.

Be it ordained by the City Council of the City of Miles, Iowa, Jackson County, Iowa, hereinafter referred to as the "City":

7-3-1 FRANCHISE ESTABLISHMENT. There is hereby granted to INTERSTATE POWER AND LIGHT COMPANY, hereinafter referred to as the "Company," its successors and assigns, the right and franchise to acquire, construct, reconstruct, erect, maintain and operate in the City, works and plants for the manufacture and generation of electricity and a distribution system for electric light, beat and power and the right to erect and maintain the necessary poles, lines, wires, conduits and other appliances for the distribution of electric current along, under and upon the streets, alleys and public places in the said City to supply individuals, corporations, communities, and municipalities both inside and outside of said City with electric light, heat and power for the period of twenty-five (25) years; also the right of eminent domain as provided in Section 364.2 of the Code of Iowa.

7-3-2 CONSTRUCTION OF SYSTEM. The poles, lines, wires, circuits, and other appliances shall be placed and maintained so as not to unnecessarily interfere with the travel on said streets, alleys, and public places in said City nor unnecessarily interfere with the proper use of the same, including ordinary drainage, or with the sewers, underground pipe and other property of the City, and the said Company, its successors and assigns shall hold the City free and harmless from all damages to the extent arising from the negligent acts or omissions of the Company in the erection or maintenance of said system.

7-3-3 EXCAVATION/ RESTORATION OF EXISTING PUBLIC PROPERTY. In making any

excavations in any street, alley, or public place, Company, its successors and assigns, shall protect the site while work is in progress by guards, barriers or signals, shall not unnecessarily obstruct the use of the streets, and shall back fill all openings in such manner as to prevent settling or depressions in surface, pavement or sidewalk of such excavations with same materials, restoring the condition as nearly as practical.

7-3-4 EXISTING FACILITIES AND EQUIPMENT. The Company shall, at its cost, locate and relocate its existing facilities or equipment in, on, over or under any public street or alley in the City in such a manner as the City may at any time reasonably require for the purposes of facilitating the construction, reconstruction, maintenance or repair of the street or alley or any public improvement thereof, in or about any such street or alley or reasonably promoting the efficient operation of any such improvement.

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

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

The City shall give the Company reasonable advance written notice to vacate a public right-of-way. Prior to vacating a public right-of-way, the Company shall be provided an opportunity to secure an easement to allow it to operate and maintain its existing facilities.

7-3-5 METERS. The Company, its successors and assigns, shall furnish and install all meters at its own expense, and shall provide the service wire to buildings as set forth in the Company's tariff filed with the Iowa Utilities Board.

7-3-6 MODERN SYSTEM. The system authorized by this Ordinance shall be modern and up-to-date and shall be of sufficient capacity to supply all reasonable demands of said City and its inhabitants thereof and shall be kept in a modern and up-to-date condition.

7-3-7 NOT EXCLUSIVE. The franchise granted by this Ordinance shall not be exclusive.
(Ord. 12-2, Passed May 2, 2012)

TITLE VII SPECIAL ORDINANCES

CHAPTER 4 GAS FRANCHISE

7-4-1	Franchise Granted	7-4-9	Force Majeure
7-4-2	Term	7-4-10	Hold Harmless
7-4-3	Governing Rules and Regulations	7-4-11	Severability
7-4-4	Franchise Fee	7-4-12	Non Waiver
7-4-5	Construction and Maintenance of Company Facilities	7-4-13	Repeal Conflicting Ordinances
7-4-6	Extension of Company Facilities	7-4-14	Effect and Interpretation of Ordinance
7-4-7	Relocation of Company Facilities	7-4-15	Effective Date and Acceptance
7-4-8	Confidential Information		

7-4-1 FRANCHISE GRANTED. The City of Miles, Iowa, (hereinafter referred to as "Grantor") hereby grants a non-exclusive franchise to Aquila, Inc, d/b/a Aquila Networks, a Delaware corporation, (hereinafter called "Grantee"), its lessees, successors and assigns. Grantee is hereby granted the right, privilege, franchise, permission and authority to lay, construct, install, maintain, operate and extend in, along, over or across the present and future streets, alleys, avenues, bridges, public rights-of-way and public places as are now within the present or future limits of said Grantor, a natural gas distribution system and all facilities necessary for the purpose of supplying natural gas or processed gas for all purposes to the inhabitants of said Grantor and consumers in the vicinity thereof, and for the distribution of natural gas from or through said Grantor to points beyond the limits thereof. Such facilities shall include, but not be limited to, all mains, services, pipes, conduits and appliances necessary or convenient for transmitting, transporting, distributing and supplying natural gas for all purposes for which it may be used, and to do all other things necessary and proper in providing natural gas service to the inhabitants of Grantor and in carrying on such business.

7-4-2 TERM. The rights and privileges granted by this Ordinance shall remain in effect for a period of twenty-five (25) years from the effective date of this Ordinance.

7-4-3 GOVERNING RULES AND REGULATIONS. This Ordinance is granted subject to all conditions, limitations and immunities now provided for, or as hereafter amended, and applicable to the operations of a public utility, by State or Federal law. The rates to be charged by Grantee for service within the present or future corporate limits of Grantor and the rules and regulations regarding the character, quality and standards of service to be furnished by Grantee shall be under the jurisdiction and control of such regulatory body or bodies as may, from time to time, be vested by law with authority and jurisdiction over the rates, regulations and quality and standards of service to be supplied by Grantee. Provided however, should any judicial, regulatory or legislative body, having proper jurisdiction, take any action that precludes Grantee from recovering from its customers any cost associated with services provided hereunder, then Grantee and Grantor shall renegotiate the terms of this Ordinance in accordance with the action

taken, so as to allow Grantee to be made whole economically. In determining the rights and duties of the Grantee, the terms of this franchise Ordinance shall take precedence over any conflicting terms or requirements contained in any other Ordinance enacted by the Grantor.

If an energy supplier is unable to furnish an adequate supply of energy due to an emergency, an order or decision of a public regulatory body, or other acts beyond the control of the Grantee, then the Grantee shall have the right and authority to adopt reasonable rules and regulations limiting, curtailing or allocating extensions of service or supply of energy to any customers or prospective customers, and withholding^{he} supply of energy to new customers, provided that such rules and regulations shall be uniform as applied to each class of customers or prospective customers, and shall be non-discriminatory as between communities receiving service from the Grantee.

7-4-4 FRANCHISE FEE. Grantor may, during the term of this franchise, in its discretion after public hearing, but not more than once a year, and upon an affirmative vote of the members of the Grantor's City Council, impose a franchise fee on customers located within the corporate city limits of Grantor in an ordinance form satisfactory and acceptable to Grantee. The form of assessment and collection of the franchise fee approved by Grantor must be based on one of the following methods: 1) Percentage of Gross Receipts of regulated sales or transportation revenues collected within the City, 2) Volumetric fee based on the delivery of energy within Grantor's corporate city limits, or 3) Flat Fee collected from Customers on a nondiscriminatory basis who are located within the City; provided however, that no franchise fee shall be effective against Grantee unless and until the City imposes a fee or tax of the same percentage or other method on the gross revenues, delivery or customers of all other energy suppliers of natural gas, as allowed by law. Grantor may request that Grantee propose ordinance language that will apply the permitted franchise fee.

7-4-5 CONSTRUCTION AND MAINTENANCE OF COMPANY FACILITIES. Any pavements, sidewalks or curbing taken up and any and all excavations made shall be done in such a manner as to cause only such inconvenience to the inhabitants of Grantor and to the general public as is reasonably necessary; and repairs and replacements shall be made promptly by Grantee, leaving such properties in as good as condition as existed immediately prior to excavation.

Grantee agrees that for the term of this grant, it will maintain facilities and equipment sufficient to meet the current and future energy requirements of Grantor, its inhabitants and industries. While maintaining its facilities and equipment, Grantee shall obtain permits as required by ordinance, except that in emergency situations, Grantee shall take immediate unilateral actions as it determines are necessary to protect the public health, safety, and welfare; in which case, Grantee shall notify Grantor as soon as reasonably possible.

Grantor will give Grantee reasonable notice of plans for street improvements where paving or resurfacing of a permanent nature is involved that affect Grantee's facilities. The notice shall contain the nature and character of the improvements, the rights-of-way upon which the improvements are to be made, the extent of the improvements and the time when the Grantor

will start the work, and, if more than one right-of-way is involved, the order in which this work is to proceed. The notice shall be given to the Grantee a sufficient length of time, considering seasonable working conditions, in advance of the actual commencement of the work to permit the Grantee to make any additions, alterations, or repairs to its facilities.

7-4-6 EXTENSION OF COMPANY FACILITIES. Upon receipt and acceptance of a valid application for service, Grantee shall, subject to its own economic feasibility criteria, make reasonable extensions of its distribution facilities to serve customers located within the current or future corporate limits of Grantor.

7-4-7 RELOCATION OF COMPANY FACILITIES. If Grantor elects to change the grade of or otherwise alter any street, alley, avenue, bridge, public right-of-way or public place for a public purpose, Grantee, upon reasonable notice from Grantor, shall remove and relocate its facilities or equipment situated in the public rights-of-way, if such removal is necessary to prevent interference and not merely for the convenience of the Grantor, at the cost and expense of Grantee. If Grantor orders or requests Grantee to relocate its facilities or equipment for the primary benefit of a commercial or private project, or as a result of the initial request of a commercial or private developer or other non-public entity, and such removal is necessary to prevent interference and not merely for the convenience of the Grantor or other right-of-way user, Grantee shall receive payment for the cost of such relocation as a precondition to relocating its facilities or equipment. Grantor shall consider reasonable alternatives in designing its public works projects so as not arbitrarily to cause Grantee unreasonable additional expense in exercising its authority under this section. Grantor shall also provide a reasonable alternative location for Grantee's facilities. Grantor shall give Grantee written notice of vacating of a public right-of-way. Vacating of a public right-of-way shall not deprive the Grantee of its right to operate and maintain existing facilities, until the reasonable cost of relocating the same are first paid to the Grantee. Any person or corporation desiring to move a building or other structure along, or to make any unusual use of any street, alley, avenue, bridge, public right-of-way or public place which shall interfere with the facilities or equipment of the Grantee, shall first give notice to the Grantor and the Grantee and pay a sum sufficient to cover the expense and damage incident to the moving of Grantee's facilities and equipment.

7-4-8 CONFIDENTIAL INFORMATION. Grantor acknowledges that certain information it might request pursuant to this franchise may be of a proprietary and confidential nature. If Grantee requests that any information provided by Grantee to Grantor be kept confidential due to such proprietary or commercial value, Grantor and its employees, agents, and representatives shall maintain the confidentiality of that information, to the extent allowed by law. If Grantor is requested or required by legal or administrative process to disclose any such confidential information, Grantor shall promptly notify Grantee of such request or requirement so that Grantee may seek an appropriate protective order or other relief. Grantor shall use all reasonable efforts to ensure that the confidentiality of Grantee's confidential information is maintained.

7-4-9 FORCE MAJEURE. It shall not be a breach or default under this franchise if either party fails to perform its obligations hereunder due to Force Majeure. Force Majeure shall include, but not be limited to, the following: 1) physical events such acts of God, landslides, lightning,

earthquakes, fires, freezing, storms, floods, washouts, explosions, breakage or accident or necessity of repairs to machinery, equipment or distribution or transmission lines; 2) acts of others such as strikes, work-force stoppages, riots, sabotage, insurrections or wars; 3) governmental actions such as necessity for compliance with any court order, law, statute, ordinance, executive order, or regulation promulgated by a governmental authority having jurisdiction; and any other causes, whether of the kind herein enumerated or otherwise not reasonably within the control of the affected party to prevent or overcome. Each party shall make reasonable efforts to avoid Force Majeure and to resolve such event as promptly as reasonably possible once it occurs in order to resume performance; provided, however, that this provision shall not obligate a party to settle any labor strike.

7-4-10 **HOLD HARMLESS.** Grantee, during the term of this Ordinance, agrees to save harmless Grantor from and against all claims, demands, losses and expenses arising directly out of the negligence of Grantee, its employees or agents, in the constructing, operating, and maintaining of distribution and transmission facilities or appliances of Grantee; provided, however, that Grantee need not save harmless Grantor from claims, demands, losses and expenses arising out of the negligence of Grantor, its employees or agents.

7-4-11 **SEVERABILITY.** If any clause, sentence or section of this Ordinance is deemed invalid by any judicial, regulatory or legislative body having proper jurisdiction, the remaining provisions shall not be affected.

7-4-12 **NON WAIVER.** Any waiver of any obligation or default under this franchise shall not be construed as a waiver of any future defaults, whether of like or different character.

7-4-13 **REPEAL CONFLICTING ORDINANCES.** This ordinance, when accepted by Grantee as provided below, shall constitute the entire agreement between the Grantor and the Grantee relating to this franchise and the same shall supersede all prior ordinances pertaining to this franchise agreement, and any terms and conditions of such prior ordinances or parts of ordinances in conflict herewith are hereby repealed. Ordinance No. 81-1 of the City of Miles, Iowa, is hereby repealed as of the effective date hereof.

7-4-14 **EFFECT AND INTERPRETATION OF ORDINANCE.** The captions which precede each section of this ordinance are for convenience in reference only and shall not be taken into consideration in the interpretation of any of the provisions of this ordinance.

7-4-15 **EFFECTIVE DATE AND ACCEPTANCE.** This Ordinance shall become effective and be a binding contract between the Grantor and Grantee, upon its final passage and approval by Grantor, in accordance with applicable laws and regulations, and upon acceptance by Grantee by written instrument within sixty (60) days of passage by the governing body, and filed with the City Clerk of the City of Miles, Iowa. The City Clerk shall sign and affix the community seal to acknowledge receipt of such acceptance, and return one copy to Grantee. If Grantee does not, within sixty (60) days following passage of this Ordinance express in writing its objections to any terms or provisions contained therein, or reject this ordinance in its entirety, Grantee shall be deemed to have accepted this ordinance and all of its terms and conditions.

TITLE VII SPECIAL ORDINANCES

CHAPTER 5 TELEPHONE FRANCHISE - RESERVED

TITLE VII SPECIAL ORDINANCES

CHAPTER 6 CABLE FRANCHISE

	Preamble	7-6-2	Conflict Ordinance/Repealed
7-6-1	Grant to Franchise	7-6-3	Ordinance Effective Date

PREAMBLE An Ordinance granting to Virgil J. and Joan E. Miller d/b/a Preston Area Cablevision, its successors and assigns, the non-exclusive rights, privileges and authority to construct, maintain and operate a cable TV system within the City limits for a term of fifteen years.

7-6-1 GRANT TO FRANCHISE.

1. A non-exclusive right is hereby granted to Virgil J. & Joan E. Miller d/b/a Preston Area Cablevision, its heirs or successors and assigns the right to use and occupy the streets, alleys, easements and other public places of the City of Miles, Iowa, to establish, construct, operate, maintain, repair, replace, renew, reconstruct, and remove a cable television system across public property in the City limits for a term of fifteen years, in accordance with laws and regulations of the United States of America, the State of Iowa and the Ordinance and regulations of the City of Miles, Iowa.

2. Ordinance Affirmed. All terms and provisions of the Franchise Ordinance shall continue in full force and effect. The City consents to the Ten (10) year extension. The City consents to the grant by Telnet of a security interest in the Franchise Ordinance to its lenders to secure indebtedness or other obligations incurred by Telnet with respect to the cable television system to be operated by Telnet pursuant to the Franchise Ordinance.

(Ord. 97-1, Passed May 7, 1997)

(*Resolution 316 Transferred Franchise to Telnet)

7-6-2 CONFLICT ORDINANCE/REPEALED. All Ordinances or parts thereof in conflict with the terms of this Ordinance are hereby repealed, provided that such repeal shall only be to the extent of such conflict.

7-6-3 ORDINANCE EFFECTIVE DATE. This Ordinance shall be in full force and effect and shall constitute a binding contract between the City of Miles, Iowa, and Virgil J. and Joan E. Miller d/b/a Preston Area Cablevision when the same shall have been approved by a majority of the electors of the City voting thereon, and when the provisions hereof shall have been accepted in writing and such acceptance filed with the City Clerk.

(Passed the 5th Day of July, 1983)