

CITY OF ORIENT

CODE OF ORDINANCES

2017

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TITLE I GENERAL PROVISIONS

CHAPTER 1 GENERAL PROVISIONS

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

1. "City" means the City of Orient, 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.

2. "Clerk" means City Clerk.

3. "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. If the last day is Sunday or a legal holiday, that day shall be excluded.

4. "Council" means the City Council of the City. All its members or all Council persons mean the total number of Council persons provided by the City charter under the general laws of the state.

5. "County" means the County of Adair, Iowa.

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

7. "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.

8. "May" confers a power.

9. "Month" means a calendar month.

10. "Must" states a requirement.

11. "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."

12. "Or" may be read "and" and "and" may be read "or" if the sense requires it.

13. "Ordinance" means a law of the City; however, an administrative action, order or directive, may be in the form of a resolution.

14. "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.

15. "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.

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

17. "Preceding" and "following" mean next before and next after, respectively.

18. "Property" includes real and personal property.

19. "Property Owner" means a person owning private property in the City of Orient as shown by the County Auditor's plats of the City.

20. "Real property" includes any interest in land.

21. "Shall" imposes a duty.

22. "Sidewalk" means that portion of a street between the curb line and the adjacent property line intended for the use of pedestrians.

23. "State" means the State of Iowa

24. "Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in this City which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state.

25. "Tenant" and "occupant" applied to a building or land, includes any person who occupies in whole or a part of such building or land, whether alone or with others.

26. "Title of Office". Use of the title of any officer, employee, board or commission means that officer, employee, department, board or commission of the City.

27. "Writing" and "Written" include printed, typewritten, or electronically transmitted such as facsimile or electronic mail.

28. "Year" means a calendar year.

29. All words and phrases shall be construed and understood according to the common and approved usage of the language. Technical words and phrases that may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

30. When an act is required by an Ordinance the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed as to include all such acts performed by an authorized agent.

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 Orient Municipal Code of 2007 constituting this Municipal Code, and shall set forth the ordinance, code, section, subsection, or paragraph as amended, which action is deemed to be a repeal of the previous ordinance, code, section, subsection or paragraph amended in order 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 CITY POWERS. The City may, except as expressly limited by the Constitution of the State of Iowa, and if not inconsistent with the laws of the Iowa General Assembly, exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges and property of the City and of its residents, and preserve and improve the peace, safety, health, welfare, comfort and convenience of its residents and each and every provision of this Code of Ordinances shall be deemed to be in the exercise of the foregoing powers and the performance of the foregoing functions.

(Code of Iowa, sec. 364.1)

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 (24) hour written notice of the authorized official's intent to inspect such building or premises. 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

1-3-1 GENERAL PENALTY. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of the Ordinances of Orient is guilty of a misdemeanor. Any person convicted of a misdemeanor under the Ordinances of Orient shall be punished by a fine of not more than five hundred dollars (\$500.00), or by imprisonment not to exceed thirty (30) days.

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

1-3-2 CIVIL PENALTY - MUNICIPAL INFRACTION.

(Code of Iowa, Sec. 364.22)

1. Definitions.

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

b. Officer. The term "officer" shall mean any employee or official authorized to enforce the Code of Ordinances of the City of Orient.

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).

All other repeat offenses--Not more than one thousand dollars (\$1,000.00) for each repeat offense.

(Code of Iowa, Sec. 364.22)

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, by certified mail, addressed to the defendant at the defendant's last know mailing address, 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.

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.

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

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.

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 Orient 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 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 filing an affidavit 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; however, such evidence standing alone shall not be sufficient to support a finding unless it would be admissible over objection in civil actions in courts of competent jurisdiction in this state.

4. Admissibility of Evidence. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely upon in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this state.

5. Exclusion of Evidence. Irrelevant and unduly repetitious evidence shall be excluded.

6. Rights of Parties. Each party shall have these rights, among others:

- a. To call and examine witnesses on any matter relevant to the issues of the hearing;
- b. To introduce documentary and physical evidence;
- c. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
- d. To impeach any witness regardless of which party first called the witness to testify;
- e. To rebut the evidence against the party; and

f. To self-representation or to be represented by anyone of the party's choice who is lawfully permitted to do so.

7. Official Notice.

a. What may be Noticed. In reaching a decision, official notice may be taken, either before or after submission of the case for decision, of any fact which may be judicially noticed by the courts of this state or of official records of the City or its departments and Ordinances of the City.

b. Parties to be Notified. Parties present at the hearing shall be informed of the matters to be noticed, and these matters shall be noted in the record, referred to therein, or appended thereto.

c. Opportunity to Refute. Parties present at the hearing shall be given a reasonable opportunity, on request, to refute the officially noticed matters by evidence or by written or oral presentation of authority, the manner of such refutation to be determined by the City Council.

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

a. Notice of such inspection shall be given to the parties before the inspection is made;

b. The parties are given an opportunity to be present during the inspection; and

c. The City Council shall state for the record, upon completion of the inspection, the material facts observed and the conclusions drawn therefrom. Each party then shall have a right to rebut or explain the matters so stated by the City Council.

1-4-6 METHOD AND FORM OF DECISION.

1. Hearings. In Hearings before the City Council where a contested case is heard before the City Council, no member thereof who did not hear the evidence or alternatively has not read or listened to the entire record of the proceedings shall vote on or take part in the decision. The City Council may designate a member or members to preside over the receipt of evidence. Such member or members shall prepare findings of fact for the City Council.

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

3. Effective Date of the 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 Orient, Iowa.

2-1-2 FORM OF GOVERNMENT. The form of government of the City of Orient, 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 Orient, Iowa.

2-1-4 NUMBER AND TERM OF CITY COUNCIL. The City Council consists of five (5) City Council members elected at large, elected for terms of four (4) years.

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

(Code of Iowa, Secs. 372.4 & 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)

Editor's Note: Ordinance No. 78 adopting a charter for the City was passed and approved by the Council on August 14, 1973, and published by posting for ten days beginning August 16, 1973.)

TITLE II POLICY AND ADMINISTRATION

CHAPTER 2 CITY ELECTIONS

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

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

2-2-2 NOMINATING METHOD TO BE USED. All candidates for elective municipal offices shall be nominated under the provisions of Chapter 45, Code of Iowa.
(Code of Iowa, Sec. 376.3)

2-2-3 NOMINATIONS BY PETITION. Nominations for elective municipal offices of the City may be made by nomination paper or papers signed by not less than ten (10) eligible electors, residents of the City or as provided pursuant to Chapter 45, Section 8, Code of Iowa.
(Code of Iowa, Sec. 45.1)

2-2-4 ADDING NAME BY PETITION. The name of a candidate placed upon the ballot by any other method than by petition shall not be added by petition for the same office.
(Code of Iowa, sec. 45.2)

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

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

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

(Code of Iowa, sec. 45.5)

2-2-6 FILING, PRESUMPTION, WITHDRAWALS, AND OBJECTIONS. The time and place of filing nomination petitions, the presumption of validity thereof, the right of a candidate so nominated to withdraw and the effect of such withdrawal, and the right to object to the legal sufficiency of such petitions, or to the eligibility of the candidate, shall be governed by the appropriate provisions of Chapter 44 of the Code of Iowa.

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

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

TITLE II POLICY AND ADMINISTRATION

CHAPTER 3 APPOINTMENT AND QUALIFICATIONS OF MUNICIPAL OFFICERS

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

2-3-1 CREATION OF APPOINTIVE OFFICERS. There are hereby created the following appointive officers: Clerk, Attorney, and Fire Chief.

2-3-2 APPOINTMENT OF OFFICERS. The Mayor shall appoint a Mayor Pro Tempore with the consent of a majority of the City Council.

The City Council shall appoint the first Fire Chief of the volunteer fire department for a term of two (2) years. Future Fire Chiefs shall be elected for terms of two (2) years by the members of the volunteer Fire Department, with the approval of the City Council.

All other officers shall be appointed or selected by the City Council unless otherwise provided by law or Ordinance.

(Code of Iowa, Sec. 372.4(2))

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

2-3-4 VACANCIES IN OFFICES. A vacancy in an appointive office shall be filled in the same manner as the original appointment. A vacancy in an elective office shall be filled by a majority vote of all members of the City Council, unless filled by election in accordance with State law.

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

2-3-5 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)

2-3-6 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.

2-3-7 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)

2-3-8 BONDS FILED. All bonds when duly executed shall be filed with the Clerk, except that the Clerk's bond shall be filed with the Mayor.

(Code of Iowa, Sec. 64.23)

TITLE II POLICY AND ADMINISTRATION

CHAPTER 4 POWERS AND DUTIES OF MUNICIPAL OFFICERS

2-4-1	General Duties	2-4-5	Powers and Duties of the Mayor
2-4-2	Books and Records	2-4-6	Powers and Duties of the Clerk
2-4-3	Deposits of Municipal Funds	2-4-7	Powers and Duties of the City
2-4-4	Transfer of Records and Property To Successor		Attorney

2-4-1 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))

2-4-2 BOOKS AND RECORDS. All books and records required to be kept by law or Ordinance shall be open to public inspection, subject to confidential records in accordance with State law.

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

2-4-3 DEPOSITS OF MUNICIPAL FUNDS. Prior to the fifth (5th) day of each month, each office or department shall deposit all funds collected on behalf of the municipality during the preceding month. The officer responsible for the deposit of funds shall take such funds to the City Clerk, together with receipts indicating the sources of the funds.

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

2-4-5 POWERS AND DUTIES OF THE MAYOR. The duties of the Mayor shall be as follows:

1. The Mayor is the Chief Executive of the City and 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) & (3))

3. The Mayor may sign, veto, or take no action on an Ordinance, amendment or resolution passed by the City Council. If the Mayor vetoes a measure, the Mayor must explain in writing the reason for such veto to the City Council members, if said action is taken within thirty (30) days of the veto. 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. The City Council may repass a measure over the Mayor's veto by a two-thirds majority of the City Council members, if said action is taken within thirty (30) days of the veto.

(Code of Iowa, Sec. 380.5 and 380.6(2) & (3))

4. The Mayor shall represent the City in all negotiations properly entered into in accordance with law or Ordinance. The Mayor shall not represent the City where this duty is specifically delegated to another officer by law or Ordinance.

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

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

7. The Mayor shall make such oral or written reports to the City Council at the first meeting of every month as referred. These reports shall concern municipal affairs generally, the municipal departments, and recommendations suitable for City Council action.

8. Immediately after taking office, the Mayor shall designate one (1) member of the City Council as Mayor pro tempore. The Mayor pro tempore shall be vice-president of the City Council. Except for the limitations otherwise provided herein, the Mayor pro tempore shall perform the duties of the Mayor in cases of absence or inability of the Mayor to perform the duties of the office. In the exercise of the duties of the office, the Mayor pro tempore shall not have power to appoint, employ or discharge from employment officers or employees without approval of the City Council. The Mayor pro tempore shall have the right to vote as a member of the City Council.

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

9. The Mayor shall appoint the following officials, with City Council approval:

- A. City Attorney;
- B. Treasurer;
- C. Fire Chief;

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.

2-4-6 POWERS AND DUTIES OF THE CITY CLERK. The duties of the City Clerk shall be as follows:

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

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

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) & (2))

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.

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

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

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

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

(Code of Iowa, Sec. 380.7(5))

5. The City Clerk shall publish notice of public hearings, elections and other official actions as required by State and City Ordinance.

(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 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) & (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.

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

16. The City Clerk shall furnish upon request to any municipal officer a copy of any record, paper or public document under the City Clerk's control when it may be necessary to such officer in the discharge of the City Clerk's duty. The City Clerk shall furnish a copy to any citizen when requested upon payment of the fee set by City Council resolution. The City Clerk shall, under the direction of the Mayor or other authorized officer, affix the seal of the corporation to those public documents or instruments which by Ordinance are required to be attested by the affixing of the seal.

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

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. 376.4)

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.

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 therefore.

(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, Secs. 372.13(4) and 384.85)

28. The City Clerk shall keep an accurate record for all money or securities received by the Clerk on behalf of the municipality and specify date, from whom, and for what purposes received.

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

29. The City Clerk shall prepare a receipt in duplicate for all funds received. The Clerk shall give the original to the party delivering the funds, and retain the duplicate.

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

30. The 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))

2-4-7 POWERS AND DUTIES OF THE CITY ATTORNEY. The duties of the City Attorney shall be as follows:

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

1. Upon request, the City Attorney shall attend regular meetings of the City Council and attend those special meetings of the City Council at which the City Attorney is required to be present.

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

3. The City Attorney shall keep in proper files a record of all official opinions and a docket or register of all actions prosecuted and defined by the City Attorney accompanied by all proceedings relating to said actions.

4. The City Attorney shall, upon request, give an opinion in writing upon all questions of law relating to municipal matters submitted by the City Council, the Mayor, members of the City Council individually, municipal boards or the head of any municipal department.

5. The City Attorney shall prepare those Ordinances when the City Council may desire and direct to be prepared and report to the City Council upon all Ordinances before their final passage by the City Council and publication.

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

7. The City Attorney shall, however, if directed by the City Council, appear to defend any municipal officer or employee in any cause of action arising out of or in the course of the performance of the duties of his or her office or employment.

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

9. The City Attorney shall make a written report to the City Council and interested department heads of the defects in all contracts, documents, authorized power of any City officer, and Ordinances submitted to the City Attorney or coming under the City Attorney's notice.

10. The City Attorney shall, upon request, after due examination, offer a written opinion on and recommend alterations pertaining to contracts involving the City before they become binding upon the City or are published.

2-4-8 POWERS AND DUTIES OF THE SUPERINTENDENT OF PUBLIC WORKS.

The duties of the Superintendent of public works shall be as follows:

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

1. The Superintendent shall supervise the installation of all storm sewers in the City in accordance with the regulations of the department of public works pertaining to the installation of storm sewers.

2. The Superintendent shall supervise maintenance and repair of sidewalks, alleys, bridges, and streets and keep them in a reasonably safe condition for travelers. The Superintendent shall immediately investigate all complaints concerning the existence of dangerous or impassable conditions of any sidewalk, street, alley, bridge, underpass or overpass, or other city property. The Superintendent is charged with the duty of correcting unsafe defects.

3. The Superintendent shall, whenever snow or ice imperils travel upon streets and alleys, be in charge of removing snow and ice from the streets and alleys in the City and shall do whatever else is necessary and reasonable to make travel upon streets and alleys of the City safe.

4. The Superintendent shall compile and maintain written records of purchases, accomplishments, disposition of equipment and manpower, an up-to-date inventory and activities contemplated by the street department. The Superintendent shall make monthly oral and written reports of the activities of the department to the Mayor on or before the first day of each month.

5. The Superintendent shall perform all other duties of a public works nature which are not specifically assigned to other municipal officials or employees.

TITLE II POLICY AND ADMINISTRATION

CHAPTER 5 SALARIES OF MUNICIPAL OFFICERS

2-5-1 Council Member
2-5-2 Mayor

2-5-3 Treasurer
2-5-4 Other Officers

2-5-1 COUNCIL MEMBER. The salaries of each City Council member shall be \$20.00 for each meeting of the City Council but in no event shall any City Council member be paid more than \$360.00 in any one year. Such payment is to be made quarterly.

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

2-5-2 MAYOR. The salary of the Mayor shall be \$37.50 for each meeting of the City Council but in no event shall the Mayor be paid more than \$675.00 in any one year. Such payment is to be made quarterly.

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

2-5-3 TREASURER. The salary of the Treasurer shall be \$150.00 per quarter.

2-5-4 OTHER OFFICERS. The compensation of all other officers and employees shall be set by resolution of City Council.

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

TITLE II POLICY AND ADMINISTRATION

CHAPTER 6 CITY FINANCE

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

2-6-1 BUDGET ADOPTION. The City shall prepare and adopt a budget annually, 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 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 (2) preceding years. Wherever practicable, as provided in rules of the 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.

(Code of Iowa, Sec. 384.16(1)(a-c))

2. Not less than ten (10) nor more than twenty (20) days before the date that the budget must be certified to the County Auditor, the Clerk shall provide a sufficient number of copies of the budget to meet reasonable demands of taxpayers, and have them available for distribution at the offices of the Mayor and Clerk and at the City library, if any, or at three places designated by Ordinance for posting notices.

(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 not less than ten (10) nor more than (20) days before the hearing in a newspaper published at least once weekly and having

general circulation in the City. A summary of the proposed budget shall be included in the notice. Proof of publication shall be filed with the County Auditor.

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

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.

(Code of Iowa, Sec. 384.16(4))

5. After the hearing, the City Council shall adopt by resolution a budget for at least the next fiscal year, and the Clerk shall certify the necessary tax levy for the next fiscal year to the County Auditor and the County Board of Supervisors. The tax levy certified may be less than but not more than the amount estimated in the proposed budget, unless an additional tax levy is approved at a City election. Two (2) copies of the complete budget as adopted shall be transmitted to the County Auditor.

(Code of Iowa, Sec. 384.17(5))

2-6-2 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.

(Code of Iowa, Sec. 384.18(1-4))

2-6-3 BUDGET PROTEST. Within a period of ten (10) days after the final date that the budget or amended budget may be certified to the County Auditor, persons affected by the budget may file a written protest with the County Auditor, specifying their objection to the

budget or any part of it. A protest must be signed by qualified voters equal in number to one-fourth of one percent of the votes cast for governor in the last preceding general election in the City, but not less than ten (10) persons, and the number need not be more than one hundred (100) persons.

(Code of Iowa, Sec. 384.19)

2-6-4 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 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)

2-6-5 ANNUAL REPORT. Not later than December 1 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 no later than December 1 of each year.

(Code of Iowa, Sec. 384.22)

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

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

2-6-7 ADMINISTRATIVE TRANSFERS. The City Clerk shall have power to make transfers within a single activity between objects of expenditures within activities without prior City Council approval.

The City Clerk shall have the power to make transfers between activities, or between sub-programs without prior City Council approval to meet expenditures which exceed estimates or are unforeseen but necessary to carry out City Council directives or to maintain a necessary service and provide the required appropriation balance. Such transfers shall not exceed twenty-five (25)% at any one time of the activity's annual appropriation which is increased or decreased. However, when a given transfer, considering all previous transfers to or from any activity to exceed by ten percent greater or ten percent less than the original appropriation, it shall be presented to the City Council as a resolution including all such administrative transfers to date in the fiscal year for consideration and passage as presented, or as amended by the City Council.

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

2-6-8 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 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))

2-6-9 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 pre-numbered, 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 by the Mayor.

(Code of Iowa, Sec. 384.20)

2-6-10 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)

2-6-11 CONTINGENCY ACCOUNTS. Whenever the City Council shall have budgeted for a contingency account, the City Clerk shall set up in the accounting records. The City Clerk shall not charge any claim to a contingency account. 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. All facts shall be set out in the minutes for the information of the Mayor and City Council.

TITLE II POLICY AND ADMINISTRATION

CHAPTER 7 POSTING

- 2-7-1 Purpose
2-7-2 Listing; Length of Notice
- 2-7-3 Removal Unlawful

2-7-1 PURPOSE. The City of Orient, 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 (3) public places which have been permanently designated by Ordinance.

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

2-7-2 LISTING, LENGTH OF NOTICE. The three (3) public places where public notice of Ordinances and other matters permitted to be posted are to be displayed are: Quick Shop, Post Office and Farmers and Merchants State Bank. The City Clerk is hereby directed to promptly post notices of elections, Ordinances, and amendments, and to leave them so posted for not less than ten (10) days after the first date of posting, and the City Clerk shall note the first date of such posting on the official copy of the Ordinance and in the official Ordinance book immediately following the Ordinance.

(Code of Iowa, Sec. 380.7)

2-7-3 REMOVAL UNLAWFUL. It shall be unlawful for any person, other than the City Clerk, to remove any public notice. Any unlawful removal of a public notice or posting shall not affect the validity of the Ordinance or action taken.

TITLE II POLICY AND ADMINISTRATION

CHAPTER 8 MEETINGS

2-8-1 Meetings. All meetings of the City Council, any board or commission, or any multimembered body formally and directly created by any of the foregoing bodies shall be held in accordance with the following:

1. Schedule of Meetings. All meetings times and dates of the boards and commissions shall be established no less frequently than once a calendar year and shall be submitted to the City Clerk before the beginning of each calendar year so that they can be distributed to the City Council. Any changes to that schedule will then be changed after notification to the Council.
2. Notice of Meetings. Reasonable notice, as defined by State law, of the time, date and place of each meeting, and its tentative agenda shall be given.
(Code of Iowa, sec. 21.4)
3. Meetings Open. All meetings shall be held in open session unless closed sessions are held as expressly permitted by State Law.
(Code of Iowa, sec. 21.3)
4. Minutes. Minutes shall be kept of all meetings showing the date, time and place, the members present, and the action taken at each meeting. The minutes shall show the results of each vote taken and information sufficient to indicate the vote of each member present. The vote of each member present shall be made public at the open session. The minutes shall be public records open to public inspection.
(Code of Iowa, sec. 21.3)
5. Closed Session. A closed session may be held only by affirmative vote of either two-thirds of the body or all of the members present at the meeting and in accordance with Chapter 21 of the Iowa Code....
(Code of Iowa, sec. 21.5)
6. Cameras and Recorders. The public may use cameras or recording devices at any open session.
(Code of Iowa, sec. 21.7)
7. Electronic Meetings. A meeting may be conducted by electronic means only in circumstances where such a meeting in person is impossible or impractical and then only in compliance with the provisions of Chapter 21 of the Iowa Code.
(Code of Iowa, sec. 21.8)

TITLE II POLICY AND ADMINISTRATION

CHAPTER 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, Secs. 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, Secs. 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)

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

1. Regular Meetings. The regular meetings of the City Council are on the second Monday of each month at six o'clock (6:00) p.m. in the City Council Chambers at City Hall. If such day falls on a legal holiday or Christmas Eve, the meeting is held on such different day or time as determined by the City Council.

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

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

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

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

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

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

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

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 in any public place, 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 color of authority, disturb any lawful assembly or meeting of persons by conduct intended to disrupt the meeting or assembly.

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

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

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

7. Knowingly and publicly uses the flag of the United States in such a manner as to show disrespect for the flag as a symbol of the United States, with the intent or reasonable expectation that such use will provoke or encourage another to commit a public offense.

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

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

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

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

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

3-1-3 PUBLIC MORALS. Indecent exposure. It shall be unlawful for any person to expose such person's genitals, pubes, female nipples, or buttocks to another or to urinate or defecate in the presence of or in view of another, if the person knows or reasonably should know that such behavior would be offensive to a reasonable person.

(Code of Iowa, Sec. 709.9)

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 damage, obstruct, deface, alter or injure any public road in any manner by breaking up, plowing or digging within the boundary lines thereof, without permission from the Mayor.

(Code of Iowa, Sec. 716.1)

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

(Code of Iowa, Secs. 364.12(2)(b) & (e))

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

3-1-5 PUBLIC SAFETY AND HEALTH.

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

(Code of Iowa, Sec. 321.369)

2. 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.

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

4. Stench Bombs. No person shall throw, drop, pour, explode, deposit, release, discharge or expose any stench bomb or tear bomb, or any liquid, gaseous or solid substance or matter of any kind that is injurious to persons or property, or that is nauseous, sickening, irritating or offensive to any of the senses in, on or about a theater, restaurant, car, structure, place of business, or amusement, or any place of public assemblage, or attempt to do any of these acts, or prepare or possess such devices or materials with intent to do any of these acts. This provision shall not apply to duly constituted police, military authorities, or peace officers in the discharge of their duties, or to licensed physicians, nurses, pharmacists and other similar persons licensed under the laws of this State; nor to any established place of business or home having tear gas installed as a protection against burglary, robbery or holdup, nor to any bank or other messenger carrying funds or other valuables.

5. Discharging Firearms and Fireworks.

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.

(Iowa Code, Sec. 727.2)

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 Adair County Sheriff, the sheriff or his 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.

6. Possession of Fireworks.

a. Definition. The term "fireworks" includes any explosive composition, or combination of explosives, substances or articles prepared for the purpose of producing a visible or audible effect by combustion, explosion or detonation and includes blank cartridges, firecrackers, torpedoes, sky rockets, Roman Candles or other fireworks of like construction and fireworks containing any explosive or flammable compound, or other device containing any explosive substance. The term "fireworks" does not include gold star-producing sparklers on wires that contain no magnesium or chlorate or perchlorate, flitter sparklers in paper tubes that do not exceed 1/8 inch in diameter, toy snakes that contain no mercury, or caps used in cap pistols.

(Iowa Code, Sec. 727.2)

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

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

7. Abandoned Refrigerators. No person shall place, or allow to be placed, any discarded, abandoned, unattended or unused refrigerator, ice box or similar container equipped with an air-tight door or lid, snap lock, or other locking device which cannot be released from the inside, in a location accessible to children, outside any building, dwelling, or within an unoccupied or abandoned building or dwelling, or other structure, under such person's control without first removing the door, lid, snap lock, or other locking device from said icebox, refrigerator or similar container. This provision applies equally to the owner of any such refrigerator, icebox or similar container, and to the owner or occupant of the premises where the hazard is permitted to remain.

(Code of Iowa, Sec. 727.3)

8. Impersonating an Officer. No person shall falsely represent himself or herself or falsely assume to be any law enforcement officer, judge or magistrate. It shall be unlawful to wear or adopt the uniform or insignia of any law enforcement officer on any street or public place.

(Code of Iowa, Sec. 718.2)

9. Harassment of City Employees.

a. It shall be unlawful for any person to willfully prevent, resist or obstruct or attempt to prevent, resist or obstruct any City employee from the performance of any official duty.

(Iowa Code, Sec. 718.4)

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

10. Antenna and Radio Wires. No person shall allow, locate or maintain any antenna wires, antenna supports, radio wires or television wires to exist over any street, alley, highway, sidewalk or public property.

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

11. Barbed Wire. No person shall install, allow to be installed or use barbed wire without the consent of the City Council.

(Code of Iowa, Sec. 364.1)

12. Playing in Streets. No person shall coast, sled or play games on streets or highways except in areas blocked off by peace officers for such purposes.

(Code of Iowa, Sec. 364.12)

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 any public or private 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 such cemetery, or drive outside of any avenues or roads, and over the grass or graves of such cemetery.

(Code of Iowa, Sec. 716.1)

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

(Code of Iowa, Sec. 716.1)

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

(Code of Iowa, Sec. 716.1)

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

(Code of Iowa, Sec. 716.1)

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

belonging to, or attached to, the power plant or distributing system of any electric light plant, electric motor, gas plant or water plant; or aid or abet any other person in so doing.

(Code of Iowa, Sec. 716.1)

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

(Code of Iowa, Sec. 727.8)

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

(Code of Iowa, Sec. 716.1)

TITLE III COMMUNITY PROTECTION

CHAPTER 2 NUISANCES

3-2-1	Definitions	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. The term "nuisance" means whatever is injurious to health, indecent, or unreasonably offensive to the senses or an obstacle to the free use of property, so as essentially to unreasonably interfere with the comfortable enjoyment of life or property. The following are declared to be nuisances:

(Code of Iowa, Sec. 657.1)

a. The erecting, continuing, or using any building or other place for the exercise of any trade, employment, or manufacture, which by occasioning noxious exhalations, unreasonably offensive smells, or other annoyances, becomes injurious and dangerous to the health, comfort, or property of individuals or the public.

(Code of Iowa, Sec. 657.2(1))

b. The causing or suffering any offal, filth, or noisome substance to accumulate or to remain in any place to the prejudice of others.

(Code of Iowa, Sec. 657.2(2))

c. The obstructing or impeding without legal authority the passage of any navigable river, harbor or collection of water.

(Code of Iowa, Sec. 657.2(3))

d. The 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 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, unless it be in a building of fire resistant construction.

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

k. The emission of dense smoke, noxious fumes, or fly ash.

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

l. Dense growth of all weeds, grasses, vines, brush, or other vegetation in the City so as to constitute a health, safety, or fire hazard including any City owned property between the abutting property line and the street right-of-way.

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

m. Trees infected with Dutch elm disease.

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

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

o. Any article or substance placed upon a street, alley, sidewalk, public ground, or in any ditch, waterway or gutter so as to obstruct the drainage.

(Code of Iowa, Sec. 657.1)

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. All diseased animals running at large.

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. 364.12(1))

3-2-2 NUISANCES PROHIBITED. The creation or maintenance of a nuisance is prohibited, and a nuisance, public or private, may be abated in the manner provided in this Chapter.

(Code of Iowa, Sec. 657.3)

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

1. The removal of diseased 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. Drug Paraphernalia.

8. The maintenance, by the property owner, of all property outside the lot and property lines and inside the curb lines upon public streets, including maintaining a fifteen (15) foot

clearance above the street from trees extending over the streets, except as provided in Section 3-2-3(1).

3-2-4 NOTICE TO ABATE NUISANCE OR CONDITION. Whenever the Mayor or other authorized municipal officer finds that a nuisance or other condition exists which is listed in Section 3 of this Chapter, the Mayor or officer shall cause to be served upon the property owner as shown by the records of the County Auditor a written notice to abate the nuisance within a reasonable time after notice.

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

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

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

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

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

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

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

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

3-2-8 ABATEMENT IN EMERGENCY. If it is determined that an emergency exists by reason of the continuing maintenance of the nuisance or condition, the City may perform any action that may be required under this Chapter without prior notice, and assess the costs as provided herein, after notice to the property owner under the applicable provision of Sections 3-2-4 and 3-2-5 and hearing as provided in Section 3-2-7.

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

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

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

3-2-10 COLLECTION OF COST OF ABATEMENT. The 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 (1) month, the City Clerk shall certify the costs to the County Treasurer and they shall then be collected with, and in the same manner, as general property taxes.

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

3-2-11 INSTALLMENT PAYMENT OF COST OF ABATEMENT. If the amount expended to abate the nuisance or condition exceeds one hundred dollars (\$100.00), the City may permit the assessment to be paid in up to ten (10) annual installments, to be paid in the same manner and at the same rate of interest charged delinquent real estate taxes by the County Treasurer.

(Code of Iowa, Sec. 364.13)

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

(Code of Iowa, Sec. 364.12A)

TITLE III COMMUNITY PROTECTION

CHAPTER 3 TRAFFIC CODE

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6. "Residential districts" shall mean all areas of the City not included in business districts.

(Code of Iowa, Sec. 321.1)

ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS

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

(Code of Iowa, Sec. 321.229)

3-3-4 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 law enforcement 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 of Iowa are adopted by reference:

1. 321.32, 321.174, 321.189, 321.193, and 321.218 through 321.224 -- display of registration and license to drive.

2. 321.229 through 321.234A -- obedience to a peace officer and responsibility of public officers, emergency vehicles and bicycles to obey traffic regulations.

3. 321.256 through 321.260 -- traffic signs, signals and markings, including right or left turns on red.

4. 321.261 through 321.266 and 321.268 -- accidents and accident reporting.

5. 321.275 -- operation of motorcycles.

6. 321.277, 321.277A, 321.278, 321.285, 321.288, 321.290, 321.294, and 321.294 -- reckless driving, careless driving, drag racing, speed, control of vehicle and minimum speed.

7. 321.297 through 321.299, 321.302 through 321.310 -- driving on right, meeting, overtaking, following or towing.

8. 321.311 through 321.318 -- turning and starting, signals on turning and stopping.

9. 321.319 through 321.324 -- right of way, left turns, and entering through highways, and approaching certain stationery vehicles.

10. 321.325 through 321.334 and 321.340 -- pedestrian rights and duties and safety zones.

11. 321.341 through 321.344 -- railroad crossings.

12. 321.353 through 321.360 -- stop at sidewalks, stopping, standing and parking.

13. 321.362 through 321.371 -- unattended vehicle, obstructing driver's view, crossing median, following fire apparatus, or crossing fire hose, and putting debris on streets.

14. 321.384 through 321.390, 321.392 through 321.398, 321.402 through 321.406, 321.408, 321.409, 321.415, 321.418 through 321.423 -- lighting equipment required and time of use. (Under the provisions of Section 321.395, motor vehicles parked where permitted by this Ordinance need not have parking lamps lighted if the vehicle is within one hundred sixty (160) feet of a City street light ahead and to the rear of the vehicle and the permitted speed on said street is twenty-five (25) miles per hour or less.).

15. 321.430 through 321.434, 321.436 through 321.446, 321.449 and 321.450 -- brakes, horns, sirens, mufflers, wipers, mirrors, tires, windows, safety belts, and special markings for transporting explosives.

16. 321.452 through 321.463, 321.465 and 321.466 -- size, weight and load.

TRAFFIC CONTROL DEVICES

3-3-5 AUTHORITY TO INSTALL TRAFFIC-CONTROL DEVICES. The Council shall cause to be placed and maintained traffic-control devices when and as required under this Chapter or other Ordinances of this City to make effective their provisions, and may so cause to be placed and maintained such additional, emergency, or temporary traffic-control devices for the duration of an emergency or temporary condition as traffic conditions may require, to regulate traffic under the traffic Ordinances of this City or under State law or to guide or warn traffic.

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

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

(Code of Iowa, Sec. 321.255)

The City Council is authorized by resolution, to designate and maintain crosswalks by appropriate traffic control devices at intersections where, due to traffic conditions, there is

particular danger to pedestrians crossing the street or roadway, and at such other places as traffic conditions require.

(Code of Iowa, Sec. 372.13(4) & 321.255)

3-3-6 CITY COUNCIL TO DESIGNATE CROSSWALKS, ESTABLISH, AND MARK TRAFFIC LANES. The Council is hereby authorized:

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

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

(Code of Iowa, Sec. 372.13(4) & 321.255)

3-3-7 PLAY STREETS. The Council has the authority to declare any street or part thereof a play street and to place appropriate signs or devices in the roadway indicating and helping to protect the same.

Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon the street or any portion thereof except drivers of vehicles having business or whose residences are within the closed area, and then the driver shall exercise the greatest care in driving upon the street or portion thereof.

(Code of Iowa, Sec. 321.255)

SPEED REGULATIONS

3-3-08 GENERAL. Every driver of a motor vehicle on street shall drive the same at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface and width of the street and of any other conditions then existing, and no person shall drive a vehicle on any street at a speed greater than will permit the driver to bring it to a stop within the assured clear distance ahead, such driver having the right to assume, however, that all persons using the street will observe the law.

(Code of Iowa, Sec. 321.285)

3-3-09 BUSINESS DISTRICT. A speed in excess of twenty (20) miles per hour in the business district, unless specifically designated otherwise in this Chapter, is unlawful.

(Code of Iowa, Sec. 321.285(1))

3-3-10 RESIDENTIAL AND SCHOOL DISTRICT. A speed in excess of twenty-five (25) miles per hour in any school or residential district, unless specifically designated otherwise in this Chapter, is unlawful.

(Code of Iowa, Sec. 321.285(2))

TURNING MOVEMENTS

3-3-11 TURNING MARKERS, BUTTONS AND SIGNS. The Council may cause markers, buttons, or signs to be placed within or adjacent to intersections, and thereby require and direct, as traffic conditions require, that a different course from that specified by the State law be traveled by vehicles turning at intersections, and when markers, buttons, or signs are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by the markers, buttons, or signs, including right-hand turns at intersections with automatic traffic signals.

(Code of Iowa, Sec. 321.311(2))

3-3-12 AUTHORITY TO PLACE RESTRICTED TURN SIGNS. The Council is authorized to determine those intersections, as traffic conditions require, at which the drivers of vehicles shall not make a right or left turn. The making of turns may be prohibited between certain hours of any day, in which event the same shall be plainly indicated on signs.

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

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

ONE-WAY STREETS AND ALLEYS

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

3-3-15 ONE-WAY STREETS AND ALLEYS. Upon the following streets and alleys vehicular traffic shall move only in the indicated direction: no designated streets at this time

(Code of Iowa, Sec. 321.236(4))

3-3-16 AUTHORITY TO RESTRICT DIRECTION OF MOVEMENT ON STREETS DURING CERTAIN PERIODS. The Council is authorized to determine and recommend to the City Council certain streets, or specified lanes thereon, upon which vehicular traffic shall proceed in one direction during one period and the opposite direction during another period of the day and shall, upon authority given by Ordinance, place and maintain appropriate

markings, signs, barriers, or other devices to give notice thereof. The Superintendent of Maintenance Utilities and Streets may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the center line of the roadway.

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

SPECIAL STOPS REQUIRED

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

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

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

3-3-20 SCHOOL STOPS. When a vehicle approaches an authorized school stop, the driver shall bring the vehicle to a full stop at a point ten (10) feet from the approach side of the crosswalk marked by an authorized school stop sign, and thereafter proceed in a careful and prudent manner until the driver shall have passed such school site.

PEDESTRIANS' RIGHTS AND DUTIES

3-3-21 PROHIBITED CROSSING. Pedestrians crossing a street in the business district shall cross in the crosswalks only.

(Code of Iowa, Sec. 321.327)

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

(Code of Iowa, Sec. 321.326)

METHOD OF PARKING

3-3-23 STANDING OR PARKING CLOSE TO CURB. No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the right-hand wheels of the vehicle within eighteen (18) inches of the curb or edge of the roadway except as provided in the case of angle parking and vehicles parked on the left-hand side of one-way streets.

(Code of Iowa, Sec. 321.361)

STOPPING, STANDING, OR PARKING PROHIBITED IN SPECIFIED PLACES

3-3-24 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; or

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

3-3-25 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 Council may cause curbing to be painted with a yellow or orange color and erect "no parking" or "standing" signs. It shall be unlawful for the operator of any vehicle to stand or park a vehicle in an area so painted or sign-posted. It shall be unlawful for any person, other than after having first secured the permission of the Council, to paint any curbing, sidewalk or street with yellow or orange colored paint or to erect "no parking" signs.

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

3-3-26 AUTHORITY TO IMPOUND VEHICLES. Law enforcement officers are authorized to remove, or cause to be removed, a vehicle from a street, public alley, or highway to the nearest garage or other place of safety, or to a garage designated or maintained by the sheriff's department, under the following circumstances:

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

2. When any vehicle is left unattended upon a street and constitutes a definite hazard or obstruction to the normal movement of traffic.

3. When any vehicle is left parked upon a street for a continuous period of seventy-two (72) hours or more, a diligent effort shall first be made to locate the owner. If the owner is found, the owner shall be given the opportunity to remove the vehicle.

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

STOPPING, STANDING OR PARKING

3-3-27 PARKING SIGNS REQUIRED. Whenever by this or any other Chapter of this City Code any parking time limit is imposed or parking is prohibited on designated streets or portions of streets it shall be the duty of the Council to erect appropriate signs giving notice thereof and the regulations shall not be effective unless signs are erected and in place at the time of any alleged offense. When signs are erected giving notice thereof, no person shall disobey the restrictions stated on such signs.

(Code of Iowa, Sec. 321.236)

3-3-28 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 a.m. of any day.

3-3-29 TRUCK PARKING LIMITED. Trucks licensed for five (5) tons or more shall not be parked overnight on the city streets.

MISCELLANEOUS DRIVING RULES

3-3-30 VEHICLES NOT TO BE DRIVEN ON SIDEWALKS. The driver of a vehicle shall not drive upon or within any sidewalk area.

3-3-31 CLINGING TO VEHICLES. No person shall drive a motor vehicle on the streets of this City unless all passengers of the vehicle are inside the vehicle in the place intended for their accommodation. No person shall ride on the running board of a motor vehicle or in any other place not customarily used for carrying passengers. No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself or herself to any vehicle upon a roadway.

3-3-32 PARKING FOR CERTAIN PURPOSES PROHIBITED. No person shall park a vehicle upon the roadway for the principal purpose of:

1. Displaying such vehicle for sale;
2. Displaying advertising;
3. Selling merchandise from the vehicle except in a duly established market place or when so authorized or licensed under the Ordinances of this City; or
4. Storage or as junk or dead storage for more than forty-eight (48) hours.

3-3-33 DRIVING THROUGH FUNERAL OR OTHER PROCESSION. No driver of any vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when the vehicles are conspicuously designated as

required in this Chapter. This provision shall not apply at intersections where traffic is controlled by traffic-control signals or police officers.

3-3-34 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.

3-3-35 FUNERAL PROCESSIONS TO BE IDENTIFIED. A funeral procession composed of vehicles shall be identified as such by the display upon the outside of each vehicle of a pennant or other identifying insignia or by such other method as may be determined and designated by the police department.

3-3-36 LOAD RESTRICTIONS UPON VEHICLES USING CERTAIN STREETS. When signs are erected giving notice thereof, no person shall operate any vehicle licensed in excess of the load restriction specified on the signs at any time on any of the following streets or parts of streets: no designated streets at this time.

3-3-37 TRUCK ROUTES.

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

2. Any motor vehicle licensed for five (5) tons or more, having a fixed terminal, making a scheduled or definite stop within the City for the purpose of loading or unloading, shall proceed over or upon the designated routes set out in this section to the nearest point of its scheduled or definite stop and shall proceed thereto, load or unload and return, by the most direct route to its point of departure from the designated route.

3. The owner, or any other person, employing or otherwise directing the driver of any vehicle shall not require or knowingly permit the operation of such vehicle upon a street in any manner contrary to this section.

SNOWMOBILES

3-3-38 DEFINITIONS. For use in this Chapter the following terms are defined:

1. "Snowmobile" shall mean a self-propelled vehicle designed for travel on snow or ice in a natural terrain steered by wheels, skis or runners.

2. "Operate" shall mean to control the operation of a snowmobile.

3. "Operator" shall mean a person who operates or is in actual control of a snowmobile.

3-3-39 PERMITTED AREAS OF OPERATION. Snowmobiles will be allowed to operate in the City as follows:

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

3-3-40 REGULATIONS. It shall be unlawful for any person to operate a snowmobile under the following circumstances:

1. On private property of another without the express permission to do so by the owner or occupant of said property;
2. On public school grounds, park property, playgrounds, recreational areas and golf courses without express permission to do so by the proper public authority;
3. In a manner so as to create loud, unnecessary or unusual noise so as to disturb or interfere with the peace and quiet of other persons;
4. In a careless, reckless or negligent manner so as to endanger the safety of any person or property of any other person;
5. Without having such snowmobile registered as provided for by Iowa Statute except that this provision shall not apply to the operation of a snowmobile on the private property of the owner by the owner or a member of his or her immediate family;
6. Within the right-of-way of any public street or alley within the City unless the operator shall have a valid driver's license; or an instruction permit and accompanied by a qualified licensed driver; and
7. No person shall operate a snowmobile in the City from ten o'clock (10:00) p.m. to eight o'clock (8:00) a.m., except for the purpose of loading and unloading a snowmobile from another vehicle or trailer.

3-3-41 EQUIPMENT REQUIRED. All snowmobiles operated within the City shall have the following equipment:

1. Mufflers which are properly attached and which reduce the noise of operation of the vehicle to the minimum noise necessary for operating the vehicle and no person shall use a muffler cut-out, by-pass or similar device on said vehicle;
2. Adequate brakes in good condition;
3. At least one headlight and one taillight in good operating condition; and

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.

3-3-42 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.

3-3-43 RESTRICTION OF OPERATION. The City Council may, by resolution, prohibit the operation of snowmobiles within the right-of-way of the public roads, streets or alley or other City property within the City when the public safety and welfare so requires.

3-3-44 TRAFFIC REGULATION. Each person operating a snowmobile shall strictly observe all traffic signs and signals and all other traffic rules and regulations applicable thereto, and shall obey the orders and directions of any police officer of the City authorized to direct or regulate traffic.

ALL-TERRAIN VEHICLES

PURPOSE. The purpose of this Chapter is to regulate the operation of all-terrain vehicles within the City.

3-3-45 DEFINITIONS. For use in this Chapter the following term is defined:

1. "All-terrain vehicle" or "ATV" shall mean a motorized flotation-tire vehicle with not less than three (3) low pressure tires, but not more than six (6) low pressure tires, or a two-wheeled, off-road motorcycle, that is limited in engine displacement to less than eight hundred (800) cubic centimeters and in total dry weight to less than eight hundred fifty (850) pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control. Two-wheeled, off-road motorcycles shall be considered all-terrain vehicles only for the purpose of titling and registration. An operator of a two-wheeled, off-road motorcycle is exempt from the safety instruction and certification program requirements of Section 321I.24 and 321I.25 of the Code of Iowa.

(Code of Iowa, Sec. 321I.1[1])

3-3-46 GENERAL REGULATIONS. No person shall operate an ATV within the City in violation of Chapter 321I of the Code of Iowa or in violation of rules established by the Natural Resource Commission of the Department of Natural Resources governing their registration, numbering, equipment and manner of operation.

(Code of Iowa, Ch. 321I)

3-3-47 OPERATION OF ALL-TERRAIN VEHICLES. The operators of ATVs shall comply with the following restrictions as to where and when ATVs may be operated within the City:

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

(Code of Iowa, Sec. 321I.10[1 & 2A])

2. Trails. ATVs shall not be operated on snowmobile trails except where designated.

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

3. Railroad Right-of-way. ATVs shall not be operated on an operating railroad right-of-way. An ATV may be driven directly across a railroad right-of-way only at an established crossing and notwithstanding any other provisions of law may, if necessary, use the improved portion of the established crossing after yielding to all oncoming traffic.

(Code of Iowa, Sec. 321I.14[h])

4. Parks and Other City Land. ATVs shall not be operated in any park, playground or upon any other property owned by the City without the express permission of the City.

5. Sidewalk or Parking. ATVs shall not be operated upon the public sidewalk or that portion of the street located between the curb line and the sidewalk or property line commonly referred to as the “parking.”

6. No person shall operate an all terrain vehicle between ten o’clock p.m. and eight o’clock a.m., except for the purpose of loading onto or unloading off of a vehicle or trailer.

3-3-48 NEGLIGENCE. The owner and operator of an ATV is liable for any injury or damage occasioned by the negligent operation of the ATV or snowmobile. The owner of an ATV shall be liable for any such injury or damage only if the owner was the operator of the ATV at the time the injury or damage occurred or if the operator had the owner’s consent to operate the ATV at the time the injury or damage occurred.

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

3-3-49 ACCIDENT REPORTS. Whenever an ATV is involved in an accident resulting in injury or death to anyone or property damage amounting to one thousand dollars (\$1,000.00) or more, either the operator or someone acting for the operator shall immediately notify a law enforcement officer and shall file an accident report, in accordance with State law.

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

3-3-50 OPERATION OF GOLF CARTS. The purpose of this chapter is to permit the operation of golf carts on certain streets and alleys in the City, as authorized by Section 321.247 of the Code of Iowa, as amended. This chapter applies whenever a golf cart is operated on any street or alley, subject to those exceptions stated herein.

1. Unlicensed Recreation Vehicles Prohibited. It is unlawful for any person to drive or operate any unlicensed recreational vehicle on the streets or right-of-ways within the

corporate limits of the City, unless all other means of transportation have been halted, with the exception of the following sections pertaining to golf carts.

2. Permit required. Each golf cart operated on City streets shall have attached to the right rear of the golf cart a special permit obtained from the City Clerk at an annual fee of \$20.00. The application for the permit shall set forth that the owner of the golf cart has liability insurance covering the golf cart in the same limits required of automobiles by chapter 321 of the Code of Iowa. This permit may be revoked by action of the Council.
3. Traffic Code applies. Every person operating a golf cart upon a street or alley shall be granted all of the rights and privileges and shall be subject to all the duties and obligations applicable to the driver of a vehicle and to the laws of the State declaring the rules of the road applicable to the driver of the vehicle, except as to those provisions which by their nature can have no application.
4. Riding on golf carts. A person operating a golf cart shall not ride other than on a permanent regular seat attached thereto. No golf cart shall be used to carry more persons at one time than the number for which it is designed and equipped.
5. Operation permitted. Golf carts may be operated on the streets and alleys in the City, only on the roadway or traveled portion of the streets or alleys, and shall not be operated on any sidewalk.
6. Prohibited streets. A golf cart shall not be operated upon Division Street running adjacent to the Orient-Macksburg School building on the north side, Division Street/State Hwy 25 and South School Street/State Hwy 25, but shall be allowed to cross these streets.
7. Drivers License required. Any person operating a golf cart upon any City street or alley shall possess a valid motor vehicle license issued by the State.
8. Equipment. Golf carts operated upon any street shall be equipped with a slow-moving vehicle sign, a bicycle safety flag of Day-Glo color not less than 30 square inches in area color and extending at least 5 feet above the ground, adequate brakes in good condition, muffler properly attached and operating, and illuminated turn signals and brake lights.
9. Hours of operation. Golf carts may be operated on City streets and alleys only from sunrise to sunset and between the months of March and October.
10. Penalty. Violation of this chapter is punishable by a scheduled fine of \$50.00 plus court costs and all applicable surcharges.

3-3-51 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 (7) 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.

3-3-52 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.

3-3-53 LOCAL PARKING FINES. Scheduled fines as follows are established, payable by mail or in person at the City Clerk's office within thirty (30) days of the violation, for the following parking violations:

- | | |
|--------------------------------------|---------|
| 1. Prohibited parking | \$10.00 |
| 2. Persons with disabilities parking | \$10.00 |
- (Code of Iowa, Sec. 321L.4(2))

3-3-54 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 thirty (30) days, the City shall send the owner of the motor vehicle to which the parking citation was affixed a letter informing the owner of the violation and warning that in the event the penalty is not paid within five (5) days from date of mailing, a court citation will be issued requiring a court appearance and subjecting the violator to court costs.

3-3-55 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) feet from the motor vehicle shall constitute evidence of a prima facie violation of this section.

3-3-56 ENGINE AND COMPRESSION BRAKES.

1. It shall be unlawful for the driver of any motor 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 motor 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 (300) feet from the motor vehicle shall constitute evidence of a prima facie violation of this section.

TITLE III COMMUNITY PROTECTION

CHAPTER 6 CURFEW FOR MINORS

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

3-6-1 PREAMBLE. The City of Orient recognizes that all citizens including minors have certain inalienable rights and that among them are the rights of liberty and the pursuit of happiness. Further, all citizens including minors have the right to freedom of religion, freedom of speech, freedom of assembly and of association. This section should be interpreted to avoid any construction that would result in the appearance of interference with the free exercise of religious worship and political association and this Ordinance shall not be construed to mean that the City intends to interfere with a minor's freedom of association for political, economic, religious or cultural matters or association for purposes such as marches, demonstrations, picketing or prayer vigils which are otherwise lawful and peaceful assemblies.

(Code of Iowa, Sec. 364.1)

3-6-2 FINDINGS AND PURPOSE. The City Council has determined that there has been an increase in juvenile violence and crime by persons under the age of seventeen (17) in the City of Orient; and

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

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

3-6-3 DEFINITIONS. In this Chapter:

1. "Curfew hours" shall mean 12:01 a .m. until 6:00 a.m.
2. "Emergency" shall mean an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.
3. "Establishment" shall mean any privately-owned place of business operated for a profit to which the public is invited, including but not limited to, any place of amusement or entertainment.

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

3-6-4 OFFENSES.

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

3-6-5 DEFENSES.

1. It is a defense to prosecution under this Chapter if the minor was:
 - a. Accompanied by the minor's parent or guardian;
 - b. On an errand at the direction of the minor's parent or guardian, without any detour or stop;
 - c. In a motor vehicle involved in interstate travel;
 - d. Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
 - e. Involved in an emergency;
 - f. On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to law enforcement officials about the minor's presence;
 - g. Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the City of Orient, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the City of Orient, a civic organization, or another similar entity that takes responsibility for the minor;
 - h. Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right of assembly; or
 - i. Married or had been married.
2. It is a defense to prosecution under Subsection 3-6-4(3) if the owner, operator or employee of an establishment promptly notified law enforcement officials that a minor was present on the premises of the establishment during curfew hours and refused to leave.

3-6-6 ENFORCEMENT.

1. Before taking any enforcement action under this section, a law enforcement officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in Section 3-6-5 is present.

2. A minor who is in violation of this Ordinance shall be reunited with the minor's parent or guardian or custodian or other adult taking the place of the parent or shall be taken home by the law enforcement officers.

TITLE III COMMUNITY PROTECTION

CHAPTER 7 REGULATING PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS

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

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

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

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

3-7-3 PERMITS. Before any person or organization engages in any of the practices defined herein, they must comply with all applicable Ordinances, and must also obtain from the City Clerk a permit in accordance with the provisions of sections 3-7-4 and 3-7-5. This permit shall extend no longer than sixty (60) days. A fee of \$5.00 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; and
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 8:00 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 to: (1) indemnify the City for any penalties or costs occasioned by the enforcement of this Chapter, and (2) 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 (1) year from the expiration of the permit.

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

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

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

3-7-11 REVOCATION OF PERMIT. The City Council, after notice and hearing, may revoke any permit issued under this Ordinance where the permittee, in the 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 Penalty
3-8-3	Issuance	3-8-8	Permits not Transferable
3-8-4	Expiration	3-8-9	Display
3-8-5	Fees		

3-8-1 DEFINITIONS. For use in this Chapter the following terms are defined as follows:

1. "Cigarette" shall mean 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(3))

2. "Retailer" shall mean 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(21))

3. "Place of business" shall mean 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(19))

3-8-2 PERMIT REQUIRED. No retailer shall distribute, sell, or solicit the sale of any cigarettes within the City of Orient, 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 \$56.25; in October, November, or December, for \$37.50; or in January, February, or March, for \$18.75.

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

3-8-7 SUSPENSION; REVOCATION; CIVIL PENALTY.

1. If a retailer or employee of a retailer has violated Sections 453A.2, 453A.36, subsection 6 or 453A.39 of the 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.

(Code of Iowa, Sec. 453A.22(2)(a))

b. For a second violation within a period of two (2) years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars (\$1,500.00) or the retailer's permit shall be suspended for a period of thirty (30) days. The retailer may select its preference in the penalty to be applied under this paragraph.

(Code of Iowa, Sec. 453A.22(2)(b))

c. For a third violation within a period of three (3) years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars (\$1,500.00) and the retailer's permit shall be suspended for a period of thirty (30) days.

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

d. For a fourth violation within a period of three (3) years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars (\$1,500.00) and the retailer's permit shall be suspended for a period of sixty (60) days.

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

e. For a fifth violation within a period of four (4) years, the retailer's permit shall be revoked.

(Code of Iowa, Sec. 453A.22(2)(e))

f. If an employee of a retailer violates section 453A.2, subsection 1, of the Code of Iowa, the retailer shall not be assessed a penalty under subsection 2, and the violation shall be deemed not to be a violation of section 453A.2, subsection 1, for the purpose of determining the number of violations for which a penalty may be assessed pursuant to subsection 2, if the employee holds a valid certificate of completion of the tobacco compliance employee training program pursuant to section 453A.2A at the time of the violation. A retailer may assert only once in a four (4) year period the bar under either this subsection or subsection 4 against assessment of a penalty pursuant to subsection 2, for a violation of section 453A.2, that takes place at the same place of business location.

(Code of Iowa, Sec. 453A.22(3))

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.

(Code of Iowa, Sec. 453A.22(6))

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(7))

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.

TITLE III COMMUNITY PROTECTION

CHAPTER 9 ALCOHOLIC BEVERAGES

3-9-1	Purpose	3-9-3	Action by 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 – Seasonable, Five Day, or Fourteen-Day License or Permit
9. 123.35 Simplified Renewal Procedure
10. 123.36 Liquor Fees - Sunday Sales
11. 123.38 Nature of Permit or License - Surrender - Transfer
12. 123.39 Suspension or Revocation of License or Permit - Civil Penalty
13. 123.40 Effect of Revocation

14. 123.44 Gifts of Liquors Prohibited
15. 123.46 Consumption in Public Places - Intoxication - Right to Chemical Test - Notifications - Exoneration
16. 123.47 Persons Under Legal Age - Penalty
17. 123.49 Miscellaneous Prohibitions
18. 123.50 Criminal and Civil Penalties
19. 123.51 Advertisements for Alcoholic Liquor, Wine or Beer
20. 123.52 Prohibited Sale
21. 123.90 Penalties Generally
22. 123.95 Premises Must Be Licensed - Exception as to Conventions and Social Gatherings
23. 123.122 through 123.145 Beer Provisions (Division II)
24. 123.150 Sunday Sales Before New Year's Day
25. 123.171 through 123.182 Wine Provisions (Division V)
26. 321.284 Open Containers in Motor Vehicles - Drivers
27. 321.284A Open Containers in Motor Vehicles - Passengers

3-9-3 ACTION BY COUNCIL. The City Council shall approve or disapprove the application for all Liquor Control Licenses. 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. 364.1)

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

1. "Abandoned vehicle" shall mean any of the following:

a. A vehicle that has been left unattended on public property for more than twenty-four (24) hours and lacks current registration plates or two or more wheels or other parts which render the vehicle inoperable; or unsafe;

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

b. A vehicle that has remained illegally on public property for more than twenty-four (24) hours;

(Code of Iowa, Sec. 321.89(1)(a)(2))

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 (24) hours;

(Code of Iowa, Sec. 321.89(1)(a)(3))

d. A vehicle that has been legally impounded by order of law enforcement officials and has not been reclaimed for a period of ten (10) days; or

(Code of Iowa, Sec. 321.89(1)(a)(4))

e. Any vehicle parked on the street determined by a law enforcement officer to create a hazard to other vehicular traffic.

(Code of Iowa, Sec. 321.89(1)(a)(5))

2. "Private property" shall mean any real property within the City which is not public property as defined in this section.

3. "Public property" shall mean any public right-of-way open for the purposes of vehicular travel.

4. A "junk vehicle" shall mean 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 not contained in the vehicle's fuel cell as installed by the manufacturer of the vehicle;

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

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.

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. Law enforcement officers may, without prior notice or hearing, remove and impound any abandoned vehicle as defined in section 3-10-2 (1). Law enforcement officers 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, law enforcement officers 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 law enforcement 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, law enforcement officers shall notify, within twenty (20) days, by certified mail, the last known registered owner of the vehicle, all lienholders of record, and any other known claimant to the vehicle or to personal property found in the vehicle, addressed to their last known addresses of record, that the abandoned vehicle has been taken into custody. Notice shall be deemed given when mailed. The notice shall:

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

(1) of their right to reclaim the vehicle and personal property within ten (10) days after the effective date of the notice;

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

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

(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 law enforcement officers 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 Adair County Sheriff prior to the expiration of the ten day (10) reclaiming period; and

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, lienholders or any person receiving notice may, by written request received by the Adair County Sheriff prior to the expiration of the ten (10) day reclaiming period, obtain an additional fourteen (14) days within which the vehicle may be reclaimed.

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

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

a. the identity of the last registered owner cannot be determined,

b. the registration contains no address for the owner, or

c. it is impossible to determine with reasonable certainty the identity and addresses 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 (10) 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 Adair County Sheriff 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; and
- e. notice charges

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

2. 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); and

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

3-10-6 HEARING PROCEDURES.

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

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

3-10-7 AUCTION OR DISPOSAL OF ABANDONED VEHICLES. The Adair County Sheriff shall follow the procedures as provided in Section 321.89(4) of the Iowa Code for the auction or disposal of abandoned vehicles.

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 Orient, 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 hereof, the owner of or the person occupying the property upon which it is located shall be *prima facie* liable for said violation.

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

3-10-9 NOTICE TO ABATE.

1. Whenever a law enforcement official shall find a junk vehicle placed or stored on private property within the City in violation of Section 3-10-8, the law enforcement official shall notify, by certified mail with five (5) days' return receipt, the following persons:

- a. the owner of the property; and
- 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; and
- d. state that the owner of the property shall remove or repair the said junk vehicle within ten (10) days.

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

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. The City shall keep 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 thirty (30) days, 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 therefore, as authorized under the Zoning Ordinance or restricted residence district of this City, when necessary to the operation of said business enterprise; and

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 HAZARDOUS SUBSTANCE SPILLS

3-11-1 Purpose	3-11-4 Cleanup Costs
3-11-2 Definitions	3-11-5 Notifications
3-11-3 Cleanup Required	3-11-6 Law Enforcement Authority

3-11-1 PURPOSE. In order to reduce the danger to the public health, safety and welfare from the leaks and spills of hazardous substances, these regulations are promulgated to establish responsibility for the treatment, removal and cleanup of hazardous substance spills within the City limits.

3-11-2 DEFINITIONS. For purposes of this Chapter the following terms are defined:

1. "Cleanup" shall mean actions necessary to contain, collect, control, identify, analyze, clean up, treat, disperse, remove or dispose of a hazardous substance.

(Code of Iowa, Sec. 455B.381(1))

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

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

3. "Hazardous substance" shall mean any substance or mixture of substances that presents a danger to the public health or safety and includes, but is not limited to, a substance that is toxic, corrosive, or flammable, or that is an irritant or that generates pressure through decomposition, heat, or other means. "Hazardous substance" may include any hazardous waste identified or listed by the administrator of the United States Environmental Protection Agency under the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, or any toxic pollutant listed under section 307 of the Federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous substance designated under Section 311 of the Federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous material designated by the Secretary of Transportation under the Hazardous Materials Transportation Act.

(Code of Iowa, Sec. 455B.381(5))

4. "Responsible person" shall mean a person who at any time produces, handles, stores, uses, transports, refines, or disposes of a hazardous substance, the release of which creates a hazardous condition, including bailees, carriers, and any other person in control

of a hazardous substance when a hazardous condition occurs, whether the person owns the hazardous substance or is operating under a lease, contract, or other agreement with the legal owner of the hazardous substance.

(Code of Iowa, Sec. 455B.381(7))

3-11-3 CLEANUP REQUIRED. Whenever a hazardous condition is created by the deposit, injection, dumping, spilling, leaking or placing of a hazardous substance, so that the hazardous substance or a constituent of the hazardous substance may enter the environment or be emitted into the air or discharged into any waters, including ground waters, the responsible person shall cause the condition to be remedied by a cleanup, as defined in the preceding section, as rapidly as feasible to an acceptable, safe condition. The costs of cleanup shall be borne by the responsible person. If the responsible person does not cause the cleanup to begin in a reasonable time in relation to the hazard and circumstances of the incident, the City may, by an authorized officer, give reasonable notice, based on the character of the hazardous condition, said notice setting a deadline for accomplishing the cleanup and stating that the City will proceed to procure cleanup services and bill the responsible person for all costs associated with the cleanup if the cleanup is not accomplished within the deadline. In the event that it is determined that immediate cleanup is necessary as a result of the present danger to the public health, safety and welfare, then no notice shall be required and the City may proceed to procure the cleanup and bill the responsible person for all costs associated with the cleanup. If the bill for those services is not paid within thirty (30) days, the City Attorney shall proceed to obtain payment by all legal means. If the cost of the cleanup is beyond the capacity of the City to finance it, the authorized officer shall report to the City Council and immediately seek any State or Federal funds available for said cleanup.

3-11-4 CLEANUP COSTS. The responsible person shall be strictly liable for all of the following:

1. The reasonable cleanup costs incurred by the City as a result of the failure of the responsible person to clean up a hazardous substance involved in a hazardous condition.;
2. The reasonable costs incurred by the City to evacuate people from the area threatened by a hazardous condition caused by the person; and
3. The reasonable damages to the City for the injury to, destruction of, or loss of property, including parks and roads, resulting from a hazardous condition caused by that person, including the costs of assessing the injury, destruction or loss.

3-11-5 NOTIFICATIONS.

1. A person manufacturing, storing, handling, transporting, or disposing of a hazardous substance shall notify the State Department of Natural Resources and the Adair County Sheriff's Department of the occurrence of a hazardous condition as soon as possible but not later than six (6) hours after the onset of the hazardous condition or discovery of the hazardous condition. The Sheriff shall immediately notify the Department of Natural Resources.
2. Any other person who discovers a hazardous condition shall notify the Adair County Sheriff's Department, which shall then notify the Department of Natural

Resources.

3-11-6 LAW ENFORCEMENT AUTHORITY. If the circumstances reasonably so require, the law enforcement officer or an authorized representative may:

1. Evacuate persons from their homes to areas away from the site of a hazardous condition, and
2. Establish perimeters or other boundaries at or near the site of a hazardous condition and limit access to cleanup personnel.

No person shall disobey an order of any law enforcement officer issued under this section.

TITLE IV MENTAL AND PHYSICAL HEALTH

CHAPTER 1 ANIMAL CONTROL

4-1-1	Definitions	4-1-8	Keeping of Pit Bull Dogs
4-1-2	Immunization	4-1-9	Pit Bulls at Large
4-1-3	At Large Prohibited	4-1-10	Failure to Comply
4-1-4	Animal Nuisances	4-1-11	Seizure, Impoundment and Disposition
4-1-5	Impounding	4-1-12	Penalty
4-1-6	Dangerous Animals		
4-1-7	Keeping a Vicious Animal		

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

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

4-1-2 IMMUNIZATION. All dogs six (6) months or older shall be vaccinated against rabies. It shall be a violation of this Ordinance for any dog to not be vaccinated against rabies. A tag showing evidence of proper vaccination shall be worn by every dog when not confined.
(Code of Iowa, Sec. 351.33)

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

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

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

3. Causes a disturbance by excessive barking or other noisemaking or chases vehicles, or molests, attacks or interferes with persons or other domestic animals on public property.

(Code of Iowa, Sec. 657.1)

4-1-5 IMPOUNDING.

1. Any dog found at large in violation of Sections 4-1-3 and 4-1-4 of this Chapter shall be seized and impounded, or, at the discretion of the Mayor, the owner may be served a summons to appear before a proper court to answer charges made thereunder.

2. Owners of dogs shall be notified within two (2) days that upon payment of actual costs, including transportation and other related costs, plus cost of food and care in a reasonable amount, the dog will be returned. If the impounded dogs are not recovered by their owners within seven (7) days after notice, the dogs shall be disposed of as provided in Section 717B.4 Code of Iowa.

3. Any animal found to have bitten a person or other animal shall be confined as directed by the Mayor.

(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)

4-1-6 DANGEROUS ANIMALS.

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

2. Definitions. A dangerous animal is defined as:

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, crocodiles;
- (8) Scorpions; gila monsters;
- (9) Snakes that are venomous or constrictors;
- (10) Staffordshire terriers, commonly known as pit bulls; and

(11) Any cross breed of such animals which have similar characteristics of the animals specified above.

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

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

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

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

4-1-8 KEEPING OF PIT BULL DOGS. All owners must report arrival of pit bull dogs within the City limits to the City Clerk within ten (10) days and be subject to the following regulations and restrictions:

1. Signs. All owners, keepers or harborers of pit bull dogs within the City shall display in a prominent place on their premises a sign easily readable by the public using the words “Beware of Dog”. In addition, a similar sign is required to be posted on the kennel or pen of such animals.

2. Insurance. All owners, keepers or harborers of pit bull dogs within the City shall provide proof to the Clerk within ten (10) days of arrival of public liability insurance in a single incident amount of \$50,000 for bodily injury to or death of any person or persons or for damages to property owned by any persons which may result from the ownership, keeping or maintenance

of such animal. Such insurance policy shall provide that no cancellation of the policy will be made unless ten (10) days' written notice is first given to the clerk.

3. Identification Photographs. All owners, keepers or harborers of pit bull dogs must provide to the Clerk within ten (10) days of arrival two color photographs (different views) of the animal clearly showing the color and approximate size of the animal.

4. Reporting Requirements. All owners, keepers or harborers of pit bull dogs must within ten (10) days of the incident, report the following information in writing to the Clerk as required herein:

- A. The removal from the City or death of a pit bull dog.
- B. The birth of offspring of a pit bull dog.
- C. The new address of a pit bull dog owner should the owner move within the corporate City limits.

5. Sale or Transfer of Ownership Prohibited. No person shall sell, barter or in any other way dispose of a pit bull dog to any person within the City unless the recipient person resides permanently in the same household and on the same premises as the owner of such dog; provided that the owner of a pit bull dog may sell or otherwise dispose of a pit bull dog or the offspring of such dog to a person who does not reside within the City.

Animals Born of Pit Bull Dogs. All offspring born of pit bull dogs must be removed from the City within eight (8) weeks of the birth of the animal.

4-1-9 PIT BULLS AT LARGE. It shall be unlawful for any owner of a pit bull to allow it to run at large within the city limits of Orient. All pit bulls must be muzzled and on a leash not to exceed four (4) feet in length and under the control of the owner when off of owner's property. After the first conviction of allowing a pit bull to run at large, the owner must following the following guidelines.

(a) Leash and Muzzle. No person shall permit a pit bull to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four (4) feet. No person shall permit a pit bull to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, etc. In addition, all pit bulls on a leash outside the animal's kennel or pen must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals **except on owner's property and supervised by owner.**

(b) Confinement. All pit bulls shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as able provided. Such pen, kennel or structure must have secure sides. All structures used to confine pit bull dogs must be locked with a key or combination lock while such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the

pen must be embedded in the ground no less than two (2) feet. All structures erected to house pit bull dogs must comply with all zoning and building regulations of the City. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.

(c) Confinement Indoors. No pit bull dogs may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacles preventing the dog from exiting the structure.

Upon a second conviction, the owner will be considered an irresponsible animal owner and the dog will be ordered removed from the city limits.

4-1-10 FAILURE TO COMPLY. It is unlawful for the owner, keeper or harbinger of a pit bull dog to fail to comply with the requirements and conditions set forth in this chapter. Any pit bull dog found to be the subject of a violation of this chapter upon conviction shall be ordered removed from the City. Should the defendant refuse to remove the dog from the City, the Magistrate shall find the defendant owner in contempt and order the immediate confiscation and impoundment of the animal. Each day that a violation of this chapter continues shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates this chapter shall pay all expenses, including shelter, food, handling, veterinary care and testimony necessitated by the enforcement of this chapter.

4-1-11 SEIZURE, IMPOUNDMENT AND DISPOSITION.

1. In the event that a dangerous animal or vicious animal is found at large and unattended upon public property, park property, public right-of-way or the property of someone other than its owner, thereby creating a hazard to persons or property, such animal may, in the discretion of the Animal Control Officer, be destroyed if it cannot be confined or captured. The City shall be under no duty to attempt the confinement or capture of a dangerous animal or vicious animal found at large, nor shall it have a duty to notify the owner of such animal prior to its destruction.

2. Upon the complaint of any individual that a person is keeping, sheltering or harboring a dangerous animal or vicious animal on premises in the City, the Animal Control Officer shall cause the matter to be investigated and if after investigation, the facts indicate that the person named in the complaint is keeping, sheltering or harboring a dangerous or vicious animal in the City, such officer shall order the person named in the complaint to safely remove such animal from the City, permanently place the animal with an organization or group allowed to possess dangerous or vicious animals, or destroy the animal within three (3) days of the receipt of such an order. Such order shall be contained in a notice to remove dangerous or vicious animal, which notice shall be given in writing to the person keeping, sheltering or harboring the dangerous animal or vicious animal, and shall be served personally or by certified mail. Such order and notice to remove the dangerous animal or vicious animal shall not be required where such animal has previously caused serious physical harm or death to any person, in which case

the officer shall cause the animal to be immediately seized and impounded or killed if seizure and impoundment are not possible without risk of serious physical harm or death to any person.

3. The order to remove a dangerous animal or vicious animal issued by the Animal Control Officer may be appealed to the Council. In order to appeal such order, written notice of appeal must be filed with the Clerk within three (3) days after receipt of the order contained in the notice to remove the dangerous or vicious animal. Failure to file such written notice of appeal shall constitute a waiver of the right to appeal the order of the officer.

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

5. If the Council affirms the action of the Animal Control Officer, the Council shall order in its written decision that the person owning, sheltering, harboring or keeping such dangerous or vicious animal remove such animal from the City, permanently place such animal with an organization or group allowed to possess dangerous or vicious animals or destroy it. The decision and order shall immediately be served upon the person again whom rendered in the same manner as the notice of removal. If the original order of the officer is not appealed and is not complied with within three (3) days or the order of the Council after appeal is not complied with within three (3) days of its issuance, the officer is authorized to seize, impound or destroy such dangerous or vicious animal. Failure to comply with an order of the Mayor or Animal Control Officer issued pursuant to this chapter and not appealed, or of the Council after appeal, shall constitute a simple misdemeanor.

4-1-11 PENALTY

1. The penalty for any violation of this chapter shall be a fine of up to \$100.00 for a first offense and up to \$200.00 for a second or subsequent offense. Removal of any offending animal pursuant to Section 4-1-10 will also be considered for any violation of Title IV Chapter 1 and any subsequently enacted ordinance that supercedes this ordinance and such removal will not preclude the Mayor or Animal Control Officer from also issuing a fine.

TITLE V PHYSICAL ENVIRONMENT

CHAPTER 1 MOBILE HOME REGULATION

5-1-1	Definitions	5-1-5	Traffic Code Applicable
5-1-2	Location of Mobile Homes	5-1-6	Building Requirements
5-1-3	Special Permits for Location of Mobile Homes Outside Mobile Home Parks	5-1-7	Mobile Home Hookups
		5-1-8	Installation During Winter Restricted
5-1-4	Emergency and Temporary Parking	5-1-9	Residential Dwelling Standards

5-1-1 DEFINITIONS. For use in this Chapter the following terms are defined as follows:

1. "Mobile home" shall mean 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(5))

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(6))

5-1-2 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.

5-1-3 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 _____ year(s) but upon expiration of a special permit reapplication may be made. Application for the permit shall include:

1. A statement concerning the practicability of location within a local mobile home park;

2. A description of sanitation facilities contained within the mobile home and those facilities available at the proposed location; and

3. A statement of the desired duration of the special permit.

5-1-4 EMERGENCY AND TEMPORARY PARKING. Emergency or temporary parking of mobile homes upon the streets, alleys, highways, or any other public or private place for a period not in excess of seven (7) 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.

5-1-5 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.

5-1-6 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)

5-1-7 MOBILE HOME HOOKUPS. A mobile home dealer or an employee of a mobile home dealer may perform water, gas, electrical and other utility service connections in a mobile home space, or within ten (10) feet of such space, located in a mobile home park, and the dealer or an employee of the dealer may install a tie-down system on a mobile home located in a mobile home park. The connections are subject to inspection and approval by city officials and the mobile home dealer shall pay an inspection fee of \$_____. No additional permits shall be required.

(Code of Iowa, Sec. 322B.5)

5-1-8 INSTALLATION DURING WINTER RESTRICTED. No installation or moving in of a mobile home is permitted after November 2 or before March 1 of any year, due to frozen ground conditions, subject to approval by the Council.

5-1-9 RESIDENTIAL DWELLING STANDARDS. All residential dwelling units shall meet the following minimum standards:

1. The dwelling unit must have a minimum width of twenty-two (22) feet for at least sixty-five (65%) percent of the length of the dwelling unit, said dimension to be exclusive of attached garages, porches or other accessory structures.

2. All dwelling units including attached garages shall be placed on a permanent frost-free foundation. The foundation system must be visually compatible with permanent foundation systems of surrounding residential structures.

3. All dwelling units shall have a minimum roof pitch of 3:12. This requirement shall not apply to manufactured housing if the housing otherwise complies with 42 U.S.C. Sec. 5403.
 - a. Wood or masonry finish or its appearance, and/or
 - b. Vertical or horizontal grooved siding or lap siding or its appearance.

TITLE V PHYSICAL ENVIRONMENT

CHAPTER 2 REFUSE COLLECTION

5-2-1	Definitions	5-2-5	Collections
5-2-2	Duty to Provide Cans	5-2-6	Necessity of Permits
5-2-3	Administration	5-2-7	Refuse Other Than Garbage
5-2-4	Storage	5-2-8	Sanitary Landfill

5-2-1 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. "Can". Shall mean a container for the storage of garbage or rubbish, which is:

- a. Provided with a handle and tight fitting cover;
- b. Made of non-corrosive material;
- c. Water-tight; and
- d. With a capacity of no more than thirty-five (35) gallons.

5-2-2 DUTY TO PROVIDE CANS. Each person shall provide cans or approved containers for the storage of garbage and rubbish accumulating on the premises owned or occupied by such owner. Such cans or containers shall be kept covered and reasonably clean at all times. The cans or containers shall be readily accessible to the collector.

It shall be the duty of the owner of each household residing in a building arranged for more than one family unit to provide proper cans for garbage and rubbish.

5-2-3 ADMINISTRATION. Administration of this Chapter shall be by the Superintendent, or such employee designated by the Superintendent.

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

5-2-4 STORAGE. All garbage and rubbish shall be placed in a can except as otherwise provided.

5-2-5 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.

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

5-2-6 NECESSITY OF PERMIT. No person shall collect garbage or rubbish unless by contract or permit approved by the Superintendent and issued by the City Clerk.

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 has been issued by the City Clerk.

5-2-7 REFUSE OTHER THAN GARBAGE. Each person shall dispose of all refuse, other than garbage and rubbish, accumulation on any premises such person owns or occupies before it becomes a nuisance. If it does become a nuisance, it shall be subject to provisions of Title III, Chapter 2 of this Code.

5-2-8 SANITARY LANDFILL. Adair County Landfill is designated as the sanitary landfill for all garbage and rubbish collected within the City of Orient. All of the solid waste generated within the corporate limits of the City of Orient, Iowa shall be disposed of at the Adair County Sanitary Landfill unless the solid waste hauler obtains a written waiver from the Adair County Sanitary Landfill Commission to deposit solid waste at an alternate site.

TITLE V PHYSICAL ENVIRONMENT

CHAPTER 3 STREET CUTS AND EXCAVATIONS

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

5-3-1 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))

5-3-2 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 (6) 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.

5-3-3 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 one hundred (100) feet in length. An additional fee of \$15.00 shall be required for every additional one hundred (100) feet, or major fraction thereof, of main excavation. All fees are doubled if excavation commences before a permit is obtained.

5-3-4 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 law enforcement officers, 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.

5-3-5 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 (48) hours of the completion of the underground work, the City reserves the right to backfill and resurface or install new paving and charge the cost thereof to the party excavating. If any backfilling or pavement or surfacing restoration is not in accordance with the City specifications, the superintendent is authorized to remove such material as is necessary and to backfill and restore the pavement or surfacing properly.

5-3-6 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 V PHYSICAL ENVIRONMENT

CHAPTER 4 SIDEWALK REGULATIONS

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

5-4-1 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.

5-4-2 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 shall be considered defective:

- 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; or

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.

5-4-3 CLEANING SNOW AND ICE 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, Secs. 364.12(2)(b) & (e))

5-4-4 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(2)(c))

5-4-5 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 abutting property 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)

5-4-6 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 state that the property owner may request a hearing by the City Council within fifteen (15) days or receipt of the notice.

5-4-7 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 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))

5-4-8 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 immediately notify the City 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.

5-4-9 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 City 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; and

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.

5-4-10 PERMITS FOR CONSTRUCTION OR REMOVAL. No person shall make any sidewalk improvements without first obtaining 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.

5-4-11 FAILURE TO OBTAIN PERMIT; REMEDIES. Whenever any sidewalk improvements are made that do not conform to the provisions and specifications of this Chapter, 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.

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

5-4-12 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 meets all requirements of this Chapter, including specifications and obtaining a permit, the Superintendent of Public Works shall indicate this on both copies of the permit.

5-4-13 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.

5-4-14 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.

5-4-15 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 under Chapter 384, Code of Iowa.

(Code of Iowa, Sec. 384.38)

5-4-16 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 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 property 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 that the property owner may pay the amount assessed within thirty (30) days without interest or penalty. The notice shall also indicate that the property owner may object to such assessment and be given the date, time and

place for which the property owner may come before the City Council to voice any 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)

5-4-17 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)

5-4-18 BILLING AND CERTIFYING TO COUNTY. Thirty (30) days after the City 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 the City Council, not exceeding ten (10), in the same manner and at the same interest rates as for special assessments pursuant to Chapter 384, Code of Iowa. No interest shall be charged for assessments, or parts thereof, paid within thirty (30) days of the time the City Council determined the final amounts.

(Code of Iowa, Sec. 384.60)

TITLE V PHYSICAL ENVIRONMENT

CHAPTER 5 NUMBERING OF BUILDINGS

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

5-5-1 BUILDINGS TO BE NUMBERED. All buildings now or hereafter erected within the City limits shall be assigned numbers and the owners notified of the assigned number. The owners shall cause the numbers to be placed and maintained on their property.

5-5-2 NUMBERING SYSTEM. Numbers shall be assigned in accordance with the system developed by the City Council. The system consists of three-digit numbering. The even numbers shall be on the west and north sides of all streets and the odd numbers shall be on the east and south sides of all streets.

5-5-3 MANDATORY NUMBERING. The placing of numbers is mandatory.

5-5-4 TYPE OF NUMBERS, SIZE. The numbers shall be conspicuously displayed on the portion of the building or premise which faces the street. All numbers shall be of durable substance, clearly legible and the numerals shall be not less than five (5) inches in height.

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

TITLE V PHYSICAL ENVIRONMENT

CHAPTER 6 BUILDING PERMITS

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

5-6-1 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.

5-6-2 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.

5-6-3 PERMIT REQUIRED. No structure shall be erected, reconstructed, altered or added to without first securing a permit from the City Council.

5-6-4 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.

5-6-5 FEES. There shall be a permit fee of \$5.00 for such permit. If a permit is rejected the fee shall be returned to the applicant.

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

5-6-7 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.

5-6-8 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; or

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

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

5-6-10 REAR YARD REQUIREMENTS. There shall be a rear yard provided for each structure of not less than thirty (30) feet or twenty percent (20%) of the depth of the lot, whichever amount is smaller, except in the business district where no rear yard is required.

5-6-11 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; and

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.

5-6-12 VARIANCES. The City Council may grant a variance to sections 5-9-8, 5-9-9, and 5-9-10 where the setback requirements would cause a hardship on the property owner.

5-6-13 FENCES. No setback requirements shall be applicable to the construction of a fence.

5-6-14 CURB CUTS. No curb cut shall be constructed or permitted without first obtaining a building permit.

5-6-15 AUTHORITY OF CITY COUNCIL. The City Council shall have full authority to accept or reject any plans and specifications submitted.

5-6-16 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.

5-6-17 LIMITATIONS ON PERMIT. In the event that construction covered by a permit is not initiated and underway within one (1) year from the date of issuance of a permit, such permit shall be deemed void and of no effect. All permits shall expire and be void twelve (12) months after issuance by the City Clerk. If construction is not completed a new application and fee must be submitted.

TITLE V PHYSICAL ENVIRONMENT

CHAPTER 7 ELECTRIC

- 5-7-1 Purpose
- 5-7-2 Policy Direction
- 5-7-3 Service Rules and Regulations
- 5-7-4 Rates
- 5-7-5 Automatic Rate Adjustment

5-7-1 PURPOSE. The purpose of this Chapter is to provide for the operation of the municipally owned electric system.

5-7-2 POLICY DIRECTION. The Mayor and Council shall establish appropriate rules and regulations governing the operation and maintenance of the electric system.

5-9-3 SERVICE RULES AND REGULATIONS. The rules and regulations for electric service are contained in the “Municipal Electric Utility of the City of Orient Tariff,” on file with the Utilities Division of the Iowa Department of Commerce. Also, an official copy of the rules and regulations as adopted is now on file in the office of the Clerk. The rules and regulations contained therein shall apply to all users of the municipal electric system.

5-7-4 RATES. The rates for electric service shall be as follows: *(Code of Iowa, Sec. 384.84)*

1. Resident.

A. Tax Rate – 4% - Usage Charge Only.

B. Minimum Charge - \$3.00

C. Usage Rates:

<u>Units</u>	<u>Per Unit</u>	<u>Per M</u>
First 0.00	Min. Chg.	--
Next 100.00	0.120000	120.00
Next 100.00	0.085000	120.00
Next 2,300.00	0.070000	70.00
Next and up	0.060000	60.00

D. Usage Multiplier – 10.00

2. All Electric.

A. Tax Rate – 4% - Usage Charge Only.

B. Minimum Charge - \$3.00

C. Usage Rates:

<u>Units</u>	<u>Per Unit</u>	<u>Per M</u>
First 0.00	Min. Chg.	--
Next 300.00	0.100000	100.00
Next and up	0.063000	63.00

D. Usage Multiplier – 10.00

3. Heat Meter.

A. Tax Rate – 4% - Usage Charge Only.

B. Minimum Charge - \$0.00

E. Usage Rates:

<u>Units</u>	<u>Per Unit</u>	<u>Per M</u>
First 0.00	Min. Chg.	--
Next and up	0.060000	60.00

F. Usage Multiplier – 10.00

4. Demand.

A. Tax Rate – 4% - Usage Charge Only.

B. Minimum Charge - \$75.00

G. Usage Rates:

<u>Units</u>	<u>Per Unit</u>	<u>Per M</u>
First 0.00	Min. Chg.	--
Next and up	3.000000	3000.00

H. Usage Multiplier – 10.00

5-7-5 AUTOMATIC RATE ADJUSTMENT. Rates for service provided above shall be adjusted in the manner and method established for sliding scale or automatic adjustment of rates and charges as provided in the tariff on file with the Utilities Division of the Iowa Department of Commerce. Adjustments made hereunder shall be approved by resolution of the Council which resolution shall be set out in the published proceedings of the Council.

TITLE V PHYSICAL ENVIRONMENT

CHAPTER 8 NATURAL GAS

FRANCHISE ORDINANCE

An ordinance granting to Interstate Power & Light Company (“Company”), its successors and assigns, the right and franchise to acquire, construct, erect, maintain and operate a natural gas distribution system in the City of Orient, Adair County, Iowa, and the right to lay down, operation and maintain the necessary pipes, mains, and other conductors and appliances in, along and under the streets, avenues, alleys and public places of the City of Orient, Adair County, Iowa, as now or hereafter constituted, for a period of twenty-five (25) years, for the purpose of distributing, supplying and selling natural gas to the City and its inhabitants thereof and to persons and corporations beyond the limits thereof.

BE IT ORAINED BY THE City Council of the City of Orient, Adair County, Iowa on the 14th day of August, 2006:

Section 1. There is hereby granted to INTERSTTAE POWER & LIGHT COMPANY, hereinafter referred to as the “Company,” its successors and assigns, the right, franchise and privilege for the term of twenty-five (25) years from and after the passage, adoption, approval and acceptance of this Ordinance, to lay down, maintain and operate the necessary pipes, mains and other conductors and appliances in, along and under the streets, avenues, alleys and public places in the City of Orient, Adair County, Iowa as now or hereafter constituted, for the purpose of distributing, supplying and selling gas to said City and the residents thereof and to persons and corporations beyond the limits thereof; also the right of eminent domain as provided in Section 364.2 of the Code of Iowa. The term “gas” as used in this franchise shall be construed to mean natural gas only.

Section 2. The mains and pipes of the Company must be so placed as not to interfere unnecessarily with water pipes, drains, sewers and fire plugs which have been or may hereafter be placed in any street, alley and public places in said City nor unnecessarily interfere with the proper use of the same, including ordinary drainage, or with the sewers, underground pipe and other property of the City, and the Company, its successors and assigns shall hold the City free and harmless from all damages arising from the negligent acts or omissions of the Company in the laying down, operation and maintenance of said natural gas distribution system.

Section 3. In making any excavations in any street, alley, avenue or public place, Company, its successors and assigns, shall protect the site while work is in progress by guards, barriers or signals, shall not unnecessarily obstruct the use of the streets, shall back fill all openings in such manner as to prevent settling or depressions in surface, and shall replace the surface, pavement or sidewalk of such excavations with same materials, restoring the condition as nearly as practical and if defects are caused shall repair the same.

Section 4. The Company shall, at its cost and expense, locate and relocate its existing facilities or equipment in, on, or 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 of, in or about any such street or alley or reasonably promoting the efficient operations of any such improvement. If the City orders or requests the Company to relocate its existing facilities or equipment for the primary benefit of a commercial or private project, or as the result of the initial request of a commercial or private developer or other non-public entity, 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. The City shall give the Company reasonable advance written notice to vacate a public right-of-way. Vacating a public right-of-way shall not deprive the Company of its right to operate and maintain existing facilities, until the reasonable cost of relocating the same are paid to the Company.

Section 5. Said Company, its successors and assigns, shall throughout the term of the franchise distribute to all consumers gas of good quality and shall furnish uninterrupted service, except as interruptible service may be specifically contracted for with consumers; provided, however, that any prevention of service caused by fire, act of God or unavoidable event or accident shall not be a breach of this condition if the Company resumes service as quickly as is reasonably practical after the happening of the act causing the interruption.

Section 6. The franchise granted by this Ordinance shall not be exclusive.

Section 7. The term of the franchise granted by this Ordinance and the rights granted thereunder shall continue for the period of twenty-five (25) years from and after its acceptance by the said Company, as herein provided.

Section 8. The expense of the publication of this Ordinance shall be paid by the Company.

Section 9. The franchise granted by this Ordinance shall be conditioned upon acceptance by the Company in writing. The acceptance shall be filed with the City Clerk within ninety (90) days from passage of this ordinance.

Section 10. This ordinance sets forth and constitutes the entire agreement between the Company and the City of Orient with respect to the rights contained herein, and may not be superseded, modified or otherwise amended without the approval and acceptance of the Company. Notwithstanding the foregoing, in no event shall the City of Orient enact any ordinance or place any limitations, either operationally or through the assessment of fees, that create additional burdens upon the Company, or which delay utility operations.

TITLE V PHYSICAL ENVIRONMENT

CHAPTER 9 WATER SERVICE RULES

DIVISION ONE -- STATEMENTS OF OPERATION

SECTION 1.1 PURPOSE

These Water Service Rules of Orient Municipal Utilities have been adopted by the City Council of Orient. The rules are subject to change from time to time to ensure safe and efficient service in compliance with applicable laws and regulations.

SECTION 1.2 APPLICABILITY

These service rules are intended to broadly govern operation of the municipal water utility. Where a rule cannot be reasonably applied to a specific situation, the City Council reserves the right to act in an adjudicative capacity to resolve such conflicts.

Rates and charges are not included in these service rules. References to rates or charges and certain other terms and conditions of service “adopted by the City Council” refer to applicable resolutions adopted by the City Council.

SECTION 1.3 DEFINITIONS

Unless another meaning is specifically indicated, when used in these rules:

- a. “Complaint” means a statement or question by anyone, whether a utility customer or not, alleging a wrong, grievance, injury, dissatisfaction, illegal action or procedure, dangerous condition or action, or utility obligation. The utility may require that complaints be in writing.
- b. “Customer” is the account holder or any person, firm, association, or corporation, any agency of the federal, state or local government, or legal entity directly benefiting from water service from the water utility. In the case of a residence, customer also means other adult persons occupying the residence, which means they are receiving benefit from the water service.
- c. “Delinquent or delinquency” means an account for which a service bill or service payment has not been paid in full on or before the last day for timely payment.
- d. City Council means the governing body established under Chapter 388, Code of Iowa.
- e. “Meter” a device that measures and registers the use of water.
- f. “Timely Payment” is a payment on a customer’s account made on or before the date shown on the current bill for service, or on a form which records an agreement between the customer and a utility for a series of partial payments to settle a delinquent account, as payment charge to the current bill or future collection efforts.
- g. “Utility” means Orient Municipal Utilities.

DIVISION TWO -- SERVICE CHARACTERISTICS

SECTION 2.1 SERVICE CHARACTERISTICS (General Statement)

The Utility shall maintain at its expense that portion of the service line from the main to the lot or easement line (or master meter location in the case of a privately owned rural service line), including the necessary tap, fittings, pipe and curb stop with riser, after it is installed at the customer's expense to the utility's specifications. The customer shall install and maintain at its expense that portion of the service line from said lot or easement line (or master meter location) to his premises. All service lines shall be sized by the utility and installed at a depth of five (5) feet. Service lines under the size of two (2) inches shall be constructed of 200 PSI iron pipe size rolled plastic from the main to the meter. Service lines of two (2) inch and larger may be constructed of other materials, approved by the superintendent, which a minimum rating of 200 PSI and provisions for locating.

2. ENGINEERING PRACTICE

Facilities of the utility shall be constructed, installed, maintained and operated in accordance with accepted good engineering practice in the water industry to assure, as far as reasonably possible, continuity of service and safety of people and property.

The utility shall make all reasonable efforts to eliminate interruption of service, and when such interruptions occur will endeavor to reestablish service with the shortest possible delay. Whenever the service is interrupted for the purpose of working on the water system, all customers will be notified in advance, whenever possible and practical to do so.

The utility shall in no event be held responsible for any claims made against it by reason of the breaking of any mains or service pipe, or by reason of any other interruption caused by the malfunction of equipment or stoppage for necessary repairs; and no person shall be entitled to damages nor refund of payment for any interruption of service deemed necessary by the utility.

3. SPECIAL CONDITIONS OF SERVICE

Except for facilities defined in Division Two, Section 2.1 of these rules as a responsibility of the utility, the customer shall be responsible for all pipes and plumbing equipment on his or her premises. The installation and maintenance of customer facilities shall be consistent with standards imposed by the state plumbing code of Iowa and or the Iowa Department of Natural Resources.

The customer's facilities shall be subject to inspection by the utility during normal working hours. No inspection or approval of a customer's compliance with this section by the utility or other agent of the municipal government shall be construed to impose any duty or liability on the utility, but shall be considered solely for the purpose of ensuring protection of the utility's property and continuity of service to the customers of the utility.

4. METER INSTALLATION

Water meters shall be sized by the utility. Water meters shall be installed horizontally, with an inlet meter valve ¼ turn brass ball valve and on outlet side a back-flow prevention valve and a remote reader will be installed by the City.

The water meter, remote reader and wire, meter valve and back-flow preventer will be maintained free of charge by the utility (after original approved installation, paid for by the customer), except when damaged by freezing, hot water or through carelessness, neglect or tampering by the owner or customer.

a. Individual Metering

Individual metering shall be required on multi-occupancy premises in which units are separately rented or owned, except that the utility may provide single meters for water used:

Where individual metering is impractical and/or where a facility is designated for elderly or handicapped persons and utility costs constitute part of the operating cost and are not apportioned to individual tenants.

b. Special Metering Installations

The utility reserves the right, at its option, to require or place special meters or instruments on the premises of a customer for the purpose of special tests of all or part of the customer's water usage.

c. Meter Testing

All meters and associated devices shall be inspected, tested, adjusted, and certified to be within an allowable tolerance of error, in accordance with commonly accepted engineering practice.

d. Meter Location

Water meters shall be located inside the building served, between one (1) and two (2) feet from the location where the service pipe enters the building. With a remote reader installed on the outside of the building, close to the electric meter if feasible. Exceptions: the water meter may be installed in a meter pit if in a rural type setting where the service line from the property or easement line to the building to be served is longer than two hundred (200) feet. The customer shall pay for and maintain the meter pit. Easy access shall be maintained for the utility by the owner and or customer to both the meter and the remote reader. Easy opening gates shall be installed in fenced in yards where access is needed to read meters. If no gate is installed after thirty (30) days, water service will be disconnected until access to read and service outside readers is installed. Meter pits shall be required for all newly constructed homes with no basements.

e. Water meter reading will be done on the twentieth (20th) day of each month.

Exceptions: inclement weather or if the twentieth (20th) day of the month falls on Saturday, Sunday, or a holiday; in which cases the meter will be read the day before or after said day.

CUSTOMER RELATIONS

1. APPLICATION FOR SERVICE

Application for service shall be filed at the utility's business office. At the time of application, the applicant shall be given an opportunity to designate a person or agency to receive a copy of any notice to disconnect service due to the applicant's nonpayment of a bill. As soon as practicable after the approval of the application, the utility shall supply service to the applicant in accordance with these rules.

2. CUSTOMER DEPOSITS

A deposit will be required for all water services.

3. BILLING INFORMATION

Customers shall be billed on a monthly basis according to the appropriate rate schedule for metered service received during the billing period.

1. Billing Form

The following information shall be included on the billing form or made available to the customer at the utility's business office.

- a. The actual or estimated meter readings at the beginning and end of the billing period.
- b. The date of the meter readings.
- c. The number and kind of units metered.
- d. Reference to the applicable rate schedule.
- e. The account balance brought forward and amount of each net charge, and total amount currently due. In the case of prepayment meters, the amount of money collected shall be shown.
- f. The last date for timely payment shall be clearly shown and shall be not less than twenty days after the bill is rendered.
- g. A distinct marking to identify an estimated bill or meter reading.
- h. A distinct marking to identify a minimum bill.

2. When Payable – late Payment Penalty

A bill shall be due and payable when rendered and shall be considered delinquent after twenty days from the time it is rendered. A bill shall be considered rendered by the utility when deposited in the U.S. Mail with postage prepaid or when delivered by the utility to the last known address of the party responsible for payment. Bill payments received by the utility on or after the delinquent date shall be for the gross amount stated on the bill which shall include a late payment penalty (set by the City Council) per month of the last due amount. Failure to receive a properly rendered bill shall not entitle the customer to relief from penalties for late payment.

3. Partial Payments

When a partial payment is made prior to the delinquent date and without designation as to the service being paid the payment shall be credited pro-rata between the bill for municipal utility services and related taxes.

4. Where Payable

Bills shall be paid by mail, by direct deposit through a designated financial institution, by deposit in a designated receptacle, or in person at the utility's business office.

5. Minimum Bill

The minimum bill provided for in the rate schedule will apply to any billing period during which the service remains connected.

6. Temporary Disconnections

The Utility may, upon reasonable notice by a customer, make temporary disconnections for the customer's convenience.

7. Service Calls

The customer shall be billed for the cost of services not the responsibility of the utility, as follows:

- a. For a service call where the trouble is found to be on the customer's equipment, the customer shall be billed in accordance with terms and conditions established by the City Council.
- b. For a service call requesting the relocation of facilities belonging to the utility, the customer shall be billed for the direct cost of labor and replacement of materials. An advance deposit equal to the total estimated cost may be required where the estimate exceeds one hundred dollars.

8. Customer Requested Meter Tests

The utility will periodically inspect and test meters in accordance with accepted engineering practice. In addition to regular testing, the customer may request a meter test, providing that such tests need not be made more frequently than one each eighteen (18) months. The customer or the customer's representative may be present when the meter is tested and the results shall be reported to the customer within a reasonable time. If the meter is within the allowable tolerance, the customer shall be billed for the cost of the test in an amount established by the City Council.

9. Adjustment of Bill for Meter Error

Whenever a meter is found to have an average error of more than 2.0 percent the utility shall adjust a current customer's bill or issue a refund or back bill to a past customer. The amount of the adjustment shall be calculated on the basis of metering accuracy of one hundred percent. The adjustment period shall extend from the date the error began. If that date cannot be determined, it shall be assumed the error has existed for the shortest time calculated as five years from the date the error was discovered, one half the time since the meter was installed, or one half the time since the last previous meter test. The adjustment period for slow meters shall not exceed six months without the approval of the City Council. When a meter is found not to register, the utility shall issue an estimated bill.

An adjustment, refund or back-billing shall be made for any overcharge or undercharge resulting from incorrect reading of the meter, incorrect application of the rate schedule, incorrect meter connection or other similar reason.

This section shall not be construed to require a cash refund to a current customer nor a refund or back-billing to a previous customer in an amount less than two dollars. The Utility further reserves the right to forego back-billing procedures, which it determines, is not cost effective.

10. Returned Checks

A service charge in an amount established by the City Council shall be assessed to any customer whose check is returned unpaid by the bank on which it was drawn. The service charge shall be in addition to the late payment penalty if the check is not made good and the service fee not paid prior to the delinquent date of the bill. If two or more checks are dishonored within six-month period, the utility may require future payments to be by cash, cashiers check, or postal money order.

4. DISCONNECTION OR DENIAL OF SERVICE

Water service may be discontinued by the utility for any violation of any service rule, regulation or condition of service, and especially for any of the following:

- a. Resale or giving away of water.
- b. Waste or misuse of water due to improper or imperfect service pipes, and/or fixtures, or failure to keep same in suitable repair.
- c. Tampering with the meter, meter seal, remote reader & wire, meter valve, back-flow preventer or permitting such tampering by others.
- d. Connection, cross-connection, or permitting same, to any alternative water supply and/or possible contamination.
- e. Non-payment of bills.
- f. Vicious acting dog or dogs causing meters not to be read.

Where the water service to a customer has been discontinued pursuant to this section, a reconnect charge set by the City Council (plus any delinquent bill) shall be paid in full by the customer before service is reconnected.

5. CUSTOMER OBLIGATIONS

Acceptance of service shall obligate a customer to the conditions imposed by these rules and applicable rules of the Iowa Department of Natural Resources and the state plumbing code of Iowa.

1. Damage to Utility Facilities

If any loss or damage to the property of the utility or any accident or injury to persons or property is caused by or results from the negligence or wrongful act of the customer, member of his household, his agent, employee or renter, the cost of the necessary repairs or replacements shall be paid by the customer to the utility and any liability otherwise resulting shall be that of the customer.

No unauthorized person shall be allowed to uncover, work on or make connections to the utility's water system without obtaining a work permit. The person applying for such a

permit may be required to deposit with the Utility a performance bond equal to the estimated cost of the work to be done (minimum of \$1,000) and proof of liability insurance, if deemed necessary by the General Manager and/or the City Council.

2. Customer Premises

The customer and owner shall grant the utility, without charge, right of way over and on the premises on which equipment and structures of the utility are located. Access to the equipment and structures shall be granted to the utility at reasonable times for installation, inspection, testing, repair, and other functions necessary for the maintenance of satisfactory service.

3. Notice by Customer to Terminate Service

A customer shall give the utility not less than three business days notice prior to final termination of service. Disconnection of service under this section shall be during the regular business hours of the utility.

The customer shall remain liable for water used and service rendered until transferred to another approved customer or service is discontinued at the curb stop by the utility. The curb stop requirement may be waived for residential customers who leave their homes annually, as long as proper notice is given to the utility when they leave and return.

The utility will make every attempt to inspect and read the water meter and remote reader at the time of a customer change to insure the accuracy of the remote reader.

If a building, which has water service to it, is to be torn down, the customer shall notify the utility as the customer may be required to disconnect the service line at the main and return all meters and fixtures, which have been maintained by the utility.

6. CUSTOMER COMPLAINTS

Customers may be asked to submit complaints in writing, specifying the nature of the complaint and the relief sought. Complaints concerning the charges, practices, facilities or service of the utility shall be investigated promptly and thoroughly. A customer may appeal the findings of the investigation and shall be given reasonable opportunity for a full hearing of the matter before the City Council or hearing officer(s) appointed by the City Council.

TITLE V PHYSICAL ENVIRONMENT

CHAPTER 10 SEWER AND WASTEWATER TREATMENT

ORDINANCE NO. 1996-1

AN ORDINANCE GRANTING TO THE SOUTHERN IOWA RURAL WATER ASSOCIATION, STATE OF IOWA, THE RIGHT AND NONEXCLUSIVE FRANCHISE TO CONSTRUCT A SEWER AND WASTEWATER TREATMENT FACILITY IN THE CITY OF ORIENT, ADAIR COUNTY, IOWA, AND THEREAFTER TO MAINTAIN, OPERATE, REPAIR, REMOVE, REPLACE, RENEW AND RECONSTRUCT SAID SEWER AND WASTEWATER TREATMENT FACILITIES AND THE RIGHT TO OPERATE, REPAIR, REPLACE AND MAINTAIN THE NECESSARY MAINS, PUMPS AND OTHER APPLIANCES UNDER THE STREETS, AVENUES, ALLEYS, AND PUBLIC PLACES IN THE CITY OF ORIENT, ADAIR COUNTY IOWA, AND THE RIGHT TO SUPPLY AND SELL TO INDIVIDUALS, CORPORATIONS, COMMUNITIES AND MUNICIPALITIES BOTH INSIDE AND OUTSIDE OF SAID CITY, SEWER AND WASTEWATER TREATMENT SERVICES FOR THE PERIOD OF 40 YEARS PURSUANT TO THE PROVISIONS OF CHAPTER 28E OF THE CODE OF IOWA (1995) AND PROVIDING FOR THE REGULATION OF SUCH ACTIVITY.

Be it ordained by the City Councils of the City of Orient, Iowa that:

ARTICLE ONE

PURPOSE

The purpose of this Ordinance is to set forth the terms and conditions of an agreement hereby made pursuant to the provisions of Chapter 28E of the Code of Iowa as a contract between two public entities, namely the City of Orient, Adair County, Iowa, hereinafter referred to as "Grantor" or the "City," and the Southern Iowa Rural Water Association, State of Iowa (a Rural Water District organized under Chapter 357A of the Code of Iowa), hereinafter referred to as "Grantee" or "SIRWA," for the co-operative construction, operation, maintenance, repair, reconstruction and replacement of a public improvement, namely a sewer and wastewater treatment facility within the City of Orient, Iowa.

ARTICLE TWO

GRANT OF FRANCHISE

The Grantor hereby grants to Grantee, its successors and assigns a nonexclusive franchise to construct within the City of Orient a sewage and wastewater treatment facility

and thereafter to maintain, operate, repair, replace, renew, reconstruct, and remove a sewer and wastewater treatment facility across public property in the City of Orient, Adair County, Iowa in accordance with the laws and regulations of the United States of America, the State of Iowa, and the rules and regulations of the Southern Iowa Rural Water Association, including the non-exclusive right, privilege and authority to (a) sell and supply sewer and wastewater treatment services to individuals, corporations, communities and municipalities both inside and outside said City; (b) to use public property within the City; (c) to engage in such further activities within the City as may now or hereinafter be consistent with the accepted principles applicable to the operation of a sewer and wastewater treatment facility.

For the purpose of carrying into effect the privileges granted hereunder, grantee is authorized to make all necessary excavations in the streets, alleys, sidewalks, and public grounds within the corporate limits of Grantor, but such excavations shall be carried out with reasonable dispatch and with as little interference with or inconvenience to the rights of the public as may be feasible. Grantee shall restore all streets, alleys, sidewalks, and public grounds to the condition of safety, appearance and utility specified by the relevant construction industry standards after excavation.

ARTICLE THREE

TERM

The franchise is granted for an initial term of forty (40) years commencing with the date of adoption of this Ordinance, provided, however, that Grantor may not withdraw from this agreement as long as Grantee shall have revenue bond or capital loan note obligations incurred for the construction, reconstruction or maintenance of said sewer and wastewater treatment facility outstanding at that time, as provided in Section 28E.4, Code of Iowa. Thereafter, the franchise may be renewed for an additional term upon such terms and conditions as may be mutually acceptable to Grantor and Grantee.

ARTICLE FOUR

FINANCING AND BUDGET

Initial funding of this joint undertaking shall be from revenues of the sewer utility and from loans, grants, revenue bonds or notes obtained by Grantor and Grantee for the purpose of this joint undertaking.

Said revenue bonds or notes shall mature in a period not to exceed forty years from the date of issuance, shall bear interest or combined interest and insurance charges, at a rate not to exceed that permitted by Chapter 74A, Code of Iowa, shall be payable only from revenue derived from the sale of sewer and wastewater treatment services by the Grantee,

and shall never become or be construed to be a debt against the State of Iowa, Adair County or the City of Orient.

Grantee shall have the responsibility for budgeting and administration of construction and operation of the sewer and waste water treatment system.

ARTICLE FIVE

GENERAL CONDITIONS

Section 1. Adoption of Rules and Regulations. Grantor hereby adopts and incorporates by reference the rules and regulations of the Grantee pertaining to construction, installation, repair, maintenance, and operation of the system.

Section 2. Enforcement of Mandatory Connection Ordinances. Grantor shall be responsible for enforcement of its ordinances relative to mandatory connection to the sewer utility. However, this authority shall not preclude Grantee from exercising any remedies available to it in enforcing its rights under this franchise agreement in law or equity.

Section 3. Additions to Area of Grantor. On subsequent additions of areas to Grantor, either by annexation, consolidation, or otherwise, Grantee shall surrender all agreements for sewer and wastewater treatment services held by Grantee in such areas, such surrender being deemed to take place on the occurrence of any such event. Grantee shall thereafter be subject to the provisions of the franchise granted by this ordinance as to all such areas; provided, however, that should the franchise be declared invalid or rendered inoperative by a judgment, decree, or order of a court of competent jurisdiction which, being binding hereon, becomes final for all purposes. The franchises hereby surrendered shall thereafter have the same force and effect as if such surrender had not occurred.

Section 4. Expansion of Grantee's Facilities. Any facilities and appurtenances in streets, alleys, and public places, incidental to the franchised system that have been, or are at any future time acquired, leased, or utilized in any manner by Grantee are thereupon to be deemed authorized by and shall be subject to all the provisions of the franchise.

Section 5. Limitation of Franchise. No privilege or exemption is granted or conferred by the franchise except those specifically prescribed herein. Any privilege claimed under the franchise by Grantee in any street, alley, or other public place shall be subordinated to any lawful occupancy of same by Grantor or by any other public agency, and to prior lawful occupancy of same by any other entity or person.

Section 6. Grantee's Separate Powers Not Limited. Notwithstanding the foregoing limitations, nothing in this agreement shall be deemed a limitation of Grantee's separate powers as set forth in Section 357A.11 of the Code of Iowa or any other relevant provision of the Code of Iowa and other applicable law.

ARTICLE SIX

ASSIGNMENT OF FRANCHISE

Grantee shall not have the right to sell or lease the franchise, except on prior written approval by ordinance of the City Council of Orient.

This Article shall not be deemed a limitation upon the Grantee's power and authority to pledge revenues derived from the franchise or assets of the distribution system acquired under this agreement as collateral with the United States of America, acting through Rural Development (formerly the Farmers Home Administration and hereinafter referred to as the "Government"), its successor agencies or any other lender.

Grantee does, in fact, hereby pledge and assign to the Government its rights under this contract as additional collateral.

ARTICLE SEVEN

FORFEITURE

The franchise may be forfeited, at the option of the Grantor, upon failure or refusal by Grantee to observe the terms and conditions set forth herein. Forfeiture may be exercised by written notice to Grantee of failure to observe the terms and conditions hereof, followed by Grantee's refusal to eliminate or correct such failure or violation within one year. In the event of any failure or violation, Grantor may sue in its own name in the manner provided by law for the forfeiture of the franchise and the exercise of such remedy of forfeiture shall not preclude exercise of any other right or remedy given to Grantor by law, whether exercised concurrently or subsequently.

ARTICLE EIGHT

SEVERABILITY

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

ARTICLE NINE

REPEALER

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

Passed by the Council the 27th day of August, 1996.

/s/ Robert Madden
Robert Madden, Mayor of the
City of Orient, Iowa

Attest:

/s/ Shirley Ross
Shirley Ross, City Clerk

TITLE V PHYSICAL ENVIRONMENT

CHAPTER 11 RECREATIONAL VEHICLE ORDINANCE

5-11-1	Purpose and Intent		
5-11-2	Occupancy, Parking & Storage	5-11-4	Approval by City Council
5-11-3	Occupancy Permit	5-11-5	Enforcement Penalties

5-11-1 PURPOSE AND INTENT.

1. It is the purpose of this Article to establish an ordinance to provide for the parking and occupancy of recreational vehicles within the city limits of the City of Orient, Iowa.

5-11-2 OCCUPANCY, PARKING & STORAGE.

1. It is unlawful for any person to park, place, keep or maintain any major recreational equipment such as boats, boat trailers, travel trailers, pickup campers or motor coaches, tent trailers and the like to be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot or in any location not approved for such unless such vehicle shall have been granted a Permit as provided in this Chapter of the City Code. Further it shall be unlawful for any owner, occupant, licensee or lessee of any real property, premises, lot, tract, or parcel of land to permit or allow any of the above on said real property, premises, lot, track or parcel of land, unless such vehicle shall have been granted a Permit as provided in this Chapter of the City Code.

5-11-3 OCCUPANCY PERMIT.

1. Any person or persons desiring to occupy a recreational vehicle within the City shall first file with the City Clerk a written Application for a Permit to do so, in duplicate, on a form to be furnished by the City. Any person or persons desiring to operate a site upon which two or more recreational vehicles will be occupied on a temporary basis shall first file with the City Clerk a written Application for a Permit to do so, in duplicate, on a form to be furnished by the City. Said Application shall consist of the following information, to-wit:

1. The name and address of the applicant or applicants.
2. A legal description of the proposed lot or parcel to be used by the recreational vehicle.
3. Location and size of the recreational vehicle on said lot.

4. Method and plan of sewage disposal.
5. Method and plan of public water supply facilities.
6. Method and plan of garbage disposal.
7. Method and plan of electrical supply and lighting.
8. For those locations occupied by two or more recreational vehicles, the location of each recreational vehicle shall be shown on a Plot Plan. Said Plot Plan and the location of the vehicles shall provide adequate space for fire protection vehicles and emergency vehicles to gain access to each recreational vehicle located on said lot.
9. The length of time for the proposed occupancy of the recreational vehicle. The maximum days of occupation of recreational vehicle shall be ninety (90) days in any one calendar year.

5-11-4 APPROVAL BY CITY COUNCIL.

1. After an Application for occupancy of a recreational vehicle has been filed with the City Clerk, the Application shall in turn be submitted to the City Council. Final approval of the Application shall rest with the City Council.

5-11-5 ENFORCEMENT PENALTIES

1. The provisions of this Chapter may be enforced by criminal or civil processes by any peace officer, the Mayor, or city clerk. A violation of this Chapter shall constitute a municipal infraction, punishable by a fine up to the maximum amount allowed under Iowa law and/or any other equitable relief deemed just by the court.