

MUNICIPAL CODE
LANSING, IOWA
2013 (Includes Selected
Ordinances)

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TITLE I

MUNICIPAL GOVERNMENT, STRUCTURE, AND OFFICERS

CHAPTER 1: GENERAL ORGANIZATION

ARTICLE 1

CITY CODE

- 1.01 TITLE. These ordinances will be known and cited as the Municipal Code of the City of Lansing, Iowa, 2013.
- 1.02 DEFINITIONS. Terms used within this City Code shall have the meanings defined below, unless specifically defined otherwise.
1. “City Code” shall mean the City Code of the City of Lansing, Iowa, 2013.
 2. “Code” shall mean the specific chapter in which a specific subject is covered and bears a descriptive title word.
 3. “Ordinances” shall mean the ordinance of the City of Lansing, as incorporated by the City Code, ordinances not repealed by the ordinance adopting the City Code and those passed hereafter.
 4. “Town” shall mean the City of Lansing, Iowa.
 5. “City” shall mean the City of Lansing, Iowa.
 6. “County” shall mean Allamakee County, Iowa.
 7. “State” shall mean the State of Iowa.
 8. “Person” shall mean an individual, firm, partnership, domestic or foreign corporation, company, association or joint stock association, trust, or other legal entity and includes a trustee, receiver, assignee, or similar representative but does not include a governmental body.
 9. “Clerk” shall mean City Clerk of Lansing, Iowa.
 10. “Council” shall mean the City Council of Lansing, Iowa.
 11. “Measure” shall mean an ordinance, resolution, amendment, or motion.
 12. “Statutes, Laws” shall mean the latest edition of the Code of Iowa as amended.
 13. “Property” shall include real property and tangible and intangible personal property unless clearly indicated otherwise.
 14. “Property Owner” shall mean a person owning private property in the city as shown by the county auditor’s plots of the city.
 15. “Occupant, Tenant” applied to a building or land, shall include any person who inhabits the whole part of such building or land, whether alone or with others.
 16. “Public Property” shall mean any and all property owned by the city, whether within or out of the Corporate Limits, or held in the name

TITLE I

of the city by any of the departments, commissions or agencies within the city governments.

17. "Public Place" shall mean any city-owned space or property, either open or enclosed.

18. "Street" shall mean and include any public way, highway, street, avenue, boulevard or other public thoroughfare, and include the entire width between property lines.

19. "Alley" shall mean a public right-of-way, other than a street, affording secondary means of access to abutting property.

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

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

1.04 AMENDMENTS. All ordinances which amend, repeal or affect the City Code will include proper reference to title, division, chapter, article, section, and subsection to maintain an orderly classification of ordinances of the city. (Code of Iowa, Sec. 380.2)

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

1.06 STANDARD PENALTY. Unless provided for elsewhere in the City Code, any person failing to perform a duty, obtain, a required license, or violating any provision of the City Code, or rule or regulation adopted by reference shall be guilty of a simple misdemeanor and, upon conviction, be subject to a fine of not more than one-hundred dollars (\$100.00) or imprisoned not to exceed thirty (30) days.
(Code of Iowa, Sec. 364.3 (2))

TITLE I

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

TITLE I

CHAPTER 1: GENERAL ORGANIZATION

ARTICLE 2

BOUNDARIES

2.01 CORPORATE LIMITS. The boundaries of the City of Lansing, Iowa, are and shall be as indicated in the plat of the original town, together with all the territory since annexed by law, and the streets and alleys within the limits of said boundaries of this city as heretofore dedicated by the original owners thereof, are accepted and confirmed by the council as public streets and alleys, and hereafter shall be under the care, supervision and control of said council.

TITLE I

CHAPTER 1: GENERAL ORGANIZATION

ARTICLE 3

CHARTER

3.01 PURPOSE. The purpose of this ordinance is to provide for a Charter incorporating the form of government existing on March 22, 2013.

3.02 CHARTER. This ordinance may be referred to as the Charter of the City of Lansing, Iowa.

3.03 FORM OF GOVERNMENT. The City of Lansing, Iowa, shall have the mayor-council form of government.

3.04 POWERS AND DUTIES. The council, the mayor, and other city officers have such powers and perform such duties as authorized or required by State law and by the ordinances, resolutions, rules, and regulations of the City of Lansing, Iowa.

3.05 NUMBER AND TERM ON COUNCIL. The council consists of five (5) councilmen elected at large for terms of four (4) years.

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

3.07 COPIES ON FILE. The clerk shall keep an official copy of the Charter on file with the official records of the city clerk, file one copy with the Secretary of State of Iowa, and make available copies at the clerk's office for public inspection.

TITLE I

CHAPTER 1: GENERAL ORGANIZATION

ARTICLE 4

CORPORATE SEAL

4.01 SEAL AND CUSTODY. The council shall provide a seal, in the center of which shall be the words “City of Lansing”, and the same is hereby declared to be the corporate seal. The clerk shall keep the corporate seal in his charge.

TITLE I

CHAPTER 1: GENERAL ORGANIZATION

ARTICLE 5 ELECTIONS

- 5.01 MUNICIPAL ELECTION. The regular municipal election shall be held on the first Tuesday following the first Monday of November of each odd-numbered year. The city shall conduct all regular, special, and run-off elections as provided by law. (Code of Iowa, Sec. 376.1)
- 5.02 TERMS. Terms of elected officers begin at noon on the first day of January which is not a Sunday or a legal holiday following their election (except as otherwise provided by state law, terms for elective offices are four years). (Code of Iowa, Sec. 376.2)
- 5.03 OFFICERS TO BE ELECTED. There shall be elected at each regular election a mayor and five councilmen.
- 5.04 NOMINATIONS. Candidates for elective city offices must be nominated as provided in Sections 376.4 through 376.9 of the Code of Iowa.
- 5.05 PERSONS ELECTED IN CITY ELECTIONS. (Code of Iowa, Sec. 376.8)
1. MAYOR. In a regular city election, the candidate receiving the greatest number of votes is elected.
 2. COUNCIL. In a regular city election, those candidates receiving the greatest number of votes are elected to the extent necessary to fill the positions open.
- 5.06 TIE VOTES. In a case of a tie vote resulting in failure of one candidate to receive a majority vote, the tie shall be determined by lot by the Board of Canvassers. (Code of Iowa, Sec. 43.75)
- 5.07 CONTEST. A nomination or election to an office may be contested as provided in the Code of Iowa, except the Statement of Intent to Contest must be filed with the city clerk within ten (10) days after the nomination or election. At the trial of a nomination or election, the mayor is presiding officer except when the mayor's nomination or election is contested, in

TITLE I

which case the council shall elect one of its members to serve as presiding officer. (Code of Iowa, Sec. 376.10)

5.08 OATHS. Each officer, elective or appointive, before entering upon his duties, shall qualify by taking the prescribed oath and giving a bond when required before noon of the second secular day in January of the first year of the term of which such officer was elected. (Code of Iowa, Sec. 63.10)

1. PRESCRIBED OATH: I, (name), do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Iowa, and that I will faithfully and impartially, to the best of my ability, discharge all duties of the office of (name of office) in Lansing, Iowa, as now or hereinafter required by law. (Code of Iowa, Sec. 63.10)

2. OFFICERS EMPOWERED TO ADMINISTER OATHS: The following are empowered to administer oaths and to take affirmations in any matter pertaining to the business of their respective office:

A. Mayor,

B. Clerk,

C. Members of all boards, commissions, or bodies created by law. (Code of Iowa, Sec. 78.2 (4))

5.09 BONDS. The following shall apply to bonds of municipal officers:

1. CONDITIONS. All public officers, except as otherwise provided, shall give bond with the conditions stated in the Code of Iowa.

2. BOND NOT REQUIRED. Bonds shall not be required of councilmen.

(Code of Iowa, Sec. 64.1)

3. AMOUNT OF BOND. A bond of two thousand five hundred (\$2,500.00) each shall cover the Mayor/Mayor ProTem; and ten thousand dollars (\$10,000.00) each shall cover the Clerk and Treasurer.

(Code of Iowa, Sec. 64.7)

TITLE I

5.10 UNAVOIDABLE CASUALTY. When on account of sickness, inclement weather, or unavoidable absence or casualty an officer has been prevented from qualifying within the prescribed time; he may do so within ten days after that fixed time. (Code of Iowa, Sec. 63.3)

TITLE I

CHAPTER 1: GENERAL ORGANIZATION

ARTICLE 6

OFFICERS AND EMPLOYEES

- 6.01 GENERAL DUTIES. Each municipal officer shall exercise the powers and perform the duties prescribed by law and ordinance, or as otherwise directed by the council, unless contrary to State law or City Charter.
- 6.02 OFFICERS TO BE APPOINTED. The following appointments shall be made:
1. CLERK/TREASURER. The council shall appoint a city clerk and a treasurer to perform duties prescribed by State or City law. (Code of Iowa, Sec. 372.13 (3))
 2. POLICE CHIEF. The mayor shall appoint the police chief. (Code of Iowa, Sec. 372.4)
 3. MAYOR PRO-TEM. The mayor shall appoint a council member as mayor pro-tem. (Code of Iowa, Sec. 372.4)
 4. OTHER OFFICERS AND EMPLOYEES. The council may appoint other city officers and employees and prescribe their powers, duties, compensation, and terms unless as provided otherwise by law. (Code of Iowa, Sec. 372.13 (4) & 372.4)
- 6.03 BOOKS AND RECORDS. The public has the right, upon request, to examine, copy, or publish all books and records required to be kept by law or ordinance, unless the records are required to be kept confidential or this right is limited by other provisions in the Code of Iowa. (Code of Iowa, Sec. 68A.2 & 68A.7)
- 6.04 TRANSFER OF RECORDS AND PROPERTY TO SUCCESSOR. Each officer shall transfer to his successor in office all books, papers, records, documents, and property, together with an invoice of the same, in his possession pertaining to his office. (Code of Iowa, Sec. 69.3)

TITLE I

- 6.05 CONFLICT OF INTEREST. A city officer or employee shall not have an interest, direct interest, in any contract or job of work or material or the profits thereof or services to be furnished or performed for his city, unless expressly permitted by law. A contract entered into in violation of this section is void. (Code of Iowa, Sec. 362.6)
- 6.06 RESIGNATIONS. Resignations may be made by all council members and officers to the mayor. (Code of Iowa, Sec. 69.4(5))
- 6.07 NON-ELIGIBILITY FOR REAPPOINTMENT. A person who resigns from an elective office is not eligible for appointment to the same office during the time for which he was elected if, during that time, the compensation for the office has been increased. (Code of Iowa, Sec. 372.13 (9))
- 6.08 VACANCIES. A vacancy in an elective office during a term of office shall be filled by the council within thirty (30) days after the vacancy occurs for the balance of the unexpired term, unless a special election is held.
- 6.09 REMOVAL OF APPOINTED OFFICERS. Except as otherwise provided by law, all persons appointed to city office may be removed by the officer or body making the appointment, but every such removal shall be by written order. The order shall give the reasons, be filed with the clerk, and a copy shall be sent by certified mail to the person removed. Upon request filed with the clerk within thirty (30) days of the date of mailing the copy, the removed person shall be granted a public hearing before the council on all issues connected with the removal. The hearing shall be held within thirty (30) days of the date the request is filed, unless the person removed requests a later date.
(Code of Iowa, Sec. 372.15)
- 6.10 POSITIONS COMBINED. The powers and duties of a superintendent of any public works may be delegated to any other officer or employee or may be combined with each or any other office or position by resolution passed by a majority vote of the entire council.

TITLE I

CHAPTER 1: GENERAL ORGANIZATION

ARTICLE 6A REMOVAL FROM OFFICE

6A.01 REMOVAL BY COUNCIL. Any appointive or elective officers holding any public office in the City of Lansing, Iowa, may be removed from office by the City Council for any of the following reasons:

1. For willful or habitual neglect or refusal to perform the duties of the office.
2. For willful misconduct or maladministration in office.
3. For corruption.
4. For extortion.
5. Upon conviction of a felony.
6. For intoxication or upon conviction of being intoxicated.
7. Upon conviction of violating the provisions of Chapter 56, Code of Iowa, concerning campaign finance disclosures or any subsequent amendments thereto.

6A.02 PETITION FOR REMOVAL. The Petition for Removal may be filed by any elected City officer or by any five qualified electors of the municipality of the City of Lansing, Iowa, where the duties of the office are to be performed. The Petition shall specifically set out the charges against the elected or appointed officer and shall be filed in the Office of the City Clerk of the City of Lansing, Iowa.

6A.03 NOTICE. Upon receipt of a Petition for Removal, the City Council at its next regularly scheduled meeting shall set the time and place for a public hearing at which the Petition for Removal shall be considered. The hearing shall be not less than 10 days nor more than 30 days after completed service of notice has been made upon the officer who is sought to be removed. Notice of the time and place of the hearing shall be served upon the officer sought to be removed by means of certified mail, return receipt requested, and shall provide said officer with at least 10 days prior notice of the hearing.

6A.04 HEARING. The hearing upon the Petition for Removal shall be conducted at a public meeting of the City Council at which time the Petitioner shall submit evidence to the City Council to support the

TITLE I

Petition for Removal. The officer who is sought to be removed is entitled to present evidence to the City Council for consideration on the issue of removal and shall have the right to representation by an attorney, if so desired.

6A.05 REMOVAL. If upon presentation of evidence the City Council deems that the Petition for Removal shall be granted, it shall enter its judgment for removal of record, and the vacancy forthwith shall be filled as provided by law.

6A.06 REMOVAL OF APPOINTEES. The removal procedures enumerated in this Article as to appointive officers shall be in addition to and shall not act as a limitation of those procedures set out in Section 372.15 of the Code of Iowa, as amended.

TITLE I

CHAPTER 2: EXECUTIVE STRUCTURE

ARTICLE 7

MAYOR

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

1. SUPERVISE DEPARTMENT HEADS. Supervise and give direction to all city department heads concerning departmental functions. He may examine all department functions and records and call for special reports from department heads at any time.
2. PRESIDING OFFICER. Act as presiding officer at all regular and special council meetings. He may call special meetings of the council when necessary to the interests of the city.
3. ACTION ON ORDINANCE. May sign, veto, or take no action on an ordinance, amendment, or resolution passed by the council. He must provide all explanation for a veto on a measure. (Code of Iowa, Sec. 380.5)
4. REPORTS. Make oral or written reports to the council at the first meeting of every month which concern municipal affairs, department, and recommendations suitable for council action.
5. CONTRACTS. Sign all contracts on behalf of the city when authorized by the council.
6. REPRESENT CITY. Represent the city in all negotiations legally entered, unless this duty is otherwise delegated by law or ordinance.
7. SECURE SERVICES. Secure special or professional services not available to tile city, upon order of the council.
8. AUTHORIZE LICENSES AND PERMITS. Sign all licenses and permits granted by the council, except those legally designated to be issued by another municipal officer.
9. REVOKE LICENSES AND PERMITS. Under council authorization, revoke permits or licenses granted by the council when their terms, the city ordinance, or the State laws are violated by title Holders of the permits or licenses.
10. MAYOR PRO TEMPORE. Designate one member of the council as mayor pro tempore.

TITLE I

11. ABSENTEE OFFICER. Provide that the duties of an absentee officer are carried on during the officer's absence.
12. REMOVE NUISANCES. Order to be removed, at public expense, any nuisance for which no person can be found responsible and liable. The order shall be in writing and carried out by the Police Department.

7.01 VOTING. The mayor is not a member of the council and may not vote as a member of the council. (Code of Iowa, Sec. 372.4)

7.02 COMPENSATION. The salary of the mayor shall be one hundred dollars (\$100) per month. (Code of Iowa, Sec. 372.13(8))

TITLE I

CHAPTER 2: EXECUTIVE STRUCTURE

ARTICLE 8

MAYOR PRO TEMPORE

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

1. VICE PRESIDENT. Serves as vice-president of the council.
2. PERFORM IN MAYOR'S ABSENCE. Perform the duties of the mayor in case of absence or inability of the mayor to perform his duties.
3. LIMITED POWER. Shall not have power to employ or discharge officers or employees that the mayor has the power to appoint, employ, or discharge.
4. VOTING. May vote as a member of the council.

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

TITLE I

CHAPTER 2: EXECUTIVE STRUCTURE

ARTICLE 9 COUNCIL

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

1. GENERAL. All powers of the city are authorized in the council unless otherwise provided by law or ordinance. (Code of Iowa, Sec. 364.2(1))
2. FUNDS. Apportion and appropriate all funds, and audit and allow all bills, accounts, payrolls, and claims, and order payment thereof. It may make all assessments for the cost of municipal improvements or repairs. (Code of Iowa, Sec. 384.16 & 384.38(1))
3. PUBLIC IMPROVEMENTS. Make all orders for the doing of public improvements and award-of-contracts for construction of any public improvements.
4. CONTRACTS. Make or authorize all contracts. No contract shall bind or be obligatory upon the city unless made by ordinance or resolution adopted by the council, put in written form and approved by the council or authorized by ordinance or resolution adopted by the council. Contracts and authorizing ordinances or resolutions shall be drawn or approved by the city attorney before they are made or passed. (Code of Iowa, Sec. 384.101)
5. OFFICERS AND EMPLOYEES. Appoint and remove city officers and employees and prescribe their powers, duties, compensation, and terms. (Code of Iowa, Sec. 372.13 (4&8))
6. PRESCRIBE COMPENSATION. Prescribe the compensation of the mayor, councilmen, and other city officers. (Code of Iowa, Sec. 372.13 (8))

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

TITLE I

1. APPROVED ACTION BY COUNCIL. Passage of an ordinance, amendment, or resolution requires an affirmative vote of not less than a majority of the council members. A motion to spend public funds in excess of thirty-six thousand dollars (\$36,000) 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 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 council may pass the ordinance or resolution by a vote of not less than two-thirds (2/3) of the council members; and the ordinance or resolution becomes effective upon passage and publication. (Code of Iowa, Sec. 380.6(2))
3. MEASURES BECOME EFFECTIVE. Measures passed by the council, other than motions, become effective in one of the following ways:
 - a. If the mayor signs the measure, a resolution becomes effective immediately upon signing; and an ordinance or amendment becomes a law when published, unless a subsequent effective date is provided within the measure. (Code of Iowa, Sec. 380.6(1))
 - b. If the mayor vetoes a measure and the council passes the same measure after the mayor's veto, a resolution becomes effective immediately upon passage; and an ordinance or amendment becomes a law when published, unless a subsequent effective date is provided within the measure. (Code of Iowa, Sec. 380.6 (2))
 - c. If the mayor takes no action on the measure, a resolution becomes effective fourteen (14) days after the date of passage; and an ordinance or amendment becomes a law when published, but not sooner than fourteen (14) days after the day of passage, unless a

TITLE I

subsequent effective date is provided within the measure. (Code of Iowa, Sec. 380.6 (3)).

9.03 COUNCIL COMMITTEES

1. APPOINTMENTS. The mayor shall appoint the council committees with approval of the council and any special committees of the council. The committees shall consist of two Council members; the first named shall be chairman. The mayor shall name the chairman of special committees and such other number of councilmen as members as he deems appropriate. The mayor shall be an ex-official member of each committee. The mayor shall appoint the committees at the first meeting in January following each municipal election. Special committees may be named by the mayor when deemed useful to the city.

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

1. REGULAR MEETINGS. The regular meetings of the council shall be held on the first and third Monday of each month at 7:00PM in the Council Chambers, except when the first Monday of the month is a legal holiday, the meeting will be on the following day.

2. SPECIAL MEETINGS. Special meetings shall be held upon call of the mayor or upon the written request of a majority of the members of the council submitted to the clerk. Notice of a special meeting shall specify the date; time, place, and subject of the meeting; and such notice shall be given personally or left at the usual place of residence of each member of the council. A record of the Service of Notice shall be maintained by the clerk. (Code of Iowa, Sec. 28. A(4))

3. OPEN MEETINGS. All meetings of the council, council commissions or special committees shall comply with the Code of Iowa, as amended. (Code of Iowa, Sec. 28.A.)

4. QUORUM. A simple majority of all council members is a quorum.

5. RULES OF PROCEDURE. The council shall determine the rules of its own proceedings by resolution, and the clerk shall keep such rules on file for public inspection. (Code of Iowa, Sec. 372.13(5)).

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9.05 ELIGIBILITY FOR APPOINTMENT. A councilmember is not eligible for appointment to any city office if the office has been created or the compensation of the office has been increased during the term for which he is elected. (Code of Iowa, Sec. 372.13(9))

9.06 COMPENSATION. The salary of each councilmember shall be twenty dollars (\$20) for each regular council meeting attended, and ten dollars (\$10) for each special council meeting attended. (Code of Iowa, Sec. 372.13(8))

TITLE I

CHAPTER 3: ADMINISTRATIVE STRUCTURE

ARTICLE 10 CITY CLERK

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

1. ADMINISTER OATHS. Administer oaths of office to any city officer who is required to give an oath. (Code of Iowa, Sec. 78.2(4))

2. ATTEND MEETINGS. Attend all meetings of the council.

3. RECORD PROCEEDINGS. Record and preserve a record of meeting proceedings and publish a summary of Council proceedings after each regular or special meeting. (Code of Iowa, Sec. 380.7(1))

4. ORDINANCES. Publish all ordinances immediately after passage and approval by council and keep an ordinance book authenticating each ordinance and certifying as to the time and manner of publication. (Code of Iowa, Sec. 380.7 (2) & 362.3)

5. COUNCIL COMMUNICATIONS. Keep and date all petitions directed to the council or city, and endorse thereon council action taken on matters presented in such documents. (Code of Iowa, Sec. 372.13 (4))

6. CORPORATE SEAL. Affix the corporate seal to those public documents or instruments as directed by the mayor or council or as required by law. (Code of Iowa, Sec. 380.7 (3))

7. ELECTIONS. Accept the nomination petition of a candidate for a city office for filing if on its face it appears to have requisite number of signatures and it is timely filed. He shall deliver all nomination petitions to the county commissioner of elections no later than five o'clock p.m. (5 p.m.) on the day following the last day on which nomination petitions can be filed. (Code of Iowa, Sec. 376.4)

8. ISSUE LICENSES AND PERMITS. Issue all council-approved licenses and permits and keeps a record of them showing the date, number, to who issued, and for what purpose.

9. OTHER DUTIES. Perform such other duties as specified by council resolution or ordinance.

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

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1. BUDGET ACCOUNTS. Maintain the budgetary accounts required by law and as directed by the council.

2. BUDGET REPORTS. Prepare and publish all financial budgetary reports and the list of claims, as required by law.

3. REVENUES FROM CITY UTILITY. The gross revenues of a city utility combined utility system, city enterprise, or combined city enterprise must be deposited with the treasurer and kept in a separate account from each other and other funds of the city. (Code of Iowa, Sec. 384.85)

4. PAY CLAIMS. Pay all claims against the city only upon council order.

5. AUTHENTICATE DOCUMENTS. Sign all evidences of indebtedness, coupons, or certificates as required by law. (Code of Iowa, Sec. 380.7 (3))

6. FILE WITH COUNTY AND STATE. File the council's depository declaration with the county and state treasurers in January each year and at other times when necessary. (Code of Iowa, Sec. 454.6)

7. RECEIPT. Prepare a receipt in triplicate for all funds received. He shall give the original to the party delivering the funds.

8. ACCOUNTS DISBURSED. Keep an accurate record of all disbursements, money or property, specifying date, to whom, and from what fund paid.

9. SPECIAL ASSESSMENTS. Keep a separate account of all money received by him from special assessments.

10. DEPOSITS. Deposit immediately upon receipt city moneys to be held in his custody in Council approved banks for amounts not exceeding the monetary limits authorized by the Council.

10.03 Deposit immediately upon receipt city moneys to be held in his custody in Council approved banks for amounts not exceeding the monetary limits authorized by the Council.

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

1. FILE AND RECORD TRANSACTIONS. File and preserve all receipts, vouchers, and other documents kept or required to be kept so

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as to prove the validity of every transaction and identity of any person having a beneficial relation thereto.

2. DESTROY OLD RECORDS. Destroy all vouchers and minor records over ten years old except those specified for retention by law. (Code of Iowa, Sec. 372.13 (3&5))

3. FURNISH COPIES. Furnish, upon request, to any municipal officer a copy of any record, paper, or public document under his control when necessary to the discharge of the officer's duty. He shall also furnish a copy to any citizen when requested upon payment of the allowable charge set by law or council. (Code of Iowa, Sec. 380.7 (4)).

4. CERTIFY MEASURES. Certify all measures establishing zoning district, building lines, or fire limits, and a plat showing each district, lines, or limits to the county recorder containing affected parts of the city. (Code of Iowa, Sec. 380.11)

5. RECORD APPOINTMENTS. Keep a record of all appointments, notifying all persons appointed by the mayor or council of such appointments and the time of taking office.

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

1. TIME If notice of an election, hearing, or other official action is required by the city code or law, the notice must be published at least once, not less than (4) nor more than twenty (20) days before the date of the election, hearing, or other action, unless otherwise provided by law.

2. MANNER OF PUBLICATION. A publication required by the city code or law must be in a newspaper published at least once weekly or having general circulation in the city.

10.05 COMPENSATION. The clerk shall be paid such compensation as specified by resolution of the council. (Code of Iowa, Sec. 372.13 (8))

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CHAPTER 3: ADMINISTRATIVE STRUCTURE

ARTICLE 11 TREASURER

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

1. SEPARATE FUNDS. Keep the record of each fund separate.
2. ACCOUNTS RECEIVED. Keep an accurate record of all money or securities received by him on behalf of the municipality and specify date, from whom, and for what purpose received.
3. BALANCE ACCOUNTS. Reconcile the bank statements with his books and certify monthly to the council the balance of cash and investments and amounts received and disbursed for each fund.
4. INVESTMENTS. Invest all idle funds and other funds as directed by the Council in accordance with law and make reports to the State Auditor as required by law.
5. BONDS. Keep a register of all bonds outstanding and record all payments made of interest and principal.

11.02 COMPENSATION. The Treasurer shall be paid such compensation as specified by resolution of the Council.

TITLE I

CHAPTER 3: ADMINISTRATIVE STRUCTURE

ARTICLE 12
CITY ATTORNEY

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

1. LOCATION. Be situated in a convenient location to maintain necessary coordination with the general governmental activities of the municipality.

2. ATTEND MEETINGS. Attend those meetings of the council at which he is requested to be present.

3. DRAFTS. Formulate drafts for contracts, forms, and other writings which may be required for the use of the city upon request.

4. DOCKET AND RECORD OF OPINIONS. Keep in proper files a record of all official opinions and a docket or register of all actions prosecuted and defended by the city attorney accompanied by all proceedings related to said actions.

5. LEGAL OPINION. Give his opinion verbally, or on request in writing, upon all questions of law relating to municipal affairs submitted by the council, the mayor, and members of the council individually, municipal boards, or the head of any municipal department upon request.

6. PREPARE ORDINANCES. Prepare those ordinances which the council may desire and direct to be prepared and report to the council upon all ordinances before their final passage by the council and publication.

7. REPRESENT THE CITY. Act as attorney for the city in all matters affecting the city's interests and appear on behalf of the city before any court tribunal, commission, or board. He shall prosecute or defend all actions and proceedings when so requested by the mayor or the council.

8. REPRESENT MUNICIPAL OFFICERS AND EMPLOYEES. Not appear on behalf of any municipal officer or employee before any court or

TITLE I

tribunal for the purely private benefit of said officer or employee. He shall, however, if directed by the council, appear to defend any municipal officer or employee in any cause of action arising out of or in the course of the performance of the duties of his/her office or employment.

9. CERTIFY BONDS. Sign the name of the city to all appeal bonds and to all other bonds or papers of any kind that may be essential to the prosecution of any cause in court; and when so signed, the city shall be bound upon the same.

10. REVIEW CONTRACTS. Make a written report to the council and interested department heads of the defects in all contracts, documents, authorized power of the city officer, and ordinances submitted to him or coming under his notice.

11. CONTRACTS. Offer a written opinion on and recommend alterations pertaining to contracts involving the city before they become binding upon the city or are published.

12.02 COMPENSATION. The city attorney shall be paid such compensation as specified by resolution of the council. (Code of Iowa, Sec. 372.13 (4)).

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CHAPTER 3: ADMINISTRATIVE STRUCTURE

ARTICLE 13 SUPERINTENDENT OF PUBLIC WORKS

13.01 SUPERINTENDENT OF PUBLIC WORKS. A Superintendent of Public Works shall be appointed by the Council to serve at its pleasure.

13.02 POWERS AND DUTIES. The powers and duties of the Superintendent of Public Works shall be as follows: (Code of Iowa, Sec. 372.13 (4)).

1. SUPERVISE WATER PIPE, STORM AND SANITARY SEWER INSTALLATIONS. Supervise the installation and connection of all water pipes, storm and sanitary sewers in the city in accordance with the State Plumbing Code.

2. INSPECT CONNECTIONS. Inspect all water connections, sewer connections and sewer interceptors, and report findings to the City Council.

3. PERFORM TAPS. Perform all taps to water mains with approval from the City Council.

4. UNCOVER MANHOLES. Uncover manholes when necessary.

5. SHUT OFF WATER. Shut off water supply when deemed necessary by the City Council.

6. WATER METERS. Take charge of the distribution and repair of water meters.

7. COMPLETE WORK. Finish or correct work on any private sewer system as authorized by the City Council.

8. RECORDS. Maintain written records of the purchases accomplishments, disposition of equipment and manpower, an up-to-date inventory and development activities of the City's public utilities.

9. REPORTS. Make monthly oral or written reports of his activities to the Mayor on or before the first day of each month.

10. STREET IMPROVEMENTS. Shall be superintendent of all improvements upon the streets, alleys and public grounds.

TITLE I

11. MAKE REPAIRS. Make all repairs upon the public streets and alleys that are necessary to keep the same safe and passable and see that they are so kept, and shall receive all complaints made of a dangerous, impassable or unsafe condition on any public street, alley, crossing, or bridge within the city.

12. MAINTAIN STREETS AND ALLEYS. Maintain that the public streets and alleys are kept free and clear of all deposits of dirt, waste, grass, wood, brush or other refuse.

13. SUPERVISE EXCAVATIONS. Supervise the making of all excavations in public streets and alleys for laying sewer or water mains, or making of connections, see that proper barricades with warning lights are maintained, and that such excavations are refilled and pavement replaced as required by ordinance and subject to his approval.

14. RECORDS. Keep a record of work accomplished by him or under his supervision, showing the public street, alley or public ground on which work was performed and name of each laborer.

15. REPORT. Report to the Mayor all persons refusing to comply with or violating any ordinance in relation to public streets, alleys or public grounds.

13.03 SUPERVISE OTHER EMPLOYEES. The Superintendent of Public Works shall supervise all other employees as follows:

1. UTILITY MANAGER. A Utility Manager shall be appointed by the Council. He shall work under the direction and supervision of the Superintendent of Public Works.

2. OTHER CITY EMPLOYEES. The Superintendent of Public Works shall supervise the work of all other city employees qualified to perform the various above mentioned duties required by city shop employees.

13.04 COMPENSATION The Superintendent of Public Works shall be paid such compensation as specified by resolution of the City Council.

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CHAPTER 4: BOARDS, COMMISSIONS, AND DEPARTMENTS

ARTICLE 14 LIBRARY BOARD

14.01 PUBLIC LIBRARY. The free public library established for the City of Lansing is to be known as the Lansing Public Library.

14.02 BOARD OF LIBRARY TRUSTEES. The Board of Library Trustees is established and shall consist of seven members, six members to be appointed by the Mayor and approved by the Council. One rural member shall be appointed by the Allamakee County Board of Supervisors.

14.03 QUALIFICATIONS. All board members shall be bona fide citizens over the age of eighteen (18).

14.04 TERMS. Of the seven board members, three members shall hold office for two years, two for four years, and two for six years, from the first day of July following their appointment in each case. At their first meeting, they shall cast lots for their respective terms, reporting the result to the council. All subsequent appointments shall be for six years each, except to fill vacancies.

14.05 VACANCIES. A board position shall become vacant if a resident member moves permanently from the city, or is absent from six (6) consecutive regular board meetings, except in the case of illness or temporary excused absence from the city. Vacancies shall be filled by appointment of the mayor with council approval, and the new trustee shall fill the unexpired term for which the appointment was made.

14.06 POWERS AND DUTIES. The board shall have the following powers and duties:

1. OFFICERS. Meet and elect a president, vice-president, and secretary/treasurer from its members.

TITLE I

2. RESPONSIBLE FOR LIBRARY. Take charge, control, and supervision of the public library, its appurtenances, fixtures, and rooms containing the same.

3. DIRECT AFFAIRS. Direct and control library affairs.

4. LIBRARIAN. Employ a librarian and fix the librarian's compensation.

5. OTHER EMPLOYEES. Authorize the librarian to employ assistants of employees necessary to maintain the library properly.

6. REMOVAL. Remove the librarian, assistants, or employees by a two-thirds vote of the board.

7. SELECT LIBRARY MATERIALS. Select, or authorize the librarian to select, and make purchases of all library materials and supplies, within budgetary units set by the board.

8. FUNDS. Have exclusive control of the expenditure of all funds allocated for library purposes by the council, all moneys available by gift or otherwise, and all money belonging to the library.

9. GIFTS. Accept and control the expenditure of all gifts, devices, and bequests to the library. (Code of Iowa, Sec. 392.5)

10. RULES AND REGULATIONS. Make and adopt, amend, modify, or repeal rules and regulations for the care, use, and management of the library, and prescribe penalties for rule violations.

11. RECORD. Keep a record of its proceedings.

12. HISTORICAL ASSOCIATIONS. May make agreements with local county historical associations when applicable, to set apart room for and care for articles of historical or educational interest in the possession of the association, and purchase with library funds such materials necessary to preserve and protect such articles.

14.07 POWER TO CONTRACT. The board may contract with any other board of trustees of free public libraries and any school, corporation, city, township, county, or trustees of any county library district for the use of the library by their respective residents. Such contract may be terminated at any time by mutual consent of the contracting parties, or by a majority vote of the electors represented by either contracting party.

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14.08 LIBRARY ACCOUNT. The council shall appropriate from the general fund a library account to be used for the operation and maintenance of the library. Expenditures shall be paid only on board orders.

14.09 ANNUAL REPORT. The board shall submit an annual comprehensive report to the council after the close of the municipal fiscal year.

14.10 OPEN MEETINGS. All meetings of the library board shall comply with the regulations stated in Chapter 28A of the 1981 Code of Iowa, as amended.

14.11 TRANSFER. Each member shall transmit to his/her successor all books, papers, records, documents and property.

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CHAPTER 4: BOARDS, COMMISSIONS AND DEPARTMENTS

ARTICLE 15

POLICE DEPARTMENT

15.01 PURPOSE. A police department has been established for the purpose of providing for the preservation of peace and enforcement of the law within the corporate limits of the city.

15.02 APPOINTMENTS. The police chief and other members of the department shall be appointed by the Mayor subject to the approval by a majority of the City Council. The Mayor may dismiss the chief of police, and such dismissal is subject to the consent of a majority of the Council.

15.03 OATH. Every police officer shall take the oath prescribed in Title 1, Chapter 1, and Section 5.08 of this Title before entering the duties of his office.

15.04 QUALIFICATIONS. Any person recruited, selected or appointed as a police officer shall meet the qualifications as required by the Code of Iowa.

15.05 BENEFITS. The following benefits shall be made available to the police officers:

1. UNIFORMS. Police uniforms will be provided by the City. All officers shall be responsible for the cleaning and repair of their uniforms. All items identifiable as the official uniform, as well as firearms, ammunition, mace, holsters, belts, handcuffs, badges, body armor, or any other items issued by the City shall be returned in the event of job termination.

15.06 REMOVAL, DEMOTION, AND SUSPENSION. A police officer may be removed, demoted or suspended, when such action is recommended by the police chief, for violation of rules or regulations, but such officer shall have the right to a hearing before the city council.

15.07 POWERS AND DUTIES. The duties of the police chief shall be as follows:

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1. GENERAL. To protect the rights of persons and property, preserve order at public gatherings, prevent and abate nuisances and protect persons against every manner of unlawful disorder and offence.

2. ENFORCE LAWS. To enforce all laws, ordinances and regulations and bring all persons committing any offenses before the proper court.

3. COMMAND. To be in command of all persons appointed for police work and are responsible for the care, maintenance and use of all vehicles, equipment and materials of his department.

4. UNIFORM. To wear a metal badge engraved with the name of his office in plain view upon the outer garment of his uniform, which may be specified by the council.

5. ASSIST OFFICIALS. To aid other municipal officers, boards and commissions in the execution of their official duties upon request.

6. REPORTS. To report to the council and mayor upon request and submit to them an annual report on his activities as well.

7. SERGEANT-AT-ARMS. To be sergeant-at-arms of the council chamber when requested by the council.

8. WRITS. To execute and return all writs and other processes directed to him.

9. RECORD OF ARRESTS. To keep a record of all arrests made in the city, showing whether the arrests were made under the provisions of state law or city ordinance, the offense charged, the disposition of the charge and who made the arrest.

10. PRISONERS. To take custody of persons requiring detention and convey them to the county jail as provided by law and agreements with the county.

11. ACCIDENT REPORTS. To report all motor vehicle accidents investigated to the Iowa Department of Public Safety.

12. INVESTIGATIONS. To investigate the violation of any laws or ordinance when necessary for the prosecution of the offender.

13. SUBMIT BUDGET PROPOSAL. To submit to the clerk the budget proposal for his department.

15.08 COMPENSATION. The compensation of the police chief shall be determined by the council.

CHAPTER 4 : BOARDS, COMMISSIONS, AND DEPARTMENTS

ARTICLE 16

FIRE DEPARTMENT

16.01 PURPOSE. A volunteer fire department is established to prevent and extinguish fires and to protect lives and property against fires, to promote fire prevention and fire safety, and to answer all emergency calls for which there is no other established agency.

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

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

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

16.04 ELECTION OF OFFICERS. The department shall elect a chief and such other officers as necessary.

16.05 FIRE CHIEF. The council shall approve the election of the fire chief for a term of one year or to fill a vacancy. The council may remove the fire chief by written order setting out the reasons for removal which shall be filed with the clerk. The fire chief, before entering upon duties of his office, shall qualify for office by taking the oath.

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

1. DIRECT DEPARTMENT. Be charged with the duty of maintaining the efficiency, discipline and control of the fire department. The members of the fire department shall, at all times, be subject to the direction of the fire chief.

TITLE I

2. CONTROL DEPARTMENT PROPERTY. Exercise and have full control over the disposition of all fire apparatus, tools, equipment and other property used by or belonging to the fire department.

3. ENFORCE ORDINANCES AND STATE LAWS. Enforce all ordinances and, where enabled, state laws regulating the following:

- a. Fire prevention
- b. Maintenance and use of fire escapes
- c. The investigation of the cause, origin and circumstances of fires.
- d. The means and adequacy of exit in case of fire from halls, theaters, churches, hospitals, asylums, lodging houses, schools, factories and all other buildings in which the public congregates for any purpose.
- e. The installation and maintenance of private fire alarm systems and fire extinguishing equipment.

4. RIGHT OF ENTRY. Have the right of entry into any building or premises within his jurisdiction at a reasonable time after reasonable notice to the occupant or owner. He shall conduct such investigation or inspection that he considers necessary in light of state law, regulation or ordinance.

5. MAKE RECOMMENDATIONS. Make such recommendations to owners, occupants, caretakers or managers of buildings necessary to eliminate fire hazards.

6. AID STATE FIRE MARSHAL. Aid the state fire marshal when requested in the performance of his duties by investigating, preventing and reporting data pertaining to fires.

7. INVESTIGATIONS. Investigate the cause, origin and circumstances of each fire by which property has been destroyed or damaged or which results in bodily injury to any person. If bodily injury or property caused by such fire exceeds fifty dollars (\$50), or if arson is suspected, he shall report his findings to the state fire marshal in writing within one week after the fire. If he believes that a fire was started by design or if a death occurs as the result of a fire, he shall notify the state fire marshal immediately.

ORDINANCE NO. 106

AN ORDINANCE TO PROVIDE FOR AN ADVISORY BOARD
CONCERNING THE LANSING MARINA AND CITY OWNED WATERFRONT
PROPERTY FOR LANSING, IOWA 52151

Be it enacted by the Council of the City of Lansing, Iowa:

16A.00 Purpose. The purpose of this ordinance is to create a board of five (5) members to advise the City council and make recommendations regarding the operation and maintenance of the Lansing Marina and other riverfront property owned by the City of Lansing, Iowa.

16.01 Advisory Marina and Riverfront Board. There is hereby created an advisory “Lansing Marina and Riverfront Board” (hereinafter referred to as the “Board”), consisting of five members appointed by the City Council for staggered three calendar year terms. Initially the City Council shall appoint two (2) members for one year terms, two members for two (2) year terms, and one member for a three (3) year term. Thereafter, the Council shall annually appoint eligible citizens to fill the expiring terms at the January meeting for the upcoming three calendar years. Vacancies to the Board shall be filled for the remaining unexpired terms in the same manner as the original position.

16A.02 Eligible Board Members. All Board members shall be at least 18 years of age.

16A.03 Board Duties. The duties of the Board shall be as follows:

(a) Advise the Council on all matters relating to the Lansing riverfront and city owned riverfront properties:

(b) Develop and maintain an inventory of all city riverfront properties:

(c) Advise and make recommendations to the Council on development, management, public use, and leasing of City owned riverfront property;

(d) Oversee the construction, operation and maintenance of the Marina, which shall include but not be limited to the following:

(i) Make recommendations to the Council at its November meeting for capital improvements to docks, building, roads, electrical systems, landscaping and other projects deemed appropriate by the Board;

(ii) Make recommendations to the Council at its November meeting of annual construction operation and maintenance budget for the Marina for the upcoming calendar year;

(iii) Develop a list of duties, responsibilities and compensation for the party responsible for operation and maintenance of the Marina, and recommend to the Council qualified applicants for this function and terms under which their services may be rendered.

(iv) Maintain a current map of marina facilities indicating slip configurations, size, and rental rates;

(v) Periodically surveys slip rental rates, operation, construction design and other management policies at other locations on the Mississippi River;

(vi) Make recommendations as to slip rental rates and terms and equitable procedures for the allocation of vacant slips;

(vii) Review and make recommendations as to the adequacy of property, casualty, and liability insurance coverage associated with City owned riverfront property.

16A.04 Compensation. Members of the Board shall serve without compensation. However, compensation for out-of-pocket expenses incurred relating to city business may be allowed if approved by the City Council.

16A.05 Organization. The Board shall annually, in January, meet and elect by majority vote one of its members to act as chairperson and one as vice-chairperson of the Board. The chairperson shall call to order and preside over all meetings. The vice-chairperson shall serve in the capacity of the chairperson in his or her absence. A secretary shall likewise be elected by majority vote who shall keep the minutes of all Board meetings which shall be open to public inspection. The City Clerk may serve as such secretary in a non-voting capacity. The City Clerk shall also provide such other technical and clerical support to the Board as authorized by the Council from time to time.

16A.06 Meetings. The Board shall meet at least annually, in January, and thereafter as often as required. A meeting may be called by the Chairperson, or by joint request of three Board members. All meetings shall be conducted in compliance with the state open meeting law.

16A.07 Removal of Board Members. Board members may be removed with or without cause pursuant to Section 372.15 of the Code of Iowa, 1989, upon affirmative vote of a majority of the Council members.

16A.08 Council Authority. Nothing in this ordinance prevents the Council from taking any action relating to the Marina or other city owned riverfront properties without prior review and advice from the Board, which serves strictly in an advisory capacity to the City Council.

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CHAPTER 5: FISCAL MANAGEMENT

ARTICLE 17

BUDGET

17.01 FINANCE OFFICER. The City Clerk shall be the finance and accounting Officer of the city and shall be responsible for the administration of the provisions of this chapter.

17.02 PREPARATION. The annual operating budget of the city shall be prepared in accordance with the following:

1. ANNUAL BUDGET BY CLERK. The Clerk shall be responsible for preparation of the annual budget detail, for review and adoption by the mayor and council in accordance with directives of the mayor and council. (Code of Iowa, Sec. 384.16)

2. BOARDS SEPARATE BUDGET. All boards, commissions, and other administrative agencies of the city that are authorized to prepare and administer budgets must submit their budget proposals to the Clerk for inclusion in the proposed city budget no later than December 1 of each year and in such form as may be required by the Clerk. (Code of Iowa, Sec 384.20)

3. SUBMISSION TO COUNCIL. The Clerk shall submit the completed budget proposal to the council no later than March 1 each year.

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

5. NOTICE OF HEARING. Upon adopting a proposed budget, the council shall set a date for public hearing thereon to be held before March 15 and cause notice of such hearing and a summary of the proposed budget to be published no less than four (4) nor more than twenty (20) days before the date established for the hearing. Proof of such publication must be filed with the county auditor. (Code of Iowa Sec. 384.16. (3)).

6. COPIES OF BUDGET. No later than ten (10) days before the public hearing, the Clerk shall make available a sufficient number of copies of the detailed budget to meet the requests of taxpayers and

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organizations, and have them available for distribution at the offices of the mayor and Clerk and at the city library. (Code of Iowa, Sec. 384.16(2))

7. PROTEST. At the hearing, any resident or taxpayer of the city may present to the council objections to any part of the budget for the following fiscal year or argument in favor of any part of the budget. (Code of Iowa, Sec. 384.16 (4))

8. ADOPTION AND CERTIFICATION. After the hearing, the council shall adopt, by resolution, a budget for at least the next fiscal year; and the Clerk shall certify the necessary tax next 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. Two copies each of the detailed budget as adopted and of the tax certificate must be transmitted to the county auditor. (Code of Iowa, Sec. 384.16 (5))

17.03 BUDGET AMENDMENTS. The city budget finally adopted for the following fiscal year becomes effective July 1 and constitutes the city appropriation for each program and purpose specified therein until amended as provided by this section. (Code of Iowa, Sec. 384.18)

1. FUND INCREASE. Any increase in the amount appropriated to a fund must be prepared, adopted, and subject to protest in the same manner as the original budget.

2. FUND TRANSFER. Any transfer of appropriation from one fund to another must be prepared, adopted, and subject to protest in the same manner as the original budget. (Code of Iowa, Sec. 384.18(3))

3. PROGRAM TRANSFER. When the Clerk determines that one or more appropriation accounts need added authorizations to meet required expenditures, he shall inform the council; or if the council upon its own investigation so determines, and another account within the same program has an appropriation in excess of foreseeable needs, or, in the case of a clear emergency or unforeseeable need, the contingency account has an unexpended appropriation, which alone or with the other account can provide the needed appropriations, the council shall set forth by resolution the reductions and increases in the appropriations and the reason for such transfers.

Upon the passage of the resolution and approval by the mayor, as provided by law for resolutions, the Clerk shall cause the transfers to be set out in full in the minutes and be included in the published proceedings of the council. Thereupon, the Clerk shall cause the

TITLE I

appropriations to be revised upon the appropriation expenditure ledgers of the city, but in no case shall the total of the appropriation to a program be increased 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 is required by law for such amendments. (Code of Iowa, Sec. 384.18 (4))

TITLE I

CHAPTER 5: FISCAL MANAGEMENT

ARTICLE 18

FUNDS

18.01 FUND CONTROL. The Clerk shall establish and maintain separate and distinct funds in accordance with the following:

1. REVENUES. All moneys received by the city shall be credited to the proper fund as required by law, ordinance, or resolution. (Code of Iowa, Sec.384.3)

2. EXPENDITURES. No disbursements shall be made from a fund unless such disbursement is authorized by law, ordinance, or resolution, or was properly budgeted and supported by a claim approved by the council.

3. BALANCING OF FUNDS. The Clerk shall reconcile their fund accounts at the close of each month and submit a report thereof to the council.

18.02 SPECIAL FUNDS.

1. PETTY CASH FUND. The Clerk shall be custodian of a petty cash fund not to exceed one hundred dollars (\$100.00) for the payment of small claims for minor purchases, collect-on-delivery, transportation charges, and small customarily paid at the time of rendering a service. The Clerk shall obtain some form of receipt or bill acknowledging payment by the vendor of his agent.

At such time as the petty cash fund is approaching depletion, the Clerk shall draw a check for replenishment in the amount of the accumulated expenditures and said check and supporting detail shall be submitted to the council as a claim in the usual manner for claims and charged to the proper funds and accounts. It shall not be used for salary payments or other personal services or personal expenses. (Code of Iowa, Sec. 384.9)

18.03 FUND SURPLUS. The governing body of a city utility system, combined utility system, city enterprise or combined city enterprise which has a surplus in its fund may transfer such surplus to any other city fund, except the emergency fund, by resolution. A surplus shall be defined in accordance with generally-accepted accounting principles promulgated by the American institute of Certified Public Accountants. No transfer shall be made that is in violation of State law or rules of the city finance committee. (Code of Iowa, Sec. 384.89))

TITLE I

CHAPTER 5: FISCAL MANAGEMENT

ARTICLE 19

ACCOUNTING

- 19.01 BOOKS OF ORIGINAL ENTRY. There shall be established and maintained books of original entry to provide a chronological record of cash received and disbursed.
- 19.02 GENERAL LEDGER. There shall be established and maintained a general ledger controlling all cash transactions, budgetary accounts, and for recording un-appropriated surpluses.
- 19.03 CHECKS. Checks shall be pre-numbered and signed by the Clerk following council approval, except as provided by Section 19.05 hereof.
- 19.04 BUDGET ACCOUNTS. There shall be established such individual accounts to record receipts by source and expenditures by program, sub-program and activity as will provide adequate information and control for budgeting purposes as planned and approved by the council. Each individual account shall be maintained within its proper fund and so kept that receipts can be immediately and directly compared with revenue estimates, and expenditures can be related to the authorizing appropriation. No expenditure shall be posted except to the appropriation for the function and purpose for which the expense was incurred. (Code of Iowa, Sec. 384.20)
- 19.05 IMMEDIATE PAYMENT AUTHORIZED. The council may by resolution authorize the Clerk to issue checks for immediate payment of amounts due which if not paid promptly would result in loss of discount, penalty for late payment or additional interest cost. Any such payments made shall be reported to the council for review and approval with and in the same manner as other claims at the next meeting following such payment. The resolution authorizing immediate payment shall specify the type of payment so authorized and may include but is not limited to payment of utility bills, contractual obligations, payroll, and bond principle and interest.
- 19.06 UTILITIES. The Clerk shall perform and be responsible for accounting functions of the municipally-owned utilities.

TITLE I

CHAPTER 5: FISCAL MANAGEMENT

ARTICLE 20

FINANCIAL REPORTS

20.01 MONTHLY REPORTS. There shall be submitted to the council at the first meeting of each month a report showing the activity and status of each fund.

20.02 ANNUAL REPORT. Not later than October 1 of each year, there shall be published an annual report containing a summary for the preceding fiscal year of all collections and receipts, all accounts due the city, and all expenditures, the current public debt of the city, and the legal debt limit of the city for the current fiscal year. A copy of the annual report must be furnished to the Auditor of the State. (Code of Iowa, Sec. 384.22)

TITLE I

CHAPTER 5: FISCAL MANAGEMENT

ARTICLE 21

PURCHASING

21.01 BIDDING/MAJOR CONTRACTS. When the estimated cost of a public improvement exceeds the sum of twenty-five thousand dollars (\$25,000), the city council shall advertise for sealed bids for the proposed improvement by publishing a notice to bidders as provided by law. Bids shall be accepted from three (3) or more sources and approved by the council. The council may waive the bid requirement in cases where a lack of supplies exist or in cases where time does not allow for written bids. (Code of Iowa, Sec. 384.96)

TITLE II

PUBLIC SERVICE AND PUBLIC HEALTH

TITLE II

CHAPTER 1: SOLID WASTE CONTROL

ARTICLE I

GENERAL PROVISIONS

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

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

1. "Solid Waste" shall mean garbage, refuse, rubbish, and other similar discarded solid or semi-solid materials, including but not limited to materials generating from industrial, commercial, agricultural, and domestic activities. Solid waste may include vehicles, as defined by the Code of Iowa. (Code of Iowa, 455B.75 (4))

a. Garbage: shall mean all solid and semisolid, putrescible animal and vegetable wastes resulting from the handling, preparing, cooking, storing, serving, and consuming of food or of material intended for use as food, and all offal, excluding useful industrial by-products, and shall include all such substances from all public and private establishments and from all residences. (IAC, 400-25.1(8))

b. Refuse: shall mean putrescible and non putrescible wastes, including but not limited to garbage, rubbish, ashes, incinerator ash, incinerator residues, street cleanings, market and industrial solid wastes and sewage treatment wastes in dry or semisolid form. (IAC, 400-25.1 (20))

c. Rubbish: shall mean non-putrescible solid waste consisting of combustible and noncombustible wastes, such as ashes, paper, cardboard, tin cans, yard clippings, wood, grass, bedding, crockery, or litter of any kind. (IAC, 400-25.1 (22))

2. "Residential Waste" shall mean any refuse generated on the premises as a result of residential activities. The term includes landscape

TITLE II

wastes grown on the premises or deposited thereon by the elements, but excludes garbage, tires, and trade wastes. (IAC, 400-1.2 (52))

3. "Toxic and Hazardous Wastes" shall mean waste materials including, but not limited to Poisons, pesticides, herbicides, acids, caustics, pathological wastes, flammable or explosive materials, and similar harmful wastes, which require special handling and careful disposal to conserve the environment and protect the public health and safety. (IAC, 400-25.1(36))

4. "Litter" shall mean any garbage, rubbish, trash, refuse, waste materials, or debris. (Code of Iowa, Sec. 455 B.95 (i))

5. "Rubble" shall mean stone, brick, or similar inorganic material.

(IAC, 400-25.1(23))

6."Open Dumping" shall mean the depositing of solid wastes on the surface of the ground or into a body or stream of water. (IAC, 400-25.1 (15))

7. "Discard" shall mean to place, cause to be placed, throw, deposit, or drop. (Code of Iowa, Sec. 455 B.95 (2))

8. "Sanitary Disposal" shall mean a method of treating solid waste so that it does not produce a hazard to the public health or safety or create a nuisance. (IAC, 400-25.1 (26))

9. "Salvage Operation" shall mean any business, industry, or trade engaged wholly or in part in salvaging or reclaiming any product or material, including but not limited to chemicals, drums, metals, motor vehicles, or shipping containers. (IAC, 1981, 400-1.2 (55))

10. "Owner" shall mean in addition to the record titleholder any person residing in, renting, leasing, occupying, operating, or transacting business in any premises, and as between such parties the duties, responsibilities, liabilities, and obligations hereinafter imposed shall be joint and several.

11. "Executive Director" shall mean the executive director of the State Department of Environmental Quality or his designee. (Code of Iowa, Sec. 455B.1 (2))

TITLE II

12. "Hazard" shall mean a danger or risk lurking in a situation which by change or fortuity develops into an active agency of harm.

1.03 HEALTH HAZARD. It shall be unlawful for any person to permit, to accumulate on any premises, improved or vacant, or on any public place, such quantities of solid waste, either in containers or not, that shall constitute a health or sanitation hazard.

1.04 FIRE HAZARD. It shall be unlawful for any person to permit to accumulate quantities of solid waste within or close to any building, unless the same is stored in containers in such a manner as not to create a fire hazard.

1.05 LITTERING PROHIBITED. No person shall discard any litter on or in any water or land, except when and where authorized. When litter is discarded from a motor vehicle, the driver of the motor vehicle shall be responsible for the act in any case where doubt exists as to which occupant of the motor vehicle actually discarded the litter.

1.06 OPEN DUMPING PROHIBITED. No person shall discard or deposit, or permit the open clumping or depositing of, any solid waste. (IAC, 400-26.4(2))

1.07 WASTE STORAGE CONTAINERS. Every person owning, managing, operating, leasing, or renting any premises, dwelling unit or any place where refuse accumulates shall provide and at all times maintain in good order and repair containers for refuse. (IAC, 400-26.4 (2)).

1. CONTAINER SPECIFICATION.

a. Every person owning, managing, operating, leasing, or renting any commercial premise where excessive amounts of refuse accumulates and where its storage in portable containers is impractical, shall maintain metal bulk storage containers approved by the City.

2. LOCATION OF COMMERCIAL CONTAINERS. Commercial solid-waste containers shall be stored upon private property, unless the owner has been granted written permission from the City to use public property for such purposes. The storage site shall be well drained and fully

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accessible to collection equipment, public-health personnel, and fire-inspection personnel.

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

1.08 SEPARATION OF YARD WASTE REQUIRED. All yard wastes shall be separated by the owner or occupant from all other garbage refuse accumulated on the premises and shall be composted on the premises or placed in degradable bags, containers or packages furnished by the City and bearing the logo or name of the City. Only degradable bags, containers or packages sold by the City may be used for yard wastes. All tree limbs shall be cut into pieces not exceeding four (4) feet in length and shall be bundled together and wrapped in a degradable bag, container or package. Said compostable material shall be transported to a designated site within the City or shall be taken to a designated site or sites within the County or area.

Definitions: "Yard wastes" mean organic debris (e.g.) grass clippings, leaves, tree limbs, bark, branches, flowers, ect.) this is produced as part of a yard and garden development and maintenance.

1.09 SANITARY DISPOSAL REQUIRED OF OWNER. It shall be the duty of each owner to provide for the sanitary disposal of all refuse accumulating on his premises before it becomes a nuisance. If such accumulation becomes a nuisance, the City may proceed to abate the nuisances.

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

1. UNLAWFUL USE OF CONTAINERS. Deposit refuse in any solid waste containers other than his own without written consent of the owner of such containers.

TITLE II

CHAPTER 1: SOLID WASTE CONTROL

ARTICLE 1A

MANDATORY RECYCLING

1A.01 PURPOSE. The purpose of this ordinance is to promote recycling, composting, and resource recover through the administration of an effective recycling program as provided in Section 159.11, Wisconsin Statutes., and Chapter NR 544, Wisconsin Administrative Code. Because the City of Lansing has entered into a contract for solid waste in the state of Wisconsin, it is necessary that any recycling program comply with Chapter 159 of Wisconsin Statutes, and Chapter NR 544 of the Wisconsin Administrative Code.

1A.02 DEFINITIONS. For use in this chapter, the following terms are defined:

1. “Bi-metal container” means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.
2. “Container board” means corrugated paperboard used in the manufacture of shipping containers and related product.
3. “Foam polystyrene packaging” means packaging made primarily from foam polystyrene that satisfies one of the following criteria:
 - (a) Is designed for serving food or beverage
 - (b) Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.
 - (c) Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.
4. “HDPE” means high density polyethylene, labeled by the SPI code #2.
5. “LPDE” means low density polyethylene, labeled by the SPI code #4.

TITLE II

6. “Magazines” means magazines and other materials printed on similar paper.

7. “Major appliance” means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, refrigerator, or stove.

8. “Multiple-family dwelling” means a property containing 5 or more residential units, including those which are occupied seasonally.

9. “Newspaper” means a newspaper and other materials printed on newsprint.

10 “Non-residential facilities and properties” means commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings.

11. “Office paper” means high grade printing and writing papers from offices in non-residential facilities and properties. Printed white ledger and computer printout are examples of office paper generally accepted as high grade. This term does not include industrial process waste.

12. “Other resins or multiple resins” mean plastic resins labeled by the SPI code #7.

13. “Person” includes any individual, corporation, partnership, association, local governmental unit, as defined in 66.299 (1) (a), Wis. Stats., state agency or authority or federal agency.

14. “PETE” means polyethylene terephthalate, labeled by the SPI code #1.

15. “Plastic container” means an individual, separate, rigid plastic bottle, can, jar or carton, except for a blister pack, that is originally used to contain a product that is the subject of a retail sale.

16. “Postconsumer waste” means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in Section 144.61(5), Wis. Stats. , waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in Section 144.44 (7) (a) 1. , Wis. Stats.

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17. "PP" means polypropylene, labeled by the SPI code #5.
18. "PS" means polystyrene, labeled by the PSI code #6.
19. "PVC" means polyvinyl chloride, labeled by the SPI code #3.

20. "Recyclable materials" includes lead acid batteries; major appliances; waste oil; yard waste; aluminum containers; corrugated paper or other container board; foam polystyrene packaging; glass containers; magazines; newspaper; office paper; rigid plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins; steel containers; waste tires; and bi-metal containers.

21. "Solid waste" has the meaning specified in Section 144.01 (15), Wis. Stats.

22. "Solid waste facility" has the meaning specified in Section 144.43 (5), Wis. Stats.

23. "Solid waste treatment" means any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste. "Treatment" includes incineration.

24. "Waste tire" means a tire that is no longer suitable for its original purpose because of wear, damage or defect.

25. "Yard waste" means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than 6 inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

1A.03 SEPARATION OF RECYCLABLE MATERIALS. Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties shall separate the following materials from postconsumer waste:

1. Lead acid batteries
2. Major appliances
3. Waste oil

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4. Yard waste
5. Aluminum containers
6. Bi-metal containers
7. Corrugated paper or other container board
8. Foam polystyrene packaging
9. Glass containers
10. Magazines
11. Newspaper
12. Office paper
13. Rigid plastic containers made from PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins
14. Steel containers
15. Waste tires

1A.04 SEPARATION REQUIREMENTS EXEMPTED. The separation requirements of Section 1A.03 do not apply to the following:

1. Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties that send their postconsumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in Section 1A.03 from solid waste in as pure a form as is technically feasible.

2. Solid waste which is burned as a supplemental fuel at a facility of less than 30% of the heat input to the facility is derived from the solid waste burned as supplemental fuel.

3. A recyclable material specified in Section 1A.03 (5) through (15) for which a variance has been granted by the Department of Natural Resources under Section 159.11 (2m), Wis. Stats. , or Section NR 544.14, Wis. Administrative Code.

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1A.05 CARE OF SEPARATED RECYCLABLE MATERIALS. To the greatest extent practicable, the recyclable materials separated in accordance with Section 1A.03 shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other non-recyclable materials, including but not limited to household hazardous waste, medical waste, and agricultural chemical containers. Recyclable materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions.

1A.06 DISPOSAL OF SPECIAL ITEMS. Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties shall manage lead acid batteries, major appliances, waste oil, and yard waste as follows:

1. Lead acid batteries shall be separated from all other solid waste and shall be held for collection by the contractor retained by the City of Lansing and disposed of by such contractor in compliance with provisions of Wisconsin Statutes and the Code of Iowa.

2. Major appliances shall be separated from all other solid waste and shall be held for collection by the contractor retained by the City of Lansing and disposed of by such contractor in compliance with provisions of Wisconsin Statutes and the Code of Iowa.

3. Waste oil shall be separated from all other solid waste and shall be held for collection by the contractor retained by the City of Lansing and disposed of by such contractor in compliance with provisions of Wisconsin Statutes and the Code of Iowa.

4. Yard waste shall be separated from all other solid waste and shall be held for collection by the contractor retained by the City of Lansing and disposed of by such contractor in compliance with provisions of Wisconsin Statutes and the Code of Iowa.

1A.07 PREPARATION AND COLLECTION OF RECYCLABLE MATERIALS. Except as otherwise directed by the contractor retained by the City of Lansing, occupants of single family and 2 to 4 unit residences shall do the following for the preparation and collection of the separated materials specified in Section 1.11 (5) through (15):

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1. Aluminum containers shall be cleaned and separated from other solid waste and set out for collection by the contractor retained by the City of Lansing.

2. Bi-metal containers shall be cleaned and separated from other solid waste and set out for collection by the contractor retained by the City of Lansing.

3. Corrugated paper or other container board shall be wrapped or bound and set out for collection by the contractor retained by the City of Lansing.

4. Foam polystyrene packaging shall be placed in suitable containers and set out for collection by the contractor retained by the City of Lansing.

5. Glass containers shall be cleaned and separated from other solid waste and set out for collection by the contractor retained by the City of Lansing.

6. Magazines shall be wrapped or bound and set out for collection by the contractor retained by the City of Lansing.

7. Newspaper shall be wrapped or bound and set out for collection by the contractor retained by the City of Lansing.

8. Office paper shall be bound and set out for collection by the contractor retained by the City of Lansing.

9. Rigid plastic containers shall be prepared and collected as follows:

(a) Plastic containers made of PETE shall be cleaned and separated from other solid waste and set out for collection by the contractor retained by the City of Lansing.

(b) Plastic containers made of HDPE shall be cleaned and separated from other solid waste and set out for collection by the contractor retained by the City of Lansing.

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(c) Plastic containers made of PVC shall be cleaned and separated from other solid waste and set out for collection by the contractor retained by the City of Lansing.

(d) Plastic containers made of LDPE shall be cleaned and separated from other solid waste and set out for collection by the contractor retained by the City of Lansing.

(e) Plastic containers made of PP shall be cleaned and separated from other solid waste and set out for collection by the contractor retained by the City of Lansing.

(f) Plastic containers made of PS shall be cleaned and separated from other solid waste and set out for collection by the contractor retained by the City of Lansing.

(g) Plastic containers made of other resins or multiple resins shall be cleaned and separated from other solid waste and set out for collection by the contractor retained by the City of Lansing.

10. Steel containers shall be cleaned and separated from other solid waste and set out for collection by the contractor retained by the City of Lansing.

11. Waste tires shall be set out for collection by the contractor retained by the City of Lansing.

1A.08 RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF MULTIPLE-FAMILY DWELLINGS.

(1) Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in Section 1A.03(5) through (15):

(a) Provide adequate, separate containers for the recyclable materials.

(b) Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.

TITLE II

(c) Provide for the collection of the materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.

(d) Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.

(2) The requirements specified in (1) do not apply to the owners or designated agents of multiple-family dwellings if the post consumer waste generated within the dwellings if postconsumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in Section 1A.03 (5) through (15) from solid waste in as pure a form as is technically feasible.

1A.09. RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF NON-RESIDENTIAL FACILITIES AND PROPERTIES.

(1) Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified in Section 1A.03 (5) through (15)

(a) Provide adequate, separate containers for the recyclable materials.

(b) Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling programs.

(c) Provide for the collection of the materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility.

(d) Notify users, tenants and occupants of reasons to reduce and recycle, which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods or sites,

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locations and hours of operations, and a contact person or company, including a name, address, and telephone number.

(2) The requirements specified in (1) do not apply to the owners or designated agents of non-residential facilities and properties if the post consumer waste generated within the facility or property is treated at a processing facility licensed by the Department of Natural Resources that recovers the recycling materials specified in Section 1A.03 (5) through (15) from solid waste in as pure a form as is technically feasible.

1A.10 PROHIBITIONS ON DISPOSAL OF RECYCLABLE MATERIALS SEPARATED FOR RECYCLING. No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in Section 1A.03 (5) through (15) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

AA.11 ENFORCEMENT.

(1) For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of any firm retained by the City of Lansing may inspect recyclable materials separated from recycling, postconsumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and non-residential facilities and properties, and any records relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse access to any authorized officer, employee or authorized representative of any firm retained by the City of Lansing who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, and interfere with such an inspection.

(2) Any person who violates a provision of this ordinance may be issued a citation by the City attorney or any other official designated by the mayor and approved by the City council to collect forfeitures. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other

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matter shall not preclude the issuance of a citation under this paragraph.

(3) Penalties for violating this ordinance may be assessed as follows:

(a) Any person who violates Section 1A.10 may be required to forfeit \$50 for the first violation, and no more than \$100 and/or 30 days in jail for all subsequent violations.

(b) Any person who violates a provision of this ordinance, except Section 1A.10, may be required to forfeit not less than \$10 or more than \$100 for each violation.

TITLE II

CHAPTER I: SOLID WASTE CONTROL

ARTICLE 2

COLLECTION AND TRANSPORTATION OF SOLID WASTE

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

1. "Solid Waste" shall mean garbage, refuse, rubbish and other similar discarded solid or semisolid materials, including but not limited to such materials resulting from domestic activities.

2. "Solid Waste Transportation" shall mean the conveying of solid waste from one place to another by means of vehicle, rail, car, water vessel, conveyor, or other means. (IAC, 400-25.1 (35))

3. "Residential Premises" shall mean single family dwelling units whether in a single family dwelling or multiple family dwelling. The term dwelling unit shall mean any room or group of rooms located within a structure and forming a single habitable unit with facilities which are used, or are intended to be used, for living, sleeping, cooking, and eating.

4. "Property Served." All residential property which is being used or occupied shall receive refuse collection and disposal service as provided by this ordinance.

5. "Collectors." Any person authorized by this ordinance to gather solid waste from public and private places.

6. "Owner." The term owner includes in addition to the record holder, any person residing in, renting, leasing, occupying, operating, or transacting, business in any premises between such parties the duties, responsibilities, liabilities and obligations hereinafter imposed which be joint and several, and in all cases the term owner shall include the person to whom the water bill is sent.

7. "Person." The term person shall mean an individual, firm, partnership domestic or foreign corporation, company, association trust

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or other legal entity and includes a trustee, receiver, assignee or similar representative thereof but does not include a governmental body.

8. "Containers." Containers shall be the type mutually agreed upon by the City and the Collecting agency. They shall be placed out of doors at some easily accessible place adjacent to the streets and alleys of this City. Providing containers and the placement of same for collection be the responsibility of the owner of residential unit. It shall be unlawful for any person to permit to accumulate on any premises such quantities of solid waste to constitute a health or sanitation hazards.

2.02 COLLECTION SERVICE. The City shall provide for the mandatory collection of refuse from residential premises only. The owners and operators of commercial, industrial or institutional premises shall provide for the collection of refuse produced upon such premises. (IAC, 400-26.4 (1a))

2.03 COLLECTION VEHICLES. Vehicles or containers used for collection and transportation of garbage and similar putrescible waste or refuse containing such materials shall be leak proof, durable and of easily cleanable construction. They shall be cleaned to prevent nuisances, pollution or insect breeding and shall be maintained in good repair. (IAC, 400-26.4(2b))

2.04 COLLECTION FEES. The collection and disposal of refuse as provided by this ordinance is declared to be a benefit to the property served and therefore, a fee shall be levied and collected. At no time will this collection fee be waived unless the premises are being permanently vacated. A dwelling unit which has been permanently vacated may or may not be disconnected from the City water system by having its water meter removed, but shall be empty of all owner's or tenant's possessions and owners or tenants shall have no intention of reoccupying the premises at any time in the future. The following shall apply:

1. RESIDENTIAL FEES. The fee for residential refuse collection and disposal services used or available shall be determined by council resolution.

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2. COMMERCIAL FEES. For each commercial, industrial or institutional establishment, the fee shall be set by the collector according to the amount of solid waste accumulated.

3. PAYMENT OF FEES. The fees provided shall be due and payable at the office of the clerk on or before the 20th day of the first month of each quarter with water and sewer fees.

4. LATE PAYMENT PENALTY. Fees not paid when due shall be deemed delinquent and a late penalty of 10% the amount due shall be added.

5. LIEN FOR NON PAYMENT. Solid waste charges remaining and delinquent shall constitute a lien upon the premises served and shall be certified by the Clerk to the County Auditor for collection in the same manner as property taxes.

2.05 CONTRACT WITH COLLECTOR. No person shall engage in the business of connection, transporting, processing or disposing of residential solid waste other than his own within the City without first obtaining from the City an exclusive contract. (IAC, 400-267.4(6))

TITLE II

CHAPTER 2: SANITARY SEWER SYSTEMS

ARTICLE 3

PUBLIC SEWER SYSTEMS

3.01 PURPOSE. The purpose of this article is to provide for the regulation of public and private sewer systems.

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

1. "Sewer System" shall mean pipelines or conduits, pumping stations, force mains, vehicles, vessels, conveyances, injection wells, and all other constructions, devices and appliances appurtenant thereto used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal or disposal to any water of the state. To the extent that they are not subject to section 402 of the federal Water Pollution Control Act as amended, ditches, pipes, and drains that serve only to collect, channel, direct, and convey nonpoint runoff from precipitation are not considered as sewer systems for the purposes of this Chapter. (Code of Iowa, Sec. 455B.30(5))

2. "Sewage" shall mean the water-carried waste derived from ordinary living processes. (IAC, 470-12.4(lo))

3. "Public Sewer" shall mean a common sewer which is directly controlled by a public authority. (IAC, 470-21.2(83))

4. "Private Sewer" shall mean a sewer privately owned and not directly controlled by a public authority. (IAC, 470-21.2 (81))

5. "Sanitary Sewer" shall mean a sewer which carries sewage and excludes storm, surface and ground water. (IAC, 470-21.2(91))

6. "Sanitary Sewage" shall mean sewage discharging from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories or institutions, and free from storm, surface water and industrial wastes.

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

8. "Industrial Wastes" shall mean any liquid, gaseous, radioactive, or solid waste substance resulting from any process of industry, manufacturing, trade or business or from the development of any natural resource. (Code of Iowa, Sec. 455B30(2))

9. "Properly Shredded Garbage" shall mean garbage that has been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) Inch to any dimension.

10. "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer. (IAC, 470-12.4(lg))

11. "Building Sewer" shall mean that part of the horizontal piping from the building wall to its connection with the main sewer or private sewage disposal system and conveying the drainage of but one building site. (IAC, 470-12.4 (lh))

12. "Natural Outlet" shall mean any outlet into a water course, pond, ditch, lake or other body of surface or ground water.

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

14. "Contributor" shall mean any person responsible for the production of domestic, commercial or industrial waste which is directly or indirectly discharged into the public sewer system.

15. "Sewer Rental" shall mean any and all rates, charges, fees, or rentals levied against and payable by contributors as consideration for the servicing of said contributors by said sewer system.

16. "Slug" shall mean any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5)

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times the average twenty-four (24) hour concentration or flows during normal operation.

17 “Interceptor” shall mean a device designed and installed so as to separate and retain deleterious, hazardous and undesirable matter from normal wastes and permit normal sewage or liquid wastes to discharge. (IAC, 470-21.2 (64))

3.03 ADOPTION OF STATE PLUMBING CODE. The installation of any private sewer and its connection with a public sewer shall comply with all applicable provisions, whether regulatory, procedural or enforcement provisions, of the State Plumbing Code as set out in the Iowa Administrative Code, published by the State of Iowa, which are hereby adopted.

3.04 DAMAGING SEWER SYSTEM. No unauthorized person shall maliciously, willfully or negligently break damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewer system. (Code of Iowa, Sec. 716.7)

3.05 MANHOLES. No person shall open or enter any manhole of the sewer system, except by authority of the Superintendent of Public Works. (Code of Iowa, Sec. 716.7))

3.06 TREATMENT REQUIRED. It shall be unlawful to discharge to any natural outlet within the City, or in any area under its jurisdiction any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter. (Code of Iowa, Sec. 364.12(3f))

3.07 PERMIT. Before any person shall open, uncover, or in any manner make a connection with any part of the public sewers, he must obtain a written permit from the Clerk. The following shall apply to all permits:

1.APPLICATION. The application shall be filed on blanks furnished by the City and contain the following information:

- a. Legal description of the property.

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- b. Name of property owner.
- c. Description of materials to be used and manner of construction.
- d. The line of the building sewer and place of connection.
- e. Intended use of the sewer.
- f. Name and address of the person doing the work.

2. ISSUANCE. The permit shall be issued bearing the time and date of issuance if the proposed work meets all requirements and if all required fees have been paid. Work under any permit must be begun within six (6) months of the issuance date.

3. REVOCATION. The City Council at any time may revoke the permit for any violation of this ordinance and require that the work be stopped. The owner or plumber may appeal such action to the City Council.

4. FEE. Before any permit is issued, or any connection to the sewer is made, the person who makes the application shall pay a fee of \$100.00 to cover the cost of issuing the permit and supervising, regulating and inspecting the work.

3.08 CONNECTIONS. The owners of all residences and business establishments intended or used for human habitation, occupancy, or uses which abut public sewers must connect their sewage facilities to the public sewers. The following shall pertain to all connections. (Code of Iowa, Sec. 364.12(2f))

1. SEPARATE CONNECTIONS. In no case shall a joint sewer be allowed where the property abuts on a street, alley or easement in which there is a public sewer. Other buildings adjacent areas which are required to be connected shall be separately and independently connected to the public sewers unless the City Council specifically permits joint connections by resolution.

2. SEWAGE LIFTS. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried

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by such drain shall be lifted by approved artificial means and discharged to the building sewer.

3. SEWER TAPS, WYES. Connection of the building sewer into the public sewer shall be made at the “Y” branch. If no properly located “Y” branch or manhole is available, the property owner shall, at his own expense, install a “Y” saddle with mortar in the public sewer at the location specified by the Superintendent of Public Works.

4. WATERCOURSE CROSSINGS. No sewer connection shall be laid so that it is exposed when crossing any watercourse. Where an old watercourse must of necessity be crossed and where there is any danger of undermining or settlement, cast iron soil pipe or vitrified clay sewer pipe thoroughly encased in concrete shall be required for such crossings. Such encasement shall extend at least six (6) inches on all sides of the pipe. The cast iron pipe or encased clay pipe shall rest on firm, solid material at either end.

3.09 QUALITY OF PIPE AND FOUNDATION. Building sewer pipes shall be of the best quality, free from flaws, splits or breaks. They shall be laid on a smooth bottom with bell holes cut in the bottom of the trench so that the length between the bell and the spigot shall be watertight, gastight and root proof. All sewer pipes must be laid in such a manner as to prevent rupture by settlement or freezing. (IAC, 470-22.10 (135))

3.10 GRADE. All sewer pipes shall be laid with a uniform grade from the building to the public sewer system and no offsetting will be allowed without written per-mission of the City Council. (IAC, 470-22.2(135))

3.11 OWNER’S RESPONSIBILITY. All costs and expenses incident to the installation, connection and maintenance of the building sewer shall be the responsibility of the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

3.12 INTERCEPTORS. Grease, oil, sludge and sand interceptors shall be provided by filling stations, automobile wash racks, garages, and other facilities, when, in the opinion of the City Council they are necessary for the proper handling of such wastes that contain grease in excessive amounts or any flammable waste, sand or other harmful ingredients.

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Such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity as provided by the Iowa Public Health Bulletin and State Plumbing Code, and shall be located so as to be readily and easily accessible for cleaning and inspection. (IAC, 470-26.1 (1))

1, REQUIREMENT. The interceptors shall be constructed of impervious material capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers that shall be gas-tight and watertight.

2. MAINTENANCE. All interceptors of grease, oil, sludge and sand shall be maintained by the owner at his expense in continuously efficient operations at all times.

3.13 EXCAVATIONS. Excavations for sewers shall be dug so to present the least possible inconvenience to the public and to provide for the passage of water along the gutter. Such excavations shall have proper barricades at all times, and warning lights placed from one half (1/2) hour before sunset to one-half (1/2) hour after sunrise. The excavation must be refilled with earth layers with each layer tamped thoroughly to prevent settlement. Excavations in the traveled portion of the public street must be refilled with a material suitable and approved by the Superintendent of Public Works. The plumber must maintain the affected area in good repair to the satisfaction of the City Council for three (3) months after refilling. No excavation shall be made within six (6) feet of any laid water pipe while the ground is frozen, and no water or sewer pipe shall be exposed to frost, except by special written permission of the City Council. (IAC, 470-22.7 (135))

3.14 SEPARATE TRENCHES. The building drain and water service pipe shall not be less than ten feet apart horizontally, and shall be separated by undisturbed or compacted earth. (IAC, 470-30.6(2))

3.15 EXCEPTION. The building sewer or building drain may be placed in the same trench with the water service pipe provided the following conditions are met: (IAC, 470-30.6(2))

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1. **WATER SERVICE PIPE ABOVE SEWER LINE.** The bottom of the water service pipe, at all points, shall be at least twelve (12) inches above the top of the sewer line at its highest point.

2. **WATER SERVICE PIPE ON SHELF.** The water service pipe shall be placed on a solid shelf excavated at one side of the common trench. Where ground conditions do not permit a shelf, the pipe may be laid on a solidly tamped backfill.

3. **NUMBER OF JOINTS.** The number of joints in the water service pipe shall be kept to minimum.

4. **PRESSURE PROHIBITED.** No part of the building sewer or building drain shall be under pressure.

3.16 **RESTORATION OF PUBLIC PROPERTY.** Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City, at the expense of the property owner. (Code of Iowa, Sec. 364.12)

3.17 **COMPLETION BY CITY.** Should any excavation be left open or partly refilled for twenty-four (24) hours after the private sewer is installed and connected with the public sewer, city employees, under the authority of the Superintendent of Public Works shall have the right to finish or correct the work, and the Council shall assess the costs to the property owner. If the property owner is assessed, such assessment shall be collected with and in the same manner as general property taxes. (Code of Iowa, Sec. 364.12 (2h))

3.18 **INSPECTION AND APPROVAL.** All private sewers and their connections with the public sewers must be inspected and approved by the Superintendent of Public Works before covered. If approval is refused, the owner must proceed immediately to correct the work. (IAC, 470-22.5 (2))

3.19 **PROHIBITED DISCHARGE SPECIFIED.** No person shall discharge or cause to be discharge any of the following described waters or waste to a public sanitary sewer: (IAC, 470-22.11 (135))

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1. SURFACE WATERS. Any storm water, surface water, ground water, roof run-off, sub-surface drainage, cooling water or unpolluted industrial process waters.

2. HIGH TEMPERATURE. Any liquid or vapor having a temperature higher than 150 degrees F.

3. FAT, OIL, GREASE. Any water or waste which contains more than one hundred (100) parts per million by weight of fat, oil, or grease.

4. FLAMMABLE MATERIALS. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.

5. GARBAGE. Any garbage that has not been properly shredded.

6. SOLID OR VISCOUS SUBSTANCE. Any ashes, cinders, sand, mud straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure or any other solid or viscous substance capable of causing the obstruction of the flow in sewers or other interference with the proper operation of the City sewage systems.

7. SUSPENDED SOLIDS. Any waters or waste containing suspended solids of such character and quantity that unusual attention or expense is required to handle such material at the sewage treatment plant.

8. CORROSIVE WASTES. Any water or wastes having corrosive properties capable of causing damage or hazard to structures, equipment or personnel of the sewage system. Free acids and alkalis of such wastes must be neutralized within a permissible range of pH between 4.5 and 10.0.

9. SLUGS. Any wastes that for a duration of fifteen (15) minutes have a concentration greater than five (5) times that of normal "sewage" as measured by suspended solids.

10. NOXIOUS OR MALODOROUS GAS. Any noxious or malodorous gas or other substance which either singly or by interaction with other wastes is capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their maintenance and repair.

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11. TOXIC POISONOUS SUBSTANCE. Any water or waste containing a toxic or poisonous substance in sufficient quantity to injure or interfere with the sewage systems, that would constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage system.

12. MATERIALS WHICH REACT WITH WATER OR WASTES. Any waters, wastes, materials or substances which react with water or wastes in the sewer system to release noxious gasses, develop color of undesirable intensity, form suspended solids in objectionable concentration or create any other condition deleterious to structures and treatment processes.

13. SPECIAL AGREEMENTS PERMITTED. No statement in this section shall be construed as preventing any special agreement, arrangement or contract between the Council and any industrial concern whereby an industrial waste of unusual strength or character may be accepted subject to special conditions, rate and cost as established by the Council.

3.20 ABATEMENT OF VIOLATIONS. Construction or maintenance of building sewer lines located upon the private property of any owner which is in violation of any of the requirements of this article shall be corrected at the owner's expense, within (30) days after date of official notice from the Council of such violations. If not made within such time the Council shall, in addition to the other penalties provided, have the right to finish and correct the work and assess the cost thereof to the property owner. Such assessment shall be collected with and in the same manner as general property taxes. (Code of Iowa, Sec. 364.12 (2h))

TITLE II
CHAPTER 2: SANITARY SEWER SYSTEM
ARTICLE 4
PRIVATE SEWER SYSTEMS

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

1. “Private Sewage Disposal System” shall mean all equipment and devices necessary for proper conduction, collection, storage, treatment and disposal of sewage from a premise including building sewers, septic tanks, absorption fields, leaching or seepage pits, privy vaults and subsurface sand filters.

2. “Reasonably Accessible” shall mean a determination made by the City Council as to the practicality of a connection to a public sewer system. In general, the premise must be connected to the public sewer provided it is within one hundred fifty feet (150) and will flow by gravity. (IAC, 470-12.4(11))

4.02 WHEN PROHIBITED. No private sewage disposal system shall be installed where a public sanitary sewer is reasonably accessible as determined by the City Council unless an exception is granted in writing. (IAC, 470-12.4(3a)).

4.03 PRIVATE SYSTEM REQUIRED. When a public sanitary sewage is not reasonably accessible, every building wherein persons reside, congregate or are employed will have an approved private sewage disposal system, which will be owned and maintained by the property owner. (IAC, 470-12.4(3a))

4.04 CONNECTION REQUIRED WHEN AVAILABLE. When a public sanitary sewer becomes reasonably accessible, any building then served by a private sewage disposal system shall connect to the public sewage system. (IAC, 470-12.4(3a))

4.05 PRIVATE SYSTEMS ABANDONED. Within sixty (60) days of notice that a public sewer is available to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer

TITLE II

and the private sewage disposal facility shall be abandoned and filled with suitable material (Code of Iowa, Sec. 364.12(3f))

4.06 COMPLIANCE WITH STATE RULES. The type, capacity, location and layout of a private sewage disposal system shall comply with all recommendations of the State Department of Health. (IAC, 470-12.4(3b))

4.07 DISCHARGE TO NATURAL OUTLETS PROHIBITED. No septic tank or cesspool shall be permitted to discharge to any natural outlet. (IAC, 470.12(3d))

4.08 MAINTENANCE OF FACILITIES. The owner of private sewage disposal facilities shall operate and maintain the facilities in sanitary manner at all times and at no expense to the City. In the event a private sewer system is not maintained in accordance with the State of Iowa and the Allamakee County Board of Health regulations, and/or the City of Lansing Municipal Code, the City Council may order discontinuance of water service to the premises after notification as specified in the Municipal Code, Title III, Articles 9.03 and 9.04. Prior to the restoration of water service the required repairs and/or other corrective action must be inspected and certified satisfactorily complete by the Superintendent of Public Works, or he must certify that the private sewer system less been rendered inoperable and the premises are now connected to the municipal sewer system.

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

4.10 ADDITIONAL REQUIREMENTS. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by any health officer acting in his official capacity.

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CHAPTER 3: SEWER SERVICES

ARTICLE 5

SEWER RATES

5.01 SERVICE RENTAL REQUIRED. Every contributor shall pay to the City sewer rental fees as hereinafter provided.

5.02 RENTAL RATES. Each contributor shall pay a sewer rate based on water usage as follows:

Effective June 1, 2011. Each dwelling, unit, apartment unit, mobile home, house, business, and industry shall be considered as one sewer account and shall pay a base rate of \$30.38 per month for sewer services.

Effective June 1, 2011. Each dwelling unit, apartment unit, mobile home, house, business, and industry shall be considered as one sewer account and shall pay a base fee of \$4.75 per 1000 gallons of water used.

Residential customers on the sanitary sewer facility, who are not also customers of the municipal water system and are not metered by their water usage, shall pay a minimum charge per month as follows:

Effective June 1, 2011. Single/senior citizen rate of \$40.20 per month.

Effective June 1, 2011. Family rate of \$60.25 per month.

Future Rates. On July 1, 2011. All water rates shall be increased by 2.0% over the rates established and will increase by 2.0% each year over the rates in effect during the preceding year.

Service to industrial and institutional establishments may be by contract if the municipality deems this to be in its best interest.

5.03 MULTIPLE DWELLING UNITS. Effective June 1, 2013, multiple dwelling units including mobile home courts, together with commercial units, may be serviced from a single meter. The minimum charge for such service shall be \$30.38 per month multiplied by the number of dwelling units and mobile home together with commercial units serviced from the meter. There shall be conclusive presumption that each user used a share equal to the total number of gallons divided by the number

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of users and each unit, mobile home and commercial establishment shall be billed according to the rates herein set out.

5.04 SPECIAL RATES. Where in the judgment of the Council special conditions exist to the extent that the application of the sewer rental provided in section 5.02 would be inequitable or unfair to either the City or a contributor, a special rate shall be proposed by the Council and submitted for approval by resolution.

5.05 PRIVATE WATER SYSTEMS. Contributors whose premises are served by a private water system shall pay sewer rentals based upon the water used as determined by the Council either by an estimate agreed to by the contributor or by metering the water system at the contributor's expense. Any negotiated, or agreed upon sales or rentals shall be subject to approval of the Council. (Code of Iowa, Sec. 384.84 (2a))

5.06 PAYMENT OF BILLS. All sewer rentals shall be due and payable under the same terms and conditions, including penalty for late payment of 10% the total amount due, provided for payment for water service except that the provisions of Section 5.07 shall be used to enforce collection of delinquent sewer charges. If any bills for the service of the sewer system shall remain unpaid after 30 days following the rendition of the bill therefore, the water supply for the lot, parcel or land or premise affected shall be cut off and shall not be turned on again except on payment in full of the delinquent charges therefore, in addition to the payment of a charge of twenty-five dollars (\$25.00).

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

5.07 LIEN FOR NON-PAYMENT. Sewer rental charges remaining and delinquent shall constitute a lien upon the premises served and shall be certified by the Clerk to the County Auditor for collection in the same manner as property taxes.

5.08 LIABILITY. The owner of the premises served and the occupant thereof and the user of the sanitary sewer service shall be jointly and severally liable for the sewer service provided said premises.

TITLE II

CHAPTER 3: WATER SERVICES

ARTICLE 6

PUBLIC WATER SYSTEM

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

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

1. “Water System” or “Water Works” shall mean all public facilities for securing, collecting, storing, pumping, treating, and distributing water. (IAC, 470-21.2 (124))

2. “Water Main” shall mean a water supply pipe provided for public or community use. (IAC, 470-21.2 (120))

3. “Water Service Pipe” shall mean the pipe from the water main to the building served. (IAC, 470-21.2 (123))

4. “Consumer” shall mean any person receiving water service from the City. (IAC, 470-21.2 (123))

6.03 ADOPTION OF STATE PLUMBING CODE. The installation of any water service pipe and any connection with the municipal water system shall comply with all pertinent and applicable provisions, whether regulatory, procedural or enforcement provisions, of the State Plumbing Code as set forth in the Iowa Administrative Code, published by the State of Iowa, which are hereby adopted.

6.04 MANDATORY CONNECTIONS. All residences and business establishments within the City limits intended or used for human habitation, occupancy or use shall be connected to the public water system, if a functioning main is located within 100 feet of the nearest boundary or parcel as outlined in Title II, Chapter 3, Article 9, Section 9.03 of the City Code.

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

(Code of Iowa Sec. 384.84 (1))

TITLE II

1. APPLICATION. Applications for the permit shall be filed with the Clerk on blanks furnished by him. It shall include a legal description of the property, the name of the property owner, the name and address of the person who will do the work, and the general uses of the water. No different or additional uses will be allowed except by written permission of the Clerk.

2. ISSUANCE. The Clerk shall issue the permit, bearing his signature and stating the time of issuance, if the proposed work meets all the requirements of this article and if all fees required under this article have been paid. Work under a permit must begin within six (6) months after it is issued. The Clerk may at any time revoke the permit for any violation of this article and require that the work be stopped.

3. FEE. Before any permit is issued, the person who makes the application shall pay to the Clerk the cover cost of issuing the permit and supervision, regulating, and inspection of the work in the amount of \$100.00.

6.06 FEE FOR INITIAL CONNECTIONS. The fee for the initial connection of water lines shall be one hundred dollar (\$100.00). All water supplied to consumers shall be measured through meters furnished and set by the City.

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

6.08 TAPPING MAINS. All taps into water mains shall be made under the direct supervision of the Superintendent of Public Works and in accord with the following:

1. INDEPENDENT SERVICES. No more than one house, building, or premises shall be supplied from one tap unless special written permission is obtained from the City Council and unless provision is made so that each house, building, or premise may be shut off independently of the other.

2. CORPORATION COCK. A corporation cock of the pattern and weight approved by the Superintendent of Public Works shall be inserted

TITLE II

in every tap in the main. The corporation cock in the main shall in no case be smaller than one (1) size smaller than the service pipe.

3. LOCATION RECORD. An accurate and dimensional sketch showing the exact location of the tap shall be filed with the Public Works Department.

6.09 INSTALLATION OF WATER SERVICE PIPE. Water service pipes from the main to the meter setting shall be standard weight type K copper, P.V.C. meeting I.A.P.M.O. specification IS-14-72, or approved cast as to prevent rupture from settlement or freezing. (IAC, 470-30.12 (1))

6.10 CURB STOP. There shall be installed a main shut-off valve of the inverted key type on the water-service pipe at the outer sidewalk line with a suitable lock of a pattern approved by the City Council. The shut-off valve shall be covered with a heavy metal cover having the letter "W" marked thereon, visible, and even with the pavement of ground. (IAC, 470-30.12 (1)).

6.11 INTERIOR STOP AND WASTE COCK. There shall be installed a shut-off valve and waste cock on every service pipe inside the building as close to the entrance of the pipe within the building as possible and so located that the water can be shut off conveniently and the pipes drained. Where one service pipe supplies more than one customer within the building, there shall be separate valves for each such customer so that service may be shut off for one without interfering with the service to the others. (IAC, 470-3-.12 (1&3))

6.12 EXCAVATIONS. All trench work, excavation and backfilling required in making a connection shall be performed in accordance with applicable excavation provisions as provided for installation of building sewers in Sec. 3.13 of this Title.

6.13 COMPLETION BY THE CITY. Should any excavation be left open or only partly refilled for twenty-four (24) hours after the water-service pipe is installed and connected with the water system, or should the work be improperly done, city employees under the authority of the City Council, shall have the right to finish or correct the work, and the council shall assess the costs to the property owner or the plumber. Assessments will be collected as provided for in Section 3.20 of this Title.

TITLE II

6.14 SHUTTING OFF THE WATER SUPPLY. After giving reasonable notice, a city employee may shut off the supply of water to any customer under the authority of the City Council, because of any substantial violation of this article. The supply shall not be turned on again until all violations have been corrected and the Council has ordered the water to be turned on.

6.15 REINSTALLMENT FEE. The fee to reinstall water service after it has been shut off due to a violation shall be \$25.00 when the violation has been satisfactorily corrected and approved by the City Council. When a property owner directs the City to shut off the water supply the fee shall be \$25.00 to turn off the water supply and \$25.00 when the property owner requests it turned on. Meter removal and installation shall be done only by City employees after written application is made at the clerk's office. Meters will be stored by City employees on City property.

6.16 OWNER RESPONSIBLE FOR MAINTENANCE. It shall be the responsibility of the owner of the property connected to any water main to keep in good repair and free of any leaks, the corporation cock and water service pipe, whether in the public right of way or not.

6.17 FAILURE TO MAINTAIN. When any corporation cock or water service pipe becomes defective or creates a nuisance and the owner fails to correct such nuisance the city may do so and assess the costs to the property owner. (Code of Iowa, Sec. 364.12 (3h))

6.18 INSPECTION AND APPROVAL. All water service pipes and their connections to the water system must be inspected by the Superintendent of Public Works, or employee under his direction, before they are closed. If approval is refused, the plumber or property owner must immediately proceed to correct the work in order to meet approval. (IAC, 470-34.1 (135))

6.19 EASEMENT. Each customer shall grant or convey, or shall cause to be granted or conveyed to the municipality a permanent easement and right-of-way across any property owned or controlled by the customer wherever said easement or right of way is necessary for the municipal water facilities and lines, so as to be able to furnish service to the customer.

TITLE II

6.20 INDUSTRIAL SERVICE. The municipality may refuse service to persons, not presently customers, when in the opinion of the municipality the capacity of the facilities will not permit such service.

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CHAPTER 3: WATER SERVICE

ARTICLE 7

WATER METERS

7.01 METERS REQUIRED. All water furnished consumers shall be measured through meters furnished and installed by the city. (Code of Iowa, Sec. 384.84 (1))

7.02 FIRE SPRINKLER SYSTEM. Fire sprinkler systems may be connected to water mains by direct connection without meters under direct supervision of the Superintendent of Public Works. No open connection can be incorporated in the system, and there shall be no valves except a main control valve at the entrance to the building which must be sealed open.

7.03 LOCATION. All meters shall be located so that they are easily accessible to meter readers and repairmen and protected from freezing.

7.04 METER SETTING. The property owner shall have provided all necessary piping and fittings for proper setting of the meter by the city.

7.05 METER REPAIRS AND COSTS. Whenever a water meter owned by the city is found to be out of order the Superintendent of Public Works shall have it repaired. If it is found that damage to the meter has occurred due to the carelessness or negligence of the consumer or property owner, including tampering with meters, ect. then the property owner shall be liable for the cost of repairs.

7.06 RIGHT OF WAY. A city employee shall be permitted to enter the premises of any consumer at any reasonable time to remove, inspect or change a meter.

TITLE II

CHAPTER 3: WATER SERVICES

ARTICLE 8

WATER RATES

8.01 SERVICE CHARGES. Each customer shall pay for water service provided him by the city based upon his use of water, as determined by meters provided for in Article 7 of this Chapter. Each location, building, premises or connection shall be considered a separate and distinct consumer whether owned or controlled by the same person or not.

8.02 MULTIPLE DWELLING UNITS. Multiple dwelling units, including mobile home courts, together with commercial units, may be serviced from a single meter. The minimum charge for such service shall be \$9.20 per month multiplied by the number of dwelling units and mobile home together with commercial units serviced from the meter. There shall be conclusive presumption that each user used a share equal to the total number of gallons divided by the number of users and each unit, mobile home and commercial establishment shall be billed according to the rates herein set out.

8.03 RATES AND SERVICES. Water service shall be furnished at the following rates within the city.

Deposit. Single/Senior Citizen tenants shall pay a water deposit of \$25.00. Family tenants shall pay a water deposit of \$50.00. Deposits will be refunded after tenant vacates the rental unit and the final utility billing is paid.

Future Rates. On July 1, 2011, all water rates shall be increased by 2.0% over the rates established and will increase by 2.0% each year over the rates in effect during the preceding year.

8.04 RATES OUTSIDE THE CITY. Water service may be provided any customer located outside the corporate limits of the city which the city

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has agreed to serve. Rates for these persons will be one and one half (1 ½) times those specified in paragraph 8.03. No such consumer, however, will be served unless he shall have signed a service contract agreeing to be bound by the ordinances, rules and regulations applying to water service established by the council.

8.05 CONNECTION FEE. There shall be required of every customer a connection fee in the amount of twenty-five (\$25.00) upon occupation of premises at a new address.

8.06 BILLING PERIOD FOR WATER SERVICE. Billing and payment for water service:

1. METERS READ. Water meters shall be read and billed monthly.

2. PAYMENT. All water rates charged are due and payable on the twentieth day of each month following the close of the billing month to the clerk. The clerk shall mail the bill for these charges to the customer.

3. SERVICE DISCONTINUANCE. Any customer desiring to discontinue the water service to his premises for any reason must give notice of discontinuance in writing at the business office of the waterworks system, otherwise, the customer shall remain liable for all water used and service rendered by the municipality until said notice is received by the municipality.

4. LATE PAYMENT PENALTY. Fees not paid when due shall be deemed delinquent and a late penalty charge of ten percent (10%) of the total bill shall be added to the amount of the combined water, garbage and sewer fees.

5. RESPONSIBILITY. The owner of the premises served and the occupant thereof and the user of the water service shall be jointly and severally liable for the water service provided said premises.

8.07 ENFORCEMENT.

1. CITY MAY DISCONTINUE WATER SERVICE AFTER REASONABLE NOTICE. After giving reasonable notice, when water bills become overdue per 8.06 (2), the City Council may discontinue water

TITLE II

service to any customer who has failed to pay for water supplied and has not contested the payment in good faith.

2. ADDITIONAL PENALTY. All customer who have failed to make timely payment for services rendered in accordance with Articles 8.06 (2) and 8.06 (4) above must pay an additional penalty of \$25.00 if that total amount owed is not received, in the Clerk's office, by the thirtieth (30) day of the month following the close of the billing month.

8.07 METER ACCURACY AND TESTS. All water shall be supplied through meters that accurately measure the amount of water supplied to any building. A city employee shall make a test of the accuracy of any water meter when requested in writing. If it is found that such meter overruns to the extent of five percent (5%) or more, the cost of the tests shall be paid by the city and the city will credit on the next bill the overcharges collected since the last known date of accuracy, not exceed six (6) months consumption, and the conditions of water service prevailing during the period in which the meter failed to register.

8.09 CITY LIABILITY. The municipality shall in no event be held responsible for claim made against it by reason of the breaking of any mains or service pipe, or by reason of any other interruption of the supply of water caused by the breaking of machinery or stoppage for necessary repairs; and no person shall be entitled to damages nor have any portion of a payment refunded for any interruption of service which in the opinion of the municipality may be deemed necessary.

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

8.11 LIEN FOR NON PAYMENT. Water use charges remaining, and delinquent shall constitute a lien upon the premises served and shall be certified by the Clerk to the County Auditor for collection in the same manner as property taxes.

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CHAPTER 3: WATER SERVICE

ARTICLE 9

OPERATION OF PRIVATE WELLS

Section I

9.01 DRILLING, OPERATING OR MAINTAINING PRIVATE WELLS OR WATER SUPPLIES. It shall be unlawful for any person to drill, operate, or otherwise maintain a private well or water supply on public or private property within the City of Lansing or in any area under the jurisdiction of the City of Lansing, except as otherwise provided in this Article.

9.02 PLUGGING OF EXISTING WELLS AND CONNECTION TO PUBLIC WATER SUPPLY. Except as otherwise provided in this Article, the owners of any property located wholly or partially within the City of Lansing are required at each owner's expense to plug any existing private wells in accordance with 455B.190 of the Code of Iowa and to cease utilizing any private water supplies to the extent that such wells and/or water supplies are located within the City of Lansing or in any area under the jurisdiction of the City of Lansing or supply water to property located within the City of Lansing. Such owners are further required to connect their houses, buildings, or other facilities on the property (to the extent the structure requires a potable water supply) to the public water system. Connection shall be made within one hundred twenty (120) days of the effective date of annexation of the affected property into the City. This requirement shall not apply to any property located within the City of Lansing prior to the date of this ordinance (Grand-fathered Property). Any property owner electing to connect to the public water supply, shall comply with all requirements of this Article and become a "full requirements water customer," of the public water supply system.

9.03 OPERATION AND USE OF PRIVATE WELL OR WATER SUPPLY WHEN ACCESS TO PUBLIC WATER SUPPLY NOT AVAILABLE. Where access is not available to the public water supply for a parcel or any portion thereof may be connected to a private well and private water supply until such time as access to the public water supply is available. Availability for these purposes shall be defined as a functioning main of

TITLE II

the public water supply system being located within one hundred (100) feet of the nearest boundary of the parcel. During all times that access is not available, the owner of such parcel shall operate and maintain the private well and/or private water supply in a sanitary manner at the owner's expense, and shall comply with the provisions of Section 6. When access is available, the requirements set forth in Section 9.02 shall become applicable.

9.04 CONSTRUCTION PERMIT REQUIRED PRIOR TO COMMENCEMENT OF DRILLING, INSTALLATION, OR CONSTRUCTION; APPLICATION; FEE; INSPECTION PROVISIONS. Before commencement of drilling, installation, or construction of a private well or private water supply under the authority of Section 9.03, the owner of such parcel or any portion thereof shall first obtain a written Construction Permit signed by the City Clerk. The application for such permit shall be made on a form furnished by the City, and the applicant shall supplement such application with any plans, specifications, and other information as is deemed necessary by the City Clerk. A permit and inspection fee of one hundred dollars (\$100.00) shall be required to be paid to the City of Lansing at the time the application is filed.

Prior to completion of the private well or water supply, the City of Lansing shall be allowed to inspect the work at any stage of the drilling, installation, or construction and, in any event, the holder of the Construction Permit shall notify the City of Lansing both before any underground portions are covered and when the work is ready for final inspection. The inspection shall be made within sixty (60) hours (excluding weekends and holidays) of the receipt of notice of the City of Lansing.

9.05 PERMIT FOR OPERATION OF PRIVATE WELL OR WATER SUPPLY. After the drilling, installation, or construction pursuant to the Construction Permit is completed to the satisfaction of the City of Lansing, the City shall issue an Operation Permit, only after an application form that will be provided by the City is completed and which shall be valid for a period of five (5) years, unless terminated upon ninety (90) days notice due to violation provisions of this Article. The Operation Permit may be renewed for an additional period of five (5) years if the facility passes inspection by the City of Lansing.

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The City of Lansing, at its discretion, may perform yearly inspections of the installation to verify compliance with applicable ordinances. When access to the public water supply becomes available, the requirement set forth in Section 9.02 shall become applicable upon the expiration of the Operation Permit.

9.06 COMPLIANCE WITH APPLICABLE GOVERNMENTAL REGULATIONS. The type, capacities, location, and layout of any private well or water supply authorized by Section 9.03 shall comply with all applicable regulations, if any, of the State of Iowa or any other federal agency. Failure to comply with such recommendations and regulations shall be grounds for the denial or suspension of a permit. The issuance of the permits by the City of Lansing shall not in any way relieve the permittee of duties, obligations, or restrictions imposed by the State of Iowa or any federal agency.

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CHAPTER 4: HAZARDOUS MATERIALS

ARTICLE 1

HAZARDOUS MATERIALS

1.01 PURPOSE. The purpose of this Ordinance is to address procedures for cleanup, restoration and penalties for discharging prohibited materials such as any explosives, flammable or combustible solid, liquid or gas, any radioactive material at or above Nuclear Regulator Restriction, gas creating hazard, potential hazard or public deleterious effect on the environment.

2.01 PROHIBITED DISCHARGES.

A. No person, firm, or corporation shall discharge or cause to be discharged, leaked, leached or spilled upon any public street, alley or public property, or onto the ground, surface waters, subsurface waters, or aquifers or any private property within the City of Lansing, except those areas specifically licensed for waste disposal or landfill activities and which are authorized to receive such materials, any explosive, flammable or combustible solid liquid or gas, any radioactive material at or above Nuclear Regulator Restriction, gas creating a hazard, potential hazard or public deleterious effect on the environment.

B. Containment, Cleanup, Restoration and Cost Recover: Any person, firm or corporation in violation of this above Section shall, upon direction of the local Fire Department's Fire Chief, Assistant Fire Chief or Senior Fire Officer on duty, begin immediate actions to contain, cleanup and remove to an approved repository the offending material(s) and restore the site to its original condition. The offending person, firm or corporation shall be responsible for all expenses incurred. Should any person, firm or corporation fail to comply or fail to complete the requirements of this Section, the Fire Chief, Assistant Fire Chief or Senior Fire Officer on duty shall order the required actions to be taken by public or private resources. The City of Lansing, Iowa, shall be entitled to

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recover any and all costs incurred from the person, firm or corporation responsible for required actions.

C. Site Access: Access to any site, public or private, where a prohibited discharge is indicated or suspected will be provided to the Fire Department officers and staff and to law enforcement personnel for the purpose of evaluating the threat to the public and monitoring containment, cleanup and restoration activities.

D. Public Protection: Should any prohibited discharge occur that threatens the life, safety or health of the public at, near, or around the site of a prohibited discharge; the Fire Chief, Assistant Fire Chief or Senior Fire Officer on duty may order an evacuation of the area or take other appropriate steps to protect persons as may be provided by any existing Emergency Management Plan.

2.02 ENFORCEMENT.

A. Authority: The Fire Department Chief, Assistant Fire Chief or Senior Fire Officer on duty of the Fire Department responsible for responding to the containment, cleanup and/or restoration call or law enforcement officers shall have authority to issue citations or complaints under this Section.

B. Civil Liability: Any person, firm or corporation in violation of this Section shall be liable to the City of Lansing, Iowa, for any expenses incurred by the City for loss or damage sustained by the City by reason of such violations.

C. Penalties: Any person, firm or corporation in violation of this Section shall be fined \$100.00 upon conviction thereof plus the cost of prosecution or be imprisoned in the county jail for 30 days. Each day of violation shall constitute a separate offense.

TITLE III

PUBLIC ORDER, PROTECTION AND LAW ENFORCEMENT

TITLE III

CHAPTER 1: MISDEMEANORS

ARTICLE 1

PUBLIC PEACE

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

1.02 ASSALT AND BATTERY. It shall be unlawful for a person to apply, threaten, or attempt to apply an unlawful and unpermitted physical force to another person in a rude and insolent manner, or with the intent to do physically harm, with the apparent ability to execute any attempt or threat. (Code of Iowa, Sec. 708.1 and 708.4)

1.03 AFFRAY. It shall be unlawful for two (2) or more persons voluntarily or by agreement to engage in any fight, or use any blows or violence towards each other in an angry or quarrelsome manner, in any public place, to the disturbance or others. (Code of Iowa, Sec 29B. 4 and 723.4)

1.04 DISTURBANCE OF PEACE. The following shall apply:

1. ASSEMBLIES. It shall be unlawful for a person to make or excite any disturbance in a tavern, store or grocery, at any election or public meeting, or other place where citizens are peaceably and lawfully assembled. (Code of Iowa, Sec. 723.4 and 723.2)

2. DISTURBING CONGREGATIONS OR OTHER ASSEMBLIES. It shall be unlawful for a person; to willfully disturb any assembly of persons met for religious worship by profane discourse or rude and indecent behavior, or by making a noise, either within the place of worship or so near as to disturb or interrupt any school, school meeting, or literary society or other lawful assembly or persons. (Code of Iowa, Sec. 723.4)

3. NOISE. It shall be unlawful for a person to disturb the peace by excessive, loud, or unusual noise by blowing horns or ringing bells or by the use of sirens, radios or any type of speaking devices or noise makers.

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1.05 UNLAWFUL ASSEMBLY AND RIOT. It shall be unlawful for three (3) or more persons in a violent or tumultuous manner to assemble together to do or attempt an unlawful act, or when together to commit or attempt an act, whether lawful or unlawful, in a manner which is violent or tumultuous and a disturbance of others. (Code of Iowa, Sec. 723.1,2,4)

1.06 TEMPORARY CIVIL DISORDER. The following shall apply: (Code of Iowa, Sec. 723.4)

1. Declaration. The mayor may declare a state of civil disorder within the city of its parts if he has reason to believe a riot or other general public disorder may occur as a result of an act of violence or resistance to the lawful exercise of authority, constituting a threat to public peace or general welfare.

2. TEMPORARY RESTRICTIONS. The mayor may promulgate all or part of the following restrictions, which shall become effective after reasonable notice or their contents, is given and the affected area of the city is specified.

a. Order the immediate closing of all taverns and the cessation of the sale or other distribution of intoxicating liquor or beer.

b. Order the cessation of public display, sale or any other distribution of firearms and ammunition.

c. Order the cessation of the sale or other distribution of explosives or flammables.

d. Order the closing of all or some public parks, public streets or other public places during specified hours.

e. Order the cessation of gatherings by three (3) or more persons in public buildings, streets, parks or other open areas either public or private.

f. Order the cessation of any other activities reasonably believed hazardous to the maintenance or public safety.

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3. TERMINATION. Any restriction issued according to this section will automatically terminate forty-eight (48) hours after the mayor's declaration of civil disorder, or upon his declaration that the state of civil disorder no longer exists, whichever occurs first. Any or all restrictions declared by the mayor may be extended by successive resolutions of the council for additional time periods. The period of any one extension shall not exceed five (5) days.

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

1. DEFINITION. "Parade" shall mean any march or procession of persons or vehicles organized for marching or moving on the streets in an organized manner, or any march or procession of persons or vehicles represented or advertised generally to the public as a parade.

2. PERMIT. No parade shall be conducted without a written permit obtained from the Mayor, Department of Transportation and Police Chief. Such permit shall state the time, date and general route of the parade, and no permit fee shall be required. The written permit granted to the sponsors or organizers of the parade shall be permission for participants invited by the permitted to parade.

3. PARADE NOT A STREET OBSTRUCTION. Any parade issued a permit and in which the persons are lawfully participating shall not be deemed a street obstruction, notwithstanding the provisions of any other ordinance to the contrary.

4. CONTROL BY POLICE. Parade participants shall be subject at all times to the lawful orders and directions of police in the performance of their duties.

TITLE III

CHAPTER 1: MISDEMEANORS

ARTICLE 2

PUBLIC MORALS

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

2.02 PROSTITUTION. It shall be unlawful for any person to engage in, assist, or in any manner promote prostitution within the city. For the purpose of this section, the following acts are prohibited and the commission of any such act or acts shall constitute a violation of the city code.

1. OCCUPYING HOUSE OF ILL FAME. To resort to, use, occupy or inhabit for the purpose of prostitution or lewdness any house of ill fame or place kept for such purpose, or to be found at any hotel, boarding house, store or other place, leading a life of prostitution. (Code of Iowa, Sec. 725.1)

2. SOLICITING. To ask, request or solicit another to have carnal knowledge with any male or female for a consideration or otherwise. (Code of Iowa, Sec. 725.3)

3. KEEPING HOUSE OF ILL FAME. To keep a house of ill fame which is resorted to for the purpose of prostitution or lewdness. (Code of Iowa, Sec. 725.2)

4. LEASING HOUSE FOR PROSTITUTION. To let any house, knowing that the lessee intends to use it as a place or resort for the purpose of prostitution and lewdness, or knowingly permit such lessee to use the same for such purposes. (Code of Iowa, Sec. 725.4)

2.03 VAGRANCY. It shall be unlawful for a person to be at large, not in care of some; discreet person, in the state of vagrancy. For the purpose of this section, the following persons are vagrants:

1. PROSTITUTES. All common prostitutes and keepers of bawdy houses or houses for the resort of common prostitutes.

TITLE III

2. DISORDERLY PERSONS. All habitual drunkards, gamesters, or other disorderly persons.

3. BEGGARS. All persons begging in public places, or from house to house or persons inducing children or others to do so.

4. COLLECTORS. All persons representing themselves as collectors of alms for charitable institutions under any false or fraudulent pretenses.

5. GAMBLERS. All persons playing or betting in any street or public open place at any game, or pretended game of chance, or at or with any table or other instrument of gaming.

2.04 BLASPHEMOUS OR OBSCENE LANGUAGE. It shall be unlawful for a person to use blasphemous or obscene language publicly, to the disturbance of the public peace and quiet. (Code of Iowa, Sec. 728.1)

1. ILLEGAL KEEPING OF INTOXICANTS. To operate, conduct, or allow to be operated a place where intoxicating liquor is illegally kept, sold or given away. (Code of Iowa, Sec. 123.2)

2. CONSUMPTION IN PUBLIC PLACES. It shall be unlawful for any person to use or consume any alcoholic liquor or beer and have any alcoholic liquor or beer in his possession in an open container upon any public street or in an automobile or other vehicle on said street, except premises covered by a liquor control license. (Code of Iowa, Sec. 123.46)

3. PUBLIC INTOXICATION. It shall be unlawful for any person to be intoxicated or simulate intoxication in a public place.

2.06 GAMBLING. The following acts are prohibited:

1. KEEPING GAMBLING HOUSES. To keep a house, shop or place resorted to for the purpose of gambling, or knowingly to permit or suffer any person in any house, shop or other place under the permittor's control or care to play at cards, dice, faro, roulette, equality, punchboard, slot machine or other game for money or other things of value. (Code of Iowa, Sec. 725.5)

TITLE III

2 “KEEPER” DEFINED. Any person who has charge of or attends to any such house, shop or place is the keeper thereof. (Code of Iowa, Sec. 725.6)

3. GAMING AND BETTING. To participate in any game for any sum of money or other property of any value, or to make any bet or wages for money or other property of value, or to engage in bookmaking. (Code of Iowa, Sec. 725.7)

4. POOL SELLING. To record or register bets, wages, or sell pools upon the result of any trial or contest of skill, speed, or power of endurance of man or beast or upon the result of any political nomination or election; and to keep a place for the purpose of any such thing, or to own, lease, or occupy any premises where the same is permitted, or any part is used for any such purpose, or to receive as custodian or depository, for hire or reward, money, property, or things of value staked, wagered, or bet on any such result. (Code of Iowa, Sec. 725.10)

5. POSSESSION OF GAMBLING DEVICES. In any manner or for any purpose whatever except under proceeding to destroy the same to have, keep or hold in possession or control any roulette wheel, klondyle table, poker table, punchboards, faro, or keno layouts, or any other machines used for gambling, or any slot machine or device with any element of chance attending such operation. (Code of Iowa, Sec. 725.9)

6. STATE GAMBLING PERMIT. Nothing in this section shall be deemed to effect those activities allowed by those persons or establishments holding a State of Iowa Gambling Permit.

2.07 INDECENT EXPOSURE. No person shall expose those parts of his or her body listed to another in any public place, or in any place where such exposure is seen by another person or persons in any public place.

1. PROHIBITION. Exposure of the following in a public place is prohibited:

A woman’s nipple, aureole, or full breast, except as necessary in the feeding of an infant under the age of thirty-six (36) months.

TITLE III

The pubic hairs, pubes, perineum or anus of a male or female, the penis or scrotum of a male, or the vagina of a female, excepting those body parts of an infant of either sex.

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

2.08 PUBLIC URINATION. It shall be unlawful for any person to urinate in or upon any street, alley, sidewalk, bridge or other place open to public view, provided that this Section shall not apply to private restrooms or public facilities designated for such purpose.

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CHAPTER 1: MISDEMEANORS

ARTICLE 3

MINORS

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

1. "MINOR" shall mean a person less than eighteen (18) years of age.
2. "ADULT" shall mean a person eighteen (18) years of age or older.
3. "LEGAL AGE" shall mean nineteen (19) years of age or more.

(Code of Iowa, 23.3 (33))

3.02 SUPPLYING LIQUOR TO MINORS. It shall be unlawful for any person to sell, give or otherwise supply liquor or beer to any person under the age of nineteen (19), or knowingly to permit any person under that age to consume alcoholic liquors or beers, except in the case of alcoholic liquor or beer given or dispensed to a person under nineteen within a private home and with the knowledge and consent of the parent or guardian for beverage or medicinal purposes or as administered to him by a physician or dentist for medicinal purposes. (Code of Iowa, Sec. 123.47)

3.03 CURFEW.

1. It shall be unlawful for any person less than eighteen (18) years of age to be present at or upon any public assembly, building, place, street, or highway whether on foot or in a vehicle of any kind at the times and applicable to the age limitations as hereinafter specified, unless:

a. Accompanied and supervised by a parent, legal guardian, or other responsible companion at least twenty-one (21) years of age who is approved by the parents or legal guardian, or

b. The presence of such minor in such place or places is connected with and required by some legitimate business trade, profession, occupation, or out-of-town school activity in which the minor is permitted by law to be engaged and when a work permit has been issued

TITLE III

to the employer of said minor as required by law, or other valid and proper written permission has been granted said minor by his teacher, coach, or other school official in connection with such out-of-town school activity.

2. The prohibition established in subsection 1 shall apply to the following persons at the following hours:

a. For ages sixteen (16) and seventeen (17), between the hours of 11:00 p.m. and 5:00 a.m. on the following days, from Sunday night through Friday morning, inclusive, and between the hours of 12:00 a.m. and 5:00 a.m. on the following days, from Friday night to Sunday morning, inclusive; for persons under the age of sixteen (16) years, the curfew shall be imposed at 10:00 p.m. from Sunday through Thursday night, and 11:00 p.m. on Friday and Saturday nights.

b. All times shall be Central Standard Time or Daylight Savings Time during the period for which it has been adopted for the City.

3. It shall be unlawful for the parents, guardian, or other adult having the care and custody of a person under the age of eighteen (18), to permit the minor to violate the provisions of this section.

4. It shall be unlawful for any person operating any public place to knowingly permit any minor to enter or remain in or on such premises in violation of this section.

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CHAPTER 1: MISDEMEANORS

ARTICLE 4

PUBLIC HEALTH AND SAFETY

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

4.02 CONCEALED WEAPONS. It shall be unlawful for any person to do the following, except as provided in this section:

(Code of Iowa, Sec. 708.8)

1. PROHIBITION. To go armed with or to carry, a dirk, dagger, sword, pistol, revolver, stiletto, metallic knuckles, pocket billy, sandbag, skull cracker, sling shot or other offensive or dangerous weapon, except hunting knives adapted and carried as such, concealed either on or about the person, except in one's own dwelling, house, place of business, or other land possessed by him. No person shall carry a pistol or revolver concealed on or about his person or whether concealed or otherwise in any vehicle operated by him except in his dwelling, house, or place of business or on other land possessed by him, without a permit from the sheriff of the county.
2. EXEMPTION. It shall be lawful to carry one or more unloaded pistols or revolvers for the purpose of lawful hunting, lawful sale or attempted sale, lawful exhibit or showing, or other lawful use, if such unloaded weapons are carried either (1) in the trunk compartment of a vehicle or (2) in a closed container which is too large to be effectively concealed on the person or within the clothing of an individual, and such container may be carried in a vehicle or in any other manner; and no permit shall be required therefore.

4.03 DISCHARGING WEAPONS. It shall be unlawful for a person to discharge rifles, shotguns, revolvers, pistols, guns or firearms of any kind within the Corporate Limits of Lansing, Iowa, including the area known as Mt. Hosmer Park, except by authorization of the City Council.

TITLE III

4.04 FIREWORKS. It shall be unlawful for any person to offer for sale, expose for sale, sell at retail, or use or explode any fireworks within the Corporate Limits of the City, and Mt. Hosmer Park.

1. DEFINITION. The term “fireworks: shall mean and include any explosive composition, or combination of explosive substances or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, roman candles, or other fireworks of like construction and any fireworks containing any explosive or inflammable compounds, or other device containing any explosive substance. (Code of Iowa, Sec. 727.2)

4.05 FALSE ALARMS. It shall be unlawful for a person to give or cause to be given a false alarm of fire by setting fire to any combustible material, or by crying or sounding an alarm, or by any other means, without cause.

4.07 STENCH BOMBS. It shall be unlawful to throw, drop, pour, explode, deposit, release, discharge or expose any stench bomb or tear bomb, or any liquid, gaseous or solid substance or matter of any kind that is injurious to persons or property, or that is nauseous, sickening, irritating or offensive to any of the senses in, upon or about any theater, restaurant, car, structure, place of business or amusement, or any place of public assemblage or attempt to do any of these acts, or to prepare or possess such devices or materials with intent to do any of these acts. This provision shall not apply to duly constituted police, military authorities, prison officials, or peace officers in discharge of their duties

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

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

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4.10 ABANDONED REFRIGERATORS. It shall be unlawful to place, or to allow to be placed, any discarded, abandoned, unattended or unused refrigerator, ice box or similar container equipped with an airtight door or lid, snap lock, or other locking device which cannot be released from the inside, in a location accessible to children, outside any building, dwelling, or within an unoccupied or abandoned building or dwelling., or structure, under his or their control without first removing the door, lid, snap lock, or other locking device from said icebox, refrigerator or similar container. This provision applies equally to the owner of any such refrigerator, ice box, or similar container, and to the owner or occupant of the premises where the hazard is permitted to remain.

4.11 ANTENNA AND RADIO WIRES. It shall be unlawful for a person to allow antenna wires, antenna support, radio wires or television wires to exist over any street, alley, highway, sidewalk, or public property.

4.12 BARBED WIRE AND ELECTRIC FENCE. It shall be unlawful for a person to use barbed wire or electric fence to enclose land within the city limits without the consent of the council.

TITLE III

CHAPTER 1: MISDEMEANORS

ARTICLE 5

PUBLIC PROPERTY

5.01 PURPOSE. The purpose of this article is to define and prohibit defenses against public property and provide for their abatement.

5.02 DEFACING PUBLIC GROUNDS. It shall be unlawful for a person to cut, break or deface any tree or shrub on public property or on any public way by willfully defacing, cutting, breaking or injuring.

5.03 PUBLIC BUILDING. It shall be unlawful to willfully write, make marks, or draw characters on the walls or any other part of any church, college, academy, schoolhouse, court house, or other public building, or on any furniture, apparatus, or fixture herein; or to willfully injure or deface the same, or any wall or fence enclosing the same.

5.04 DAMAGE TO PUBLIC OR UTILITY PROPERTY. It shall be unlawful for a person to 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 to willfully tap, cut, injure, break, disconnect, connect, make connection with or destroy any of the wires, mains, pipes, conduits, meters, or other apparatus belonging to, or attached to, the power plant or distributing system of any electric light plant, electric motor, gas plant, or water plant; or to aid or abet any other person in so doing. (Code of Iowa, Sec. 716.7)

5.05 DEFACING PROCLAMATIONS OR NOTICES. It shall be unlawful for a person to intentionally deface, obliterate, tear down, or destroy in whole or in part, any transcript or extract from or of any law of the United States or this state, or any proclamation, advertisement or notification, set up at any place within the city by authority of the law or

TITLE III

by order of any court, during the time for which the same is to remain set up. (Code of Iowa, Sec. 716.7)

5.06 INJURY TO FIRE APPARATUS. It shall be unlawful for a person to willfully destroy or injure any engine, hose, hook and ladder truck, or other thing used and kept for extinguishment of fires. (Code of Iowa, Sec. 716.1)

5.07 DESTROYING PARK EQUIPMENT. It shall be unlawful for a person to destroy or injure any property or equipment in public swimming pools, playgrounds or parks by willfully defacing, breaking, damaging, mutilating or cutting. (Code of Iowa, Sec. 716.1)

TITLE III

CHAPTER 1: MISDEMEANORS

ARTICLE 6

PRIVATE PROPERTY

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

1. ENTER PROPERTY WITHOUT PERMISSION. Enter upon or in private property without legal justification or without the implied or actual permission of the owner, lessee, or person in lawful possession with the intent to commit a public offense or to use, remove there from, alter, damage, harass, or place thereon or therein anything animate or inanimate, without the implied or actual permission of the owner, lessee, or person in lawful possession. (Code of Iowa, Sec. 716.7)

2. VACATE PROPERTY WHEN REQUESTED. Enter or remain upon or in private property without legal justification after being notified or requested to abstain from entering or to remove or vacate there from by the owner, lessee, or person in lawful possession, or by any peace officer, magistrate, or public employee whose duty it is to supervise the use or maintenance of the property. (Code of Iowa, Sec. 716.7)

3. INTERFERE WITH LAWFUL USE OF PROPERTY. Enter upon or in private property for the purpose or with the effect of unduly interfering with the lawful use of the property by others. (Code of Iowa, Sec. 716.6)

4. USE OF PROPERTY WITHOUT PERMISSION. Be upon or in private property and use, remove there from, alter, damage, harass, or place thereon or therein anything animate or inanimate, without the implied or actual permission of the owner, lessee, or person in lawful possession. (Code of Iowa, Sec. 716.7)

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

6.03 TELEPHONE OR TELEGRAPH WIRE TAPS. It shall be unlawful for a person to wrongfully or unlawfully tap or connect a wire with the telephone or telegraph wires of any person engaged in the transmission of message on telephone or telegraph lines. (Code of Iowa, Sec. 727.8)

TITLE III

CHAPTER 1: MISDEMEANORS

ARTICLE 7

EXECUTION OF PROCESS

7.01 RESISTING EXECUTION OF PROCESS. It shall be unlawful for a person to knowingly or willfully resist or oppose any officer of this state, or any person authorized by law in serving or attempting to execute any legal writ, rule, order or process whatsoever, or to knowingly and willfully resist any such officer in the discharge of his duties without such writ, rule, order or process. (Code of Iowa, Sec. 719.1)

7.02 RESISTING ARREST. It shall be unlawful for a person after being informed of the intention to arrest him, to attempt to escape or forcibly resist when arrest is being made by an officer under the authority of a warrant. (Code of Iowa, Sec. 719.1)

7.03 REFUSING TO ASSIST AN OFFICER. If any person, being lawfully required by any sheriff, constable or other peace officer, willfully neglects or refuses to assist him in the execution of the duties of his office in any criminal case, or in any case of escape or rescue, he shall be considered to have violated the city code. (Code of Iowa, Sec. 719.2)

7.05 IMPERSONATING AN OFFICER. It shall be unlawful for a person to falsely assume to be a judge, magistrate, sheriff, deputy sheriff, peace officer, special agent of the Iowa Department of Public Safety or conservation officer, and take upon himself to act as such or require anyone to aid or assist him in any manner.

TITLE III

CHAPTER 2: NUISANCES

ARTICLE 8

GENERAL PROVISIONS

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

1. “NUISANCE” shall mean whatever is injurious to health, indecent or offensive to the senses or an obstacle to the free use of property so as essentially to interfere with the comfortable enjoyment of life or property. The following are declared to be nuisances: (Code of Iowa, Sec. 657.1)

a. Offensive smells. The erecting, continuing or using of any building or other place for the exercise of any trade, employment or manufacture, which, by occasioning noxious exhalations, 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. Filth or noisome (*to have an extremely offensive smell*) substance. The causing or suffering any offal, filth or noisome substance to be collected or to remain in any place to the prejudice of other. (Code of Iowa, Sec. 657.2(2))

c. Impeding passage of navigable river. 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. Water pollution. 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. Blocking public and private ways. The obstructing or encumbering by fences, buildings or otherwise the public roads, private ways, streets, alleys, commons, landings places, or burying grounds. (Code of Iowa, Sec. 657.2(5))

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f. Billboards. Billboards, signboards and advertising signs, whether erected, constructed or portable, 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 so as to render dangerous the use thereof. (Code of Iowa, Sec. 657.2 (7))

g. Cottonwood trees. Cotton-bearing cottonwood trees and all other cotton-bearing poplar trees. (Code of Iowa, Sec 657.2 (8))

h. Storing of inflammable junk. The depositing or storing of inflammable junk, such as old rags, rope, cordage, rubber, bones and paper, by dealers in such articles within the fire limits of the city, unless it be in a building of fireproof construction. (Code of Iowa, Sec. 657.2 (10))

i. Air pollution. The emission of dense smoke, noxious fumes or fly ash. (Code of Iowa, Sec. 657.2 (11)).

j. Weeds. Dense growth of all weeds, vines, brush or other vegetation in the city so as to constitute a health, safety or fire hazard. (Code of Iowa, Sec. 657.2 (12))

k. Dutch elm disease. Trees infected with Dutch Elm Disease. (Code of Iowa, Sec. 657.2 (13))

l. Houses of ill fame. Houses of ill fame, kept for the purpose of prostitution and lewdness, gambling houses, or houses resorted to for the use of opium or hashish 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 (5))

m. Obstruction of view. All trees, hedges, billboards, or other obstructions which prevent persons from having a clear view of traffic approaching an intersection from cross streets in sufficient time to bring a motor vehicle driven at a reasonable speed to a full stop before the intersection is reached. This also includes all trees, hedges, billboards, or other obstructions which prevent persons from having a clear view of scenic surroundings (River).(Code of Iowa, Sec. 657.2 (5))

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n. The following items stored in outdoor areas or in sheds, lean-tos, or other structures not totally enclosed by structural walls: building materials, abandoned or inoperable vehicles, boats, recreational vehicles, non-registered vehicles, auto parts, tires, packing boxes, wooden pallets, broken or discarded furniture, broken or discarded household furnishings or equipment, including carpeting, appliances and other typical household items, or any item not normally required in the day-to-day use of the property when stored continuously in excess of seventy-two (72) hours within any portion of a front, side or rear yard area.

o. Any attractive nuisance dangerous to children in the form of abandoned vehicles, abandoned or broken equipment, hazardous pools, ponds, excavations, materials, including building materials, debris or neglected machinery.

p. Real property maintained in such condition as it becomes so defective, unsightly, or in such condition of deterioration or disrepair that the same causes substantial depreciation of the property values of the surrounding properties or is materially detrimental to properties and improvements.

q. Any wall, fence or hedge in such condition as to constitute a hazard to persons or property or to cause depreciation in the value of any adjacent or nearby property.

r. Any discarded or unused material on real property that is not consistent with the condition and visual appearance of the surrounding or adjacent property.

s. The causing of the accumulation of building debris and/or construction materials, tools, equipment or machinery on any property within the City limits after the completion of a construction project, the occasioning of which becomes injurious and dangerous to the health, comfort or property of individuals or the public.

t. The growth of grass, weeds or other vegetation in any lawn or yard, including public parking or boulevard areas abutting private property, to an average height in excess of six (6) inches. As used in this subsection, "grass, weeds, or other vegetation" shall not include trees,

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shrubs and tended gardens and flower beds or any vegetation on land used for agricultural purposes.

u. The outdoor storage of any pile or collection of wood or boards except neatly stacked, pre-cut wood on premises containing a wood burning furnace, stove or fireplace and intended for use therein. This subsection shall not apply to any commercial lumber yard or to any other premises on which there be regularly and lawfully conducted a commercial or industrial activity in which such wood or boards are used, consumed or sold.

v. Any building or structure containing a broken or missing external window or door or any other opening exposing the interior to the elements and/or permitting access to the interior by birds and animals. This subsection shall not apply to carports and other structures designed for use without total enclosure.

x. Any real property or any building or structure thereon that has become the habitat for feral rats.

y. Any other condition, activity or circumstances declared to constitute a nuisance under any other provisions of this Code of Ordinance.

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

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

1. REMOVAL OF DISEASED TREES. The removal of diseased trees or dead wood, but not diseased trees and dead wood outside the lot and property lines and inside the curb lines upon the public street. (Code of Iowa, Sec. 364.12 (3b))

2. REMOVAL OF STRUCTURES. The removal, repair or dismantling of a dangerous building or structure. (Code of Iowa, Sec. 364.12 (3c))

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3. NUMBERING OF BUILDINGS. (Code of Iowa, Sec. 364.12 (3d))

4. DRAINAGE CONNECTIONS. The connection to public drainage systems from abutting property when necessary for public health or safety. (Code of Iowa, Sec. 364.12 (3e))

5. SANITARY FACILITIES. The connection to public sewer systems from abutting property, and the installation of sanitary toilet facilities and removal of other toilet facilities on such property. (Code of Iowa, Sec. 364.12 (3f))

6. DESTRUCTION OF WEEDS. The cutting or destruction of weeds or other growth which constitutes a health, safety or fire hazard. (Code of Iowa, Sec. 364.12 (3g))

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CHAPTER 2: NUISANCES

ARTICLE 9

ABATEMENT PROCEDURE

9.01 NUISANCE ABATEMENT. Whenever the mayor or other authorized municipal officer finds that a nuisance exists, he shall cause to be served upon the property owner a written notice to abate the nuisance within a reasonable time after notice. (Code of Iowa, Sec. 364.12) (3h))

9.02 NOTICE TO ABATE. The notice to abate shall contain: (Code of Iowa, Sec. 364.12 (3h))

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

2. LOCATION. The location of the nuisance or condition.

3. ACTS NECESSARY TO ABATE. A statement of act or acts necessary to abate the nuisance or condition.

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

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

9.03 METHOD OF SERVICE. The notice may be in the form of an ordinance or sent by certified mail to the property owner. (Code of Iowa, Sec. 364.12 (3h))

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

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exist, it shall be ordered abated within a reasonable time under the circumstances.

9.05 ABATEMENT IN EMERGENCY. If it is determined that an emergency exists by reason of the continuing maintenance of the nuisance or condition, the city may perform any action which may be required under this chapter without prior notice. The city; shall assess the costs as provided in Section 9.02 (5) after notice to the property owner under the applicable provisions of Sections 9.01, 9.02, and 9.03 and hearing as provided in Section 9.05. (Code of Iowa, Sec. 364.12 (3h))

9.06 ABATEMENT BY CITY. If the person notified to abate a nuisance or condition neglects or fails to abate as directed, the city may perform the required action to abate, keeping an accurate account of the expense incurred. The itemized expense account shall be filed with the clerk who shall pay such expenses on behalf of the city. (Code of Iowa, Sec. 364.12 (3h))

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

1. COLLECTION. The clerk shall send a statement of the total expense incurred by certified mail to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within one month, the clerk shall certify the costs to the county auditor and it shall then be collected with, and in the same manner, as general property taxes. (Code of Iowa, Sec. 364.12 (3h))

2. INSTALLMENT PAYMENT. If the amount expended to abate the nuisance or condition exceeds \$1500.00 the City shall permit the assessment to be paid in up to (10) ten annual installments, to be paid in the same manner and with the same interest as benefited property under the Code of Iowa.

TITLE III

CHAPTER 3: ANIMAL CONTROL AND PROTECTION

ARTICLE 10

GENERAL PROVISIONS

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

1. "ANIMAL" shall mean all living creatures not human.

2. "LARGE" shall mean any animal found off the premises of his owner and not under the control of a competent person, restrained within a motor vehicle, or housed in a veterinary hospital or kennel.

3. "OWNER" shall mean any person owning, keeping, sheltering, or harboring an animal. (Code of Iowa, Sec 351.2)

10.02 CRUELTY TO ANIMALS. It shall be unlawful for a person to torture, torment, deprive of necessary sustenance, mutilate, overdrive, overload, drive when overloaded, cruelly beat, cruelly kill any animal, or unnecessarily fail to provide the same with proper food, drink, shelter, or protection from the weather, or drive or work the same when unfit for labor, or cruelly abandon the same, or carry the same, or cause the same to be cruelly carried on any vehicle or otherwise or to commit any other act or omission by which unjustifiable pain, distress, suffering or death is caused or permitted to any animal, whether the acts or omissions herein contemplated be committed either maliciously, willfully, or negligently. (Code of Iowa, Sec. 717.2 & 717.3)

10.03 ANIMAL CONTESTS. It shall be unlawful for a person to keep or use, or in any way be connected with or be interested in the management of, or receive money for the admission of any person to, any place kept or used for the purpose of fighting or baiting any bull, bear, dog, cock, or other creature, or to engage in, aid, abet, encourage, or assist in any bull, bear, dog, or cock fight, or a fight between any other creatures. (Code of Iowa, Sec. 717.3)

10.04 ANIMALS RUNNING AT LARGE. It shall be unlawful for any owner to allow dogs, cats, cattle, horses, swine, sheep or other similar animals or fowl to run at large within the corporate limits of the city.

TITLE III

10.05 BOTHERSOME ANIMALS. It shall be unlawful for a person to keep within the city such bothersome animals as barking dogs, screeching cats, bees, cattle, horses, swine, sheep and fowl, also any other animal which tends to disrupt the peace and good order of the community.

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

10.07 ANNOYANCE OR DISTURBANCE. It shall be unlawful for the owner of a dog or cat to allow or permit these animals to cause serious annoyance or disturbance to any person or persons by frequent and habitual howling, yelping, barking, screeching or otherwise; or, by running after or chasing persons, bicycles, automobiles or other vehicles.

10.08 VICIOUS DOGS. It shall be unlawful for any person to harbor or keep a vicious dog within the city. A dog is deemed to be vicious when it shall have attacked or bitten any person without provocation, or when propensity to attack or bite persons shall exist and is known or brought reasonably to be known to the owner.

10.09 IMPOUNDMENT. Animals found at large in violation of this chapter shall be seized and impounded.

10.10 DOG AND CAT WASTE. Any person who shall walk an animal on public or private property shall provide for the disposal of the solid waste material excreted by the animal by immediate removal of the waste except for animals properly trained and certified to assist persons with disabilities while such animals are acting in such capacity.

TITLE III

CHAPTER 3: ANIMAL CONTROL AND PROTECTION

ARTICLE 11

REGULATION AND LICENSING OF DOGS

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

1. "DOG" shall mean both male and female animals of the canine species whether altered or not.

2. "OWNER" shall mean any person or persons, firm, association or corporation owning, keeping, sheltering or harboring a dog.

11.02 IMMUNIZATION. All dogs six (6) months or older shall be vaccinated against rabies. Before issuance of the license the owner shall furnish a veterinarian's certificate showing that the dog for which the license is sought has been vaccinated, and that the vaccination does not expire within six (6) months from the effective date of the dog license. 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)

11.03 KENNEL DOGS. Kennel dogs which are kept or raised solely for the bona fide purpose of sale and which are kept under constant restraint are not subject to the provisions of this article.

11.05 AT LARGE PROHIBITED. No owner of any dog shall permit such dog to run at large, whether the dog is licensed or unlicensed.

11.06 ACTIONS OF DOGS CONSTITUTING A NUISANCE. It shall be unlawful for an owner of a dog to allow or permit such dog to perform the following:

1. OTHER PREMISES. To pass upon the premises of another thereby causing damage to, interference with, defecating and disturbing garbage on the premises.

2. CAUSE ANNOYANCE. To cause serious annoyance or disturbance to any person or persons by frequent and habitual howling,

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yelping, barking or otherwise; or by running after or chasing persons, bicycles, automobiles or other vehicles.

11.07 IMPOUNDING. Any licensed, unlicensed, or unvaccinated dog found at large shall be seized and impounded. Upon payment of the standard impoundment fee, the owner may claim said dog.

11.08 DOGS NOT CLAIMED. Any impounded dogs, whether licensed or unlicensed, not claimed within seven (7) days after notice shall be disposed of in a humane manner in accordance with the law.

TITLE III

CHAPTER 4: AIR POLLUTION AND OPEN BURNING

ARTICLE 12

GENERAL PROVISIONS

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

1. "AIR CONTAMINANT" means any smoke, soot, fly ash, dust, cinder, dirt, noxious or obnoxious acids, fumes, oxides, gases, vapors, odorous substances, toxic substances, radioactive substances, waste matter, particulate matter, or any other material which by presence in the atmosphere may constitute air pollution, excluding uncombined water.

2. "AIR POLLUTION" means the presence in the outdoor atmosphere of one or more air contaminants or combinations thereof in such quantities and of such duration that they are or may tend to be injurious to human, plant or animal life, or unreasonably interfere with the enjoyment of life, property, or the conduct of business.

3. "BACKYARD BURNING" means the burning or rubbish originating on the premises by individuals domiciled on the premises.

4. "CHIMNEY OR STACK" means any flue, conduit, or duct permitting the discharge or passage of air contaminants into the open air, or constructed or arranged for this purpose.

5. "DUST" means solid particles released into the air by natural forces or by mechanical processes.

6. "EMISSION" means discharge or release into the atmosphere of any air contaminant, or any substance which by chemical reaction may become an air contaminant.

7."FLY ASH" means suspended particles, charred paper, dust, soot, or other partially incinerated or burned matter carried in the products of combustible refuse.

TITLE III

8. "FUMES" means solid particles generated by the condensation of vapors or gases that are of such character as to create an unclean, unhealthy, or an offensive condition when airborne.

9. "GARBAGE" means all solid and semi-solid putrescible and not-putrescible animal and vegetable wastes and other putrescible matter, excluding recognized industrial by-products.

10. "HEALTH OFFICER" means a public official designated by the council to be responsible for the enforcement of this ordinance, or a member of the local board of health or a police officer.

11. "ODORS" means that property of an air contaminant detectable by the sense of smell.

12. "PARTICULATE MATTER" means material which is or has been suspended in air or other gases and is a liquid or solid at standard conditions; of temperature (68 degrees Fahrenheit) and pressure (14.7 pounds per square inch absolute).

13. "PERSON" means any individual, partnership, firm, public or private corporation, association, subdivision or agency of the state, or any other legal entity.

14. "REFUSE" means garbage, rubbish, and all other putrescible and non-putrescible wastes, except sewage and water carried trace wastes.

15. "RUBBISH" means all waste materials of non-putrescible nature.

16. "SALVAGE OPERATIONS" means any business, industry, or trade engaged wholly or in part in salvaging or reclaiming any project or material, including, but not limited to, chemicals, drums, metals, motor vehicles or shipping containers.

17. "TRADE WASTE" means all solid or liquid material or rubbish resulting from building operations, construction, or the conduct of any business, industry, or trade, including but not limited to, chemicals,

TITLE III

cinders, grease, paint, plastic products, and other forms of liquid or solid waste materials.

12.02 OPEN BURNING. No person shall allow, cause, or permit open burning of refuse, including trade waste, nor shall any person conduct a salvage operation by open burning. No person shall burn leaves, branches, or other plant material grown or deposited upon his property but shall gather such material and dispose of it at sites approved by the city, compost such material, or place it at points specified for the picking up and dispose of such materials by authorizing persons acting for the city, except that burning of such yard wastes and hillsides shall be allowable for a period each spring and fall, the dates to be designated each year by resolution.

12.03 EXEMPTIONS. The conditions below are exempted from this article and rules and regulations enacted there under:

1. CLEARING AND GRUBBING RUBBISH. The open burning of combustible materials produces in clearing, grubbing and construction operations, provided that such burning shall be limited to areas located at least one-fourth (1/4) mile from any inhabited building.

2. COOKING OF FOOD. Open fires used only for the cooking of food for human consumption, or for recreational purposes, except for fires on the premises of permanent commercial establishment.

3. DISASTER RUBBISH. The open burning of rubbish produced during community disasters in cases where an officially declared emergency condition exists.

4. DISEASED TREES. The burning of diseased trees. However, when the burning of diseased trees causes air pollution, it shall be subject to state air pollution control authorities requiring relocation of the burning operation. (Code of Iowa, Sec. 364.12 (3a))

5. FLARE STACKS. Flare stacks for the combustion of waste gases.

6. PUBLIC PROTECTION. Open burning is permitted if done in the performance of an official duty of any public health or safety officer.

TITLE III

7. TRAINING FIRES. Fires set for the purpose of bona fide instruction and training of public or industrial employees in the methods of fighting fires.

8. VARIANCES. This article shall not apply where a variance has been granted by the Air Quality Commission of the State of Iowa.

12.04 COMMERCIAL INCINERATORS. Commercial equipment or facilities for the enclosed burning of refuse shall have a stack adequate to maintain a draft sufficient for efficient combustion and the stack shall have a screen sufficiently fine to prevent emission of particles of burning material. Such equipment or facilities shall not be installed until approved by the Superintendent of Public Works and/or the city council, and shall be maintained and operated so that no air pollution shall result, in accordance with state law and rules on air contaminants. (Code of Iowa, Sec. 455B.12 (14))

12.05 COMPLIANCE. Nothing in this article is intended to permit any practice which is a violation of any statute ordinance, or regulation.

Nothing in this article shall prevent the health officer of council from making efforts to obtain voluntary compliance through warning, conference, or other means. (Code of Iowa, Sec. 455B.23 (1))

12.06 ENFORCEMENT. When the health officer or council has reason to believe a violation of this article has occurred, it may enter into informal negotiations to resolve the problem.

If, after a reasonable period of time, such negotiations have failed to resolve the problem, the council or health officer may cause written notice to be served upon the alleged violator or violators.

The notice shall be served in the manner required for the service of notice of the commencement of a civil action in a district court, and shall contain:

1. A description of the condition constituting the alleged violation, including its location.

2. A statement of the act or acts necessary to prevent, abate, or control the alleged violation.

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3. A reasonable time within which to complete the necessary corrective action.

4. A statement that if no request for a hearing is made within the time prescribed, the order shall become final and there shall exist a violation of this article.

5. A statement of the penalty for violation of this article.

Any such notice shall become a final order unless the person or persons named therein request in writing a hearing before the health officer or council. In lieu of such order the health officer or council may require that the alleged violator or violators appear before the health officer or council for a public hearing at a time and a place specified in the; notice, not less than ten days after service of such notice, to answer the charges complained of; or the council or health office may institute action to abate the condition in the manner set by ordinance for health nuisances. (Code of Iowa, Sec.455B.12 (11)).

After the public hearing, the health officer or council shall, in writing, affirm, modify, or rescind its order or issue an appropriate order or orders for the prevention, abatement, or control of the condition involved. Such order shall prescribe the date or dates by which the violation or violations shall cease and may prescribe timetables for necessary action the prevention, abatement, or control of the air pollution.

12.07 EMERGENCY PROCEDURE. If the health official or council finds that any person is causing or contributing to air pollution which requires immediate action to protect the public health or safety, he shall order such person to reduce or discontinue immediately the air pollution, and a civil action in district court, and such order shall be complied with immediately. Upon issuing such order, the council or health officer, as requested in writing by the person so ordered, shall fix a time and a place for a hearing to be held within a reasonable time thereafter, not more than twenty-four (24) hours after the conclusion of such hearing, the order shall be affirmed, modified, or set aside.

12.08 REVIEW. Any person aggrieved by an order of the health officer may have review thereof before the city council, provided that such

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person so requests in writing within thirty (30) days of the receipt of the order.

12.09 PENALTY. Any person violating any provision of this article shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine not to exceed one hundred dollars (\$100.00) or imprisonment not exceeding (30) days.

TITLE IV

TRAFFIC AND STREETS

TITLE IV

CHAPTER 1: TRAFFIC CODE

ARTICLE I

GENERAL PROVISIONS

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

1. "VEHICLE" shall mean any device, upon or by which any person or property is or may be transported or drawn upon a public highway, street or alley. "Vehicle" does not include:

- a. Any device moved by human power.
- b. Any device used exclusively upon stationary rails or tracks.
- c. Any steering axle, daily or other integral part of another vehicle, except an axis auxiliary axle, which in and of itself is incapable of commercially transporting any person or property but is used primarily to support another vehicle.
- d. Any integral part of a truck, tractor, or road tractor which is mounted on the frame of a truck, tractor, or road tractor immediately behind the cab and which may be used to transport persons and property but which cannot be drawn upon the highway by the truck, tractor, or other motor vehicle. (Code of Iowa, Sec. 321.I(I))

2. "OWNER" means a person, who holds the legal title of a vehicle, or in the event a vehicle is the subject of a security agreement with an immediate right of possession vested in the debtor, then such debtor shall be deemed the owner. (Code of Iowa, Sec. 321.1 (36))

3. "DRIVER" means every person who drives or is in actual physical control of the vehicle. (Code of Iowa, Sec. 321.1 (44))

4. "STREET OR HIGHWAY" means the entire width between property lines of every way or place of whatever nature when any part is

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open to use of public, as matter of right, for purposes of vehicular traffic. (Code of Iowa, Sec. 321.1 (48))

5. "PRIVATE ROAD OR DRIVEWAY" means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied from the owner but not by other persons. (Code of Iowa, Sec. 321.1 (49)).

6. "ALLEY" means a thoroughfare laid out, established and platted as such, by constituted authority. (Code of Iowa, Sec. 32 .1 (67))

7 "INTERSECTION" means the area embraced within the prolongation or connection of the lateral curb or if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict. (Code of Iowa, Sec. 321. 1(54))

8. "CROSSWALK" means that portion of a roadway ordinarily included within the prolongation or connection of the lateral lines of sidewalks at intersections, or any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface. (Code of Iowa, Sec. 321.1 (55))

9 "PEDESTRIAN" means any person afoot. (Code of Iowa, Sec. 321.1 (47))

10. "SIDEWALK" means that portion of a street between the curb lines, or the lateral lines of a road way, or the adjacent property lines intended for the use of pedestrians. (Code of Iowa, Sec. 321.1 (51))

11. "PEACE OFFICER" shall mean every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations. (Code of Iowa, Sec. 321.1 (45))

12. "AUTHORIZED EMERGENCY VEHICLE" means vehicles of the fire and police departments, ambulances, and emergency vehicles owned by the United States, this state, or any subdivision of this state or any municipality, and such privately owned ambulances, rescue or disaster vehicles as are designated or authorized by the Iowa Director of Transportation. (Code of Iowa, Sec. 321. (26))

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13. "SCHOOL BUS" means every vehicle operated for the transportation of children to or from school, except vehicles which are:

- a. Private owned and not operated for compensation,
- b. Used exclusively in the transportation of the children in the immediate family of the driver,
- c. Operated by a municipality or privately owned than transit company for the transportation of children as part of or in addition to their regularly scheduled service,
- d. Designed to carry not more than nine persons as passengers, either school owned or privately owned, which are used to transport pupils to activity events in which the pupils are participants or used to transport pupils to their homes in case of illness or other emergency situations. (Code of Iowa, Sec. 321, .I (27))

14. "RAILROAD" means a carrier of persons or property upon cars operated upon stationary rails. (Code of Iowa, Sec. 321.1(28))

15. "MOTORCYCLE" means every motor vehicle having a saddle or seat for use by the rider and designed to travel on not more than three (3) wheels in contact with the ground including a motor scooter but excluding a tractor and a motorized bicycle. (Code of Iowa, Sec. 321.1 (3a))

16. "TRAFFIC CONTROL DEVICE" shall mean all signs, signals, markings, and devices not inconsistent with this chapter, lawfully placed or erected for the purpose of regulating, warning, or guiding traffic. (Code of Iowa, Sec. 321.1 (62))

17. "PARK" OR "PARKING" shall mean the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of, and while actually engaged in, loading or unloading merchandise or passengers.

18. "STAND" OR "STANDING" shall mean the halting of vehicle, whether occupied or not, otherwise than for the purpose of, and while actually engaged in, receiving or discharging passengers.

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19. "STOP" shall mean when required, the complete cessation of movement.

20. "STOP" OR "STOPPING" shall mean, when prohibited, any halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or traffic control sign or signal.

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

22. "RESIDENCE DISTRICT" shall mean the territory contiguous to and including a highway not comprising business, sub-urban or school district, where forty percent (40%) or more of the frontage on such a highway, for a distance of three hundred (300) feet or more, is occupied by dwellings or by dwellings and buildings in use business.

23. "SCHOOL DISTRICT" shall mean the territory contiguous to and including a highway for a distance of two hundred (200) feet in either direction from school house.

1.02 ADMINISTRATION AND ENFORCEMENT. Provisions of this chapter and the Iowa law relating to motor vehicles and law of the road shall be enforced by the Police Department+.

1.03 TRAFFIC ACCIDENTS. The following shall apply to traffic accidents:

1. REPORT. The driver of a vehicle involved in an accident within the limits of this city shall file a report as and when required by the Iowa Department of Public Safety. (Code of Iowa, Sec. 321.271)

2. INVESTIGATION. The Police Department, shall investigate all accidents reported. If sufficient evidence of violation is found, proper action will be taken to punish a violator.

3. STUDIES. Whenever the accidents at any particular location become numerous, the Police Chief shall conduct studies of such accidents and proposed remedial measures.

TITLE IV

1.04 FILES MAINTAINED. The Police Chief shall maintain a suitable record of all traffic accidents, warnings, arrest convictions and complaints reported for each driver during the most recent three year period. Such reports shall be filed alphabetically under the name of the driver concerned.

1.05 POWER TO DIRECT TRAFFIC. The Police Department, and any officer of the fire department when at the scenes of a fire, is authorized to direct all traffic by voice, hand or signal in conformance with traffic laws. In the event of an emergency traffic may be directed as conditions require notwithstanding the provisions of the traffic laws.

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CHAPTER 1: TRAFFIC CODE

ARTICLE 2

REGULATIONS AND VIOLATIONS

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

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 321.234—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, 321.278, 321.285 through 321.288, 321.290, 321.294 and 321.295—reckless driving, drag racing, speed, control of vehicle and minimum speed.
7. 321.297 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 and entering through highways.

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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 glass, ect., on streets.

14. 321.384 through 321.409, 321.415, 321.418 through 321.423—lighting equipment required and time of use. However, for the purpose of this chapter, in accordance with Section 321.395, motor vehicles parked where permitted by this chapter need not have parking lamps lighted if the vehicle is within 160 feet of a street light ahead and to the rear of the vehicle and the permitted speed on said street is twenty-five miles per hour or less.

15. 321.430 through 321.443 and 321.447 through 321.450—brakes, horns, sirens, mufflers, wipers, mirrors, tires, flares, windows, safety belts and special markings for transporting explosives.

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

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

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

2.04 TAMPERING WITH VEHICLE. Any person who either individually, or in association with one or more other persons, willfully injures or tampers with any vehicle or breaks or removes any part or parts of or

TITLE IV

from a vehicle without the consent of the owner is guilty of a simple misdemeanor punishable as provided in the Code of Iowa. (Code of Iowa, Sec. 321.482)

2.05 MILLING. It shall be lawful to drive or operate a motor vehicle, either singly or with others in any processional milling or repeated movement over any street to the interference with normal traffic use, or to the annoyance or offense of a person.

2.06 SQUEALING TIRES. No person shall drive any vehicle in such a manner as to cause the repeated or prolonged squealing of tires through too rapid acceleration or too high speed on turning of such vehicle.

2.07 MUFFLERS. It shall be unlawful for person to operate or drive a motor vehicle on a highway that is not equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke, or to use a muffler cutout, bypass or similar device. (Code of Iowa, Sec. 321.436)

2.08 PLAY STREETS AND ALLEYS. The council shall have authority to declare any street or alley 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 alley or part thereof as a play street, no person shall drive vehicle upon any such; street or alley or portion thereof except drivers of vehicles having business or whose residences are within such closed area, and then any said driver shall exercise the greatest care in driving upon any such street or alley or portion thereof. (Code of Iowa, Sec. 321.255)

2.09 QUIET ZONES. Whenever authorized signs are erected indicating a quiet zone, a person operating a motor vehicle within any such zone shall sound the horn or other warning device of such vehicle except in an emergency.

2.10 FUNERAL OR OTHER PROCESSIONS. The following shall apply to funeral and other procession: (Code of Iowa, Sec. 321.236 (3))

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1. IDENTIFIED. A funeral or other procession composed of vehicles shall, be identified as determined and designated by the police chief.

2. MANNER OF DRIVING. Each driver in a funeral or other procession shall drive as near to the right hand of the roadway as practical and safe.

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

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

1. SIGNALS. The driver of any school bus used to transport children to and from a public or private school shall, when stopping to receive or discharge pupils at any point within the city, turn on the flashing stop warning signal lights at a distance of not less than three hundred (300) feet, nor more than five hundred (500) feet from the point where said pupils are to be received or discharged from the bus. At the point of receiving or discharging pupils the driver of the bus shall bring the bus to a stop and extend the stop arm. After receiving or discharging pupils, the bus driver shall turn off the flashing stop warning lights, retract the stop arm and then proceed on the route. No school bus shall stop to load or unload pupils unless there is at least three hundred (300) feet of clear vision in each direction. (Code of Iowa, Sec. 321.372(1))

2. LIGHTS ON. The driver of a school bus shall, while carrying passengers, have its headlights turned on. (Code of Iowa, Sec. 321.372 (1))

3. DISCHARGING PUPILS. All pupils shall be received and discharged from the right front entrance of every school bus and if said pupils must cross the street or highway, they shall be required to pass in front of the bus, look in both directions, and proceed to cross the street or highway only on signal from the bus driver. (Code of Iowa, Sec. 321.372 (2)).

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4. **PASSING PROHIBITED.** The driver of any vehicle overtaking a school bus shall not pass a school bus when flashing stop warning signal lights are flashing and shall bring said vehicle to a complete stop not closer than fifteen feet of the school bus when it is stopped and stop arm is extended, and shall remain stopped until the stop arm is retracted and school bus resumes motion, or until signaled by the driver to proceed. (Code of Iowa, Sec. 321.372 (3))

5. **STOP WHEN MEETING.** The driver of any vehicle when meeting a school bus on which the amber warning signal lights are flashing shall reduce the speed of said vehicle to not more than twenty (20) miles per hour, and shall bring said vehicle to a complete stop when signal arm is extended and said vehicle shall remain stopped until stop arm is retracted after which driver may proceed with due caution.

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

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CHAPTER 1: TRAFFIC CODE

ARTICLE 3

SPEED REGULATIONS

3.01 GENERAL. Every driver of a motor vehicle on a street shall drive the same, at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface and width of the street and of any other conditions then existing, and no person shall drive a vehicle on any street at a speed greater than will permit him to bring it to a stop within the assured clear distance ahead, such driver having the right to assume however, that all persons using said street will observe the law. (Code of Iowa, Sec. 321.285)

3.02 MINIMUM SPEED. No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or in compliance with the law. (Code of Iowa, Sec. 321.294)

3.03 BUSINESS DISTRICT. A speed in excess of twenty (20) miles per hour in the business district, unless specifically designated at otherwise in this article is unlawful.

3.04 RESIDENCE OR DISTRICT. A speed in excess of twenty-five (25) miles per hour in any school or residence district, unless specifically designated otherwise in this article, is unlawful. (Code of Iowa, Sec. 321.285(2))

3.05 PARKS, CEMETERIES AND PARKING LOTS. A speed in excess of ten (10) miles per hour in any park, cemetery, or parking lot, unless specifically designated otherwise in this article, is unlawful. (Code of Iowa, Sec. 321.236(5))

3.06 SPECIAL SPEED RESTRICTIONS. In accordance with requirements of the Iowa state department of transportation, or whenever the council shall determine upon the basis of an engineering and traffic investigation that any speed limit hereinbefore set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of the city street system the council shall

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determine and adopt by ordinance such higher or lower speed as it deems reasonable and safe thereat. (Code of Iowa, Sec. 321.290)

3.07 SPECIAL SPEED LIMITS IN SCHOOL DISTRICTS.

A speed in excess of fifteen (15) miles per hour, when children are present...where specifically designated by posting in the areas of Kee High School and Middle School, is unlawful.

3.08 SPECIAL SPEED LIMITS IN RESIDENTIAL AREA

A speed in excess of fifteen (15) miles per hour, where specifically designated by posting on Bench Street, is unlawful.

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CHAPTER 1: TRAFFIC CODE

ARTICLE 4

TURNING REGULATIONS

4.01 AUTHORITY TO MARK. The Police Chief may cause markers, buttons or signs to be placed within or adjacent to intersections and thereby require and direct, as traffic conditions require, that a different course from that specified by the state law be traveled by vehicles turning at intersections, and when markers, buttons or signs are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such markers, buttons or signs. (Code of Iowa, Sec. 321.311)

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

4.03 SIGNAL REQUIREMENTS. A signal of intention to turn right or left shall be given continuously during not less than the last one hundred feet traveled by the vehicle before turning when the speed limit is forty-five miles per hour or less. The required signals may be given either by means of the hand and arm as provided in the Code of Iowa or by a mechanical or electrical directional signal device or light of a type approved by the department and conforming to the provisions of the Code of Iowa. (Code of Iowa, Sec. 321.315)

4.04 “U” TURNS. It shall be unlawful for a driver to make a “U” turn within the City of Lansing, Iowa, where prohibited by signs. (Code of Iowa, Sec. 321.255)

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CHAPTER 1: TRAFFIC CODE

ARTICLE 5

PARKING REGULATIONS

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

1. CROSSWALK. On or within ten (10) feet of a crosswalk at an intersection. (Code of Iowa, Sec. 321.236 (1) and 321.358 (5)).

2. MAIN STREET. No motor vehicle of any kind may park on that portion of Main Street between the intersection of Fifth Street and Front Street between the hours of 2:00AM and 6:00 AM with the following exceptions.

Motor vehicle may park on that portion of Main Street between Fifth Street and Fourth Street between the hours of 2:00AM and 6:00 AM during the period of April 1 through November 1 of each year.

3. SIDEWALKS. On or across a sidewalk. (Code of Iowa, Sec. 321.358 (1)).

4. DRIVEWAYS. In front of a public or private driveway. (Code of Iowa, Sec. 321.358 (2)).

5. INTERSECTION. Within an intersection of any street (Code of Iowa, Sec. 321.358 (3)).

6. FIRE HYDRANT. Within five (5) feet of a fire hydrant. (Code of Iowa, Sec. 321.358 (4)).

7. STOP SIGN OR SIGNAL. Within ten (10) feet upon the approach to any flashing beacon, stop or yield sign, or traffic control signal located at the side of a roadway. (Code of Iowa, Sec. 321.358 (6)).

8. FIRE STATION. Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance when properly posted. (Code of Iowa, Sec. 321.358(9))

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9. EXCAVATIONS. Alongside or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic. (Code of Iowa, Sec. 321.358 (10)).

10. DOUBLE PARKING. On the roadway side of any vehicle stopped or parked at the edge or curb of a street. (Code of Iowa, Sec. 321.358 (11))

11. HAZARDOUS LOCATIONS. When, because of restricted visibility or when standing or parked vehicles would constitute a hazard to moving traffic, or when other traffic conditions require, the Police Chief may cause curbing to be painted with a yellow color and erect no parking or standing signs. (Code of Iowa, Sec. 321.358 (13))

12. ALLEY. In any alley within the fire limits of this City in such a manner that ingress or egress of fire apparatus to or from such alley might be blocked. (Code of Iowa, Sec. 321.236 (1))

5.02 PARKING ADJACENT TO CURB No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the right-hand wheels of the vehicle within eighteen (18) inches of the curb or edge of the roadway except as hereinafter provided in the case of angle parking and vehicles parked on the left-hand side of one-way streets. (Code of Iowa, Sec. 321.361)

5.03 PARK ADJACENT TO CURB: ONE-WAY STREETS. No person shall stand or park a vehicle on the left-hand of a one-way street other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the left-hand wheels of the vehicle within eighteen (18) inches of the curb or edge of the roadway except as hereinafter provided in the case of angle parking. (Code of Iowa, Sec. 321.361)

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

TITLE IV

sixteen (16) feet when measured at right angles to the adjacent curb or edge of roadway. (Code of Iowa, Sec. 321.361)

5.05 ANGLE PARKING LOCATIONS. Angle parking shall be permitted only in the following locations: (Code of Iowa, Sec. 321.361)

1. Main street between Front Street and Second Street as marked, and Main Street between second and Fourth Streets and only on the South side as marked.

5.06 PARKING SIGNS REQUIRED. Whenever by this article or any other section of the city code any parking time limit is imposed or parking is prohibited on designated streets, portions of streets, City property and/or City parking lots, it shall be the duty of the Police Chief to erect or cause to be erected appropriate signs given notice, and no such regulations shall be effective unless signs are erected and in place at the time of any alleged offense. When the signs are so erected giving notice, no person shall disobey the restrictions stated on such signs. (Code of Iowa, Sec. 321.255)

5.07 SCHOOL LOADING ZONE. No person, except drivers of authorized school buses, shall park a vehicle in any designated school loading zone between the hours of 8:00 a. m. and 4:00p.m. on school days. (Code of Iowa, Sec. 321.236 (1))

5.08 TRUCK TRACTOR- SEMI-TRAILER PARKING LIMITED. Truck tractors and semi-trailer individually will not be parked on any public street, alley, or highway within the Corporate Limits of Lansing, Iowa, for a period longer than twelve (12) consecutive hours in any current twenty-four (24) hour period, subject to any other and further limitations imposed by traffic and other parking regulations and/or ordinances for that street, alley, or highway.

1. All truck tractor-semi-trailer operators, when parking their vehicles in accordance with the provisions of the paragraph above, must park as close to their residential property as possible.

2. Continued parking of all such vehicles after the expiration of the twelve (12) hour rule will be restricted to the City designated parking area. Designated parking area is defined as those authorized spaces adjacent to the City Maintenance Shop.

TITLE IV

3. Operation of the tractor main engine and/or the semi-trailer heating-refrigeration unit or other installed noise producing units is prohibited while parked on the public street, alley, or highway or in the designated parking area except between the hours of 6:00AM and 10:30 PM daily.

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

5.10 PARKING FOR CERTAIN PURPOSES ILLEGAL. No person shall park a vehicle upon the roadway for any of the following principal purposes: (Code of Iowa, Sec. 321.236(1))

1. DISPLAY SALE VEHICLE. Displaying such vehicle or vehicles for sale.

2. MAINTENANCE. All vehicles with obvious defects, and awaiting repairs are not permitted to park on the public street unless such repairs are necessitated by an emergency.

3. SELLING FROM VEHICLE. Selling merchandise from such vehicle except in a duly approved market place or when so licensed under the city code.

4. STORAGE. Storage or as junk or dead storage for more than forty-eight (48) hours.

5. VEHICLES USED FOR ADVERTISING DISPLAYS. Vehicles displaying advertising materials or so painted as to become permanent advertising structure may not park on the City streets for a period exceeding one (1) hour.

5.11 HANDICAP BUSINESS DISTRICT ESTABLISHED AND DEFINED. The Central Business District, as established in Title IV, Chapter 1, Article 1 21 of this Municipal Code is hereby established and defined as the Business District within the City of Lansing, Iowa, and as such shall provide handicapped on-street parking spaces contemplated by Chapter 321 (L) of the Code of Iowa. See accompanying map and diagram.

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SEE MAP FACING PAGE

5.12 ADDITIONAL LIMITATIONS ON PARKING. The City Council may from time to time, by resolution, fix additional parking limitations on certain streets, alleys, bridges or portions thereof, City property and/or City parking lots, when the time for parking is limited, suitable signs shall be erected or suitable markings shall be placed on the street, curb or sidewalk to advise the public of such limitations. When properly posted or marked pursuant to such Council resolution, it is a violation of this Section for a driver of any vehicle to fail or refuse to comply with such signs or markings.

5.13 PARKING ON PRIVATE GROUNDS. It is unlawful for any driver or owner to park a vehicle on any private parking lot or ground in violation of any restriction or prohibition the owner thereof may establish with respect to such private grounds. When properly posted with signs advising the public of such restrictions, it is a violation of this Chapter for the driver or owner of a vehicle to fail to comply therewith.

5.14 VEHICLE DEFINED. The term vehicle as used in this Chapter shall be as defined in Section 321.1 of the Code of Iowa, as amended, and shall specifically include trailers and/or boat trailers.

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CHAPTER 1: TRAFFIC CODE

ARTICLE 6

STOP AND YIELD

6.01 STOP INTERSECTIONS. Every driver of a vehicle shall stop before entering an intersection as required by stop signs.

6.02 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 he is operating.

6.03 STOP BEFORE CROSSING SIDEWALK. The driver of a vehicle emerging from a private roadway, alley, driveway, or building shall stop a such vehicle immediately prior to driving onto the sidewalk area and thereafter he shall proceed into the sidewalk area only when he can do so without danger to pedestrian traffic and he shall yield the right of way to any vehicular traffic on the street into which his vehicle is entering. (Code of Iowa, Sec. 321.35)

6.04 SCHOOL STOPS. At school crossing zones, approved by the council, every driver of a vehicle approaching said zone shall, bring his 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 or prudent manner until he shall have passed through such school crossing zone. (Code of Iowa, Sec. 321.249)

6.05 YIELD TO PEDESTRIANS IN CROSSWALKS. Where traffic control signals are not in place or in operation, the driver of a vehicle shall yield the right of way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection. (Code of Iowa, Sec. 311.327)

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CHAPTER 1: TRAFFIC CODE

ARTICLE 7

ONE WAY STREETS

7.01 AUTHORITY TO RESTRICT DIRECTION OF MOVEMENT. The Police Chief is authorized to determine and recommend to the council certain streets, or specified lanes upon which vehicle traffic shall proceed in one direction during one period and The opposite direction during another period of the day and shall upon authority given by ordinance place and maintain appropriate markings, signs, barriers or other devices to give notice.

1. ERECT SIGNS. The Police Chief may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the center line of the roadway.

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

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CHAPTER I: TRAFFIC CODE

ARTICLE 8

TRAFFIC CONTROL DEVICES

8.01 INSTALLATION. The Police Chief shall cause to be placed and maintained traffic control devices when and as required under the Traffic Code of this city to make effective its provisions; emergency or temporary traffic control devices for the duration of an emergency or temporary condition as traffic conditions may require to regulate traffic under the traffic code of this city or under state law, or to guide or warn traffic. He shall keep a record of all such traffic control devices. (Code of Iowa, Sec. 32.254 and 321.255)

8.02 CROSSWALKS. The Police Chief is hereby authorized, subject to approval of a council by resolution, to designate and maintain crosswalks by appropriate traffic control devices at intersections where due to traffic conditions there is particular danger to pedestrians crossing the street or roadway, and at such that places as traffic conditions require. (Code of Iowa, Sec. 372.13 (4) and 321.255)

8.03 TRAFFIC LANE. The Police Chief is hereby authorized to mark lanes for traffic on street pavements at such places as traffic conditions require consistent with the traffic code of this city. Where such traffic lanes have been marked, it shall be unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of any such lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement. (Code of Iowa, Sec. 321.255 and 372.13(4))

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

8.05 COMPLIANCE. No driver of a vehicle shall disobey the instructions of any official traffic controls device placed in accordance with the provisions of this chapter, unless at the time otherwise directed by a peace officer. (Code of Iowa, Sec. 321.256)

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CHAPTER 1: TRAFFIC CODE

ARTICLE 9

LOAD AND WEIGHT REQUIREMENTS

9.01 TEMPORARY EMBARGO. If the council declares an embargo when it appears by reason of deterioration, rain, snow or other climatic conditions that certain streets will be seriously damaged or destroyed by vehicles weighing in excess of an amount specified by the signs, no such vehicles shall be operated on streets so designated by such signs. (Code of Iowa, Sec. 321.471 and 321.472)

9.02 PERMITS FOR EXCESS SIZE AND WEIGHT. The Police Chief may, upon application in writing and good cause being shown therefore, issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight or load exceeding the maximum specified by state law or city ordinance over those streets named in the permit which are under the jurisdiction of the city and for which the city is responsible for maintenance. (Code of Iowa, Sec. 321.473 and 321E.1)

9.03 DAMAGE TO STREETS. No person shall operate any vehicle or equipment over or upon the public streets and alleys which can cause any damage to said streets, without prior approval by the Superintendent of Public Works.

9.04 LOAD LIMITS ON BRIDGES. Where it has been determined that any city bridge has a capacity less than the maximum permitted on the streets of the city, or on the street serving the bridge, the Police Chief may cause to be posted and maintained signs on said bridge and at suitable distances ahead of the entrances thereof to warn drivers of such maximum load limits, and no person shall drive a vehicle weighing, loaded or unloaded, upon said bridge in excess of a such posted limit. (Code of Iowa, Sec. 321.473)

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CHAPTER 1: TRAFFIC CODE

ARTICLE 10

PEDESTRIANS

10.01 USE SIDEWALKS. Where sidewalks are provided it shall be unlawful for any pedestrian to walk along and upon the adjacent street.

10.02 WALKING IN STREET. Where sidewalks are not provided pedestrians shall at all times when walking on or along a street, walk on the left side of the street. (Code of Iowa, Sec. 321.326)

10.03 PEDESTRIAN CROSSING. Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right of way to all vehicles upon the roadway. (Code of Iowa, Sec. 21.328)

10.04 HITCH HIKING. No person shall stand in the traveled portion of street for the purpose of soliciting a ride from driver of any private vehicle. (Code of Iowa, Sec. 321.331)

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CHAPTER 1: TRAFFIC CODE

ARTICLE 11

BICYCLES

11.01 EFFECT OF REGULATIONS. These regulations applicable to bicycles shall apply whenever a bicycle is operated upon any street or upon any public path set aside for the exclusive use of bicycles, subject to those exceptions stated herein.

11.02 TRAFFIC CODE APPLICABLE. Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of this state declaring rules of the road applicable to vehicles or by the traffic ordinances of this city applicable to the driver of a vehicle, except as to those provisions which by their nature can have no application. Whenever such person dismounts from a bicycle he shall be subject to all regulations applicable to pedestrians.

11.03 RIDING ON BICYCLES. A person propelling a bicycle shall not ride other than astride a permanent and regular seat attached thereto. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

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

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

2. USE PATH WHEN AVAILABLE. Whenever a usable path for bicycles has been provided adjacent to a roadway bicycle riders shall use such path and shall not use the roadway.

11.05 RIDING ON SIDEWALKS. No person shall ride a bicycle upon sidewalk within a business district. When signs are erected on any

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

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

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

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

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

11.10 EQUIPMENT ON BICYCLES. No person shall operate a bicycle unless it is equipped with the following equipment:

1. LAMP. A bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred (500) feet to the front and with a red reflector in the rear of a type which shall be visible from all distances from fifty (50) feet to three hundred (300) feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred (500) feet to the rear may be used in addition to the red reflector.

2. BELL. A bell or other device capable of giving a signal audible for a distance of at least one hundred (100) feet, except that bicycle shall not be equipped with nor shall any person use upon a bicycle any siren or whistle.

3. BRAKE. A brake which will enable the operator to make the braked wheel skid on dry, level, clean pavement.

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11.11 LICENSE. No person who resides within this city shall ride or propel a bicycle on any street or upon any public path set aside for the exclusive use of bicycles unless such bicycle has been licensed and a decal is attached as provided.

1. APPLICATION AND FEE. Application for a bicycle license and decal shall be made upon a form provided by the city and shall be made to the Chief of Police. A license fee of one dollar (\$1.00) shall be paid to the city before each license is granted.

2. ISSUANCE. The Chief of Police upon receiving proper application therefore is authorized to issue a bicycle license which shall be effective immediately.

3. RECORD OF LICENSE. The Chief of Police shall keep a record of the number of each license, the date issued, the name and address of the person to whom issued, and the number on the frame of the bicycle for which issued, and a record of all bicycle license fees collected by him. License fees so collected shall be remitted to the clerk prior to the tenth day of each month.

4. DISPLAY. The Chief of Police upon issuing a bicycle license shall also issue a decal bearing the license number assigned to the bicycle and the name of the city. The Chief of Police shall cause such decal to be firmly attached to the bicycle for which issued in such position as to be plainly visible from the rear. No person shall remove a decal from a bicycle during the period for which issued except upon a transfer of period for which issued except upon a transfer of ownership or in the event the bicycle is dismantled and no longer operated upon any street in this city.

5. TRANSFER OF OWNERSHIP. Upon the sale or other transfer of a licensed bicycle the licensee shall remove the decal and report the same to the Chief of Police.

11.12 RENTAL AGENCIES. A rental agency shall not rent or offer any bicycle for rent unless the bicycle is licensed and a decal issued and attached.

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SKATEBOARDS, IN-LINE SKATES AND ROLLER SKATES

11A.01-SKATEBOARDS-IN LINE SKATES AND ROLLER SKATES. No person shall be upon and make use of roller skates and/or in-line skates and skateboards within the following described areas within the City limits of the City, to-wit:

1. On the roadway portion or sidewalks from the 700 Block of Main Street to Front Street.

2. On the roadway portion or sidewalks on Second Street from John Street to Gray Street.

3. Within any municipal parking lots located anywhere within the City limits of the City of Lansing.

11A.03- The schedule fine for a violation of this Section shall be \$50.00.

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CHAPTER 1: TRAFFIC CODE

ARTICLE 12

ENFORCEMENT

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

1. IMMEDIATE ARREST. Immediately arrest such person and take him before a local magistrate.

2. ISSUE CITATION. Without arresting the person, prepare, in quadruplicate a combined traffic citation and complaint as adopted by the Iowa Commissioner of Public Safety and deliver the original and a copy to the court where the defendant is to appear a copy to the defendant and retain the fourth copy for the records of the city. (Code of Iowa, Sec. 805.6 321.485)

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

1. FIRST VIOLATION. For the first violation of any provision of this chapter, the penalty shall be five dollars (\$5.00) providing such penalty is paid within forty-eight (48) hours of the time of violation (not including Saturday, Sunday, or holidays).

2. SECOND VIOLATION. For any second violation, within twenty-four (24) hours of the first violation, the penalty shall be the sum of ten dollars (\$10.00) if paid within forty-eight (48) hours of the time of violation (not including Saturday, Sunday, or holidays).

3. SUBSEQUENT VIOLATIONS. For any subsequent violation within any twenty four (24) hour period, the penalty shall be not less than twenty-five dollars (\$25.00) and no more than fifty (\$50.00) providing such penalty is paid within forty-eight (48) hours of the time of violation (not including Saturday, Sunday, or holidays). (Code of Iowa, Sec. 321.236 (1a))

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

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

1. **DISABLED VEHICLE.** When a vehicle is upon a roadway and is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal. (Code of Iowa, Sec. 321.236 (1))

2. **ILLEGALLY PARKED VEHICLE.** When any vehicle is left unattended upon a street and is so illegally parked as to constitute a definite hazard or obstruction to the normal movement of traffic. (Code of Iowa, Sec. 321.236(1))

3. **PARKED OVER FORTY-EIGHT HOUR PERIOD.** When any vehicle is left parked upon a street for a continuous period of forty-eight (48) hours or more. A diligent effort shall first be made to locate the owner. If the owner is found he shall be given an opportunity to remove the vehicle (Code of Iowa, Sec. 321.236(1))

4. **COSTS.** In addition to the standard penalties provided, the owner or driver of any vehicle impounded for the violation of any of the provisions of this chapter shall be required to pay the reasonable cost of towing and storage. (Code of Iowa, Sec. 321.236 (1)).

12.05 FAILURE TO PAY PARKING CITATIONS.

1. Overtime parking violations shall be charged and collected upon a simple notice of a fine payment to the City Clerk in the amount of

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\$5.00. In the event that the fine is not paid within 30 days of the date upon which the violation occurs, the fine shall be increased to \$10.00.

2. If a violator of the restrictions under the parking ordinance of this City or State law fails to make payment of the scheduled fine as specified on a parking citation or citations were affixed, a letter informing the owner of the violations and warning that in the event such letter is disregarded for a period of five days a Court citation will be issued requiring a Court appearance and subjecting the violator to the payment of Court costs. It shall be a misdemeanor for the owner to disregard certified notices contemplated by this Code Section.

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CHAPTER 2: STREETS AND ALLEYS

ARTICLE 13

STREETS AND ALLEY REGULATIONS

13.01 OBSTRUCTING OR DEFACING STREETS. It shall be unlawful for any person to obstruct, deface, or injure any public road in any manner. (Code of Iowa, Sec. 716.6))

13.02 INJURING NEW PAVEMENT. It shall be unlawful for any person to willfully injure new pavement in any street, alley or sidewalk by willfully driving, walking or making marks on any such pavement. (Code of Iowa, Sec. 364.12 (2))

13.03 PLACING DEBRIS ON STREETS AND ALLEYS. It shall be unlawful for any person to throw or deposit on any street or alley any glass bottle, glass, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, or any other debris, or any other substance likely to injure any person, animal or vehicle. (Code of Iowa, Sec. 321.369))

13.04 REMOVAL OR WARNING DEVICES. It shall be unlawful for a person to willfully remove, throw down, destroy or carry away from any highway, street, alley, avenue, or bridge any lamp, obstruction, guard or other article or things, or extinguish any lamp or other light, erected or placed for the purpose of guarding or enclosing unsafe or dangerous places in said highway, street, alley, avenue or bridge without the consent of the person in control. (Code of Iowa, Sec. 716.6)

13.05 EXCAVATIONS. The following shall apply to any excavations made on streets in the city:

1. PERMIT. No person shall dig, excavate or in any manner disturb any street in the city, unless such person shall first obtain a permit as provided in sections of the city code.

2. APPLICATION. Before such permit shall be granted, the person shall file with the clerk a written application and post the required bond. The application shall give an exact description of the property, by lot and street number, in front of or along which it is desired to excavate, state the purpose

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

13.06 DUMPING OF SNOW. It shall be unlawful for any person to throw, push, or place or cause to be thrown, pushed or place, any ice or snow from private property, sidewalks, or driveways onto the traveled way of streets so as to obstruct gutters, or impede the passage of vehicles upon the street or to create a hazardous condition except where, in cleaning of large commercial drives in the business district if absolutely necessary to move the snow onto the streets temporarily, such accumulation shall be removed promptly by the property owner or his agent, and only after first making arrangements for such prompt removal at the owner's cost of the accumulation within a reasonably short time. (Code of Iowa, Sec. 364.12(2))

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

13.08 PLAYING IN STREETS. It shall be unlawful for any person to coast, sled or play games on streets or highways except in the areas blocked off by the Police Department for such purposes. (Code of Iowa, Sec. 364.12(2))

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

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

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13.11 CONSTRUCTION NEAR STREETS AND ALLEYS. It shall be the sole responsibility of property owners to determine the location of the property line of their property abutting City right- of-ways prior to the construction or replacement of any structure, wall, porch, private utility device or grading of land or planting of trees and shrubbery on said private property. In the event of the construction of an improvement by a property owner upon private property adjacent to the City right-of-way, the City or its designated representative, may request the property owner, at the owner's property lines and to designate the property line by suitable markings.

1. VIOLATIONS. It shall be unlawful for any person to construct or place any structure, wall, porch, private utility device or grade land or plant trees and shrubbery that encroaches upon City right-of-way. Any person who shall fail to comply with the requirements of this Section shall, upon conviction thereof, be subject to a fine not exceeding 30 days and each day that said violation persists is to be considered a separate violation.

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CHAPTER 2: STREETS AND ALLEYS

ARTICLE 14

NAMING OF STREETS

14.01 NAMING NEW STREETS. New streets shall be assigned names in accordance with the following:

1. EXTENSION OF EXISTING STREET. Streets added to the city that are natural extensions of existing streets shall be assigned the name of the existing street.

2. ORDINANCE. All street names except streets named as a part of a subdivision of platting procedure, shall be named by ordinance.

3. CITY COUNCIL. Proposed street names shall be referred to the City Council for review and recommendation.

14.02 RECORDING STREET NAMES. The following adoption of an ordinance naming or changing the name of a street, the mayor and clerk shall certify and file a copy thereof with the county recorder and county auditor. (Code of Iowa, Sec. 409.17)

14.03 OFFICIAL STREET NAME MAP. Streets within the city are named as shown of the Official Street Name Map which is hereby adopted by reference and declared to be a part of this Article. The Official Street Name Map shall be identified by the signature of the mayor and bearing the seal of the city under the following words: This is to certify that this is the Official Street Name Map referred to in Section 14.03, Title IV of the City Code of Lansing, Iowa.

14.04 REVISION OF STREET NAME MAP. If in accordance with the provisions of this Article, changes made in street names changes shall be entered on the Official Street Name Map promptly after the amendment has been approved by the governing body with and entry on the Official Street Name Map as follows: "On ___ (date) ___, by official action of the city council, the following change(s) were made in the Official Street Name Map: ___ brief description ___, "which entry shall be signed by the mayor and attested by the clerk. No amendment to this Article which involves naming or changing the name of a street shall become effective until after such change and entry has been made on said map.

14.05 CHANGING NAME OF STREET. The council may by ordinance change the name of a street. (Code of Iowa, Sec. 409.17)

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CHAPTER 2: STREETS AND ALLEYS

ARTICLE 15

VACATIONS AND DISPOSAL

15.01 POWER TO VACATE. When in the judgment of the council it would be in the best interest of the city to vacate a street or alley, or portion of a street or alley, they may do so in accordance with the provisions of this article. (Code of Iowa, Sec. 364.12(2a))

15.02 NOTICE OF VACATION HEARING. The council shall cause to be published a notice of public hearing at which time the proposal to vacate shall be considered. In addition to published notice, notice shall be posted at least twice on each block along the street or alley proposed to be vacated not more than 25 days nor Less than 10 days prior to the date set for the hearing.

15.03 FINDINGS REQUIRED. No street or alley, or portion of a street or alley shall be vacated unless the council finds that:

1. PUBLIC USE. The street or alley proposed to be vacated is not needed for the use of the public, and, therefore, it's' maintenance at public expense is no longer justified.

2. ABUTTING PROPERTY. The proposed vacation will not deny owners of property abutting on the street or alley reasonable access to their property. (Code of Iowa, Sec. 364.15)

15.04 DISPOSAL OF STREETS OR ALLEYS. When in the judgment of the council it would be in the best interest of the city to dispose of a vacated street or alley, or portion of a street or alley, they may do so by resolution following notice and hearing. (Code of Iowa, Sec. 364.7)

15.05 DISPOSAL BY GIFT LIMITED. The city may not dispose of a vacated street or alley, or portion of a street or alley, by gift except to a governmental body for a public purpose. (Code of Iowa, Sec. 364.7 (3))

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CHAPTER 2: STREETS AND ALLEYS

ARTICLE 16

STREET GRADES

16.01 ESTABLISHED GRADES. The grades of all existing streets, alleys and sidewalks, are presumed to be at the established grade, and all deviations must have prior council approval.

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CHAPTER 2: STREETS AND ALLEYS

ARTICLE 17

DRIVEWAYS

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

1. "DRIVEWAY" shall mean that part of any approach for motor vehicles to private property that lies between the property line and the roadway of the public street.

2. "PAVING" shall include any kind of hard surfacing including, but not limited to, portland cement, concrete, bituminous concrete, brick, stabilized gravel, or combinations of such materials, with the necessary base. "Paving" shall not include surfacing with oil, gravel, oil and gravel, or chloride.

17.02 PERMIT. A written permit shall be obtained from the City Clerk before any person shall construct or repair a driveway.

1. APPLICATION. A written application for the permit shall be filed with the City Clerk. The application shall include a legal description of the property, the name of the property owner, the name and address of the person who will do the work, and the proposed plan of construction or repair which shall include the depth, width, and type of surfacing material to be used. The application shall also specify the date upon which said construction will take place. No other plan shall be followed except by written permission of the Superintendent of Public Works who may allow amendments to the application or permit which do not conflict with this ordinance.

2. ISSUANCE. The City Clerk shall issue the permit, bearing his signature and the date of issuance, if the proposed plan meets all of the requirements of this ordinance, if the fee required under this ordinance has been paid, and if the construction or repair as planned will not create any substantial hazard in the use of the street or sidewalk for public travel or drainage, or create a defect.

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3. FEE. The applicant shall pay a fee of twenty-five dollars (\$25.00) to the City Clerk upon issuance of the permit. The City Clerk shall give the applicant a written receipt showing the sum received and the date.

4. EXPIRATION. Each permit shall expire six (6) months from the date of issuance, if not constructed within that time.

5. REVOCATION. The superintendent of Public Works may at any time revoke the permit for any violation of this ordinance and may require that the work be stopped.

17.03 DRIVEWAY REQUIREMENTS. All driveways shall be of paving of a depth of not less than two (2) inches and shall be of a width not exceeding twenty-four (24) feet. The driveway 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 driveway shall slope not more than two (2) inches per foot toward the roadway. The maximum driveway width at the curb line shall be twenty-four (24) feet.

17.04 SIDEWALKS. The grade of any sidewalk shall not be altered by the work done. The driveway shall be at the same level as any existing sidewalk; however, the Superintendent of Public Works may authorize deviations. The deviation authorization must be presented in writing to the property owner.

17.05 EXCAVATIONS. Excavations to do work under this ordinance shall be dug so as to occasion the least possible inconvenience to the public and to provide for the passage of water along the gutter. All such excavations shall have proper barricades at all time, and warning lights placed from one-half hour before sunset to one-half hour after sunrise. In refilling the excavation. The earth must be street, sidewalk or other public property that is affected by the work shall be restored to as good a condition as it was previous to the excavation. The affected area shall be maintained in good repair to the satisfaction of the city council for seven months after refilling.

17.06 INSPECTION AND APPROVAL. The driveway must be inspected and approved in writing by the Superintendent of Public Works within thirty (30) days after completion of the work. The Superintendent of

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Public Works shall keep a record of such approvals in his office. If he refuses to approve the work, it must be corrected immediately so that it will meet with his approval. If the work has been done improperly, the Superintendent of Public Works shall have the right to finish or correct the work, and the council shall assess the costs to the property owner. Such assessment shall be collected with the general property taxes and in the same manner.

17.07 COST OF INSTALLATION AND MAINTENANCE. The cost of the initial installation, maintenance and replacement of driveways and culverts needed solely for a private individual's driveway shall be borne by the property owner.

17.08 VARIANCES. Where in the case of a particular proposed drainage pipe or culvert, it can be shown that strict compliance with the requirements of this Ordinance would result in extraordinary hardship to the property owner because of unusual topography or other such conditions, the street superintendent may vary, modify or waive the requirements so that substantial justice may be done and the public interest secured provided, however, that such variance, modification or waiver will not have the affect of nullifying the intent and purpose of this Ordinance. In the event that the street superintendent grants such a variance, it shall be specified in writing and shall be appended to the original permit as previously issued and as specified in this Section.

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CHAPTER 2: STREETS AND ALLEY

ARTICLE 18

SNOW REMOVAL

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

1. "SNOW DAY": shall mean any day of the year that snow falls to an accumulated amount of one inch or more.

2. "SNOW PLOWING" shall mean the pushing of snow by mechanical means from the center of the traveled portion of the street to the outside edges of the traveled portion of the street.

3. "SNOW REMOVAL" shall mean the loading and hauling away of snow from the street right-of-ways.

18.02 SNOW DAYS. On snow days motor vehicle parking shall be restricted to twenty-four (24) hours. These parked vehicles must be removed to a cleared spot prior to the expiration of the twenty-four (24) hour time limit so street plowing can be completed.

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CHAPTER 2: STREETS AND ALLEYS

ARTICLE 19

RAILROAD CROSSINGS

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

1. "RAILROAD TRAIN" shall mean an engine or locomotive with or without cars coupled thereto, operated upon rails. (Code of Iowa, Sec. 321.1 (29))

2. "OPERATOR" shall mean any individual, partnership, corporation or other association, which owns, operates, drives or controls a railroad train.

19.02 WARNING SIGNALS. Operators shall sound a bell at least (60) rods before a motor vehicle crossing is reached and shall ring the bell continuously until the crossing is passed.

19.03 FLYING SWITCHES. No operator shall cause any railroad car or cars, unattached to any engine, to be propelled across any intersection of the tracks and a street, alley, sidewalk or similar public crossing, for the purpose of making a flying switch unless some employee of the railroad shall be stationed at the intersection to give warning of such car or cars approach.

19.04 BLOCKING STREETS. A railroad corporation or its employees shall not operate any train in such a manner as to prevent vehicular use of any highway, street, or alley for a period of time in excess of ten minutes except:

1. When necessary to comply with the governmental safety regulations including, but limited to, speed ordinances and speed regulations. (Code of Iowa, Sec. 327G.32)

19.05 SPEED LIMIT. No railroad company, or any of their agents or employees, shall run, or permit the running of any locomotive, cars, or hand cars at a speed exceeding fifteen (15) miles per hour on any portion of any railroad track lying within the corporate limits of Lansing, Iowa.

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19.06 CROSSING MAINTENANCE. Operators shall construct and maintain good, sufficient and safe crossings over any street traversed by their rails. (Code of Iowa, Sec. 321.342 & 321.252)

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CHAPTER 2: STREETS AND ALLEYS

ARTICLE 20

BUILDING NUMBERING

20.01 DEFINITIONS. For use in this article the following shall be defined:

1. "PRINCIPAL BUILDING" shall mean the main building of any lot or subdivision.

2. "OWNER" shall mean the owner of the principal building.

20.02 OWNER REQUIREMENTS. Every owner shall comply with the following building number requirements:

1. OBTAIN BUILDING NUMBER. The owner shall obtain the assigned number to his principal building from the clerk. (Code of Iowa, Sec. 364.12 (3d))

2. DISPLAY BUILDING NUMBER. The owner shall place or cause to be installed and maintained on the principal building the assigned number in a conspicuous place to the street in figures not less two and one-half (1/2) inches in height and of a contrasting color with their background. (Code of Iowa, Sec. 364.12 (3d))

3. FAILURE TO COMPLY. If an owner refuses to number a building as provided, or fails to do so for a period of thirty (30) days after being notified in writing by the city to do so, the city may proceed to place the assigned number on the principal building and assess the costs against the property for collection in the same manner as a property tax. (Code of Iowa, Sec. 364.12 (3h))

20.03 BUILDING NUMBERING MAP. The clerk shall be responsible for preparing and maintaining a building numbering map, in accordance with the following provisions, and filing it in the office of the clerk.

1. BASE LINES. Main Street constitutes the base line for the numbering system as applied to streets running east and west. Front Street constitutes the base line for the numbering system as applied to streets running north and south.

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2. DIAGONAL AND CURVED STREETS. Diagonal and curved streets are classified as east and west or north and south streets depending in which classification their general alignment most nearly conforms.

3. ODD NUMBERS. Odd numbers shall be assigned to principal buildings fronting on the west side of streets running north and south and on the south side of streets running east and west.

4. EVEN NUMBERS: Even numbers shall be assigned to principal buildings fronting on the east side of streets running north and south and on north side of streets running east and west.

5. ASSIGNMENT OF NUMBERS TO PROPERTIES. Each principal building shall be assigned a number in accordance with the provisions of this section. In case there are vacant lots or double lots, numbers shall be reserved to provide for an orderly numbering system when the lots are occupied or divided.

20.04 ISSUE NUMBERS. The clerk shall issue the assigned number in accordance with the numbering map to owners upon their request.

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CHAPTER 3: SIDEWALKS

ARTICLE 21

SIDEWALK REGULATIONS

21.01 PURPOSE. The purpose this chapter is to specify the procedure to be followed by the council and to clarify the responsibilities of the city and the owners of abutting property for the construction, repair, maintenance, replacement or reconstruction of sidewalks.

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

1. "Broom finish" means a sidewalk finish that is made by sweeping the sidewalk when it is hardening.
2. "Established grade" means that grade established by the city for the particular area in which a sidewalk is to be constructed.
3. "One-course" construction means that the full thickness of the concrete is placed at one time, using the same mixture throughout.
4. "Portland cement" means any type of cement except bituminous cement.
5. "Sidewalk" means all permanent public walks in business, residential, or suburban areas.
6. "Wood-float" finish means a sidewalk finish that is made by smoothing the surface of the sidewalk with a wooden trowel.
7. "Defective sidewalk" shall mean any public sidewalk exhibiting one or more of the following characteristics:
 - a. Vertical separations equal to three-fourths inch or more;
 - b. Horizontal separations equal to three-fourths inch or more;
 - c. Holes or depressions equal to three-fourths inch or more and at least four inches in diameter;

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d. Spanning over fifty percent of the surface of a single square of the sidewalk with one or more depressions equal to three-fourths inch or more.

e. A single square of side walk cracked in such a manner that no part thereof has a piece greater than one square foot;

f. A sidewalk with any part thereof missing to the full depth.

8. "Sidewalk improvements" means the 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.

9. "Owner" means 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, if any. REV 6-4-90

21.03 STANDARD SIDEWALK SPECIFICATIONS. A. 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.

2. Sidewalks shall be of one-course construction

3. Concrete may be placed directly on compact and well-drained soil. Where soil is not well-drained, a four-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 feet wide and four inches thick, and each section shall be no more than four feet in length. 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 inches thick and no more than six feet in length and width. All driveway areas shall be not less than six inches in thickness.

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6. Residential sidewalks shall be located with the inner edge (edge nearest the abutting private property on the property line, unless the council shall establish a different distance due to the circumstances.

7. All street elevations of sidewalks are to be established by the street superintendent of public works on a case-by-case basis.

8. All sidewalks shall slope at least one-quarter inch per foot toward the curb, but in no event more than one-half inch per foot toward the curb.

9. All sidewalks shall have a steel trowel finish followed by a “broom” or a “wood float finish.

10. Ramps for the Handicapped. There shall be not less than two curb cuts or ramps per lineal block which shall be located on or near the crosswalks at intersections. Each curb cut or ramp shall be at least thirty-six (36) inches wide, shall be sloped at least greater than one inch of rise per twelve inches lineal distance, except that a slope no greater than one inch of rise per eight inches lineal distance may be used where necessary, shall have a non-skid surface, and shall otherwise be so constructed as to allow reasonable access to the crosswalk for physically handicapped persons using the sidewalk.

B. 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 superintendent of public works, and in accordance with the standard sidewalk specifications set forth in subsection A of this section.

21.04 CERTAIN COSTS ASSESSED TO PRIVATER PROPERTY. The city may assess to private property within the city costs of construction and repair of sidewalks within the city all pursuant to the rights, duties, and procedures established in Chapter 384 of the Code of Iowa. Nothing in this chapter shall be considered or construed to limit or prohibit the city from following and implementing the special assessment procedures outlined in the Code of Iowa for sidewalk improvements, including the initial construction thereof.

21.05 PERMITS FOR CONSTRUCTION OR REMOVAL. No person shall make any sidewalk improvements unless such person shall obtain a

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permit from the superintendent of public works. 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 shall also state that the work will be done under the direction and approval of the superintendent of public works. All such permits 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 superintendent of public works. All permits for sidewalk improvements not ordered by resolution of the city council shall be issued in compliance with this chapter. The superintendent of public works 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 improvement.

21.06 FAILURE TO OBTAIN PERMIT—REMEDIES. Whenever any sidewalk improvements are made that do not conform to the provisions of this chapter and with the specifications, or when any sidewalk improvements are made without a permit, the superintendent of public shall serve notice to obtain a permit upon the property owner and upon the contractor doing the work. If the sidewalk is in the course of construction, the notice shall order the work to stop until a permit is obtained and the work is corrected to comply with the specifications. If the sidewalk work has been completed, the owner shall obtain a permit immediately and perform any needed corrections within five days from receipt of the permit. If the owner fails to comply with this notice, the superintendent of public works shall have the work completed and the costs assessed to the property owner as provided in Section 21.16 of this chapter.

21.07 INSPECTION AND APPROVAL. Upon final completion, the superintendent of public works shall inspect the work. He may order corrections if the work does not meet specifications. When the work does meet all requirements of this chapter, the specifications, and the permit, the superintendent of public works shall indicate this on both copies of the permit.

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21.08 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.

21.09 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 or being improved, or upon any portion of any completed sidewalk or approach thereto, or shall remove or destroy any part of all of any sidewalk or approach thereto, or shall remove, destroy, mar, or deface any sidewalk at anytime or destroy, mar, remove, or deface any notice or warning device provided by this chapter.

21.10 ORDERING SIDEWALK IMPROVEMENTS. The city council may order the reconstruction, repair, or replacement of permanent sidewalk upon any street or court. Notice of this order shall be sent to the owner, by certified mail.

The notice shall include the fact that the owner may request a hearing with the superintendent of public works within thirty days or receipt of the notice. The owner may further appeal to the city council within forty-five days of receipt of the notice but only upon completion of the hearing with the superintendent of public works.

21.11 REPAIRING DEFECTIVE SIDEWALKS. It shall be the duty of the abutting property owner at anytime, or upon notice from the city, to repair, replace or reconstruct all broken or defective sidewalks in the street right-of-way abutting his or her property. If, after the expiration of the time limitations provided in the notice from the city, the required work has not been done or is not in the process of completion, the superintendent of public works shall proceed to repair, replace, or reconstruct the sidewalk. Upon completion of the work, the superintendent of public works shall submit to the council an itemized and verified statement of expenditures for labor and material, and the legal description of the property butting the sidewalk on which the work has been performed. These costs shall be assessed to the property as taxes.

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

21.13 CLEANING SNOW, ICE AND ACCUMULATIONS. It shall be the duty of the owner to keep sidewalks abutting the property clear of natural accumulations of snow or ice. If the owner fails to do so within a reasonable time, the city clerk may have the natural accumulations of snow or ice removed without notice to the property owner. The city clerk shall give the council an itemized verified statement of the costs and a legal description of the property. The costs shall be assessed against the property as taxes.

21.14 NOTICE OF ASSESSMENT FOR REPAIR OR CLEANING COSTS. When the superintendent of public works submit a bill for sidewalk improvements or for removal of accumulations as provided in the Sections 21.05, 21.10 and 21.13 of this chapter, the city clerk shall send a notice of such facts to the owner of the abutting property. The notice may be given either by personal service or by certified mail to the last known address of the owner. The notice shall contain a statement of the work performed, the cost of the work that is being assessed, a description of the property affected, and the fact that the person may pay the amount assessed by a certain date without interest or penalty. The notice also shall indicate that the person may object to such assessment and give the place and time at which the council will hear such objections. The time set for hearing shall be at least fifteen days after the service or mailing of the notice.

21.15 LIABILITY OF ABUTTING OWNERS. A. In the event the owners of property abutting any public sidewalk fail or refuse to perform any act required of them by this chapter, 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 for said sidewalk, the city may notify in writing the said abutting owners 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

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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.

B. 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 or of the judgment together with all expenses incurred by the city in the suit.

21.216 HEARING AND ASSESSMENT. At the time and place designated in the notice provided for in Section 21.14 above, 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.

21.17 BILLING AND CERTIFYING TO COUNTY. Thirty days after the council's decisions, the city clerk shall certify any unpaid amounts to the county auditor. 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 one hundred dollars may be paid in installments as set by the council, not exceeding ten, in the same manner and at the same interest rates for special assessments under Chapter 384, Code of Iowa. No interest shall be charged for assessments, or parts thereof, paid within thirty days of the time the council determined the final amounts.

21.18 OPENINGS AND ENCLOSURES. It shall be unlawful for a person to:

1. STAIRS AND RAILINGS. Construct or build a stairway or passageway to any cellar or basement by occupying any part of the sidewalk, or to enclose any portion off a sidewalk with a railing without permission by resolution of the council.

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2. OPENINGS. Keep open any cellar door, grating or cover to any vault on any sidewalk except while in actual use with adequate guards to protect the public.

3. PROTECT OPENINGS. Neglect to properly protect or barricade all openings on or within six (6) feet of any sidewalk.

21.19 ENCROACHING STEPS. It shall be unlawful for a person to erect or maintain any stairs or steps to any building upon any part of any sidewalk without permission by resolution of the council.

21.20 AWNINGS. It shall be unlawful for a person to erect or maintain any awning over and sidewalk unless all parts of the awning are elevated and the roof or covering is made of duck, canvas or other suitable material supported by iron frames or brackets securely fastened to the building, without any posts or other device that will obstruct the sidewalk or hinder or interfere with the free passage of pedestrians.

21.21 REMOVAL OF SNOW, ICE AND ACCUMULATIONS. It shall be the responsibility of the abutting property owners to remove snow, ice and accumulations promptly from sidewalks. If a property owner does not remove snow, ice or accumulations within twenty-four (24) hours, the city may do so and assess the costs against the property owner for collection in the same manner as a property tax.

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

21.22 FIRES ON SIDEWALK. It shall be unlawful for a person to make a fire of any kind on any sidewalk.

21.23 FUEL ON SIDEWALK. It shall be unlawful for a person to place or allow any fuel to remain upon any sidewalk.

21.24 DEFACING. It shall be unlawful for a person to scatter or place any paste, paint or writing on any sidewalk.

21.25 DREBRIS OF SIDEWALKS. It shall be unlawful for a person to throw or deposit on any sidewalk any glass bottle, glass, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, or any other debris, or any other substance likely to injure any person, animal or vehicle.

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

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21.26 MERCHANDISE DISPLAY. It shall be unlawful for a person to place upon or above any sidewalk, any goods or merchandise for sale or for display in such a manner as to interfere with the free and uninterrupted passage of pedestrians on the sidewalk; in no case shall more than three (3) feet of the sidewalk next to the building be occupied for such purposes.

21.27 SALES STANDS. It shall be unlawful for a person to erect or keep any stand for the sale of fruit, vegetables or other substances or commodities on any sidewalk without first obtaining a written permit from the clerk.

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CHAPTER 4: SNOWMOBILES

ARTICLE 22

GENERAL PROVISIONS

22.01 DEFINITION: For use in this article the following terms shall be 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. "OPERATOR" shall mean a person of legal age who is licensed to operate a self-propelled vehicle designed for travel on snow or ice in a natural terrain.
- 3."OPERATE" shall mean to ride in or to control the operation of a snowmobile.
- 4."STREET" shall mean a public thoroughfare, roadway, alley, or rail used for motor vehicular traffic including an interstate, state, or county highway.
- 5."SHOULDER" shall mean the portion of a street immediately adjacent to the right side of a street which is customarily used for only emergency travel and parking.
- 6."DEAD MAN THROTTLE" shall mean a device which disengages the motor from the driving track of a snowmobile when pressure is removed from the accelerator or throttle.

22.02 HOURS OF OPERATION. No person shall operate a snowmobile within Lansing, Iowa, in the alley between Center Street and Main Street, west to 7th Street from 12:30 a.m. and 6:00a.m. No person shall operate a snowmobile at any other location or route between the hours of 2:00 a.m. and 6:00 a.m.

22.03 AGE OF OPERATOR. No minor under 16 years of age may operate a snowmobile on a public street within the corporate limits of Lansing, Iowa, except those over twelve (12) years of age possessing a state permit.

22.04 OPERATION OF SNOWMOBILE. A snowmobile may not be operated on any street, shoulder of a street, sidewalk, public property,

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City Park or any other area within the corporate limits of Lansing, Iowa, except as specifically permitted:

1. DURING EMERGENCY. On streets in any emergency during the period of time when at locations where snow and ice upon the streets render travel by conventional motor vehicles impractical and unsafe.

2. ROUTES. On routes in city parks or on other public property which are specially designated by the City Council as follows:

ROUTE #1. From Road #22 to intersection of fourth Street, thence north on Fourth Street to west entrance of Sports Complex at Anderson Park, then east through Sports Complex to parking area on John Street and Front Street. Then north on S. Second Street to alley between Center Street and Main Street, west to 7th Street, north to Main Street and west on Main Street to convenience store.

ROUTE #2. From the corner of John Street and Front Street north on Front Street to the junction of Front Street and State Highway #26.

3. PRIVATE PROPERTY. On the private property of the operator or owner of a snowmobile or on any other private property in Lansing, Iowa, with the consent or permission of the property owner.

22.05 ADEQUATE SNOW AND ICE COVER. A snowmobile may not be operated within Lansing, Iowa, on public or private property without adequate snow or ice cover. The snow or ice cover of no less than four (4) inches shall be deemed adequate.

22.06 CROSSING OF STREET. A snowmobile may make a direct crossing of a street or highway provided:

1. NINETY DEGREE ANGLE. The crossing is made at an angle of approximately ninety (90) degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing; and

2. COMPLETE STOP. The snowmobile is brought to a complete stop before crossing the shoulder or main traveled portion of the highway, and

3. YIELD TO TRAFFIC. The driver yields the right-of-way to all oncoming traffic which constitutes an immediate hazard; and

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4. CROSSING AT INTERSECTION. In crossing a divided highway, the crossing is made only at an intersection of such highway with another public street or highway. (Code of Iowa, Sec. 321 G.9)2))

22.07 REQUIRED EQUIPMENT. All snowmobiles operated within the city shall have the following equipment:

1. MUFFLER. An effective and suitable muffling device to reduce the noise of operation of a snowmobile to a minimum.

(Code of Iowa, Sec. 321G.1)

2. LIGHTS. At least one headlight and one taillight.

(Code of Iowa, Sec. 321.12)

3. BRAKES. Brakes which conform to standards prescribed by the commissioner of public safety.

4. SAFETY THROTTLE. A safety of "dead man" throttle in operating condition.

5. FLAG. All snowmobiles while operating on an uncongested street shall display a pennant or flag at least sixty (60) inches above the ground. Said pennant or flag shall be a minimum of six inches by nine inches, shall be orange and shall provide a fluorescent effect.

(Code of Iowa, Sec. 321G.13(9))

22.08 UNLAWFUL OPERATION. It shall be unlawful for any person to operate any snowmobile in Lansing, Iowa, in the manner described:

1. SPEED. At a rate of speed greater than ten (10) miles per hour, provided the circumstances are not such that a lesser speed would be prudent.

(Code of Iowa, Sec. 321G.13(1))

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2. CARELESS MANNER. In a careless, reckless, or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto. (Code of Iowa, Sec. 321G.13(2))

3. UNDER THE INFLUENCE. While under the influence of intoxicating liquor or narcotics or habit-forming drugs.

(Code of Iowa, Sec. 321.13(3))

4. IMPROPER EQUIPMENT. Without the proper equipment as required by Article 22.07 of this ordinance.

(Code of Iowa, Sec.

321G.13(4))

5. IN TREE NURSERY. In any tree nursery of planting in a manner which damages or destroys growing stock.

6. FIREARMS. With any firearms in the vehicle, except in the possession of a peace officer.

7. UNREGISTERED SNOWMOBILE. Without having such snowmobile registered as provided for by Iowa law except that this provision shall not apply to the operation of a snowmobile on the private property of the owner by the owner or a member of his immediate family.

8. UNTENDED VEHICLE. 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 with keys for starting the vehicle left in the ignition.

22.09 TOWING. No item shall be towed by a snowmobile unless coupled to said snowmobile by a rigid tow bar.

22.10 SINGLE FILE. Snowmobiles shall be driven in a single file manner in the proper lane of traffic as close to the curb or edge of roadway as is possible under existing conditions.

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CHAPTER 5: MAIL BOXES

ARTICLE 23

MAILBOXES

23.01 MAILBOXES. No person shall place a mailbox upon the street right-of way or upon any non-traveled portion of a street except as provided herein:

1. U.S. Post Office Property. Boxes, which are the property of the United States Postal Service used for the carry out of its purposes, may be allowed with Council approval.
2. Rural Locations. Mailboxes and newspaper boxes may be erected to serve postal patrons who live on an approved rural route provided:
 - a. They are located more than one-fourth mile from the Post Office.
 - b. Their property is abutting to the rural route.
 - c. The City must give approval to any new mailboxes.
3. Clusters. Mailboxes, when allowed, shall be clustered in a single location in a block unless extraordinary conditions make such clustering impractical. The Council Committee must approve all existing and new locations.
4. Setback requirements. The front of the mailbox can be no more than six (6) inches from the front edge of the curb and can be no less than plumb with the front edge of the curb.
5. Owner Responsibility. The owner or postal patron shall be responsible for all costs of the erecting, maintaining and replacing any mailbox located pursuant to this section. Such responsibility is that of the owner or patron regardless of the cause for any needed maintenance or replacement.

ORDINANCE 161

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LANSING, IOWA, BY ADDING A NEW SECTION PERTAINING TO RURAL MAILBOXES.

BE IT ENACTED by the Council of the City of Lansing, Iowa:

SECTION 1. The Code of Ordinances of the City of Lansing, Iowa, is amended by adding a new Section in Chapter 175, numbered 175.14, entitled MAILBOXES, which is hereby adopted to read as follows:

1. MAILBOXES. No person shall place a mailbox upon the street right-of-way or upon any non-traveled portion of a street except as provided herein:

1. U.S. Post Office Property. Boxes, which are the property of the United States Postal Service used for the carrying out of its purposes, may be allowed with Council approval.

2. Rural Locations. Mailboxes and newspaper boxes may be erected to serve postal patrons who live on an approved rural route provided:

- a) They are located more than one-fourth mile from the Post Office.
- b) Their property is abutted to the rural route.

3. Clusters. Mailboxes, when allowed, shall be clustered in a single location in a block unless extraordinary conditions make such clustering impractical. The Council Committee must approve all existing and new locations.

4. Set back requirements. The front of the mailbox can be no more than six (6) inches from the front edge of the curb and can be no less than plumb with the front edge of the curb.

5. Owner Responsible. The owner or postal patron shall be responsible for all costs of the erecting, maintaining and replacing any mailbox located pursuant to this section. Such responsibility is that of the owner or patron regardless of the cause for any needed maintenance or replacement.

TITLE V

BUSINESS, OCCUPATIONS, AND BUILDING REGULATIONS

TITLE V

CHAPTER 1: MILD AND MILD PRODUCTS

ARTICLE 1

(RESERVED FOR FUTURE USE)

TITLE V

CHAPTER 2: LIQUOR AND BEER CONTROL

ARTICLE 2

GENERAL PROVISIONS

2.01 PURPOSE. The purpose of this chapter is to provide administration of licenses and permits and for local regulations and procedures for the conduct of the sale and consumption of beer and liquor, for the protection of the safety, morals and general welfare of this community.

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

1. "Person of Good Moral Character" shall mean any person who meets all of the following requirements:

(Code of Iowa, Sec. 123.3 (11))

a. Has such financial standing and good reputation as will satisfy the council and director that he will comply with the Iowa Beer and liquor Control Act and all other laws, ordinances and regulations applicable to his operations under state law.

b. Does not possess federal gambling stamp.

c. Is not prohibited by the provisions of the Code of Iowa from obtaining a liquor license or beer permit.

(Code of Iowa, Sec. 123.40)

d. Is a Citizen of the United States and a resident of Iowa or licensed to do business in Iowa in the case of a corporation.

e. Has not been convicted of a felony. However, if his conviction of a felony occurred more than five (5) years before the application for a license or permit, and if his rights of citizenship have been restored by the Governor, the director may determine that he is a person of good moral character notwithstanding such conviction.

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f. If such person is a corporation, partnership, association, club, or hotel or motel the requirement of this subsection shall apply to each of the officers, directors and partners of such person, and to any person who directly or indirectly owns or controls ten (10) percent or more of any class of stock of such person or has an interest of ten (10) percent or more in the ownership or profits of such person. For the purpose of this provision, an individual and his spouse shall be regarded as one person.

2. "Club" shall mean any nonprofit corporation or association of individuals, which is the owner, lessee or occupant of a permanent building or part thereof, membership in which entails the prepayment of regular dues and is not operator for a profit other than such profits as would accrue to the entire membership.

(Code of Iowa, Sec. 123.3(29))

3. "Commercial establishment" shall mean a place of business which is at all times equipped with sufficient tables and seats to accommodate twenty five (25) persons at one time, and the licensed premises of which conform to the ordinances of the city.

(Code of Iowa, Sec. 123.3(30))

4. "Grocery store" shall mean any retail establishment, the business of which consists of the sale of food products or beverages for consumption off the premises.

5. "Pharmacy" shall mean a drug store in which drugs and medicines are exposed for sale and sold at retail, or in which prescriptions of licensed physicians and surgeons, dentists or veterinarians are compounded and sold by a registered pharmacist.

(Code of Iowa, Sec. 123.129)

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6. "Hotel or Motel" shall mean a premise licensed by the state department of agriculture and regularly or seasonally kept open in a bona fide manner for the lodging of transient guests, and with twenty (20) or more sleeping rooms.

(Code of Iowa, Sec 123. (32))

7. "Legal age" shall mean nineteen (19) years of age or more.

8. "Director" shall mean the director of the Iowa beer and liquor control department, or his designee.

(Code of Iowa, Sec 123.3(3))

9. "Department" shall mean the Iowa beer and control department.

(Code of Iowa, Sec. 123.3(2))

10. "Council" Shall mean the City Council of Lansing, Iowa.

2.03 STATE LIQUOR STORE LOCATION. No state liquor store shall be located within three hundred (300) feet of a public or private education institution.

(Code of Iowa, Sec. 123.20(2))

2.04 PERSON UNDER LEGAL AGE. No person shall sell, give or otherwise apply alcoholic liquor or beer to any person knowing or having reasonable cause to believe him to be under legal age, and no person or persons under legal age shall individually or jointly have alcoholic liquor or beer in his or their possession or control, except in the case of liquor or beer given or dispensed to a person under legal age within a private home with the knowledge and consent of the parent or guardian for beverage or medicinal purposes or as administered to him by either a physician or dentist for medicinal purposes and except to the extent that a person under legal age may handle alcoholic beverages and beer during the regular course of his or her employment by a liquor control license or beer permittee under state laws.

(Code of Iowa, Sec. 123.47)

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2.05 PUBLIC CONSUMPTION OR INTOXICATION. It is unlawful for any person to use or consume alcoholic liquors or beer upon the public streets or highways, or alcoholic liquors in any public place, except premises covered by a liquor control license, or to possess or consume alcoholic liquors or beer on any public school property or while attending any public or private school related function, and to have any alcoholic liquor or beer in his possession in an open container, and no person shall be intoxicated nor simulate intoxication in a public place. As used in this section "school" means a school or that portion thereof which provides teaching for any grade from kindergarten through grade twelve (12).

(Code of Iowa, Sec. 123.46)

TITLE V

CHAPTER 2: LIQUOR AND BEER CONTROL

ARTICLE 3

BEER AND LIQUOR PERMITS

3.01 LICENSE OR PERMIT REQUIRED. It shall be unlawful for any person to sell, offer or keep for sale alcoholic liquor or beer without first securing a liquor control license or beer permit in accordance with the provisions of this chapter and state law.

(Code of Iowa, Sec. 123.2)

3.02 NATURE OF LICENSE OF PERMIT. A liquor control license or beer permit shall be a purely personal privilege and be revocable for cause. It shall not constitute property nor be subject to attachment and execution nor be alienable or assignable, and in any case it shall cease upon the death of the permittee or licensee. However, the director may in his discretion allow the executor or administrator of a permittee or licensee to operate the business of the decedent for a reasonable time not to exceed the expiration date of the permit or license. Every permit or license shall be issued in the name of the applicant and no person holding a permit of license shall allow any other person to use same.

(Code of Iowa, Sec. 123.38)

3.03 BEER PERMITS-CLASSES. Beer permits shall be classed as follows:

1. CLASS "B". A class "B" beer permit shall allow the holder to sell beer at retail for consumption on or off the premises.

(Code of Iowa, Sec. 123.124 and
123.131)

2. CLASS "C". A class "C" beer permit shall allow the holder to sell beer at retail for consumption off the premises only. Such sales shall be in original containers only. No class "C" permit shall be issued to any person except the owner or proprietor of a grocery store or pharmacy.

(Code of Iowa, Sec. 123.124 and
123.129)

TITLE V

3.04 LIQUOR LICENSES-CLASSES. Liquor control licenses shall be classed as follows.

1. CLASS "A". A class "A" liquor control license issued to a club shall authorize the holder to purchase alcoholic liquors from the department only, and to sell such liquors, and beer, to bona fide members and their guests by the individual drink for consumption on the premises only.

(Code of Iowa, Sec. 123.30 (3a))

2. CLASS "B". A class "B" liquor control license issued to a hotel or motel shall authorize the holder to purchase alcoholic liquors from the department only and to sell such liquors, and beer, to patrons by the individual drink for consumption on the premises only, however, beer may also be sold for consumption off the premises. Each license shall be effective throughout the premises described in the application.

(Code of Iowa, Sec. 123.30(3b))

3. "CLASS C". A class "C" liquor control license issued to a commercial establishment must be issued in the name of the individual or individuals who actually own the entire business and shall authorize the holder or holders to purchase alcoholic liquors from the department only, and to sell such liquors, and beer, to patrons by individual drink for consumption on the premises only, however, beer may also be sold for consumption off the premises.

(Code of Iowa, Sec 123.30(3c))

3.05 APPLICATION. A verified application for the original issuance or the renewal of a liquor control license or a beer permit shall be filed at such time, in such number of copies and in such form as the director shall prescribe, on forms prescribed by him.

(Code of Iowa, Sec. 123.31)

3.06 BOND FILED. The application shall be accompanied by the required fee and bond and be filed with the council for approval or disapproval. The bond to be submitted shall be in a form prescribed by the director in the following amounts:

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1. LIQUOR CONTROL LICENSE. Upon bond in the penal sum of \$5,000.00, and conditioned upon the payment of all taxes payable to the state under the provisions of the Iowa beer and liquor control act and compliance with all provisions of the act.

(Code of Iowa, Sec. 123.30(1))

2. BEER PERMIT. With class "B" and "C" beer permits, upon posting bond in the penal sum of \$500.00, unconditioned upon the faithful observance of the Iowa beer and liquor control act.

(Code of Iowa, Sec. 123.128 and 123.129)

3.07. CONDITIONS FOR APPROVAL. No liquor control license or beer permit shall be approved unless:

1. CHARACTER OF APPLICANT. The applicant is a person of good moral character as defined by this chapter and in the case of a club, corporation or partnership, the officers of the club or corporation and the partners of a partnership are of good moral character as defined by this chapter.

(Code of Iowa, 1981, Sec. 123.30(1))

2. RIGHT OF ENTRY. The applicant gives consent in writing on the application that members of the fire and police departments may enter upon the premises without warrant to inspect for violations of the provisions of state law and of this chapter.

(Code of Iowa, 1981, Sec. 123.30(1))

3. ACCESS TO RESIDENTIAL OR SLEEPING QUARTERS. No interior access to residential or sleeping quarters is permitted or maintained unless permission is granted by the director in the form of a living quarters permit.

(Code of Iowa, 1981, Sec. 123.30(2))

4. LOCATION OF PREMISES. The premises are located within areas where such businesses are, or hereafter are, permitted by zoning regulations.

(Code of Iowa, 1981, Sec. 123.123(1b) and 123.30(1))

5. SEATING CAPACITY. The premises are, at the time of application and continue to be, equipped with sufficient tables and seats to accommodate twenty-five (25) persons at one time.

(Code of Iowa, 1981, Sec. 123.128(b) and 123.30(1))

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6. CONFORM TO APPLICABLE LAWS. The premises conform to all applicable laws, ordinances, resolutions, and health and fire regulations.

(Code of Iowa, 1981, Sec. 23.30(2) and 123.128(2))

3.08 CIVIL LIABILITY. Every liquor control licensee and class “B” beer permittee shall furnish proof of financial responsibility either by the existence of a liability insurance policy or by posting bond in such amount as determined by the department.

(Code of Iowa, 1981, Sec. 123.92)

3.09 SEPARATE LOCATIONS. Every person holding a class “B” or class “C” beer permit having more than one place of business where such beer is sold shall be required to have a separate license for each separate place of business, except as otherwise provided by state law.

(Code of Iowa, 1981, Sec. 123.140)

3.10 INVESTIGATION. Upon receipt of an original application for liquor or beer permit by the clerk, it shall conduct an investigation as to the truth of the facts averred in the application and a recommendation to the council as to the approval of the license or permit. It shall be the duty of the fire chief to inspect the; premises to determine if they conform to the requirements of the city, and no license or permit shall be approved until or unless an approving report has been filed with the council by such officer.

(Code of Iowa, 1981, Sec. 123.30 (1))

3.11 SEASONAL PERMITS. SIX (6) or eight (8) monthly seasonal licenses or beer permits may be issued for a proportionate part of the license or permit fee. No seasonal license or permit shall be renewed except after a period of two (2) months. Seasonal licensing shall be only as permitted by state law.

(Code of Iowa, 1981, Sec. 123.34)

3.12 ACTION BY THE CITY COUNCIL. Action taken by the City Council shall be so endorsed on the application and thereafter the application, fee and bond shall be forwarded to the department of such further action as is provided by law.

(Code of Iowa, 1981, Sec. 123.32 (2))

3.13 EXPIRTION. All liquor control licenses and beer permits, unless sooner suspended or revoked, shall expire on year from the date of issuance. Sixty (60) days notice of such expiration must be given in writing by the director. (Code of Iowa, 1981, Sec. 123.34)

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3.14 REFUNDS. Any such license or permittee, or his executor, administrator, or any person duly appointed by the court to take charge of and administer the property or assets of the licensee or permittee for the benefit of his creditors, may voluntarily surrender such license or permit to the department and shall notify the city, and the department and the city, or the city itself in the case of a retail beer permit, shall refund to the person so surrendering the licenses or permit a proportionate amount of the fee paid for such license or permit follows:

1. BEFORE THREE MONTH PERIOD. If surrendered during the first three months of the period for which said licenses or permit was issued the refund shall be three-fourths of the amount of the fee
2. SIX MONTH PERIOD. If surrendered more than three months but not more than six months after issuance the refund shall be one-half of the amount of the fee.
3. SIX –NINE MONTH PERIOD. If surrendered more than six months but not more than nine months after issuance the refund shall be one-fourth of the amount of the fee.
4. AFTER NINE MONTH PERIOD. No refund shall be made for a liquor control license or beer permit surrendered for more the nine months after issuance.
5. COMPLAINT FILED. No refund shall be made to any licensee or permittee, upon the surrender of license or permit, if there is at the time of said surrender a complaint filed with the department of city, charging him with a violation of this chapter or provision of the Iowa beer and liquor control act.
6. HEARING OF COMPLAINT. If upon hearing on any such complaint the license or permit is not revoked or suspended, then the licensee or permittee shall be eligible, upon surrender of this licensee or permit, to receive a refund as herein provided. But if his license or permit is revoked or suspended upon such hearing he shall not be eligible for the refund of any portion of his license of permit fee.

(Code of Iowa, 1981. Sec. 123.38)

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7. Seasonal licenses or permits. No refund shall be made for seasonal license or permits.

(Code Of Iowa, 1981. Sec. 123.38)

- 3.15 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 such transfer will not result in the violation of any law or ordinance.

(Code of Iowa, 1981. Sec. 123.38)

- 3.16 PROHIBITED SALES AND ACTS. No person or club holding a liquor or beer permit nor his agents or employees shall do any of the following:

1. INTOXICATED PERSONS. Sell, dispense or give to an intoxicated person, or one simulating intoxication, any alcoholic liquor or beer.
2. HOUR OF OPERATION. Sell or dispense any alcoholic liquor or beer on the premises covered by the license or permit, or permit the consumption thereon, between the hours of two a.m. and noon on a Sunday and ten p.m. on Sunday and six a.m. on the following Monday.
3. CREDIT SALES. Sell alcoholic liquor or beer to any person on credit, except with bona fide credit card. This provision shall not apply to sales by club to its members or sales by a hotel or motel to bona fide registered guest.
4. EMPLOYMENT OF MINORS. Employ any person under 18 years of age in the sale of serving if alcoholic liquor or beer for consumption on the premises where sold.
5. SELLING TO MINORS. Sell, give or otherwise supply any alcoholic beverage or beer to and person knowing or having reasonable cause to believe him or having reasonable cause to believe him to be under legal age, to consume any alcoholic beverage or beer.
6. MIXING OF ALCOHOLIC BEVERAGE. In the case of a retail beer permittee, knowingly allow the mixing or adding of alcohol or any

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alcoholic beverage to beer or any other beverage in or about his place of business.

7. SOLICITING AND DISORDERLY CONDUCT. Knowingly permit any solicitors for unusual purposes, or immoral or disorderly conduct on the premises covered by the license or permit.
8. BEER BRAND SIGNS PROHIBITED. Permit and signs or other matter advertising any brand of beer to be erected or placed upon the outside or any premises occupied by a licensee or permittee authorized to sell beer at retail.
9. NUDE CONDUCT PROHIBITED. Cause, permit, procure, counsel or assist any person who is acting as a waiter, waitress, host, hostess, dancer, or entertainer on the licensed premises to:
 - a. Expose his or her genitals, pubic hair, buttocks, perineum, anus region, or pubic hair region; or
 - b. Expose or wear any device, costume or covering which gives the appearance of or simulates the genitals, pubic hair, buttocks, perineum, anus region, or pubic hair region; or
 - c. Expose any portion of the female breast at or below the nipple thereof.

For purposes of this subsection a person shall be deemed a waiter, waitress, host, hostess, dancer, or entertainer if such person acts in that capacity without regard to whether such person is paid any compensation by the liquor control licensee or beer permittee, his agent or employee.

(Code of Iowa, 1981, Sec. 728.5)

3.17 OPTIONAL SUSPENSION OR REVOCATION. Following a written notice and hearing, as provided by this article, a liquor license or beer permit may be suspended by the City Council for period up to one year for violations of city code, or suspended for a period up to one year or revoked by the council for any of the following causes:

(Code of Iowa, 1981, Sec. 123.39)

1. MISREPRESENTATION. Misrepresentation of any material fact in the application for such license or permit.

(Code of Iowa, 1981, Sec. 123.39(1))

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2. VIOLATIONS. Violations of any of the provisions of the Iowa beer and liquor control act.

(Code of Iowa, Sec. 123.39(2))

3. CHANGE IN OWNERSHIP. Any change in the ownership or interest in the business operated under a class "A", class "B", or class "C" liquor control license, or any beer permit which change was not previously reported to and approved by the city and the department.

(Code of Iowa, Sec. 123.39(3))

4. ORIGINAL DISQUALIFICATIONS. Any event which would have resulted in disqualification from receiving such license or permit when originally issued.

(Code of Iowa, 1981, Sec. 123.39(4))

5. SALE OR TRANSFER. Any sale, hypothecation or transfer of such license or permit.

(Code of Iowa, 1981, Sec. 123.39(5))

6. PAYMENT OF TAXES. The failure or refusal on the part of any licensee or permittee to render any report or remit any taxes to the department under the state law.

(Code of Iowa, 1981, Sec. 123.39(6))

7. CONVICTION OF PROHIBITED SALE OR ACT. The conviction of any liquor control licensee or beer permittee for a violation of any of the provisions of Section 31.6 shall, subject to Section 3.18, be grounds for the suspension or revocation of the license or permit by the department or the city.

(Code of Iowa, 1981, Sec. 123.50(2))

3.18 MANDATORY SUSPENSION OR REVOCATION. A licensee or permit shall be suspended or revoked by the city council in accordance with the following:

1. SALE TO MINOR OR "SPIKING". If any licensee, beer permittee, or employee of such licensee or permittee shall be convicted of a violation of Section 3.16(5) or a retail beer permittee shall be convicted of a violation of Section 3.16(5) or a retail beer permittee shall be convicted of a violation of subsection 6 of said section, the city, shall, in addition to the other penalties fixed for such violations by this article, assess a penalty as follows:

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a. Upon a first conviction, the violator's liquor control license or beer permit shall be suspended for a period of fourteen (14) days.

(Code of Iowa, 1981, Sec. 123.50 (3a))

b. Upon a second conviction within a period of two (2) years, the violator's liquor control license or beer permit shall be suspended for a period of thirty (30) days.

(Code of Iowa, 1981, Sec. 123.50 (3b))

c. Upon a third conviction within a period of five (5) years, the violator's liquor control license or beer permit shall be suspended for a period of sixty (60) days.

(Code of Iowa, 1981, Sec. 123.50 (3c))

d. Upon a fourth conviction within a period of five (5) years, the violator's liquor control license or beer permit shall be revoked.

(Code of Iowa, 1981, Sec. 123.50(3d))

2. **GAMBLING, SOLICITATION.** If any liquor control licensee is convicted of any violation of the Code of Iowa, the liquor control license or beer permit shall be revoked and shall immediately be surrendered by the holder and the bond of the license or permit holder shall be forfeited to the department.

3.19 DEPARTMENT NOTIFIED. When the city council revokes or suspends a liquor license or beer permit, the Iowa Beer and Liquor Control Department shall be given written notice thereof stating the reasons for the revocation or suspension and the length of same.

(Code of Iowa, 1981, Sec. 123.39)

3.20 APPEAL TO STATE AND COURT. The right of appeal to the hearing board shall be afforded a liquor control licensee or beer permittee whose license or permit has been suspended or revoked. Any applicant who feels aggrieved by a decision of the director or city disapproving, suspending or revoking issuance of a liquor control license or beer permit may, provided he has exercised his right of appeal to the hearing board as provided by state law, appeal from said

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decision within ten (10) days to the district court of the county wherein the premises covered by the application are situated. The city may appeal a decision of the hearing board within then (10) days to the district court of the county wherein the premises covered by the application are situated.

(Code of Iowa, 1981, Sec. 123.32 (4&5))

3.21 EFFECT OF REVOCATION. Any liquor control licensee or beer permittee whose license or permit is revoked under the Iowa beer and liquor control act shall not thereafter be permitted to hold a liquor control license or beer permit in the state of Iowa for a period of two (2) years from the date of such revocation. The spouse and business associates holding ten (10) percent or more of the capital stock or ownership interest in the business of a person whose license or permit has been revoked shall not be issued a liquor control license or beer permit, and no liquor control license or beer permit shall be issued which covers any business in which such person has a financial interest for a period of two (2) years from the date of such revocation. In the event a licensee or permit is revoked the premises which have been covered by such license or permit shall not be relicensed for one year.

(Code of Iowa, 1981, Sec. 123.40)

3.22 HEARING ON SUSPENSION OR REVOCATION. The City Council shall conduct a hearing on each suspension or revocation in the following manner:

1. NOTICE. The permit holder, and surety on his bond, shall be served with written notice containing a copy of the complaint against him, the ordinance provisions or state statutes already allegedly violated, and the date, time and place for hearing on the matter.

2. HEARING. The City Council shall conduct a hearing, at which both the permit holder and complainants shall be present, the purpose of which is to determine the truth of the facts alleged in the complaint. Should the permit holder or his authorized representative fail to appear without good cause, the council may proceed to a determination of the complaint.

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3. RIGHTS OF PERMIT HOLDER. The permit holder shall have the right to be represented by counsel, to testify and present witnesses in his own behalf, and to cross-examine adverse witnesses.
4. EVIDENCE. The City Council shall admit only reliable and substantial evidence into the revocation or suspension proceeding, and shall give all admitted evidence its natural probative value.
5. CRIMINAL CHARGES. In the event that criminal charges have been brought against the permit holder on the same facts and circumstances as are the basis for the revocation or suspension complaint, the council shall await a judgment in the criminal action before conducting the revocation or temporary suspension hearing required by this section. Neither a conviction nor an acquittal in the criminal action shall be conclusive for purposes of the revocation or suspension proceeding held under this section.
6. RECORD AND DETERMINATION. The City Council shall make and record findings of fact and conclusions of law, and shall revoke or suspend a permit under this section only when, upon review of the entire record, it finds clear and convincing evidence of a substantial violation of this chapter or state law.

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CHAPTER 3: CIGARETTE PERMITS

ARTICLE 4

GENERAL PROVISIONS

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

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. Provided the definition herein shall not be construed to include cigars.

(Code of Iowa, 1981, Sec. 98.1(1))

2. “Retailer” shall mean and include every person in this state who shall sell, distribute, or offer for sale for consumption of possess for the purpose of sale for consumption, cigarettes irrespective of quantity or amount or the number of sales.

(Code of Iowa, 1981, Sec. 98.1(4))

3. “Place of Business” is construed to mean and include any place where cigarettes are sold or where cigarettes are stored within or without the State of Iowa by the holder of an Iowa permit or kept for the purpose of sale or consumption; or if sold from any vehicle or train, the vehicle or train on which or from which such cigarettes are sold shall constitute a place of business.

(Code of Iowa, 1981, Sec. 98.1(4))

4.02 PERMIT REQUIRED. No retailer shall sell, distribute, or solicit the sale of any cigarettes within the city without a valid permit for each place of business. The permit shall be displayed publicly in the place of business so that it can be seen easily by the public. No permit shall be issued to a minor.

(Code of Iowa, 1981, Sec. 98.13(1))

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4.03 APPLICATION. A completed application on forms provided by the State Department of Revenue and accompanied by the fee provided in Section 4.04 shall be filed with the clerk. Renewal applications shall be filed at least 5 days prior to the last regular meeting of the council in June. If a renewal application is not timely filed, and special council meeting is called to act on the application the costs of such special meeting shall be paid by the applicant.

(Code of Iowa, 1981, Sec. 98.13(5&9))

4.04 FEES. The fee for issuing or renewing a cigarette permit shall be as provided by State Code.

(Code of Iowa, 1981, Sec 98.12(3))

4.05 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, and shall certify its action in issuing a permit to the State Department of Revenue.

(Code of Iowa, 1981, Sec. 98.13(2))

4.06 DISPLAY. The permit shall be displayed publicly in the place of business so that it can be seen easily by the public.

(Code of Iowa, 1981, Sec. 98.13(10))

4.07 PERMITS NOT TRANSFERABLE. A permit shall not be transferable to another place of business or retailer. However, if a retailer who holds a valid permit changes his place of business, the council, if it decides to issue a new permit to him, 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.

4.08 EXPIRATION. Permits expire on June 30 of each year.

(Code of Iowa, 1981, Sec. 98.13(3))

4.09 REFUNDS. A retailer may surrender an unrevoked permit and receive a refund from the city as provided by State Code.

(Code of Iowa, 1981, Sec. 98.13(4))

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4.10 REVOCAION. The City Council, after notice and hearing, shall revoke a permit if it finds the retailer has substantially violated the provisions of this chapter of the Code of Iowa, or if grounds exist that would be sufficient for refusal to issue such a permit. The clerk shall give five (5) days written notice to the retailer by mailing a copy of the notice by certified mail to the place of business as it appears on his application for a permit. The notice shall state the reason for the contemplated revocation and the time and place at which he may appear and be heard. The hearing shall be held at the regular meeting place of the council.

4.11 RENEWAL AFTER REVOCATION. Upon revocation, no new permit shall be issued to the retailer or for the place of business for one year from the date of revocation unless good cause to the contrary is shown the council.

(Code of Iowa, 1981, Sec. 98.22(3))

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CHAPTER 4: LICENSING

ARTICLE 5

GENERAL PROVISIONS

5.01 PURPOSE. The purpose of this ordinance is to assure that in the conduct of the activities, vocations, public amusements, and provisions licensed and regulated by this ordinance, the public health, safety and welfare will be protected and maintained.

5.02 DEFINITIONS. For use in this ordinance the following terms are defined:

1. "Open to the public" shall mean a place in which a public amusement is conducted for, engaged in, or performed by the general public and to which the general public is admitted or is in attendance. It does not include places that the general public is not free to enter and to which admission is restricted to members of a club, fraternal organization, or religious or educational group.

2. "Public amusement" shall mean any public dance hall, skating rink, swimming pool, fortune teller's place of business, billiard hall, bowling alley, shooting gallery, circus or theater that is open to the public.

3. "Public amusement" shall mean any place of public amusement in which dancing is engaged in or performed. An "Annual Dance License" when issued, shall restrict the hours of dancing to no later than 1:00AM Tuesday morning thru 1:00AM Sunday morning on weekdays and 9:00PM on Sundays, at which times the orchestra or band must cease playing.

4. "Theater" shall mean any place of public amusement in which plays, moving pictures or other exhibitions are presented, except that it shall not include places in which lectures on scientific, historical or literary subjects are given.

5. "Bill" shall mean any notice, poster, placard, announcement or advertisement except notices required by law.

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6. "House mover" shall mean any person who undertakes to move a building or similar structure upon or across the public streets, alleys, walks or property.

7. "Junk dealer" shall mean any person engaged in collecting, storing, buying or selling junk. "Junk" means articles or materials that, because of age, deterioration or use, have lost their original utility or desirability but that by alteration, restoration or salvage may furnish an item or items of value.

8. "Pawnbroker" shall mean any person whose business consists primarily of buying personal property subject to the right of repurchase or redemption or of receiving actual possession of personal property as security for loans with or without a mortgage or bill of sale. This definition shall not include banks, trust companies, building and loan associates, and similar businesses.

9. "Scavenger" shall mean any person who transports upon the public streets, alleys, sidewalks or property any refuse except refuse directly from his own property.

10. "Arcade games" shall mean any coin operated game, whether electrical or mechanically operated, that is available for public amusement. Each applicant for General Arcade Game License will specify the total number of individual game licenses he is applying for. A fee is required for each game listed on the license application.

5.03 LICENSE REQUIRED. It shall be unlawful for any person to engage in any activity, vocation, profession or public amusement regulated by this ordinance without a valid license from the City of Lansing, Iowa.

5.04 APPLICATION. Application for any license under this ordinance shall be made in writing on forms furnished by the city clerk.

5.05 FEE PAYMENT. All fees required by this ordinance shall be paid to the city clerk, who shall give the applicant a written receipt showing the sum received and the time of receipt.

5.06 ISSUANCE. If the city clerk finds that all of the conditions prescribed by this article for the issuance of a license have been satisfied, the license shall be issued immediately to the applicant. The clerk must

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make a determination whether to issue the license within ten days from the date a completed application is submitted. If the clerk refuses to act within the ten day period, the applicant shall have a right to a hearing before the council at its next regular meeting on whether the license should be issued.

5.07 FEES AND DURATION. The fee and duration of a license shall be:

1. ANNUAL OR DAILY LICENSE. An applicant may apply for an annual or a daily license. The annual license shall be valid for one year after the date on which it is issued. All annual licenses must be approved by the City Council.

2. FEE. The fees for City Licenses and Permits shall be:

<u>License/Permit</u>	<u>Fee</u>
Dance License, Annual	\$ 50.00/year
General Arcade games License, Annual game	\$10.00/year per game
Junk Dealers License, Annual location	\$50.00/year per location
Pawnbrokers License, Annual	\$50.00/year
Peddlers Permit, Annual person	\$100.00/year per person
Peddlers Permit, Daily person	\$5.00/day per person
Transient Merchants Permit, Annual \$100.00/year per location	
Transient merchants Permit, Daily location	\$5.00/day per location
Solicitors Permit, Annual person	\$100.00/year per person

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Solicitors Permit, Daily
person

\$5.00/day per

5.08 REVOCATION OF LICENSE. After giving a licensee has ten days notice and after a Council hearing, the clerk may revoke any license issued under this ordinance for the following reasons:

1. FRAUDULENT STATEMENTS. The licensee has made fraudulent statements in his application for the license or in the conduct of his business.
2. VIOLATION OF ORDINANCE. The licensee has violated this ordinance or has otherwise conducted his business in an unlawful manner.
3. DANGER TO PUBLIC HEALTH AND SAFETY. The licensee has conducted his business in such manner as to endanger the public welfare, health, safety, order or morals. The notice shall be in writing and shall be served personally or as required for personal service by the Iowa Rules of Civil Procedure. The notice shall state the time and place of the hearing and the reason for the intended revocation.

5.09 EFFECT OF REVOCATION. Revocation of a license shall bar the licensee from being eligible for any license under this ordinance for a period of one year from the date of revocation.

5.10 TRANSFER PROHIBITED. In no case shall a license issued under this ordinance be transferred to another person or be used for a purpose other than that for which it was issued.

5.11 DISPLAY. Every person who is issued a license under the provisions of this ordinance shall display the license in a conspicuous place on the premises on which the business is being conducted.

5.12 EXEMPTIONS. This ordinance shall not be construed to require a license of each employee or agent or one engaged in a licensed occupation. Only the owner, manager or agent of such an occupation need possess a license, with the exception of peddlers.

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CHAPTER 4: LICENSING

ARTICLE 6

SPECIAL REQUIREMENTS

6.01 COMPLIANCE. Every person that is granted a license under the terms of this ordinance shall comply with the following regulations that apply in his case.

6.02 HOUSEMOVERS. The following shall apply to the license for house movers:

1. APPLICATION. An application for house mover's licenses shall describe the present location and the future site of the building or similar structure to be moved.
2. BOND. The applicant shall post with the city clerk a penal bond in the sum of \$1,000.00 with good and sufficient sureties approved by the city clerk. The bond shall guarantee the licensee's payment for any damage done to the city or to the public property in the course of moving the building or similar structure.
3. INSURANCE. The applicant shall show evidence that he is insured for not less than \$500,000.00 for personal injuries and \$100,000.00 for property damage. A penal bond for the same sum of money may be posted with the city clerk in lieu of the insurance policy. The sureties on the bond shall guarantee the licensee's payment for personal injuries or property damages caused by payment for personal injuries or property damage cause by him or his agents or employees in the course of the moving operations.
4. ROUTE. The applicant shall file with the city clerk a routing plan approved by the Chief of Police. The police Chief shall approve the shortest route compatible with greatest public convenience and safety.

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5. FLAGMEN AND WARNING SIGNS. At all times when a building or similar structure is in motion upon any street, alley, sidewalk or public property, the licensee shall maintain flagmen at the closest intersections or other possible channels of traffic to the sides, behind and ahead of the building or structure. At all times when the building or structure is at rest upon any street, alley, sidewalk or public property the licensee shall maintain adequate warning signs or flares at the intersection or channels of traffic to the sides, behind and ahead of the building or structures.

6.03 BILL POSTERS. The following shall apply to the permit for bill posters:

1. APPLICATION. An application for bill posters permit shall contain a description of the boundaries of the areas of the city in which the distribution of bills is to be made. The license shall limit distribution of bills in the city to these areas.

2. PROHIBITED LOCATIONS. Bill posters shall not attach bills to any tree, pole, sidewalk, building or other structure.

3. MANNER OF DISTRIBUTION. Bills shall not be distributed in such a manner that they may be blown about or scattered.

4. SIZE OF BILLS. Bills larger than nine by twelve inches in size shall not be handed to persons on the sidewalks or streets to public property or attached to automobiles parked on any streets, alleys or public property.

6.04 JUNK DEALERS. All persons desiring a junk dealer's license must make application to the City Council.

1. RECORD BOOK. Every junk dealer shall maintain a permanent record book that shows a description of each item received, the name and address of the person from whom it was received, the quantity or weight of each item, the amount paid, and the time and date of the transaction.

2. SEGREGATED DAYS COLLECTION. Every junk dealer shall segregate each day's collection for a period of forty-eight hours. During this period no item shall be disposed of or altered in any manner.

3. RECEIVE JUNK FROM MINOR. A junk dealer shall not purchase or receive junk from a minor unless he first receives the written consent of

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the minors parent or guardian. Such consent shall be attached to the record book as a part of the permanent record.

4. INSPECTION. Health officers and police officers shall be permitted at all times to inspect the junk dealer's premises for the existence of materials or conditions dangerous to the public health.

5. ENCLOSED WITH FENCE. All junk yards shall be enclosed within a solid fence at least eight feet in height which hides the contents of the yard from public view materials within the yard shall not be stacked higher than the surrounding fence. Any gates in said fence shall be of solid material and equal height.

6.05 PAWNBROKERS. All persons desiring a pawnbroker's license must apply to the City Council.

1. RECORD BOOK. Every pawnbroker shall maintain a permanent record book that shows a description of each item received, the name and address of the person from whom it was received, the quantity or weight of each item, a statement of the nature of the transaction including the sum for which the item is security, the time and date of the transaction, and date of disposition.

2. RECEIVE FROM MINOR. A pawnbroker shall not purchase or receive any item from a minor unless he first received the written consent of parent or guardian of the minor. Such consent shall be attached to the record book as a part of the permanent record.

3. NOTIFY POLICE. Any pawnbroker shall notify the local police immediately upon receipt of an item that he believes or has reason to believe is stolen property. Such an item shall not be disposed of or altered without written permission from the local police.

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CHAPTER 4: LICENSING

ARTICLE 7

PEDDLERS SOLICITORS AND TRANSIENT MERCHANTS

7.01 DEFINITION. For use in this ordinance, the following terms are defined:

1. "Peddler" shall mean any person carrying goods or merchandise from house-to-house or upon the public street.
2. "Solicitor" shall mean any person who solicits or attempts to solicit from house-to-house or upon the public street an order for goods, subscriptions or merchandise to be delivered at a future date.
3. "Transient merchant" shall mean any person, firm or corporation who engages in a temporary or itinerant merchandising business and in the course of such business hires, leases or occupies any building or structure whatsoever. Temporary association with a local merchant, dealer, trader or auctioneer, or conduct of such transient business in connection with as a part of, or in the name of any local merchant, dealer, trader or auctioneer shall not exempt any person, firm or corporation from being considered a transient merchant.

7.02 PERMIT REQUIRED. Any person engaging in peddling, soliciting or in the business of a transient merchant in this city without first obtaining a permit as herein provided shall be in violation of this ordinance.

7.03 EXEMPTIONS. The following groups or persons shall be exempt from the provisions:

1. All City Residents.

7.04 RELIGIOUS AND CHARITABLE ORGANIZATION EXEMPT. Authorized representatives of religious and charitable organizations desiring to solicit money or to distribute literature shall be exempt from the operation of section 7.05-7.09 of this ordinance. All such organizations shall be required to submit in writing to the city clerk and mayor, the name and purpose of the cause for which such activities are sought, names and addresses of the officers and directors of the

TITLE V

organization, the period during which such activities are to be carried on, and whether any commissions, fees or wages are to be charged by the solicitor for his efforts and the amount thereof. If the city clerk and mayor shall find that the organization is a bona fide charity or religious organizations he shall issue, free of charge, a licenses containing the above information to the applicant.

7.05 APPLICATION. An application in writing shall be filed with the city clerk for a license under this ordinance,

7.06 DISPLAY. Each solicitor or peddler shall at all times while doing business in this city keep in his possession the license provided for in Article 7 of this customers, exhibit the license as evidence that he has complied with all requirements of this ordinance. Each transient merchant shall display publicly his license in his place of business.

7.07 LICENSE NOT TRANSFERABLE. Licenses issued under the provisions of this ordinance are not transferable in any situation and are to be applicable only to the person filing the application.

7.08 REVOCATION. The city council, after notice and hearing, may revoke any license issued under this ordinance where the licensee in the application for the license or in the course of conducting his business has made fraudulent to incorrect statements or had violated this ordinance or had otherwise conducted his business in an unlawful manner.

7.09 EXPIRATION. All licenses granted under this ordinance shall expire at 6:00pm of the last day for which the license is issued.

CHAPTER 5: RESTAURANTS

ARTICLE 8

(RESERVED FOR FUTURE USE)

TITLE V

CHAPTER 6: FRANCHISES

ARTICLE 9

INTERSTAE POWER COMPANY

9.01 An Ordinance of the City of Lansing, County of Allamakee, state of Iowa, granting to Interstate Power Company, a Delaware Corporation, its successors and assigns, permission to erect, install, construct, reconstruct, repair, own, operate, maintain, manage and control and electric plant within the corporate limits of said municipality and an electric transmission and distribution system consisting of poles, wires, conduits, pipes, conductors and other fixtures in under over along and across the streets lanes avenues sidewalks alleys bridges and public grounds of said municipality and its inhabitants for a period of twenty-five years from and after the passage, approval and publication of this ordinance according to law.

The City Council of Lansing, Iowa, do ordain as follows:

1. That there is hereby granted unto Interstate Power Company, a Delaware Corporation, its successors and assigns, herein called the : “Grantee,” the right, permission, privilege and franchises for a period of 25 years from and after the talking effect of this Ordinance, subject only to the laws of the State of Iowa as now in force and to the conditions and limitations hereinafter contained to erect install construct reconstruct repair own, operate, maintain, manage and control an electric plant and electric transmission and distribution system consisting of poles wires conduit pipes conductors and other fixtures, within the limits of said municipality necessary convenient or proper for the production, transmission distribution and delivery of electric energy to said municipality and its inhabitants for light heat and power purposes.
2. That said Grantee, its successors and assign, is hereby granted: (i) the right of way in, under, river, along and across the streets, lanes, avenues, sidewalks, alleys, bridges and public grounds of said municipality, and; (ii) the right of eminent domain, as provided in Section 364.2 of the Coode of Iowa, all for the purpose of erecting, installing, constructing, reconstructing, repairing, owning, operation, maintaining.

TITLE V

managing and controlling said electric plant and said electric transmission and distribution system.

3. That said Grantee shall hold said municipality free and harmless of and from any and all liability, damages, actions and causes of action, caused by or through the neglect or mismanagement of the Grantee in the erection, installation, construction, reconstruction, repair, operation, maintenance, management or control of said electric plant and electric transmission and distribution system.
4. That said Grantee shall not, during the erection, installation, construction, reconstruction, repair, operation and maintenance of said plant or transmission and distribution systems, unnecessarily impede public travel on the streets, lanes, avenues, sidewalks, alleys, bridges, and public grounds upon which it may enter for the purpose herein authorized in as good condition as they were at the date of said enter.
5. That said Grantee will extend service to any customer within the corporate limits of the municipality in accordance with the Service Standards of Grantee as filed with the Iowa State Utilities Board of the Department of Commerce.
6. That whenever any person has obtained permission from the municipality to move any building or structure which may interfere with the poles, wires or other fixtures of said Grantee, Grantee shall, upon five days' notice thereof, and at the expense of the person desiring to move such structure, remove such poles, wires or other fixtures as may be necessary to allow the passage of such structure, for a reasonable length of time, upon receipt from such person of satisfactory assurance covering the cost of such removal and replacement and any liability or damage resulting there from.
7. That if any section or portion of a section of this Ordinance shall be declared null and void by any competent authority, the remaining portions hereof shall not be affected thereby.
8. That all ordinances or resolutions or parts thereof heretofore adopted by said municipality in conflict with the terms hereof are hereby repealed.
9. That said ordinance shall take effect from and after its passage, approval and publication according to law.

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APPROVAL FOR ELECTION: April 5, 1993

FINAL APPROVAL: July 6, 1993

(SGD) Frank J. Mauss, Mayor Pro-Tem

Mayor of the City of Lansing, Iowa

ATTEST:

(SGD) Carolyn M. Kukes

Clerk

(SEAL)

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PROPERTY

TITLE VI

CHAPTER 2: SIGNS

ARTICLE 2

GENERAL PROVISIONS

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

1. “ Sign” shall mean and include every sign, billboard, ground sign, wall sign, roof sign, illuminated sign, projecting sign and temporary sign, and shall include any announcement, declaration, demonstration, display, illustration or insignia used to advertise or promote the interests of any person when the same is placed out of doors in view of the general public.
2. “Ground sign” shall mean any sign supported by uprights or braces placed upon the ground and not attached to any building.
3. “Wall sign” shall mean all flat signs of solid face construction which are placed against a building or other structure and attached to the exterior front, rear or side wall of any building or other structure.
4. “Roof sign” as regulated by this ordinance shall mean any sign erected, constructed and maintained wholly upon or over the roof of any building with the principal support on the roof structure.
5. “Projecting sign” as regulated by this ordinance shall mean any sign which is attached to a building or other structure and extends beyond the line of said building or structure or beyond the surface of that portion of the building or structure to which it is attached. All projecting signs shall be illuminated signs, as defined by this ordinance.
6. “Illuminated sign” shall mean any sign which has character, letters, figures, designs or outline illuminated by electric lights or luminous tubes as a part of the sign proper.
7. “Facing” or “Surface” shall mean the surface of the sign upon, against or through which the message is displayed or illustrated on the sign.

TITLE VI

8. "Incombustible material" shall mean any material which will not ignite at or below a temperature of 1200 degrees Fahrenheit and will not continue to burn or glow at that temperature.
9. "Person" shall mean and include any person, firm, partnership, association, corporation, company, or organization of any kind.
10. "Structural trim" shall mean the molding, battens, cappings, nailing strips, latticing and platforms which are attached to the sign structure.
11. "Erect" shall mean to build, construct, attach, hang, suspend or affix, and shall also include the painting of wall signs.
12. "Street line" shall mean the place where the public sidewalk begins and the private property line ends.

2.02 UNSAFE AND UNLAWFUL SIGNS. If the Street Superintendent shall find that any sign or other advertising structure is unsafe or insecure or is a menace to the public, or has been constructed or erected, or is being maintained in violation of the provisions of this ordinance, he shall give written notice thereof to the property owner. Such notice shall include a statement explaining the alleged violations and deficiencies, and an order to repair or remove said sign, with an explanation of the consequences of failure to comply with said order. If the property owner fails to remove or alter said sign so as to comply with the order within ten days (10) after such notice, said sign or other advertising structure may be removed by the Street Superintendent at the expense of the owner of the property on which it is located. The property owner may appeal the order of the Street Superintendent to the council, and if an appeal is on file, the ten day (10) compliance period shall be extended until ten days (10) following the council's decision on the matter. If, however, the Street Superintendent finds that any sign or other advertising structure poses a serious and immediate threat to the health or safety of any person, he may order the removal of such sign summarily and without notice to the property owner. Such an order may be appealed to the council, and if the council reverses, it shall order restitution at the city's expense.

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2.03 OBSTRUCTIONS TO DOORS, WINDOWS OR FIRE ESCAPES. No sign shall be erected, located or maintained so as to prevent free ingress to or egress from any door, window or fire escape. No sign of any kind shall be attached to a standpipe or fire escape.

2.04 SIGNS NOT TO CONSTITUTE TRAFFIC HAZARD. No sign or other advertising structure as regulated by this ordinance shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision; or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device; or which makes use of the words, 'STOP', 'LOOK', "DRIVE-IN", "DANGER" or any other word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic. No sign or other advertising structure as regulated by this ordinance shall have posts, guides or supports located within any street or alley.

2.05 GOOSE NECK REFLECTORS. Goose neck reflectors and lights shall be permitted on ground signs, door signs, and wall signs, provided, however, the reflectors shall be provided with proper glass lenses concentrating the illumination upon the area of the sign as to prevent glare upon the street or adjacent property.

2.06 SPOTLIGHTS AND FLOODLIGHTS PROHIBITED. It shall be unlawful for any person to maintain any sign which extends over public property which is wholly or partially illuminated by floodlights or spotlights.

2.07 REMOVAL UPON ABANDONMENT OF USE. It is the responsibility of the owner of the sign to remove such sign when its advertising or other commercial use is abandoned.

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CHAPTER 2: SIGNS

ARTICLE 3

PERMITS

3.01 PERMITS REQUIRED. It shall be unlawful for any person to erect, repair, alter, relocate or maintain within the city any sign or other advertising structure as defined in this ordinance, without first obtaining an installation permit from the City Clerk.

3.02 APPLICATION FOR INSTALLATION PERMIT. Application for installation permits shall contain the following information:

1. Name, address and telephone number of the applicant.
2. Location of building, structure or lot to which or upon which the sign or other advertising structure is to be attached or erected.
3. Position of the sign or other advertising structure in relation to nearby buildings or structures.
4. One blueprint or drawing of the plans and specifications and method of construction and attachment to the building or in the ground.
5. Name of person, firm, corporation or association erecting structure.

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CHAPTER 3: TREES

ARTICLE

GENERAL PROVISIONS

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

1. “Parkway” shall mean that part of the street, avenue or highway in the city not covered by sidewalk and lying between the lot line and the curb line; or, on unpaved streets, that part of the street, avenue or highway lying between the lot line and that portion of the street usually traveled by vehicular traffic.
2. “Board” shall mean the “Lansing Tree Board” created pursuant to this chapter.

4.02 TREE BOARD.

1. **Appointment and Term.** The Lansing Tree Board is hereby created. The Board shall have five (5) members, all of whom must be eighteen years of age and four of whom must be residents of Lansing. The Board shall be appointed by the mayor and approved by the Council for staggered three year terms beginning on January first of each year. They Mayor, with Council approval, shall make initial appointments upon creation of the Board for terms of three years, two years and one year. Vacancies to the Board shall be filled for the remaining unexpired terms in the same manner as the original position.
2. **Compensation.** Members of the Board shall serve without compensation. However, compensation for out-of-pocket expenses relating to city business may be allowed with advance Council approval.
3. **Organization.** The Board shall annually in January meet and elect by majority vote one of its members to act as Chairperson and one as Secretary. The Chairperson shall call meetings to order and preside over the meetings. The Secretary shall keep the minutes of

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all Board meetings and shall provide a copy of all minutes to the City Clerk. The City Clerk shall keep a complete set of Board minutes which shall be open to public inspection.

4. **Meetings.** The Board shall meet at least annually in January and thereafter as often as required. A meeting may be called by the Chairperson or upon joint request by three Board members. All meetings of the Board are subject to the Iowa Open Meetings Law and notice of meetings shall be posted in compliance with said law.
5. **Duties.** The Board shall have the following duties listed in this subsection.
 - a. Prepare and, upon approval of the City Council, implement an annual work plan to plant, care for, prune and remove trees located on public property and the parkway in the City of Lansing. The annual work plan shall be developed subject to the standards set forth elsewhere in this Chapter.
 - b. Review all proposed landscape plans and plantings on public property and make recommendations to the Council. All proposals shall include a detailed site drawing and plant material list, where appropriate, and be based on accepted principles of urban landscape design. Planting activities shall be coordinated with the Council's Public Lands Parks Committee and the Streets and Sidewalk Committee prior to planting.
 - c. Make a good faith effort to contact landowners whose property is adjacent to trees on the Parkway to inform them of proposed actions affecting the trees on the Parkway and to solicit their input into how the trees should be managed.
 - d. Recommend pruning, care and removal practices to landowners whose trees overhang onto City property.
 - e. Attend City Council meetings and report on the Boards activities as necessary, or as directed by Council.

4.03 ARBORCULTURAL SPECIFICATIONS AND STANDARDS OF PRACTICE FOR TREE PLANTING. The regulations set forth in this

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section 4.03 shall be followed in the planting of trees within the City of Lansing, Iowa.

1. **Size and Quality.** All trees planted on the parkways shall be of sufficient size to warrant satisfactory results and stand the abuse common to street trees. All standard sized trees shall have comparatively straight trunks, well-developed leaders, and top and root characteristics of the species of variety showing evidence of proper nursery pruning. All trees must be free of insect, disease, mechanical injuries and other objectionable features at the time of planting. To compensate for any serious loss of roots, the top of the tree should be reduced by thinning or cutting back as determined by the growth characteristics of the tree species. The leader(s) shall not be cut off in such trimming.
2. **Spacing.**
 - a. Trees shall not be planted on the parkways if the parkway is less than (4) feet in width. Trees shall be planted in accordance with acceptable professional spacing practices based on tree species and mature size. Sufficient space shall be allowed to accommodate the mature tree without obstruction to streets or sidewalks.
 - b. Trees shall not be planted closer than the following: twenty (20) feet to street intersections (property lines extended); ten (10) feet to a fire hydrant; ten (10) feet to driveways; and ten (10) feet to water and sewer lines.
 - c. No trees may be planted under or within 10 lateral feet of any overhead utility wire except those species identified in subsection 4.03 4(b) (3) below.
3. **Method of Support.** Trees may be guyed or supported in an upright position according to accepted arboricultural practices. The guys or supports shall be fastened in such a way that they will not girdle or cause serious injury to the trees or endanger public safety.

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4. Permitted Tree Species.

- a. On Public Property other than the Parkway. Trees planted on public property, other than the parkway, shall be appropriate for the site and landscaping objective, except that under utility lines only the species listed in subsection 4.03 4.b(3) may be planted.
- b. On the Parkway.
 - 1) Trees planted on the parkway shall be limited to those specified in subsections two (2) and three (3) below. However, only trees listed in subsection three (3) may be planted under utility lines.
 - 2) The following trees and varieties of these species are permissible provided they are thornless and fruitless varieties:
 - a) Ash (White and Seedless Varieties)
 - b) Beech (American and European)
 - c) Cork Tree
 - d) Elm (disease resistant varieties)
 - e) Ginkgo (male variety only)
 - f) Hackberry
 - g) Linden (American, Greenspire, Little Leaf and Redmond)
 - h) Locust (Skyline and Imperial)
 - i) Maple (Norway, Rubrum and Sugar varieties)
 - j) Oak (Red, Swamp White, White, Scarlet and Bur)
 - k) Pear (ornamental)

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4.04 REMOVAL OF TREES.

The City shall have removed, on the order of the council, any tree on the streets of the City which interferes with the making of improvements, with travel thereon, or with overhead wires. The City will remove any trees on the street, not on private property, which have become diseased, or which constitute a danger to the public or which may otherwise be declared a nuisance. The Board shall be consulted for its recommendation prior to removal unless the tree or trees designated for removal represents an immediate threat of danger to the public or conflict with public works or electric utility projects.

4.05 TREES OVERHANGING PUBLIC STREETS.

1. Duty to Trim. The owner or agent of the abutting property shall keep the trees on, or overhanging the street trimmed so that all branches will be at least (8) feet above the sidewalks.
2. Assessment. If the abutting property owner fails to trim the trees as required in this chapter, the City may serve notice on the abutting property owner requiring him to do so within five (5) days. If he fails to trim the trees within the time, the City may perform the required action and assess the costs against the abutting property for collection in the same manner as a property tax.

4.06 APPEAL PROCESS.

Persons or entities, who claim they have been or may be adversely affected by a Board action, may appeal the Board action to the Council. Such individual shall have 5 days from the time of notification of the decision by the Board to contest it by requesting the City Clerk to schedule the matter with City Council at the next meeting.

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CHAPTER 3: TREES

ARTICLE 5

DUTCH ELM DISEASE CONTROL

5.01 TREES SUBJECT TO REMOVAL. The council having determined that the health of the elm trees within the city is threatened by a fatal disease known as the Dutch elm disease hereby declares the following shall be removed:

1. LIVING OR STANDING TREES. Any living or standing elm tree or part thereof infected with the Dutch elm disease fungus or which harbors any of the elm bark beetles that is *scolytus multistriatus* (eichb.) or *hylurgopinus rufipes* (marsh.)
2. DEAD TREES. Any dead elm tree or part thereof including dogs, branches, stumps, firewood or other elm material from which the bark has not been removed and burned or sprayed with an effective elm bark beetle destroying insecticide.

5.02 DUTY TO REOMOVE. No person, firm or corporation shall permit any tree or material infected with Dutch elm disease to remain on the premises owned, controlled or occupied by him within the city.

(Code of Iowa, 1981, Sec, 364.12(3b))

5.03 REMOVAL FROM CITY PROPERTY. If the Superintendent of Public Works, upon inspection or examination, in person or by some qualified person acting for the city, shall determine that any condition as herein defined exists in or upon any public street, alley, park or any public place, including the strip between the curb and the lot line of private property, within the city and that the danger of other elm trees within the city is imminent, he shall immediately cause it to be removed and burned or otherwise correct the same in such manner as to destroy or prevent as fully as possible the spread of Dutch Elm Disease or the insect pests or vectors known to carry such disease fungus.

5.04 REMOVAL FROM PRIVATE PROPERTY. If the Superintendent of Public Works, upon inspection or examination, in person or by some qualified person acting for the city, shall determine with reasonable

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certainty that any condition as herein defined exists in or upon private premises and that the danger to other elm trees within the city is imminent, he shall immediately notify by certified mail the occupant or person in charge of such property, to correct such condition within 14 days of said notification. If such owner, occupant or person in charge of said property fails to comply within 14 days of receipt thereof, the council may cause the nuisance to be removed and the cost assessed against the property for collection in the same manner as property tax.

(Code of Iowa, 1981, Sec. 364.12 (3b&h))

5.05 REASONABLE CERTAINTY. If the Superintendent of Public Works is unable to determine with reasonable certainty whether or not a tree in or upon private premises is infected with Dutch elm disease, he is authorized to remove or cut specimens from said tree, and obtain a diagnosis of such specimens.

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CHAPTER 4: ABANDONED AND JUNKED VEHICLES AND MACHINERY

ARTICLE 6

ABANDONED VEHICLES

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

1. "Abandoned Vehicle" shall mean any of the following:
 - a. A motor vehicle that has been left unattended on public property for more than forty-eight (48) hours and lacks current registration plates, or is inoperable, or
 - b. A motor vehicle that has remained illegally on public property for more than fifteen (15) days, or
 - c. A motor 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, or
 - d. A motor vehicle that has been legally impounded by order of the chief of police and has not been reclaimed for a period of thirty (30) days.
2. "Inoperable Vehicle" shall mean any motor vehicle which lacks an engine or two or more wheels or other structural part which renders the vehicle totally inoperable.

6.02 REMOVAL. The police chief may remove and impound any abandoned motor vehicle whether operable or in an inoperable condition. Impoundment shall be in any city-owned garage or area, or in any privately-owned public garage or area designated by the council.

(Code of Iowa, 1981, Sec. 321.89)

6.03 NOTICE BY MAIL. The police chief shall notify by certified mail within ten (10) days of having taken possession of any abandoned operable motor vehicle, the last known registered owner of the motor vehicle and all lien holders of record, addressed to their last known address of record that the abandoned motor vehicle has been taken into

TITLE VI

custody. Notice shall be deemed given when mailed. Notice shall describe the year, make, model and serial number of the motor vehicle, set forth the location of the facility where it is being held, inform the owner and any lien holders of their right to reclaim the motor vehicle within fourteen (14) days after the effective date of the notice upon payment of all towing, preservation and storage charges resulting from placing the motor vehicle in custody. The notice shall also state that the failure of the owner or lien holders to exercise their right to reclaim the motor vehicle within the time provided shall be deemed a waiver by the owner and all lien holders of all right, title, claim and interest in the motor vehicle and that such failure to reclaim is deemed consent to the sale of the motor vehicle at a public auction or disposal of the motor vehicle to a demolisher. If the owner and lien holders do not exercise their right, they shall have no further right, title, claim or interest in or to such motor vehicle, as provided by law.

(Code of Iowa, 1981, Sec. 321.89(3a))

6.04 NOTIFICATION IN NEWSPAPER. If the identity of the last registered owner of an abandoned but operable vehicle cannot be determined, or if the registration contains no address for the owner, or if it is impossible to determine with reasonable certainty the identity and addresses of all lien holders, notice by one publication in one newspaper of general circulation in this city shall be made by the police chief and multiple listings may be included in said notice if they are subject to the same time limits, and the same information as prescribed for mailed notice shall be included.

6.05 EXTENSION OF TIME. The owner or any lien holder may, by written request delivered to the police chief prior to the expiration of the fourteen (14) day reclaiming period, obtain an additional fourteen (14) days within which the motor vehicle may be reclaimed.

(Code of Iowa, 1981, Sec. 321.89(3c))

6.06 FEES FOR IMPOUNDMENT. The owner or lien holder shall pay an impoundment fee based on towing and storage charges plus rental charges of \$2.00 per day.

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6.07 DISPOSAL OF OPERABLE VEHICLES. If an abandoned motor vehicle which is operable has not been reclaimed as provided by Article 8.03, the police chief shall make a determination as to whether or not the motor vehicle should be sold for use upon the highways. If it is to be sold for such use it shall first be inspected as required by law, have a valid certificate of inspection affixed, and shall then be sold, and title given in accordance with law. Vehicles not sold for use upon the highways shall be sold only in accordance with the restrictions in Iowa law. The purchasers shall take title as provided for by law, or if sold to a demolisher no further titling of the motor vehicle shall be permitted.

(Code of Iowa, 1981, Sec. 321.89(4))

6.08 DISPOSAL OF INOPERABLE ABANDONED VEHICLES. The following shall apply to the disposal of inoperable abandoned vehicles:

1. DISPOSAL BY CITY. Any totally inoperable abandoned vehicle or any such inoperable vehicle left on private property by other than the owner or person in charge of the private property shall be disposed of by the police chief to a demolisher unless he deems it practicable to sell it as provided in Article 6.07. A sale to a demolisher shall not require the notification procedures or public auction, but the police chief shall endeavor to obtain as much compensation as possible to defray any costs to the city.

(Code of Iowa, 1981, Sec. 321.89(4))

2. DISPOSAL BY OTHER PERSONS. A person or this city or other unit of government upon whose property or in whose possession is found any abandoned motor vehicle, or any person being the owner of a motor vehicle whose title certificate is faulty, lost or destroyed, may without notification procedures, dispose of such motor vehicle if it lacks an engine, or two (2) or more wheels, or other structural part which renders the vehicle totally inoperable, to a demolisher for junk without the title.

(Code of Iowa, 1981, Sec. 321.90(2e))

6.09 PROCEEDS FROM SALES. Proceeds from the sale of any abandoned vehicle shall apply to the cost of towing, preserving, storing and notification required, in accordance with state law. Any balance shall be held for the owner of the motor vehicle or entitled lien holder for

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ninety (90) days, and then shall be deposited in the reimbursement fund of the Iowa Department of Public Safety. Where the sale of any vehicle fails to realize the amount necessary to meet costs the police chief shall apply for reimbursement from the Department of Public Safety.

6.10 DUTIES OF THE DEMOLISHER. Any demolisher who purchases or otherwise acquires an abandoned motor vehicle for junk shall junk, scrap, wreck, dismantle or otherwise demolish such a motor vehicle. When a demolisher acquires a motor vehicle under conditions of this Article, the demolisher shall apply to the police chief for a certificate to demolish the vehicle. The application shall include the name and address of the applicant, the year, make, model and serial number of the motor vehicle. After the motor vehicle has been demolished, processed or changed so that it physically is no longer a motor vehicle, the demolisher shall surrender the auction sales receipt or certificate of authority to dispose of or demolish a motor vehicle to the state Department of Public Safety for cancellation.

(Code of Iowa, Sec. 321.90(3a))

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CHAPTER 4: ABANDONED AND JUNKED VEHICLES AND MACHINERY

ARTICLE 7

JUNKED VEHICLES AND MACHINERY

7.01 DEFINITIONS. For use in this article, the term “Junk Motor Vehicle: or Junk Machinery” shall mean any motor vehicle or piece of machinery stored within the corporate limits of the city, not licensed for the current year as required by any law, and which because of any one of the following characteristics, constitutes a threat to the public health and safety:

1. **BROKEN GLASS**. Any vehicle with a broken or cracked windshield, window, headlight or tail light, or any other cracked or broken glass.
2. **BROKEN OR LOOSE PART**. Any vehicle with a broken or loose fender, door, bumper, hood, hood ornament, door handle, window handle, running board, steering wheel, trunk top, trunk handle, radio aerial, tail pipe or decorative piece.
3. **HABITAT FOR NUISANCE ANIMALS OR INSECTS**. Any vehicle or piece of machinery which has become the habitat for rats, mice, or any other vermin or insects.
4. **FLAMMABLE FUEL**. Any vehicle or machinery which contains gasoline or any other flammable fuel.
5. **DEFECTIVE OR OBSOLETE CONDITION**. Any other vehicle or piece of machinery which, because of its defective or obsolete condition, in any other way constitutes a threat to the public health and safety.
6. **INOPERABLE**. Any vehicle which lacks parts or is in such condition of repair or maintenance as to render it presently inoperable.
7. **NON-OPERATED**. Any vehicle which has not been operated for a continuous period of nine (9) months or more.

7.02 JUNKED VEHICLES AND MACHINERY NUISANCE. Storage within the corporate limits of a junk motor vehicle or junk machinery upon private property owned or controlled by the owner of the vehicle or machinery, unless excepted by owner of the vehicle or machinery, unless

TITLE VI

excepted by Article 7.03 constitutes a threat to the health and safety of the citizens and is a nuisance within the meaning of the Code of Iowa. If any junk motor vehicle or machinery is stored upon private property in violation hereof, the owner or person in control of the property upon which it is stored shall be prima facie liable for said violation.

7.03 EXCEPTIONS. The provisions of this chapter shall not apply to a junk motor vehicle or junk machinery stored within:

1. A garage or other enclosed structure; or
2. Any auto salvage yard or junk yard lawfully operated within the city.

7.04 NOTICE TO ABATE. Upon discovery of any junk motor vehicle or junk machinery stored upon private property in violation of Title III, Chapter 2, Article 9.02 the police chief shall within five (5) days initiate abatement procedures.

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CHAPTER 5: MOBILE HOME, PERMITTED HOUSING UNIT, RECREATIONAL VEHICLE, AND CAMPING ORDINANCE

ARTICLE 8

GENERAL PROVISIONS

8.01 PURPOSE. The purpose of this Chapter is to regulate the use of, parking of, and storage of mobile homes, permitted housing units, recreational vehicles, and camping within the corporate limits of Lansing, Iowa, and including that land owned by the City known as Mt. Hosmer Park.

8.02 DEFINITIONS.

1. "Mobile Home" means any vehicle without motive power used or so manufactured or constructed as to permit its being temporarily moved 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 for one or more persons.
2. "Permitted Housing Unit" means a mobile home converted to a real property in accordance with all provisions of the 1981 State of Iowa Code 135D.26 and that compliance certified by the Allamakee County Assessor.
3. "Permitted Housing Unit Size" shall mean a minimum unit size of twelve (12) feet wide and fifty (50) feet long.
4. "Permitted Housing Unit Lot Size" shall mean a minimum lot size of sixty (60) feet wide (frontage) and one hundred twenty (120) feet long (depth).
5. "Permitted Housing Unit Skirting" shall mean suitable wood or metal panels permanently installed to cover the void from the floor line of the unit to the ground thus eliminating all connections, wheels, springs, and axles from view.
6. "Permitted Housing Unit Permit" shall mean a permit issued by the City Clerk after prior approval by the council.
7. "Recreational Vehicles" shall mean any camping type vehicle used or so constructed as to permit its frequent use as a conveyance upon the

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public streets or highways and duly licensable as such, and shall include self propelled and non-self propelled vehicles.

8. "Camping" shall mean temporary occupancy of recreational vehicles, tents, and other enclosures on private and public property.

10. "Mobile Home Parks" shall mean any site, lot, field, or tract of land upon which two (2) or more mobile homes are harbored either free or for revenue purposes, and shall include any building, structure, or enclosure used or intended for use as part of the equipment of such mobile home park.

11. "Use Prohibitions" shall mean that it shall be unlawful for any person to park any mobile home, permitted housing unit, recreational vehicle, or to place a tent or other similar enclosure on any private property, public street, alley or highway or other place, occupied or unoccupied, except as provided for in this Chapter.

8.03 EXCEPTIONS

1. RECREATIONAL VEHICLES. Recreational vehicles may stop or park on any public street or highway for not longer than two (2) hours subject to any other and further limitations imposed by traffic and parking regulations and/or ordinances for that street or highway.
2. RECREATIONAL VEHICLES. Recreational vehicles may be parked or stored on private property. Recreational vehicles so parked or stored may be occupied on a temporary basis for a period not to exceed ten (10) days in any one (1) month,
3. MOBILE HOMES. Mobile homes may be installed in any approved mobile home park within the corporate limits of Lansing, Iowa.
4. MOBILE HOMES. Mobile homes may upon conversion to permitted housing units be installed on private property.
5. PERMITTED HOUSING. Permitted housing units may be installed on lot sizes smaller than that specified in 8.02 (4) of this Article by applying for and receiving prior Council approval. Such application must be made to the City Clerk and shall contain the following information:
 - a. Location and size of lot.
 - b. Name of property owner.

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- c. Size of permitted housing unit.
- d. A sketch, in scale, showing the unit and its proposed location on the lot.
- e. A statement indicating the availability of city water and sewer service.

804 MOBILE HOME PARKS

1. PERMIT REQUIRED. No mobile home park shall be established within the corporate limits of Lansing, Iowa, without first making application to the Council for a permit. Such permit will not be issued unless the applicant can show proof of compliance with the current laws of the State of Iowa as well as the regulations of the Iowa Department of Health for the regulation and establishment of mobile home parks, and no such permit will be issued to any person who is unable to first receive a permit for such park from the Department of Health.
2. PERMIT REVOKABLE FOR NON-COMPLIANCE. Such permit issued in the sub-section (1) hereof shall be a continuing permit and shall remain in force and effect during such time as said permittee shall comply with all regulations and ordinances of Lansing, Iowa, and the State of Iowa Department of Health, and in case the permittee is unable to secure any renewal of his State license or for non-compliance or violation of any regulations or ordinances, the Council of the City of Lansing may revoke said permit without notice or hearing to the permittee.

8.05 CAMPING

1. NO CAMPING PERMITTED ON PUBLIC STREETS. No tent camping or camping in other enclosures is permitted on the public streets, alleys, or highways within the corporate limits of Lansing, Iowa, including its property owned and known as Mt. Hosmer Park, except that the boy scouts and girl scouts may, with special council approval, camp on Mt. Hosmer.

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2. CAMPING ON CITY OWNED LAND. Camping shall be permitted on any land owned by the City of Lansing, Iowa, including Mt. Hosmer and other city parks, with special permission of the City Council.

8.06 PENALTY. In the event of any violations of the provisions herein set forth, such violation shall be a simple misdemeanor and punishable as such. Each day that the violation continues to occur, after written notice has been given, shall constitute a separate violation.

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CHAPTER 6: FAIR HOUSING

ARTICLE 9

FAIR HOUSING ORDINANCE

9.01 PURPOSE. AN ORDINANCE promoting fair housing by expanding the definition of unfair or discriminatory housing practices, prohibiting discrimination in the provision of brokerage services, and increasing the amount of time allowed for a complainant to file a complaint of discrimination.

BE IT ENACTED by the City Council of the City of Lansing, Iowa:

1. It shall be an unfair or discriminatory practice for any owner, or person acting for an owner, of rights to housing or real property, with or without compensation, including but not limited to persons licensed as real estate brokers or salesmen, attorneys, auctioneers, agents or representatives by power of attorney or appointment, or any person acting under court order, deed or trust, or will:

- a. To refuse to sell, rent, lease, assign, or sublease, or to refuse to negotiate for the sale, rental, lease, assignment, or sublease of, or to otherwise make unavailable or deny any real property or housing accommodation or part, portion, or interest therein, to any person because of the race, color, creed, religion, sex, national origin or ancestry, age, marital status, or disability of such person.
- b. To discriminate against any person because of the race, color, creed, religion, sex, national origin or ancestry, age, marital status or disability of such person in the terms, conditions, or privilege of the sale, rental, lease, assignment, or sublease of any real property or housing accommodation or any part, portion or interest therein or in the provision of services or facilities in connection therewith.
- c. To directly or indirectly advertise or in any other manner indicate or publicize that purchase, rental, lease, assignment, or sublease of any real property or housing

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- d. accommodation or any part, portion or interest therein, by persons of any particular race, color, creed, religion, sex, national origin, or ancestry, age, marital status, or disability is unwelcome, objectionable, not acceptable or not solicited.
 - e. To represent to any person because of the race, color, creed, religion, sex, national origin or ancestry, age, marital status, or disability of such person that any real property or housing accommodation or any part, portion or interest therein is not available for inspection, sale, rental, lease, assignment, or sublease when it is in fact so available.
 - f. For profit, to induce or attempt to induce any person to sell, rent, lease, assign or sublease any real property or housing accommodation or part, portion or interest therein by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, creed, religion, sex, national origin or ancestry, age, marital status, or disability.
2. It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate broker's organization or other service, organization, or facility relating to the business of selling or renting real property or housing accommodations or any part, portion or interest therein, or to discriminate against any person in the terms or conditions of such access, membership, or participation on account of race, color, creed, religion, sex, national origin, or ancestry, age, marital status, or disability.
3. The provisions of sub-section (1) and (2) of this Section shall not apply to:
- a. Any bona fide religious institution with respect to any qualifications it may impose based on religion, when such qualifications are related to a bona fide religious purpose.

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- b. The restriction of the rental of rooms in a rooming house, dormitory or residence hotel to one sex if such housing accommodation is regularly occupied on a permanent, as opposed to transient, basis by the majority of its guests, or the restriction to one sex of room rentals in housing accommodations with shared sleeping or bath facilities.
4. A person claiming to be aggrieved by an unfair or discriminatory practice, his/her agent, the director, the commission or a commissioner, or a non-profit organization with a purpose of combating discrimination may file with the commission a written complaint stating that an unfair or discriminatory practice has been committed, setting forth the facts on which the complaint is based and setting forth facts sufficient to enable the director to identify the person charged (hereinafter the respondent). The director shall promptly cause investigation to be made of the allegations of unfair or discriminatory practice set forth in the complaint. The complaint must be filed within one-hundred eighty (180) days after the alleged discriminatory practice occurs.

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CHAPTER 8: ESTABLISHING A RESTRICTED RESIDENCE DISTRICT OF THE CITY OF LANSING

ARTICLE I
GENERAL PROVISION

8.01 PURPOSE. The purpose of this Ordinance is to establish a restricted residence district in the City of Lansing, Iowa, and to provide reasonable rules and regulations for the erection, reconstruction, altering, and repairing of buildings of all kinds, and to provide that there shall be no use in such district except for residences, schoolhouses, churches, and other similar structures, except when a permit is granted in accordance with this Ordinance. (Code of Iowa, Sec. 414.1 and 414.24)

A further purpose is to provide for sound community planning and land development, and to provide for the general health, safety and general welfare. Structures exempt from this ordinance include: ground level patios, fences, landscaping walls and retaining walls.

8.02 DEFINITIONS. For the use in this Ordinance, the following terms are defined:

1. “Residence” is a building used exclusively for a dwelling. No business or occupation shall be conducted therein or in conjunction therewith whereby sales or services are made in a manner that the public served enters upon the residential property. The following are exempted: home occupations which do not employ more than one person not a member of the resident family and which are not principally retail businesses; music or art teacher, a Bed and Breakfast/Bath; a rooming or boarding house with no more than two guests; daycare.

2. “School” is a building used for educational purposes, public or private, that is regulated by the state department of public instruction as to curriculum.

3. “Residential accessory use” is a building or structure customarily used in conjunction with a dwelling, namely a garage with a capacity of not more than three cars or more than one garage per apartment building nor more than one stall per dwelling unit, a tool or “summer” house not exceeding 250 square feet floor area, or a private swimming pool properly fenced and screened.

Any other building on residential property shall not be deemed a residential accessory use if not incidental to a residential purpose, nor if it is used in conjunction with or for the business of selling goods or rendering services.

4. “Church”, or “church school” is a building used for public worship, or connected with a building so used, for instruction in religious beliefs, or for the conduct of activities related to church affairs.

5. "Setback" is defined as the minimum amount of space required between a lot line and a building line.

8.03 DISTRICT DESCRIBED. The official Restricted Residence District Map is on file with the City Clerk and is made a part of this Ordinance. Said map delineates various areas of the City and the "Residential Districts" are defined as the areas of the City inside the blue border.

For the purpose of this Ordinance, all restrictions described herein are applicable in the Residential District. All district boundary lines shown on the official city map correspond with the property or street lines. In the case of a district boundary line which divides a property of single ownership, the City Council may make such boundary line adjustments as to place said lot of single ownership in or out of the Restricted Residential District.

8.04 RULES AND REGULATIONS. As permitted under Section 414.24 of the Code of Iowa, there are hereby adopted the following rules and regulations for the erection, reconstruction, altering, and repairing of buildings of all kinds within restricted districts established by this Ordinance for the use and occupancy of such buildings, and for the granting of permits to erect, reconstruct, alter, or repair any structure other than a residence, residential accessory use, school, church, or church school within said districts.

8.05 BUILDING PERMITTED. No buildings or other structures, except residences, schoolhouses, churches, and other similar structures shall be hereafter erected, reconstructed, altered, repaired, or occupied within said district without first securing from the City Council a permit therefore. Building Permits for all structures that may be outside the restricted residence district, shall be obtained, filled out and returned to the City Clerk in sufficient detail to determine that the proposed structure is outside the Restricted Residence District and therefore not subject to the need for a Building Permit.

Building permits shall be completed and submitted to the City Clerk, accompanied by plans and specifications sufficient to determine compliance with applicable ordinances of the city. Building Permits can be obtained at City Hall. Permits shall be issued by the City Clerk if the requirements of this and other applicable City Ordinances are met and said permits are approved by the City Street Superintendent and the City Water/Wastewater Superintendent. No Council permission shall be required under this Ordinance if all requirements of this and other applicable City Ordinances are met.

8.06 LOT AND BUILDING REGULATIONS. All residential building, residential accessory use building, or other building exempted from permits shall adhere to the following lot and building regulations.

- 1. Lot Area: One family dwelling-----5400 square feet
- Two family dwelling-----7500 square feet
- Multiple dwelling or other permitted use-----1500 square feet per dwelling

Every lot of record before December 6, 2004, in the Restricted Residence District used for the purpose of a One Family dwelling may have an area less than 5400 square feet.

- 2. Lot width: One family dwelling-----60 feet
- Two family dwelling-----60 feet
- Multiple dwelling or other permitted use-----75 feet

3. Setbacks are defined as the minimum amount of space required between a lot line and a building line. For the purpose of this ordinance, the minimum setbacks are defined as:

- Front yard-----15 feet
- Side yards-----6 feet
- Rear yard-----6 feet

On any lot having a width of less than 60 feet and of record on December 6, 2004, the width of no side yard shall be less than that heretofore prescribed less one-fourth (1/4) foot for each foot set lot is less than 60 feet in width, provided further, however that no side yard shall be less than 3 feet in width in any case.

On any lot having a depth of less than 100 feet and of record on December 6, 2004, the depth of no front yard shall be less than that heretofore prescribed less one-fourth (1/4) foot for each foot set lot is less than 100 feet in depth, provided further, however that no front yard shall be less than ten (10) feet in depth in any case.

On any lot having a depth of less than 100 feet and of record on December 6, 2004, the depth of no back yard shall be less than that heretofore prescribed less one-fourth (1/4) foot for each foot set lot is less than 100 feet in depth, provided further, however that no back yard shall be less than three (3) feet in depth in any case.

All setbacks shall be measured from the main foundation line, but in no event will any deck, patio or porch be closer than 15 feet from the front property line and 6 feet from the side or rear property lines except as provided above for undersized lots. Eaves and overhangs shall not extend over any lot line, regardless of the compliance of the main foundation with this setback rule.

Any residence, other building, or accessory building currently located closer than six (6) feet to the side or rear lot lines, may be extended or altered in conformance with its existing side or rear lot set back lines. In no case may the residence, other building, or accessory building be located closer to the side or rear lot line than it is currently located.

- 4. Maximum Height: Principal building-----35 feet (measured from main floor elevation fronting the street of principal frontage.
- Accessory building-----24 feet (measured from main floor elevation at Fronting the street of principal frontage.)

- 5. Minimum Width: Principal building-----24 feet

8.07 BUILDING REQUIRING SPECIAL PERMITS TO LOCATE WITHIN RESTRICTED DISTRICTS. Construction of clinics, offices, hospitals, utility buildings and substations, any type of commercial stores and warehouses, plant nurseries, farm buildings, and industrial buildings and structures may be authorized by special permit to locate within the restricted residential district only if it appears that said use and the type of building will be compatible with the residential character of the district, and if the particular use could not practicably be built in any unrestricted area, or if the restricted district boundaries cannot be amended logically, considering topography, access to railroad or highway or other proper reason acceptable to the council.

Further, the construction and/or placement of a building or structure that would otherwise be violative of Section 8.06 may be authorized by special permit if it appears that such deviation from the lot size and/or setback requirements of that section would alleviate a substantial hardship for the permit applicant, be compatible with the character of the neighborhood and not create a substantial hardship for neighboring property owners.

8.08 SPECIAL PERMITS. A written special permit issued by the City Council, shall be required for the erection, reconstruction, alteration, or repair of any building and for its occupancy and use within the restricted residential district of this City except for buildings for residences, residential accessory use, schools, churches, and church schools. Further, a written special permit shall be required to authorize the construction and/or placement of any building or structure contrary to the requirements of Section 8.06. Any such permit shall be applied for in writing, accompanied by plans and specifications sufficient to determine compliance with applicable Ordinances of the City and/or the extent to which proposed construction deviates from the requirements of Section 8.06. The permit evaluation process of Section 8.05 shall be followed. Said application shall be made to the City Clerk at least seven (7) days before the City Council meeting at which Council action is taken. No permit shall or will be granted until notice of the application has been posted at least four (4) days prior to the meeting at which final action is taken to grant or deny the permit. Such permit shall require a majority vote of all the members of the Council.

8.09. PROTEST. No permit shall be granted when sixty (60) percent of the resident real estate owners in said district within three hundred (300) feet of the proposed building and occupancy object thereto, except by an 80% vote of all the members of the council.

8.10 FEES. There shall be a \$25.00 fee required for a permit under this ordinance and must be obtained prior to starting construction. If a property owner is requiring a special permit, the fee for such permit shall be \$50.00. If a property owner fails to obtain a permit prior to starting construction, a penalty of \$150.00 will be charged. If the project is finished without a permit, a fine of \$500.00 will be charged. If the applicant cannot wait until the regularly scheduled council meeting, then the fees will be increased to cover the cost of a special council meeting if one is held to approve any such application.

8.11 ACTION TO ABATE. Any building or structure erected, reconstructed, altered, or repaired in violation of the provisions of this Ordinance shall be deemed unlawful and a

nuisance and it shall be abated by action in the district court. Such action for abatement shall be prosecuted in the name of the municipality.

8.12 CERTIFYING ORDINANCE. Within thirty (30) days after this Ordinance becomes effective the Clerk shall prepare or have prepared a plat of the restricted residence district as established by this Ordinance and certify such Ordinance and plat to the County Recorder

(Code of Iowa, Section.380.11)

8.13 EXISTING NONCONFORMING STRUCTURES. Nonconforming structures or buildings lawfully in existence prior to or on the effective date of this ordinance shall continue unabated.

8.14 SEVERABILITY/VALIDITY. Should any section, provision or part of this ordinance be declared by the court of competent jurisdiction to be invalid, or unconstitutional, that decision shall not affect the validity of the ordinance as a whole, or any section, provision, or part hereof, not adjudged invalid or unconstitutional.

8.15 EFFECTIVE DATE. This ordinance shall be in full force and effect after its final passage, approval and publication as provided by law.

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CHAPTER 9: ESTABLISHING A PLAIN MANAGEMENT ORDINANCE

ARTICLE I

STATUTORY AUTHORITY, FINDINGS OF FACT AND PURPOSE

9.01 A. The Legislature of the State of Iowa has in Chapter 364, Code of Iowa, as amended, delegated the power to cities to exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges and property of the City or of its residents, and to preserve and improve the peace, safety, health, welfare, comfort and convenience of its residents.

B. Findings of Fact

1. The flood hazard areas of the City of Lansing are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare of the community.

2. These flood losses, hazards, and related adverse effects are caused by: (i) The occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being inadequately elevated or otherwise protected from flooding and (ii) the cumulative effect of obstructions on the floodplain causing increases in flood heights and velocities.

C. Statement of Purpose

It is the purpose of this Ordinance to protect and preserve the rights, privileges and property of the City of Lansing and its residents and to preserve and improve the peace, safety, health, welfare, and comfort and convenience of its residents by minimizing those flood losses described in Section IB1 of this Ordinance with provisions designed to:

1. Restrict or prohibit uses which are dangerous to health, safety or property in times of flood or which cause excessive increases in flood heights or velocities.

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2. Require that uses vulnerable to floods, including public facilities which serve such uses, be protected against flood damage at the time of initial construction or substantial improvement.
3. Protect individuals from buying lands which may not be suited for intended purposes because of flood hazard.
4. Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

9.02 GENERAL PROVISIONS

A. Lands to Which Ordinance Apply

The provisions of this ordinance shall apply to all lands and uses which have significant flood hazards. The Flood Insurance Rate Map (FIRM) for Allamakee County and Incorporated Areas, City of Lansing, Panel numbers 19005C200B, 257B, 276B, and 277B, effective September 25, 2009, which were prepared as part of the Allamakee Flood Insurance Study, shall be used to identify such flood hazard areas and all areas shown thereon to be within the boundaries of the 100-year flood shall be considered as having significant flood hazards.

B. Rules for Interpretation of Flood Hazard Boundaries

The boundaries of the Special Flood Hazard areas shall be determined by scaling distances on the official Flood Insurance Rate Map. When an interpretation is needed as to the exact location of a boundary, the Administrator of this ordinance shall make the necessary interpretation. When it is alleged by an applicant that there is an error in any requirement, decision, or determination made by the Administrator in the enforcement or administration of this ordinance, the applicant may appeal such decision in writing to the Lansing City Council who shall hear and make a decision on such appeal. These procedures are detailed in Section IV-Administration.

C. Compliance

No structure or land shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full

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compliance with the terms of this Ordinance and other applicable regulations which apply to uses within the jurisdiction of this Ordinance.

D. Abrogation and Greater Restrictions

It is not intended by this Ordinance to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provision of this Ordinance shall prevail. All other ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.

E. Interpretation

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State statutes.

F. Warning and Disclaimer of Liability

The standards required by this Ordinance are considered reasonable for regulatory purposes. This Ordinance does not imply that areas outside the designated special flood hazard areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the City of Lansing or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made there under.

G. Severability

If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

9.03 FLOODPLAIN MANAGEMENT STANDARDS

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All uses must be consistent with the need to minimize flood damage and meet the following applicable performance standards. Where 100-year flood data has not been provided on the Flood Insurance Rate Map, the Iowa Department of Natural Resources shall be contacted by the applicant to compute such data. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination.

A. All development within the special flood hazard areas shall:

1. Be consistent with the need to minimize flood damage.
2. Use construction methods and practices that will minimize flood damage.
3. Use construction materials and utility equipment that are resistant to flood damage.
4. Obtain all other necessary permits from federal, state and local governmental agencies including approval when required from the Iowa Department of Natural Resources.

B. Residential buildings-All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one (1) foot above the 100-year flood level. Construction shall be upon compacted fill which shall, at all points, be no lower than 1.0ft. above the 100-year flood level and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon.

Alternate methods of elevating (such as piers) may be allowed subject to favorable consideration by the City Council, where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding.

All new residential structures shall be provided with a means of access which will be passable during the 100 year flood by wheeled vehicles during such flood.

C. Non-residential buildings-All new or substantially improved non-residential buildings shall have the lowest floor (including basement)

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elevated a minimum of one (1) foot above the 100-year flood level, or together with attendant utility and sanitary systems, be flood proofed to such a level.

When flood proofing is utilized, a professional engineer registered in the State of Iowa shall certify that the flood proofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 100-year flood; and that the structure, below the 100-year flood level is watertight with walls substantially impermeable to the passage of water.

A record of the certification indicating the specific elevation (in relation to North American Vertical Datum) to which any structures are flood proofed shall be maintained by the Administrator.

D. All new and substantially improved structures:

1. Fully enclosed areas below the “lowest floor” (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:

- a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- b. The bottom of all openings shall be no higher than one foot above grade.
- c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

Such areas shall be used solely for parking of vehicles, building access and low damage potential storage.

2. New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse, or

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lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

3. New and substantially improved structures must be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

E. Factory-built homes:

1. All factory-built homes, including those placed in existing factory-built home parks or subdivisions shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one (1) foot above the 100-year flood level.

2. All factory-built homes, including those placed in existing factory-built home parks or subdivisions shall be anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

F. Utility and Sanitary Systems:

1. On-site waste disposal and water supply systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.

2. All new or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities (other than on-site systems) shall be provided with a level of protection equal to or greater than one (1) foot above the 100-year flood elevation.

3. New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities (other than on-site systems) shall be provided with a level of flood protection equal to or greater than one (1) foot above the 100-year flood elevation.

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4. Utilities such as gas or electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.

G. Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one (1) foot above the 100-year flood level. Other material and equipment must either be similarly elevated or (i) not be subject to major flood damage and be anchored to prevent movement due to flood waters or (ii) be readily removable from the area within the time available after flood warning.

H. Flood control structural works such as levees, flood walls, etc. shall provide, at a minimum, protection from a 100-year flood with a minimum of 3ft. of design freeboard and shall provide for adequate interior drainage. In addition, the Department of Natural Resources shall approve structural flood control works.

I. Watercourse alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, the Department of Natural Resources must approve such alterations or relocations. Existing watercourses shall not be altered so as to affect flood water flows to potentially increase the 100 year flood levels.

J. Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals (including the installation of public utilities) shall meet the applicable performance standards of this Ordinance.

Subdivision proposals intended for residential use shall provide all lots with a means of access which will be passable by wheeled vehicles during the 100-year flood. Proposals for subdivisions greater than five (5) acres or fifty (50) lots (whichever is less) shall include 100-year flood elevation data for those areas located within the Special Flood Hazard Area.

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K. Accessory Structures Exempt

1. Detached garages, sheds, and similar structures accessory to a residential use are exempt from the 100-year flood elevation requirements where the following criteria are satisfied.

a. The structure shall not be used for human habitation.

b. The structure shall be designed to have low flood damage potential.

c. The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.

d. The structure shall be firmly anchored to prevent flotation which may result in damage to other structures.

e. The structure's service facilities such as electrical and heating equipment shall be elevated or flood proofed to at least one foot above the 100-year flood level.

2. Exemption from the 100-year flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

L. Recreational Vehicles

1. Recreational vehicles are exempt from the requirements of Section III E of this Ordinance regarding anchoring and elevation of factory-built homes when the following criteria are satisfied.

a. The recreational vehicle shall be located on the site for less than 180 consecutive days, and,

b. The recreational vehicle must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system and is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

2. Recreational vehicles that are located on the site for more than 180 consecutive days or are not ready for highway use must satisfy

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requirements of Section III E of this Ordinance regarding anchoring and elevation of factory-built homes.

M. Pipeline river and stream crossings shall be buried in the streambed and banks, or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering.

9.04 ADMINISTRATION

A. Appointment, Duties and Responsibilities of Floodplain Administrator

1. The Lansing Program Coordinator of the FEMA National Flood Insurance Program is hereby appointed as the Administrator of the city's floodplain management program to implement and administer the provisions of this Ordinance and will herein be referred to as the Administrator.

2. Duties of the Administrator shall include, but not necessarily be limited to the following:

a. Review all floodplain development permit applications to assure that the provisions of this Ordinance will be satisfied.

b. Review floodplain development applications to assure that all necessary permits have been obtained from federal, state and local governmental agencies including approval when required from the Department of Natural Resources for floodplain construction.

c. Record and maintain a record of the elevation (in relation to North American Vertical Datum) of the lowest floor (including basement) of all new or substantially improved structures in the special flood hazard area.

d. Record and maintain a record of the elevation (in relation to North American Vertical Datum) to which all new or substantially improved structures have been flood proofed.

e. Notify adjacent communities/counties and the Department of Natural Resources prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications to the Federal Emergency Management Agency.

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f. Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this Ordinance.

B. Floodplain Development Permit

1. Permit Required-A Floodplain Development Permit issued by the Administrator shall be secured prior to any floodplain development (any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, excavation or drilling operations), including the placement of factory-built homes. Such permit shall be applied for on an application form with related procedures determined by the City of Lansing. Such application shall require an application and permit fee of \$100.00 or such other amount as may be required by the City Council from time to time. Engineering, surveying or other legal and technical information required to process a permit application shall be supplied by and paid for by the applicant for such permit.

2. Application for Permit-Application shall be made on forms furnished by the Administrator and shall include the following:

a. Description of the work to be covered by the permit for which application is to be made.

b. Description of the land on which the proposed work is to be done (i.e, lot, block, track, street address or similar description) that will readily identify and locate the work to be done.

c. Indication of the use or occupancy for which the proposed work is intended.

d. Elevation of the 100-year flood.

e. Elevation (in relation to North American Vertical Datum) of the lowest floor (including basement) of buildings or of the level to which a building is to be flood proofed.

f. For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements.

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g. Such other information as the Administrator deems reasonably necessary (e.g., drawings or a site plan) for the purpose of this Ordinance.

3. Action and Permit Application-The Administrator shall, within a reasonable time, make a determination as to whether the proposed floodplain development meets the applicable standards of this Ordinance and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefore. Variances to decisions of the Administrator can only be issued by the City Council.

4. Construction and Use to be as Provided in Application and Plans-Floodplain Development Permits based on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance.

The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that the finished fill, building floor elevations, flood proofing, or other flood protection measures were accomplished in compliance with the provisions of this Ordinance, prior to the use or occupancy of any structure.

C. Variance

1. The City Council may authorize upon request in specific cases such variances from the terms of this Ordinance that will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship provided such hardship is not self-imposed. Applications for a variance shall be made in writing on forms developed by the City Council accompanied by an application fee of \$100.00 to defray the cost of processing the application. Variances granted must meet the following applicable standards which shall be documented in writing by the applicant. The applicant for a variance shall pay all costs

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of providing the required information relevant to the property and the proposed use for which the variance is being requested.

- a. Variances shall only be granted upon: (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local codes or ordinances.
- b. Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood, to afford relief.
- c. In cases where the variance involves a lower level of flood protection for buildings than what is ordinarily required by this Ordinance, the applicant shall be notified in writing over the signature of the Administrator that: (i) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage to the extent that this information is locally available and (ii) such construction increases risks to life and property to the practical extent that this can be determined.

2. Factors and standards Upon Which the Decision of the City Council Shall be Based-In passing upon applications for Variances, the Council shall consider all relevant factors specified in other sections of this Ordinance and:

- a. The danger to life and property due to increased flood heights or velocities caused by encroachments.
- b. The danger that materials may be swept on to other land or downstream to the injury of others.

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- c. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
- d. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- e. The importance of the services provided by the proposed facility to the City.
- f. The requirements of the facility for a floodplain location.
- g. The availability of alternative locations not subject to flooding for the proposed use.
- h. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- i. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
- j. The safety of access to the property in times of flood for ordinary and emergency vehicles.
- k. The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.
- l. The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities (sewer, gas, electrical and water systems), facilities, streets and bridges.
- m. Such other factors which are relevant to the purpose of this Ordinance.

3. Conditions Attached to Variances-Upon consideration of the factors listed above, the City Council may attach such conditions to the granting of variances as it deems necessary to further the purpose of this Ordinance. Such conditions may include, but not necessarily be limited to:

- a. Modification of waste disposal and water supply facilities.

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b. Limitation of periods of use and operation.

c. Imposition of operational controls, sureties, and deed restrictions.

d. Requirements for construction of channel modifications, dikes, levees and other protective measures, provided such are approved by the Department of Natural Resources and are deemed the only practical alternative to achieving the purpose of this Ordinance.

e. Flood proofing measures.

9.05 NONCONFORMING USES

A. A structure or the use of a structure or premises which was lawful before the passage or amendment of this Ordinance, but which is not in conformity with the provisions of this Ordinance, may be continued subject to the following conditions:

1. If such use is discontinued for six (6) consecutive months, any future use of the building premises shall conform to this Ordinance.

2. Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.

B. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty (50) percent of the market value of the structure before the damage occurred, unless it is reconstructed in conformity with the provisions of this Ordinance. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, provided that the alteration shall not preclude its continued designation.

9.10 PENALTIES FOR VIOLATION

Violations of the provisions of this Ordinance or failure to comply with any of the requirements shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500.00 (five hundred dollars) or imprisoned for not more than thirty (30) days.

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Nothing herein contained prevent the City of Lansing from taking such other lawful action as is necessary to prevent or remedy violation.

9.06 AMENDMENTS

The regulations and standards set forth in this Ordinance may from time to time be amended, supplemented, changed, or repealed. No amendment, supplement, change, or modification shall be undertaken without prior approval of the Department of Natural Resources.

9.07 DEFINITIONS

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance it's most reasonable application.

APPLICANT- The owner of land or a building, or owner's agent, who applies for a floodplain development permit or a variance under the terms of this ordinance.

BASE FLOOD-The flood having one (1) percent chance of being equaled or exceeded in any given year. (See 100-year flood).

BASEMENT-Any enclosed area of a building which has its floor or lowest level below ground level (sub grade) on all sides. Also see "lowest floor".

DEVELOPMENT- Any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials. "Development" does not include "minor projects" or "routine maintenance of existing buildings and facilities" as defined in this section. It also does not include gardening, plowing, and similar practices that do not involve filling, grading.

EXISTING CONSTRUCTION- Any structure for which the "start of construction" commenced before the effective date of the first floodplain management regulations adopted by the community. May also be referred to as "existing structure".

EXISTING FACTORY-BUILT HOME PARK OR SUBDIVISION-A factory-built home park or subdivision for which the construction of facilities for

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servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FACTORY-BUILT HOME-Any structure, designed for residential use which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this Ordinance factory-built homes include mobile homes, manufactured homes and modular homes and also includes "recreational vehicles" which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.

FACTORY-BUILT HOME PARK-A parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.

FLOOD-A general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.

FLOOD ELEVATION-The elevation floodwaters would reach at a particular site during the occurrence of a specific flood. For instance, the 100-year flood elevation is the elevation of flood waters related to the occurrence of the 100-year flood.

FLOOD INSURANCE RATE MAP (FIRM)-The official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.

FLOODPLAIN-Any land area susceptible to being inundated by water as a result of a flood.

FLOODPLAIN MANAGEMENT-An overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of floodplains, including but not limited to emergency preparedness plans, flood control works, flood proofing and floodplain management regulations.

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FLOODPROOFING-Any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.

FLOODWAY-The channel of a river or stream and those portions of the floodplains adjoining channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one (1) foot.

FLOODWAY FRINGE-Those portions of the floodplain, other than the floodway, which can be filled, levied, or otherwise obstructed without causing substantially higher flood levels or flow velocities.

HISTORIC STRUCTURE-Any structure that is:

a. Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing of the National Register;

b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,

d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by either (i) an approved state program as determined by the Secretary of the Interior or (ii) directly by the Secretary of the Interior in states without approved programs.

LOWEST FLOOR-The floor of the lowest enclosed area in a building including a basement except when all the following criteria are met:

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a. The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of Section III D1 of this Ordinance and

b. The enclosed area is unfinished (not carpeted, dry walled, etc.) and used solely for low damage potential uses such as building access, parking or storage, and

c. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the 100-year flood level, and

d. The enclosed area is not a “basement” as defined in this section.

In cases where the lowest enclosed area satisfies criteria a, b, c, and d above, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria above.

MINOR PROJECTS- Small development activities (except for filling, grading and excavating) valued at less than \$500.

NEW CONSTRUCTION-(new buildings, factory-built home parks)-Those structures or development for which the start of construction commenced on or after the effective date of the first floodplain management regulations adopted by the community.

NEW FACTORY-BUILT HOME PARK OR SUBDIVISION-A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the first floodplain management regulations adopted by the community.

ONE HUNDRED (100) YEAR FLOOD- A flood, the magnitude of which has a one (1) percent chance of being equaled or exceeded in any given year or which , on the average, will be equaled or exceeded at least once every one hundred (100) years.

RECREATIONAL VEHICLE-A vehicle which is:

a. Built on a single chassis;

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b. Four hundred (400) square feet or less when measured at the largest horizontal projection;

c. Designed to be self-propelled or permanently towable by a light duty truck; and

d. Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

ROUTINE MAINTENANCE OF EXISTING BUILDINGS AND FACILITIES- Repairs necessary to keep a structure in a safe and habitable condition that do not trigger a building permit, provided they are not associated with a general improvement of the structure or repair of a damaged structure. Such repairs include:

a) Normal maintenance of structures such as re-roofing, replacing roofing tiles and replacing siding;

b) Exterior and interior painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work;

c) Basement sealing;

d) Repairing or replacing damaged or broken window panes;

e) Repairing plumbing systems, electrical systems, heating or air conditioning systems and repairing wells or septic systems.

SPECIAL FLOOD HAZARD AREA-The land within a community subject to the "100-year flood". This land is identified as Zone A on the community's Flood Insurance Rate Map.

START OF CONSTRUCTION- Includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement, was within 180 days of the permit date.

The actual start means either the first placement or permanent construction of a structure on a site, such as pouring of a slab or footings, the installation of pile, the construction of columns, or any work

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beyond the stage of excavation; or the placement of a factory-built home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure.

For substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE-Anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factor-built homes, storage tanks, and other similar uses.

SUBSTANTIAL DAMAGE-Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT-Any improvement to a structure which satisfies either of the following criteria:

1. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (i) before the “start of construction” of the improvement, or (ii) if the structure has been “substantially damaged” and is being restored, before the damage occurred.

The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions. The term also does not include any alteration of an “historic structure”, provided the alteration will not preclude the structure’s designation as an “historic structure”.

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2. Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed on or after the effective date of the first floodplain management regulations adopted by the community shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.

VARIANCE- A grant of relief by the City Council from the terms of the floodplain management regulations upon reaching designated criteria.

VIOLATION-The failure of a structure or other development to be fully compliant with the community's floodplain management regulations.