

## **ORDINANCE NO. 138**

AN ORDINANCE AMENDING TITLE IV, CHAPTER 2, ARTICLE 17 OF THE MUNICIPAL CODE OF THE CITY OF LANSING, IOWA, BY SPECIFYING REGULATIONS FOR THE CONSTRUCTION OR REPAIR OF DRIVEWAYS ON THE PUBLIC STREETS AND TO PROVIDE PENALTIES FOR VIOLATIONS.

BE IT ORDAINED by the City Council of the City of Lansing, Iowa, as follows:

1. That Title VI, Chapter 2, Article 17 of the Municipal Code of the City of Lansing, Iowa, is hereby amended by respecifying and adding the following:

Section 17.02 (Par. 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 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.

Section 17.03 DRIVEWAY REQUIREMENTS. All driveways shall be of paving depth of not less than two (2) inches and shall be at least (12) feet in width. The driveway may be placed directly on compact 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 sixteen (16) feet. A drainage pipe or culvert shall be placed under all driveways to allow for the passage of water runoff. No natural drainage way or ditch shall be obstructed by a driveway, wall or other obstruction without adequate provisions for the passage of drainage waters. Under no conditions shall an existing storm water ditch, sewer or drainage device within any street right-of-way be terminated, obstructed or modified to create or enlarge a drainage problem by said construction.

Section 17.07 COST OF CONSTRUCTION. The property owner shall be solely responsible for all costs of construction which shall include any and all drainage, culverts, pipes or ditch work. The property owner may make application to the City Council requesting the City of Lansing to share in the cost of the drainage facilities in instances where drainage under a proposed driveway would include water runoff from a large natural draining area which extends beyond the property which fronts on the drainage course or street containing the drainage facility and including drainage areas extending outside of the City limits. The City Council, in its sole discretion, shall review the property owner's application and may, in its sole discretion, determine cost sharing in

appropriate conditions to be based upon a fair and reasonable formula reflecting all of the facts and circumstances in each particular circumstance.

Section 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 effect 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.

Repealer. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

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

When Effective. This Ordinance shall be in effect upon its passage, approval and publication as provided by law.

Date of First Reading: February 19, 1996.

Date of Second Reading: March 4, 1996.

Roll Call Vote: Bartels, Blietz, Burke, Conway, Cue

Councilmen Voting Aye: Bartels, Blietz, Burke, Conway, Cue

Councilmen Voting Nay: None

PASSED AND ADOPTED this 18 day of March, 1996

**ORDINANCE NO. 139**

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF LANSING, IOWA BY SPECIFYING REGULATIONS GOVERNING CONSTRUCTION NEAR STREETS AND ALLEYS WITHIN THE CITY OF LANSING, IOWA.

BE IT ORDAINED by the City Council of the City of Lansing, Iowa as follows:

Section 13.11 CONSTRUCTIONS 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-way prior to the construction or placement of any structure, wall, porch, and 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 a City right-of-way, the City or its designated representative may request the property owner, at the owner's own expense, to obtain an official survey identifying the property 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, 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 \$100.00 or to imprisonment that said violation persists is to be considered a separate violation.

Repealer. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

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

When Effective. This Ordinance shall be in effect upon its passage, approval and publication as provided by law.

Date of First Reading: February 19, 1996

Date of Second Reading: March 4, 1996

Roll Call Vote:

Councilmen Voting Aye: Bartels, Blietz, Burke, Conway, Cue

Councilmen Voting Nay: None

PASSED AND ADOPTED this 18 day of March, 1996.

## ORDINANCE NO. 140

AN ORDINANCE AMENDING TITLE IV, CHAPTER 1, ARTICLE 2 OF THE MUNICIPAL CODE OF THE CITY OF LANSING, IOWA, BY RESPECIFYING THE TRAFFIC CODE FOR THE CITY OF LANSING, IOWA.

BE IT ORDAINED by the City Council of the City of Lansing, Iowa, as follows:

1. That Title IV, Chapter 1: Traffic Code, Article 2 Regulations and Violations, Section 2.01 is hereby amended by repealing specifically that Section and adopting in lieu thereof the following:

Section 2.01 REQUIRED OBEDIENCE TO PROVISIONS OF THIS ORDINANCE AND STATE LAW.

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:

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.
10. 321.325 through 321.324—right of way and entering through highways.

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, etc., 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 city 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.

Repealer. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

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

When Effective. This Ordinance shall be in effect upon its passage, approval, and publication as provided by law.

Date of First Reading: August 18, 1997.

Date of Second Reading: September 2, 1997.

Roll Call Vote:

Councilmen Voting Aye: BARTELS, BURKE, CONWAY, CUE, WILSON

Councilmen Voting Nay: NONE

PASSED AND ADOPTED this 15 day of September, 1997.

## ORDINANCE NO. 141

AN ORDINANCE AMENDING TITLE IV, CHAPTER 2, ARTICLE 17 OF THE MUNICIPAL CODE OF THE CITY OF LANSING, IOWA, BY RESPECIFYING DRIVEWAY REQUIREMENTS AND RESPONSIBILITY FOR COST OF INSTALLATION AND MAINTENANCE WITHIN THE CITY OF LANSING, IOWA.

BE IT ORDAINED by the City Council of the City of Lansing, Iowa, as follows:

1. That Title IV, Chapter 2, Article 17, Section 17.03 of the Municipal Code of the City of Lansing, Iowa, is hereby deleted and the following adopted in lieu thereof:

Section 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.

2. That the following Section is hereby added to Title IV, Chapter 2, Article 17 as Section 17.07:

Section 17.07 COSTS OF INSTALLATION/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.

Repealer. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

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

When Effective. This Ordinance shall be in effect upon its passage, approval and publication as provided by law.

Date of First Reading: January 5, 1998.

Date of Second Reading: January 19, 1998.

Roll Call Vote:

Councilmen Voting Aye: Bailey, Bartels, Cue, Milton, Wilson

Councilmen Voting Nay: None

PASSED AND ADOPTED this 2 day of February, 1998.



**ORDINANCE NO. 142**

AN ORDINANCE TO VACATE A PORTION OF WALL STREET IN THE CITY OF LANSING, ALLAMAKEE COUNTY, IOWA.

BE IT ORDAINED by the City Council of the City of Lansing, Iowa, as follows:

1. That a portion of Wall Street described as follows shall be and is hereby vacated to-wit:

Lot 8 in Government Lot 1 in Section 33, Township 99 North, Range 3 West of the 5<sup>th</sup> P.M., in the City of Lansing, Allamakee County, Iowa.

Repealer. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

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

When Effective. This Ordinance shall be in effect after the final passage, approval and publication as provided by law.

Date of First Reading: Waived

Date of Second Reading: Waived

Councilmen Voting Aye: Bailey, Bartels, Milton, Wilson

Councilmen Voting Nay: None.

PASSED AND ADOPTED this 6 day of July, 1998.

I hereby certify that the above Ordinance No. 142 was published on the 22 day of July, 1998 in the Allamakee Journal.

**ORDINANCE NO. 143**

AN ORDINANCE TO VACATE A PORTION OF PARK STREET IN THE CITY OF LANSING, ALLAMAKEE COUNTY, IOWA.

BE IT ORDAINED by the City Council of the City of Lansing, Iowa, as follows:

1. That a portion of Park Street described as follows shall be and is hereby vacated to-wit:

All of Park Street lying south of Center Street and north of a westerly extension of the south line of Block 33 and the West twenty (20) feet of Park Street is lying south of a westerly extension of the south line of Block 33 and north of Dodge Street, in the City of Lansing, Allamakee County, Iowa.

Repealer. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

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

When Effective. This Ordinance shall be in effect after the final passage, approval and publication as provided by law.

Date of First Reading: Waived

Date of Second Reading: Waived

Councilmen Voting Aye: BAILEY, BARTELS, LEPPERT, WILSON

Councilmen Voting Nay: NONE.

PASSED AND ADOPTED this 19 day of April, 1999.

## ORDINANCE NO. 145

AN ORDINANCE TO PROVIDE PENALTIES FOR FAILURE TO PAY  
PARKING CITATIONS IN THE CITY OF LANSING, IOWA.

BE IT ORDAINED by the City Council of the City of Lansing, Iowa, as follows.

1. That Title IV, Chapter 1: Traffic Code, Article 12 Enforcement is hereby amended by adding thereto as Section 12.05 the following:

Section 12.05 Failure to Pay Parking Citations.

1. Overtime parking violations shall be charged and collected upon a simple notice of a fine payable to the City Clerk in the amount of \$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 ordinances of this City or State law fails to make payment of the scheduled fine as specified on a parking citation affixed to such motor vehicle within thirty days, the Chief of Police shall send the owner of the motor vehicle to which the 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.

Repealer. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

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

When Effective. This Ordinance shall be in effect upon its passage, approval and publication as provided by law.

Date of First Reading: Waived

Date of Second Reading: Waived

Roll Call Vote:

Councilmen Voting Aye: Bailey, Bartels, Milton, Mullarkey, Wilson

Councilmen Voting Nay: None

PASSED AND ADOPTED this 2 day of August, 1999.

## ORDINANCE NO. 146

AN ORDINANCE AMENDING TITLE II OF THE MUNICIPAL CODE OF THE CITY OF LANSING, IOWA, BY ADDING CHAPTER 4 RELATING TO PROHIBITED DISCHARGES OF HAZARDOUS MATERIALS SUCH AS 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 AND IMPOSING PENALTIES FOR VIOLATIONS AND REQUIRING PAYMENT FOR EXPENSES BY VIOLATORS, ALL FOR THE CITY OF LANSING, IOWA.

BE IT ORDAINED by the City Council of the City of Lansing, Iowa, as follows:

1. That Title II of the Municipal Code of the City of Lansing, Iowa, is hereby amended by adding thereto as Chapter 4, the following:

Chapter 4. Hazardous Materials.

Section 1. Purpose.

Section 2. Prohibited Discharges.

Section 3. Enforcement.

Section 1. Purpose. The purpose of this Ordinance is to address procedures for cleanup, restoration and penalties for discharging prohibited materials such as 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.

Section 2. 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 on to the ground, surface waters, subsurface waters, or aquifers, or on 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 explosives, flammable or combustible solid liquid or gas, any radioactive material at or above Nuclear Regulator Restriction, gas creating the hazard, potential hazard or public deleterious effect on the environment.

B. Containment, Cleanup, Restoration and Cost Recovery: Any person, firm or corporation in violation of the 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, clean up 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 recover any and all cost 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 an existing Emergency Management Plan.

Section 3. Enforcement. A. Authority: The Fire 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.

Repealer. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

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

When Effective. This Ordinance shall be in effect upon its passage, approval and publication as provided by law.

Date of First Reading: AUGUST 16, 1999

Date of Second Reading: SEPTEMBER 20, 1999.

Roll Call Vote:

Councilmen Voting Aye: BAILEY, BARTELS, MILTON, MULLARKEY, WILSON.

Councilmen Voting Nay: NONE.

PASSED AND ADOPTED this 4 day of OCTOBER, 1999.

## ORDINANCE NO. 147

AN ORDINANCE TO PROVIDE FOR PARKING RESTRICTIONS UPON CITY PROPERTY, CITY PARKING LOTS AND PRIVATE PROPERTY IN THE CITY OF LANSING, IOWA.

BE IT ORDAINED by the City Council of the City of Lansing, Iowa as follows:

1. That Title IV, Chapter 1, Article 5 Parking Regulations is hereby amended by inserting therein revised Sections 5.06 and 5.12 and adding thereto as new Sections 5.13 and 5.14 the following:

Section 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 giving 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.

Section 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.

Section 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.

Section 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.

Repealer. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Severability Clause If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the



Ordinance as a whole, or any section, provision or part thereof not adjudged invalid or unconstitutional.

When Effective. This Ordinance shall be in effect upon its passage, approval and publication as provided by law.

Date of First Reading: November 15, 1999

Date of Second Reading: December 6, 1999

Roll Call Vote:

Councilmen Voting Aye: Bailey, Bartels, Milton, Mullarkey, Wilson

Councilmen Voting Nay: None

PASSED AND ADOPTED this 20 day of December, 1999

**ORDINANCE NO. 148**

AN ORDINANCE AMENDING TITLE III, CHAPTER 3, ARTICLE 10 OF THE MUNICIPAL CODE OF THE CITY OF LANSING, IOWA, BY MAKING IT A MISDEMEANOR FOR IMPROPER DOG AND CAT WASTE DISPOSAL WITHIN THE CITY OF LANSING, IOWA.

BE IT ORDAINED by the City Council of the City of Lansing, Iowa, as follows:

1. Title III, Chapter 3, Article 10 of the Municipal Code of the City of Lansing, Iowa, is hereby amended by adding thereto the following:

Section 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 when the animal is on the owner's or keeper's property and except for animals properly trained and certified to assist persons with disabilities while such animals are acting in such capacity.

Repealer. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

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

When Effective. This Ordinance shall be in effect upon its passage, approval and publication as provided by law.

Date of First Reading: October 2, 2000

Date of Second Reading: October 16, 2000

Roll Call Vote:

Councilmen Voting Aye: Arnold, Bartels, Burke, Mullarkey, Protsman

Councilmen Voting Nay: None.

PASSED AND ADOPTED this 6 day of November, 2000.

**ORDINANCE NO. 150**

AN ORDINANCE AMENDING TITLE I OF THE MUNICIPAL CODE OF THE CITY OF LANSING, IOWA, BY RESPECIFYING THE APPOINTMENT AND DISMISSAL AUTHORITIES OF THE MAYOR FOR THE POSITION OF CHIEF OF POLICE FOR THE CITY OF LANSING, IOWA.

BE IT ORDAINED by the City Council of the City of Lansing, Iowa, as follows:

1. That Title I of the Municipal Code of the City of Lansing, Iowa, is hereby amended by revising Chapter 4; Article 15 by inserting therein revised Section 15.02 as follows:

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.

Repealer. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

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

When Effective. This Ordinance shall be in effect upon its passage, approval and publication as provided by law.

Date of First Reading: Waived

Date of Second Reading: Waived

Roll Call Vote:

Councilmen Voting Aye: Arnold, Bartels, Burke, Mullarkey, Protsman

Councilmen Voting Nay: None

PASSED AND ADOPTED this 19 day of November, 2001.

## ORDINANCE NO. 151

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF LANSING, IOWA, BY RESPECIFYING HOURS OF OPERATION FOR SNOWMOBILES AND RESPECIFYING SNOWMOBILE ROUTES WITHIN THE CITY OF LANSING, IOWA.

BE IT ORDAINED by the City Council of the City of Lansing, Iowa, as follows:

1. That Section 22.02 for Title IV, Chapter 4, Article 22, Snowmobile be changed as follows:

Section 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 7<sup>th</sup> Street from 12:30 a.m. and 6:00 a.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.

2. That Section 22.04, subsection 2 for Title IV, Chapter 4, Article 22, be changed as follows:

Section 22.04, subsection 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 7<sup>th</sup> 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.

Repealer. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

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

When Effective. This Ordinance shall be in effect upon its passage, approval and publication as provided by law.

Date of First Reading: WAIVED

Date of Second Reading: WAIVED

Roll Call Vote:

Council members voting Aye: STAHL, MULLARKEY, BURKE, PROTSMAN,  
PETERS

Council members voting Nay: None

Passed and adopted this 7 day of JANUARY, 2002.

**ORDINANCE NO. 153**

AN ORDINANCE AMENDING TITLE I, OF THE MUNICIPAL CODE OF THE CITY OF LANSING, IOWA, BY RESPECIFYING THE NUMBER OF COUNCIL MEMBERS ON EACH COMMITTEE.

BE IT ORDAINED by the City Council of the City of Lansing, Iowa, as follows:

1. That Title I, of the Municipal Code of the City of Lansing, Iowa, is hereby amended by revising Chapter 2, Article 9, by inserting therein revised Section 9.03 as follows:

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 chairperson. The mayor shall name the chairperson of special committees and such other number of council members as members 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.

Repealer. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

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

When Effective. This Ordinance shall be in effect upon its passage,, approval and publication as provided by law.

Date of First Reading: Waived

Date of Second Reading: Waived

Roll Call Vote:

Council members voting Aye: Protsman, Stahl, Mullarkey, Peters, Burke

Council members voting Nay: None

PASSED AND ADOPTED this 21 day of January, 2002.

## **ORDINANCE NO. 154**

AN ORDINANCE TO VACATE A PORTION OF DODGE STREET IN THE CITY OF LANSING, ALLAMAKEE COUNTY, IOWA.

BE IT ORDAINED by the City Council of the City of Lansing, Iowa, as follows:

That a portion of Dodge Street described as follows shall be and is hereby vacated to-wit:

Parcel #1. Lot Thirty-one (31) in the Northeast Quarter of the Southwest Quarter (NE ¼-SW1/4) of Section Twenty-nine (29), Township Ninety-nine (99) North, Range Three (3) West of the Fifth Principal Meridian, in the Town of Lansing, Allamakee County, Iowa, containing 3,300 square feet, more or less, and more particularly described by metes and bounds as follows:

Commencing at the Northwest Corner of Block 44 of the original plat of the Town of Lansing, Allamakee County, Iowa which is the Point of Beginning; thence N 90-00'-00" E, 110.00 feet; thence S 00-06'-36" W, 30.00 feet along the west line of Dodge Street in said Town of Lansing to the Point of Beginning. Said described parcel contains 3,300 square feet, more or less. The southerly line of Block 43 of the Original Town of Lansing, Iowa is assumed to bear N 90-00'-00" W.

Parcel #2. Lot Thirty-two (32) in the Northeast Quarter of the Southwest Quarter (NE ¼-SW 1/4 ) of Section Twenty-nine (29), Township Ninety-nine (99) North, Range Three (3) West of the Fifth Principal Meridian, in the Town of Lansing, Allamakee County, Iowa, containing 3,300 square feet, more or less, and more particularly described by metes and bounds as follows:

Commencing at the Northwest Corner of Block 44 of the original plat of the Town of Lansing, Allamakee County, Iowa; thence N 00-06'-36" E, 30.00 feet along the west line of Dodge Street in said Town of Lansing; thence N 90-00'-00" E, 110.00 feet along the south line of Block 43 in said Town of Lansing; thence S 00-06'-36" W, 30.00 feet to the Point of Beginning. Said described parcel contains 3,300 square feet to the Point of Beginning. Said described parcel contains 3,300 square feet, more or less. The southerly line of Block 43 of the original Town of Lansing, Iowa is assumed to bear N 90-00'-00" E.

Repealer. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Severability Clause. If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the

Ordinance as a whole, or any section, provision or part thereof not adjudged invalid or unconstitutional.

When Effective. This Ordinance shall be in effect after the final passage, approval and publication as provided by law.

Date of First Reading: Waived

Date of Second Reading: Waived

Council Members Voting Aye: Stahl

Council Members Voting Nay: Mullarkey



**ORDINANCE NO. 155**

AN ORDINANCE REVISING THE MEMBERSHIP OF THE LANSING MARINA AND RIVERFRONT BOARD FOR THE CITY OF LANSING, IOWA.

BE IT ORDAINED by the City Council of the City of Lansing, Iowa, as follows:

That Title 1, Chapter 4, Article 16A of the Municipal Code of the City of Lansing, Iowa, is hereby amended by deleting Section 16A of the Municipal Code of the City of Lansing, Iowa, is hereby amended by deleting Section 16A.02 and adopting in lieu thereof the following:

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

Repealer. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

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

When Effective. This Ordinance shall be in effect upon its passage, approval and publication as provided by law.

Date of First Reading: August 18, 2003

Date of Second Reading: September 2, 2003

Roll Call Vote:

Council members voting Aye: Protsman, Brennan, Severson, Roeder

Council members voting Nay: Mullarkey

Prepared by: Carolyn M. Kukes, City Clerk, City of Lansing, 201 John Street Lansing, Iowa, 52151 563-538-4757

**ORDINANCE NO. 156**

AN ORDINANCE TO VACATE A PORTION OF WORTH STREET AND WALL STREET IN THE CITY OF LANSING, ALLAMAKEE COUNTY, IOWA.

BE IT ORDAINED by the City Council of the City of Lansing, Iowa, as follows:

That a portion of Worth Street and Wall Street described as follows shall be and is hereby vacated to-wit:

Worth Street. Parcel #1. Lot A in North Capoli, now part of the Town of Lansing, Allamakee County, Iowa, containing 4,250 square feet, more or less, and more particularly described by metes and bounds as follows:

Commencing at the West  $\frac{1}{4}$  Corner of Section 33, Township 99 North, Range 3 West of the 5<sup>th</sup> P.M.; thence N 00-00'-00" E 425.00 feet along the west line of the NW  $\frac{1}{4}$  of said Section 33; thence N 39-34'-12" E, 1036.73 feet along the northerly line of Wall Street to the Point of Beginning; thence N 39-34'-12" E, 25.00 feet to the southwest corner of Block 9 in North Capoli, now a part of the Town of Lansing, Iowa; thence N 50-25'-48"W, 170.00 feet along the westerly line of Block 9 of said North Capoli; thence S 39-34'-12" W, 25.00 feet; thence S 50-25'-48"E, 170.00feet to the Point of Beginning. Said described parcel contains 4,250 square feet, more or less.

Worth Street. Parcel #2. Lot B in North Capoli, now a part of the Town of Lansing, Allamakee County, Iowa, containing 4,250 square feet, more or less, and more particularly described by metes and bounds and follows:

Commencing at the West  $\frac{1}{4}$  Corner of Section 33, Township 99 North, Range 3 West of the 5<sup>th</sup> P.M.; thence N 00-00'-00" E, 425.00 feet along the west line of the NW  $\frac{1}{4}$  of said Section 33; thence N 39-34'-12" E, 1011.73 feet along the northerly line of Wall Street to the Point of Beginning; thence N 39-34'-12" E, 25.00 feet; thence N 50-25'48" W, 170.00 feet; thence S 39-34'-12" W, 25.00 feet; thence S.50-25'-48"E, 170.00 feet along the easterly line of Block 10 in North Capoli, now a part of the Town of Lansing, Iowa to the Point of Beginning. Said described parcel contains 4, 250 square feet, more or less.

Wall Street. Parcel #4. Lot D in North Capoli, now a part of the Town of Lansing, Allamakee County, Iowa, containing 1,540 square feet, more or less and more particularly described by metes and bounds and follows:

Commencing at the West  $\frac{1}{4}$  Corner of Section 33, Township 99 North, Range 3 West of the 5<sup>th</sup> P.M.; thence N00-00'-00"E, 425 feet along the west line of the NW  $\frac{1}{4}$  of said Section 33; thence N 39-34'-12"E, 926.73 feet along the northerly line of Wall Street in the Town of Lansing, Iowa to the Point of Beginning; thence N 39-34'-12"E, 110.00

feet along the northerly line of said Wall Street; thence S 50-25'-48" E, 14.00 feet; thence S 39-34'-12"W, 110.00 feet; thence N 50-25'-48" W, 14.00 feet to the Point of Beginning. Said described parcel contains 1,540 square feet, more or less.

The west line of the NW ¼ of Section 33, T99N, R3W is assumed to bear N 00-00'-00" E.

Repealer. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

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

When Effective. This Ordinance shall be in effect after the final passage, approval and publication as provided by law.

Date of First Reading: Waived

Date of Second Reading: Waived

Council Members Voting Aye: Goeke, Brennan, Severson, Jangula, Roeder

Council Members Voting Nay: None

PASSED AND ADOPTED this 1 day of December, 2003.

**ORDINANCE NO. 157**

AN ORDINANCE TO VACATE A PORTION OF GENESEE STREET IN THE CITY OF LANSING, ALLAMAKEE COUNTY, IOWA.

BE IT ORDAINED by the City Council of the City of Lansing, Iowa, as follows:

That a portion of Genesee Street described as follows shall be and is hereby vacated, to-wit:

Genesee Street. Parcel #1. Lot C in North Capoli, now a part of the Town of Lansing, Allamakee County, Iowa containing 8,500 square feet, more or less, and more particularly described by metes and bounds as follows:

Commencing at the West ¼ Corner of Section 33, Township 99 North, Range 3 West of the 5<sup>th</sup> P.M.; thence N 00-00'-00"E, 425.00 feet along the west line of the NW ¼ of said Section 33; thence N 39-34'-12"E, 761.73 feet along the northerly line of Wall Street to the northeast corner of Block 11 of North Capoli, now a part of the Town of Lansing, Iowa to the Point of Beginning; thence N39-34'-12"E, 50.00 feet; thence N 50-25'-48" W, 170.00- feet along the westerly line of Block 10 of said North Capoli; thence S 39-34'-12" W, 50.00 feet; thence S 50-25'-48" E, 170 feet along the easterly line of said Block 11 to the Point of Beginning. Said described parcel contains 8,500 square feet, more or less. The west line of the NW ¼ of Section 33, T99N, R3W is assumed to bear N 00-00'-00" E.

Repealer. All Ordinance or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

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

When Effective. This Ordinance shall be in effect after the final passage, approval and publication as provided by law.

Date of First Reading: Waived

Date of Second Reading: Waived

Council Members Voting Aye: Goeke, Severson, Jangula, Roeder, Brennan

Council Members Voting Nay: None

PASSED AND ADOPTED this 1<sup>st</sup> day of December, 2003.

**ORDINANCE NO. 158**

AN ORDINANCE TO AMEND TITLE I, CHAPTER 4 OF THE ORDINANCES OF THE CITY OF LANSING, IOWA, BY RESPECIFYING THE APPOINTMENT OF THE BOARD OF LIBRARY TRUSTEES AND THEIR QUALIFICATIONS.

BE IT ORDAINED by the City Council of the City of Lansing, Iowa, as follows:

Section 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.

Section 14.03 Qualifications. All board members shall be bonafied citizens over the age of 18.

Repealer. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

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

When Effective. This Ordinance shall be in effect after its passage, approved and published as provided by law.

Date of First Reading: Waived

Date of Second Reading: Waived

Roll Call Vote:

Council Members Voting Aye: Jangula, Severson, Roeder, Goeke.

Council Members Voting Nay: None

Passed and adopted this 19<sup>th</sup> day of July, 2004.

Prepared by: Carolyn M. Kukes, City Clerk, City of Lansing, 201 John Street Lansing, Iowa, 52151 563-538-4757

## **ORDINANCE NO. 160**

AN ORDINANCE AMENDING TITLE IV OF THE MUNICIPAL CODE OF THE CITY OF LANSING, IOWA, BY ESTABLISHING REGULATIONS FOR SKATEBOARDS, IN-LINE SKATES AND ROLLER SKATES WITHIN THE CITY OF LANSING, IOWA.

BE IT ORDAINED by the City Council of the City of Lansing, Iowa, as follows:

1. That Title IV, Chapter 1 of the Municipal Code of the City of Lansing, Iowa, is hereby amended by adding thereto as Article 11A the following:

### **Article 11A**

#### **SKATEBOARDS, IN-LINE SKATES AND ROLLER SKATES**

Section 11A.01-Skateboards, In-line Skates, Roller Skates Prohibited. 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.

Section 11A.03-The schedule fine for a violation of this Section shall be \$50.00.

Repealer. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

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

When Effective. This Ordinance shall be in effect upon its passage, approval and publication as provided by law.

Date of First Reading: October 4, 2004

Date of Second Reading: October 18, 2004

Roll Call Vote:

Council members voting Aye: Roeder, Severson, Goeke

Council members voting Nay: None.

Prepared by: Carolyn M. Kukes, City Clerk, City of Lansing, 201 John Street, Lansing, IA.

## ORDINANCE NO. 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:

a. 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.

b. Rural Locations. Mailboxes and newspaper boxes may be erected to serve postal patrons who live on an approved rural route provided:

1. They are located more than one-fourth mile from the Post Office.

2. Their property is abutted to the rural route.

c. 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.

d. 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.

e. 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.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional such adjudication shall not affect the



validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

PASSED AND APPROVED BY THE CITY COUNCIL OF LANSING, IOWA on this 15 day of November, 2004.

First Reading: 10/18/2004

Second Reading: 11/1/2004

Third Reading: 11/15/2004

I certify that the foregoing was published as Ordinance No 161 on the 24th day of November, 2004.

**ORDINANCE NO. 161**

AN ORDINANCE AMENDING TITLE VI, CHAPTER 8 OF THE MUNICIPAL CODE OF THE CITY OF LANSING, IOWA.

BE IT ORDAINED by the City Council of the City of Lansing, Iowa, as follows: That the Restricted Residence District Ordinance be amended to include the following language:

Section 8.02. Definitions. 5. "Setback: is defined as the minimum amount of space required between a lot line and a building line.

Section 8.06, Subsection 4. Accessory building.....24 feet (measured from main floor elevation at street level)

Repealer. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

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

When Effective. This Ordinance shall be in effect after its passage, approved and published as provided by law.

Passed and approved this 2<sup>nd</sup> day of May, 2005

## ORDINANCE NO. 162

AN ORDINANCE AMENDING TITLE IV, CHAPTER 1, TRAFFIC CODE OF THE MUNICIPAL CODE BY ADDING PROVISIONS PERTAINING TO COMPRESSION BRAKES.

BE IT ORDAINED BY THE City Council of the City of Lansing, Iowa, a follows:

1. That title IV, Chapter 1 of the Municipal Code is hereby amended by adding thereto a Section 2.12, the following:

Section 2.12 **COMPRESSION BRAKES.** It is unlawful for any person in any part of the City to make, loud or disturbing noises with any mechanical devises 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.

Repealer. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

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

When Effective. This Ordinance shall be in effect upon its passage, approval and publication as provided by law.

PASSED AND APPROVED BY THE CITY COUNCIL OF LANSING, IOWA on this 16 day of May, 2005.

## **ORDINANCE NO. 163**

AN ORDINANCE ESTABLISHING TITLE II, CHAPTER 3, ARTICLE 9 OF THE IOWA MUNICIPAL CODE, ENTITLED OPERATION OF PRIVATE WELLS WITHIN THE CITY LIMITS OF THE CITY OF LANSING, IOWA.

WHEREAS, the City of Lansing wishes to include an ordinance addressing private water wells within the City;

NOW THEREFORE BE IT ORDAINED as follows:

### **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 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 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.

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 of any federal agency.

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

Any Provisions of the Lansing City Code or other City ordinances in conflict with this ordinance are hereby repealed.

This ordinance shall be effective upon its passage and publication as required by law.

Passed and adopted this 19 day of September, 2005.

Date of First Reading: August 15, 2005

Date of Second Reading: September 6, 2005

Date of Third Reading: September 19, 2005.

Moved by: Severson

Seconded by: Roeder

Roll Call Vote:

Ayes: Goeke, Severson, Brennan, Roeder, Endres

**ORDINANCE NO. 164**

AN ORDINANCE AMENDING TITLE II, CHAPTER 3, ARTICLE 6 OF THE LANSING MUNICIPAL CODE, ENTITLED OPERATION OF PRIVATE WELLS WITHIN THE CITY LIMITS OF THE CITY OF LANSING, IOWA

WHEREAS, the City of Lansing wishes to revise Title II, Chapter 3, Article 6, section 6.04 of its ordinance addressing connecting to the City's public water system;

NOW THEREFORE BE IT ORDAINED as follows:

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.

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

Any Provisions of the Lansing City Code or other City ordinances in conflict with this ordinance are hereby repealed.

This ordinance shall be effective upon its passage and publication as required by law.

Passed and adopted this 19 day of September, 2005.

Date of First Reading: August 15, 2005

Date of Second Reading: September 6, 2005

Date of Third Reading: September 19, 2005

**ORDINANCE NO. 165**

AN ORDINANCE NAMING CERTAIN ALLEYS FOR THE CITY OF LANSING, IOWA.

BE IT ORDAINED by the City Council of the City of Lansing, Iowa, as follows:

1. That under Title IV, Chapter 2, of the Municipal Code of the City of Lansing, Iowa, entitled Streets and Alleys; the City Council Does hereby name the following changes in certain alleys:

a. Name the existing alley between Main Street and Center Street from its most westerly point of origin within the Lansing City limits to its most Easterly point of origin within the Lansing City limits Allamakee Alley.

Repealer. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

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

When Effective. This ordinance shall be in full force and effect after its final passage, approval and publication as provided by law.

First reading: Waived

Second reading: Waived

Third and final reading passed, approved and adopted on September 19, 2005.

Roll Call Vote:

Council Members Voting Aye: Endres, Brennan, Goeke, Roeder, Severson

Council Members Voting Nay: None



**ORDINANCE NO. 166**

AN ORDINANCE PROHIBITING URINATION WITHIN THE CITY LIMITS OF THE CITY OF LANSING, IOWA.

BE IT ORDAINED by the City Council of the City of Lansing, Iowa, as follows:

1. That Title III, Chapter 1: Misdemeanors, Article 2 Public Morals is hereby amended by adding the following Section

Section 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.

Repealer. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

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

When Effective. This Ordinance shall be in effect upon its passage, approval and publication as provided by law.

Date of First Reading: Waived

Date of Second Reading: Waived

Roll Call Vote:

Councilmen Voting Aye: Brennan, Roeder, Endres

Councilmen Voting Nay: None

**ORDINANCE NO. 167**

AN ORDINANCE AMENDING TITLE IV OF THE MUNICIPAL CODE OF THE CITY OF LANSING, IOWA, BY RESPECIFYING PARKING REGULATIONS FOR MAIN STREET WITHIN THE CITY OF LANSING, IOWA.

BE IT ORDAINED by the City Council of the City of Lansing, Iowa, as follows:

1. That Title IV, Chapter 1 of the Municipal Code of the City of Lansing, Iowa, is hereby amended by deleting Section 5.01 (2) and substituting in lieu thereof the following:

**Article 5**

**PARKING REGULATIONS**

Section 5.01 (2)-Main Street. No motor vehicle of any kind shall be parked on that portion of Main Street between the intersection of Fifth Street and Front Street between the hours of 2:00 a.m. and 6:00 a.m. with the following exception:

Motor vehicles may be parked on that portion of Main Street between Fifth Street and Fourth Street between the hours of 2:00 a.m. and 6:00 a.m. during the period of April 1 through November 1 of each year.

No motor vehicle of any kind shall park on the North side of Main Street from Fifth Street to 142 feet West of 7<sup>th</sup> Street during the hours of 2:00 a.m. and 6:00 a.m. on even calendar days from November 1 to April 1, and no motor vehicle of any kind shall park on the South side of Main Street from Fifth Street to 142 feet West of 7<sup>th</sup> Street during the hours of 2:00 a.m. to 6:00 a.m. on odd calendar days from November 1 to April 1.

Repealer. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

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

When Effective. This Ordinance shall be in effect upon its passage, approval and publication as provided by law.

Date of First Reading: Waived

Date of Second Reading: Waived

Roll Call Vote:

Councilmen Voting Aye: Endres, Brennan, Goeke, Roeder, Severson

Councilmen Voting Nay: None

PASSED AND ADOPTED this 17 day of October, 2005.

**ORDINANCE NO. 172**

AN ORDINANCE TO VACATE A PORTION OF CENTER STREET IN THE CITY OF LANSING, ALLAMAKEE COUNTY, IOWA.

BE IT ORDAINED by the City Council of the City of Lansing, Iowa, as follows:

1. That a portion of Center Street described as follows shall be and is hereby vacated, to wit:

Lots 8 and 9 in Government Lot 1 in Section 33, Township 99 North, Range 3 West of the 5<sup>th</sup> P.M., Township 99 North, Range 3 West of the 5<sup>th</sup> P.M., Town of Lansing, Allamakee County, Iowa.

Repealer. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

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

When Effective. This Ordinance shall be in effect after the final passage, approval and publication as provided by law.

Date of First Reading: Waived

Date of Second Reading: Waived

Councilmen Voting Aye: Strobel, Peters, Burke, Bechtel

Councilmen Voting Nay: None

**Prepared by: William J. Burke, Councilmember, City of Lansing, 201 John Street,  
Lansing, Iowa**

**ORDINANCE #173**

**AN ORDINANCE AMENDING TITLE VI, by adding Chapter 9, establishing a  
Floodplain 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 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 (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 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.

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 257B, 276B, and 277B, effective September 25, 2009, which were prepared as part of the Allamakee County 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 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

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 1.0 ft. above the 100-year flood level and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon.

Alternate methods of elevating (such as piers) may be allowed subject to favorable consideration by the City Council, where existing topography, street grades, or other factors preclude elevating

by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding.

All new residential structures shall be provided with a means of access which will be passable during the 100 year flood by wheeled vehicle during such 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) 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 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 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 and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters. Wastewater treatment facilities (other than on-site systems) shall be provided with a level of flood protection equal to or greater than one (1) foot above the 100-year flood elevation.

3. New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters. Wastewater treatment facilities (other than on-site systems) shall be provided with a level of flood protection equal to or greater than one (1) foot above the 100-year flood elevation.

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 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.

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.

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 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 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.

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.

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 on 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 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 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 hazard, 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, (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.
- 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.
- 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. 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 its 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 servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management regulations adopted by the community.

**EXPANSION OF EXISTING FACTORY-BUILT HOME PARK OR SUBDIVISION-** The preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**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 preventative 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.

**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 (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 preliminary 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:

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 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 average, will be equaled or exceeded a least once every one hundred (100) years.

RECREATIONAL VEHICLE-A vehicle which is:

- a. Built on a single chassis;
- b. Four hundred (400) square feet or less when measured at the largest horizontal projection;
- c. Designed to be self-propelled or permanently towable by a light duty truck; and
- d. Designed primarily not for use as a permanent dwelling but as 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 beyond the stage of excavation; or the placement of a factory-built home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure.

For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

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”.

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 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.

REPEALER-All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

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

WHEN EFFECTIVE-This Ordinance shall be in effect upon its passage, approval and publication as provided by law.

Date of First Reading: January 18, 2010

Date of Second Reading February 1, 2010

Roll Call Vote:

Council Members Voting Aye: Bechtel, Burke, Conway, Volker, Strobel

Council Members Voting Nay: None

ADOPTION AND PASSED by the City Council of the City of Lansing, Iowa this 15 day of March, 2010.

Prepared by: Richard D. Zahasky 309 W. Water Street Decorah, IA 52101 (563) 382-8409

Return to: City of Lansing, P.O. Box 470, Lansing, IA 52151

**ORDINANCE NO. 175**

AN ORDINANCE AMENDING TITLE VI, CHAPTER 4, ARTICLE 7, OF THE MUNICIPAL CODE OF THE CITY OF LANSING PROVIDING ADDITIONAL DEFINITIONS OF JUNK VEHICLES WITHIN THE CITY OF LANSING, IOWA.

BE IT ORDAINED by the City Council of the City of Lansing, Iowa, as follows:

That the following Sections are hereby added to Title VI, Chapter 4, Article 7, Section 7.01 defining junk vehicles as follows:

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 (9) months or more.

Repealer. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

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

When Effective. This Ordinance shall be in effect upon its passage, approval and publication as provided by law.

Date of First Reading: Waived

Date of Second Reading: Waived

Roll Call Vote:

Councilmen Voting Aye: Bechtel, Strobel, Burke, Volker, Conway

Councilmen Voting Nay: None

PASSED AND ADOPTED this 17 day of May, 2010.

## ORDINANCE NO. 176

AN ORDINANCE AMENDING TITLE III, CHAPTER 2, ARTICLE 8, OF THE MUNICIPAL CODE OF THE CITY OF LANSING BY PROVIDING ADDITIONAL DEFINITIONS OF NUISANCES WITHIN THE CITY OF LANSING, IOWA.

BE IT ORDAINED by the City Council of the City of Lansing, Iowa, as follows:

Title III, Chapter 2, Article 8 of the Municipal Code of the City of Lansing, Iowa, is hereby amended by adopting as additional divisions to Section 8.01 (1) the following:

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, 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 nor to any other premises on which there is 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.

w. The outdoor storage of any container or other object capable of catching and retaining precipitation. This subsection shall not apply to birdbaths and other customary lawn ornaments and landscaping items.

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

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

Repealer. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

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

When Effective. This Ordinance shall be in effect upon its passage, approval and publication as provided by law.

Date of First Reading: Waived

Date of Second Reading: Waived

Roll Call Vote:

Councilmen Voting Aye: Volker, Strobel, Conway, Burke, Bechtel

Councilmen Voting Nay: None



**Prepared by: Carolyn M. Thorsten, City Clerk, City of Lansing, 201 John Street, Lansing, Iowa**

**ORDINANCE NO. 177**

AN ORDINANCE TO AMEND TITLE VI, CHAPTER 8, OF THE ORDINANCES OF THE CITY OF LANSING, IOWA, AMENDING CERTAIN SECTIONS OF THE RESTRICTED RESIDENCE DISTRICT REGULATIONS.

WHEREAS, the City Council of the City of Lansing, Iowa, established a restricted residence district within the City of Lansing in 2004, and

WHEREAS, the City Council of the City of Lansing now wishes to make certain changes to this ordinance.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lansing, Iowa, as follows:

That Title VI, Chapter 8, Restricted Residence District, of the Municipal Code of the City of Lansing, Iowa, is hereby amended with the following language:

**8.05** Paragraph 2. 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.

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

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

Effective Date. This ordinance shall be effective after its final passage, approval and publication as provided by law.

Passed and approved by the Council of the City of Lansing, Iowa, on this 6<sup>th</sup> day of July, 2010.

Date of First Reading: Waived

Date of Second Reading: Waived

Roll Call Vote:

Council members voting Aye: Bechtel, Strobel, Burke, Volker, Conway

Council members voting Nay: None

**ORDINANCE NO. 178**

AN ORDINANCE TO AMEND TITLE VI, CHAPTER 9, OF THE  
ORDINANCES OF THE CITY OF LANSING, IOWA, AMENDING CERTAIN SECTIONS  
OF THE FLOOD PLAIN MANAGEMENT ORDINANCE.

WHEREAS, the City Council of the City of Lansing, Iowa, recently adopted a  
Flood Plain Management Ordinance, and

WHEREAS, THE City Council of the City of Lansing, Iowa now wishes to make  
certain changes to this ordinance;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of  
Lansing, Iowa, as follows:

That Title VI, Chapter 9, of the Municipal Code of the City of Lansing, Iowa, is  
hereby amended with the following language:

**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 County 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.

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

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

Effective Date. This ordinance shall be effective after its final passage, approval and publication as provided by law.

Passed and approved by the Council of the City of Lansing, Iowa, on this 6 day of July, 2010.

Date of First Reading: Waived

Date of Second Reading: Waived

Roll Call Vote

Ayes: Conway, Volker, Strobел, Bechtel, Burke

Nays: None

**ORDINANCE NO. 179**

AN ORDINANCE TO AMEND TITLE IV, OF THE MUNICIPAL CODE OF THE CITY OF LANSING, IOWA, BY RESPECIFYING PARKING REGULATIONS FOR CERTAIN STREETS WITHIN THE CITY OF LANSING, IOWA

BE IT ORDAINED by the City Council of the City of Lansing, Iowa as follows:

1. The Title IV Chapter 1 of the Municipal Code of the City of Lansing, Iowa is hereby amended to by including in Section 5.10 (2) the following:

**Article 5**

**PARKING REGULATIONS**

Section 5.01 (2b)-No motor vehicles of any kind shall park on the north side of Diagonal Street from N Fifth Street east to the end of the street during the hours of 2:00AM and 6:00AM on even calendar days from November 1 to April 1, and no motor vehicle of any kind shall park on the south side of Diagonal Street from Fifth Street east to the end of the street during the hours of 2:00AM to 6:00AM on odd calendar days from November 1 to April 1.

Section 5.01 (2c)-No motor vehicle of any kind shall park on the west side of N Fourth Street from Main Street to Platt Street and the west side of North Third Street from Main Street to Diagonal Street during the hours of 2:00 a.m. to 6:00 a.m. on odd calendar days from November 1 to April 1.

Repealer. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

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

When Effective. This Ordinance shall be in effect upon its passage, approval and publication as provided by law.

Passed and approved by the Council of the City of Lansing, Iowa, on this 20 day of December, 2010.

Date of First Reading: Waived

Date of Second Reading: Waived

Roll Call Vote:

Council members voting Aye: Bechtel, Conway, Burke

Council members voting Nay: None

I hereby certify that the above Ordinance No. 179 was published on the 29 day of December, 2010, in The Standard.

City of Lansing

Summary of Ordinance #179, an Ordinance to amend Title IV, Chapter 1, of the ordinances of the City of Lansing, Iowa, with respect to parking regulations on certain streets within the City of Lansing, Iowa. Parking Regulations. Section 5.01 (2b). Parking of any vehicle is prohibited from 2:00 a.m. to 6:00 a. m. on the north side of Diagonal Street on even calendar days and the south side of Diagonal Street on odd calendar days from November 1 to April 1.

Section 5.01 (2c)-Parking of any vehicle is prohibited from 2:00 a.m. and 6:00 a.m. on the west side of N4th Street and North 3<sup>rd</sup> Street on even calendar days and on the east side of N 4<sup>th</sup> Street and North 3<sup>rd</sup> Street on odd calendar days from November 1 to April 1.

## **ORDINANCE NO. 180**

AN ORDINANCE ADOPTING THE CITY OF LANSING MUNICIPAL CODE OF 2010 AS THE MUNICIPAL CODE OF THE CITY OF LANSING, IOWA.

BE IT ORDAINED by the City Council of the City of Lansing, Iowa as follows:

### **Adoption**

Pursuant to Section 380.8 of the Code of Iowa, the City Council adopts the “City of Lansing Municipal Code of 2010” as the Municipal Code of the municipal corporation of the City of Lansing, Iowa. The proposed code of ordinances adopted herein contains only existing ordinances edited and compiled without changing substance, and the Council adopts this Code by this Ordinance without public hearings as said hearings are not required in this instance.

Title and Scope. This Code shall be known as the “City of Lansing Municipal Code of 2010”, and it shall be sufficient to refer to said Code as the “Lansing Municipal Code: in any prosecution for the violation of any provisions thereof or in any proceeding at law or equity. It shall be sufficient to designate any ordinance adding to, amending, correcting or repealing any or all of any part or portion thereof as an addition to, amendment to, correction or repeal of the Lansing Municipal Code. Further reference may be had to the titles, chapters, sections and subsections of the Lansing Municipal; Code, and such references shall apply to the Lansing Municipal Code, and section or subsection as it appears in the Code. This Code shall be treated and considered as a new and comprehensive original ordinance which shall completely supersede all other general ordinances passed by the City Council prior to the date of this Ordinance except as are expressly saved from repeal herein.

Codification Authority. This code consists of all the regulatory and penal ordinances and certain of the administrative ordinances of the City of Lansing, Iowa, codified pursuant to the provisions of Section 380.0 of the Code of Iowa.

Reference Applies to All Amendments. Whenever a reference is made to this Code as the Lansing Municipal Code or any portion thereof, or to any ordinance heretofore, now or hereafter made, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made.

Ordinance Passed Prior to Adoption of Code. The last ordinance included in this Code was No. 179.

Amendments. The following amendments are made to the Municipal Code as part of this Codification Ordinance, to-wit:

Title 1, Chapter 1, Section 1.01 shall be amended to read as follows:

Title. These ordinances will be known as and cited as the Municipal Code of the City of Lansing, Iowa, 2010.

Title 1, Chapter 1, Section 1.02 shall be amended to read as follows:

“City Code” shall mean the City Code of the City of Lansing, 2010.

Repealer and Savings Clause. All general ordinances or parts thereof not included in this Code are repealed, except the general ordinances up through and including Ordinance NO. 179 which are continued in full force and effect, together with all special ordinances and any other special ordinances which are not affected; but such repeal shall not affect any act done, any right accrued, accruing and established, the tenure or emoluments of the office of any person holding office at the time that these ordinances take effect, or any forfeiture or penalty heretofore including upon or by virtue of any prior existing ordinance not any prosecution, suite or proceedings in effect at the time of such repeal.

Official Copy. Any official copy, bearing signature of the Mayor, and the certificate of the City Clerk as to its adoption and publication, is on file in the office of the City Clerk.

Public Copies. Loose-leaf copies of this Code shall be kept in the City Clerk’s office, available for public inspection or for sale at a cost to the public.

Effective Date. The Ordinance codified and the adopted Code shall be in full force and effect from and after the passage, approval and publication of such Ordinance and Code as required by law.

Date of First Reading: Waived

Date of Second Reading: Waived

Roll Call Vote:

Council Members Voting Aye: Bechtel, Conway

Council Members Voting Nay: None



## **ORDINANCE #181**

### **SUBDIVISION REGULATIONS**

City of Lansing, Iowa

#### **ARTICLE I. IN GENERAL**

##### **Sec. 1 Introduction and purpose**

In accordance with the authority granted by Iowa Stats. Chapter 354 and by other Chapters related to the subdivision and platting of land, and including subsequent amendments to these code sections, the City Council of the City of Lansing, Iowa does hereby ordain as follows:

(1) Purpose and jurisdiction: The purposes of this ordinance are to promote the public health, safety, convenience and general welfare. The regulations are designed to provide for a well planned, and safe and interconnected layout of streets; to provide for the efficient and cost-effective location of public and private utilities; to lessen congestion and traffic safety problems; to foster the orderly layout of land; to facilitate emergency access to property and emergency ingress and egress on the street system; to help protect home values; to facilitate adequate provision of public water and sewerage disposal; to facilitate adequate storm water drainage and prevention of surface flooding and land erosion; to facilitate the future division of properties; to ensure compatible land usage with respect to the location and lay-out of a plat, and to assure that the platting of land is compatible with the topography of the land and does not result in undue environmental damage. This ordinance shall have jurisdiction on all lands within the present and future city boundaries, and to all lands within the city's extraterritorial plat approval area except as may be waived by the city on a case-by-case basis.

(2) The provisions of this chapter shall be consistent with the Statement of Purpose of Iowa Stats. Chapter 354.1.

(3) This chapter shall not repeal, impair or modify private covenants, except that this chapter shall apply whenever it imposes restrictions which are stricter than a covenant restriction.

(4) Decisions made under this ordinance shall not be inconsistent with the city's Comprehensive Plan.

##### **Sec. 2 Definitions**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates different meaning:

*Alley* means a public right-of-way usually not less than 20 feet in width which normally affords a secondary means of vehicular access to abutting property.

*Arterial Street* means a street which provides for the movement of relatively heavy traffic to, from or within the village. It has a secondary function of providing access to abutting land.

*Collector Street* means a street which collects and distributes internal traffic within an urban area such as a residential neighborhood, between arterial and local streets. It provides access to abutting property.

*Cul-de-sac* means a short street having but one end open to traffic and the other end being permanently terminated in a vehicular turnaround. Such street shall not exceed five hundred feet in length and shall have an adequate radius as provided by professional engineering standards.

*Engineer* means the engineering advisor or engineering consulting firm licensed under the laws of Iowa to provide engineering advice and consultation on individual subdivision proposals.

*Extraterritorial Area* means the area within two miles of the city boundary within which the city has the right to review and approve or disapprove proposed subdivision plats according to Iowa Stats. 354.9. The City Council reserves the right to waive its review of any proposed plat within its extraterritorial area.

*Local Street* means a street of little or no continuity designed to provide access to abutting property and leading into collector streets.

*Lot* means a piece, parcel or plot of land intended for development or as a unit for transfer of ownership.

*Major Subdivision* means the division of land into five or more lots any one of which is twenty acres or less in area and which subdivision complies with the provisions of Iowa Stats. Ch. 354, except as allowed for a Minor Subdivision as provided for in this ordinance.

*Minor Subdivision* means the division of land by the owner or owner's agent resulting in the creation of four or fewer lots or parcels or building sites, any one of which is twenty acres in size or less, or the division of a block, lot or outlet within a recorded subdivision plat into not more than two parcels, lots, outlets, or building sites without changing the exterior boundaries of said block, lot or outlet. A minor subdivision plat may be presented as a plat of survey as defined in Iowa Stats. 354.2, and 354.4.

*Parcel* means all contiguous lots under a single ownership.

*Plat* means the map, drawing or chart on which the sub divider's plan of subdivision is presented to the City Council for approval. Such map or drawing shall include all plats within the city's extraterritorial plat approval area.

*Subdivision Plat* means the graphical representation of the subdivision of land, prepared by a registered land surveyor, having a number or letter designation for each lot within the plat and a succinct name or title that is unique for the county where the land is located.

**Sec. 3 Plat required for subdivision; no applicability of chapter provisions.**

(a) No division of land within the city or within its extraterritorial plat approval jurisdiction shall be permitted if it results in a subdivision, unless a plat of the subdivision is permitted and approved in accordance with this subdivision ordinance and Iowa Stats. Ch. 354.

(b) In addition to the provisions of this chapter and Iowa. Stats. Ch. 354, all subdivisions shall conform to the requirements of all other city ordinances.

(c) That this chapter shall not apply to:

(1) transfers of interest in land by will or pursuant to court order.

(2) Leases for a term not to exceed ten years, mortgages or easements;

(3) The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum size required by this chapter or other applicable laws or ordinances.

(4) The division of land for the conveyance to a governmental agency for public improvement.

**ARTICLE II. ADMINISTRATION**

**PROCEDURE FOR SUBMITTING SUBDIVISIONS**

**Sec. 4 Consultation prior to plat filing**

(a) Before filing a preliminary plat, the sub divider shall consult with the City Council and/or its designated representative for advice regarding subdivisions, and for the purpose of determining if the proposed plat is consistent with the city's Comprehensive Plan and other public works plans including street locations. For this consultation, the proposed subdivision may be presented as a sketch drawn to scale showing the proposed number of lots and any phasing of lot development, relationship of the proposed subdivision to traffic arteries and existing community facilities, existing owners of the land, adjacent land owners, existing use of lands within and on the border of the land proposed to be platted, existing drainage patterns, any zoning patterns, and all existing utility lines and proposed utilities. This consultation may involve committees of the City Council if determined necessary by the Council.

**Sec. 5 Preliminary plat.**

(a) The sub divider shall submit to the City Council six copies of a preliminary plat based upon an accurate exterior boundary survey by a registered land surveyor which shall show clearly the proposed subdivision at a scale of not more than one inch per 100 feet having two-foot contour intervals, shall identify the improvements (grading, tree planting, paving, installation of facilities and dedications of land), easements which the sub divider proposes to make and shall indicate by accompanying letter when the improvements will be provided. Any proposed restrictive covenants for the land involved shall be submitted as reference information. The preliminary plat shall be submitted to the City Council within twelve months of the consultation meeting required in Section 4 above.

(b) The City Council may submit a copy of the preliminary plat to the city's engineering advisor and/or land planning consultant for review and written report of their evaluation of the proposed plat.

(c) After review of the preliminary plat and negotiations with the sub divider on changes being advisable and the kind and extent of public improvements which will be required, the City Council shall reject, approve or approve conditionally the preliminary plat within 40 days of being submitted to the city, as provided by statute.

The sub divisor shall be informed of any conditions of approval or the reasons for rejection. Failure of the City Council to act within 40 days shall constitute approval of the preliminary plat unless other authorized agencies object to the plat. The village board's action on a preliminary plat shall be by majority vote of the City Council. The Council's consideration of the preliminary plat may include any conditions of approval which shall be included in any vote on the preliminary plat, with such conditions duly recorded in the minutes of the City Council meeting.

(d) Approval of the preliminary plat shall entitle the sub divider to final plat approval of the layout shown by such preliminary plat, provided the final plat conforms substantially to such layout and that conditions of approval have been met, and provided that the sub divider has complied with all the improvements and related sub divider cost responsibilities specified in Section 26 of this ordinance.

## **Sec. 6 Final plat.**

(a) Final plats shall be submitted to the City Council for approval within six months of preliminary plat acceptance unless this requirement is waived in writing by the village board. The City Council shall make a decision on the final plat within 60 days of such plat being submitted to the city for approval.

(b) The final plat shall conform to the preliminary plat as approved and to the requirements of all applicable chapters of the city code and state laws.

(c) The final plat shall be accompanied by detailed construction plans of all public improvements.

(d) The final plat shall be presented to the City Clerk for presentation to the City Council at least ten work days prior to the meeting at which said plat is to be considered and shall be accepted or rejected by the City Council by resolution within 60 days of its submission, unless the time is extended by an agreement with the sub divider. Reasons for rejection shall be stated in the resolution adopted by the City Council and attached to the minutes of the Council meeting and a copy thereof supplied to the sub divider. If the City Council fails to act within 60 days and the time has not been extended by agreement and if no unsatisfied objections have been filed within that period, the plat shall be deemed to be approved. Following the approval of the plat as certified by all necessary officials, the plat shall be recorded in accordance with the requirements of the state statutes. The plat shall be presented for recording prior to the time that lots are offered for sale, reference is made to the map for sales purposes, or use is made of lot and block numbers on the plat. No plat shall be recorded until all permanent survey monuments designated on the plat have been set within the boundary of the plat.

(e) If the original of the final plat has been filed with another approving authority, the sub divider may file a true copy of such plat in lieu of the original. However, before approval of the City Council will be inscribed on the original of the final plat, the surveyor or sub divider shall certify the respects in which the original of the final plat differs from the true copy and all modifications must first be approved.

(f) The arrangements required in ARTICLE IV, Section 26 of this ordinance for the financing of proposed subdivision improvements shall be finalized before the final plat is eligible for final approval by the City Council.

(g) All final plats located within the city's extraterritorial plat review area shall clearly and in bold letters place the work, "City of Lansing Extraterritorial Plat", below the title of the plat.

(h) The County Recorder shall not record any final plat located within the city's extraterritorial plat review area, if such final plat does not have the approval signatures of the Mayor and City Clerk inscribed on the final plat to be recorded.

## **Sec. 7 Minor subdivisions.**

(a) Plat of Survey required. When it is proposed to create a minor subdivision as defined herein, the sub divider shall subdivide by use of a plat of survey map, prepared in accordance with Iowa. Stats. Ch. 354

(b) Procedure.

(1) The sub divider shall first consult with the City Council or its designated representative regarding the requirements for minnow subdivision before submission of the final certified survey map. Following consultation, a copy of the final subdivision in the form of a plat of survey shall be filed with the City Clerk for referral to the City Council at least ten days prior to the next regular meeting of the Council.

(2) The City Council shall, within 40 days of the filing, approve, approve conditionally, or reject the survey and shall notify the sub divider of its decision.

(3) The sub divider shall record the survey with the County Recorder within 30 days of its approval by the village board and any other approving agencies. Failure to do so shall void the city Council's original approval of said survey.

(c) Requirements. To the extent reasonably practicable, the plat of survey for a minor subdivision plat shall comply with the provisions of this chapter relating to general requirements, design standards and required improvements.

#### **Sec. 8 Plats within extraterritorial plat approval jurisdiction.**

(a) Where the land to be subdivided lies within the city's extraterritorial plat approval jurisdiction, the proposed subdivision shall comply with the provisions of this chapter. The sub divider shall follow the same procedures as required for major subdivisions and minor subdivisions provided for in this subdivision ordinance, with the following exception:

(1) The proposed subdivision plat shall be forwarded by the City Clerk to the County plat approval authority if the plat is first received by the city, and the reverse of this if the plat is first received by the county, and the sub divider shall indicate which authority the plat was first filed within the application for approval.

(2) Approval agencies include the City Council and the County Board of Supervisors. The sub divider shall comply with the subdivision ordinances of both authorities. The city may waive its review of any extraterritorial plat if the City Council determines that there are no city planning, traffic, infrastructure or other issues related to the purposes of this ordinance.

(3) Any city requirements for improvements within a subdivision located in the extraterritorial area shall be subject to any county requirements regarding public road development or other infrastructure development unless the county and the city agree to mutually acceptable standards.

#### **Sec. 9 Variations and exceptions for extraordinary hardship or difficulties.**

(a) Where the City Council finds extraordinary hardships or practical difficulties may result from strict compliance with these regulations, the City Council may consider variations or exceptions to the regulations so that substantial justice may be done and the public interest

secured, provided that such variation or exception shall not have the effect of nullifying the intent and purpose of this ordinance, and shall not be in conflict with the City Comprehensive Plan.

(b) The City Council shall not recommend variations or exceptions to the regulations of this chapter unless it shall make findings based upon the evidence presented to it in each specific case that:

(1) The granting of the variation will not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located;

(2) The conditions upon which the request for a variation is based are unique to the property for which the variation is sought and are not applicable, generally to other property;

(3) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.

(4) The variation or exception will not impede, conflict with, or nullify the planned and logical development of adjacent lands in a reasonable manner and will not induce a significant problem or costs upon any village utility or public service.

(5) The variation or exception will not create a hardship or conflict on adjacent property owners or uses.

#### **Sec. 10 Enforcement, penalties, and remedies**

(a) The person or other authority designated by the City Council to enforce this ordinance shall have the primary responsibility for enforcing this chapter. No building permit shall be issued for construction on any lot until the final plat for the subdivision or plat of survey map has been duly approved and recorded.

(b) Any person or organization who fails to comply with the provisions of this chapter shall, upon conviction thereof, forfeit no less than \$100.00 nor more than \$500.00 and the costs of prosecution for each violation and in default of payment of such forfeiture costs shall be imprisoned in the county jail until payment thereof, but not exceeding 30 days. Each day a violation exists or continues shall constitute a separate offense. In addition, any other penalties afforded by Iowa law shall be available to the City Council.

### **ARTICLE III. PLAT DESIGN STANDARDS**

#### **Sec. 11 Streets and Lots**

(a) In laying out a subdivision, the owner shall conform to all the provisions of the Lansing City Code regarding streets and lots. In all cases where the requirements of this Subdivision Ordinance are different from other city code requirements the more restrictive provision shall apply.

(b) The sub divider shall dedicate land and improve streets as provided herein. Streets shall be located with due regard for topographical conditions, natural features, adequate drainage provisions, existing and proposed streets, interconnections with existing and future streets, utilities, land uses, emergency vehicle ingress and egress, and public convenience and safety in general.

(c) All lots shall have sufficient frontage on a public street to allow access by emergency and service vehicles.

(d) Street locations shall be consistent with any street plans and Comprehensive Plans officially adopted by the city. All street right-of-way widths, radii of curvature and grades shall conform to the following requirements:

<i>Street type</i>	<i>Right-of-way mimumum (width)</i>	<i>Maximum grade (percent)</i>	<i>Minimum radius of curvature (feet)</i>
Arterial or highway (state & county extensions)	80	6	300
Collector (carries traffic from minor streets to arterial Highways)	60	7	200
Minor (provides access to Individual lots)	60	10	100
Cull de Sac Street	50	10	45 for turn-around

Streets located in the extraterritorial plat jurisdiction of the city must comply with minimum county road standards unless otherwise agreed to by the County Engineer.

(e) Streets shall be laid out to provide for possible continuation wherever topographic and other physical conditions permit. Streets should be planned to provide interconnectivity to aid in



convenience of vehicle recirculation, emergency ingress and egress, and as corridors for interconnected utilities.

(f) Minor streets shall be so laid out so as to discourage their use by through traffic.

(g) The number of intersections of minor streets with major streets shall be reduced to the practical minimum consistent with circulation needs and safety requirements. Minimum intersection spacing shall be 300 feet. "T" intersections on opposite sides of a street shall be spaced a minimum of 150 feet apart.

(h) Where a subdivision abuts or contains an existing or proposed arterial highway, the City Council may require a frontage road, non-access reservation along the rear of the property contiguous to such highway, or such other treatment as may be necessary to ensure safe, efficient traffic flow and adequate protection of residential properties.

(i) Reserve strips controlling access to streets shall be prohibited.

(j) A tangent at least 100 feet long shall be required between reverse curves on arterial and collector streets.

(k) Streets shall afford maximum visibility and safety and shall intersect at right angles, where practicable.

(l) Where, after the date of enactment of this ordinance, an existing dedicated or platted half-street which is adjacent to a tract of land being subdivided, the other half of the street shall be dedicated by the subdivider. The platting of new half-streets is prohibited.

(m) Permanent dead-end streets or cul-de-sac shall not be longer than 600 feet, shall have a minimum right-of-way width of 50 feet and terminate with a turnaround having minimum radii of 45 feet for a roadway and 110 feet for the street right-of-way line.

(n) Where possible, lot lines shall be perpendicular to straight street lines and radial to curved street lines.

(o) Lots shall follow, rather than cross, municipal boundary lines whenever practicable.

(p) No street names shall be used which will duplicate or may be confused with the names of existing streets. Street names must be subject to the approval of the City Council.

(q) Subdivision lots in the city shall be in conformance with the area and width requirements of the city's Restrictive Residence District ordinance.

(r) All streets shall be provided with curb and gutter in accordance with the standard specifications of the city. Storm sewers shall be integrated with curb and gutter construction if determined necessary for adequate drainage by the City Council and/or the Council's engineer.

(s) The street arrangements shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.

(t) Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement. Permanent dead-end alleys shall be prohibited, but if unavoidable, they shall be provided with adequate turnaround facilities at the dead end.

(u) Streets included in approved subdivisions, except designated state, federal or county roads, shall be dedicated to and maintained by the city provided such streets and associated infrastructure is constructed by the developer according to the standards of this and other city ordinances and other conditions approved by the city for the subdivision. The acceptance of the dedication of a street and its maintenance by the city shall take effect only with the approval by the City Council of the final plat and its recording with the county.

(v) Lot remnants which are below the minimum lot size must be added to adjacent or surrounding lots rather than be allowed to remain as an unusual outlet or parcel unless the owner can show plans for the future use of such remnant.

(w) Streets located in extraterritorial plat approval area of the city shall be subject to the technical design standards and policies of the County Engineer.

### **Sec. 12 Block design requirements.**

The following requirements shall apply to block design:

(1) The lengths, widths and shapes of blocks shall be appropriate for the topography and the type of development contemplated.

(2) Wherever possible, right angle street intersections are encouraged.

(3) To provide adequate and safe access and circulation to community facilities, the City Council may require that sidewalks be provided, either along streets or through the center of blocks. Center crosswalks shall not be less than ten feet wide.

(4) The City Council may require that trees be planted on both sides of all streets in accord with the city's tree ordinance...

### **Sec. 13 Required improvements.**

The improvements in this article and all costs thereof shall be provided by the sub divider in accordance with the following specifications, unless other specifications, unless other specifications are provided by the city's engineer/development advisor. The specifications for all improvements shall be approved by the City Council. Prior to either acceptance of the

improvement by the City Council or release of the sub divider's bond, all improvements shall be inspected by the city or its representative and found to have been installed according to the specifications.

#### **Sec. 14 Street grading**

After the installation of temporary block corner monuments by the sub divider and establishment of street grades by the City Council, the sub divider shall grade the full width of the right-of-way of all streets proposed to be dedicated in final plat accordance with plans and standard specifications specified in this ordinance or as otherwise approved by the City Council. The sub divider shall grade the roadbeds in the street right-of-way to sub grade.

#### **Sec. 15 Street surfacing**

After the installation of all utility improvements, the sub divider shall surface all roadways in streets proposed to be dedicated to the widths prescribed by these regulations. Said surfacing shall be done in accordance with plans and standard specifications approved by the City Council.

#### **Sec. 16 Curb and gutter.**

After the installation of all utility improvements, the City Council shall require the sub divider to construct concrete curbs and gutters in accordance with plans and standard specifications approved by the City Council.

#### **Sec. 17 Storm water management.**

All subdivision plans shall show measures for the accommodation of storm water through whatever infrastructure facilities meet engineering standards and which are approved by the City Council. Such measures will include facilities and easements across private property if necessary, in addition to such facilities within street rights-of-way. The sub divider shall provide evidence that any required state and/or federal storm water permits have been secured and that the required storm water management measures required by such permit(s) have been incorporated within the proposed subdivision.

#### **Sec. 18 Sidewalks.**

(a) The City Council may require the sub divider to construct a concrete sidewalk on both sides of all streets within the subdivision. The City Council may permit the construction of a concrete sidewalk on only one side of minor streets that serve lots having an average width of 100 feet or more fronting on said street. The construction of all sidewalks shall be in accordance with plans and standard specifications approved by the City Council. The minimum width of all sidewalks shall be five feet.

(b) Wider than standard sidewalks may be required by the City Council in the vicinity of schools, commercial areas and other places of public assemblage; and the City Council may require the construction of sidewalks in locations other than required under the provisions of this article if such walks are necessary, in its opinion, for safe and adequate pedestrian circulation.

**Sec. 19 Public sanitary sewerage and private sewage disposal systems.**

(a) The sub divider shall construct sanitary sewers in such a manner as to make adequate public sanitary sewerage service available to each lot within the subdivision. All public sewer lines shall be installed within public street right-of-way or public easements dedicated to the city. If public sewer facilities are not reasonably available, the sub divider shall make provisions for adequate private sewage disposal systems approved by the City Council and by required state and county authorities. The installation of sewer laterals to the street lot line of each lot is required. If, at the time of final platting, sanitary sewer facilities are not available to the plat but will likely become available within a period of five years from the date of plat recording, the sub divider shall install or cause to be installed sanitary sewers and sewers eight inches in diameter in size. If greater than eight-inch diameter sewers are required to handle the contemplated sewage flows, the cost of such larger sewers shall be prorated in proportion to the ratio, which the total area of the proposed plat is to the total drainage area to be served by such larger sewer and the excess cost either borne by the city and/or assessed against the balance of the lands within the city's planned sewer service area in a deferred assessment method.

**Sec. 20 Public water supply facilities.**

(a) The sub divider shall construct water mains in such a manner as to make potable water service available from the city water system to each lot within the subdivision and in accord with the city's water system plans and accepted engineering standards. Water lines shall be installed within public street rights-of-way or easements dedicated to the city. The installation of water laterals to the street lot line for each lot is required. The size, type and installation of all public water mains proposed to be constructed shall be in accordance with plans and standard specifications approved by the city's engineering advisor.

(b) The sub divider shall assume the cost of installing all water mains six inches in diameter in size. If greater than six-inch diameter water mains are required, the excess cost of such mains over and above the cost of a six-inch main shall be borne by the city and/or assessed against the balance of the lands within the city's planned municipal water service area.

(c) The village shall pay the total cost of fire hydrants, with the sub divider paying for their installation.

**Sec. 21 Other utilities.**

(a) The sub divider shall cause electrical power, cable TV and telephone facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision. All such services shall be installed underground in easements meeting utility organization requirements.

(b) Plans indicating the proposed location of all gas, electrical power, cable tv and telephone distribution and transmission lines required to serve the plat shall be approved by the City Council.

### **Sec. 22 Street lamps.**

The City Council shall require the sub divider to install street lamps along all streets proposed to be dedicated, and of a design comparable with the neighborhood and type of development proposed with final approval by the City Council. Such lamps should be placed at each street intersection and at such interior block spacing as may be required by the City Council.

### **Sec. 23 Street signs.**

The sub divider shall install at the intersection of all streets proposed to be dedicated, a street sign of a design specified by the City Council, with all street names to be approved by the City Council and consistent with county E 9-1-1 policies and standards.

### **Sec. 24 Street trees.**

The City Council may require the sub divider to plant at least one tree of a species acceptable to the City Council and of at least six feet in height for each 60 feet of frontage on all streets proposed to be dedicated. The required trees shall be planted between the curb and edge of shoulder and right-of-way line.

### **Sec. 25 Specifications.**

Unless otherwise stated, all of the required improvements shall conform to engineering standards and specifications as recommended by the city's engineering advisor and approved by the City Council.

### **Sec. 26 Financing and bonding.**

Before a final plat is approved by the City Council, a written agreement shall be developed between the sub divider and the City Council including a performance bond or cash escrow agreement to assure the following:

(1) The sub divider shall pay for the cost of all infrastructure improvements required by this ordinance and as otherwise required the City Council.

(2) Guaranteed completion by the sub divider of the required improvements within a twenty four month period after recording the final plat.

(3) Payment by the sub divider for all costs incurred by the city for review and inspection of the proposed subdivision. This would include preparation and review of plans and specifications by the city's advisors on the subdivision, as well as other costs of a similar nature including project inspections.

(4) The city may elect to install any of the required improvements under the terms of a cash escrow agreement.

(5) The performance bond or cash escrow agreement shall be equal to 125% of the engineer's estimated cost of the required improvements.

(6) If the required improvements are not complete within the twenty four month period, all amounts held under the escrow agreement or performance bond shall be turned over and delivered to the city and applied to the cost of the required improvements which the City Council will arrange for completion. Any balance remaining after such improvements have been made shall be returned to the owner or sub divider. The City Council, at its option, may extend the bond period for an additional period not to twelve years.

## **ARTICLE V. EASEMENTS**

### **Sec. 27 May be required-Poles, wires, sewers, utility lines, ect.**

The City Council, on the recommendation of its engineering advisor, may require easements for poles, wires, conduits, storm and sanitary sewers, storm sewers, drainage ways, gas, water and head mains or other utility facilities or appurtenances. It is the interest of this chapter to protect all established easements so as to ensure proper grade, assure maintenance of the established grade, prohibit construction of permanent fences, retaining walls, or other obstructions over underground installation and prevent the planting of trees in the easement area.

### **Sec. 28 Watercourses, drainage ways, etc.**

The City Council may require that easement or drainage ways be provided where a subdivision includes a segment of a watercourse, drainage ways, channels or streams. Such easements shall be of sufficient width to accommodate drainage is such drainage ways, and consistent with the storm water management requirements of any state and/or federal storm water managements permits applicable to the subdivision.

### **Sec. 29 Minimum size easements**

Easements shall be a minimum of twenty feet wide.

## **Article V. PUBLIC SITES AND OPEN SPACES**

### **Sec. 30 Dedication and reservation of lands.**

Whenever a tract of land to be subdivided embraces all or any part of a proposed street, drainage way or other public way which may have been designated in a city master plan, Comprehensive Plan component or on the official map of the city, said public way shall be made part of the plat and dedicated or reserved by the sub divider in the locations and dimensions indicated on said plan or maps and in accordance with this article.

### **Sec. 31 Determination**

Whenever, a proposed, park, playground, greenway, open space or other public land, other than streets or drainage ways, designated in the Comprehensive Plan component or on the official map of the city is embraced, all or in part, in a tract of land to be subdivided, these proposed public lands shall be made a part of the plat and shall be dedicated to the public at a compensation to be jointly determined by the city and the owner/developer.

### **Sec. 32 Development of dedicated area.**

It shall be the duty of the city to properly develop and maintain the dedicated areas and the owner who dedicated said land shall in no way be responsible for its development, maintenance or liability thereon, except that said owner shall not develop the adjacent lands in a manner which would unduly depreciate the purpose, use, or value of the dedicated property.

### **Sec. 33 Validity.**

Should any section, provision or part of this ordinance be declared by a court of competent jurisdiction to be invalid, or unconstitutional, that decision shall not affect the validity of the ordinance as a whole, or an section, provision, or part thereof, not adjudged invalid or unconstitutional.

### **Sec. 34 When Effective**

This ordinance shall be in force from and after its passage, adoption and publication.

**Prepared by: Carolyn M. Thorsten, City Clerk, City of Lansing, 201 John Street, Lansing, Iowa**

**ORDINANCE NO. 182**

AN ORDINANCE SETTING DUTIES AND RESPONSIBILITIES FOR THE OPERATION OF, AND RECREATION FOR THE CITY OF LANSING, IOWA.

Be it ordained by the City Council of the City of Lansing, Iowa, as follows:

That Title I, Chapter 4 of the Municipal Code of the City of Lansing, Iowa, is hereby amended by adding thereto the following as Article 17.

ARTICLE 17

ADVISORY PARK AND RECREATION BOARD

17.01 Advisory Park and Recreation Board.

An Advisory Park and Recreation Board had been previously created to advise the City Council on the needed facilities to provide open space such as parks, playgrounds, and community facilities or forms of recreation, to plan and oversee City programs, and encourage other programs for the leisure time of the City's residents of all ages, and to make recommendations to the City Council from time to time as deemed appropriate.

17.02 Board Organization

A. The Board shall consist of five (5) members, three (3) of which must be citizens of the City recommended by the Parks Board and appointed by the Mayor with the approval of the Council for overlapping three (3) year terms.

Section 17.03 Duties of the Board.

The Board shall have the following duties:

A. To make a plan for recreation and for the facilities for recreation and to update and revise these plans as required.

B. Recommend an annual budget by November 30 of each year to the City Council for park programs.

C. Oversee and make recommendations to the City Council and Public Works Employees as to programs under the jurisdiction of the park's department. These programs are as follows:

1. The operation, maintenance, and development of City parks and recreation areas.
2. The operation, maintenance and development of the swimming pool.



3. Promote and sponsorship of recreational activities.

4. The use, maintenance and development of all lands owned or leased by the City that are not used for streets, sewage disposal, water supply, marina, levee lots or by the Fire, Police or Street Departments.

5. Other programs that the Council from time to time may delegate to the Park and Recreation Board.

D. Review and recommend to the Council approval or denial of all permits and leases for use of lands within the jurisdiction of the park and recreation board.

E. The Board shall meet monthly, when needed, or at the Parks Board discretion (was annually in January, and thereafter as often as required). A meeting shall be called by the chairperson or by a joint request of three (3) board members. The secretary shall keep the written minutes of all board meetings which shall be filed with the City Clerk by the second council meeting each month.

#### Section 17.04 Reports.

The Board shall make reports to the Council of its activities and recommendations from time to time as it deems appropriate and upon Council request.

#### Section 17.05 Rules.

The Board shall have power to submit recommended rules and recommendations for the use of park or other recreational facilities or for the conduct of recreation programs to the City Council for approval.

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

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

Effective Date. This ordinance shall be effective after its final passage, approval and publication as provided by law.

Passed and approved by the Council of the City of Lansing, Iowa, on this 3<sup>rd</sup> day of January, 2012.

Donald J. Peters, Mayor

Attest:

Carolyn M. Thorsten, City Clerk

Date of First Reading: Waived

Date of Second Reading: Waived

Motion made by: Conway

Seconded by Strobel

Roll Call Vote:

Council members voting Aye: Burke, Volker, Conway, Strobel, Bechtel

Council members voting Nay: None

**ORDINANCE NO. 183**

AN ORDINANCE TO AMEND TITLE VI, CHAPTER 8, OF THE ORDINANCES OF THE CITY OF LANSING, IOWA, AMENDING THE RESTRICTED RESIDENCE DISTRICT MAP FOR THE CITY

BE IT ORDAINED by the City Council of the City of Lansing, Iowa as follows:

1. That Title VI, Chapter 8 of the Municipal Code of the City of Lansing, Iowa is hereby amended by adding the following additional area to the District as follows:

Lot 5 of Lot 4 of S & H Subdivision in the Southwest Quarter of Section 30, Township 99 North, Range 3 West of the 5<sup>th</sup> P.M. in the City of Lansing, Iowa, Allamakee County. Iowa as approved by the Lansing City Council on May 2, 2012, as located on Exhibit A map attached hereto.

2. That Title VI, Chapter 8 of the Municipal Code of the City of Lansing, Iowa is hereby amended by deleting the following additional area to the District as follows:

The area formerly known as the Fourth Street mobile home court as located on Exhibit B map attached hereto.

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

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

Effective Date. This ordinance shall be effective after its final passage, approval and publication as provided by law.

Passed and approved by the Council of the City of Lansing, Iowa, on this 16 day of April, 2012.

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Donald J. Peters, Mayor

Attest:

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Carolyn M. Thorsten, City Clerk

Date of First Reading: Waived

Date of Second Reading: Waived

Roll Call Vote:

**ORDINANCE NO. 184**

**CONVERSION OF EXISTING STRUCTURES TO A HORIZONTAL PROPERTY  
REGIME**

LEGISLATIVE FINDINGS

The City Council of the City of Lansing, Iowa finds, determines, and declares that:

WHEREAS the City of Lansing has adopted a Comprehensive Plan and other standards for the protection of the health welfare, and safety of its citizens, and

WHEREAS the City Council of Lansing finds that there is a need to address issues concerning change of the form of ownership of existing property to horizontal property regimes under Iowa Code chapter 499B require buildings converted to such form of ownership to meet current standards in regard to health, safety, and welfare, which is in the interest of all citizens of Lansing and the Council desires to put in place an Ordinance to be consistent with Iowa Code Chapter 499B, and

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF Lansing, IOWA:

Section 1. It is the intent of the City Council by this Ordinance to promote the public health, safety, convenience, and general welfare. This Ordinance is designed to provide for the orderly development of the City by establishing standards for property which is to be subjected to residential horizontal property regimes (condominiums). It is the Council's intent to assure that all property to be used in such fashion within the City Limits of Lansing must meet currently adopted standards consistent with the City's Comprehensive Plan. It is the intent of the City Council in regard to the conversion of apartments to a horizontal property regime (condominiums) that such change in form of ownership should not result in the residents of such units living in buildings which do not meet the standards currently adopted. This Ordinance is to be liberally construed to meet the purposes and intent of the City Council as herein stated.

Section 2. Any person or other entity seeking to establish a horizontal property regime (condominiums) for residential or commercial purposes, including a person or other entity seeking to convert an existing structure to condominiums by establishing a horizontal property regime pursuant to Iowa Code section 499B shall establish and document compliance with the standards of the City applicable upon the date the City receives the declaration of the horizontal property regime. Such compliance shall include documentation or other evidence of the following:

1. That each unit have its own separate utilities, including its own separate water meter and separate electric meter,
2. That each unit shall have appropriate fire alarms installed

Section 3. Any person or other entity seeking to convert an existing building to condominiums by establishing a horizontal property regime pursuant to Iowa Code section 499B.3 shall at least 30 days before filing any declaration with the County Recorder, file with the City Clerk a full and exact copy of the plans of the building as certified by an engineer, architect, or land surveyor appropriately licensed to do business within the State of Iowa. Said plans shall document the compliance with the standards set forth above. Said plans shall be considered and shall be accepted or rejected by the City Council within 21 days of its submission, unless the time is extended by agreement with the proprietor. Reasons for rejection shall be stated in the resolution adopted by the City Council and attached to the minutes of the Council meeting and a copy thereof supplied to the proprietor. Following the approval of the plan of the horizontal regime, the Declaration of Horizontal Regime shall be filed in accordance with the requirements of Iowa Code Section 499B.

Supplemental proof of compliance may be submitted along with the exact copy of plans. A visual inspection by a local authority may be requested by the Lansing City Council and the results of such inspection may be used along with the submitted plans to determine compliance.

Section 4. No conversion of property to a horizontal regime under Iowa Code section 499B.3 shall be completed nor shall a declaration be filed until there has been full compliance with this Ordinance. Upon showing of full compliance with this Ordinance, the City Clerk shall by written notice so inform the County Recorder of the County in which any property subject to this Ordinance is located and state in said written notice that the property meets the requirements of Iowa Code Section 499B.20.

Section 5. If any section provision sentence, clause, phrase or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any provision, section, subsection, sentence, clause, phrase or part hereof not adjudged invalid or unconstitutional.

Section 6. This Ordinance shall be in full force and effect after its passage, approval, and publication as provided by law.

PASSED AND APPROVED this 5<sup>th</sup> day of November, 2012

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Date of First Reading: Waived

Date of Second Reading: Waived

Motion made by: Burke

Seconded by: Conway

Roll Call Vote:

Ayes: Burke, Bechtel, Wagner, Conway, Volker

Nays: None

**ORDINANCE NO. 185**

AN ORDINANCE TO AMEND ORDINANCE NO. 106 TO PROVIDE 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 to amend section 16A.02 from Ordinance No. 106 Eligible Board Members to read the following:

16A.02 Eligible Board Members. All Board members shall be at least 18 years of age. At least (3) members of the Board shall have Lansing, Iowa addresses.

PASSED AND APPROVED BY THE CITY COUNCIL OF LANSING, IOWA ON THIS 15<sup>TH</sup> DAY OF APRIL, 2013.

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MICHAEL VERDON, MAYOR

ATTEST:

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KATIE A. BECKER, CITY CLERK

DATE OF FIRST READING: WAIVED

DATE OF SECOND READING: WAIVED

DATE OF THIRD READING: 04/05/2013

MOTION MADE BY: VOLKER

SECONDED BY: CONWAY

ROLL CALL VOTE:

AYES: VOLKER, CONWAY, KOLSRUD, AND BECHTEL

NAYS: NONE

**Prepared by: Nicole Winke, 288 Main Street Lansing, IA 52151 (563) 568-7108**



**ORDINANCE NO. 186**

AN ORDINANCE TO AMEND TITLE III, CHAPTER 3, ARTICLE 10, OF THE ORDINANCES OF THE CITY OF LANSING, IOWA, AMENDING THE ANIMAL CONTROL AND PROTECTION , GENERAL PROVISIONS.

BE IT ORDAINED by the City Council of the City of Lansing, Iowa as follows:

1. That Title III, CHAPTER 3, ARTICLE 10 of the Municipal Code of the City of Lansing, Iowa is hereby amended by adding the following additional area to Chapter 3: ANIMAL CONTROL AND PROTECTION as follows:

10.01 DEFINITIONS. “LIVESTOCK” shall mean an animal belonging to the bovine, caprine, equine, ovine, or porcine species; farm deer, as defined in Section 481A.1 of the Code of Iowa; ostriches, rheas, emus, poultry.

(Code of Iowa Section: 717.1)

10:11 LIVESTOCK. It is unlawful for a person to keep livestock, within the city except by written consent of the council.

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

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

Effective Date. This ordinance shall be effective after its final passage, approval and publication as provided law.

Passed and approved by the Council of the City of Lansing, Iowa on this 19<sup>th</sup> day of August, 2013.

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Michael Verdon, Mayor

Attest:

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Katie A. Becker, City Clerk

Date of First Reading:

Date of Second Reading:

Roll Call Vote:

Council Members voting Aye:

Council Members voting Nay:

I hereby certify that a summary of the above Ordinance # 186 was published on the \_\_28<sup>th</sup> day of August, 2013, in The Standard.

Prepared by: Daniel N Ellefson, Deputy City Clerk, 201 John Street, Lansing, IA

**ORDINANCE NO. 188**

AN ORDINANCE TO PROVIDE PENALTIES FOR SEWAGE CONTRIBUTORS IN VIOLATION OF IOWA DNR NPDES PERMIT REQUIREMENTS IN THE CITY OF LANSING, IOWA.

WHEREAS, the City Council of the City of Lansing, Iowa, has ordinances pertaining to the illegal discharge of sewage not in compliance with Iowa DNR's National Pollutant Discharge Elimination System (NPDES) permit requirements.

BE IT ORDAINED by the City Council of the City of Lansing, Iowa, as follows:

1. That Title II, Chapter 2: Sanitary Sewer Systems, Article 3 Public Sewer Systems is hereby amended by adding thereto as Section 3.21 the following:

Section 3.21 Penalties

A. Any person found to be violating any provisions of Iowa DNR 's NPDES discharge requirements, or any provisions of this chapter, shall be served written notice by the city stating the nature of the violation and providing a reasonable time limit for satisfactory correction. The offender shall, within the period of time stated in such notice, permanently cease all violations.

B. Any person who shall continue any violation beyond the time limit provided for in subsection A of this Ordinance, shall be guilty of a misdemeanor, and on conviction thereof, shall be fined in an amount not exceeding one hundred dollars for each violation. Each day in which any such violation occurs shall be deemed a separate offense.

C. Any person violating the provisions of this Ordinance shall become liable to the city for any expenses, losses, or damages caused as a result of the violation.

Repealer. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

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

When Effective. This Ordinance shall be in effect upon its passage, approval and publication as provided by law.

PASSED AND ADOPTED by the Council of the City of Lansing, Iowa, on this \_\_\_7th\_\_\_ day of \_\_\_OCTOBER\_\_\_\_\_, 2013.

\_\_\_\_\_  
Michael J. Verdon, Mayor

Attest:

\_\_\_\_\_  
Katie A. Becker, City Clerk

Date of First Reading: Waived

Date of Second Reading: Waived

Roll Call Vote: Conway, Bechtel

Council members voting Aye: Wagner, Conway, Kolsrud, Volker, Bechtel

Council members voting Nay: None

I hereby certify that the above Ordinance No. 188 was published on the \_\_\_\_ day of \_\_\_\_\_, 2013, in the \_\_\_\_\_.

\_\_\_\_\_  
Katie A. Becker, City Clerk

**ORDINANCE NO. 189**

AN ORDINANCE TO AMEND TITLE II, CHAPTER 2 OF THE  
ORDINANCES OF THE CITY OF LANSING, IOWA, BY ADDING SET COMMERCIAL  
SEWAGE DISPOSAL RATES WITHIN THE MUNICIPALITY.

BE IT ORDAINED by the City Council of the City of Lansing, Iowa, as follows:

That Title II, Chapter 2, Article 2, Public Sewer Systems, of the Municipal Code  
of the City of Lansing, Iowa, is hereby amended by adding to set Commercial Sewage Disposal  
Rates to Section 3.21 as follows:

3.21 RATES AND SERVICES. Commercial Sewage Disposal rates shall include the  
following:

Permit Fee. Waived

Rates. Commercial Sewage Disposal Customers will be charged \$50.00/disposal  
plus \$5.04/thousand gallons.

Repealer. All Ordinances or parts of Ordinances in conflict with the provisions of  
this Ordinance are hereby repealed.

Severability Clause. If any section, provision or part of this Ordinance shall be  
adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the

Ordinance as a whole, or any section, provision or part thereof not adjudged invalid or unconstitutional.

When Effective. This Ordinance shall be in effect starting with the April \_16th\_, 2014 the billing cycle and after its passage, approval and publication as provided by law.

Motion was made by Conway and seconded by Darling to approve ordinance #189 setting a rate for Commercial Sewage Disposal. Ayes: Conway, Roeder, Darling. Nays: None. The Mayor declared the motion carried.

Motion was made by Roeder and seconded by Conway to waive the 1st and 2nd reading and approved 3rd and final reading. Ayes: Conway, Roeder, Darling. Nays: None. The Mayor declared the motion carried.

Date of First Reading: Waived

Date of Second Reading: Waived

Roll Call Vote: Conway, Roeder, Darling

Council Members Voting Aye: Conway, Roeder, Darling

Council Members Voting Nay: None

Passed and adopted this \_3rd \_ day of \_\_\_February\_\_\_, 2014.

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Michael Brennan, Mayor

ATTEST:

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Katie A. Becker, City Clerk

I hereby certify that the above Ordinance NO. \_\_189\_\_ was published on the  
\_\_16th \_\_, day of \_\_April \_\_, 2014.

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Katie A. Becker, City Clerk

**Prepared by: Daniel N. Ellefson, Deputy City Clerk, 201 John Street, Lansing, IA 52151.**

**ORDINANCE NO. 190**

AN ORDINANCE TO PROVIDE ADOPTION OF A PRESSURE SEWER POLICY WITHIN THE CORPORATE LIMITS OF THE CITY OF LANSING.

WHEREAS, the City Council of the City of Lansing, Iowa, has ordinances pertaining to the use of low-pressure sewer systems within the corporate limits of the City of Lansing.

BE IT ORDAINED by the City Council of the City of Lansing, Iowa, as follows:

1. That *Title II, Chapter 2: Sanitary Sewer Systems, Article 3 Public Sewer Systems* is amended by adding thereto as Section 3.22 the following:

**Section 3.22 Pressure Sewer Systems-Permit Application**

Before the installation and/or construction of a pressure sewer system within the City of Lansing, the property owner/ developer must submit an application to the City for the issuance of a permit for said pressure sewer system, and said application shall demonstrate the following:

A. The developer must demonstrate that the pressure sewer system is cost effective or provides extensive environmental benefits to the owner when compared to conventional gravity systems.

B. The developer's engineer shall prepare a cost-effective analysis comparing the gravity sewer system to the private pressure sewer system. Analysis shall include both the cost of sewer in the public street and the private pressure sewer system. Analysis must also include the cost of the grinder pump, power and maintenance costs, and any environmental benefits of implementing the pressure system.

C. The owner must attach a complete hydraulic calculation demonstrating flow and head conditions at both the initial and fully developed stages to their permit application. Lateral to single-family users shall be 1 ¼" and provide a 1 ¼" curb stop and box at the property line. Pressure sewer main in the street shall be fused with an HDPE tee and all pipes shall have a 7ft. minimum cover. System must provide approved flushing connections at dead-ends and changes in direction not to exceed 1000 ft intervals. Specific odor control methods will be required for systems that cause offensive odors at discharge.

All construction shall meet specifications of Iowa DNR and the City's engineer. Contact information for the City Engineer can be obtained via the city clerk.

D. The property owner or developer must sign an acknowledgement as part of the permit agreeing that it is his/her responsibility to keep service lines and the



grinder pump in good working condition. Any repair, replacement, or maintenance costs associated with the pressure sewer system shall be the property owner's responsibility and in no case shall the city be liable. If the pressure sewer system is found to be malfunctioning, it must be repaired within 30 days. If the system is found to be unrepaired within the 30 day time limit, the City of Lansing has the right to repair the system and bill the costs of said repairs to the property owner. If the City of Lansing is required to repair the pressure sewer system, an itemized list of maintenance and repair costs will be provided to the property owner within 30 days of stated repairs.

Repealer. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

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

When Effective. This Ordinance shall be in effect upon its passage, approval and publication as provided by law.

PASSED AND ADOPTED by the Council of the City of Lansing, Iowa, on this \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Michael Brennan, Mayor

Attest:

\_\_\_\_\_  
Katie A. Becker, City Clerk

Date of First Reading:

Date of Second Reading:

Roll Call Vote:

Council members Voting Aye:

Council members Voting Nay:

I hereby certify that the above Ordinance No. 190 was published on the \_\_\_\_ day  
of \_\_\_\_\_, 2014, in the *Waukon Standard*.

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Katie A. Becker

City Clerk

**ORDINANCE NO. 191**

AN ORDINANCE TO AMEND TITLE II, CHAPTERS 2 AND 3 OF THE  
ORDINANCES OF THE CITY OF LANSING, IOWA, BY RE-SPECIFYING THE WATER  
RATES AND SEWER RATES WITHIN THE MUNICIPALITY.

BE IT ORDAINED by the City Council of the City of Lansing, Iowa, as follows:

That Title II, Chapter 3, Article 8, Water Rates, of the Municipal Code of the City of Lansing, Iowa is hereby amended by including with the water rates in Section 8.03 as follows:

8.03 RATES AND SERVICES. Water service rates shall include the following:

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 11, 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.

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 \$21.08 per month for water service and \$3.75 per 1000 gallons of water used.

That Title II, Chapter 2, Article 5, Sewer Rental, of the Municipal code of the City of Lansing, Iowa, is hereby amended by changing the rental rates in Section 5.02 and 5.03 as follows:

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

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 service and \$4.56 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:

Single/Senior citizen rate \$40.20 per month

Family rate \$60.25 per month

Future Rates. On July 1, 2011, it was decided that 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.

5.03 MULTIPLE DWELLING UNITS.

1. Multiple dwelling units, including mobile home courts, together with commercial units that are serviced from a single water meter shall be charged a minimum charge for sewer service in the amount of \$30.38 per month multiplied by the number of dwelling units and mobile homes together with commercial units serviced from the water meter. There shall be conclusive presumption that each user used a share equal to the total number of gallons of water divided by the number of users and each unit, mobile home or commercial establishment shall be billed according to the rates herein set out.

Repealer. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

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

When Effective. This Ordinance shall be in effect for the September 1<sup>st</sup>, 2014 billing cycle and after its passage, approval and publication as provided by law.

Passed and approved by the City Council of the City of Lansing, Iowa, on this 4th day of August, 2014.

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Michael Brennan, Mayor

Attest:

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Katie A. Becker, City Clerk

Date of First Reading: July 7, 2014

Date of Second Reading: July 21, 2014

Date of Third Reading: August 4, 2014

Roll Call Vote (1<sup>st</sup> Reading):

Council members voting Aye:

Council members voting Nay:

Roll Call Vote (2<sup>nd</sup> Reading):

Council members voting Aye:

Council members voting Nay:

Roll Call Vote (Final Reading):

Council members voting Aye:

Council members voting Nay:

I hereby certify that the above Ordinance Number 191 was published on the \_\_\_\_\_, day of \_\_\_\_\_, 2014 in The Waukon Standard.

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Katie A. Becker, City Clerk

**Drafted by Daniel N. Ellefson, Deputy Municipal Clerk of the City of Lansing, PO Box 470, Lansing IA 52151.**

**ORDINANCE NO. 192**

AN ORDINANCE AMENDING TITLE III, CHAPTER 3, ARTICLE 10 OF THE CITY OF LANSING MUNICIPAL CODE BY ADDING SECTION 10.11 WHICH PROHIBITS OWNERSHIP OR HARBORING OF PIT BULLS IN THE CITY OF LANSING.

WHEREAS, the breeds of dogs known as “pit bulls” include any American Pit Bull Terrier, American Staffordshire Terrier, Staffordshire Bull Terrier, or any dog displaying the majority of physical traits of any one or more of the above breeds, or any dog exhibiting those distinguishing characteristics which substantially conform to the standards established by the American Kennel Club or United Kennel Club for any of the above breeds; and

WHEREAS, the breeds of dogs known as “pit bulls” have been selectively bred for the purpose of dog fighting; and

WHEREAS, there has been an alarming increase in attacks by pit bulls against humans nationwide; and

WHEREAS, other cities have found that pit bulls are so dangerous to humans and other animals that special legislation restricting or prohibiting their ownership has been enacted; and

WHEREAS, the City of Lansing has experienced numerous recent incidents of violent pit bull attacks; and

WHEREAS, the mere possession of pit bulls poses a significant threat to the health, welfare, and safety of City of Lansing residents; and

WHEREAS, the Council believes it is necessary to prohibit, pit bulls in order to protect human health, welfare and safety within the City of Lansing;

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LANSING:**

Title III, Chapter 3, Article 10 of the Lansing Municipal Code is amended by adding a new Section 10.11, to read as follows:

10.11 PITBULLS PROHIBITED. It shall be unlawful for any person to own, possess, keep, exercise control over, maintain, harbor, transport, or sell within the City of Lansing any pit bull.

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Michael Brennan, Mayor

Attest:

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Katie A. Becker, City Clerk

Date of First Reading:

Date of Second Reading:

Date of Third Reading:



Roll Call Vote (1<sup>st</sup> Reading):

Council members voting Aye:

Council members voting Nay:

Roll Call Vote (2<sup>nd</sup> Reading):

Council members voting Aye:

Council members voting Nay:

Roll Call Vote (Final Reading):

Council members voting Aye:

Council members voting Nay:

I hereby certify that the above Ordinance Number 192 was published on the \_\_\_\_\_, day of \_\_\_\_\_, 2015 in The Waukon Standard.

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Katie A. Becker, City Clerk

## ORDINANCE NO. 193

AN ORDINANCE AMENDING TITLE VI OF THE MUNICIPAL CODE OF THE CITY OF LANSING BY ADDING THERETO AS CHAPTER 7 A MORATORIUM PROHIBITING THE CONSTRUCTION OF STRUCTURES WITHIN THE LANSING DOWNTOWN HISTORIC DISTRICT FOR THE CITY OF LANSING, IOWA.

BE IT ORDAINED by the City Council of the City of Lansing, Iowa, as follows:

1. That Title VI of the Municipal Code of the City of Lansing, Iowa, is hereby amended by adding thereto as Chapter 10 the following:

Chapter 10 - **Building Moratorium.**

Section 10.01 **Building Moratorium.** A moratorium is declared by the adoption of this Ordinance prohibiting the building/construction of structures within the City of Lansing Downtown Historic District. The prohibition of the building or construction of structures shall apply within the Downtown Historic District within the area described as the Lansing Main Street Historic District, 100 through 401 Main Street, 1 block north and 1 block south on the following streets: Front Street, Second Street and 190 John Street. The prohibition of the building/construction of structures shall terminate one year from and after the date of the adoption of this Ordinance or upon the adoption of a Revised Restricted Residential District Ordinance. The moratorium prohibits the construction/building of any structure within the district whether owned privately or publicly.

Repealer. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Severability Clause. If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the

Ordinance as a whole, or any section, provision or part thereof not adjudged invalid or unconstitutional.

When Effective. This Ordinance shall be in effect upon its passage, approval and publication as provided by law.

Date of First Reading:

Date of Second Reading:

Roll Call Vote:

Councilmen Voting Aye: Conway, Volker, Wagner, Roeder

Councilmen Voting Nay: None

PASSED AND ADOPTED this 17<sup>th</sup> day of August, 2015.

\_\_\_\_\_  
Mike Brennan, Mayor

ATTEST:

\_\_\_\_\_  
Katie Becker, City Clerk

I hereby certify that the above Ordinance No. 193 was published on the \_\_\_\_\_ day of \_\_\_\_\_, 2015, in the \_\_\_\_\_.

\_\_\_\_\_  
Katie Becker, City Clerk

**ORDINANCE NO.194**

AN ORDINANCE ESTABLISHING A HOTEL/MOTEL TAX AT THE RATE OF SEVEN PERCENT FOR THE CITY OF LANSING, IOWA.

WHEREAS, Chapter 423A of the Code of Iowa authorizes the City to impose by ordinance a hotel/motel tax at a rate not to exceed seven percent (7%) within its boundaries; and

WHEREAS, the City Council for the City of Lansing, Iowa, after discussion did propose that a hotel/motel tax be imposed at the rate of seven percent (7%) commencing January 1, 2016; and

WHEREAS, the City proposed to designate fifty percent (50%) of the taxes generated from said hotel/motel tax for the acquisition of sites for, or constructing, improving, enlarging, equipping, repairing, operating, or maintaining of recreation, convention, cultural, or entertainment facilities including but not limited to memorial buildings, halls and monuments, civic center convention buildings, auditoriums, coliseums, and parking areas or facilities located at those recreation, convention, cultural, or entertainment facilities or the payment of principal and interest, when due, on bonds or other evidence of indebtedness issued by the county or city for those recreation, convention, cultural, or entertainment facilities; or for the promotion and encouragement of tourist and convention business in the city or county and surrounding areas and the remaining fifty percent (50%) to be used for any City operations authorized by law as a proper purpose for the expenditure within statutory limitations of City revenues derived from ad valorem taxes; and

WHEREAS, the City of Lansing, Iowa, did conduct an election at which the question of the imposition of a hotel/motel tax was presented to the public and was approved as a result of said election.

BE IT ORDAINED by the City Council of the City of Lansing, Iowa, as follows:

**HOTEL/MOTEL TAX.**

There is hereby imposed a hotel/motel tax at the rate of seven percent (7%) which shall be implemented commencing January 1, 2016, pursuant to Chapter 423A of the Code of Iowa.

Repealer. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

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

When Effective. This Ordinance shall be in effect January 1, 2016, upon its passage, approval and publication as provided by law.

Date of First Reading: Waived

Date of Second Reading: Waived

Roll Call Vote:

Councilmen Voting Aye: Wagner, Roeder, Volker, Conway

Councilmen Voting Nay: : None

PASSED AND ADOPTED this 16<sup>th</sup> day of November, 2015.

\_\_\_\_\_  
Michael Brennan, Mayor

ATTEST:

\_\_\_\_\_  
Katie A. Becker, City Clerk

I hereby certify that the above Ordinance No. 194 was published on the day of November 25<sup>th</sup>, 2015, in the Waukon Standard.

\_\_\_\_\_  
Katie A. Becker, City Clerk

**ORDINANCE NO. 195**

AN ORDINANCE AMENDING TITLE IV, CHAPTER 1, ARTICLE 12 BY RESPECIFYING THE FINES FOR FAILURE TO PAY PARKING CITATIONS.

BE IT ORDAINED by the City Council of the City of Lansing, Iowa, as follows:

1. Section 12.05(1) – **Failure to Pay Parking Citations** - is amended by deleting said Section and adopting in lieu thereof the following:

Section 12.05(1) – 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 \$15.00. 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 \$25.00.

Repealer. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

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

When Effective. This Ordinance shall be in effect upon its passage, approval and publication as provided by law.

Date of First Reading: 02/06/17

Second Reading and Third Reading: Waived

Roll Call Vote:

Councilmember Voting Aye: Kolsrud, Wagner, Conway, Runkle and Snitker. Nays: None.

Councilmember Voting Nay:

PASSED AND ADOPTED this 6<sup>th</sup> day of February, 2017.

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Michael Brennan, Mayor

ATTEST:

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Katie A. Becker, City Clerk

I hereby certify that the above Ordinance No. 195 was published on the 15<sup>th</sup> day of February, 2017, in the Waukon Standard.

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Katie A. Becker, City Clerk

**ORDINANCE NO. 196**

AN ORDINANCE AMENDING TITLE VI, CHAPTER 8 OF THE MUNICIPAL CODE OF THE CITY OF LANSING, IOWA, BY AMENDING THE REGULATIONS OF THE RESTRICTED RESIDENCE DISTRICT.

BE IT ORDAINED by the City Council of the City of Lansing, Iowa, as follows:

1. That Title VI, Chapter 8 of the Municipal Code of the City of Lansing, Iowa, is hereby amended by adding to Section 8.02 **DEFINITIONS** the following as Subparagraph 6:

6. Central Business District Residence is a personal residence used exclusively as a dwelling and located only on the second or upper floors of a building located in the Central Business Residential District. No business or occupation shall be conducted within the Central Business District Residence or in conjunction therewith.

2. That Title VI, Chapter 8 of the Municipal Code of the City of Lansing, Iowa, is hereby amended by deleting Section 8.03 **DISTRICT DESCRIBED** and inserting in lieu the following:

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 area of the City and the “Residential District” and the “Central Business Residential District” are defined as the areas of the City inside the designated borders.

For purpose of this Ordinance, all restrictions described herein are applicable in the Residential District and the Central Business Residential District. All district boundary lines shown on the official map correspond with the property or street lines. In the case of a district boundary line which divides a property into 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 or the Central Business Residential District.

3. That Title VI, Chapter 8 of the Municipal Code of the City of Lansing, Iowa, is hereby amended by revising that portion of Section 8.06 by adding thereto as Paragraph (6) the following:

**Section 8.06. LOT AND BUILDING REGULATIONS.**

(6) All Central Business District Residences shall only be located in the “Central Business Residential District” and shall adhere to the following regulations:

(a) Shall be located only on the second floor or higher, no first floor residences allowed.

(b) Shall be located only in a commercial building used for commercial purposes.

(c) Shall not be constructed and/or use any accessory buildings upon the premises for any purpose.

All remaining provisions of Section 8.06 remain unchanged.

Repealer. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

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

When Effective. This Ordinance shall be in effect after the final passage, approval and publication as provided by law.

Date of First Reading:1/4/16 Readings waived

Date of Second Reading:1/4/16 Readings waived

Councilmen Voting Aye: Kolsrud, Peters, Conway, Rethwisch, Wagner

Councilmen Voting Nay: None

PASSED AND ADOPTED this 4<sup>th</sup> day of January, 2016.

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Michael Brennan, Mayor

ATTEST:

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Katie A. Becker, City Clerk

**ORDINANCE NO. 196B**

LANSING, IOWA

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF LANSING, IOWA ENACTED TO ASSIST CITY OFFICIALS AND THE RAGBRAI COMMITTEE DEAL WITH THE PUBLIC HEALTH AND SAFETY ISSUES CREATED BY THE INFUSION OF A LARGE NUMBER OF PEOPLE INTO THE CITY OF LANSING WHEN THE DES MOINES REGISTER’S ANNUAL GREAT BICYCLE RIDE ACROSS IOWA (RAGBRAI) ARRIVES IN LANSING ON JULY 21, 2017, AND ON JULY 29, 2017.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LANSING, IOWA:

Section I. That the Municipal Code of the City of Lansing, Iowa be amended by the following Ordinance designated "RAGBRAI ORDINANCE", which because of its temporary nature shall not be printed as part of the permanent Code of Ordinances. The RAGBRAI Ordinance is as follows:

“RAGBRAI ORDINANCE”

Section 1. Definitions.

A. As used herein, "food" shall include food products of all kind including food packaged for consumption off premises as well as meals prepared for consumption either on or off premises. Food shall also include beverages of every kind, including both alcoholic and nonalcoholic, except for water provided without cost to the consumer.

B. As used herein, "person" shall include any individual person, club, group, organization, partnership, corporation or entity of any kind.

C. The RAGBRAI Committee for purposes herein shall be defined as the Advisory Board and the Executive Committee as designated by the Lansing RAGBRAI Board.

Section 2. Commercial Vendor Booth – Permit Required.

No for-profit person, shall provide or sell food or goods to the public in Lansing, Iowa on July 21 and 22, 2017 or July 29, 2017 at a location other than their regularly-established place of business unless said person shall first obtain a Commercial Vendor Booth Permit from the Lansing RAGBRAI Committee through the Main Street Lansing office located at 395 Main Street, Lansing, Iowa. The City of Lansing shall approve all permits.

Section 3. Commercial Vendor Booth Fees

The fee for a Commercial Food Booth Permit shall be \$350.00.

Section 4. Commercial Vendor Booth Location

A Vendor who has been granted a Lansing RAGBRAI Committee Vendor Booth Permit shall locate its temporary sale facility at a location, and only at that location, to be determined by the official Lansing RAGBRAI Committee.

Section 5. Non-Profit Vendor Booth – Permit Required

No non-profit person of any kind shall provide or sell food or goods to the public in Lansing on July 21 and 22, 2017 or July 29, 2017, at a location other than their regularly-established place of business unless said person or entity shall first obtain a Non-Profit Vendor Booth permit from the Lansing RAGBRAI Committee through Main Street Lansing located at 395 Main Street, Lansing, Iowa. The City of Lansing shall approve all permits.

Section 6. Non-Profit Vendor Booth Fees

The fee for a local Non-Profit Vendor Booth Permit shall be \$150.00.

#### Section 7. Non-Profit Vendor Booth Location

A vendor who has been granted a Lansing Non-Profit Vendor Booth Permit shall locate its temporary facility at a location, and only at that location, to be determined by the official Lansing RAGBRAI Committee.

#### Section 8. Health Regulations

A person issued a commercial or non-profit food booth permit pursuant to this Ordinance shall comply with the Iowa Department of Health and Allamakee County Department of Health rules and regulations, including obtaining appropriate permits, pertaining to the sale and dispensing of food for consumption on its premises.

#### Section 9. Refundable Cleanup Deposit

Permitted vendors shall pay, at the time of application, a \$100.00 refundable deposit. If cleanup of the site is approved by the Sanitation Committee, the deposit will be refunded.

#### Section 10. Declining Permit

The Lansing RAGBRAI committee shall make recommendations to the City of Lansing. The City of Lansing shall approve all permits. and have sole discretion to decline to issue a permit for any reason, provided, however, that no applicant for a permit shall be denied based upon the race, creed, color, sex, age, or country of origin of the applicant.

#### Section 11. Application Deadline

All applications for permits must be received by June 1, 2017. Applications received after this date are not ensured of approval and are subject to a \$250 late fee.

#### Section 12. Electrical Service

The fee for providing electrical service to each booth shall be \$75.00 per booth. Additional charges may apply if more than basic electrical needs are requested.

#### Section 13. Outdoor Alcoholic Beverage Garden.

The presence of 20,000 to 25,000 extra people in Lansing on July 29, 2017, many of whom may be consuming alcoholic beverages, has the potential to overwhelm local law enforcement personnel. Therefore, in order to ensure public safety and to facilitate police protection, the Council determines that there may be no more than one applicant permitted to operate an outdoor alcoholic beverage garden from a temporary location with a five day or fourteen day beer permit and/or five day or fourteen day liquor license. To help support the cost incurred by the Lansing RAGBRAI Committee to host RAGBRAI as the end stop, the Lansing RAGBRAI Committee, or its designee, shall have the first option to apply for the necessary permits or licenses to operate such alcoholic beverage garden at such location, but if the Committee does not secure such a permit and/or license before July 1, 2017, the Council shall have the option to consider applications from other vendors. Businesses that have an existing liquor license for an outdoor beverage garden as of the date of approval of this Ordinance shall be permitted to operate such within the space defined in their license.

#### Section 14. Motorized Vehicles

The use of motorized vehicles such as scooters, golf carts, ATV's, etc. are prohibited in event venue areas, as designated by the Lansing RAGBRAI Committee, unless specifically authorized by the Committee or Lansing Public Safety.

#### Section 15. Nuisance.

The sale of food or the erection of a temporary facility for the sale of food or other merchandise without a commercial or non-profit vendor permit on July 21 and 22, 2017 and/or July 29, 2017

is in violation of this Chapter shall be considered a nuisance as defined by Title 5 Article 5 of this Municipal Code. If this type of nuisance is determined to exist by the Director of Public Safety, an emergency abatement procedure pursuant to Title 5 Article 5 of the Municipal Code is hereby authorized and may be executed by any peace officer or those acting at their discretion by dismantling and removing the nuisance without notice.

Section 16. Violations - Penalties

Selling or supplying food or goods to the public without a Lansing Commercial/Non-Profit Vendor Booth Permit on July 21 and 22, 2017 or July 29, 2017 when such a permit is required, is in violation of this Ordinance. The City of Lansing at its sole discretion could issue a permit, subject to receipt of booth fee, regular late fee, and an additional late fee of \$250.00.

Section 17. Street Closings

During the Effective dates of this ordinance and without prior Council approval regarding the blocking of any city streets, any Lansing police officer, or those at their direction, may place barricades or road blocks in any City street, alley or roadway to redirect vehicular traffic in order to enhance the proper and safe flow of bicycle and vehicular traffic within the City limits of the City of Lansing.

Section 18. Effective

The provisions of this Ordinance shall be in effect upon passage by the Lansing City Council and remain in effect until 10:00 p.m. on July 29, 2017.

Section 19. Certain Ordinances Suspended

Effective July 21, 2017 4:00am to 10:00pm and July 29, 2017, 4 am to 10:00pm, any ordinances related to bicycles, shall be suspended and shall not be enforced.

Section 20. Authority.

Any and all issues and appeals regarding this ordinance will be brought to the local Lansing RAGBRAI Committee and the City of Lansing for resolution.

Section II. All previous ordinances or parts of such ordinances in conflict with provisions of this Ordinance are hereby repealed.

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

Section IV. This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

PASSED AND APPROVED this 17<sup>th</sup> day of April, 2017.

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Mike Brennan, Mayor

ATTEST:

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Katie Becker, City Clerk



## ORDINANCE NO. 197

### AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LANSING, IOWA, BY ADDING A CHAPTER PERMITTING THE OPERATION OF ALL-TERRAIN VEHICLES AND OFF-ROAD UTILITY VEHICLES ON CITY STREETS AND OTHER PUBLIC AREAS AND REGULATING THEIR USE

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

Section 1. The Code of Ordinances of the City of Lansing, Iowa, is hereby amended by adding the following new Chapter 73:

#### CHAPTER 73 ALL-TERRAIN VEHICLES AND OFF-ROAD UTILITY VEHICLES

73.01 PURPOSE. The purpose of this chapter is to permit the operation of all-terrain vehicles and off-road utility vehicles on certain streets and alleys in the City, as authorized by Iowa Code Section 321.247, as amended, and regulating their use. This chapter applies whenever an all-terrain vehicle or off-road utility vehicle is operated on any street or alley or on any other public or private property, Subject to the restrictions stated herein.

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

1. "All-Terrain Vehicle" or "ATV" means a motorized flotation-tire vehicle with not less than three and not more than six low-pressure tires that is limited in engine displacement to less than one thousand cubic centimeters and in total dry weight of not more than 1,000 pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.
2. "Off-Road Utility Vehicle" or "UTV" means a motorized flotation-tire vehicle with not less than four and not more than eight low-pressure tires that is limited in engine displacement to less than 1,500 cubic centimeters and in total dry weight of not more than 1,900 pounds and that has a seat that is of bucket or bench design, not intended to be straddled by the operator, and a steering wheel or control levers for control.
3. "Golf Cart" is defined as a three of four wheeled recreational vehicle generally used for the transportation of person(s) in the sport of golf.
4. "Street" means only that portion of the street between the curbs or, in the absence of curbs, only the traveled portion of the street.

73.03 TRAFFIC CODE APPLIES. Except as modified by this chapter, every person operating an ATV or UTV upon a street or alley shall be granted all of the rights and privileges and shall be subject to all the duties and obligations applicable to the driver of a vehicle, including the financial responsibility provisions of Iowa Code Chapter 321A, and to the laws of the State declaring the rules of the road applicable to the driver of the vehicle, except as to those provisions which by their nature can have no application.

73.04 RIDING ON ATVS AND UTVS. A person operating an ATV or UTV shall not ride other than on a permanent seat regularly attached thereto. All occupants must be in a seated position at all times with no

more passengers than the seat(s) are designed to accommodate. No one may be standing on the vehicle or sitting on another passenger while the vehicle is in operation. The operator and all passengers of a UTV shall wear the seatbelt or harness as so equipped by the manufacturer.

73.05 OPERATORS PERMITTED: ATV's and UTV's may be operated upon the streets of the City by persons who are at least sixteen (16) years of age and who are legally licensed to drive in the State of Iowa.

73.06 OPERATING AREAS.

1. ATVs and UTV's shall not be operated in any public park, cemetery or other public grounds or on any public sidewalk (with the exception of performing utility work such as plowing snow). ATV's and UTV's may operate in Mt. Hosmer only with special ride event permits.
2. No Golf Carts shall operate on City streets at any time.
3. ATVs and UTVs shall not be operated upon any City street which is a primary road extension (e.g. S. Front Street) except for crossing primary road extensions at locations hereafter provided. Iowa Highways 9 and 26 and Allamakee County X52 are hereby designated as primary road extensions in the City and no ATV's or UTV's may travel on these roadways. ATV's and UTV's may only cross Highway 9 (Main Street) at 6th Street

These are the streets that ATV's and UTV's will be allowed to operate on:

Entering town from the South on Cty X52 or South Road:

Wall Street from Front Street to Pearl Street

Pearl Street from Wall Street to Walnut Street

S. 2<sup>nd</sup> Street between Walnut Street and Valley Street.

Valley Street from S. 2<sup>nd</sup> to South Road.

S. 4<sup>th</sup> Street from Valley Street to Center Street

Center Street from S. 3<sup>rd</sup> Street to S. 6<sup>th</sup> Street

John Street from 3<sup>rd</sup> Street to Front Street (for access to City Parking Lot)

S. 3<sup>rd</sup> Street from Center Street to Main Street (Hwy 9)

Entering town from the North on Whitetail Drive:

Bench Street from City Limit to 7<sup>th</sup> Street

North Street from N. 7<sup>th</sup> Street to N. 6<sup>th</sup> Street.

North Street from N. 7<sup>th</sup> Street to Expresso Convenience Store

6th Street from Mt. Hosmer Drive to Center Street

Local residents may operate on city streets not listed above only so far as to reach the permissible route in the most direct way, but travel on Main Street / State Highway 9 is not allowed in this exception.



73.07 PRIMARY ROAD EXTENSION CROSSINGS. The crossing of primary road extensions shall be made in compliance with the following requirements:

1. The crossing is made at an angle of approximately ninety degrees to the direction of the street or alley or highway and at a place where no obstruction prevents a quick and Safe crossing; and
2. The ATV or UTV is brought to a complete stop before crossing the street or alley or highway; and
3. The operator yields the right-of-way to all oncoming traffic which constitutes an immediate hazard.

73.08 OTHER REQUIREMENTS AND RESTRICTIONS. A person shall not drive or operate an ATV or UTV on a public street or alley:

1. Unless the person has a valid driver's license and valid proof of insurance in compliance with Iowa Code Chapter 321A.
2. Unless the ATV or UTV is registered with the Iowa Department of Natural Resources and properly displays a registration decal.
3. In a careless, reckless or negligent manner so as to endanger the person or property of another or cause injury or damage thereto.
4. Between Sunset and sunrise as established by the National Weather Service.
5. At a speed in excess of the officially posted speed limit and not to exceed 25 miles per hour in any circumstance.

73.09 VIOLATIONS. The operation of an ATV or UTV in violation of any of the provisions of this chapter may be charged either against the operator of the ATV or UTV or against the owner if the ATV or UTV is operated with the consent of the owner. In the case of violations by the operator of a ATV or UTV operating with the consent of the owner, the violation shall be charged against the owner as a municipal infraction or a misdemeanor and the following civil penalty shall be applicable:

1. In the case of a first violation - \$100.00.
2. For the second violation within one calendar year - \$200.00.
3. In the event of a third violation within one calendar year - \$300.00.

Section 2. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 3. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 4. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

First Reading and second reading:

Waived

Final Reading and Passage:

Motion: Shepard

Second: Manning

Ayes: Manning, Volker, and Shepard

Nays: ReVoir

Second and third Reading:

Waived

Ayes: Manning, Volker, and Shepard

Nays: ReVoir

Passed and adopted by the Council on the 1<sup>st</sup> day of July, 2019, and approved by the Mayor on this day of 2019.

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Mayor

ATTEST:

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City Clerk

CLERKS PUBLICATION CERTIFICATION

The undersigned Clerk of the City of Lansing, Iowa, hereby certifies that he caused the above Ordinance No. to be published by The Standard on the 10<sup>th</sup> day of July, 2019, a newspaper having general circulation in the City of Lansing.

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Katie Becker, City Clerk

**CITY OF LANSING, IOWA  
ELECTRIC FRANCHISE**

**ORDINANCE NO. 199**

**AN ORDINANCE REPEALING ORDINANCE NO. 124, AND GRANTING TO INTERSTATE POWER AND LIGHT COMPANY, ITS SUCCESSORS AND ASSIGNS, A NON-EXCLUSIVE TWENTY-FIVE YEAR FRANCHISE TO ACQUIRE, CONSTRUCT, ERECT, MAINTAIN AND OPERATE AN ELECTRIC SYSTEM IN THE CITY OF LANSING, IOWA AND TO FURNISH AND SELL ELECTRIC ENERGY TO THE CITY AND ITS INHABITANTS, AND REQUIRING SAID COMPANY TO PAY A FRANCHISE FEE TO THE CITY.**

BE IT ORDAINED BY THE City Council of the City of Lansing, Allamakee County, Iowa, hereinafter referred to as the "City":

Section 1. There is hereby granted to Interstate Power and Light Company, hereinafter referred to as the "Company," its successors and assigns, the right and non-exclusive franchise to acquire, construct, reconstruct, erect, maintain and operate in the City, works and plants for the manufacture and generation of electricity and a distribution system for electric light, heat and power and the right to erect and maintain the necessary poles, lines, wires, conduits and other appliances for the distribution of electric current along, under and upon the streets, alleys and public places in the said City to supply individuals, corporations, communities, and municipalities both inside and outside of said City with electric light, heat and power for the period of twenty-five (25) years; also the right of eminent domain as provided in Section 364.2 of the Code of Iowa.

Section 2. The poles, lines, wires, circuits, and other appliances shall be placed and maintained so as not to unnecessarily interfere with the travel on said streets, alleys, and public places in said City nor unnecessarily interfere with the proper use of the same, including ordinary drainage, or with the sewers, underground pipe and other property of the City. The said Company, its successors and assigns shall hold the City free and harmless from all damages to the extent arising from the negligent acts or omissions of the Company in the erection or maintenance of said system.

Section 3. In making any excavations in any street, alley, or public place, Company, its successors and assigns, shall protect the site while work is in progress by guards, barriers or signals, shall not unnecessarily obstruct the use of the streets, and shall back fill all openings in such manner as to prevent settling or depressions in surface, pavement or sidewalk of such excavations with same materials, restoring the condition as nearly as practical. The Company shall not be required to restore or modify public right of way, sidewalks or other areas in or adjacent to the Company project to a condition superior to its immediate previously existing condition.

Section 4. The Company shall, at its cost, locate and relocate its existing facilities or equipment in, on, over or under any public street or alley in the City in such a manner as the City may at any time reasonably require for the purposes of facilitating the construction, reconstruction, maintenance or repair of the street or alley or any public improvement thereof, in or about any such street or alley or reasonably promoting the efficient operation of any such improvement. If the City requires the Company to relocate facilities in the public right of way that have been relocated at Company

expense at the direction of the City during the previous ten years, the reasonable costs of such relocation will be paid by the City.

If the City orders or requests the Company to relocate its existing facilities or equipment for any reason other than as specified above, or as the result of the initial request for a commercial, private or other non-public development, the Company shall receive payment for the cost of such relocation as a precondition to relocating its existing facilities or equipment.

The City shall consider reasonable alternatives in designing its public works projects so as not arbitrarily to cause the Company unreasonable additional expense in exercising its authority under this section. The City shall also provide a reasonable alternative location for the Company's facilities as part of its relocation request.

Section 5. Prior to the City abandoning or vacating any street, avenue, alley or public ground where the Company has electric facilities, the City shall grant the Company a utility easement for said facilities. If the City does not grant the Company a utility easement for said facilities prior to abandoning or vacating a street, avenue, alley or public place, the City shall at its cost and expense obtain easements for existing Company facilities.

Section 6. The Company is authorized and empowered to prune or remove at Company expense any tree extending into any street, alley or public grounds to maintain electric reliability, safety, to restore utility service and to prevent limbs, branches or trunks from interfering with the wires and facilities of the Company. The pruning and removal of trees shall be performed in accordance with Company's then current line clearance vegetation plan as filed and approved by the Iowa Utilities Board, as well as all applicable codes and standards referenced therein.

Section 7. During the term of this franchise, the Company shall furnish electric energy in accordance with the applicable regulations of the Iowa Utilities Board and the Company's tariffs. The Company will maintain compliance with Iowa Utilities Board regulatory standards for reliability.

Section 8. Service to be rendered by the Company under this franchise shall be continuous unless prevented from doing so by fire, acts of God, unavoidable accidents or casualties, or reasonable interruptions necessary to properly service the Company's equipment, and in such event service shall be resumed as quickly as is reasonably possible.

Section 9. There is hereby imposed a franchise fee of three percent (3%) upon the gross revenue generated from sales of electricity by the Company within the corporate limits of the City. The Company shall begin collecting the franchise fee upon receipt of written approval of the required tax rider tariff from the Iowa Utilities Board.

The amount of the franchise fee shall be shown separately on the utility bill to each customer. The Company shall remit franchise fee receipts to the City no more frequently than on or before the last business day of the month following each calendar year quarter.

The Company shall not, under any circumstances be required to return or refund any franchise fees that have been collected from customers and remitted to the City. In the event the Company is required to provide data or information in defense of the City's imposition of franchise fees or the Company is required to assist the City in identifying customers or calculating any franchise fee refunds for groups of or individual customers the City shall reimburse the Company for the expenses incurred by the Company to provide such data or information.

Section 10. The term of the franchise granted by this Ordinance and the rights granted thereunder shall continue for the period of twenty-five (25) years from and after written acceptance by the Company. The acceptance shall be filed with the City Clerk within ninety (90) days from passage of this Ordinance.

Section 11. If any section or provision of this ordinance is held invalid by a court of competent jurisdiction, such holding shall not affect the validity of any other provisions of this ordinance which can be given effect without the invalid portion or portions and to this end each section and provision of this ordinance is severable.

Section 12. The expense of the publication of this Ordinance shall be paid by the Company.

Section 13. This Ordinance sets forth and constitutes the entire agreement between the Company and the City with respect to the rights contained herein, and may not be supplemented, superseded, modified or otherwise amended without the written approval and acceptance of the Company. Notwithstanding the foregoing, in no event shall the City enact or maintain any Ordinance or place any limitations, either operationally or through the assessment of fees other than those approved and accepted by the Company within this Ordinance, that create additional burdens upon the Company, or which delays utility operations.

PASSED and ADOPTED by the Lansing City Council on the 21<sup>st</sup> day of May, 2018.

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Mike Brennan, Mayor

Attest:

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Katie Becker, City Clerk

**ORDINANCE NO. 200**

AN ORDINANCE TO VACATE A PORTION OF A CITY STREET IN THE CITY OF LANSING, ALLAMAKEE COUNTY, IOWA.

WHEREAS, the City of Lansing, Iowa currently has in existence a city street and right-of-way known as Center Street, located in J.M. Rose's Addition to North Capoli in the City of Lansing, Iowa, between Front Street and 2<sup>nd</sup> Street, and ending at Walnut Street; and

WHEREAS, all prior requirements of law pertaining to the vacation of public right-of-way have been fully observed; and

WHEREAS, it is desirable that the public right-of-way herein described be vacated.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lansing, Iowa, as follows:

1. That a portion of a City street and right-of-way described as follows shall be and is hereby vacated, to-wit:

Lot 10 of Government Lot 1 in the Northwest Quarter of the Northwest Quarter of Section 33, Township 99 North, Range 3 West of the 5th P.M. in the City of Lansing, Allamakee County, Iowa, being described by metes and bounds as follows:

Lot 10 of Government Lot 1

Commencing at the Southwest Corner of Block "B" of J.M. Rose's Addition to North Capoli in the City of Lansing, being the Point of Beginning and the southeast corner of Lot 10 of Government Lot 1;

thence South 57 degrees 50 minutes 43 seconds West along the south line of Lot 10 of Government Lot 1 a distance of 11.30' to the southwest corner of said lot;

thence North 30 degrees 12 minutes 34 seconds West along the west line of Lot 10 of Government Lot 1 a distance of 42.27' to the northwest

corner of said lot;

thence North 67 degrees 19 minutes 45 seconds East along the north line of Lot 10 of Government Lot 1 a distance of 16.69' to the northeast corner of said lot;

thence South 22 degrees 40 minutes 14 seconds East along the east line of Lot 10 of Government Lot 1 a distance of 40.05' to the Point of Beginning, containing a total area of 573 square feet, subject to any easements recorded and unrecorded, restrictions and servitudes, if any.

2. That the City of Lansing hereby reserves any and all necessary utility easements upon the property described above, with the right of entry for servicing the same.

Repealer. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

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

When Effective. This Ordinance shall be in effect after the final passage, approval and publication as provided by law.

Date of First Reading: 07/15/2019

Motion was made by Volker and seconded by ReVoir

Councilmen Voting Aye: Volker, Manning, ReVoir, Shepard, and Walleser.

Councilmen Voting Nay: None

Second and third reading were waived.

Motion was made by Shepard and seconded by Volker.

Councilmen Voting Aye: Volker, Manning, ReVoir, Shepard, and Walleser.

