ORDINANCES ADOPTED AFTER LAST CODIFICATION

#	Description	Date
654	Stops on East-West Broadway at Second Ave.	1-14-02
655	Rezone blocks 4 & 5 of Law's First Addition	1-14-02
656	Adopting the City Code	3-08-02
657	Street Grades-Third Ave & part of S Division	3-11-02
658	Vacating E-W Alley(Davis/Dixon & Laws 2nd Add)	3-25-02
659	Establishing rates, bills issued, payable etc…	7-08-02
660	Amending Zoning map establishing districts, (Gleason's First Subdivision for R-2 to R-3)	8-26-02
661	Establishing rates, bills issued, payable etc…	12-20-02
662	Increasing Sewer rate	11-24-03
663	Increase deposit amount (recinded)	
664	Increase deposit amount to $150.00	2-23-04
665	Allowing one Library Board member to reside outside City limits. Never finalized – need election	
666	Park & Rec. Board terms from 5 to 2 years	6-14-04
667	Changing Zoning on a property	7-12-04
668	Change parking on Crestview Drive	8-9-04
669	Change parking by hospital on Pacific Ave.	10-25-04
670	Increasing Sewer charge	3-27-06
671	RAGBRAI Ordinance – Miscellaneous Permits	4-10-06
672	Golf Cart operation on City streets by unlicensed adults	7-10-06
673	Hours of pickup, collection & transportation of garbage within the City	3-26-07
674	Left turn for parking	5-14-07
675	Skateboard & similar conveyances regulations	9-10-07
676	One-way traffic required- changing from one direction to the other.	9-24-07
677	Changing the stop signs in the 600 Block of Tracy St. to comply with northbound one-way traffic	10-8-07
678	Setting time limits for snow removal from sidewalks. No action taken	2-26-08
679	Setting time limits to clear snow from sidewalks	4-21-08
680	To increase solid waste collection fees to $15./mo	6-23-08
681	Allowing parking on Broadway at all hours with restrictions.	8-11-08

682	Changing parking was dropped – no action	9-8-08
683	Changing parking in the 600 Block of Tracy St	9-22-08
684	No longer require vehicles traveling west on Broadway to stop at Second Ave.	2-9-09
685	Increase Sewer Fee to $28.00 for minimum	3-9-09
686	Increase garbage collection fee to $18.00/mo	10-12-09
687	Setting weight limits on Seventh Ave. – never finalized	
688	Setting weight limits on S Div. St. W. – never passed	4-12-10
689	Increasing water rates	4-26-10
690	Setting weight limits on S Div. St. W. – never passed	7-12-10
691	Changing some stop & yield signs	5-10-10
692	4-way stop at corner of South St. & Tracy St.	6-28-10
693	Setting weight/time limits for S Div St W	8-9-10
694	Putting Stop signs at North & South Arlington	8-9-10

ORDINANCE NO. 654

AN ORDINANCE AMENDING TITLE II (COMMUNITY PROTECTION), DIVISION 1 (LAW ENFORCEMENT), CHAPTER 2 (TRAFFIC CODE), ARTICLE 6 (STOP OR YIELD REQUIRED), SECTION 2 (STOP INTERSECTIONS) OF THE AUDUBON CITY CODE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUDUBON, IOWA

SECTION 1. PURPOSE. To require vehicles traveling west on Broadway to stop at Second Avenue.

SECTION 2. AMENDMENT. Section 2, entitled "STOP INTERSECTIONS" of Article 6, Chapter 2, Division 1, Title II of the City Code of Audubon, Iowa (2.1-2.602) is hereby amended by adding thereto the following subsection:

"63. Broadway. Vehicles traveling west on Broadway shall stop at Second Avenue."

SECTION 3. PURPOSE. To required vehicles traveling east on Broadway to stop at Second Avenue.

SECTION 4. AMENDMENT. Section 2, entitled "STOP INTERSECTIONS" of Article 6, Chapter 2, Division 1, Title II of the City Code of Audubon, Iowa (2.1-2.602) is hereby amended by adding thereto the following subsection:

"64. Broadway. Vehicles traveling east on Broadway shall stop at Second Avenue."

SECTION 5. REPEAL OF CONFLICTING ORDINANCES. All ordinances or partial ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 6. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication will not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 7. 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 ON THIS 14th DAY OF JANUARY, 2002.

Clark A. Kauffman, Mayor

ATTEST: Lora Hansen, City Clerk

ORDINANCE NO. 655

AN ORDINANCE AMENDING ARTICLE II, THE ESTABLISHMENT OF DISTRICTS, SECTION 3, ZONING MAP, OF ORDINANCE NO. 355

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUDUBON, IOWA

SECTION 1. PURPOSE. To facilitate the zoning areas and the use of same in the City of Audubon, Iowa.

SECTION 2. AMENDMENT. Article II, Section 3 of Ordinance No. 355, and the official zoning map of the City of Audubon, Iowa is hereby amended as follows:

> Blocks Four (4) and Five (5), and the vacated alleys therein,
> All in Law's First Addition to the City of Audubon, Audubon
> County, Iowa,

heretofore classified and zoned R-2 (Single Family Residential District) is hereby designated and reclassified as R-3 (Two-Family Residential District).

SECTION 3. REPEAL OF CONFLICTING ORDINANCES. All ordinances or partial ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. SEVERABILITY CLAUSE. 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, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 5. WHEN EFFECTIVE. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED AND APPROVED BY THE CITY COUNCIL THIS 14th DAY OF JANUARY, 2002.

Clark A. Kauffman

Clark A. Kauffman, Mayor

ATTEST:

Lora Hansen

Lora Hansen, City Clerk

ORDINANCE NO. 657

AN ORDINANCE TO ESTABLISH CENTERLINE GRADE ON CERTAIN STREETS WITHIN THE CITY OF AUDUBON, IOWA, AND TO REPEAL ALL ODINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUDUBON, IOWA

Section 1. PURPOSE. To establish the center line grade on certain streets within the City of Audubon, Iowa.

Section 2. BENCH MARK. That for the purpose of establishing grade and maintaining the grades of the streets within the City of Audubon, Iowa, the following elevation point is used to establish a datum plane.

> Bench Mark: Arrow, top of fire hydrant located at the Southwest Corner of 3rd Avenue and Hahn Street. Elevation 1335.05. Elevation is referenced to U.S.G.S. Datum.

Section 3. GRADES. That the centerline grade of the following streets listed herein, be and the same are hereby established as follows:

3RD AVENUE
GRADE ORDINANCE
HAHN ST. TO SOUTH DIVISION ST.

STATION	CENTERLINE ELEVATION	NOTES
5+17.42	Match	Begin
5+26	1332.35	Begin 54 foot long sag vertical curve
5+50	1331.85	
5+53	PI Elev. 1331.76	Begin 0.965% Grade North
5+75	1331.98	
5+80	1332.02	End 54 foot long sag vertical curve
6+00	1332.24	
6+25	1332.61	
6+30	PI Elev. 1332.50	End 0.965% Grade from south. Begin 2.459% grade north.
6+50	1333.06	
6+75	1333.61	
7+00	1334.22	
7+25	1334.84	
7+50	1335.45	
7+75	1336.07	
8+00	1336.68	
8+25	1337.30	
8+50	1337.91	
8+75	1338.53	
9+00	1339.14	
9+12.50	1339.45	Begin 175 foot long sag vertical curve
9+25	1339.78	
9+50	1340.54	
9+75	1341.46	
10+00	Grade 1342.53, PI Elev. 1341.60	End 2.459% grade from south. Begin 6.725% grade north.
10+25	1343.76	
10+50	1345.13	
10+75	1346.66	
10+87.50	1347.48	End 175 foot long sag vertical curve
11+00	1348.32	
11+25	1350.01	
11+50	1351.69	
11+65	1352.70	Begin 150 foot long crest vertical curve
11+75	1353.36	
12+00	1354.89	
12+25	1356.26	
12+40	PI Elev. 1357.74	End 6.725% grade from south. Begin 2.783% grade north.
12+50	1357.46	
12+75	1358.50	
13+00	1359.38	
13+15	1359.83	End 150 foot long crest vertical curve
13+25	1360.11	
13+28.38	POT Elev. 1360.20	Centerline South Division St.

3RD AVENUE
GRADE ORDINANCE
SOUTH DIVISION ST. TO SOUTH ST.

STATION	CENTERLINE ELEVATION	NOTES
13+28.38	1360.20	Centerline South Division St.
13+50	1360.80	
13+75	1361.50	
14+00	1362.19	
14+25	1362.89	
14+50	1363.58	
14+75	1364.28	
15+00	1364.98	
15+25	1365.67	
15+50	1366.37	
15+75	1367.06	
16+00	1367.76	
16+25	1368.45	
16+50	1369.15	
16+75	1369.85	
16+87.50	1370.19	Begin 125 foot long sag vertical curve
17+00	1370.56	
17+25	1371.42	
17+50	Grade 1372.43, PI Elev. 1371.93	End 2.783% from south. Begin 5.957% north. Centerline Brayton St.
17+75	1373.60	
18+00	1374.93	
18+12.5	1375.66	End 125 foot long sag vertical curve
18+25	1376.40	
18+50	1377.89	
18+75	1379.38	
19+00	1380.87	
19+25	1382.36	
19+50	1383.85	
19+75	1385.34	
20+00	1386.83	
20+25	1388.32	
20+50	1389.80	
20+75	1391.29	
21+00	1392.78	
21+25	1394.27	
21+50	1395.76	
21+75	1397.25	
22+00	1398.74	
22+22.50	1400.08	Begin 175 foot long crest vertical curve
22+25	1400.23	
22+50	1401.61	
22+75	1402.81	
23+00	1403.83	
23+10	PI elev. 1405.29	End 5.957% grade from south. Begin 0.926% grade north.
23+15.00	1404.36	Centerline South St.

3RD AVENUE
GRADE ORDINANCE
SOUTH ST. TO CHICAGO ST.

STATION	CENTERLINE ELEVATION	NOTES
23+15.00	1404.36	Centerline South St.
23+25	1404.68	
23+50	1405.34	
23+75	1405.82	
23+97.50	1406.10	End of 175 foot long crest vertical curve
24+00	1406.13	
24+25	1406.36	
24+50	1406.59	
24+75	1406.82	
25+00	1407.05	
25+25	1407.28	
25+50	1407.51	
25+75	1407.75	
26+00	1407.98	
26+25	1408.21	
26+50	1408.44	
26+75	1408.67	
27+00	1408.90	
27+25	1409.13	
27+45.31	1409.32	Centerline Chicago St.
27+50	1409.37	
27+74.30	1409.59	End 0.926% grade from south
27+90	Match	End

SOUTH DIVISION ST.
GRADE ORDINANCE
249.0 FEET WEST OF CENTERLINE OF 3RD AVE. TO 258.13 FEET EAST OF CENTERLINE OF 3RD AVE.

STATION	CENTERLINE ELEVATION	NOTES
1+25	1375.13	Begin
1+32.28	PI Elev. 1376.98	End 4.772% grade from west. Begin 6.951% grade east.
1+50	1374.74	
1+75	1373.78	
1+97.28	1372.46	End 130 foot long crest vertical curve.
2+00	1372.27	
2+25	1370.53	
2+50	1368.80	
2+75	1367.06	
3+00	1365.32	
3+25	1363.58	
3+50	1361.84	
3+74	POT Elev. 1360.20	
3+75	1360.11	
3+82.13	1359.61	Begin 250 long sag vertical curve.
4+00	1358.42	
4+25	1356.92	
4+50	1355.62	
4+75	1354.51	
5+00	1353.60	
5+07.13	PI Elev. 1350.92	End 6.951% grade from west. Begin 0.924% grade east.
5+25	1352.89	
5+50	1352.38	
5+75	1352.06	
6+00	1351.94	
6+25	1352.02	
6+32.13	Match	End 250 long sag vertical curve.

Section 4. REPEAL OF CONFLICTING ORDINANCES. All ordinances or partial ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 5. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication will not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

Section 6. WHEN EFFECTIVE. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED AND APPROVED BY THE CITY COUNCIL ON THIS 11th DAY OF March, 2002.

Clark A. Kauffman

Clark Kauffman, Mayor

Lora Hansen

Lora Hansen, City Clerk

ORDINANCE NO. 658

AN ORDINANCE PROVIDING FOR THE VACATION OF THE EAST-WEST (E-W) ALLEY LOCATED BETWEEN BLOCK ONE (1) OF THE DAVIS-DIXON ADDITION AND BLOCKS ONE (1) AND TWO (2) OF LAW'S SECOND ADDITION TO THE CITY OF AUDUBON, AUDUBON COUNTY, IOWA

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUDUBON, IOWA

SECTION 1. PURPOSE. The purpose of this ordinance is to vacate the described alley right-of-way and thereby relieve the City of Audubon, Iowa of any responsibility for its maintenance and supervision.

SECTION 2. FACTS FOUND. The council of the City of Audubon hereby makes the following findings:

1. The described alley being vacated is not needed for the use of the public, and therefore, its maintenance at public expense is no longer justified.

2. The vacation will not deny owners of property abutting on the alley reasonable access to their property.

3. All prior requirements of law pertaining to the vacation of the streets and alleys have been fully observed.

SECTION 3. VACATION. The East-West (E-W) alley located between Block One (1) of the Davis-Dixon Addition and Blocks One (1) and Two (2) of Law's Second Addition to the City of Audubon, Audubon County, Iowa is hereby declared vacated.

SECTION 4. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. 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 6. WHEN EFFECTIVE. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED AND APPROVED BY THE CITY COUNCIL THIS 25th DAY OF March, 2002.

Clark A. Kauffman

Clark A. Kauffman, Mayor

ATTEST:

Lora Hansen

Lora Hansen, City Clerk

ORDINANCE NO. 659

AN ORDINANCE AMENDING:

TITLE III (MENTAL AND PHYSICAL HEALTH), CHAPTER 3 (LIQUID WASTES), ARTICLE 3 (SEWER RENTAL), SECTION 2 (RENTAL RATE);

AND,

TITLE VI (COMMUNITY DEVELOPMENT AND ENVIRONMENT), CHAPTER 1 (WATER SERVICE), ARTICLE 3 (WATER RATES), SECTION 5 (BILLING FOR WATER SERVICE), SUB-SECTION 2 (BILLS ISSUED), SUB-SECTION 3 (BILLS PAYABLE), AND SUB-SECTION 6 (CITY AVERAGED PAYMENT PLAN);

AND,

TITLE VI (COMMUNITY DEVELOPMENT AND ENVIRONMENT), CHAPTER 1 (WATER SERVICE), ARTICLE 3 (WATER RATES), SECTION 6 (SERVICE DISCONTINUED), SUB-SECTION 1 (NOTICE);

OF THE CITY CODE OF AUDUBON, IOWA.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUDUBON, IOWA

SECTION 1. PURPOSE. To establish sewer rental rates for services provided by the city.

SECTION 2. AMENDMENT. Section 2, entitled "RENTAL RATE" of Article 3, Chapter 3, Title III of the City Code of Audubon, Iowa (3-3.0302) is hereby amended by striking the language of said section and inserting in lieu thereof the following language:

"RENTAL RATE. Each contributor shall pay a sewer rental based on the bill for water and water services attributable to the contributor for the property served as follows:

1. $18.25 charged for the first 0 to 5000 gallons of water usage.
2. $6.26 charged for each additional 1000 gallons of water usage over said initial 5000 gallons.
3. The rates established herein shall be effective for all billings on and after August 15, 2002."

SECTION 3. PURPOSE. To amend and establish billing procedures.

SECTION 4. AMENDMENT. Sub-section 2, entitled "BILLS ISSUED" of Section 5, Article 3, Chapter 1, Title VI of the City Code of Audubon, Iowa [6-1.0305(2)] is hereby amended by striking the phrase "following the reading" therefrom.

SECTION 5. AMENDMENT. Sub-section 3, entitled "BILLS PAYABLE" of Section 5, Article 3, Chapter 1, Title VI of the City Code of Audubon, Iowa [6-1.0305(3)] is hereby amended by striking the language of said sub-section and inserting in lieu thereof the following language:

" BILLS PAYABLE. Bills for water service shall be due, payable and received at the office of the city clerk within 12 days of the mailing of said bill."

SECTION 6. AMENDMENT. Sub-section 6, entitled "CITY AVERAGED PAYMENT PLAN" of Section 5, Article 3, Chapter 1, Title VI of the City Code of Audubon, Iowa [6-1.0305(6)] is hereby amended by striking said sub-section in its entirety.

SECTION 7. PURPOSE. To establish the notice and disconnect procedures related to the water service of delinquent consumers.

SECTION 8. AMENDMENT. Sub-section 1, entitled "NOTICE" of Section 6, Article 3, Chapter 1, Title VI of the City Code of Audubon, Iowa [6-1.0306(1)] is hereby amended by striking the language of said sub-section 1 and inserting in lieu thereof the following language:

"NOTICE. Whenever a bill is not paid and received by the end of the 14th day after its mailing, a certified letter shall be sent stating that the water service shall be disconnected if the entire account (including all late charges, penalties and postage) is not paid in full. At the end of said ten (10) days , the Superintendent shall shut off the supply of water to any consumer who, not having contested the amount billed in good faith, has failed to make payment, including late charges, penalties and postage."

SECTION 9. REPEAL OF CONFLICTING ORDINANCES. All ordinances or partial ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 10. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication will not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 11. WHEN EFFECTIVE. This ordinance shall be in effect on and after the date of publication hereof.

PASSED AND APPROVED BY THE CITY ON THIS 8th DAY OF JULY, 2002.

Clark A. Kauffman, Mayor

ATTEST:

Lora Hansen, City Clerk

ORDINANCE NO. 660

AN ORDINANCE AMENDING ARTICLE II, THE ESTABLISHMENT OF DISTRICTS, SECTION 3, ZONING MAP, OF ORDINANCE NO. 355

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUDUBON, IOWA

SECTION 1. PURPOSE. To facilitate the zoning areas and the use of same in the City of Audubon, Iowa.

SECTION 2. AMENDMENT. Article II, Section 3 of Ordinance No. 355, and the official zoning map of the City of Audubon, Iowa is hereby amended as follows:

> Gleason's First Subdivision, City of Audubon, Audubon County, Iowa, as platted and described in Instrument No. 02-0601 filed May 3, 2002 in the Office of the Recorder for Audubon County, Iowa,

heretofore classified and zoned R-2 (Single Family Residential District) is hereby designated, reclassified and zoned as R-3 (Two-Family Residential District).

SECTION 3. REPEAL OF CONFLICTING ORDINANCES. All ordinances or partial ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. SEVERABILITY CLAUSE. 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, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 5. WHEN EFFECTIVE. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED AND APPROVED BY THE CITY COUNCIL THIS 26th DAY OF AUGUST, 2002.

Clark A. Kauffman

Clark A. Kauffman, Mayor

ATTEST:

Lora Hansen

Lora Hansen, City Clerk

ORDINANCE NO. 661

AN ORDINANCE AMENDING:

TITLE VI (COMMUNITY DEVELOPMENT AND ENVIRONMENT), CHAPTER 1 (WATER SERVICE), ARTICLE 3 (WATER RATES), SECTION 5 (BILLING FOR WATER SERVICE), SUB-SECTION 2 (BILLS ISSUED), AND SUB-SECTION 3 (BILLS PAYABLE);

AND,

TITLE VI (COMMUNITY DEVELOPMENT AND ENVIRONMENT), CHAPTER 1 (WATER SERVICE), ARTICLE 3 (WATER RATES), SECTION 6 (SERVICE DISCONTINUED), SUB-SECTION 1 (NOTICE);

OF THE CITY CODE OF AUDUBON, IOWA.

AND ADDING:

TITLE VI (COMMUNITY DEVELOPMENT AND ENVIRONMENT), CHAPTER 1 (WATER SERVICE), ARTICLE 3 (WATER RATES), SECTION 5 (BILLING FOR WATER SERVICE), SUB-SECTION 6 (CITY MONTHLY PAYMENT PLAN);

TO THE CITY CODE OF AUDUBON, IOWA.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUDUBON, IOWA

SECTION 1. PURPOSE. To amend the billing procedures for services provided by the city by reinstating and/or amending code provisions struck or amended by City Ordinance No. 659, dated the 8th day of July, 2002.

SECTION 2. AMENDMENT. Sub-section 2, entitled "BILLS ISSUED" of Section 5, Article 3, Chapter 1, Title VI of the City Code of Audubon, Iowa [6-1.0305(2)] is hereby amended by adding the phrase "following the reading" to the end of the sentence.

SECTION 3. AMENDMENT. Sub-section 3, entitled "BILLS PAYABLE" of Section 5, Article 3, Chapter 1, Title VI of the City Code of Audubon, Iowa [6-1.0305(3)] is hereby amended by striking the language of said sub-section and inserting in lieu thereof the following language:

" BILLS PAYABLE. Bills for water service shall be due, payable and received at the office of the city clerk within thirty (30) days of the mailing of said

bill, except that monthly payments under the City Monthly Payment Plan shall be due, payable and received at the Office of the City Clerk the last business day of the month for which payment is being made."

SECTION 4. AMENDMENT. Section 5, Article 3, Chapter 1, Title VI of the City Code of Audubon, Iowa [6-1,0305] is hereby amended by adding thereto Subsection 6, entitled "CITY MONTHLY PAYMENT PLAN."

"6. CITY MONTHLY PAYMENT PLAN. Any person who has established a water usage record for at least one year, and whose account is not delinquent shall be eligible to pay their water bill pursuant to the City Monthly Payment Plan hereby established as follows:

A. Any Person who elects to pay pursuant to this plan shall have their annual usage averaged and shall pay in the first two months of a quarter an estimated payment amount and in the third month of a quarter shall pay that quarter's balance in full as billed.

B. The City may adjust the estimated payments based upon the previous year's usage or any other change in circumstances affecting the projected amount of the account's quarterly billing."

SECTION 5. PURPOSE. To establish the notice and disconnect procedures related to the water service of delinquent consumers.

SECTION 6. AMENDMENT. Sub-section 1, entitled "NOTICE" of Section 6, Article 3, Chapter 1, Title VI of the City Code of Audubon, Iowa [6-1.0306(1)] is hereby amended by striking the language of said sub-section 1 and inserting in lieu thereof the following language:

"1. Notice. The clerk shall notify each delinquent consumer that water service may be discontinued if payment, including late payment charges, is not received within five (5) days of the date when due. Such notice shall be sent by first class mail on the first day of the month. If the consumer fails to make payment by the date specified in the notice of delinquency, a certified letter shall be sent stating that in ten (10) days the water service shall be disconnected if the entire account is not paid in full, including postage costs. At the end of said ten (10) days, the Superintendent shall shut off the supply of water to any consumer who, not having contested the amount billed in good faith, has failed to make payment, including late charges and postage."

SECTION 7. REPEAL OF CONFLICTING ORDINANCES. All ordinances or partial ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 8. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication will not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 9. WHEN EFFECTIVE. This ordinance shall be in effect on and after the date of publication hereof.

PASSED AND APPROVED BY THE CITY ON THIS 20th DAY OF DECEMBER, 2002.

Clark A. Kauffman, Mayor

ATTEST:

Lora Hansen, City Clerk

ORDINANCE NO. 662

AN ORDINANCE AMENDING:

TITLE III (MENTAL AND PHYSICAL HEALTH), CHAPTER 3 (LIQUID WASTES), ARTICLE 3 (SEWER RENTAL), SECTION 2 (RENTAL RATE);

OF THE CITY CODE OF AUDUBON, IOWA.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUDUBON, IOWA

SECTION 1. PURPOSE. To establish sewer rental rates for services provided by the city.

SECTION 2. AMENDMENT. Section 2, entitled "RENTAL RATE" of Article 3, Chapter 3, Title III of the City Code of Audubon, Iowa (3-3.0302) is hereby amended by striking the language of said section and inserting in lieu thereof the following language:

"RENTAL RATE. Each contributor shall pay a sewer rental based on the bill for water and water services attributable to the contributor for the property served as follows:

1. $18.25 charged for the first 0 to 5000 gallons of water usage.
2. $7.26 charged for each additional 1000 gallons of water usage over said initial 5000 gallons.
3. The rates established herein shall be effective for all billings on and after December 6, 2003."

SECTION 3. REPEAL OF CONFLICTING ORDINANCES. All ordinances or partial ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication will not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 5. WHEN EFFECTIVE. This ordinance shall be in effect on and after the date of publication hereof.

PASSED AND APPROVED BY THE CITY ON THIS 24TH DAY OF NOVEMBER, 2003.

Clark A. Kauffman, Mayor

ATTEST:

Lora Hansen, City Clerk

ORDINANCE NO. 664

AN ORDINANCE AMENDING:

TITLE VI (COMMUNITY DEVELOPMENT AND ENVIRONMENT), CHAPTER 1 (WATER SERVICE), ARTICLE 3 (WATER RATES), SECTION 7 (CONSUMER DEPOSITS);

OF THE CITY CODE OF AUDUBON, IOWA.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUDUBON, IOWA

SECTION 1. PURPOSE. To amend and increase the consumer deposit for utility services provided by the city.

SECTION 2. AMENDMENT. Section 7, entitled "CONSUMER DEPOSITS" of Article 3, Chapter 1, Title VI of the City Code of Audubon, Iowa [6-1.0307] is hereby amended by striking from where it appears in said Section Seven (7) the following: "one hundred dollars ($100.00)" and inserting in lieu thereof the following: "one hundred fifty dollars ($150.00)."

SECTION 3. REPEAL OF CONFLICTING ORDINANCES. All ordinances or partial ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication will not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 5. WHEN EFFECTIVE. This ordinance shall be in effect on and after the date of publication hereof.

PASSED AND APPROVED BY THE CITY ON THIS 23rd DAY OF FEBRUARY, 2004.

Clark A. Kauffman

Clark A. Kauffman, Mayor

ATTEST:

Lora Hansen

Lora Hansen, City Clerk

Ordinance 663 Rescinded & Changed To 664 Page 328 Minute Book

ORDINANCE NO. 666

AN ORDINANCE AMENDING TITLE V, (LEISURE TIME OPPORTUNITIES), CHAPTER 2 (PARK AND RECREATION BOARD), SECTION 02 (BOARD ORGANIZATION) OF THE AUDUBON CITY CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUDUBON, IOWA

SECTION 1. PURPOSE. To change the term of office of board members of the Park and Recreation Board from five-year terms to two-year terms.

SECTION 2. AMENDMENT. Section 2, entitled "Board Organization" of Chapter 2, Title V of the City Code of Audubon, Iowa (5 – 2.02) is hereby amended by striking from where it appears therein the following language:

"five-year terms"

and inserting in lieu thereof the following language:

"two-year terms"

SECTION 3. REPEAL OF CONFLICTING ORDINANCES. All ordinances or partial ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. SEVERABILITY CLAUSE. 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, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 5. WHEN EFFECTIVE. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED AND APPROVED BY THE CITY COUNCIL THIS 24th DAY OF MAY, 2004.

Clark A. Kauffman

Clark A. Kauffman, Mayor

ATTEST:

Lora Hansen

Lora Hansen, City Clerk

ORDINANCE NO. 667

AN ORDINANCE AMENDING ARTICLE II, THE ESTABLISHMENT OF DISTRICTS, SECTION 3, ZONING MAP, OF ORDINANCE NO. 355

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUDUBON, IOWA

SECTION 1. PURPOSE. To facilitate the zoning areas and the use of same in the City of Audubon, Iowa.

SECTION 2. AMENDMENT. Article II, Section 3 of Ordinance No. 355, and the official zoning map of the City of Audubon, Iowa is hereby amended as follows:

> Parcel A (as designated by survey recorded as Instrument #97-1119 in the Office of the Audubon County Recorder),
> and,
> Parcel B (as designated by survey recorded as Instrument #04-0668 in the Office of the Audubon County Recorder),
> of the former Depot Grounds of the Chicago and Northwestern Railway Company and Vacated North Division Street, and Block Twenty-three (23) of Audubon, Iowa, all part of the Northwest Quarter (NW¼) and Southwest Quarter (SW¼), in Section Twenty-one (21), Township Eighty (80) North, Range Thirty-five (35), West of the Fifth P.M., Audubon County, Iowa,

heretofore classified and zoned R-2 (Single Family Residential District) and R-3 (Two-Family Residential District) is hereby designated, reclassified and zoned as B-2 (Local Business District).

SECTION 3. REPEAL OF CONFLICTING ORDINANCES. All ordinances or partial ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. SEVERABILITY CLAUSE. 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, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 5. WHEN EFFECTIVE. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED AND APPROVED BY THE CITY COUNCIL THIS 12TH DAY OF JULY, 2004.

Clark A. Kauffman

Clark A. Kauffman, Mayor

ATTEST:

Lora Hansen

Lora Hansen, City Clerk

ORDINANCE NO. 668

AN ORDINANCE AMENDING TITLE II (COMMUNITY PROTECTION), DIVISION 1 (LAW ENFORCEMENT), CHAPTER 2 (TRAFFIC CODE), ARTICLE 10 (PARKING REGULATIONS), SECTION 7 (NO PARKING ZONES) OF THE AUDUBON CITY CODE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUDUBON, IOWA

SECTION 1. PURPOSE. To prohibit the stopping, standing or parking of a vehicle on the north side of Crestview Drive from the back side of the eastside curb of Maple Street thence easterly One Hundred Forty Feet.

SECTION 2. AMENDMENT. Section 7, entitled "NO PARKING ZONES" of Article 10, Chapter 2, Division 1, Title II of the City Code of Audubon, Iowa (2.1-2.1007) is hereby amended by adding thereto the following subsection:

"66. Crestview Drive, on the north side from the back side of the eastside curb of Maple Street thence easterly One Hundred Forty Feet."

SECTION 3. REPEAL OF CONFLICTING ORDINANCES. All ordinances or partial ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication will not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 5. 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 ON THIS 9th DAY OF AUGUST, 2004.

Clark A. Kauffman

Clark A. Kauffman, Mayor

ATTEST: Lora Hansen

Lora Hansen, City Clerk

ORDINANCE NO. 669

AN ORDINANCE AMENDING TITLE II (COMMUNITY PROTECTION), DIVISION 1 (LAW ENFORCEMENT), CHAPTER 2 (TRAFFIC CODE), ARTICLE 10 (PARKING REGULATIONS), SECTION 3 (DIAGONAL PARKING) OF THE AUDUBON CITY CODE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUDUBON, IOWA

SECTION 1. PURPOSE. To delete Pacific Avenue, on the west side, from the north drive of the hospital to the south drive of hospital, from the list of locations where diagonal parking is permitted.

SECTION 2. AMENDMENT. Section 3, entitled "DIAGONAL PARKING" of Article 10, Chapter 2, Division 1, Title II of the City Code of Audubon, Iowa (2.1-2.1003) is hereby amended by deleting therefrom the following subsection:

"11. Pacific Avenue, on the west side, from the north drive of the hospital to the south drive of hospital."

SECTION 3. REPEAL OF CONFLICTING ORDINANCES. All ordinances or partial ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication will not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 5. 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 ON THIS 25th DAY OF OCTOBER, 2004.

Clark A. Kauffman

Clark A. Kauffman, Mayor

ATTEST: Lora Hansen

Lora Hansen, City Clerk

ORDINANCE NO. 670

AN ORDINANCE AMENDING:

TITLE III (MENTAL AND PHYSICAL HEALTH), CHAPTER 3 (LIQUID WASTES), ARTICLE 3 (SEWER RENTAL), SECTION 2 (RENTAL RATE); OF THE CITY CODE OF AUDUBON, IOWA.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUDUBON, IOWA

SECTION 1. PURPOSE. To establish sewer rental rates for services provided by the city.

SECTION 2. AMENDMENT. Section 2, entitled "RENTAL RATE" of Article 3, Chapter 3, Title III of the City Code of Audubon, Iowa (3-3.0302) is hereby amended by striking the language $18.25 where it appears and inserting in lieu thereof the following language:

"$23.00"

SECTION 3. REPEAL OF CONFLICTING ORDINANCES. All ordinances or partial ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication will not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 5. WHEN EFFECTIVE. This ordinance shall be effective for all billings on and after April 15, 2006. This ordinance shall be in effect on and after the date of publication hereof.

PASSED AND APPROVED BY THE CITY ON THIS 27TH DAY OF MARCH, 2006.

Clark A. Kauffman

Clark A. Kauffman, Mayor

ATTEST:

Lora Hansen

Lora Hansen, City Clerk

ORDINANCE NO. 671

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY 0F AUDUBON, IOWA AND ENTITLED "RAGBRAI-MISCELLANEOUS PERMITS"

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

SECTION 1: This ordinance as amended is enacted to help city officials and citizens deal with the public health and safety problems created by the infusion of a large number of people into the City of Audubon when the Des Moines Register's Annual Great Bicycle ride Across Iowa™ (RAGBRAI®) arrives in Audubon, Iowa on July 24, 2006, and departs on July 25, 2006.

SECTION 2: The Code of Ordinances of the City of Audubon, Iowa, be and the same is hereby amended to read as follows:

RAGBRAI Ordinance - Miscellaneous Permits

Sections:

5.08.010 Commercial Booth-Permit Required
5.08.020 Commercial Booth Fees
5.08.030 Commercial Booth Location
5.08.040 Health Regulations
5.08.050 Commercial Booth Non-Food - Permit Required
5.08.060 Commercial Booth Non-Food Fees
5.08.070 Commercial Booth Non-Food Location
5.08.080 Glass Containers
5.08.090 Nuisance
5.08.100 Violations-Penalties
5.08.110 Effective Period
5.08.120 Street Closings

5.08.010 Commercial Booth - Permit Required. No person, club, group, organization, corporation or entity of any kind shall provide or sell food to the public in Audubon, Iowa on July 24, 2006 or July 25, 2006, unless said person or entity shall first obtain a Commercial Booth Permit from the Chairman of the RAGBRAI Food Committee. The City of Audubon, located at 410 North Park Street in Audubon, Iowa, will then issue said permit. However, any person or entity which is a resident of Audubon County and in possession of a valid permit issued by the State of Iowa for the sale of food to be consumed on its premises as of June 30, 2006, or in possession of a current Iowa retail sales tax permit, shall be exempt from the requirements of this Section. For purposes of this Section, the Audubon County Pork Producers and the Audubon County Cattleman's Association shall each be deemed to be a resident of Audubon County, Iowa.

5.08.020 Commercial Booth Fees. The fee for an Audubon Commercial Booth Permit issued to a NOT FOR PROFIT ORGANIZATION with residence in Audubon County, Iowa, shall be $175.00. The fee for an Audubon Commercial Booth Permit issued to a FOR PROFIT ORGANIZATION with residence in Audubon County, Iowa, shall be $250.00. Commercial Booth permits issued to venders whose residence is outside Audubon County shall be $550.00 These fees are applicable thru May 31, 2006. As of June 1, 2006, all fees herein described will be assessed at the discretion of the

Chairman of the RAGBRAI Food Committee.

5.08.030 Commercial Booth Location. A vendor who has been granted an Audubon Commercial Booth permit shall locate its temporary sale facility at a location to be determined by the official Audubon RAGBRAI Food Committee.

5.08.040 Health Regulations. A person or entity issued a commercial booth permit pursuant to this Chapter (a RAGBRAI COMMERCIAL BOOTH PERMITTEE herein) shall comply with the Iowa Department of Health and Audubon County Department of Health rules and regulations pertaining to the sale and dispensing of food for consumption on its premises.

5.08.050 Commercial Booth Non-Food - Permit Required. No person, club, group, organization, corporation or entity of any kind which is in business in Audubon, Iowa, shall sell merchandise to the public on July 24, 2006 or July 25, 2006, at a location other than their regularly established place of business unless said person or entity shall first obtain a Commercial Booth Non-Food Permit from the Chairman of the RAGBRAI Non-Food Vendor Committee. The City of Audubon, located at 410 North Park Street in Audubon, Iowa, will issue said permit. Those Audubon businesses that operate only from their regularly established locations are exempt from the requirements of this section.

5.08.060 Commercial Booth Non-Food Fees. The fee for an Audubon Commercial Booth Non-Food permit for a NON PROFIT ORGANIZATION shall be $175.00. The fee for an Audubon commercial Booth Non-Food permit for a FOR PROFIT ORGANIZATION shall be $250.00. Commercial Booth Non-Food permits issued to vendors whose residence is outside Audubon County shall be $550.00. These fees are applicable thru May 31, 2006. As of June 1, 2006, all fees herein described will be assessed at the discretion of the Chairman of the RAGBRAI Non-Food Vendor Committee.

5.08.070 Commercial Booth Non-Food Location. A Commercial Booth Non-Food permittee who has been granted an Audubon Commercial Booth Non-Food permit shall locate its temporary facility at a location to be determined by the official Audubon RAGBRAI Non-Food Vendor Committee.

5.08.080 Glass Containers. To promote safety during RAGBRAI, all beverages sold in Audubon, Iowa, by Commercial Booth permittees, on July 24, 2006 and until 10:00 a.m. on July 25, 2006, shall be sold in non-glass containers only. This requirement shall also apply to any existing business, restaurant, service station, grocery store or other establishment selling beverages on its premises in an outdoor setting open to the public.

5.08.090 Nuisance. The sale of food or the erection of a temporary facility for the sale of food or other merchandise without an Audubon Commercial Booth or Audubon Commercial Booth Non-Food permit on July 24, 2006, in violation of the provisions of this Chapter shall be considered a nuisance. If this type of nuisance is determined to exist, an emergency abatement procedure is hereby authorized and may be executed by any peace officer or those acting at their direction by dismantling and removing the nuisance without notice. However, if the only nuisance or violation of this chapter is the offender's failure to obtain the necessary permit, the RAGBRAI Committee, in lieu of immediate abatement, may allow the person or organization to immediately purchase a necessary permit as provided by this Ordinance.

5.08.100 Violations - Penalties. Selling or supplying food or merchandise to any person without an Audubon Commercial Booth or Audubon Commercial Booth Non-Food

permit on July 24, 2006 or July 25, 2006, or any violation of this chapter shall be a simple misdemeanor punishable by a maximum fine of $500.00 and/or a maximum of thirty (30) days in Jail. Furthermore, any violation of this Chapter shall constitute a municipal infraction, as set forth in the City Code of Ordinances, and, therefore, any civil penalties may likewise be assessed and enforced as set forth.

5.08.110 Effective Period. The provisions of this ordinance shall be effective from 5:00 a.m. (local time) on July 24, 2006, until 5:00 p.m. (local time) on July 25, 2006.

5.08.120 Street Closings. During the effective dates of this ordinance and without prior Council approval regarding the blocking of any city streets, any Audubon, Iowa police officer, or those at their direction, may place barricades or road blocks in any Audubon 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 Audubon, Iowa.

SECTION 3: REPEALER. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed during the effective period of this ordinance.

SECTION 4: 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 party thereof not adjudged invalid or unconstitutional.

SECTION 5: 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 this Council on the 10th day of April, 2006.

Clark A. Kauffman

Clark Kauffman, Mayor

ATTEST:
Lora Hansen, City Clerk

Lora Hansen

ORDINANCE NO. 672

AN ORDINANCE AMENDING TITLE II (COMMUNITY PROTECTION), DIVISION 1 (LAW ENFORCEMENT), CHAPTER 7 (GOLF CARTS) OF THE AUDUBON CITY CODE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUDUBON, IOWA

SECTION 1. PURPOSE. To enable persons unable to obtain a valid Iowa Driver License due to impairment or disability to obtain an annual permit to operate a golf cart on city streets.

SECTION 2. AMENDMENT. Chapter 7, Division 1, Title II of the City Code of Audubon, Iowa (2.1-7) is hereby amended by adding thereto the following:

"2.1-7.05 GOLF CART OPERATION ON CITY STREETS BY UNLICENSED ADULTS. Persons who are unable to obtain a valid Iowa Driver License due to mental or physical impairment or disability may apply for and receive a permit from the City of Audubon to operate a golf cart on the city streets upon meeting and/or adhering to the following provisions at all times:

1. Applicant/permit holder must be at least eighteen years of age.

2. Operation conducted as follows:

A. Only on city streets, as near the right hand side as practical, driveways and parking lots.

B. Only between the hours of sunrise to sunset.

C. Not on primary roads or highways, except to cross same by the most perpendicular and direct route possible.

D. Prohibited areas would include, but not be limited to: all sidewalks, grass areas, and parks.

E. Never with passengers.

F. All municipal, state and federal ordinances, laws, rules, and restrictions must be obeyed.

G. A slow moving vehicle sign and a bicycle type safety flag must be attached to the cart and visible from at least one hundred fifty feet. The slow moving vehicle sign must be placed at least forty inches high.

H. Cart must be equipped with operable headlights, taillights, turn signals, and brake lights.

3. Persons desiring to obtain this operating privilege must submit an application to the Audubon City Council. If approved by the Council the privilege shall be valid for one year from the date of approval. Application for renewal of the privilege shall be made annually and at any time within one month prior to its expiration. Approved renewals of unexpired privileges shall be valid for 12 months from the current date of expiration. Renewals of privileges which have expired shall be valid for 12 months from the date of the most recent approval. All operations without a current valid first issue or renewal are prohibited.

4. All original applications and all applications for renewal of this privilege shall be accompanied by:

A. Proof of current liability insurance covering applicant/permit holder.

B. A waiver from applicant/permit holder releasing the City of Audubon from all liability of any nature; and further, an agreement to indemnify the City of Audubon for any claims made against the City related to permit holder's exercise of this privilege and operation of a golf cart under this ordinance.

5. Violation of any provision of this ordinance may be punished as a Municipal Infraction. The third, and any subsequent violations, may result in a thirty day suspension of all privileges hereunder.

6. Violation of any provision of this ordinance which the Council determines to threaten the life, health, safety and/or welfare of the permit holder or the public may result in the revocation of this privilege.

7. The provisions of 2.1-7.05 do not amend, modify or contradict the preceding provisions of Section Seven related to the operation of golf carts in the City of Audubon by drivers holding a valid Iowa Driver License."

SECTION 3. REPEAL OF CONFLICTING ORDINANCES. All ordinances or partial ordinances in conflict with the provisions of this ordinance, except as specifically cited in Section 2, Subparagraph 7 above, are hereby repealed.

SECTION 4. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication will not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 5. 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 ON THIS 10th DAY OF JULY ~~JUNE~~, 2006.

Clark A. Kauffman

Clark A. Kauffman, Mayor

ATTEST: Lora Hansen

Lora Hansen, City Clerk

ORDINANCE NO. 673

AN ORDINANCE AMENDING TITLE III (MENTAL AND PHYSICAL HEALTH), CHAPTER 4 (SOLID WASTE CONTROL), ARTICLE 2 (COLLECTION AND TRANSPORTATION) OF THE CITY CODE OF AUDUBON, IOWA.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUDUBON, IOWA

SECTION 1. PURPOSE. To establish permissible days and hours for the pickup, collection and transportation of solid waste, garbage, refuse, rubbish, rubble and other matter included under the provisions of said Chapter 4 (Solid Waste Control) and prohibiting such activity at all other times.

SECTION 2. AMENDMENT. ARTICLE 2, entitled "COLLECTION AND TRANSPORTATION" of Chapter 4, Title III of the City Code of Audubon, Iowa (3-4.02) is hereby amended by adding thereto the following Section 13, entitled "HOURS FOR PICKUP, COLLECTION AND TRANSPORTATION."

"3-4.0213 HOURS FOR PICKUP, COLLECTION AND TRANSPORTATION. Within the City Limits of Audubon, Iowa the pick up, collection and transportation of solid waste, garbage, refuse, rubbish, rubble, recyclables and other matter under the provisions of this code chapter shall be permitted and take place only during the following periods: 7:00 AM to 6:00 PM Monday through Friday and 7:00 AM through 12:00 Noon on Saturdays and said activities shall be prohibited at all other times."

SECTION 3. REPEAL OF CONFLICTING ORDINANCES. All ordinances or partial ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication will not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 5. 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 ON THIS 26th DAY OF March, 2007.

Clark A. Kauffman

Clark A. Kauffman, Mayor

ATTEST: Lora Hansen

Lora Hansen, City Clerk

ORDINANCE NO. 674

AN ORDINANCE AMENDING TITLE II (COMMUNITY PROTECTION), DIVISION 1 (LAW ENFORCEMENT), CHAPTER 2 (TRAFFICE CODE), ARTICLE 5 (TURNING REGULATIONS) OF THE AUDUBON CITY CODE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUDUBON, IOWA

SECTION 1. PURPOSE. To delete from the City Code of Audubon, Iowa, certain parking provisions.

SECTION 2. AMENDMENT. Article 5, entitled "TURNING REGULATIONS", of Chapter 2, Division 1, Title II of the City Code of Audubon, Iowa (2.1-2.5) is hereby amended by deleting therefrom the following section:

"2.1-2.0504 LEFT TURN FOR PARKING. No person shall make a left hand turn, crossing the centerline of the street, for the purpose of parking on said street."

SECTION 3. AMENDMENT. Article 5, entitled "TURNING REGULATIONS", of Chapter 2, Division 1, Title II of the City Code of Audubon, Iowa (2.1-2.05) is hereby amended by deleting therefrom the following section:

"2.1-2.0505 BACKING FROM PARKING SPACE. No person shall back a vehicle from a parking space and across the centerline of the street for the purpose of then proceeding in the generally opposite direction from that which the vehicle was facing when parked."

SECTION 4. REPEAL OF CONFLICTING ORDINANCES. All ordinances or partial ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication will not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 6. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

ORDINANCE NO. 675

AN ORDINANCE AMENDING TITLE II (COMMUNITY PROTECTION), DIVISION 1 (LAW ENFORCEMENT), OF THE AUDUBON CITY CODE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUDUBON, IOWA

SECTION 1. PURPOSE. The purpose of this chapter is to regulate the operation and use of skateboards, skates, in-line skates and manually powered scooters and other similar conveyances within the City.

SECTION 2. AMENDMENT. Division 1, Title II of the City Code of Audubon, Iowa (2.1) is hereby amended by adding thereto the following chapter:

"CHAPTER 10
SKATEBOARDS AND SIMILAR CONVEYANCES

2.1-10.01 PROHIBITED IN CERTAIN LOCATIONS. Skateboards, skates, in-line skates, manually powered scooters or other similar conveyances are prohibited unless permitted under 2.1-10.02 or otherwise allowed under 2.1-10.03 of this Chapter:

1. In the area bounded by the south line of Chicago Street on the south, the west line of Market Street on the west, the north line of Davenport Street on the North, and the east line of Leroy Street on the east; the prohibited area includes the area of said streets within said boundaries.

2. In all city parks (east of Market Street).

2.1-10.02 EXCEPTIONS. Skateboards, skates, in-line skates, manually powered scooters or other similar conveyances may be used in the prohibited areas where the City Council temporarily allows such conveyances to be used in restricted areas for a special event.

2.1-10.03 TRAFFIC CODE APPLIES. Individuals shall be allowed to use skateboards, skates, in-line skates, manually powered scooters or other similar conveyances upon a roadway outside the prohibited area set out in 2.1-10.01. Such individuals shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of the State declaring rules of the road applicable to vehicles or by the traffic code of the City applicable to the driver of a vehicle, except as to those provisions which by their nature can have no

application. Whenever such person dismounts from, skates, in-line skates, manually powered scooters or other similar conveyances for an extended period of time, the person shall be subject to all regulations applicable to pedestrians.

2.1-10.04 USAGE IN PERMISSIBLE AREAS. Persons using skateboards, skates, in-line skates, manually powered scooters or other similar conveyances in permitted areas shall:

1. stay as far to the right of the sidewalk, road, street or alley as possible, except when necessary to make a left-hand turn;
2. operate with the flow of traffic;
3. operate in a careful and prudent manner;
4. wear reflective devices or reflective clothing after dusk;
5. shall give the right-of-way to any pedestrian, motor vehicle or any other user of a sidewalk or public place and shall not interfere with the proper use of any sidewalk or public place by any other person.

2.1-10.05 DOUBLE RIDING RESTRICTED. No skateboard, set of skates, set of in-line skates, manually powered scooters or other similar conveyances shall be used to carry more persons at one time than the number for which it is designed and equipped.

2.1-10.06 TOWING. It shall be unlawful for any person operating skateboards, skates, in-line skates, manually powered scooters or other similar conveyances to cling or attach to any other vehicle while that vehicle is moving.

2.1-10.07 VIOLATIONS. Any person violating this chapter is guilty of a simple misdemeanor."

SECTION 3. REPEAL OF CONFLICTING ORDINANCES. All ordinances or partial ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication will not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 5. 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 ON THIS 10th DAY OF September, 2007.

Clark A. Kauffman

Clark A. Kauffman, Mayor

ATTEST:

Lora Hansen

Lora Hansen, City Clerk

ORDINANCE NO. 676

AN ORDINANCE AMENDING TITLE II (COMMUNITY PROTECTION), DIVISION 1 (LAW ENFORCEMENT), CHAPTER 2 (TRAFFIC CODE), ARTICLE 9 (ONE-WAY TRAFFIC), SECTION 1 (ONE-WAY TRAFFIC REQUIRED) OF THE AUDUBON CITY CODE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUDUBON, IOWA

SECTION 1. PURPOSE. To change the direction of traffic on the affected street from southbound to northbound.

SECTION 2. AMENDMENT. Section 1, entitled "ONE-WAY TRAFFIC REQUIRED" of Article 9, Chapter 2, Division 1, Title II of the City Code of Audubon, Iowa (2.1-2.0901) is hereby amended by amending the following subsection:

"In Subsection 5 the word southbound is deleted and the word northbound is inserted in lieu thereof."

SECTION 3. REPEAL OF CONFLICTING ORDINANCES. All ordinances or partial ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication will not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 5. 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 ON THIS 24TH DAY OF SEPTEMBER, 2007.

Clark A. Kauffman

Clark A. Kauffman, Mayor

ATTEST: Lora Hansen

Lora Hansen, City Clerk

Jonelle Irlmeier presented an application for a Downtown Improvement Grant. Motion was made by Christensen, seconded by Cramer and all aye vote to approve the application for the replacement of the front window at 310 Broadway. The City's share of costs is $170.50.

Carl & Betty Dennis requested an adjustment to their billing because of a broken outside hydrant. Motion was made by Christensen, seconded by Cramer and all aye vote to adjust the water by 25% of the overage and to adjust the sewer by 100% of the overage. Their bill was adjusted down to $481.14.

Lee Jensen voiced his concerns to the Council on the Landfill being a transfer station. He would prefer that it be closed and everyone direct haul their waste.

Motion was made by Cramer, seconded by Jacobsen and all aye vote to approve Pay Request #4 for the Streetscape Project to M E Collins for $196457.36.

David Sturm of Snyder and Associates reviewed the progress of the Streetscape Project and answered questions.

Motion was made by Cramer, seconded by Borkowski and all aye vote to consider ORDINANCE #677 CHANGING THE STOP SIGNS IN THE 600 BLOCK OF TRACY STREET TO COMPLY WITH NORTHBOUND ONE-WAY TRAFFIC and also to suspend the rule requiring that an ordinance be considered and voted upon at two meetings prior to the one at which it is finally passed and now give final vote for passage.

Motion was made by Griffith, seconded by Cramer and all aye vote to adopt RESOLUTION #07-42 ASSESSING UNPAID UTILITY BILLING (326 Broadway, $133.52).

The Clerk's financial reports were ordered filed for audit. Motion was made by Jacobsen, seconded by Cramer and all aye vote to allow the following claims:

Employees/Officials	Salaries/Overtime/Calltime	21942.51
US Post Office	Stamps	820.30
Customers	Deposits refunded	600.00
Farner Bocken	Bags	43.22
Guthrie County REC	Utilities	73.22
Audubon Co. Airport Authority	Hangers purchase	2021.00
New York Life	Insurance	42.83
Petty Cash	Postage/miscellaneous	101.09
Verizon	Phone	39.73
Bohlmann & Sons	Per Contract	8303.66
G & L Lawnscapes	Per Contract	1823.75
Lester Williamson	Per Contract	833.34
Self Insurance Fund	Insurance	6452.00
Audubon State Bank	Service charge	23.88
ACH Debit	Fed. WH/Fica	6379.42
IA Public Emp. Ret. System	IPERS	3282.97
Treasurer, State of Iowa	Sales taxes	1221.00
Treasurer, State of Iowa	State WH	1082.31
Coby Gust	Schooling reimbursement	1000.00
Steve Stetzel	Meals reimb.	30.89
Airgas North Central	Cylinders	61.57
AMVC	Disposal	85.54
Audubon Co. Airport Authority	Appropriation	1250.00
Audubon Furniture Mart	Carpet	2300.00
Audubon Media	Publications	230.11
Christiansen Motors	Repairs	426.03
Clint Hansen Galleries	Bird mosaics	2400.00
City of Clive	Copies	4.00
Ecolab	Pest control	71.50
Ed M Feld Equipment	Kitchen hood inspection	100.00
Gage Auto Parts	Ambulance repairs	281.48
Lora Hansen	Mileage/reimbursement	87.98
	Supplies	58.02

Principal Life	Group Insurance	2665.13
Wahlert Soil Conservation	Repairs	6782.00

FUND	RECEIPTS	DISBURSEMENTS
General	39068.67	65793.74
Road Use Tax	19691.36	60573.74
Water Utility	17349.58	11219.85
Sewer Utility	21057.70	13448.42
Debt Service	272.85	0.00
Employee Benefits	1289.13	11163.46
Cemetery Trust	3492.00	0.00
Local Option Tax	11024.43	35821.92
TIF	183.79	206.54
Self Insurance Fund	5700.00	6653.27
Capital Projects	1021.87	50904.23
Totals	$120151.38	$255785.17

Motion was made by Cramer, seconded by Borkowski and all aye vote to consider ORDINANCE #678 SETTING TIME LIMIT TO 48 HOURS FOR REMOVAL OF SNOW FROM SIDEWALKS and to now give first vote for passage.

Motion was made by Christensen, seconded by Cramer and all aye vote to raise the rent on the City's cemetery property to $170/acre, effective 3-1-08.

Motion was made by Griffith, seconded by Jacobsen and all aye vote to set the pay for a new police officer at $22000/not certified and $25500 if certified.

The proposed 2008-2009 budget was reviewed. Motion was made by Christensen, seconded by Cramer and all aye vote to set the budget hearing date for March 10, 2008 at 7:00 pm.

Motion was made by Borkowski, seconded by Cramer and all aye vote to adjourn at 8:25 pm.

Lora Hansen

Lora Hansen, City Clerk

APPROVED THIS 25th DAY OF FEBRUARY, 2008

Clark A. Kauffman

Clark A. Kauffman, Mayor

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February 26, 2008 7:00 P.M. City Hall

The Audubon City Council met in regular session with Mayor Kauffman presiding and these members present: Borkowski, Cramer, Griffith. Absent: Christensen, Jacobsen. Motion was made by Borkowski, seconded by Cramer and all aye vote to approve the agenda. Motion was made by Cramer, seconded by Borkowski and all aye vote to approve the minutes of the last meeting.

Jeff Hachmeister, Community Insurance, reviewed some updates to the City's insurance.

Motion was made by Cramer, seconded by Borkowski and all aye vote to adopt RESOLUTION #08-01 AUTHORIZING THE ISSUANCE AND LEVYING A TAX FOR THE PAYMENT THEREOF.

ORDINANCE #678 SETTING TIME LIMIT TO 48 HOURS FOR REMOVAL OF SNOW FROM SIDEWALKS was on the agenda for second consideration, but no action was taken.

APPROVED THIS 24th DAY OF MARCH, 2008

Clark A. Kauffman

Clark A. Kauffman, Mayor

March 24, 2008 7:00 P.M. City Hall

The Audubon City Council met in regular session with Mayor Kauffman presiding and these members present: Borkowski, Christensen, Cramer, Griffith. Absent: Jacobsen (arrived later). Motion was made by Christensen, seconded by Borkowski and all aye vote to approve the agenda. Motion was made by Griffith, seconded by Borkowski and all aye vote to approve the minutes of the last meeting.

Jacobsen arrived at 7:02 pm.

Janet Hansen, Landfill Director, and Bob Sornson, Landfill Commission representative were present to update the City on activities at the Landfill and to answer any questions.

Rick Bohlmann, Solid Waste and Recyclables contractor, asked if he could keep the residential cardboard that he picks up in the City of Audubon and market it himself. The Council reminded him that the agreement between the City and the Landfill, and Bohlmann's contract both specify that all materials go to the Audubon County Landfill.

Everett Nelson, on behalf of the Congregate Meals Program, asked the Council if a garbage disposal could be installed in the east sink of the kitchen and if the kitchen could be air-conditioned. He stated that they have the funds for the disposal, but need permission to install it. The cost and feasibility for the air-conditioning will be looked into and the City's insurance carrier will be contacted about the advisability of having a disposal in a public-use kitchen.

Motion was made by Christensen, seconded by Griffith and all aye vote to consider ORDINANCE #679 SETTING TIME LIMITS TO CLEAR SNOW AND ACCUMULATIONS FROM SIDEWALKS TO 12 HOURS FOR THE CENTRAL BUSINESS ZONED AREA AND 36 HOURS FOR ALL OTHER AREAS and now approve final vote for passage.

Motion was made by Christensen, seconded by Borkowski and all aye vote to approve the application for a liquor license refund submitted by Cousin's Sports Bar and Grill. Their license will have to be surrendered before a refund can be issued.

Motion was made by Borkowski, seconded by Christensen and all aye vote to adjourn at 7:52 p.m.

Lora Hansen

Lora Hansen, City Clerk

APPROVED THIS 21st DAY OF APRIL, 2008

Clark A. Kauffman

Clark A. Kauffman, Mayor

March 28, 2008 12:00 Noon City Hall

The Audubon City Council met in special session with Mayor Kauffman presiding and these members present: Borkowski, Christensen, Cramer, Jacobsen. Absent: Griffith.

This special meeting was held to discuss Landfill concerns and a Supervisor's meeting scheduled for April 1, which all Landfill Commission entities have been invited to. Robert Sornson, the City of Audubon's representative on the Landfill Commission was present to answer any

ORDINANCE NO. 680

AN ORDINANCE AMENDING:
TITLE III (MENTAL AND PHYSICAL HEALTH), CHAPTER 4 (SOLID WASTE CONTROL), ARTICLE 2 (COLLECTION AND TRANSPORTATION), SECTION 12 (COLLECTION FEES), SUBSECTION 1 (SCHEDULE OF FEES); OF THE CITY CODE OF AUDUBON, IOWA.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUDUBON, IOWA

SECTION 1. PURPOSE. To establish solid waste collection fees for services provided by the city.

SECTION 2. AMENDMENT. Subsection 1, entitled "Schedule of Fees" of Section 12, Article 2, Chapter 4, Title III of the City Code of Audubon, Iowa (3-4.0212, Subsection 1) is hereby amended by striking the language "$13.50" where it appears in Subsections 1.A and 1.B and inserting in lieu thereof in each of said Subsections the following language: "$15.00"

SECTION 3. AMENDMENT. Subsection 1, entitled "Schedule of Fees" of Section 12, Article 2, Chapter 4, Title III of the City Code of Audubon, Iowa (3-4.0212, Subsection1) is hereby amended by striking the language "$3.50" where it appears in Subsection 1.C and inserting in lieu thereof the following language: "$5.00"

SECTION 4. REPEAL OF CONFLICTING ORDINANCES. All ordinances or partial ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication will not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 6. WHEN EFFECTIVE. This ordinance shall be effective for all billings on and after July 1, 2008. This ordinance shall be in effect on and after the date of publication hereof.

PASSED AND APPROVED BY THE CITY ON THIS 23rd DAY OFJUNE, 2008.

Clark A. Kauffman

Clark A. Kauffman, Mayor

ATTEST:

Lora Hansen

Lora Hansen, City Clerk

July 28, 2008 7:00 P.M. City Hall

The Audubon City Council met in regular session with these members present: Borkowski, Christensen, Griffith, Jacobsen. Absent: Cramer, Mayor Kauffman. In the absence of both the Mayor and Mayor Pro Tem, Councilmember Jacobsen presided at the meeting. Motion was made by Borkowski, seconded by Griffith and all aye vote to approve the agenda. Motion was made by Christensen, seconded by Borkowski and all aye vote to approve the minutes of the last meeting.

Motion was made by Christensen, seconded by Borkowski and all aye vote to consider ORDINANCE ~~#641~~ 681 THAT WILL ALLOW PARKING ON BROADWAY AT ALL HOURS WITH CERTAIN RESTRICTIONS (must have valid handicapped parking permit, only one vehicle per residence, must reside in the 200-300 blocks of Broadway), and also to waive the rule requiring that an ordinance be considered and voted on at two meetings prior to the one at which it is finally passed and now give final vote for passage.

Motion was made by Christensen, seconded by Griffith and all aye vote to adjust 2 water billings according to Council policy of 25% of the overage, where a leak has occurred (1894 Hwy 71, $109.06 and 504 S Division St, $9.82). A third bill was presented for adjustment, but was not approved.

A bid was received for City owned properties at 102-104 First Avenue. Motion was made by Griffith, seconded by Jacobsen to sell the properties to Jeff Hasbrouck for $500. Aye: Borkowski, Griffith, Jacobsen. Nay: Christensen. Motion carried. Resolution #0846-A Auth Sale

Updating the Hazard Mitigation Plan was discussed. Motion was made by Borkowski, seconded by Griffith and all aye vote to appoint the following committee to update the plan: John Ballou, Lester Larsen, Steve Stetzel, Doug Jensen, Dirk Rasmussen, David Simonsen, Kathleen Cramer, Lora Hansen.

Motion was made by Christensen, seconded by Borkowski and all aye vote to proceed with repairs to Seventh Avenue in conjunction with Audubon County.

Motion was made by Christensen, seconded by Borkowski and all aye vote to adjourn at 7:32 pm.

Lora Hansen

Lora Hansen, City Clerk

APPROVED THIS 11th DAY OF AUGUST, 2008

Clark A. Kauffman

Clark A. Kauffman, Mayor

August 11, 2008 7:00 P.M. City Hall

The Audubon City Council met in regular session with Mayor Kauffman presiding and these members present: Borkowski, Cramer, Griffith, Jacobsen. Absent: Christensen. Motion was made by Cramer, seconded by Borkowski and all aye vote to approve the agenda. Motion was made by Jacobsen, seconded by Cramer and all aye vote to approve the minutes of the last meeting.

David Sturm of Snyder & Associates reviewed the progress of the Streetscape Project and answered the Council's questions.

Motion was made by Cramer, seconded by Jacobsen and all aye vote to approve Pay Request #10 for the Streetscape Project for $76923.91 to M. E. Collins.

Motion was made by Cramer, seconded by Jacobsen and all aye vote to take the sign installation out of the contract and have the City employees re-install traffic signs.

Mitch Rydell of JEO Consulting Group reviewed the progress of the West Broadway Bridge Project. [illegible] of 2009. He also reported that there has been additional

Scott Stevenson of Ruan Securities explained the permanent financing bond issue for the Streetscape Project. The bonds have a 15 year payoff schedule, with an average interest rate of 4.47%. The bond issue is for $1,320,000.

Motion was made by Cramer, seconded by Jacobsen and all aye vote to adopt RESOLUTION #08-18 APPOINTING PAYING AGENT, NOTE REGISTRAR AND TRANSFER AGENT, APPROVING THE PAYING AGENT AND NOTE REGISTRAR AND TRANSFER AGENT AGREEMENT AND AUTHORIZING THE EXECUTION OF THE AGREEMENT.

Motion was made by Cramer, seconded by Jacobsen and all aye vote to approve the tax exemption certificate.

Motion was made by Cramer, seconded by Jacobsen and all aye vote to approve the continuing disclosure certificate.

Motion was made by Cramer, seconded by Jacobsen and all aye vote to adopt RESOLUTION #08-19 AMENDING RESOLUTION APPROVING AND AUTHORIZING A FORM OF LOAN AGREEMENT AND AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF CAPITAL LOAN NOTES AND LEVYING A TAX TO PAY THE NOTES.

Motion was made by Borkowski, seconded by Cramer and all aye vote to adjourn at 8:26 pm.

Lora Hansen, City Clerk

APPROVED THIS 8th DAY OF SEPTEMBER, 2008

Clark A. Kauffman, Mayor

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September 8, 2008 7:00 P.M. City Hall

The Audubon City Council met in regular session with Mayor Kauffman presiding and these members present: Borkowski, Christensen, Jacobsen. Absent: Cramer (arrived later), Griffith. Motion was made by Christensen, seconded by Borkowski and all aye vote to approve the agenda. Motion was made by Jacobsen, seconded by Borkowski and all aye vote to approve the minutes of the last meeting.

Motion was made by Christensen, seconded by Jacobsen and all aye vote to adopt RESOLUTION #08-20 ASSESSING UNPAID UTILITY BILL (202 Tracy Street, $159.61).

Motion was made by Christensen, seconded by Jacobsen and all aye vote to adopt RESOLUTION #08-21 ASSESSING UNPAID UTILITY BILL (416 E Division Street, $295.87).

ORDINANCE #682 MOVING PARKING FROM WEST TO EAST SIDE OF WASHINGTON STREET BETWEEN S DIVISION ST AND FREEMAN AVENUE was discussed. Several residents of the area were present and objected to the change in the parking.

Motion was made by Christensen, seconded by Borkowski and all aye vote to drop any further action on this ordinance.

Motion was made by Christensen, seconded by Jacobsen and all aye vote to consider ORDINANCE #683 CHANGING PARKING IN THE 600 BLOCK OF TRACY STREET and now give second vote for passage.

The Clerk's financial reports were ordered filed for audit. Motion was made by Jacobsen, seconded by Borkowski and all aye vote to allow the following claims:

Employees/Officials	Salaries/Overtime/Calltime	30355.73
Broken Arrow	Supplies	81.45
Whitney Nelson	Reimb. class fee	100.00
Guthrie Co. REC	Utilities	105.15
Petty Cash	Miscellaneous/postage	85.36

Totals	$232287.06	$264976.98

Councilmember Cramer arrived at 7:28 pm.

Discussion: Streetscape project / painting hydrants for community service / fire department / golf carts.

Motion was made by Christensen, seconded by Borkowski and all aye vote to purchase a color printer from The Office Stop for $499.00

Motion was made by Borkowski, seconded by Cramer and all aye vote to adjourn at 7:48 pm.

Lora Hansen, City Clerk

APPROVED THIS 22nd DAY OF SEPTEMBER, 2008

Clark A. Kauffman, Mayor

September 22, 2008 7:00 P.M. City Hall

The Audubon City Council met in regular session with Mayor Kauffman presiding and these members present: Borkowski, Christensen, Jacobsen. Absent: Griffith (arrived later). Motion was made by Borkowski, seconded by Cramer and all aye vote to approve the agenda. Motion was made by Cramer, seconded by Jacobsen and all aye vote to approve the minutes of the last meeting. Councilmember Griffith arrived at 7:02.

Gary Strasser presented the proposed Homecoming Parade route. The route was approved.

Dave and Vickie Albers, Jerri McCuen and Jerry Gaskill were present to complain about the condition of a house in the 100 block of Second Avenue and a house in the 900 block of Broadway. Both properties will be checked by City personnel.

Several residents, who recently had water leaks, were present to request adjustments to their billings. Motion was made by Christensen, seconded by Cramer and all aye vote to take off the sewer charges due to leaks (1206 N Division, $79.28; 1102 Broadway, $153.91; 106 Third Avenue, $189.12; 201 E Division Street, $408.57) and to require 414 First Avenue to pay their normal utility bill by 9-30-08, with the additional funds that are due being paid over the next 10 months (by 7-31-09), with no penalty added.

Motion was made by Cramer, seconded by Christensen and all aye vote to adjust 5 utility billings according to Council policy of 25% of the overage where a leak has occurred (414 First Avenue, $159.50; 1206 N Division, $46.10; 1102 Broadway, $71.46; 106 Third Avenue, $111.54; 201 E Division St., $194.33).

Paulette Hoffman and Delores Petersen from the Congregate Meals program were present. On behalf of the Meals program, Paulette purchased a commercial refrigerator at an auction and asked if the City would help with the cost, as it will also be used by persons renting the City's kitchen.

Motion was made by Jacobsen, seconded by Griffith and all aye vote to reimburse Hoffman for the cost of the refrigerator ($750).

Motion was made by Cramer, seconded by Borkowski and all aye vote to consider ORDINANCE #683 CHANGING PARKING IN THE 600 BLOCK OF TRACY STREET and now give final vote for passage.

Motion was made by Cramer, seconded by Borkowski and all aye vote to adopt RESOLUTION #08-22 APPROVING THE ROAD USE TAX REPORT.

Dan Madsen was present to request additional compensation for the installation of a check valve

Motion was made by Christensen, seconded by Griffith and all aye vote to approve the application for renewal of the Liquor License, Outdoor Service Area and Sunday Sales Privilege for Vic's Main Tap.

Motion was made by Cramer, seconded by Borkowski and all aye vote to adjust a water billing according to Council policy of 25% of the overage, where a leak has occurred (203 South St, $64.25).

Due to continuing complaints, a discussion was held about the parking on Tracy Street on the west side of the grade school building. Chief Simonsen suggested changing the allowed parking areas to the south 175 feet on the east side of the street and on the west side from South Street to 200 feet north of S Division Street.

Motion was made by Cramer, seconded by Borkowksi and all aye vote to consider ORDINANCE #683 CHANGING PARKING IN THE 600 BLOCK OF TRACY STREET and now give first vote for passage.

Scott Stevenson of Ruan Securities explained the permanent financing bond issue for the Streetscape Project. The bonds have a 15 year payoff schedule, with an average interest rate of 4.47%. The bond issue is for $1,320,000.

Motion was made by Cramer, seconded by Jacobsen and all aye vote to adopt RESOLUTION #08-18 APPOINTING PAYING AGENT, NOTE REGISTRAR AND TRANSFER AGENT, APPROVING THE PAYING AGENT AND NOTE REGISTRAR AND TRANSFER AGENT AGREEMENT AND AUTHORIZING THE EXECUTION OF THE AGREEMENT.

Motion was made by Cramer, seconded by Jacobsen and all aye vote to approve the tax exemption certificate.

Motion was made by Cramer, seconded by Jacobsen and all aye vote to approve the continuing disclosure certificate.

Motion was made by Cramer, seconded by Jacobsen and all aye vote to adopt RESOLUTION #08-19 AMENDING RESOLUTION APPROVING AND AUTHORIZING A FORM OF LOAN AGREEMENT AND AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF CAPITAL LOAN NOTES AND LEVYING A TAX TO PAY THE NOTES.

Motion was made by Borkowski, seconded by Cramer and all aye vote to adjourn at 8:26 pm.

Lora Hansen, City Clerk

APPROVED THIS 8th DAY OF SEPTEMBER, 2008

Clark A. Kauffman, Mayor

September 8, 2008 7:00 P.M. City Hall

The Audubon City Council met in regular session with Mayor Kauffman presiding and these members present: Borkowski, Christensen, Jacobsen. Absent: Cramer (arrived later), Griffith. Motion was made by Christensen, seconded by Borkowski and all aye vote to approve the agenda. Motion was made by Jacobsen, seconded by Borkowski and all aye vote to approve the minutes of the last meeting.

Motion was made by Christensen, seconded by Jacobsen and all aye vote to adopt RESOLUTION #08-20 ASSESSING UNPAID UTILITY BILL (202 Tracy Street, $159.61).

Motion was made by Christensen, seconded by Jacobsen and all aye vote to adopt RESOLUTION #08-21 ASSESSING UNPAID UTILITY BILL (416 E Division Street, $295.87).

ORDINANCE #682 MOVING PARKING FROM WEST TO EAST SIDE OF WASHINGTON STREET BETWEEN S DIVISION ST AND FREEMAN AVENUE was discussed. Several residents of the area

ORDINANCE NO. 684

AN ORDINANCE AMENDING TITLE II (COMMUNITY PROTECTION), DIVISION 1 (LAW ENFORCEMENT), CHAPTER 2 (TRAFFIC CODE), ARTICLE 6 (STOP OR YIELD REQUIRED), SECTION 2 (STOP INTERSECTIONS) OF THE AUDUBON CITY CODE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUDUBON, IOWA

SECTION 1. PURPOSE. To no longer require vehicles traveling west on Broadway to stop at Second Avenue.

SECTION 2. AMENDMENT. Section 2, entitled "STOP INTERSECTIONS" of Article 6, Chapter 2, Division 1, Title II of the City Code of Audubon, Iowa (2.1-2.602) is hereby amended by deleting therefrom the following subsection:

"63. Broadway. Vehicles traveling west on Broadway shall stop at Second Avenue."

SECTION 3. PURPOSE. To no longer require vehicles traveling east on Broadway to stop at Second Avenue.

SECTION 4. AMENDMENT. Section 2, entitled "STOP INTERSECTIONS" of Article 6, Chapter 2, Division 1, Title II of the City Code of Audubon, Iowa (2.1-2.602) is hereby amended by deleting therefrom the following subsection:

"64. Broadway. Vehicles traveling east on Broadway shall stop at Second Avenue."

SECTION 5. REPEAL OF CONFLICTING ORDINANCES. All ordinances or partial ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 6. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication will not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 7. 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 ON THIS 9th DAY OF February, 2009.

Kathleen Cramer MPT
Kathleen Cramer, Mayor Pro Tem

ATTEST: Lora Hansen
Lora Hansen, City Clerk

ORDINANCE NO. 685

AN ORDINANCE AMENDING: TITLE III (MENTAL AND PHYSICAL HEALTH), CHAPTER 3 (LIQUID WASTES), ARTICLE 3 (SEWER RENTAL), SECTION 2 (RENTAL RATE); OF THE CITY CODE OF AUDUBON, IOWA.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUDUBON, IOWA

SECTION 1. PURPOSE. To establish sewer rental rates for services provided by the city.

SECTION 2. AMENDMENT. Section 2, entitled "RENTAL RATE" of Article 3, Chapter 3, Title III of the City Code of Audubon, Iowa (3-3.0302) is hereby amended by striking the language $23.00 where it appears and inserting in lieu thereof the following language:

"$28.00."

SECTION 3. AMENDMENT. Section 2, entitled "RENTAL RATE" of Article 3, Chapter 3, Title III of the City Code of Audubon, Iowa (3-3.0302) is hereby further amended by striking the language December 6, 2003 where it appears and inserting in lieu thereof the following language:

"March 16, 2009."

SECTION 4. REPEAL OF CONFLICTING ORDINANCES. All ordinances or partial ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication will not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 6. WHEN EFFECTIVE. This ordinance shall be in effect on and after the date of publication hereof.

PASSED AND APPROVED BY THE CITY ON THIS 9th DAY OF March, 2009.

Clark A. Kauffman

Clark A. Kauffman, Mayor

ATTEST:

Lora Hansen

Lora Hansen, City Clerk

ORDINANCE NO. 686

AN ORDINANCE AMENDING:
TITLE III (MENTAL AND PHYSICAL HEALTH), CHAPTER 4 (SOLID WASTE CONTROL), ARTICLE 2 (COLLECTION AND TRANSPORTATION), SECTION 12 (COLLECTION FEES), SUBSECTION 1 (SCHEDULE OF FEES); OF THE CITY CODE OF AUDUBON, IOWA.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUDUBON, IOWA

SECTION 1. PURPOSE. To establish solid waste collection fees for services provided by the city.

SECTION 2. AMENDMENT. Subsection 1, entitled "Schedule of Fees" of Section 12, Article 2, Chapter 4, Title III of the City Code of Audubon, Iowa (3-4.0212, Subsection 1) is hereby amended by striking the language "$15.00" where it appears in Subsections 1.A and 1.B and inserting in lieu thereof in each of said Subsections the following language: "$18.00"

SECTION 3. REPEAL OF CONFLICTING ORDINANCES. All ordinances or partial ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication will not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 5. WHEN EFFECTIVE. This ordinance shall be effective for all billings on and after October 24, 2009. This ordinance shall be in effect on and after the date of publication hereof.

PASSED AND APPROVED BY THE CITY ON THIS 12th DAY of OCTOBER 2009.

Clark A. Kauffman, Mayor

ATTEST:

Lora Hansen, City Clerk

Airgas North Central	Cylinders	76.26
Barnstead International	Supplies	612.31
Bernie's Service Center	Improvement grant	691.34
Display Sales	Bulbs	295.00
Ecolab Pest Elimination	Spraying	81.00
Pamida	Supplies	14.26
Principal Life	Insurance	2743.53
Schroer & Associates	Audit (1/2)	2400.00

FUND	RECEIPTS	DISBURSEMENTS
General	181777.12	57001.83
Road Use Tax	22921.05	19425.48
Water Utility	16322.24	7906.23
Sewer Utility	21891.78	5540.89
Debt Service	76343.68	0.00
Employee Benefits	49740.95	11350.75
Cemetery Trust	1200.00	0.00
Local Option Tax	12918.71	13976.61
TIF	58581.67	2837.50
Self Insurance Fund	5701.01	6739.62
Capital Projects	0.00	0.00
Totals	447398.21	124778.91

David Simonsen, Police Chief, informed the Council that we have been awarded a grant of $4000 for a vehicle camera. The total price for a new camera is $5218.00. Motion was made by Griffith, seconded by Christensen and all aye vote to purchase the camera.

Motion was made by Cramer, seconded by Borkowski and all aye vote to consider ORDINANCE #687 SETTING WEIGHT LIMITS ON SEVENTH AVENUE and now give first vote for passage.
– Never final –

Lance Levis, Airport Authority Board Chairperson and City Attorney, updated the City Council on grants they will be receiving for a parking lot, runway repairs and an automated fuel system. The local match required for all of them is approximately $24300.

The meeting adjourned at 8:06 pm.

Lora Hansen, City Clerk

APPROVED THIS 23rd DAY OF NOVEMBER, 2009

Clark A. Kauffman, Mayor

November 23, 2009 7:00 P.M. City Hall

The Audubon City Council met in regular session with Mayor Kauffman presiding and these members present: Borkowski, Cramer, Griffith, Jacobsen. Absent: Christensen. Motion was made by Borkowski, seconded by Jacobsen and all aye vote to approve the agenda. Motion was made by Cramer, seconded by Borkowski and all aye vote to approve the minutes of the last meeting.

Casey Mai, Region XII C.O.G., reviewed various parts of the old Hazard Mitigation Plan as part of the updating process. A final plan will be approved next month.

Discussion: CAT Grant / Seventh Avenue / recycling pickup / street lights / hiring another part time police officer.

March 22, 2010 7:00 P.M. City Hall

The Audubon City Council met in regular session with Mayor Kauffman presiding and these members present: Borkowski, Griffith, Jacobsen, Murray. Absent: Cramer. Motion was made by Jacobsen, seconded by Borkowski and all aye vote to approve the agenda. Motion was made by Borkowski, seconded by Jacobsen and all aye vote to approve the minutes of the last meeting.

Pat Curtis reported on her meeting with Vision Iowa about the Streetscape Project. They are pleased with the project's progress and understand that the mosaics will not be completed by the project's completion date. There will be a site visit later this spring.

Jason White, Midwest Partnership Development Corporation, explained his company and the development programs that they have. Audubon County Economic Development has recently joined Midwest Partnership, so White will be in the area meeting business owners and assessing needs in the area.

At the last meeting, a decision was made on property & liability insurance, without the item being on the Agenda, so the decision is being revisited. Dave Lake, Community Insurance explained the renewal process that he has been working on during the last several weeks. Burdell Hansen, also from Community Insurance, spoke about insurance in general and the differences in coverage and companies for cities and schools. Tim Andersen, Landmands Insurance explained his ideas and why he had submitted a letter asking the City to rotate the insurance as the school does.

Motion was made by Borkowski, seconded by Griffith and all aye vote to rescind the motion from the last meeting that awarded the renewal to Landmands.

Motion was made by Jacobsen, seconded by Griffith and all aye vote to leave the insurance with Community Insurance for the April 1, 2010 renewal.

Dave Lake then presented his renewal proposal. The renewal price is $58727, which is $16257 less than last year.

The weight limits on S. Division St. W. were discussed. It was decided to reconsider the proposed sizes before proceeding, so the second consideration of ORDINANCE #688 SETTING WEIGHT LIMITS ON S DIVISION ST W was not considered or passed.

Robert Livermore of US Water Services presented the February plant operations reports.

Motion was made by Griffith, seconded by Jacobsen and all aye vote to hire several individuals and to rent equipment from Danner (G & L) Lawnscapes, to handle the cleanup in the City's parks and cemeteries.

Water and sewer rates were discussed. Rate increases are being considered due to shrinking balances in both utilities. After reviewing the rates in other communities, the effect of an increase on local residents and businesses, and the effect of no increase on the City's fund balances and future maintenance and expenses:

Motion was made by Jacobsen, seconded by Borkowski to consider ORDINANCE #689 SETTING WATER AND SEWER RATES and now give first vote for passage. Aye: Borkowski, Griffith, Jacobsen. Nay: Murray. Motion carried.

The meeting adjourned at 9:18 pm.

Lora Hansen, City Clerk

APPROVED THIS 12th DAY OF APRIL, 2010

Clark A. Kauffman, Mayor

ORDINANCE NO. 689

AN ORDINANCE AMENDING TITLE VI (COMMUNITY DEVELOPMENT AND ENVIRONMENT), CHAPTER 1 (WATER SERVICE), ARTICLE 3 (WATER RATES), SECTION 2 (RATES AND SERVICES);

AND,

TITLE III (MENTAL AND PHYSICAL HEALTH), CHAPTER 3 (LIQUID WASTES), ARTICLE 3 (SEWER RENTAL), SECTION 2 (RENTAL RATE); OF THE CITY CODE OF AUDUBON, IOWA.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUDUBON, IOWA

SECTION 1. PURPOSE. To establish rates for water service within the city.

SECTION 2. AMENDMENT. Section 2, entitled "RATES AND SERVICE" of Article 3, Chapter 1, Title VI of the City Code of Audubon, Iowa (6-1.0302) is hereby amended by striking from where it appears therein the following language:

" 0	to	5,000 Gallons	18.25 Minimum Charge
5,001	to	30,000 Gallons	3.40 per 1000 Gallons
	Over	30,001 Gallons	2.65 per 1000 Gallons"

and inserting in lieu thereof the following language:

" 0	to	5,000 gals.	$18.25 Minimum Charge
5,001	to	30,000 gals.	$4.00 per 1000 gal.
	Over	30,001 gals.	$3.00 per 1000 gal."

SECTION 3. PURPOSE. To establish a rate review each year for water service rates within the city.

SECTION 4. AMENDMENT. Section 2, entitled, "RATES AND SERVICE" of Article 3, Chapter 1, Title VI of the City Code of Audubon, Iowa (6-1.0302) is hereby amended by adding thereto the following language:

"The City Council shall review the service rates established by this section at least once each year so that the rate change, if any, can go into effect the following July. A rate change of one (1) to two (2) percent annually by resolution is hereby authorized under the authority of this ordinance without the necessity of enacting any further amending ordinance. Additional rate changes may be made but only with the enactment of a specific ordinance(s) authorizing such change."

SECTION 5. PURPOSE. To establish sewer rental rates for services provided by the city.

SECTION 6. AMENDMENT. Section 2, entitled, "RENTAL RATE" of Article 3, Chapter 3, Title III of the City Code of Audubon, Iowa (3-3.0302) is hereby amended by striking from where it appears therein the following language:

"1. $28.00 charged for the first 0 to 5000 gallons of water usage.
2. $7.26 charged for each additional 1000 gallons of water usage over said initial 5000 gallons.
3. The rates established herein shall be effective for all billings on and after March 16, 2009."

And inserting in lieu thereof the following language:

"1. $28.00 minimum charge for the first 0 to 5000 gallons of water usage.
2. $8.00 charged for each additional 1000 gallons of water usage over said initial 5000 gallons.
3. The rates established herein shall be effective for all billings on and after July 14, 2010."

SECTION 7. PURPOSE. To establish a rental rate review each year for sewer rental rates within the city.

SECTION 8. AMENDMENT. Section 2, entitled, "RENTAL RATE" of Article 3, Chapter 3, Title III of the City Code of Audubon, Iowa, (3-3.0302) is hereby amended by adding thereto the following language:

"The City Council shall review the rental rates established by this section at least once each year so that the rate change, if any, can go into effect the following July. A rate change of one (1) to two (2) percent annually by resolution is hereby authorized under the authority of this ordinance without the necessity of enacting any further amending ordinance. Additional rate changes may be made but only with the enactment of a specific ordinance(s) authorizing such change."

SECTION 9. REPEAL OF CONFLICTING ORDINANCES. All ordinances or partial ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 10. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication will not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 11. WHEN EFFECTIVE. This ordinance shall be in effect on and after July 14, 2010.

PASSED AND APPROVED BY THE CITY ON THIS 26th DAY OF APRIL 2010.

Clark A. Kauffman, Mayor

ATTEST:

Lora Hansen, City Clerk

Council discussion: Sewer bypass / stop light sensors / baby pool / street repairs.

Motion was made by Murray, seconded by Borkowski and all aye vote hire Matt Starmer as a police officer at $29000/year and also to give a $1000 raise to Coby Gust (effective July 1).

The meeting adjourned at 8:21 pm.

Lora Hansen, City Clerk

APPROVED THIS 12th DAY OF JULY, 2010

Clark A. Kauffman, Mayor
By Robert A Jacobsen, Mayor Pro Tem

July 12, 2010 7:00 P.M. City Hall

The Audubon City Council met in regular session with Mayor Pro Tem Jacobsen presiding and these members present: Borkowski, Griffith, Jacobsen, Murray. Absent: Kauffman, Cramer. Motion was made by Borkowski, seconded by Murray and all aye vote to approve the agenda. Motion was made by Murray, seconded by Griffith and all aye vote to approve the minutes of the last meeting.

John Ballou, Fire Chief, updated the Council on Fire Department activities. He also explained the need for 3 new nozzles and was given permission to purchase them.

Motion was made by Griffith, seconded by Borkowski and all aye vote to approve a request from the Audubon Chamber of Commerce for the parade route, streets closed, and using City equipment, for the Operation T-Bone Celebration.

Motion was made by Borkowski, seconded by Murray and all aye vote to approve an application from Betty Sievers for a TIF Rehab Grant. The Grant will be used for 2 new windows at 224 Broadway. The City's share is $1438.72.

Motion was made by Griffith, seconded by Borkowski and all aye vote to adopt RESOLUTION #10-12 ASSESSING UNPAID UTILITY BILL of $136.68 to 410 E Division Street.

Motion was made by Murray, seconded by Griffith and all aye vote to adopt RESOLUTION #10-13 ASSESSING UNPAID UTILITY BILL of $134.65 to 1004 N Division Street.

Final consideration of Ordinance #690 Setting Weight Limits on S Division St W died due to lack of action to pass it.

Motion was made by Griffith, seconded by Borkowski and all aye vote to consider ORDINANCE #693 SETTING WEIGHT/TIME LIMITS FOR SOUTH DIVISION STREET WEST and now give first vote for passage. This ordinance sets a 10 ton weight limit from February 1 to May 15 each year.

The Clerk's financial reports were ordered filed for audit. Motion was made by Murray, seconded by Griffith and all aye vote to allow the following claims:

Employees/Officials	Salaries/Overtime/Calltime	30185.37
Guthrie County REC	Utilities	76.85
Dylan Nielsen	WSI Reimbursement	85.00
Self Insurance Fund	Insurance	5700.00
Viking Pyrotechnics	T-Bone fireworks	3000.00
Olivia Chambers	WSI Reimbursement	85.00
Customers	Deposits refunded	900.00
New York Life Ins.	Insurance	42.83
Bohlmann & Sons	Per Contract	10600.00
Danner (G & L) Lawnscapes	Per Contracts	2523.75

ORDINANCE NO. 691

AN ORDINANCE AMENDING TITLE II (COMMUNITY PROTECTION), DIVISION 1 (LAW ENFORCEMENT), CHAPTER 2 (TRAFFIC CODE), ARTICLE 6 (STOP OR YIELD REQUIRED) OF THE AUDUBON CITY CODE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUDUBON, IOWA

SECTION 1. PURPOSE. To no longer require vehicles traveling north on First Avenue to yield at Brayton Street.

SECTION 2. AMENDMENT. Section 2, entitled "SPECIAL YIELD REQUIRED" of Article 6, Chapter 2, Division 1, Title II of the City Code of Audubon, Iowa (2.1-2.605) is hereby amended by deleting therefrom the following subsection:

"36. First Avenue. Vehicles traveling north on First Avenue shall yield at Brayton Street."

SECTION 3. PURPOSE. To no longer require vehicles traveling south on First Avenue to yield at Brayton Street.

SECTION 4. AMENDMENT. Section 2, entitled "SPECIAL YIELD REQUIRED" of Article 6, Chapter 2, Division 1, Title II of the City Code of Audubon, Iowa (2.1-2.605) is hereby amended by deleting therefrom the following subsection:

"37. First Avenue. Vehicles traveling south on First Avenue shall yield at Brayton Street."

SECTION 5. PURPOSE. To require vehicles traveling north on First Avenue to stop at Brayton Street.

SECTION 6. AMENDMENT. Section 2, entitled "STOP INTERSECTIONS" of Article 6, Chapter 2, Division 1, Title II of the City Code of Audubon, Iowa (2.1-2.602) is hereby amended by adding thereto the following subsection:

"63. First Avenue. Vehicles traveling north on First Avenue shall stop at Brayton Street."

SECTION 7. PURPOSE. To require vehicles traveling south on First Avenue to stop at Brayton Street.

SECTION 8. AMENDMENT. Section 2, entitled "STOP INTERSECTIONS" of Article 6, Chapter 2, Division 1, Title II of the City Code of Audubon, Iowa (2.1-2.602) is hereby amended by adding thereto the following subsection:

"64. First Avenue. Vehicles traveling south on First Avenue shall stop at Brayton Street."

SECTION 9. REPEAL OF CONFLICTING ORDINANCES. All ordinances or partial ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 10. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication will not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 11. 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 ON THIS 10th DAY OF MAY, 2010.

Clark A. Kauffman, Mayor

ATTEST:
Lora Hansen, City Clerk

Mid American Energy	Utilities	6014.40
Agriland FS	Fuel	272.86
Audúbon Country Store	Fuel	1270.31
Bernie's Service Center	Fuel	577.77
Casey's General Store	Fuel	61.88

FUND	RECEIPTS	DISBURSEMENTS
General	60233.49	83057.29
Road Use Tax	17008.58	16935.97
Water Utility	26659.44	14264.31
Sewer Utility	30984.47	16219.74
Debt Service	13825.53	0.00
Employee Benefits	9504.36	11509.11
Cemetery Trust	800.00	3210.00
Local Option Tax	10214.11	869.76
TIF	5337.13	0.00
Self Insurance Fund	5700.58	5494.35
Capital Projects	0.00	5622.85
Totals	$180267.69	$157183.38

Council discussion: Seventh Avenue / children playing signs / stop light sensors / mowing notices / street program.

The meeting adjourned at 8:18 pm.

Lora Hansen, City Clerk

APPROVED THIS 28th DAY OF JUNE, 2010

Clark A. Kauffman, Mayor

June 28, 2010 7:00 P.M. City Hall

The Audubon City Council met in regular session with Mayor Kauffman presiding and these members present: Borkowski, Griffith, Murray. Absent: Cramer, Jacobsen (arrived later). Motion was made by Murray, seconded by Borkowski and all aye vote to approve the agenda. Motion was made by Borkowski, seconded by Murray and all aye vote to approve the minutes of the last meeting.

Councilmember Jacobsen arrived at 7:02 pm.

Leroy Nielsen asked if a cottonwood tree in the City right-of-way by his property could be taken down. The Council agreed to split the cost with Nielsen.

A letter from the Civil Air Patrol was received. They are requesting permission to place an antenna and repeater on the City's water tower. The request was approved.

Motion was made by Jacobsen, seconded by Borkowski and all aye vote to adopt RESOLUTION #10-11 TRANSFERING FUNDS.

Final consideration of Ordinance #690 Setting Weight Limits on S Division St W was tabled until the next meeting.

Motion was made by Murray, seconded by Borkowski and all aye vote to consider ORDINANCE #692 MAKING A 4-WAY STOP AT THE CORNER OF SOUTH STREET AND TRACY STREET and now give final vote for passage.

Aaron Voss from US Water Services and Mike Starkey from McClure Engineering were present. Voss distributed May reports and Starkey asked if there were any further questions about the State Revolving Fund presentation that he gave last month.

Clark A. Kauffman, Mayor
By Robert A. Jacobsen, Mayor Pro Tem

July 26, 2010 7:00 P.M. City Hall

The Audubon City Council met in regular session with Mayor Pro Tem Jacobsen presiding and these members present: Borkowski, Griffith, Jacobsen, Murray. Absent: Cramer, Mayor Kauffman. Motion was made by Borkowski, seconded by Murray and all aye vote to approve the agenda. Motion was made by Murray, seconded by Jacobsen and all aye vote to approve the minutes of the last meeting.

Tim and Linda Irlmeier requested access from Sixth Avenue to a property that they have recently purchased. Sixth Avenue is platted, but not currently improved/accessible. Steve Stetzel, Public Works Director will have costs at the next meeting for some minor grading and gravel to provide accessibility.

Motion was made by Murray, seconded by Borkowski and all aye vote to approve an application from Pat Curtis for a TIF Rehab Grant. The Grant will be used for a new roof at 415 South Park Place. The City's share is $6514.67.

Melissa Thygesen, Firehouse Flames and Clif Petersen, Fire Dept. reviewed their bingo that was held July 19th. The Fire Department has a gambling license and have leased it to the Flames. This lease will continue until the Flames are able to obtain their own license.

Motion was made by Griffith, seconded by Borkowski and all aye vote to approve an application to extend the Outdoor Service Area for Vic's Main Tap from August 28-30 for a beer garden. This motion also includes the closing of Washington Street from Broadway, north to the alley, and also closing the alley behind Vic's.

Motion was made by Griffith, seconded by Murray and all aye vote to approve the application for renewal of the Class E Liquor License, Carryout Beer and Wine, and Sunday Sales Privilege for Audubon Food Pride.

Motion was made by Murry, seconded by Borkowski and all aye vote to consider ORDINANCE #693 SETTING WEIGHT/TIME LIMITS FOR SOUTH DIVISION STREET WEST and also to waive the rule requiring that an ordinance be considered and voted on at two meetings prior to the one at which it is finally passed and now give final vote for passage. This ordinance sets a 10 ton weight limit from February 1 to May 15 each year.

Robert Livermore of US Water Services distributed the June operations reports and asked for any questions from the Council. He also explained a contaminated sample and the immediate re-testing that was done mid-month. The follow-up samples all tested clean.

Motion was made by Griffith, seconded by Borkowski and all aye vote to consider ORDINANCE #694 SETTING STOP SIGNS AT THE WEST END OF NORTH AND SOUTH ARLINGTON STREETS and now give first vote for passage.

Motion was made by Griffith, seconded by Borkowski and all aye vote to purchase a taser for the Police Department ($875).

The meeting adjourned at 8:20 p.m.

Lora Hansen, City Clerk

APPROVED THIS 9th DAY OF AUGUST, 2010

Clark A. Kauffman, Mayor

ORDINANCE NO. 694

AN ORDINANCE AMENDING TITLE II (COMMUNITY PROTECTION), DIVISION 1 (LAW ENFORCEMENT), CHAPTER 2 (TRAFFIC CODE), ARTICLE 6 (STOP OR YIELD REQUIRED), SECTION 2 (STOP INTERSECTIONS) OF THE AUDUBON CITY CODE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUDUBON, IOWA

SECTION 1. PURPOSE. To require vehicles traveling west on North Arlington to stop at East Division Street.

SECTION 2. AMENDMENT. Section 2, entitled "STOP INTERSECTIONS" of Article 6, Chapter 2, Division 1, Title II of the City Code of Audubon, Iowa (2.1-2.0602) is hereby amended by adding thereto the following subsection:

"63. North Arlington. Vehicles traveling west on North Arlington shall stop at East Division Street."

SECTION 3. PURPOSE. To require vehicles traveling west on South Arlington to stop at East Division Street.

SECTION 4. AMENDMENT. Section 2, entitled "STOP INTERSECTIONS" of Article 6, Chapter 2, Division 1, Title II of the City Code of Audubon, Iowa (2.1-2.0602) is hereby amended by adding thereto the following subsection:

"64. South Arlington. Vehicles traveling west on South Arlington shall stop at East Division Street."

SECTION 5. REPEAL OF CONFLICTING ORDINANCES. All ordinances or partial ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 6. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication will not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 7. 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 ON THIS 9th DAY OF AUGUST, 2010.

Clark A. Kauffman, Mayor

ATTEST: Lora Hansen, City Clerk

Updated 4-18-02

Lm Horner

ORDINANCE NO. 656

AN ORDINANCE ADOPTING THE EXISTING CITY CODE OF THE CITY OF AUDUBON, IOWA, AS THE CODE OF ORDINANCES OF THE CITY OF AUDUBON, IOWA, 2002

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

SECTION 1. PURPOSE. The purpose of this ordinance is to comply with the provisions of Section 380.8, Code of Iowa, requiring cities to compile a code of ordinances at least once every five years.

SECTION 2. CODE ADOPTED. The CODE OF ORDINANCES OF THE CITY OF AUDUBON, IOWA, 1995, as amended by Ordinances 624 through 653, both inclusive, being found to be correct and adequate for the City is hereby readopted as the CODE OF ORDINANCES OF THE CITY OF AUDUBON, IOWA, 2002, with the following amendments:

A. DEFINITIONS. Section 1-1.0102, subsection 8 is repealed and the following is enacted in lieu thereof:

"8. 'City Code' or ' Municipal Code': shall mean the CODE OF ORDINANCES OF THE CITY OF AUDUBON, IOWA, 2002."

SECTION 3. AMENDMENTS. All general ordinances of the City passed hereafter shall be in the form of an addition, amendment or repealer to the CODE OF ORDINANCES OF THE CITY OF AUDUBON, IOWA, 2002, and shall include proper references to title, chapter, article and section or subsection to maintain the orderly codification of ordinances.

SECTION 4. COPY ON FILE. An official copy of the "CODE ORDINANCES OF THE CITY OF AUDUBON, IOWA, 2002," adopted by this ordinance, including a certificate of the City Clerk as to its adoption and the effective date, is on file in the office of the City Clerk and is available for public inspection.

SECTION 5. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its publication, as required by law.

Passed by the Council the 25th day of February, 2002.

Clark A. Kauffman
MAYOR

ATTEST: Lin Hansen
CITY CLERK

CLERK'S CERTIFICATE

I hereby certify that the foregoing Ordinance No. 656 was published as required by law on the 8th day of March, 2002.

SIGNED Lin Hansen
CITY CLERK

CLERK'S CERTIFICATE

State of Iowa)
) SS
County of Audubon)

I, Lora Hansen, City Clerk of the City of Audubon, Iowa, hereby certify that the "CODE OF ORDINANCES OF THE CITY OF AUDUBON, IOWA, 2002," was adopted by the City Council of the City of Audubon, Iowa, and that an official copy of said Code of Ordinances is on file at the office of the City Clerk, City of Audubon, Iowa, and that Ordinance No. 656 adopting said Code of Ordinances was passed by the City Council of the City of Audubon, Iowa, on the 25th day of February, 2002, signed by the Mayor on the 25th day of February, 2002; duly recorded and published as provided by law, and that the effective date of said Code is March 8, 2002.

Witness my hand and official seal of the City of Audubon, Iowa, this 8th day of March, 2002.

SIGNED: Lora Hansen
CITY CLERK
CITY OF AUDUBON, IOWA

ORDINANCE NO. 623

AN ORDINANCE ADOPTING THE EXISTING CODE OF ORDINANCES OF THE CITY OF AUDUBON, IOWA, 1990, AS THE CODE OF ORDINANCES OF THE CITY OF AUDUBON, IOWA, 1995

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUDUBON, IOWA, AS FOLLOWS:

SECTION 1. PURPOSE. The purpose of this ordinance is to comply with the provisions of Section 380.8, Code of Iowa, 1995, requiring cities to compile a code of ordinances at least once every five years.

SECTION 2. CODE ADOPTED. THE CITY CODE OF THE CITY OF AUDUBON, IOWA, 1990, as amended by Ordinances 584 through 622, both inclusive, being found to be current and adequate for the City is hereby readopted as the CODE OF ORDINANCES OF THE CITY OF AUDUBON, IOWA, 1995, with the following amendments:

DEFINITIONS. Section 1-1.0102, sub-section 8 is repealed and the following enacted in lieu thereof:

"8. 'City Code' or 'Municipal Code': shall mean the CODE OF ORDINANCES OF THE CITY OF AUDUBON, IOWA, 1995."

SECTION 3. AMENDMENTS. All general ordinances of the City passed hereafter shall be in the form of an addition, amendment or repealer to the CODE OF ORDINANCES OF THE CITY OF AUDUBON, IOWA, 1995, and shall include prior references to title, chapter, article and section or sub-section to maintain orderly codification of ordinances.

SECTION 4. REPEALER. All ordinances in conflict herewith are hereby repealed from and after the 1st day of December, 1995, except as hereinafter provided.

SECTION 5. ORDINANCES SAVED FROM REPEAL. The repeal provided for in the preceding section of this ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the 1st day of December, 1995; nor shall such repeal affect any ordinance or resolution promising or guaranteeing the payment of money by the City or authorizing the issuance of any bonds of said City or any evidence of said City's indebtedness or any contract or obligation assumed by said City; nor shall said repeal affect the administrative ordinances or resolutions of the Council not in conflict or inconsistent with the provisions of "THE CODE OF ORDINANCES OF THE CITY OF AUDUBON, IOWA, 1995," nor shall it affect the ordinances specifically saved from repeal by Sections 3 and 4 of Ordinance 452 adopted in 1977; nor shall it affect the ordinances specifically saved from repeal by Sections

4 and 5 of Ordinance No. 543 adopted in 1985; nor shall it affect the ordinances specifically saved from repeal by Sections 4 and 5 of Ordinance No. 584 adopted in 1990; nor shall it affect the following ordinances specifically saved from repeal:

Ordinance No.	Adopted	Subject
589	06-11-1991	Street Vacation
604	10-11-1993	Zoning Map Amendment
605	10-11-1993	Street Vacation
609	02-14-1994	Zoning Map Amendment
614	08-22-1994	Zoning Map Amendment
616	03-27-1995	Zoning Map Amendment
618	07-10-1995	Street Vacation
622	11-27-1995	Zoning Map Amendment

nor shall it affect any other right or franchise conferred by any ordinance or resolution of the council on any other person or corporation; nor shall it affect any ordinance naming, establishing, relocating or vacating any street or public way, whether temporary or permanent; nor shall it affect any ordinance levying and imposing taxes; nor shall it affect any ordinance establishing building lines establishing or changing grades, or dedicating property for public use; not shall it affect any prosecution, suit or other proceeding pending or any judgment rendered on or prior to the 1st day of December, 1995.

SECTION 6. COPIES ON FILE. An official copy of the "CODE OF ORDINANCES OF THE CITY OF AUDUBON, IOWA, 1995," adopted by this ordinance, including a certificate of the City Clerk as to its adoption and the effective date, is on file in the office of the City Clerk.

SECTION 7. COPIES AVAILABLE. Copies of the "CODE OF ORDINANCES OF THE CITY OF AUDUBON, IOWA, 1995," shall be kept available at the office of the City Clerk for public inspection.

SECTION 8. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after the 1st day of December, 1995.

Clark A. Kauffman, Mayor

ATTEST:

Lora Hansen, City Clerk

CLERK'S CERTIFICATE

I hereby certify that the foregoing Ordinance No. 623 was published as required by law on the 1st day of December, 1995.

SIGNED: _____
Lora Hansen, City Clerk

STATE OF IOWA)
) ss:
AUDUBON COUNTY)

I, Lora Hansen, City Clerk of the City of Audubon, Iowa, hereby certify that the "CODE OF ORDINANCES OF THE CITY OF AUDUBON, IOWA, 1995," was adopted by the City Council of the City of Audubon, Iowa, and that an official copy of said Code of Ordinances is on file at the office of the City Clerk, City of Audubon, Iowa, and that Ordinance No. 623 adopting said Code of Ordinances was passed by the City Council of the City of Audubon, Iowa, on the 27th day of November, 1995; duly recorded and published by law, and that the effective date of said Code is December 1, 1995.

Witness my hand and official seal of the City of Audubon, Iowa, this 1st day of December, 1995.

SIGNED: _____
Lora Hansen, City Clerk
City of Audubon, Iowa

ORDINANCE NO. 584

AN ORDINANCE ADOPTING THE EXISTING CITY CODE OF THE CITY OF AUDUBON, IOWA, 1985 AS THE CODE OF ORDINANCES OF THE CITY OF AUDUBON, IOWA, 1990.

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

SECTION 1. PURPOSE. The purpose of this ordinance is to comply with the provisions of Section 380.8, Code of Iowa, 1990, requiring cities to compile a code of ordinances at least once every five years.

SECTION 2. CODE ADOPTED. THE CITY CODE OF THE CITY OF AUDUBON, IOWA, 1985, as amended by Ordinances 544 through 583, both inclusive, being found to be current and adequate for the City is hereby readopted as the CODE OF ORDINANCES OF THE CITY OF AUDUBON, IOWA, 1990, with the following amendments:

DEFINITIONS. Section 1-1.0102, sub-section 8 is repealed and the following enacted in lieu thereof:

"8. 'City Code' or 'Municipal Code': shall mean the CODE OF ORDINANCES OF THE CITY OF AUDUBON, IOWA, 1990."

SECTION 3. AMENDMENTS. All general ordinances of the City passed hereafter shall be in the form of an addition, amendment or repealer to the CODE OF ORDINANCES OF THE CITY OF AUDUBON, IOWA, 1990, and shall include prior references to title, chapter, article and section or sub-section to maintain the orderly codification of ordinances.

SECTION 4. REPEALER. All ordinances in conflict herewith are hereby repealed from and after the 16th day of November, 1990, except as hereinafter provided.

SECTION 5. ORDINANCES SAVED FROM REPEAL. The repeal provided for in the preceding section of this ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the 16th day of November, 1990; nor shall such repeal affect any ordinance or resolution promising or guaranteeing the payment of money by the City or authorizing the issuance of any bonds of said City or any evidence of said City's indebtedness or any contract or obligation assumed by said City; nor shall said repeal affect the administrative ordinances or resolutions of the Council not in conflict or inconsistent with the provisions of "THE CODE OF ORDINANCES OF THE CITY OF AUDUBON, IOWA, 1990"; nor shall it

affect the ordinances specifically saved from repeal by Sections 3 and 4 of Ordinance No. 452 adopted in 1977; nor shall it affect the ordinances specifically saved from repeal by Sections 4 and 5 of Ordinance No. 543 adopted in 1985; nor shall it affect the following ordinances specifically saved from repeal:

Ordinance No.	Adopted	Subject
551	11-10-86	Alley Vacation
555	6-08-87	Floodway Districts
578	5-14-90	Street Vacation
580	5-29-90	Zoning Map Amendment

nor shall it affect any other right or franchise conferred by any ordinance or resolution of the council on any other person or corporation; nor shall it affect any ordinance naming, establishing, relocating or vacating any street or public way, whether temporary or permanent; nor shall it affect any ordinance levying and imposing taxes; nor shall it affect any ordinance establishing building lines, establishing or changing grades, or dedicating property for public use; nor shall it affect any prosecution, suit or other proceeding pending or any judgment rendered on or prior to the 16th day of November, 1990.

SECTION 6. COPIES ON FILE. An official copy of the "CODE OF ORDINANCES OF THE CITY OF AUDUBON, IOWA, 1990", adopted by this ordinance, including a certificate of the City Clerk as to its adoption and the effective date, is on file in the office of the City Clerk.

SECTION 7. COPIES AVAILABLE. Copies of the "CODE OF ORDINANCES OF THE CITY OF AUDUBON, IOWA, 1990" shall be kept available at the office of the City Clerk for public inspection.

SECTION 8. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after the 16th day of November, 1990.

Jay Dee Mendenhall, Mayor

ATTEST:

Lora Hansen, City Clerk

CLERK'S CERTIFICATE

I hereby certify that the foregoing Ordinance No. 584 was published as required by law on the 16th day of November, 1990.

SIGNED: Lora Hansen
Lora Hansen, City Clerk

STATE OF IOWA
ss:
AUDUBON COUNTY

I, Lora Hansen, City Clerk of the City of Audubon, Iowa, hereby certify that the "CODE OF ORDINANCES OF THE CITY OF AUDUBON, IOWA, 1990", was adopted by the City Council of the City of Audubon, Iowa, and that an official copy of said Code of Ordinances is on file at the office of the City Clerk, City of Audubon, Iowa, and that Ordinance No. 584 adopting said Code of Ordinances was passed by the City Council of the City of Audubon, Iowa, on the 12th day of November, 1990; duly recorded and published by law, and that the effective date of said Code is November 16, 1990.

Witness my hand and official seal of the City of Audubon, Iowa, this 16th day of November, 1990.

SIGNED: Lora Hansen
Lora Hansen, City Clerk
City of Audubon, Iowa

ORDINANCE NO. 543

AN ORDINANCE ADOPTING THE EXISTING CITY CODE OF THE CITY OF AUDUBON, IOWA, 1977 AS THE CODE OF ORDINANCES OF THE CITY OF AUDUBON, IOWA, 1985.

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

SECTION 1. PURPOSE. The purpose of this ordinance is to comply with the provisions of Section 380.8, Code of Iowa, 1983, requiring cities to compile a code of ordinances at least once every five years.

SECTION 2. CODE ADOPTED. The CITY CODE OF THE CITY OF AUDUBON, IOWA, 1977, as amended by Ordinances 453 through 542, both inclusive, being found to be current and adequate for the city is hereby readopted as the CODE OF ORDINANCES OF THE CITY OF AUDUBON, IOWA, 1985, with the following amendments:

A. TITLE. Section 1-1.0101 is repealed and the following enacted in lieu thereof:

"1-1.0101 TITLE. This Code of Ordinances shall be known and may be cited as the "Audubon Municipal Code" for the purpose of prosecution in the courts."

B. DEFINITIONS. Section 1-1.0102, sub-section 8 is repealed and the following enacted in lieu thereof:

"8. 'City Code' or 'Municipal Code': shall mean the CODE OF ORDINANCES OF THE CITY OF AUDUBON, IOWA, 1985."

SECTION 3. AMENDMENTS. All general ordinances of the city passed hereafter shall be in the form of an addition, admendment or repealer to the CODE OF ORDINANCES OF THE CITY OF AUDUBON, IOWA, 1985, and shall include prior references to title, chapter, article and section or sub-section to maintain the orderly codification of ordinances.

SECTION 4. REPEALER. All ordinances in conflict herewith are hereby repealed from and after the 20th day of March, 1985, except as hereafter provided.

SECTION 5. ORDINANCES SAVED FROM REPEAL. The repeal provided for in the preceding section of this ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the 20th day of March, 1985; nor shall such repeal affect any ordinance or resolution promising or guaranteeing the payment of money by the City or authorizing the issuance of any bonds of said City or any evidence of said City's indebtedness or any contract or obligation assumed by said City; nor shall said repeal affect the administrative ordinances or resolutions of the Council not in conflict or inconsistent with the provisions of "THE CODE OF ORDINANCES OF THE CITY OF AUDUBON, IOWA, 1985"; nor shall it affect the ordinances specifically saved from repeal by Sections 3 and 4 of Ordinance No. 452 adopted in 1977; nor shall it affect the following ordinances specifically saved from repeal:

Ordinance No.	Adopted	Subject
457	01-11-78	Zoning Map Amendment
458	01-11-78	Zoning Map Amendment
479	01-11-78	Zoning Map Amendment
460	01-11-78	Zoning Map Amendment
461	01-11-78	Zoning Map Amendment
462	01-11-78	Zoning Map Amendment
468	05-22-78	Street Vacation
471	05-22-78	Zoning Map Amendment
476	10-11-78	Zoning Map Amendment
477	07-09-79	Street Vacation
483	03-26-79	Alley Vacation
493	10-10-79	Zoning Map Amendment
499	07-28-80	Street Vacation
500	07-28-80	Street Vacation
501	07-28-80	Alley Vacation
502	07-28-80	Alley Vacation
505	09-23-80	Street Vacation
510	02-23-81	Zoning Map Amendment
518	05-03-82	Zoning Districts
525	12-13-82	Centerline Grade
534	01-09-84	Zoning Map Amendment
542	11-26-84	Street Vacation

nor shall it affect any other right or franchise conferred by any ordinance or resolution of the council on any other person or corporation; nor shall it affect any ordinance naming, establishing, relocating or vacating any street or public way, whether temporary or permanent; nor shall it affect any ordinance levying and imposing taxes; nor shall it affect any ordinance establishing building

lines, establishing or changing grades, or dedicating property for public use; nor shall it affect any prosecution, suit or other proceeding pending or any judgment rendered on or prior to the 20th day of March, 1985.

SECTION 6. COPIES ON FILE. An official copy of the "CODE OF ORDINANCES OF THE CITY OF AUDUBON, IOWA, 1985", adopted by this ordinance, including a certificate of the City Clerk as to its adoption and the effective date, is on file in the office of the City Clerk.

SECTION 7. COPIES AVAILABLE. Copies of the "CODE OF ORDINANCES OF THE CITY OF AUDUBON, IOWA, 1985" shall be kept available at the office of the City Clerk for public inspection.

SECTION 8. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after the 20th day of March, 1985.

MAYOR

ATTEST: Mary Herrig
CITY CLERK

CLERK'S CERTIFICATE

I hereby certify that the foregoing Ordinance No. 543 was published as required by law on the 20th day of March, 1985.

SIGNED Mary Herrig
CITY CLERK

CLERK'S CERTIFICATE

STATE OF IOWA
:SS
AUDUBON COUNTY

I, Mary Herrig, City Clerk of the City of Audubon, Iowa, hereby certify that the "CODE OF ORDINANCES OF THE CITY OF AUDUBON, IOWA, 1985", was adopted by the city council of the City of Audubon, Iowa, and that an official copy of said Code of Ordinances is on file at the office of the City Clerk, City of Audubon, Iowa, and that Ordinance No. 543 adopting said Code of Ordinances was passed by the City Council of the City of Audubon, Iowa on the 11th day of March, 1985, signed by the Mayor on the 11th day of March, 1985; duly recorded and published by law, and that the effective date of said Code is March 20, 1985.

Witness my hand and official seal of the City of Audubon, Iowa, this 21st day of March, 1985.

SIGNED: Mary Herrig
CITY CLERK
City of Audubon, Iowa

ORDINANCE NO. 452

AN ORDINANCE ADOPTING THE "CITY CODE OF THE CITY OF AUDUBON, IOWA, 1977".

BE IT ORDAINED by the City Council of the City of Audubon, Iowa that:

SECTION 1. Pursuant to published notice and following public hearing on June 22, 1977, so required by Sections 362.3 and 389.8, Code of Iowa, 1975, there is hereby adopted by the City of Audubon, Iowa, the "City Code of the City of Audubon, Iowa, 1977."

SECTION 2. All of the provisions of the "City Code of the City of Audubon, Iowa, 1977", shall be in force and effect on and after June 28, 1977.

SECTION 3. All ordinances or parts thereof in force on June 22, 1977, and not contained in the "City Code of the City of Audubon, Iowa, 1977", are hereby repealed from and after June 22, 1977 except as hereafter provided.

SECTION 4. That the repeal provided for in the preceding section of this ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the 22nd day of June, 1977; nor shall such repeal affect any ordinance or resolution promising or guaranteeing the payment of money by the City or authorizing the issuance of any bonds of said City or any evidence of said City's indebtedness or any contract or obligation assumed by said City; nor shall said repeal affect the administrative ordinances or resolutions of the Council not in conflict or inconsistent with the provisions of "The City Code of the City of Audubon, Iowa, 1977"; nor shall it affect the following ordinances specifically saved from repeal:

ORDINANCE NO.	ADOPTED	SUBJECT
257	July 21, 1947	Street Grades
258	July 21, 1947	Street Grades
270	Jan. 5, 1948	Street Grades
274	Aug. 2, 1948	Sidewalk Grades
276	Jan. 3, 1947	Street Grades
277	Feb. 25, 1949	Vacating Alley
280	Aug. 8, 1949	Vacating Alley
292	Aug. 4, 1952	Vacating Alley
293	Dec. 18, 1952	Vacating Alley
295	Sept. 8, 1953	Vacating Street
297	Dec. 7, 1953	Vacating Alley
298	Feb. 1, 1954	Vacating Alley

ORDINANCE NO.	ADOPTED	SUBJECT
301	May 3, 1954	Vacating Street
304	July 12,1954	Vacating Street
305	Aug. 2,1954	Vacating Street
308	May 17,1955	Vacating Street
317	Nov. 12,1955	Vacating Alley
323	June 5,1957	Vacating Alley
324	June 20,1957	Vacating Alley
328	Apr. 7,1958	Vacating Alley
329	Apr. 14,1958	Vacating Street
332	July 7,1958	Street Grades
333	Sept. 3,1958	Street Grades
334	Sept. 3,1958	Street Grades
340	Sept. 8,1958	Vacating Alley
351	Mar. 20,1961	Vacating Street
352A	May 1,1961	Street Grades
365	June 25,1962	Street Grades
376	Unknown	Vacating Street
380	June 6,1966	Vacating Alley
384	May 8,1967	Street Grade
385	Sept.25,1967	Street Grade
391	Aug. 19,1968	Street Grade
395	Dec. 22,1969	Street Grade
401	Aug. 11,1970	Street Grade
408	Sept.28,1971	Vacating Alley
422	July 22,1974	Street Grade
425	Sept.23,1974	Vacating Alley
435	July 8,1975	Vacating Alley
436	July 8,1975	Vacating Alley
437	July 8,1975	Vacating Alley
438	July 8,1975	Vacating Street
439	July 8,1975	Vacating Alley
444	Sept.22,1976	Vacating Street

nor shall it affect any other right or franchise conferred by any ordinance or resolution of the Council on any other person or corporation; nor shall it affect any ordinance naming, establishing, relocating and vacating any street or public way, whether temporary or permanent; nor shall it affect any ordinance levying and imposing taxes; nor shall affect any ordinance establishing building lines, establishing and changing grades, or dedicating property for public use; nor shall it affect any prosecution, suit or other proceeding pending or any judgment rendered on or prior to the 22nd. day of June, 1977.

SECTION. 5. Ordinances passed prior to adoption of the code. The last ordinance included in this code was Ordinance 451, passed March 23, 1977.

SECTION 6. An official copy of the "City Code of the City of Audubon, Iowa, 1977", adopted by this ordinance, including a certificate of the City Clerk as to its adoption and the effective date, is on file in the office of the City Clerk.

SECTION 7. Copies of the "City Code of the City of Audubon, Iowa, 1977", shall be kept available at the office of the City Clerk for public inspection.

SECTION 8. The City Clerk shall furnish a copy of the "City Code of Audubon, Iowa, 1977", to the State Law Library, the Municipal Library and to the Judicial Magistrates serving the City of Audubon.

SECTION 9. This ordinance shall be in full force and effect from and after the 28th day of June, 1977.

Passed by the Council the 28th day of June, 1977, and approved this 28th day of June, 1977.

J. D. Mendenhall, Mayor

ATTEST:

Robert Christoffersen,
City Clerk

CLERK'S CERTIFICATE

I hereby certify that the foregoing was published as ordinance number 452 in the Audubon News-Advocate on June 29, 1977.

Signed Robert Christoffersen
Robert Christoffersen, City Clerk

CLERK'S CERTIFICATE

STATE OF IOWA, COUNTY OF AUDUBON, SS:

I, Robert Christoffersen, City Clerk of the City of Audubon, Iowa, hereby certify that the "City Code of the City of Audubon, Iowa, 1977", was adopted by the City Council of the City of Audubon, Iowa, and that an official copy of said Code is on file at the office of the City Clerk, City of Audubon, Iowa, and that Ordinance No. 452 adopting said City Code as proposed was passed by the City Council of the City of Audubon, Iowa, on June 28, 1977, signed by the Mayor on June 28, 1977; duly recorded and published as provided by law, and that the effective date of said Code is June 28th, 1977.

Witness my hand and official seal of the City of Audubon, Iowa, this 29th day of June, 1977.

Signed Robert Christoffersen
Robert Christoffersen, City Clerk
City of Audubon, Iowa

CODE OF ORDINANCES

OF THE

CITY OF

AUDUBON, IOWA

2002

AUDUBON, IOWA

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TITLE I

POLICY AND ADMINISTRATION

ARTICLE 1

CITY CODE

1-1.0101 TITLE. This Code of Ordinances shall be known and may be cited as the "Audubon Municipal Code" for the purpose of prosecution in the courts.

1-1.0102 DEFINITIONS. Terms used in this city code, unless specifically defined in another section shall have the meanings prescribed as follows:

1. "City": shall mean the City of Audubon, Iowa.

2. "County": shall mean Audubon County, Iowa.

3. "State": shall mean the State of Iowa.

4. "Council": shall mean the city council of Audubon, Iowa.

5. "Clerk": shall mean the city clerk of Audubon, Iowa.

6. "Person": shall mean an individual, firm, partnership, domestic or foreign corporation, company, association or joint stock association, trust, or other legal entity, and includes a trustee, receiver, assignee, or similar representative thereof, but does not include a governmental body.

7. "Ordinances": shall mean the ordinances of the City of Audubon as embodied in the city code, ordinances not repealed by the ordinance adopting the city code, and those enacted hereafter.

8. "City Code" or "Municipal Code": shall mean the CODE OF ORDINANCES OF THE CITY OF AUDUBON, IOWA, 2002. ***(Amended by Ordinance No. 656)***

9. "Code": shall mean the specific chapter in which a specific subject is covered and bears a descriptive title word (such as the Building Code and/or a standard code adopted by reference).

10. "Measure": shall mean an ordinance, amendment, resolution or motion.

11. "Statutes, Laws": shall mean the latest edition of the Code of Iowa, as amended.

12. "Preceding, Following": shall mean next before and next after, respectively.

13. "Property": shall include real property, and tangible and intangible personal property unless clearly indicated otherwise.

14. "Property Owner": shall mean a person owning private property in the city as shown by the county auditor's plats of the city.

15. "Occupant, Tenant": applied to a building or land, shall include any person who occupies the whole or a part of such building or land, whether alone or with others.

16. "Year": shall mean a calendar year.

17. "Month": shall mean a calendar month.

18. "Writing, Written": shall include printing, typing, lithographing, or other mode of representing words and letters.

19. "Oath": shall be construed to include an affirmation in all cases in which by law an affirmation may be substituted for an oath, and in such cases the words "affirm" and "affirmed" shall be equivalent to the words "swear" and "sworn".

20. "Public Property": shall mean any and all property owned by the city or held in the name of the city by any of the departments, commissions or agencies within the city government.

21. "Public Place" shall include in its meaning, but is not restricted to, any city-owned open place, such as parks and squares.

22. "Public Way": shall include any street, alley, boulevard, parkway, highway, sidewalk, or other public thoroughfare.

23. "Street": shall mean and include any public way,

highway, street, avenue, boulevard, parkway, or other public thoroughfare, and each of such words shall include every other of them, and unless otherwise indicated in the text, shall include the entire width between property lines.

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

25. "Sidewalk": shall mean that portion of the street between the edge of the travelled way, surfacing, or curb line and the adjacent property line.

1-1.0103 RULES OF CONSTRUCTION. In the construction of the city code the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the council or repugnant to the context of the provisions.

1. Tense: words used in the present tense include the future.

2. May: confers a power.

3. Must: states a requirement.

4. Shall: imposes a duty.

5. Gender: the masculine gender shall include the feminine and neuter genders.

6. Interpretation: all general provisions, terms, phrases, and expressions contained in the city code shall be liberally construed in order that the true intent and meaning of the council may be fully carried out.

1-1.0104 AMENDMENTS. All ordinances which amend, repeal or in any manner affect the city code shall include proper reference to title, division, chapter, article, section and subsection to maintain an orderly codification of ordinances of the city.

(Code of Iowa, 1975, Sec. 380.2)

1-1.0105 CATCHLINES AND NOTES. The catchlines of the several sections of the city code, titles, headings (chapter, division, article, section and subsection), editor's notes, cross references and state law references, unless set out in

the body of the section itself, contained in the city code, do not constitute any part of the law, and are intended merely to indicate, explain, supplement or clarify the contents of a section.

1-1.0106 ALTERING CODE. It is unlawful for any person to change or amend by additions or deletions, any part or portion of the city code, or to insert or delete pages, or portions thereof, or to alter or tamper with the city code in any manner whatsoever which will cause the law of the city to be misrepresented thereby.

1-1.0107 STANDARD PENALTY. Unless another penalty is expressly provided by the city code for any particular provision, section or chapter, any person failing to perform a duty, or obtain a license required by, or violating any provision of the city code, or any rule or regulation adopted herein by reference shall be guilty of a misdemeanor and, upon conviction, be subject to a fine of not more than one hundred dollars ($100) or imprisonment not to exceed thirty (30) days.
(Code of Iowa, 1975, Sec. 364.3 [2])

1-1.0108 SEVERABILITY. If any section, provision or part of the city code is adjudged invalid or unconstitutional, such adjudication will not affect the validity of the city code as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

ARTICLE 2
OFFICERS AND EMPLOYEES

1-1.0201 OATHS. The oath of office shall be required and administered in accordance with the following:

1. Qualify for Office. All elected officers and the following appointed officers shall qualify for office by taking the prescribed oath:

(Code of Iowa, 1975, Sec. 63.1)

A. City Clerk
B. Deputy City Clerk
C. Peace Officer
D. Treasurer

2. Prescribed Oath. The prescribed oath is: "I, (name), do solemnly swear that I will support the constitution of the United States and the Constitution of the State of Iowa, and that I will faithfully and impartially, to the best of my ability, discharge all duties of the office of (name of office) in Audubon as now or hereinafter required by law."

(Code of Iowa, 1975, Sec. 63.10)

3. Officers Empowered to Administer Oaths. The following are empowered to administer oaths and to take affirmations in any matter pertaining to the business of their respective office:

A. The Mayor
B. The Clerk
C. Members of all boards, commissions or bodies created by law.

(Code of Iowa, 1975, Sec. 78.2)

1-1.0202 BONDS. Surety bonds shall be provided in accordance with the following:

1. Required. The council shall provide by resolution for a surety bond running to the city and covering the mayor, clerk, treasurer and such other officers and employees as may be necessary and advisable.

(Code of Iowa, 1975, Sec. 64.13)

2. Surety. Any association or incorporation which does the business of insuring the fidelity of others, and which has authority by law to do business in this state, shall be accepted as surety upon any bonds required.

(Code of Iowa, 1975, Sec. 64.17)

3. Bonds Approved. Bonds shall be approved by the council.

(Code of Iowa, 1975, Sec. 64.13)

4. Bonds Filed. All bonds, after approval and proper record, shall be filed with the clerk.

(Code of Iowa, 1975, Sec. 64.23)

5. Record. The clerk shall keep a book, to be known as the "Record of Official Bonds" in which shall be recorded the official bonds of all city officers, elective or appointive.

(Code of Iowa, 1975, Sec. 64.24 [3])

1-1.0203 DUTIES: GENERAL. Each municipal officer shall exercise the powers and perform the duties prescribed by law and city code, or as otherwise directed by the council unless contrary to state law or city charter.

(Code of Iowa, 1975, Sec. 372.13 [4])

1-1.0204 BOOKS AND RECORDS. All books and records required to be kept by law or ordinance shall be open to inspection by the public upon request.

(Code of Iowa, 1975, Sec. 68A.2)

1-1.0205 TRANSFER TO SUCCESSOR. Each officer shall transfer to his successor in office all books, paper, records, documents and property in his custody and appertaining to his office.

(Code of Iowa, 1975, Sec. 372.13 [4])

1-1.0206 OPEN MEETINGS. All meetings of the council, any board or commission, or any committee of the foregoing bodies, shall comply with the following:

1. Open to Public. Meetings shall be open to the public at all times, and any meetings which are not open to the public are prohibited, unless closed meetings are expressly permitted by law.

(Code of Iowa, 1975, Sec. 28A.1 [2])

2. Exception. Any meeting may be closed by affirmative public vote of either two-thirds of the members of the body or all of the members present at the meeting, when necessary for any of the following reasons:

A. To review or discuss records which are required or authorized by state or federal law to be kept confidential or to be kept confidential as a condition for that governmental body's possession or continued receipt of federal funds.

B. To discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation.

C. To discuss the contents of a licensing examination or whether to initiate licensee disciplinary investigations or proceedings if the governmental body is a licensing or examining board.

D. To discuss the decision to be rendered in a contested case conducted according to the provisions of Chapter 17A of the Code.

E. To avoid disclosure of specific law enforcement matters such as current or proposed investigations, inspection or auditing techniques or schedules, which if disclosed would enable law violators to avoid detection.

F. To avoid disclosure of specific law enforcement matters, such as allowable tolerances or criteria for the selection, prosecution or settlement of cases, which if disclosed would facilitate disregard of requirements imposed by law.

G. To evaluate the professional competency of an individual whose appointment, hiring, performance or discharge is being considered when necessary to prevent needless and irreparable injury to that individual reputation and that individual requests a closed session.

H. To discuss the purchase of particular real estate only where premature disclosure would be reasonably expected to increase the price the governmental body would have to pay for the property.

3. Advance Notice of Meetings. Each public agency shall give advance public notice of the time and place of each meeting by notifying the communications media or in some other way which gives reasonable notice to the public. When it is necessary to hold an emergency meeting on less than twenty-four (24) hours notice, or at a place that is not reasonably

accessable to the public, or at a time that is not reasonably convenient to the public, the nature of the good cause justifying the departure from the normal requirements shall be stated in the minutes.

1-1.0207 CONFLICT OF INTEREST. A city officer or employee shall not have an interest, direct or indirect, in any contract or job of work or material or the profits thereof or services to be furnished or performed for his city, unless expressly permitted by law. A contract entered into in violation of this section is void. The provisions of this section do not apply to:

(Code of Iowa, 1975, Sec. 362.5)

1. Compensation of Officers. The payment of lawful compensation of a city officer or employee holding more than one city office or position, the holding of which is not incompatible with another public office or is not prohibited by law.

(Code of Iowa, 1975, Sec. 362.5[1])

2. Investment of Funds. The designation of a bank or trust company as a depository, paying agent. or for investment of funds.

(Code of Iowa, 1975, Sec. 362.5 [2])

3. City Treasurer. An employee of a bank or trust company, who serves as treasurer of a city.

(Code of Iowa, 1975, Sec. 362.5 [3])

4. Stock Interests. Contracts in which a city officer or employee has an interest solely by reason of employment, or a stock interest of the kind described in subsection eight (8) of this section, or both, if the contracts are

considered. A person who resigns from an elective office is not eligible for appointment to the same office during the time for which he was elected if during that time, the compensation of the office has been increased.

(Code of Iowa, 1975, Sec. 372.13 [9])

1-1.0209 REMOVAL OF APPOINTED OFFICERS. Except as otherwise provided by state or city law, all persons appointed to city office may be removed by the officer or body making the appointment, but every such removal shall be by written order. The order shall give the reasons, be filed in the office of the clerk, and a copy shall be sent by certified mail to the person removed who, upon request filed with the clerk within thirty days of the date of mailing the copy, shall be granted a public hearing before the council on all issues connected with the removal. The hearing shall be held within thirty days of the date the request is filed, unless the person removed requests a later date.

(66th G.A., 1975, S.F. 526, Sec. 24)

1-1.0210 VACANCIES. A vacancy in an elective city office during a term of office shall be filled by the council, within thirty days after the vacancy occurs, for the balance of the unexpired term unless a special election is sooner held to fill the office for the remaining balance of the unexpired term. Such an election shall be called if the council is presented with a petition so requesting in accordance with state law. When a vacancy occurs in an appointed office, it must be filled by the appointing authority.

(Code of Iowa, 1975, Sec. 372.13 [2])

1-1.0211 HOLIDAYS. The following days shall be designated as legal holidays.

New Year's Day
Washington's Birthday
Good Friday - one half day
Memorial Day
Independence Day
Labor Day
Veteran's Day
Thanksgiving Day
Christmas Day

(Code of Iowa, 1975, Sec. 372.13 [4])

ARTICLE 3
RUN OFF ELECTION

1-1.0301 RUN OFF ELECTION. A run off election shall be held only for positions unfilled because of failure of a sufficient number of candidates to receive a majority vote in the regular city election.

(Code of Iowa, 1975, Sec. 376.9)

1-1.0302 QUALIFICATION. Candidates who do not receive a majority of the votes cast for an office, but who receive the highest number of votes cast for that office in the regular city election, to the extent of twice the number of unfilled positions, are candidates in the run off elections.

(Code of Iowa, 1975, Sec. 376.9)

1-1.0303 TIME HELD. Run off elections shall be held three (3) weeks after the date of the regular city election and shall be conducted in the same manner as regular city elections.

(Code of Iowa, 1975, Sec. 376.9)

1-1.0304 CANDIDATES ELECTED. Candidates in the run off election who receive the highest number of votes cast for each office on the ballot are elected to the extent necessary to fill the positions open.

(Code of Iowa, 1975, Sec. 376.9)

TITLE I - POLICY AND ADMINISTRATION
CHAPTER 1 - GENERAL PROVISIONS

ARTICLE 4
FISCAL MANAGEMENT

1-1.0401 PURPOSE. The purpose of this article is to establish policies and provide for rules and regulations governing the management of the financial affairs of the city.

1-1.0402 FINANCE OFFICER. The city clerk shall be the finance and accounting officer of the city and shall be responsible for the administration of the provisions of this article.

1-1.0403 CASH CONTROL. To assure the proper accounting and safe custody of monies the following shall apply:

1. Deposit of Funds. All monies or fees collected for any purpose by any city officer shall be deposited through the office of the clerk. If any said fees are due to an officer, they shall be paid to him by check drawn by the clerk and approved by the council only upon such officer making adequate reports relating thereto as required by law, ordinance or council directive.

2. Bank Deposits. All monies belonging to the city shall be promptly deposited in banks selected by the council in amounts not exceeding the authorized depository limitation established by the council.

3. Petty Cash Fund. The clerk shall be custodian of a petty cash fund not to exceed one hundred dollars ($100.00) for the payment of small claims for minor purchases, collect-on-delivery transportation charges and small fees customarily paid at the time of rendering a service for which payments the clerk shall obtain some form of receipt or bill acknowledged as paid by the vendor or his agent. At such time as the petty cash fund is approaching depletion the clerk shall draw a check for replenishment in the amount of the accumulated expenditures and said check and supporting detail shall be submitted to the council as a claim in the usual manner for claims and charged to the proper funds and accounts. It shall not be used for salary payments or other personal services or personal expenses.

4. Change Fund. The clerk is authorized to draw a check on the General Fund for establishing a change fund in the amount of fifty dollars ($50) for the purpose of making change without co-mingling other funds to meet the requirements of said office. Said change funds shall be in the custody of the clerk and he shall maintain the integrity of the fund.

1-1.0404 FUND CONTROL. The clerk and treasurer shall establish and maintain separate and distinct funds in accordance with the following:

1. Revenues. All monies received by the city shall be credited to the proper fund as required by law, ordinance or resolution.

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

3. Emergency Fund. No transfer may be made from any fund to the emergency fund.

(Iowa Departmental Rules, Jan. 1975 Supp., Page 27, Sec. 2.5 [2])

4. Debt Service Fund. Except where specifically prohibited by state law, monies may be transferred from any other city fund to the debt service fund to meet payments of principal and interest. Such transfers must be authorized by the original budget or a budget amendment.

(Iowa Departmental Rules, Jan. 1975 Supp., Page 27, Sec. 2.5 [3])

5. Capital Improvements Reserve Fund. Except where specifically prohibited by state law, monies may be transferred from any city fund to the capital improvements reserve fund. Such transfers must be authorized by the original budget or a budget amendment.

(Iowa Departmental Rules, Jan. 1975 Supp., Page 27, Sec. 2.5 [4])

6. Utility and Enterprise Funds. The governing body of a city utility, combined utility system, city enterprise or combined city enterprise which has a surplus in its fund may transfer such surplus to any other city fund, except the emergency fund, by resolution. A surplus shall be defined in

accordance with generally accepted accounting principles as promulgated by the American Institute of Certified Public Accountants. No transfer shall be made that is in violation of state law or rules of the city finance committee.

(Iowa Departmental Rules, Jan. 1975 Supp., Page 27, Sec. 2.5 [5] as amended)

7. Balancing of Funds. The clerk and treasurer shall reconcile their fund accounts at the close of each month and submit a report thereof to the council.

1-1.0405 OPERATING BUDGET PREPARATION. The annual operating budget of the city shall be prepared in accordance with the following:

1. Proposal Prepared. The clerk shall be responsible for preparation of the annual budget detail, for review and adoption by the mayor and council in accordance with directives of the mayor and council.

2. Boards and Commissions. All boards, commissions and other administrative agencies of the city that are authorized to prepare and administer budgets must submit their budget proposals to the clerk for inclusion in the proposed city budget no later than February 1 of each year and in such form as may be required by the clerk.

3. Submission to Council. The clerk shall submit the completed budget proposal to the council no later than February 15 of each year.

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

5. Notice of Hearing. Upon adopting a proposed budget the council shall set a date for public hearing thereon to be held before March 15 and cause notice of such hearing and a summary of the proposed buget to be published not less than four (4) nor more than twenty (20) days before the date established for the hearing. Proof of such publication must be filed with the county auditor.

(Code of Iowa, 1975, Sec. 384.16 [3])

6. Copies of Budget on File. No later than ten (10) days before the public hearing the clerk shall make available a sufficient number of copies of the detailed budget to meet the

requests of taxpayers and organizations, and have them available for distribution at the offices of the mayor and clerk and at the city library.

(Code of Iowa 1975, Sec. 384.16 [2])

7. Adoption and Certification. After the hearing, the council shall adopt, by resolution, a budget for at least the next fiscal year and the clerk shall certify the necessary tax levy for the next fiscal year to the county auditor and the county board of supervisors. The tax levy certified may be less than, but not more than, the amount estimated in the proposed budget. Two copies each of the detailed budget as adopted and of the tax certificate must be transmitted to the county auditor.

(Code of Iowa, 1975, Sec. 384.16 [5])

1-1.0406 CAPITAL BUDGET PREPARATION.
(Reserved for Future Use)

1-1.0407 BUDGET AMENDMENTS. A city budget finally adopted for the following fiscal year becomes effective July 1 and constitutes the city appropriation for each program and purpose specified therein until amended as provided by this section.

(Code of Iowa, 1975, Sec. 384.18)

1. Program Increase. Any increase in the amount appropriated to a program must be prepared, adopted and subject to protest in the same manner as the original budget.

(Code of Iowa, 1975, Sec. 384.18)
(Iowa Departmental Rules, Jan. 1975 Supp., Page 26, Sec. 2. 2)

2. Program Transfer. Any transfer of appropriation from one program to another must be prepared, adopted and subject to protest in the same manner as the original budget.

(Iowa Departmental Rules, Jan. 1975 Supp., Page 26, Sec. 2.3)

1-1.0408 INVESTMENT OF FUNDS. The clerk shall advise the council on investments and shall invest city monies not immediately needed at interest in accordance with council directives and the requirements of Chapter 452, Code of Iowa, 1975.

1-1.0409 ACCOUNTING. The accounting records of the city shall consist of not less than the following:

1. Books of Original Entry. There shall be established

and maintained books of original entry to provide a chronological record of cash received and disbursed.

2. General Ledger. There shall be established and maintained a general ledger controlling all cash transactions, budgetary accounts and for recording unappropriated surpluses.

3. Checks. Checks shall be prenumbered and signed by the clerk following council approval, except as provided by subsection 5 hereof.

4. Budget Accounts. There shall be established such individual accounts to record receipts by source and expenditures by program, sub-program and activity as will provide adequate information and control for budgeting purposes as planned and approved by the council. Each individual account shall be maintained within its proper fund and so kept that receipts can be immediately and directly compared with revenue estimates and expenditures can be related to the authorizing appropriation. No expenditure shall be posted except to the appropriation for the function and purpose for which the expense was incurred.

5. Immediate Payment Authorized. The council may by resolution authorize the clerk to issue checks for immediate payment of amounts due which if not paid promptly would result in loss of discount, penalty for late payment or additional interest cost. Any such payments made shall be reported to the council for review and approval with and in the same manner as other claims at the next meeting following such payment. The resolution authorizing immediate payment shall specify the type of payment so authorized and may include but is not limited to payment of utility bills, contractual obligations, payroll and bond principal and interest.

6. Utilities. The clerk shall perform and be responsible for accounting functions of the municipally owned utilities.

1-1.0410 FINANCIAL REPORTS. The clerk shall prepare and file the following financial reports:

1. Monthly Reports. There shall be submitted to the council at the first meeting of each month a report showing the activity and status of each fund, program, sub program and activity for the preceding month.

2. Annual Report. Not later than October first of each year there shall be published an annual report containing

a summary for the preceding fiscal year of all collections and receipts, all accounts due the city, and all expenditures, the current public debt of the city, and the legal debt limit of the city for the current fiscal year. A copy of the annual report must be furnished to the auditor of state.
(Code of Iowa, 1975, Sec. 384.22)

1-1.0411 BIDS OR QUOTATIONS REQUIRED. Price quotations or competitive bids shall be sought in accordance with the following:

1. Construction and Service Contracts. Any contract for construction, maintenance or other services to be performed for the city in the amount of one thousand dollars ($1,000.00) or more shall first be approved by resolution of the council.

2. Competitive Bidding. The purchase of any supplies, material or equipment the cost of which will exceed five hundred dollars ($500.00) shall be made only after receiving written bids, therefore from two (2) or more sources and approval of the council.

3. Price Quotations Required. The purchase of any supplies, materials or equipment the cost of which will exceed one hundred dollars ($100.00) shall be made only after receiving price quotations from two (2) or more sources and notation of such quotation must be attached to the claim upon presentation to the council.

1-1.0412 CONTINGENCY ACCOUNT. Whenever the council shall have budgeted for a contingency account such an account shall be established in the accounting records but no claim shall be paid from such an account. Contingency accounts may be drawn upon only by council resolution directing a transfer to a specfic purpose account within it's fund and program and then only upon compelling evidence of an unexpected and unforseeable need or emergency.

ARTICLE 5
AMORTIZATION OF SPECIAL ASSESSMENTS

1-1.0501 TEN YEAR AMORTIZATION PERIOD. That the period of amortization for public improvement projects for opening, establishing or grading streets, the construction or Portland cement concrete or asphalt concrete street improvements, storm sewers, sanitary sewers, watermains, pedestrian underpasses and overpasses, sewage pumping stations, disposal or treatment plants, drainage conduits, channels and levees, street lighting, parking facilities, and appurtenant facilities, is hereby established as ten (10) years, to be calculated commencing from the date of adoption by the council of said city of the resolution accepting the completed public improvements.

1-1.0502 SEVEN YEAR AMORTIZATION PERIOD. That the period of amortization, to be computed in the same manner as established in Section 1-1.0501 hereof, is hereby established as seven (7) years for sidewalks and three (3) years for the repair of street grading, street surfacing with oil, gravel, oil and gravel of chloride, or for the removal of diseased or dead trees.

1-1.0503 PROVISION FOR OTHER PERIODS. That in any instance where the council determines that the useful life of a public improvement should be for a different time period than hereinabove established, the council may so provide for such period by amendment hereto, prescribing the appropriate amortization period as may be applicable to these specific public improvements.

ARTICLE 6
INDUSTRIAL TAX EXEMPTION

1-1.0601 PURPOSE. The purpose of this ordinance is to authorize partial property tax exemption for industrial property on which improvements have been made, in accordance with the provisions of H.F. 650 (Chapter 103), Acts of the 68th General Assembly, 1979 regular session of the State of Iowa.
(Chapter 427 B, Code of Iowa).

1-1.0602 PARTIAL PROPERTY TAX EXEMPTION FOR CERTAIN IMPROVEMENTS TO INDUSTRIAL REAL ESTATE.

1. The owner of industrial real estate located anywhere within the City shall be entitled to a partial exemption from property taxation of the actual value added to industrial real estate:

   A. By new construction of industrial real estate, "New construction" means new building and structures and includes new buildings and structures which are constructed as additions to existing buildings and structures. New construction does not include reconstruction of an existing building or structure which does not constitute complete replacement of an existing building or structure or refitting of an existing building or structure, unless the reconstruction of an existing building or structure is required due to economic obsolescence and the reconstruction is necessary to implement recognized industry standards for the manufacturing and processing of specific products and the reconstruction is required for the owner of the building or structure to continue to competitively manufacture or process those products, which determination shall receive prior approval from the City Council upon the recommendation of the Iowa Development Commission; and

   B. By the acquisition of or improvement to machinery and equipment assessed as real estate pursuant to Section 427A.1, Subsection 1, Paragraph E, of the Code of Iowa, unless the machinery or equipment is part of the normal replacement or operating process to maintain or expand the existing operational status.

2. "Industrial real estate" means property classified as industrial property for property taxation purposes.

1-1.0603 TAX EXEMPTION SCHEDULE. The actual value added to industrial real estate for the reasons specified in Section 2 of this article is eligible to receive a partial exemption from taxation for a period of five years. "Actual value added" means the actual value added as defined by Iowa Code, Section 441.21 as of the first year for which the exemption is received, except that actual value added by improvements to machinery and equipment means the actual value as determined by the assessor as of January 1st of each year for which the exemption is received. The amount of actual value added which is eligible to be exempt from taxation shall be as follows:

1 For the first year, 75%.
2 For the second year, 60%
3 For the third year, 45%.
4. For the fourth year, 30%.
5 For the fifth year, 15%.

1-1.0604 APPLICATION FOR EXEMPTION; METHOD FOR PRIOR APPROVAL FOR NEW CONSTRUCTION.

1. An application shall be filed for each project resulting in actual value added for which an exemption is claimed. The application for exemption shall be filed by the owner of the property with the city assessor by February 1st of the assessment year in which value added is first assessed for taxation. Applications for exemption shall be made on forms prescribed by the Director of the Iowa Department of Revenue and shall contain information pertaining to the nature of the improvement, its cost, and other information deemed necessary by said Director of Revenue.

2. A person may submit a proposal to the city council to receive prior approval for eligibility for a tax exemption on new construction. If the city council resolves to consider such proposal it shall hold a public hearing thereon. Thereafter, at least thirty days after such hearing, the city council, by ordinance, may give its prior approval of a tax exemption for new construction if the new construction is in conformance with the zoning for the city. Such prior approval shall not entitle the owner to exemption from taxation until the new construction has been completed and found to be qualified real estate. However, such prior approval shall entitle the owner to the exemption, if this article is repealed or terminates by its own terms after the date of such prior approval and prior to the date such new construction has been completed and found to be qualified real estate.

1-1.0605 NO EXEMPTION IF PROPERTY RECEIVES ANOTHER EXEMPTION. A property tax exemption under this article shall not be granted if the property for which the exemption is claimed has received any other property tax exemption authorized by law.

1-1.0606 INTERPRETATION.

1. The provisions of this article shall not be deemed severable and if any part be held invalid the entire ordinance shall be deemed invalid.

2. If the provisions of this article are made applicable by any agency, department, office or court, to any property which is zoned as industrial property but which is not classified as industrial property for property taxation purposes, then all entitlement to the property tax exemption contained in this ordinance for those who have not already received prior approval by the City Council or actual approval by the City Assessor shall cease immediately prior to the effective date of such agency, department, office or court decision.

1-1.0607 EFFECTIVE DATE: DURATION. This article shall be in full force and effect from the date of its passage and publication as required by law; provided that when in the opinion of the City Council continuation of the exemption granted in this article ceases to be of benefit to the City, it may repeal this article; and provided further that when this article terminates by repeal, or all entitlement to the exemption granted herein ceases by operation of 1-1.0606(2) hereof, all existing exemptions shall continue until their expiration.

EDITOR'S NOTE

The following ordinances have been adopted granting prior approval:

ORDINANCE NO.	ADOPTED	SUBJECT
587A	5-13-91	Equipment Brokers, Inc.

ARTICLE 7
THE GIVING AND REPORTING OF GIFTS

1-1.0701 DONEE REPORTING OF GIFTS. An elected or appointed official or employee of the city or the spouse or minor child of an elected or appointed official or employee of the city or a firm of which the elected or appointed official or employee of the city is a partner or to a corporation of which the elected or appointed official or the employee of the city holds ten percent (10%) or more of the stock, either directly or indirectly, shall disclose in writing on a report form developed by the Secretary of State the nature, date, and the name of the donor and the name of such person as donee to which a gift or gifts were made where the gift or gifts exceed fifteen dollars ($15.00) in cumulative value in any one calendar day. However, the donee need not report food and beverage provided for immediate consumption in the presence of the donor. By the fifteenth day of the month following the month in which the gift was received, a copy of the report disclosing the gift or gifts shall be filed in the office of the county auditor.

1-1.0702 DONOR REPORTING OF GIFTS. A donor of a gift to an elected or appointed official or employee of the city or the spouse or minor child of an elected or appointed official or employee of the city or to a firm of which the elected or appointed official or employee of the city is a partner or to a corporation of which the elected or appointed official or the employee of the city holds ten percent (10%) or more of the stock either directly or indirectly, shall disclose in writing on a report form developed by the Secretary of State the nature, amount, date and the name of the donor and the name of the donee of a gift or gifts made by the donor which gift or gifts exceed fifteen dollars ($15.00) in cumulative value in any one calendar day. However, the donor need not report food and beverage provided for immediate consumption in the presence of the donor. By the fifteenth day of the month following the month in which the gift was received, a copy of the report disclosing the gift or gifts shall be filed by the donor with the county auditor.

1-1.0703 DEFINITION OF GIFT. For purposes of this article, "gift" is defined as follows:

1. "Gift" means a rendering of money, property, services, granting a discount, loan forgiveness, payment of indebtedness or anything else of value in return for which legal consideration of equal or greater value is not given and received, if the donor is in any of the following categories:

A. Is doing or seeking to do business of any kind with the city. For purposes of this article, "doing business with the city" means being a party to any one or any combination of sales, purchases, leases or contracts to, from or with the city;

B. Is engaged in activities which are regulated or controlled by the city;

C. Has interests which may be substantially and materially affected by the performance or nonperformance of the donee's official duty;

D. Is a lobbyist with respect to matters within the donee's jurisdiction;

2. However, "gift" does not mean any of the following:

A. Campaign contributions;

B. Informational material relevant to a public servant's official functions, such as books, pamphlets, reports, documents or periodicals and registration fees or tuition not including travel or lodging, for not more than three days, at seminars or other public meetings conducted in the state, at which the public servant receives information relevant to the public servant's official functions. Information or participation received under the exclusion of this paragraph may be applied to satisfy a continuing education requirement of the donee's regulated occupation or profession if the donee pays any registration costs exceeding thirty-five dollars ($35.00);

C. Anything received from a person related within the fourth degree by kinship or marriage, unless the donor is acting as an agent or intermediary for another person not so related;

D. Any inheritance;

E. Anything available to or distributed to the public generally without regard to official status of the recipient;

F. Food, beverages, registration, and scheduled entertainment at group events to which all members of either house or both houses of the General Assembly are invited. "Member of the General Assembly" means an individual duly elected to the Senate or House of Representatives of the State;

G. Actual expenses for food, beverages, travel, lodging, registration and scheduled entertainment of the donee for a meeting, which is given in return for participation in a panel or speaking engagement at the meeting;

H. Plaques or items of negligible resale value given as recognition for public services.

3. The value of the gift is determined as follows:

A. An individual making a gift on behalf of more than one person shall not divide the value of the gift by the number of persons on whose behalf the gift is made;

B. The value of a gift to the donee is the value actually received;

C. For the purposes of the reporting requirements of this section, a donor of a gift made by more than one individual to one or more donees shall report the gift if the total value of the gift to the donee exceeds fifteen dollars ($15.00).

1-1.0704 REPORTING ON GROUP EVENTS WHERE GENERAL ASSEMBLY IS INVITED. Expenses for food, beverages, registration and scheduled entertainment at group events to which all members of either House or both Houses of the General Assembly have been invited shall be reported for each such event by reporting the date, location and total expense incurred by the donor or donors.

(Article 7 added by Ordinance No. 559)

ARTICLE 8
AUDUBON COUNTY AIRPORT AUTHORITY

1-1.0801 AUTHORIZATION TO JOIN AIRPORT AUTHORITY. Pursuant to published notice and following public hearing on June 13, 1988, as required by Section 330A.6, Code of Iowa, the city is hereby authorized to join the Audubon County Airport Authority. (Added by Ordinance No. 564)

1-1.0802 ASSESSMENT OF LEVY. Having joined the Audubon County Airport Authority and in compliance with Iowa Code Section 330A.15, the City shall assess an annual levy on all taxable property in the incorporated area of the City for the exclusive and proper use of the Audubon County Airport Authority. The levy shall be 27¢ per $1,000 of assessed value.

1-1.0803 DURATION OF LEVY. Said levy shall commence during the fiscal year 1989-90 and shall continue annually for a period of 40 years, through fiscal year 2029-2030.

1-1.0804 COLLECTION OF LEVY. Said levy shall be collected in the manner other taxes are collected and allocated and shall be paid to the Authority.

1-1.0805 RECORDS. The Authority, pursuant to Iowa Code Section 330A.15, shall deposit said funds in a special trust fund to be called "The Audubon County Airport Authority Capital Reserve Fund," and shall keep a record of said deposits.

1-1.0806 ANNUAL REPORT AND BUDGET. The Authority shall submit annually, on or before February 1 of each year, an annual report of receipts and expenditures, and shall submit a budget for the next fiscal year to the city for the Authority. Said report and budget shall be filed with the clerk for delivery to the council.

1-1.0807 USE OF SAID LEVY. Said levy is for the exclusive and proper use of the Authority, including but not limited to: the purchase of land; the acquisition, establishment, construction, enlargement, operation and maintenance of aviation facilities in Audubon County; funding studies, plans; other expenses of the Airport Authority pursuant to Iowa Code Chapter 330A.

1-1.0808 ENFORCEMENT OF COLLECTION. The Authority shall have the power to enforce the collection of such levy by mandamus or other appropriate remedy.

(Sections 1-1.0802 through 1-1.0808 added by Ordinance No. 577)

ARTICLE 9
URBAN RENEWAL AREA

1-1.0901 PURPOSE. The purpose of this chapter is to provide for the division of taxes levied on the taxable property in the Urban Renewal Area of the City each year by and for the benefit of the State, City, County, school districts or other taxing districts after the effective date of the ordinance codified in this article in order to create a special fund to pay the principal of and interest on loans, advances or indebtedness, including bonds proposed to be issued by the City, to finance projects in such area.

1-1.0902 URBAN RENEWAL PLAN AREA. The provisions of this section apply to the Urban Renewal Plan Area, the boundaries of which are set out below, such area having been identified in the Urban Renewal Plan approved by the Council by resolution adopted on June 14, 1993:

> Beginning at the intersection of Chicago Street and Tracy Street; then southwest on Chicago Street to the alley between Market Street and Washington Street; then southeast along the alley for two (2) blocks to South Division Street; then west on South Division Street to Highway 71; then southeast on Highway 71 to Southside Avenue; then east on Southside Avenue extended to the corporate limits; then following the corporate limits around the south and west side of the City until they intersect with North Division Street extended; then east on North Division Street extended to Highway 71; then north on Highway 71 to the corporate limits; then east along the corporate limits one (1) block to Elm Street; then south on Elm Street to North Division Street; then west on North Division Street to Highway 71; then southeast on Highway 71 to Davenport Street; then northeast on Davenport Street to Tracy Street; then southeast on Tracy Street to the point of beginning.
>
> The Audubon Urban Renewal Area includes the full right-of-way of all streets forming the boundary.

1. That the taxes levied on the taxable property in the Urban Renewal Project Area known as the Urban Renewal Project Area, as legally described Section 1-1.0902, by and for the benefit of the State of Iowa, City of Audubon, County of Audubon, Audubon Community School District, and all other taxing districts from and after the effective date of Ordinance No. 603 shall be divided as hereinafter provided.

2. That portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts taxing property in said Urban Renewal Project Area upon the total sum of the assessed value on the assessment roll of January 1, 1992, being the first day of the calendar year preceding the effective date of Ordinance No. 603, shall be allocated to and when collected be paid into the Fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid.

3. That portion of the taxes each year in excess of the base period taxes determined as provided in Subsection 2 shall be allocated to and when collected be paid into a special tax increment fund of the City of Audubon, Iowa hereby established, to pay the principal of and the interest on loans, monies advanced to, indebtedness, whether funded, refunded, assumed or otherwise, including bonds or obligations issued under the authority of Section 403.9 and 403.12 of the Code of Iowa, as amended, incurred by the City of Audubon, Iowa, to finance or refinance in whole or in part projects undertaken pursuant to the Audubon Urban Renewal Project Program, except that taxes for the payment of bonds and interest of each taxing district levying taxes on said project area shall be collected against all taxable property within the project area shall be collected against all taxable property within the project area without any limitation as hereinabove provided.

4. All taxes levied and collected upon the taxable property in said Urban Renewal Project Area shall be paid into the funds of the taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes unless or until the total assessed valuation of the taxable property in said Urban Renewal Project Area shall exceed the total assessed value of the taxable property in said Urban Renewal Project Area on the date of adoption of Ordinance No. 603.

5. At such time as the loans, monies advanced, bonds and interest thereon and indebtedness of the City of Audubon hereinabove in Subsection 3 referred to have been paid, all monies thereafter received from taxes upon the taxable property in the Audubon Urban Renewal Project Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

6. All ordinances or parts of ordinances in conflict with the provisions of Ordinance No. 603 are hereby repealed. The provisions of this section are intended and shall be construed so as to fully implement the provisions of Section 403.19 of the Code of Iowa, as amended, with respect to the division of taxes from property within the Urban Renewal Project Area as described in Section 1-1.0902. In the event that any provision of this section shall be determined to be contrary to law, it shall not affect other provisions or application of Ordinance No. 603 which shall at all times be construed to fully invoke the provisions of Section 403.19 of the Code of Iowa with reference to said Urban Renewal Project and the territory therein.

(Article 9 added by Ordinance No. 603)

ARTICLE 9

URBAN RENEWAL AREA

EDITOR'S NOTE

The following ordinances not codified herein, and specifically saved from repeal, have been adopted and provide for Urban Renewal Areas in the City and remain in full force and effect, for division of tax levied on taxable property.

ORDINANCE NO.	ADOPTED	NAME OF AREA
603	7-26-93	Audubon Urban Renewal Area
639	11-23-98	Amended Audubon Urban Renewal Area
650	4-23-01	2001 Audubon 3rd Avenue Urban Renewal Area
651	5-14-01	2001 Audubon 3rd Avenue Urban Renewal Area

ARTICLE 10
URBAN REVITALIZATION AREA

1-1.1001 URBAN REVITALIZATION AREA. The following area of the City is hereby declared to be an Urban Revitalization Area:

All property within the corporate limits of Audubon, Iowa.

1-1.1002 HOUSING URBAN REVITALIZATION PLAN. The City has prepared a City-wide Urban Revitalization Plan for Residential Tax Abatement prior to consideration of this article. This plan is available for inspection at the Clerk's office, Memorial Building, Audubon, Iowa, and is hereby attached by reference.

1-1.1003 ELIGIBILITY REQUIREMENTS FOR TAX ABATEMENT. Property eligible to receive urban revitalization benefits under this plan is that which currently is, or will be after construction/renovation, assessed as residential property or residential rental units that may be classified as commercial property by the County Assessor's Office. Commercial rental housing units must consist of three or more separate living quarters with at least 75% of the total building space used for residential purposes.

Construction of new dwelling units are eligible for urban revitalization benefits, if all other requirements are met. Accessory buildings are not eligible for tax abatement benefits.

Improvements to existing residential units are eligible for tax exemption benefits provided that: "improvements must increase the actual value of the proeprty by at least 10%, or in the case of improvements to land upon which is located more than one building and not assessed as residential property, increases the actual value of the buildings to which the improvements have been made by at least 15%." The property must meet all applicable land use, zoning, and flood plain regulations.

1-1.1004 EXEMPTION SCHEDULE. Real estate improvements which qualify under this plan shall be eligible for the following forms of tax exemption which are based on the assessment classifications:

1. Property currently assessed (or will be after renovation/construction) as residential and for commercially

assessed property used for residential purposes with three or more separate living quarters with at least 75% of the space used for residential purposes:

Year 1: 90% of the added value
Year 2: 75% of the added value
Year 3: 60% of the added value
Year 4: 45% of the added value
Year 5: 30% of the added value
Year 6: Full tax value of improvements are collected--No exemption

(Article 10 added by Ordinance No. 621)

ARTICLE 1
CHARTER

1-2.0101 TITLE. This article may be cited as the charter of the City of Audubon, Iowa.

1-2.0102 FORM OF GOVERNMENT. The form of government of the City of Audubon, Iowa, is the mayor-council form of government.

(Code of Iowa, 1975, Sec. 372.4)

1-2.0103 POWERS AND DUTIES. The council and mayor and other city officers have such powers and shall perform such duties as are authorized or required by state law and by the ordinances, resolutions, rules and regulations of the city.

1-2.0104 NUMBER AND TERM OF COUNCIL. The council consists of five councilmen elected at large, elected for terms of four years.

(Code of Iowa, 1975, Sec. 372.4)

1-2.0105 TERM OF MAYOR. The mayor is elected for a term of four years.

(Code of Iowa, 1975, Sec. 376.2)

1-2.0106 COPIES ON FILE. The clerk shall keep an official copy of the charter on file with the official records of the clerk, the secretary of state, and shall keep copies of the charter available at the clerk's office for public inspection.

(Code of Iowa, 1975, Sec. 372.1)

ARTICLE 2
BOUNDARIES

1-2.0201 CORPORATE LIMITS. The corporate limits of the city as of November 1, 1976 are described as follows:

$SE\frac{1}{4}$, $NE\frac{1}{4}$, Sec. 20-80-35; $S\frac{1}{2}$, $NW\frac{1}{4}$, Sec. 21-80-35; $S\frac{1}{2}$, $NE\frac{1}{4}$, Sec. 21-80-35; $S\frac{1}{2}$, Sec. 21-80-35; $E\frac{1}{2}$, $SE\frac{1}{4}$, Sec. 20-80-35; $N\frac{1}{2}$, Sec. 28-80-35; also including: Beginning at a point 150 feet west of the SE corner of the $NE\frac{1}{4}$, $NW\frac{1}{4}$, Sec. 21-80-35; thence north, parallel to the East line of said $NW\frac{1}{4}$, Sec. 21, a distance of 330 feet; thence west, a distance of 33 feet; thence north, a distance of 150 feet; thence east, a distance of 150 feet; thence north, a distance of 180 feet; thence east, a distance of 33 feet; thence north, a distance of 198 feet; thence west, a distance of 660 feet; thence south, a distance of 858 feet; thence east, a distance of 510 feet, to the point of beginning. Also including: starting at the NW corner of the $SE\frac{1}{4}$ of Sec. 28-80-35, and running thence on bearing N 89 degrees-16' E, along the north line of said $SE\frac{1}{4}$, Sec. 28-80-35, a distance of 33 feet to the point of beginning; thence continuing on said bearing N 89 degrees-16' east, a distance of 1712.5 feet, thence due south, a distance of 784 feet; thence on bearing S 89 degrees-16' W, a distance of 712 feet; thence due south, a distance of 66.3 feet; thence on bearing S 13 degrees-00' E, a distance of 129.53 feet; thence due south, a distance of 110 feet; thence on bearing S 12 degrees-00' E, a distance of 147 feet; thence due west, a distance of 320 feet, thence due north, a distance of 764.3 feet, thence on bearing S 89 degrees-16' W, a distance of 810 feet; thence on bearing N 26 degrees50' W, a distance of 375.5 feet; thence due north, a distance of 130.6 feet, to the point of beginning. Also including: Starting at the NW corner of the $NE\frac{1}{4}$, $SE\frac{1}{4}$, Sec. 28-80-35 and running thence on bearing N 89 degrees16' E, along the north line of said $NE\frac{1}{4}$, $SE\frac{1}{4}$ a distance of 432 feet to the point of beginning; thence continuing on said bearing N 89 degrees - 16', a distance of 1118.8 feet; thence on bearing S 32 degrees-29' W, a distance of 387.4 feet; thence due north a distance of 172.96 feet; thence due west, a distance of 373.37 feet; thence due north, a distance of 606.26 feet to the point of beginning.

1-2.0202 VOTING PRECINCTS. In accordance with the 2000 federal decennial census and Section 49.5 of the Code of Iowa, 2001, the City of Audubon, Iowa hereby establishes two voting precincts numbered two and three which shall correspond with precincts two and three as established by Resolution of the Board of Supervisors of Audubon County, Iowa and are described as follows:

PRECINCT TWO (2) - Shall consist of Douglas Township, Melville Township, Sections One (1) thru Twenty-one (21) of Leroy Township lying outside the Corporation limits of the City of Audubon, and that portion of the City of Audubon, described as follows: all that part of the City of Audubon lying north and northwesterly of the centerline of Chicago Street from the point of its intersection with the east Corporation line to its intersection with the centerline of Washington Street, and east and northeasterly of the centerline of Washington Street from its intersection with the centerline of Chicago Street to its intersection with the centerline of Broadway, and north and northwesterly of the centerline of Broadway from its intersection with the centerline of Washington Street to its junction with the centerline of West Broadway, and north of the centerline of West Broadway and centerline of West Broadway projected west to the west Corporation line and that portion of the incorporated City of Audubon lying within Section Twenty-two (22) of Leroy Township.

PRECINCT THREE (3) - Shall consist of Sections Twenty-two (22) thru Thirty-six (36) of Leroy Township lying outside the Corporation limits of the City of Audubon, and that portion of the City of Audubon described as follows: all of that part of the City of Audubon lying south and southeasterly of the centerline of Chicago Street from the point of its intersection with the east Corporation line to its intersection with the centerline of Washington Street, and west and southwesterly of the centerline of Washington Street from its intersection with the centerline of Chicago Street to its intersection with the centerline of Broadway, and south and southwesterly of the centerline of Broadway from its intersection with the centerline of Washington Street to its junction with the centerline of West Broadway, and south of the centerline of West Broadway and the centerline of West Broadway projected west to the west Corporation line and that portion of Hamlin Township lying north and northeasterly of the centerline of Highway 44 and including that portion described as the unincorporated Village of Hamlin.

(Ord. 652 – Feb. 02 Supp.)

TITLE I - POLICY AND ADMINISTRATION
CHAPTER 3 - MAYOR AND COUNCIL

ARTICLE 1
MAYOR

1-3.0101 TERM OF OFFICE. The mayor is elected for a term of four years.

(Code of Iowa, 1975, Sec. 376.2)

1-3.0102 POWERS AND DUTIES. The powers and duties of the mayor shall be as follows.

1. Chief Executive Officer. He shall supervise all departments of the city and give direction to department heads concerning the functions of the departments. He shall have the power to examine all functions of the municipal departments, their records and to call for special reports from department heads at any time.

(Code of Iowa, 1975, Sec. 372.14 [1])

2. Presiding Officer. He shall act as presiding officer at all regular and special council meetings. The mayor pro tem shall serve in this capacity in the mayor's absence.

(Code of Iowa, 1975, Sec. 372.14 [1 and 3])

3. Special Meetings. He shall call special meetings of the council when he deems such meetings necessary to the interests of the city.

(Code of Iowa, 1975, Sec. 372.14 [1])

4. Mayor's Veto. He may sign, veto or take no action on an ordinance, amendment or resolution passed by the council. However, the mayor may not veto a measure if he was entitled to vote on the measure at the time of passage. If he exercises his veto power, he must explain the reason for such veto to the council at the time of the veto. The council may override the mayor's veto by a two-thirds majority of the council members.

(Code of Iowa, 1975, Sec. 380.5, 380.6 [2])

5. Reports to Council. He shall make such oral or written reports to the council at the first meeting of every month as required. These reports shall concern municipal affairs generally, the municipal departments, and recommendations suitable for council action.

6. Negotiations. He shall represent the city in all negotiations properly entered into in accordance with law or ordinance. He shall not represent the city where this duty is specifically delegated to another officer by law or ordinance.

7. Contracts. He shall, whenever authorized by the council, sign all contracts on behalf of the city.

8. Professional Services. He shall, upon order of the council, secure for the city such specialized and professional services not already available to the city. In executing the order of the council he shall conduct himself in accordance with the city code and the laws of the State.

9. Licenses and Permits: He shall sign all licenses and permits which have been granted by the council, except those designated by law or ordinance to be issued by another municipal officer.

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

11. Absentee Officer. He shall make appropriate provision that duties of any absentee officer be carried on during such absence.

1-3.0103 APPOINTMENTS. The mayor shall appoint the following officials:

Mayor Pro Tem
Police Chief and officers
City Treasurer
Plumbing Inspector
Library Board of Trustees
Planning and Zoning Commission

(Code of Iowa, 1975, Sec. 372.4)

1-3.0104 COMPENSATION. The salary of the mayor shall be $150.00 per month payable monthly.

(Code of Iowa, 1975, Sec. 372.13 [8])

1-3.0105 VOTING. The mayor is not a member of the council and may not vote as a member of the council.

(Code of Iowa, 1975, Sec. 372.4)

ARTICLE 2
MAYOR PRO TEMPORE

1-3.0201 VICE PRESIDENT of COUNCIL. The mayor pro tempore shall be vice-president of the council.

(Code of Iowa, 1975, Sec. 372.14 [3])

1-3.0202 POWERS AND DUTIES. Except for the limitations otherwise provided herein, the mayor pro tempore shall perform the duties of the mayor in cases of absence or inability of the mayor to perform his duties. In the exercise of the duties of his office the mayor pro tempore shall not have power to employ or discharge from employment officers or employees that the mayor has the power to appoint, employ or discharge without the approval of the council.

(Code of Iowa, 1975, Sec. 372.14 [3])

1-3.0203 VOTING RIGHTS. The mayor pro tempore shall have the right to vote as a member of the council.

(Code of Iowa, 1975, Sec. 372.14 [3])

1-3.0204 COMPENSATION. If the mayor pro tem performs the duties of the mayor during his absence or disability for a continuous period of fifteen days or more, the mayor pro tem may be paid for that period such compensation as determined by the council, based upon his performance of the mayor's duties and upon the compensation of the mayor.

(Code of Iowa, 1975, Sec. 372.13 [8])

ARTICLE 3
COUNCIL

1-3.0301 NUMBER AND TERM OF COUNCIL. The council consists of five councilmen elected at large, elected for terms of four years.

(Code of Iowa, 1975, Sec. 372.4 and 376.2)

1-3.0302 POWERS AND DUTIES. The powers and duties of the council shall include, but are not limited to the following:

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

(Code of Iowa, 1975, Sec. 364.2 [1])

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

(Code of Iowa, 1975, Sec. 372.13 [7])

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

(Code of Iowa, 1975, Sec. 364.2 [1], 384.16 and 384.38 [1])

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

(Code of Iowa, 1975, Sec. 364.2 [1])

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

(Code of Iowa, 1975, Sec. 364.2 [1] and 384.95 thru 384.102)

6. Employees. The council shall authorize, by resolution, the number, duties and compensation of employees not otherwise provided for by state law or the city code.

(Code of Iowa, 1975, Sec. 372.13 [4])

7. Records. The council shall maintain records of its proceedings.

(Code of Iowa, 1975, Sec. 372.13 [5])

8. Setting Compensation for Elected Officers. By ordinance, the council shall prescribe the compensation of the mayor, councilmen, and other elected city officers, but a change in the compensation of the mayor shall not become effective during the term in which the increase is adopted, and the council shall not adopt such an ordinance changing the compensation of any elected officer during the months of November and December immediately following a regular city election. A change in the compensation of councilmen shall become effective for all councilmen at the beginning of the term of the councilmen elected at the election next following the adoption of the increase in compensation.

(Code of Iowa, 1975, Sec. 372.13 [8])

1-3.0303 EXERCISE OF POWER. The council shall exercise a power only by the passage of a motion, a resolution, an amendment, or an ordinance in the following manner:

(Code of Iowa, 1975, Sec. 364.3 [1])

1. Approved Action by Council. Passage of an ordinance, amendment, or resolution requires an affirmative vote of not less than a majority of the council members. A motion to spend public funds in excess of ten thousand dollars on any one project, or a motion to accept public improvements and facilities upon their completion, also requires an affirmative vote of not less than a majority of the council members. Each councilman's vote on an ordinance, amendment or resolution must be recorded.

(Code of Iowa, 1975, Sec. 380.4)

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

(Code of Iowa, 1975, Sec. 380.6 [2])

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

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

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

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

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

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

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

1-3.0304 MEETINGS. Meetings of the Council shall be as follows:

1. Regular Meetings. The regular meetings of the council shall be held at 7:00 p.m. in the Council chambers at City Hall on the second and fourth Mondays of each month. ***(Ord. 628 – Feb. 02 Supp.)***

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

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

3. Quorum. A majority of all councilmembers is a quorum.
(Code of Iowa, 1985, Sec. 372.13 [1])

4. Rules of Procedure. The council shall determine the rules of its own proceedings by resolution and the clerk shall keep such rules on file for public inspection.
(Code of Iowa, 1985, Sec. 372.13 [5])

1-3.0305 APPOINTMENTS. The council shall appoint the following officials and prescribe their powers, duties, compensation and term of office:

City Clerk
City Attorney
Board of Plumbing Examiners
Sewer Superintendent
Cemetery Sexton
Zoning Board of Adjustment
Water Superintendent

1-3.0306 COMPENSATION. The salary of each council member shall be fifty-five dollars ($55.00) per month, payable quarterly. (Amended by Ordinance No. 575)
(Code of Iowa, Sec. 372.13 [8])

ARTICLE 1
CITY CLERK-TREASURER

1-4.0101 CREATION AND APPOINTMENT. There is hereby created the office of City Clerk-Treasurer to be appointed by the City Council at the first meeting of January following a regular City election for a two-year term commencing on that date and continuing until a successor is appointed and qualified.

1-4.0102 DUTIES. The City Clerk-Treasurer shall have the following duties:

1. Oaths. Administer oaths of office to any City officer who is required to give oaths.

2. Attend all meetings of the Council and its committees. Record and preserve a correct record of the proceedings of such meetings and publish a summary of Council proceedings immediately after each regular or special meeting, in the manner required by law. Publish all ordinances immediately after passage and approval by Council, and keep an ordinance book, authenticating each ordinance and certifying as to the time and manner of publication.

3. Accounting. Be the chief accounting officer of the City and:

A. Keep separate accounts for every appropriation, department, public improvement or undertaking, in the manner provided by law.

B. Keep an account of all cash, investments, accounts receivable and property received by, due to, or in the custody of the City and to give a receipt immediately upon cash being received by the City specifying the date, from whom, for what account, and record each transaction in the correct fund as required by law, and Council direction where not specified by law.

C. Keep accounts for cash disbursed, purchase and contract commitments, and property disposed of or sold by the City, specifying the date and to whom paid and record each transaction in the correct fund as required by law, and Council direction where not specified by law.

D. Maintain the budgetary accounts required by law or rules of the City finance committee of the State, and as further directed by Council as permitted by law.

E. Prepare and publish all financial and budgetary reports required by law and the Council, and the list of claims in the manner specified by law.

4. Custody of Funds, the treasury.

A. Immediately upon receipt of moneys to be held in custody and belonging to the municipality deposit the same in banks selected by the Council in amounts not exceeding the monetary limits authorized by the Council.

B. File the Council's depository declaration with the County and State treasurers in January each year and at other times when necessary.

C. Reconcile the bank statements with books and certify monthly to the Council the balance of cash and investments of each fund and amounts received and disbursed.

D. Invest all idle funds and other funds as directed by the Council in accordance with law and make reports to the State auditor as required by law.

E. Pay all claims against the City only upon Council order.

F. Be treasurer of all boards and commissions.

5. Debt Service. The City Clerk-Treasurer shall:

A. Sign all evidences of indebtedness, coupons, or certificates as required by law of a City Clerk or Treasurer.

B. Keep a register of all bonds outstanding and record all payments made of interest and principal.

6. Records. The City Clerk-Treasurer shall:

A. Have custody and be responsible for the safekeeping of all records or documents in which the municipality is a party in interest unless otherwise specifically directed by law or ordinance. File and preserve all receipts, vouchers, and other documents kept, or that may be required to be kept, necessary to prove the validity of every transaction and the identity of every person having any beneficial relation thereto. Upon order of the Council, destroy all vouchers and minor records when over ten years old, except the permanent records specified for retention by law.

B. Copies of records. Furnish upon request to any municipal officer a copy of any record, paper or public document under control when it may be necessary to such officer in the discharge of duty. Also, furnish a copy to any citizen when requested upon payment of the allowable charge set in the law or resolution of Council.

7. Seal. Affix the seal of the corporation to those public documents or instruments which by law or ordinance are required to be attested by the affixing of the seal, or as directed by the Mayor or Council.

8. Petitions and Communications. Keep and file by number and date all communications and petitions directed to the Council or to the City generally. Endorse thereon the action of the Council taken on the matters presented in such communications and petitions.

9. Licenses and Permits. Issue all licenses and permits approved by the Council, and keep a record thereof which shall show the date, number, and to whom issued, and for what purpose.

10. Appointments. Keep a record of appointments, notify all persons appointed by the Mayor or Council of such appointments and the time of taking office.

11. Cemetery. Keep all permanent cemetery records and issue cemetery deeds.

12. Perform such other duties as specified by the Council by resolution or ordinance.

1-4.0103 COMPENSATION. Such compensation be paid as specified by Council resolution.

(Article 1 amended by Ordinance No. 612)

ARTICLE 2
TREASURER

(REPEALED BY ORDINANCE NO. 612)

ARTICLE 3
CITY ATTORNEY

1-4.0301 APPOINTMENT AND COMPENSATION. The city attorney shall be appointed by majority vote of the council and receive such compensation as shall be established by resolution.

(Code of Iowa, 1975, Sec. 372.13 [4])

1-4.0302 ATTORNEY FOR CITY. The city attorney shall act as attorney for the city in all matters affecting the city's interest and appear on behalf of the city before any court, tribunal, commission or board. He shall prosecute or defend all actions and proceedings when so requested by the mayor or council.

(Code of Iowa, 1975, Sec. 372.13 [4])

1-4.0303 POWER OF ATTORNEY. The city attorney shall sign the name of the city to all appeal bonds and to all other bonds or papers of any kind that may be essential to the prosecution of any cause in court, and when so signed the city shall be bound upon the same.

(Code of Iowa, 1975, Sec. 372.13 [4])

1-4.0304 ORDINANCE PREPARATION. The city attorney shall prepare those ordinances which the council may desire and direct to be prepared and report to the council upon all such ordinances before their final passage by the council and publication.

(Code of Iowa, 1975, Sec. 372.13 [4])

1-4.0305 REVIEW AND COMMENT. The city attorney shall, upon request, make a written report to the council and interested department heads, giving his opinion on all contracts, documents, resolutions, or ordinances submitted to him or coming under his notice.

(Code of Iowa, 1975, Sec. 372.13 [4])

1-4.0306 OPINION ON CONTRACTS. The city attorney shall, at the request of the council, offer a written opinion on and recommend alterations pertaining to contracts involving the city before they become binding upon the city.

(Code of Iowa, 1975, Sec. 372.13 [4])

1-4.0307 PROVIDE LEGAL OPINION. The city attorney shall, upon request, give his legal opinion in writing upon all questions of law relating to city matters submitted by the council, any board or the head of any city department.

(Code of Iowa, 1975, Sec. 372.13 [4])

1-4.0308 ATTENDANCE AT COUNCIL MEETINGS. The city attorney shall attend meetings of the council at the request of the council.

(Code of Iowa, 1975, Sec. 372.13 [4])

1-4.0309 PREPARE DOCUMENTS. The city attorney shall, upon request, formulate drafts for contracts, forms and other writings which may be required for the use of the city.

(Code of Iowa, 1975, Sec. 372.13 [4])

1-4.0310 MAINTAIN FILES. The city attorney shall keep in proper files a record of all official opinions and a docket or register of all actions prosecuted and defended by the city attorney accompanied by all proceedings relating to said actions.

(Code of Iowa, 1975, Sec. 372.13 [4])

TITLE II

DIVISION 1

LAW ENFORCEMENT

TITLE II - COMMUNITY PROTECTION
DIVISION 1 - LAW ENFORCEMENT
CHAPTER 1 - PUBLIC OFFENSES

ARTICLE 1
PUBLIC PEACE

2.1-1.0101 ASSAULT AND BATTERY. It shall be unlawful for a person to apply, or to threaten or attempt to apply, an unlawful and unpermitted physical force to the person of another in a rude and insolent manner, or with the intent to do physical harm, with the apparent ability to execute any attempt or threat.

(Code of Iowa, 1975, Sec. 694.1)

2.1-1.0102 AFFRAY. It shall be unlawful for two (2) or more persons voluntarily or by agreement to engage in any fight, or use any blows or violence towards each other in an angry or quarrelsome manner, in any public place, to the disturbance of others.

(Code of Iowa, 1975, Sec. 727.1)

2.1-1.0103 DISTURBANCE OF PEACE: ASSEMBLIES. It shall be unlawful for a person to make or excite any disturbance in a tavern, store or grocery, or at any election or public meeting, or other place where citizens are peaceably and lawfully assembled.

(Code of Iowa, 1975, Sec. 744.1)

2.1-1.0104 DISTURBING CONGREGATIONS OR OTHER ASSEMBLIES. It shall be unlawful for a person to willfully disturb any assembly of persons met for religious worship by profane discourse or rude and indecent behavior, or by making a noise, either within the place of worship or so near as to disturb the order and solemnity of the assembly, or willfully to disturb or interrupt any school, school meeting, or literary society or other lawful assembly of persons.

(Code of Iowa, 1975, Sec. 744.2)

2.1-1.0105 DISTURBING OF PEACE: NOISE. It shall be unlawful for a person to disturb the peace by excessive, loud or unusual noise, by blowing horns or ringing bells, or by the use of sirens, radios or any type of speaking devices or noise makers.

2.1-1.0106 UNLAWFUL ASSEMBLY AND RIOT. It shall be unlawful for three (3) or more persons in a violent or tumultuous manner to assemble together to do or attempt to do an unlawful act, or when together to commit or attempt to commit an act, whether lawful or unlawful, in an unlawful, violent or tumultuous manner to the disturbance of others.

(Code of Iowa, 1975, Sec. 743.1 and 2)

2.1-1.0107 PARADES. It shall be unlawful for any association, company, society, order, exhibition or aggregation of persons, within the city limits, to parade or march upon any street, alley or public ground, or for any person to take part in such parade or march, unless they first obtain from the police chief a permit to march or parade, stating the time, manner and conditions of such march or parade. No charge shall be made for such permit.

TITLE II - COMMUNITY PROTECTION
DIVISION 1 - LAW ENFORCEMENT
CHAPTER 1 - PUBLIC OFFENSES

ARTICLE 2
PUBLIC MORALS

2.1-1.0201 PROSTITUTION. It shall be unlawful for any person to engage in, assist, or in any manner promote prostitution within the city. For the purpose of this section, the following acts are prohibited and the commission of any such act or acts shall constitute a violation of the city code.

1. Prostitutes. To resort to, use, occupy or inhabit for the purpose of prostitution or lewdness any house of ill fame or place kept for such purpose, or to be found at any hotel, boarding house, store or other place, leading a life of prostitution.

(Code of Iowa, 1975, Sec. 724.1)

2. Soliciting. To ask, request or solicit another to have carnal knowledge with any male or female for a consideration or otherwise.

(Code of Iowa, 1975, Sec. 724.2)

3. Keeping House of Ill Fame. To keep a house of ill fame which is resorted to for the purpose of prostitution or lewdness.

(Code of Iowa, 1975, Sec. 724.3)

4. Leasing House For Prostitution. To let any house, knowing that the lessee intends to use it as a place or resort for the purpose of prostitution and lewdness, or knowingly permit such lessee to use the same for such purposes.

(Code of Iowa, 1975, Sec. 72)

2.1-1.0202 BLASPHEMOUS OR OBSCENE LANGUAGE. It shall be unlawful for a person to use blasphemous or obscene language publicly to the disturbance of the public peace and quiet.

(Code of Iowa, 1975, Sec. 728.1)

2.1-1.0203 VAGRANCY. It shall be unlawful for a person to be at large, not in the care of some discreet person, in a state of vagrancy. For the purpose of this chapter, the following persons are vagrants:

(Code of Iowa, 1975, Sec. 746.6)

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

(Code of Iowa, 1975, Sec. 746.1)

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

(Code of Iowa, 1975, Sec. 746.1)

3. All persons wandering about and lodging in barns, outbuildings, tents, wagons or other vehicles, and having no visible calling or business to maintain themselves.

(Code of Iowa, 1975, Sec. 746.1)

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

(Code of Iowa, 1975, Sec. 746.1)

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

(Code of Iowa, 1975, Sec. 746.1)

2.1-1.0204 INDECENT PUBLIC EXPOSURE. No person shall expose those parts of his or her body hereinafter listed to another in any public place, or in any place where such exposure is seen by another person or persons in any public place:

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

2. The pubic hair, pubes, perineum, or anus of a male or female, the penis or scrotum of a male, or the vagina of a female, excepting those body parts of an infant under the age of thirty six (36) months of either sex.

ARTICLE 3

MINORS

2.1-1.0301 CURFEW.

1. Definition. The term "minor" means in this section, any unmarried person below the age of eighteen (18) years.

(Ord. 638 – Feb. 02 Supp.)

2. Time Limits. It is unlawful for any minor to be or remain upon any of the alleys, streets or public places or to be in places of business and amusement in the City between the hours of twelve o'clock (12:00) a.m. and five o'clock (5:00) a.m.

(Ord. 638 – Feb. 02 Supp.)

3. Exceptions. The restriction provided by subsection 2.1-1.0301(2) shall not apply to any minor who is accompanied by a guardian, parent or other person charged with the care and custody of such minor, nor shall the restriction apply to any minor who is traveling between his or her home or place of residence and the place where any approved employment, church, municipal or school function is being held.

(Ord. 638 – Feb. 02 Supp.)

4. Responsibility of Adults. It is unlawful for any parent, guardian or other person charged with the care and custody of any minor to allow or permit such minor to be in or upon any of the streets, alleys, places of business, or amusement or other public places within the curfew hours set by subsection 2.1-1.0301(2), except as otherwise provided in subsection 2.1-1.0301(3).

(Code of Iowa, Sec. 613.16)

5. Responsibility of Business Establishments. It is unlawful for any persons operating a place of business or amusement to allow or permit any minor to be in or upon any place of business or amusement operated by them within the curfew hours set by subsection 2.1-1.0301(2) except as otherwise provided in subsection 2.1-1.0301(3).

6. Enforcement. Any peace officer of this City while on duty is hereby empowered to arrest any minor who violates any of the provisions of Subsections 2.1-1.0301 (2 and 3), and shall detain any such minor until the parent or guardian of the child shall take him or her into

custody; but such officer shall immediately upon taking custody of the child communicate with the parent or guardian, if possible. If the parent or guardian cannot be located by such officer, such officer shall escort the child home and the chief of police shall notify the parent or guardian of such action. If a minor violates the provisions of subsections 2.1-1.0301 (2 and 3) more than two times within a twelve month period, the peace officer shall notify the probation officer, or the county attorney if there is no probation officer, of the violations and shall prepare a statement setting forth the violations to be filed with the clerk of the juvenile court upon the approval of the probation officer or county attorney.

2.1-1.0302 MINORS IN BILLIARD ROOMS. It shall be unlawful for any person who keeps a billiard hall where beer is sold, or the agency, clerk, or employee of any such person, or any person having charge or control of any such hall, to permit any minor under eighteen (18) years of age to remain in such hall or to take part in any of the games known as billiard or pool.

(Code of Iowa, 1975, Sec. 726.9)

ARTICLE 4
PUBLIC HEALTH AND SAFETY

2.1-1.0401 SPITTING. It shall be unlawful for a person to spit within any food establishment, restaurant, hotel, motor inn, cocktail lounge or tavern.

(Code of Iowa, 1975, Sec. 170.24)

2.1-1.0402 SALE OF TAINTED FOOD. It shall be unlawful for a person to sell or offer for sale any tainted, unsound or rotten meat, fish, fowl, fruit, vegetables, eggs, butter, canned goods, packaged goods, or other articles of food, or to sell or offer for sale the flesh of any animal that was diseased.

2.1-1.0403 STENCH BOMBS. It shall be unlawful to throw, drop, pour, explode, deposit, release, discharge or expose any stench bomb or tear bomb, or any liquid, gaseous or solid substance or matter of any kind that is injurious to persons or property, or that is nauseous, sickening, irritating or offensive to any of the senses in, upon or about any theatre, restaurant, car, structure, place of business or amusement, or any place of public assemblage, or to attempt to do any of these acts, or to prepare or possess such devices or materials with intent to do any of these acts. This provision shall not apply to duly constituted police, military authorities, prison officials or peace officers in the discharge of their duties, or to licensed physicians, nurses, pharmacists and other similar persons licensed under the laws of this state; nor to any established place of business or home having tear gas installed as a protection against burglary, robbery or holdup, nor to any bank or other messenger carrying funds or other valuables.

(Code of Iowa, 1975, Sec. 732.10, 12 and 13)

2.1-1.0404 FIREWORKS.

1. Definition. The term "fireworks" shall mean and include any explosive composition, or combination of explosive

substances, or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, roman candles, or other fireworks of like construction and any fireworks containing any explosive or inflammable compound, or other device containing any explosive substance.

(Code of Iowa, 1975, Sec. 732.17)

2. Regulations. It shall be unlawful for any person to offer for sale, expose for sale, sell at retail, or use or explode any fireworks; provided the city may, upon application in writing, grant a permit for the display of fireworks by a city agency, fair associations, amusement parks and other organizations or groups of individuals approved by city authorities when such fireworks display will be handled by a competent operator. No permit shall be granted hereunder unless the operator or sponsoring organization has filed with the city evidence of insurance in the following amounts:

Personal injury:	$100,000 per person
Property damage:	$ 50,000
Total exposure:	$1,000,000

This shall not be construed to prohibit any resident, dealer, manufacturer or jobber from selling such fireworks as are not herein prohibited; or the sale of any kind of fireworks provided the same are to be shipped out of state; or the sale or use of blank cartridges for a show or theatre, or for signal purposes in athletic sports or by railroads, trucks, for signal purposes, or by a recognized military organization; and provided further that nothing in this section shall apply to any substance or composition prepared and sold for medicinal or fumigation purposes.

(Code of Iowa, 1975, Sec. 732.18)

2.1-1.0405 FALSE ALARMS. It shall be unlawful for a person to give or cause to be given a false alarm of fire by setting fire to any combustible material, or by crying or sounding an alarm, or by any other means, without cause.

(Code of Iowa, 1975, Sec. 714.31)

2.1-1.0406 IMPERSONATING AN OFFICER. It shall be unlawful for a person to falsely assume to be a judge, magistrate, sheriff, deputy sheriff, peace officer, special agent of the Iowa department of public safety or conservation officer, and take upon himself to act as such or require anyone to aid or assist him in any manner.

(Code of Iowa, 1975, Sec. 740.5)

2.1-1.0407 RESISTING EXECUTION OF PROCESS. It shall be unlawful for a person to knowingly or willfully resist or oppose any officer of this state, or any person authorized by law in serving or attempting to execute any legal writ, rule, order or process whatsoever, or to knowingly and willfully resist any such officer in the discharge of his duties without such writ, rule, order or process.

(Code of Iowa, 1975, Sec. 742.1)

2.1-1.0408 REFUSING TO ASSIST AN OFFICER. If any person, being lawfully required by any sheriff, deputy sheriff, constable or other peace officer, willfully neglects or refuses to assist him in the execution of the duties of his office in any criminal case, or in any case of escape or rescue, he shall be considered to have violated the city code.

(Code of Iowa, 1975, Sec. 742.3)

2.1-1.0409 RESISTING ARREST. It shall be unlawful for a person after being informed of the intention to arrest him, to attempt to escape or forcibly resist when arrest is being made by an officer under the authority of a warrant.

(Code of Iowa, 1975, Sec. 755.8)

2.1-1.0410 ANTENNA AND RADIO WIRES. It shall be unlawful for a person to allow antenna wires, antenna supports, radio wires or television wires to exist over any street, alley, highway, sidewalk, or public property.

(Code of Iowa, 1975, Sec. 364.12 [2])

2.1-1.0411 DISCHARGING WEAPONS. It shall be unlawful for a person to discharge rifles, shotguns, revolvers, pistols, guns or firearms of any kind within the city limits except by authorization of the council.

2.1-1.0412 THROWING AND SHOOTING. It shall be unlawful for a person to throw stones or missiles of any kind or to shoot arrows, rubber guns, slingshots, air rifles or other dangerous instruments or toys on or into any street, highway, alley, sidewalk or public place.

(Code of Iowa, 1975, Sec. 364.12 [2])

2.1-1.0413 INTERFERENCE WITH CITY OFFICERS. It shall be unlawful for a person to interfere with or hinder any policeman, fireman, officer, or city official in the discharge of his duty.

2.1-1.0414 BARBED WIRE AND ELECTRIC WIRE. It shall be unlawful for a person to use barbed wire or electric wire to enclose land within the city limits without the consent of the council unless such land consists of five (5) acres or more and is used as agricultural land.

2.1-1.0415 CARRYING CONCEALED WEAPONS.

1. Prohibition. It shall be unlawful for any person, except as hereinafter provided, to go armed with or to carry, a dirk, dagger, sword, pistol, revolver, stilletto, metallic knuckles, pocket billy, sandbag, skull cracker, slug shot or other offensive or dangerous weapon, except hunting knives adapted and carried as such, concealed either on or about the person, except in one's own dwelling, house, place of business, or other land possessed by him. No person shall carry a pistol or revolver concealed on or about his person or whether concealed or otherwise in any vehicle operated by him, except in his dwelling, house or place of business or on other land possessed by him, without a permit from the sheriff of the county.

(Code of Iowa, 1985, Sec. 695.2)

2. Exemptions. It shall be lawful to carry one or more unloaded pistols or revolvers for the purpose of lawful hunting, lawful sale or attempted sale, lawful exhibit or showing, or other lawful use, if such unloaded weapon or weapons are carried either (1) in the trunk compartment of a vehicle or (2) in a closed container which is too large to be effectively concealed on the person or within the clothing of an individual, and such container may be carried in a vehicle or in any other manner; and no permit shall be required therefor.

(Code of Iowa, 1985, Sec. 695.2)

2.1-1.0416 POSSESSION OF FIREARMS ON CITY OWNED PROPERTY. It shall be unlawful for a person to have in his or her possession a rifle, shotgun, revolver, pistol, or firearm or air gun of any kind while on the premises of any public place except by authorization of the Chief of Police.

TITLE II - COMMUNITY PROTECTION
DIVISION 1 - LAW ENFORCEMENT
CHAPTER 1 - PUBLIC OFFENSES

ARTICLE 5
PUBLIC PROPERTY

2.1-1.0501 DEFACING PUBLIC GROUNDS. It shall be unlawful for a person to cut, break or deface any tree or shrub on public property or on any public way by willfully defacing, cutting, breaking or injuring.

(Code of Iowa, 1975, Sec. 364.1 and 364.12 [2])

2.1-1.0502 INJURING NEW PAVEMENT. It shall be unlawful for a person to injure new pavement in any street, alley or sidewalk by willfully driving, walking or making marks on such pavement before it is ready for use.

(Code of Iowa, 1975, Sec. 364.12 [2])

2.1-1.0503 DESTROYING PARK EQUIPMENT. It shall be unlawful for a person to destroy or injure any property or equipment in public swimming pools, playgrounds or parks by willfully defacing, breaking, damaging, mutilating or cutting.

(Code of Iowa, 1975, Sec. 364.12 [2])

2.1-1.0504 DEFACING PROCLAMATIONS OR NOTICES. It shall be unlawful for a person to intentionally deface, obliterate, tear down, or destroy in whole or in part, any transcript or extract from or of any law of the United States or this state, or any proclamation, advertisement or notification, set up at any place within the city by authority of the law or by order of any court, during the time for which the same is to remain set up.

(Code of Iowa, 1975, Sec. 714.20)

2.1-1.0505 INJURY TO FIRE APPARATUS. It shall be unlawful for a person to willfully destroy or injure any engine, hose, hook and ladder truck, or other thing used and kept for extinguishment of fires.

(Code of Iowa, 1975, Sec. 714.28)

2.1-1.0506 DAMAGE TO PUBLIC OR UTILITY PROPERTY. It shall be unlawful for a person to maliciously injure, remove, or

destroy any electric railway or apparatus belonging thereto; or any bridge, rail or plank road; or place, or cause to be placed, any obstruction on any electric railway, or on any such bridge, rail or plank road; or willfully obstruct or injure any public road or highway; or maliciously cut, burn or in any way break down, injure, or destroy any post or pole used in connection with any system of electric lighting, electric railway, or telephone or telegraph system; or break down and destroy or injure and deface any electric light, telegraph or telephone instrument; or in any way cut, break, or injure the wires of any apparatus belonging thereto; or to willfully tap, cut, injure, break, disconnect, connect, make connection with, or destroy any of the wires, mains, pipes, conduits, meters, or other apparatus belonging to, or attached to, the power plant or distributing system of any electric light plant, electric motor, gas plant, or water plant; or to aid or abet any other person in so doing.

(Code of Iowa, 1975, Sec. 716.7)

2.1-1.0507 INJURY TO CEMETERY PROPERTY. It shall be unlawful for a person to willfully and maliciously destroy, mutilate, deface, injure or remove any tomb, vault, monument gravestone or other structure placed in any public or private cemetery or other fences, railing or other work for the protection or ornamentation of said cemetery, or of any tomb, vault, monument or gravestone, or other structure aforesaid, on any cemetery lot within such cemetery, or to willfully and maliciously throw or leave any rubbish, refuse, garbage, waste, litter or foreign substance within the limits of said cemetery, or to drive at an unusual and forbidden speed over avenues or roads in said cemetery, or to drive outside of said avenues and roads, and over the grass or graves of said cemetery.

(Code of Iowa, 1975, Sec. 714.23)

ARTICLE 2
TRAFFIC CONTROL DEVICES

2.1-2.0201 INSTALLATION. The police chief shall cause to be placed and maintained traffic control devices when and as required under the Traffic Code of this city to make effective its provisions; emergency or temporary traffic control devices for the duration of an emergency or temporary condition as traffic conditions may require to regulate traffic under the traffic code of this city or under state law, or to guide or warn traffic. He shall keep a record of all such traffic control devices.

(Code of Iowa, 1975, Sec. 321.254 and 321.255)

2.1-2.0202 CROSSWALKS. The police chief is hereby authorized, subject to approval of the council by resolution, to designate and maintain crosswalks by appropriate traffic control devices at intersections where due to traffic conditions there is particular danger to pedestrians crossing the street or roadway, and at such other places as traffic conditions require.

(Code of Iowa, 1975, Sec. 372.13 [4];
Code of Iowa, 1975, Sec. 321.255)

2.1-2.0203 TRAFFIC LANES. The police chief is hereby authorized to mark lanes for traffic on street pavements at such places as traffic conditions require consistent with the traffic code of this city. Where such traffic lanes have been marked, it shall be unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of any such lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

(Code of Iowa, 1975, Sec. 372.13 [4] and 321.255)

2.1-2.0204 STANDARDS. Traffic control devices shall comply with standards established by the Manual of Uniform Traffic Control Devices for Streets and Highways.

(Code of Iowa, 1975, Sec. 321.255)

2.1-2.0205 COMPLIANCE. No driver of a vehicle shall disobey the instructions of any official traffic-control device placed in accordance with the provisions of this chapter, unless at the time otherwise directed by a peace officer.

(Code of Iowa, 1975, Sec. 321.256)

ARTICLE 6
PRIVATE PROPERTY

2.1-1.0601 TRESPASSING PROHIBITED. It shall be unlawful for a person to commit one or more of the following acts:

1. Enter Property Without Permission. Enter upon or in private property without legal justification or without the implied or actual permission of the owner, lessee, or person in lawful possession with the intent to commit a public offense or to use, remove therefrom, alter, damage, harass, or place thereon or therein anything animate or inanimate, without the implied or actual permission of the owner, lessee, or person in lawful possession.

(Code of Iowa, 1975, Sec. 729.1 [2a])

2. Vacate Property When Requested. Enter or remain upon or in private property without legal justification after being notified or requested to abstain from entering or to remove or vacate therefrom by the owner, lessee, or person in lawful possession, or by any peace officer, magistrate, or public employee whose duty it is to supervise the use or maintenance of the property.

(Code of Iowa, 1975, Sec. 729.1 [2b])

3. Interfere With Lawful Use of Property. Enter upon or in private property for the purpose or with the effect of unduly interferring with the lawful use of the property by others.

(Code of Iowa, 1975, Sec. 729.1 [2c])

4. Use of Property Without Permission. Be upon or in private property and use, remove therefrom, alter, damage, harass, or place thereon or therein anything animate or inanimate, without the implied or actual permission of the owner, lessee, or person in lawful possession.

(Code of Iowa, 1975, Sec. 729.1 [2d])

2.1-1.0602 TELEGRAPH OR TELEPHONE WIRE TAPS. It shall be unlawful for a person to wrongfully or unlawfully tap or

connect a wire with the telephone or telegraph wires of any person engaged in the transmission of messages on telephone or telegraph lines.

(Code of Iowa, 1975, Sec. 716.8)

2.1-1.0603 DAMAGE TO PROPERTY. It shall be unlawful to cut, hack, break, deface or otherwise injure any ornamental or shade tree, fence, private building, railing or other property.

subject to the provisions of Section 321.271 of the Code of Iowa, 1975.

(Code of Iowa, 1975, Sec. 321.273 and 321.274)

2.1-2.0106 INVESTIGATION OF TRAFFIC ACCIDENTS. The police chief shall investigate all accidents reported. If sufficient evidence of a violation is found, proper action will be taken to punish the violator.

(64th G.A., Ch. 1088, Sec. 59 [4])

2.1-2.0107 TRAFFIC ACCIDENTS: STUDIES. Whenever the accidents at any particular location become numerous, the chief of police shall conduct studies of such accidents and propose remedial measures.

(Code of Iowa, 1975, Sec. 372.13 [4])

2.1-2.0108 FILES MAINTAINED. The police chief shall maintain a suitable record of all traffic accidents, warnings, arrests, convictions and complaints reported for each driver during the most recent three year period. Such reports shall be filed alphabetically under the name of the driver concerned.

(Code of Iowa, 1975, Sec. 372.13 [4])

2.1-2.0109 HABITUAL TRAFFIC VIOLATORS. The police chief shall study the cases of all drivers charged with frequent or serious violations of the traffic laws or involved in frequent traffic accidents or any serious accident, and shall attempt to discover the reasons therefor, and shall take whatever steps are lawful and reasonable to prevent the same, or to have the license of such persons suspended or revoked as provided by state law.

(Code of Iowa, 1975, Sec. 321.201 - 321.215)

2.1-2.0110 ANNUAL SAFETY REPORTS. The police chief shall prepare annually a traffic report which shall be filed with the mayor and council. Such report shall contain information on the number of traffic accidents, the number of persons killed and injured, the number and nature of violations, and other pertinent traffic data including plans and recommendations for future traffic safety activities.

(Code of Iowa, 1975, Sec. 372.13 [4])

TITLE II - COMMUNITY PROTECTION
DIVISION 1 - LAW ENFORCEMENT
CHAPTER 2 - TRAFFIC CODE

ARTICLE 1
GENERAL PROVISIONS

2.1-2.0101 TITLE. This chapter may be known and cited as the "Audubon Traffic Code".

2.1-2.0102 DEFINITIONS. Where words and phrases used in this chapter are defined by state law, such definitions shall apply to their use in this chapter and are adopted by reference. Those definitions so adopted that need further definition or are reiterated, and other words and phrases used herein, shall have the following meanings:

1. "Park or Parking": shall mean the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

2. "Stand or Standing": shall mean the halting of a vehicle, whether occupied or not, otherwise than for the purpose of and while actually engaged in receiving or discharging passengers.

3. "Stop": shall mean when required, the complete cessation of movement.

4. "Stop or Stopping": shall mean, when prohibited, any halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or traffic-control sign or signal.

5. "Business District": shall mean the territory contiguous to and including Broadway from the CRI & P railroad tracks to Church Street; Washington Street from Davenport Street to Chicago Street; Tracy Street from Davenport Street to Chicago Street; Leroy Street from Davenport Street to Chicago Street; North Park Place from Tracy Street to Leroy Street; South Park Place from Tracy Street to Leroy Street.

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

(Code of Iowa, 1975, Sec. 321.1 [58])

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

(Code of Iowa, 1975, Sec. 321.1 [59])

8. "Suburban District": shall mean all other parts of the city not included in the business, school or residence districts.

(Code of Iowa, 1975, Sec. 321.1 [60])

9. "Peace Officer": shall mean every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

(Code of Iowa, 1975, Sec. 321.1 [45])

10. "Traffic Control Device": shall mean all signs, signals, markings, and devices not inconsistent with this chapter, lawfully placed or erected for the purpose of regulating, warning, or guiding traffic.

(Code of Iowa, 1975, Sec. 321.1 [62])

2.1-2.0103 ADMINISTRATION AND ENFORCEMENT. Provisions of this chapter and the Iowa law relating to motor vehicles and law of the road shall be enforced by the police chief.

(Code of Iowa, 1975, Sec. 372.13 [4])

2.1-2.0104 POWER TO DIRECT TRAFFIC. A peace officer, and any officer of the fire department when at the scene of a fire, is authorized to direct all traffic by voice, hand or signal in conformance with traffic laws. In the event of an emergency traffic may be directed as conditions require notwithstanding the provisions of the traffic laws.

2.1-2.0105 TRAFFIC ACCIDENTS: REPORTS. The driver of a vehicle involved in an accident within the limits of this city shall file a report as and when required by the Iowa Department of Public Safety. A copy of this report shall be filed with the city for the confidential use of peace officers and shall be

ARTICLE 3
GENERAL REGULATIONS

2.1-2.0301 VIOLATION OF REGULATIONS. Any person who shall willfully fail or refuse to comply with any lawful order of a peace officer or direction of a fire department officer during a fire, or who shall fail to abide by the provisions of this chapter and the applicable provisions of the following Iowa statutory laws relating to motor vehicles and the statutory law of the road is in violation of this chapter. These sections of the Code of Iowa are: (Amended by Ordinance No. 582)

1. Display of Registration and License to Drive: 321.32, 321.174, 321.190, 321.193 and 321.218 through 321.224.

2. Obedience to a Peace Officer and Responsibility of Public Officers, Emergency Vehicles, and Bicycles to Obey Traffic Regulations: 321.229 through 321.234.

3. Traffic Signs, Signals and Markings: 321.257 through 321.260.

4. Accidents and Accident Reporting: 321.266 through 321.268.

5. Operation of Motorcycles: 321.275.

6. Reckless Driving, Drag Racing, Speed, Control of Vehicle and Minimum Speed: 321.277, 321.278, 321.286 through 321.288 and 321.295.

7. Driving on Right, Meeting, Overtaking, Following or Towing: 321.297 through 321.310.

8. Turning and Starting, Signals on Turning and Stopping: 321.311 through 321.318.

9. Right of Way: 321.319 through 321.324.

10. Pedestrian Rights and Safety Zones: 321.325, 321.327, 321.329, 321.330, 321.332 through 321.334 and 321.340.

11. Railroad Crossings: 321.341 through 321.344.

12. Stopping, Standing, Parking: 321.354 through 321.357 and 321.359.

13. Unattended Vehicle, Obstructing Driver's View, Crossing Median, Following Fire Apparatus, or Crossing Fire Hose, and Putting Glass, Etc., on Streets: 321.362 through 321.371.

14. Lighting Equipment Required and Time of Use: 321.384 through 321.409, 321.415, 321.418 through 321.423. In accordance with authorization granted by Section 321.395, Code of Iowa, motor vehicles parked upon any street where permitted by this chapter need not display required lights where there is sufficient light emitted from city street lights to reveal any person or object within a distance of five hundred (500) feet upon such street.

15. Brakes, Horns, Sirens, Mufflers, Wipers, Mirrors, Tires, Flares, Windows, Safety Belts, and Special Markings for Transporting Explosives: 321.430 through 321.443 and 321.447 through 321.450. (Amended by Ordinance No. 582)

16. Size, Weight and Load: 321.452 through 321.463, 321.465 and 321.466.

17. Handicapped Parking - Display and Use of Device: 321L.4. (Added by Ordinance No. 617)

2.1-2.0302 PLAY STREETS DESIGNATED. The chief of police shall have authority to declare any street or part thereof a play street and to place appropriate signs or devices in the roadway indicating and helping to protect the same. Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or whose residences are within such closed area, and then any said driver shall exercise the greatest care in driving upon any such street or portion thereof.

(Code of Iowa, Sec. 321.255)

2.1-2.0303 VEHICLES ON SIDEWALKS. The driver of a vehicle shall not drive upon or within any sidewalk area except at a driveway.

2.1-2.0304 CLINGING TO VEHICLES. No person shall drive a motor vehicle on the streets of the city unless all passengers of said vehicle are inside the vehicle in the place intended for their accommodation. No person shall ride on the running board of a motor vehicle or in any other place not

customarily used for carrying passengers. No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any vehicle upon a roadway.

2.1-2.0305 MUFFLERS. It shall be unlawful for a person to operate or drive a motor vehicle on a highway that is not equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke, or to use a muffler cutout, bypass or similar device.

(Code of Iowa, 1975, Sec. 321.436)

2.1-2.0306 QUIET ZONES. Whenever authorized signs are erected indicating a quiet zone, no person operating a motor vehicle within any such zone shall sound the horn or other warning device of such vehicle except in an emergency.

2.1-2.0307 SCHOOL BUSES

1. Signals. The driver of any school bus used to transport children to and from a public or private school shall, when stopping to receive or discharge pupils at any point within the city, turn on the flashing stop warning signal lights at a distance of not less than one hundred (100) feet, nor more than three hundred (300) feet from the point where said pupils are to be received or discharged from the bus. At the point of receiving or discharging pupils the driver of the bus shall bring the bus to a stop and extend the stop arm. After receiving or discharging pupils, the bus driver shall turn off the flashing stop warning lights, retract the stop arm and then proceed on the route. No school bus shall stop to load or unload pupils unless there is at least three hundred (300) feet of clear vision in each direction.

(Code of Iowa, 1975, Sec. 321.372 [1])

2. Lights On. The driver of a school bus shall, while carrying passengers, have its headlights turned on.

(Code of Iowa, 1975, Sec. 321.372 [1])

3. Discharging Pupils. All pupils shall be received and discharged from the right front entrance of every school bus and if said pupils must cross the street or highway, they shall be required to pass in front of the bus, look in both directions, and proceed to cross the street or highway only on signal from the bus driver.

(Code of Iowa, 1975, Sec. 321.372 [2])

4. Passing Prohibited. The driver of any vehicle overtaking a school bus shall not pass a school bus when flashing stop warning signal lights are flashing and shall bring said vehicle to a complete stop not closer than fifteen feet of the school bus when it is stopped and stop arm is extended, and shall remain stopped until the stop arm is retracted and school bus resumes motion, or until signalled by the driver to proceed.

(Code of Iowa, 1975, Sec. 321.372 [3])

5. Stop When Meeting. The driver of any vehicle when meeting a school bus on which the amber warning signal lights are flashing shall reduce the speed of said vehicle to not more than twenty (20) miles per hour, and shall bring said vehicle to a complete stop when signal arm is extended and said vehicle shall remain stopped until stoparm is retracted after which driver may proceed with due caution.

(Code of Iowa, 1975, Sec. 321.372 [3])

6. Multi-lane Roads. The driver of a vehicle upon a highway or street providing two or more lanes in each direction need not stop upon meeting a school bus which is traveling in the opposite direction even though said school bus has stopped.

(Code of Iowa, 1975, Sec. 321.372 [4])

7. Application. This section shall apply to the business, residential and suburban districts of the city.

(Code of Iowa, 1975, Sec. 321.372 [4])

2.1-2.0308 FUNERAL OR OTHER PROCESSIONS.

1. Identified. A funeral or other procession composed of vehicles shall be identified as such by the display upon the outside of each vehicle of a pennant or other identifying insignia or by such other method as may be determined and designated by the police chief.

(Code of Iowa, 1975, Sec. 321.236 [3])

2. Manner of Driving. Each driver in a funeral or other procession shall drive as near to the right hand of the roadway as practical and shall follow the vehicle ahead as closely as is practical and safe.

(Code of Iowa, 1975, Sec. 321.236 [3])

3. Interrupting Procession. No driver of any vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated as required in this chapter. This provision shall not apply at intersections where

traffic is controlled by traffic-control signals or peace officers.
(Code of Iowa, Sec. 321.236[3])

2.1-2.0309 EXCESSIVE ACCELERATION. It shall be unlawful for any person in the operation of a motor vehicle, including motorcycles, to so accelerate such vehicle as to cause audible noise by the friction of the tires on the pavement or to cause the tires of the vehicle to leave skid marks on the pavement, or to cause the wheel of a motorcycle to leave the ground more than two (2) inches, except when such acceleration is reasonably necessary to avoid a collision.

2.1-2.0310 DISTURBING THE PEACE AND QUIET. It shall be unlawful for any person in the operation of a motor vehicle, including motorcycles, within the City of Audubon, to willfully disturb or interfere with the peace, comfort or quiet of the public or any person, any family or any neighborhood, by the acceleration of such vehicle as to cause audible noise by the friction of the tires on the pavement or to cause the tires of the vehicle to leave skid marks on the pavement, or to cause the front wheel of a motorcycle to leave the ground more than two inches, except where such acceleration is reasonably necessary to avoid a collision.

2.1-2.0311 LOUD MOTOR VEHCILE SOUND REPRODUCTION/ AMPLIFICATION SYSTEM (STEREO, RADIO, SIMILAR DEVICES). No person shall operate a motor vehicle sound reproduction/amplification system (stereo, tape player, compact disc player, radio or any other sound reproduction/amplification device) so that it may be heard in a public place or on any public street, highway, or alley, at a distance of fifty (50) feet or more from such vehicle and/or system. The provisions of this section may be enforced following personal observation/hearing of any police officer or upon receipt of a complaint made or filed with the police department by the person disturbed by such noise disturbance. The Police Chief or the Council may grant a temporary variance to this section to facilitate special events. The Police Chief is specifically authorized to revoke the granted variance if the applicant fails to meet any of the limitations placed upon the granting of the variance and/or other circumstances occurring subsequent to the granting of the variance which in the opinion of the issuing authority require such revocation.

(Ord. 646 – Feb. 02 Supp.)

ARTICLE 4
SPEED REGULATIONS

2.1-2.0401 GENERAL. Every driver of a motor vehicle on a street shall drive the same at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface and width of the street and of any other conditions then existing, and no person shall drive a vehicle on any street at a speed greater than will permit him to bring it to a stop within the assured clear distance ahead, such driver having the right to assume, however, that all persons using said street will observe the law.

(Code of Iowa, 1975, Sec. 321.285)

2.1-2.0402 BUSINESS DISTRICT. A speed in excess of twenty (20) miles per hour in the business district, unless specifically designated otherwise in this article, is unlawful.

(Code of Iowa, 1975, Sec. 321.285 [1])

2.1-2.0403 RESIDENCE OR SCHOOL DISTRICT. A speed in excess of twenty-five (25) miles per hour in any school or residence district, unless specifically designated otherwise in this article, is unlawful.

(Code of Iowa, 1975, Sec. 321.285 [2])

2.1-2.0404 SUBURBAN DISTRICT. A speed in excess of forty five (45) miles per hour in any suburban district, unless specifically designated otherwise in this article, is unlawful.

(Code of Iowa, 1975, Sec. 321.285 [4])

2.1-2.0405 PARKS, CEMETERIES AND PARKING LOTS. A speed in excess of fifteen (15) miles per hour in any public park, cemetery or parking lot, unless specifically designated otherwise in this article, is unlawful.

(Code of Iowa, 1975, Sec. 321.236 [5] and Sec. 714.23)

2.1-2.0406 MINIMUM SPEED. No person shall drive a motor

vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation, or in compliance with law.
(Code of Iowa, 1975, Sec. 321.294)

2.1-2.0407 EMERGENCY VEHICLES. The speed limitations set forth in this article do not apply to authorized emergency vehicles when responding to emergency calls and the driver's thereof sound audible signal by bell, siren or whistle. This provision does not relieve such driver from the duty to drive with due regard for the safety of others.
(Code of Iowa, 1975, Sec. 321.296)

2.1-2.0408 SPECIAL SPEED RESTRICTIONS. In accordance with requirements of the Iowa State Department of Transportation, or whenever the council shall determine upon the basis of an engineering and traffic investigation that any speed limit hereinbefore set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of the city street system the council shall determine and adopt by ordinance such higher or lower speed limit as it deems reasonable and safe thereat.
(Code of Iowa, 1975, Sec. 321.290)

2.1-2.0409 SPECIAL (30) MPH SPEED ZONES. A speed in excess of thirty (30) miles per hour shall be unlawful on any of the following designated streets or parts thereof.

1. Market Street, southbound, from a point 160 feet south of the center of Davenport Street to a point 128 feet south of the center of Chicago Street.

2. Market Street, northbound, from a point 31 feet north of the center of Chicago Street to a point 160 feet south of the center of Davenport Street.

2.1-2.0410 SPECIAL 35 MPH SPEED ZONES. A speed in excess of thirty-five (35) miles per hour shall be unlawful on any of the following designated streets or parts thereof.

1. Market Street, from a point 40 feet south of the center of Birch Street, to a point 160 feet south of the center of Davenport Street.

2. Market Street, southbound, from a point 128 feet

south of the center of Chicago Street to a point 128 feet south of the center of Mantz Avenue.

3. Market Street, northbound, from a point 128 feet south of the center of Mantz Avenue to a point 31 feet north of Chicago Street.

4. Pacific Street, north and south bound, from a point 138 feet south of the south driveway of the Audubon County Memorial Hospital to the south City limits. (Added by Ordinance No. 587)

ARTICLE 5

TURNING REGULATIONS

2.1-2.0501 AUTHORITY TO MARK. The Police Chief may cause markers, buttons or signs to be placed within or adjacent to intersections and thereby require and direct, as traffic conditions require, that a different course from that specified by the State law be traveled by vehicles turning at intersections, and when markers, buttons or signs are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such markers, buttons or signs.

(Code of Iowa. Sec. 321.311)

2.1-2.0502 "U" TURNS. It shall be unlawful for a driver to make a "U" turn within the business district and at intersections where there are automatic traffic signals.

(Code of Iowa. Sec. 321.255)

2.1-2.0503 RIGHT TURN ON RED SIGNAL PROHIBITED. Vehicular traffic facing a steady red signal shall not proceed or make a right turn at the following locations when appropriate signs are in place.

(Code of Iowa. Sec. 321.257[3])

1. South Street. Vehicles traveling on South Street shall not turn right on a red signal at Market Street.

2.1-2.0504 LEFT TURN FOR PARKING. No person shall make a left hand turn, crossing the centerline of the street, for the purpose of parking on said street. ***(Ord. 634 – Feb. 02 Supp.)***

2.1-2.0505 BACKING FROM PARKING SPACE. No person shall back a vehicle from a parking space and across the centerline of the street for the purpose of then proceeding in the generally opposite direction from that which the vehicle was facing when parked. ***(Ord. 635 – Feb. 02 Supp.)***

2.1-2.0506 PENALTIES. Persons guilty, by plea or conviction, of violating Section 2.1-2.0504 or Section 2.1-2.0505 of the City Code of Audubon, Iowa, shall be subject to the following sentences:

1. For a first offense of either section, a fine of $30.00.

2. For a second offense and each subsequent offense, of either section, those penalties set out for simple misdemeanors in the Code of Iowa (as amended).

(Ord. 637 – Feb. 02 Supp.)

ARTICLE 6
STOP OR YIELD REQUIRED

2.1-2.0601 THROUGH STREETS-STOP. Every driver of a vehicle shall stop, unless a yield is permitted by this chapter before entering an intersection with the following designated through streets.

(Code of Iowa, Sec. 321.345)

1. East Division Street, from south corporate limit to the north corporate limit.

2. South Division Street, from east corporate limit to the west corporate limit.

3. Market Street, (U.S. Highway 71) from the south corporate limit to the north corporate limit.

4. West Broadway Street, from Market Street to the west corporate limit.

2.1-2.0602 STOP INTERSECTIONS. Every driver of a vehicle shall stop before entering an intersection as required herein:

1. Broadway. Vehicles traveling east on Broadway shall stop at Seventh Avenue.

2. Chicago Street. Vehicles traveling east on Chicago Street shall stop at Seventh Avenue.

3. Chicago Street. Vehicles traveling east on Chicago Street shall stop at Washington Street.

4. Chicago Street. Vehicles traveling west on Chicago Street shall stop at Washington Street.

5. Chicago Street. Vehicles traveling east on Chicago Street shall stop at Tracy Street.

6. Chicago Street. Vehicles traveling west on Chicago Street shall stop at Tracy Street.

7. Chicago Street. Vehicles traveling east on Chicago Street shall stop at Leroy Street.

8. Chicago Street. Vehicles traveling west on Chicago Street shall stop at Leroy Street.

9. Church Street. Vehicles traveling south on Church Street shall stop at Broadway.

10. Church Street. Vehicles traveling south on Church Street shall stop at Chicago Street.

11. Church Street. Vehicles traveling north on Church Street shall stop at Broadway.

12. Davis Street. Vehicles traveling west on Davis Street shall stop at East Division Street.

13. East Division Street. Vehicles traveling south on East Division Street shall stop at Hahn Street.

14. East Division Street. Vehicles traveling north on East Division Street shall stop at Mantz Avenue.

15. East Division Street. Vehicles traveling south on East Division Street shall stop at South Street.

16. East Division Street. Vehicles traveling north on East Division Street shall stop at South Street.

17. East Division Street. Vehicles traveling north on East Division Street shall stop at Chicago Street.

18. East Division Street. Vehicles traveling south on East Division Street shall stop at Chicago Street.

19. East Division Street. Vehicles traveling north on East Division Street shall stop at Broadway.

20. East Division Street. Vehicles traveling south on East Division Street shall stop at Broadway.

21. First Avenue. Vehicles traveling south on First Avenue shall stop at South Division Street.

22. First Avenue. Vehicles traveling north on First Avenue shall stop at South Division Street.

23. First Avenue. Vehicles traveling south on First Avenue shall stop at Hahn Street.

24. First Avenue. Vehicles traveling north on First Avenue shall stop at North Division Street.

25. Freeman Avenue. Vehicles traveling east on Freeman Avenue shall stop at East Division Street.

26. Hahn Street. Vehicles traveling east on Hahn Street shall stop at Second Avenue.

27. Hahn Street. Vehicles traveling west on Hahn Street shall stop at East Division.

28. Leroy Street. Vehicles traveling north on Leroy Street shall stop at South Street.

29. Leroy Street. Vehicles traveling south on Leroy Street shall stop at South Street.

30. Leroy Street. Vehicles traveling north on Leroy Street shall stop at South Park Place.

31. Leroy Street. Vehicles traveling north on Leroy Street shall stop at Davenport Street.

32. Leroy Street. Vehicles traveling south on Leroy Street shall stop at Davenport Street.

33. Leroy Street. Vehicles traveling south on Leroy Street shall stop at North Park Place.

34. Mantz Avenue. Vehicles traveling east on Mantz Avenue shall stop at East Division Street.

35. North Division Street. Vehicles traveling west on North Division Street stop at Northwestern Avenue.

36. North Division Street. Vehicles traveling east on North Division Street shall stop at Seventh Avenue.

37. Northwestern Avenue. Vehicles traveling northeast on Northwestern Avenue shall stop at East Division Street.

38. Second Avenue. Vehicles traveling north on Second Avenue shall stop at Broadway.

39. Second Avenue. Vehicles traveling south on Second Avenue shall stop at Hahn Street.

40. Second Avenue. Vehicles traveling south on Second Avenue shall stop at South Street.

41. Second Avenue. Vehicles traveling north on Second Avenue shall stop at South Street.

42. South Street. Vehicles traveling east on South Street shall stop at Seventh Avenue.

43. South Division Street. Vehicles traveling east on South Division Street shall stop at South Pacific Avenue.

44. Southside Avenue. Vehicles traveling west on Southside Avenue shall stop at Third Avenue.

45. Third Avenue. Vehicles traveling north on Third Avenue shall stop at Broadway.

46. Tracy Street. Vehicles traveling north on Tracy Street shall stop at Northwestern Avenue and North Division Street.

47. Tracy Street. Vehicles traveling south on Tracy Street shall stop at Davenport Street.

48. Tracy Street. Vehicles traveling north on Tracy Street shall stop at Davenport Street.

49. Tracy Street. Vehicles traveling south on Tracy Street shall stop at North Park Place.

50. Tracy Street. Vehicles traveling north on Tracy Street shall stop at South Park Place.

51. Washington Street. Vehicles traveling north on Washington Street shall stop at Broadway.

52. Washington Street. Vehicles traveling south on Washington Street shall stop at Broadway.

53. Washington Street. Vehicles traveling north on Washington Street shall stop at Davenport Street.

54. Washington Street. Vehicles traveling south on Washington Street shall stop at Davenport Street.

55. Washington Street. Vehicles traveling south on Washington Street shall stop at South Division Street.

56. Washington Street. Vehicles traveling north on Washington Street shall stop at South Division Street.

57. Lynn Avenue. Vehicles traveling west on Lynn Avenue shall stop at Fourth Avenue.

58. Davis Street. Vehicles traveling west on Davis Street shall stop at First Avenue.

59. Davis Street. Vehicles traveling east on Davis Street shall stop at First Avenue.

60. Hahn Street. Vehicles traveling west on Hahn Street shall stop at Second Avenue.

(#58 – 60 added by Ord. 624 – Feb. 02 Supp.)

61. Third Avenue. Vehicles traveling north on Third Avenue shall stop at South Division Street.

62. Third Avenue. Vehicles traveling south on Third Avenue shall stop at Hahn Street.

(#61 – 62 added by Ord. 633 – Feb. 02 Supp.)

2.1-2.0603 FOUR WAY STOP INTERSECTIONS. Every driver of a vehicle shall stop before entering the following designated four-way stop intersections:

1. South Street and East Division Street.
2. Third Avenue and North Division Street. ***(Ord. 590)***

2.1-2.0604 THREE WAY STOP INTERSECTIONS. Every driver of a vehicle shall stop before entering the following designated three way stop intersections:

1. Intersection of Broadway, Scott Street and East Division Street.

2.1-2.0605 SPECIAL YIELD REQUIRED. Every driver of a vehicle shall yield in accordance with the following:

1. Southside Avenue. Vehicles traveling west on Southside Avenue shall yield at East Division Street.

2. Circle Drive. Vehicles traveling west on Circle Drive shall yield at East Division Street.

3. Golden Street. Vehicles traveling south on Golden Street shall yield at South Division Street.

4. Golden Street. Vehicles traveling north on Golden Street shall yield at South Division Street.

5. Golden Street. Vehicles traveling north on Golden Street shall yield at West Broadway.

6. West Broadway. Vehicles traveling west on West Broadway shall yield at Pacific Avenue.

7. Broadway. Vehicles traveling east on Broadway shall yield at Tracy Street.

8. Broadway. Vehicles traveling west on Broadway shall yield at Leroy Street.

9. First Avenue. Vehicles traveling south on First Avenue shall yield at Broadway.

10. First Avenue. Vehicles traveling north on First Avenue shall yield at Broadway.

11. Second Avenue. Vehicles traveling north on Second Avenue shall yield at North Division Street.

12. Second Avenue. Vehicles traveling south on Second Avenue shall yield at Chicago Street.

13. Second Avenue. Vehicles traveling north on Second Avenue shall yield at Chicago Street.

14. Second Avenue. Vehicles traveling south on Second Avenue shall yield at Broadway.

15. Ridgeway Drive. Vehicles traveling north on Ridgeway Drive shall yield at Broadway.

16. Third Avenue. Vehicles traveling south on Third Ave. shall yield at Broadway.

17. Fifth Avenue. Vehicles traveling south on Fifth Avenue shall yield at Broadway.

18. Fifth Avenue. Vehicles traveling north on Fifth Avenue shall yield at Broadway.

19. Fifth Avenue. Vehicles traveling north on Fifth Avenue shall yield at North Division Street.

20. Scott Street. Vehicles traveling north on Scott Street shall yield at Davenport Street.

21. North Division Street. Vehicles traveling east on North Division Street shall yield at Davenport Street.

22. Church Street. Vehicles traveling south on Church Street shall yield at Davenport Street.

23. Church Street. Vehicles traveling north on Church Street shall yield at Davenport Street.

24. Nasby Avenue. Vehicles traveling south on Nasby Avenue shall yield at North Division Street.

25. Pacific Avenue. Vehicles traveling north on Pacific Avenue shall yield at North Division Street.

26. Washington Street. Vehicles traveling north on Washington Street shall yield at North Street.

27. North Street. Vehicles traveling west on North Street shall yield at Tracy Street.

28. North Street. Vehicles traveling east on North Street shall yield at Tracy Street.

29. Third Street. Vehicles traveling south on Third Street shall yield at Southside Avenue.

30. Third Street. Vehicles traveling north on Third Street shall yield at Stadium Drive.

31. Third Street. Vehicles traveling south on Third Street shall yield at Stadium Drive.

32. Southside Avenue. Vehicles traveling east on Southside Avenue shall yield at East Division Street.

33. Brayton Street. Vehicles traveling west on Brayton Street shall yield at Second Avenue. ***(Ord. 585)***

34. Southside Avenue. Vehicles traveling east on Southside Avenue shall yield at Third Avenue. ***(Ord. 601)***

35. Brookside Drive. Vehicles traveling north on Brookside Drive shall yield at Hahn Street.

36. First Avenue. Vehicles traveling north on First Avenue shall yield at Brayton Street.

37. First Avenue. Vehicles traveling south on First Avenue shall yield at Brayton Street.

38. First Avenue. Vehicles traveling north on First Avenue shall yield at Chicago Street.

39. First Avenue. Vehicles traveling south on First Avenue shall yield at Chicago Street.

(#35 – 39 added by Ord. 624 – Feb. 02 Supp.)

2.1-2.0606 SCHOOL STOPS. At the following school crossing zones every driver of a vehicle approaching said zone shall bring the vehicle to a full stop at a point ten (10) feet from the approach side of the crosswalk marked by an authorized school stop sign and thereafter proceed in a careful and prudent manner until the vehicle shall have passed through such school crossing zone.

(Code of Iowa, Sec. 321.249)

1. Market Street at South Street
2. Tracy Street at South Street
3. Leroy Street at South Street
4. East Division Street at Brayton Street
5. Leroy Street at East Division Street
6. South Street at Tracy Street
7. South Street at Leroy Street.

2.1-2.0607 STOP BEFORE CROSSING SIDEWALK. The driver of a vehicle emerging from a private roadway, alley, driveway, or building shall stop such vehicle immediately prior to driving onto the sidewalk area and thereafter shall proceed into the sidewalk area only when able to do so without danger to pedestrian traffic and shall yield the right-of-way to any vehicular traffic on the street into which the vehicle is entering.

(Code of Iowa, Sec. 321.353)

2.1-2.0608 STOP WHEN TRAFFIC IS OBSTRUCTED. Notwithstanding any traffic control signal indication to proceed, no driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle.

2.1-2.0609 YIELD TO PEDESTRIANS IN CROSSWALKS. Where traffic control signals are not in place or in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping, if need be, to yield to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection.

(Code of Iowa, Sec. 321.327)

2.1-2.0610 OFFICIAL TRAFFIC CONTROLS. Every driver shall observe and comply with the directions provided by official traffic control signals at the following intersections:

(Code of Iowa, Sec. 321.256)

1. Market Street (U.S. Highway 71) at Broadway.
2. Market Street (U.S. Highway 71) at South Street.

ARTICLE 7
LOAD AND WEIGHT RESTRICTIONS

2.1-2.0701 TEMPORARY EMBARGO. If the Council declares an embargo when it appears by reason of deterioration, rain, snow or other climatic conditions that certain streets will be seriously damaged or destroyed by vehicles weighing in excess of an amount specified by the signs, no such vehicles shall be operated on streets so designated by such signs.

(Code of Iowa, Sec. 321.471 & 472)

2.1-2.0702 PERMITS FOR EXCESS SIZE AND WEIGHT. The Police Chief may, upon application in writing and good cause being shown therefor, issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight or load exceeding the maximum specified by State law or City ordinance over those streets or bridges named in the permit which are under the jurisdiction of the City and for which the City is responsible for maintenance.

(Code of Iowa, Sec. 321.473 & 321E.1)

2.1-2.0703 LOAD LIMITS UPON CERTAIN STREETS. When signs are erected giving notice thereof, no person shall operate any vehicle with a gross weight in excess of three (3) tons for single axle and five (5) tons for double axle at any time upon any of the following streets or parts of streets:

(Code of Iowa, Sec. 321.473 & 475)

1. Pacific Avenue, from North Division Street to South Division Street.
2. Golden Street, from South Division Street to Broadway Street.
3. Broadway Street, from the bridge west of Market Street to Pacific Avenue.

2.1-2.0703A LOAD LIMITS UPON CERTAIN STREETS. When signs are erected giving notice thereof, no person shall operate any vehicle with a gross weight in excess of four (4) tons at any time upon any of the following streets or parts of streets:

(Code of Iowa, Sec. 321.473 & 475)

1. North Division Street, from Scott Street to Church Street.

(Ord. 625 – Feb. 02 Supp.)

2.1-2.0704 LOAD LIMITS ON BRIDGES. Where it has been determined that any City bridge has a capacity less than the

maximum permitted on the streets of the city, or on the street serving the bridge, the police chief may cause to be posted and maintained signs on said bridge and at suitable distances ahead of the entrances thereof to warn drivers of such maximum load limits, and no person shall drive a vehicle weighing, loaded or unloaded, upon said bridge in excess of such posted limit.

(Code of Iowa, 1975, Sec. 321.473)

ARTICLE 8
PEDESTRIANS

2.1-2.0801 USE SIDEWALKS. Where sidewalks are provided it shall be unlawful for any pedestrian to walk along and upon an adjacent street.

2.1-2.0802 WALKING IN STREET. Where sidewalks are not provided pedestrians shall at all times when walking on or along a street, walk on the left side of the street.
(Code of Iowa, 1975, Sec. 321.326)

2.1-2.0803 HITCH HIKING. No person shall stand in the travelled portion of a street for the purpose of soliciting a ride from the driver of any private vehicle.
(Code of Iowa, 1975, Sec. 321.331)

2.1-2.0804 PEDESTRIAN CROSSING. Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right of way to all vehicles upon the roadway.
(Code of Iowa, 1975, Sec. 321.328)

ARTICLE 9
ONE-WAY TRAFFIC

2.1-2.0901 ONE-WAY TRAFFIC REQUIRED. Upon the following streets and alleys vehicular traffic, other than permitted cross traffic, shall move only in the indicated direction when appropriate signs are in place.

1. Leroy Street shall be northbound from South Park Place to North Park Place.

2. North Park Place shall be westbound from Leroy Street to Tracy Street.

3. Tracy Street shall be southbound from North Park Place to South Park Place.

4. South Park Place shall be eastbound from Tracy Street to Leroy Street.

5. Tracy Street shall be southbound from South Street to South Division Street.

6. Alley between Broadway Street and Chicago Street shall be eastbound from Washington Street to Tracy Street.

7. Alley between Broadway Street and Davenport Street shall be westbound from Tracy Street to Washington Street.

8. Davenport Street shall be eastbound from Church Street to Scott Street.

9. North Division Street shall be westbound from the west driveway of the Friendship Home to Church Street.

10. Church Street shall be southbound from North Division Street to Davenport Street.

(Amended by Ordinances No. 560, 567 and 576)

ARTICLE 10
PARKING REGULATIONS

2.1-2.1001 PARK ADJACENT TO CURB. No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the right-hand wheels of the vehicle within eighteen (18) inches of the curb or edge of the roadway except as hereinafter provided in the case of angle parking and vehicles parked on the left-hand side of one-way streets.
(Code of Iowa, 1985, Sec. 321.361)

2.1-2.1002 PARK ADJACENT TO CURB: ONE WAY STREET. No person shall stand or park a vehicle on the left-hand side of a one-way street other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the left-hand wheels of the vehicle within eighteen (18) inches of the curb or edge of the roadway except as hereinafter provided in the case of angle parking.
(Code of Iowa, 1985, Sec. 321.361)

2.1-2.1003 DIAGONAL PARKING. Angle or diagonal parking shall be permitted only in the following locations:
(Code of Iowa, 1985, Sec. 321.361)

1. South Street, on the south side from Tracy Street to Leroy Street.

2. Leroy Street, on the west side, from South Street to East Division Street.

3. Broadway Street, from the railroad crossing to Church Street.

4. Broadway Street, on the north side, from Church Street to Scott Street.

5. Washington Street, from the alley between Broadway Street and Davenport Street to Chicago Street.

6. Tracy Street, on the west side, from the alley between Broadway Street and Davenport Street to North Park Place.

7. Tracy Street, on the west side, from North Park Place to Chicago Street.

8. Leroy Street, from North Park Place to Chicago Street.

9. North Park Place, from Tracy Street to Leroy Street.

10. South Park Place, from Tracy Street to Leroy Street.

11. Pacific Avenue, on the west side, from the north drive of the hospital to the south drive of hospital.

12. Leroy Street, on the east side, from Chicago Street to South Street.

13. Chicago Street, on the north side, from Tracy Street to Washington Street.

14. Tracy Street, on the east side, from South Park Place to the alley between South Park Place and Chicago Street.

15. Washington Street, on the west side, from the alley between Broadway Street and Davenport Street, to Davenport Street.

16. East Division Street, on the west side, from Mantz Avenue to the south line of Stadium Drive.

2.1-2.1004 ANGLE PARKING: MANNER. Upon those streets or portions of streets which have been signed or marked for angle parking, no person shall park or stand a vehicle other than at an angle to the curb or edge of the roadway or in the center of the roadway as indicated by such signs and markings. No part of any vehicle, or the load thereon, when parked within a diagonal parking district, shall extend into the roadway more than a distance of sixteen (16) feet when measured at right angles to the adjacent curb or edge of roadway.
(Code of Iowa, 1985, Sec. 321.361)

2.1-2.1005 PARKING FOR CERTAIN PURPOSES ILLEGAL. No person shall park a vehicle upon the roadway for any of the following principal purposes:
(Code of Iowa, 1985, Sec. 321.236[1])

1. Displaying such vehicle for sale.

2. For commercial washing, greasing or repairing such vehicle except such repairs as are necessitated by an emergency.

3. Displaying advertising.

4. Selling merchandise from such vehicle except in a duly established market place or when so authorized or licensed under the city code.

2.1-2.1006 PARKING PROHIBITED. No one shall stop, stand or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or traffic-control device, in any of the following places:

1. Crosswalk. On a crosswalk at an intersection.
(Code of Iowa, 1975, Sec. 321.236 [1] and 321.358 [5])

2. Center Parkway. On the center parkway or dividing area of any divided street.
(Code of Iowa, 1975, Sec. 321.236 [1])

3. Mailboxes. Within twenty (20) feet on either side of a mailbox which is so placed and so equipped as to permit the depositing of mail from vehicles on the roadway.
(Code of Iowa, 1975, Sec. 321.236 [1])

4. Sidewalks. On or across a sidewalk.
(Code of Iowa, 1975, Sec. 321.358 [1])

5. Driveway. In front of a public or private driveway.
(Code of Iowa, 1975, Sec. 321.358 [2])

6. Intersection. Within an intersection of any street or alley.
(Code of Iowa, 1975, Sec. 321.358 [3])

7. Fire Hydrant. Within five (5) feet of a fire hydrant.
(Code of Iowa, 1975, Sec. 321.358 [4])

8. Stop Sign or Signal. Within ten (10) feet upon the approach to any flashing beacon, stop or yield sign, or traffic control signal located at the side of a roadway.
(Code of Iowa, 1975, Sec. 321.358 [6])

9. Railroad Crossing. Within fifty (50) feet of the nearest rail of a railroad crossing, except when parked parallel with such rail and not exhibiting a red light.
(Code of Iowa, 1975, Sec. 321.358 [8])

10. Fire Station. Within twenty (20) feet of the driveway

entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance when properly sign posted.

(Code of Iowa, Sec. 321.358 [9])

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

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

12. Double Parking. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.

(Code of Iowa, Sec. 321.358 [11])

13. Hazardous Locations. When, because of restricted visibility or when standing or parked vehicles would constitute a hazard to moving traffic, or when other traffic conditions require, the chief of police may cause curbings to be painted with a yellow color and erect no parking or standing signs.

(Code of Iowa, Sec. 321.358 [13])

14. Signs Prohibiting. At any place where official signs prohibit stopping or parking. (Added by Ordinance No. 553)

15. Theatres, Hotels and Auditoriums. A space of fifty (50) feet is hereby reserved at the side of the street in front of any theatre, auditorium, hotel having more than twenty-five (25) sleeping rooms, hospital, nursing home, taxicab stand, bus depot, church, or other building where large assemblages of people are being held, within which space, when clearly marked as such, no motor vehicle shall be left standing, parked or stopped except in taking on or discharging passengers or freight, and then only for such length of time as is necessary for such purpose.

(Code of Iowa, Sec. 321.360)

16. Alleys. No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand or park a vehicle within an alley in such a position as to block the driveway entrance to any abutting property. The provisions of this subsection shall not apply to a vehicle parked in any alley, provided said vehicle is parked for the purpose of delivering goods or services and is parked only for such length of time as is necessary for such purpose.

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

2.1-2.1007 NO PARKING ZONES. No one shall stop, stand or park a vehicle in any of the following specifically designated no parking zones except when necessary to avoid conflict with other traffic or in compliance with the direction of a peace officer or traffic control signal.

(Code of Iowa, Sec. 321.276[1])

1. Birch Street, on the south side from Elm Street to Maple Street.

2. Brayton Street, on the south side from East Division Street to Third Avenue.

3. Broadway Street, on the north side from Second Avenue to Third Avenue.

4. Broadway Street, on the south side from Ridgeway Drive to Fifth Avenue.

5. Broadway Street, on the south side from Fifth Avenue to a point 235 feet east of Fifth Avenue.

6. Broadway Street, on the south side from Church Street to Second Avenue.

7. Brookside Drive, on the west side from Hahn Street to dead end.

8. Chestnut Street, on the south side from Nasby Avenue to dead end.

9. Chicago Street, on the north side from Second Avenue to Third Avenue.

10. Chicago Street, on the south side from Market Street to Second Avenue.

11. Church Street, on the east side from North Division Street to Davenport Street.

12. Church Street, on the west side from Davenport Street to Broadway Street.

13. Circle Drive, from East Division Street 100 feet east of East Division Street.

14. Circle Drive, on the inner circle.

15. Davenport Street, on the south side from Market Street to East Division Street.

16. Davis Street, on the north side from East Division Street to Second Avenue.

17. East Division Street, on the west side from Northwestern Avenue to South Division Street.

18. East Division Street, on the west side from St. John's Lutheran Church to Stadium Drive.

19. East Division Street, on the east side from South Division Street, to Hahn Street.

20. Elm Street, on the west side from Poplar Street to Walnut Street.

21. Fifth Avenue, on the east side from North Division Street to Ridgeway Drive.

22. First Avenue, on the east side from Hahn Street to Broadway Street.

23. First Avenue, on the west side from North Division Street to Broadway Street.

24. Freeman Avenue, on the south side from Washington Street to East Division Street.

25. Golden Street, on the west side from West Broadway Street to South Division Street.

26. Leroy Street, on the west side from Chicago Street to South Street.

27. Leroy Street, on the east side from South Street to East Division Street.

28. Leroy Street, on the west side from North Street to North Park Place.

29. Mantz Avenue on the south side from U.S. Highway 71 (Market Street) to East Division Street.

30. Maple Street, on the west side from Poplar Street to Birch Street.

31. Market Street (U.S. Highway 71) from south corporate limits to north corporate limits.

32. Nasby Avenue, on the east side from Walnut Street to North Division Street.

33. North Division Street, on the north side from Market Street to Pacific Avenue.

34. North Division Street, on the south side one-half block to First Avenue.

35. North Division Street, on the south side from Fifth Avenue to Seventh Avenue.

36. North Street, on the south side from Market Street to Washington Street.

37. Oak Street, on the north side from Elm Street to Maple Street.

38. Pacific Avenue, on the east side from North Division Street to South Division Street.

39. Ridgeway Drive, on the west and south sides from Broadway Street to Fifth Avenue.

40. Scott Street, on the west side from Davenport Street to Broadway; except parking shall be permitted during the hours of four-thirty o'clock (4:30) p.m. to eight o'clock (8:00) p.m. on Saturdays and eight o'clock (8:00) a.m. to twelve o'clock (12:00) noon on Sundays. (Amended by Ordinance No. 606)

41. Second Avenue, on the west side from North Division Street to Chicago Street.

42. Second Avenue, on the east side from Chicago Street to South Street.

43. Second Avenue, on the east side from South Street to Brayton Street.

44. Second Avenue, on the west side from Brayton Street to South Division Street.

45. Second Avenue, on the east side from South Division Street to Davis Street.

46. South Division Street, on the north side from Audubon Country Club to Johnson Street.

47. South Street, on the south side from Market Street to Tracy Street.

48. South Street, on the south side from Leroy Street to Third Avenue.

49. South Street, on the north side from Tracy Street to Leroy Street. (Added by Ordinance No. 568)

50. South Division Street, on the north side from Market Street to Tracy Street.

51. South Division Street, on the south side from Tracy Street to East Division Street.

52. South Division Street, on the north side from East Division Street to Third Avenue.

53. Third Avenue, on the east side from Broadway Street to South Street.

54. Tracy Street, on the west side from North Street to Davenport Street.

55. Tracy Street, on the east side from Davenport Street to North Park Place.

56. Tracy Street, on the west side from Chicago Street to South Street.

57. Tracy Street, on the east side from South Street to South Division Street.

58. Walnut Street, on the south side from Elm Street to Maple Street.

59. Washington Street, on the west side from North Street to Davenport Street.

60. Washington Street, on the east side from Chicago Street to US Highway 71 (Market Street).

61. West Broadway Street, on the north side from Golden Street to South Division Street.

62. The north two hundred feet of the east side of the alley bisecting Block sixteen, City of Audubon, Iowa.

63. Southside Avenue, on both sides of the street between Third Avenue and East Division Street.

64. Stadium Drive, on the west seven hundred five feet (W. 705') of the north side from East Division Street to Third Avenue.

65. Stadium Drive, on the south side from East Division Street to Third Avenue.

(#64 & 65 added by Ord. 630 – Feb. 02 Supp.)

2.1-2.1008 TRUCK PARKING LIMITED. No person shall park a motor truck, semi-trailer, or other motor vehicle with trailer attached in violation of the following regulations. The provisions of this section shall not apply to pickup, light delivery or panel delivery trucks.

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

1. Business District. Excepting only when such vehicles are actually engaged in the delivery or receiving of merchandise or cargo within the prohibited area, no person shall park or leave unattended such vehicle, on any of the following designated streets. When actually receiving or delivering merchandise or cargo such vehicle shall be stopped or parked in a manner which will not interfere with other traffic.

A. Broadway Street, on the south side, from Market Street to Tracy Street.
B. Broadway Street, on the north side, from Market Street to Tracy Street.
C. Tracy Street, on the west side, from North Park Place to Broadway Street.
D. South Park Street, on the south side, from Tracy Street to Leroy Street.
E. Washington Street, on the west side, from Chicago Street to Broadway Street.

2. Residential District. Excepting only when such vehicles are actually engaged in the delivery or receiving of merchandise or cargo within the prohibited area, no person shall park or leave unattended such vehicle on any street located within any of the following zoned districts of the City of Audubon: One Family Residential District (First District); One Family Residential District (Second District); Two Family Residential District; Multiple Family Residential. When actually receiving or delivering merchandise or cargo such vehicles shall be stopped or parked in a manner which will not interfere with other traffic.

For purposes of this section, "Motor Truck" means every motor vehicle designed primarily for carrying livestock, merchandise, freight of any kind, or over nine persons as passengers; 'Light Delivery Truck", "Panel Delivery Truck", or "Pick-Up" means any motor vehicle designed to carry merchandise or freight of any kind, not to exceed 2000 lbs.; "Truck Tractor means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn; "Trailer" means every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle; "Semi-Trailer" means every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rest upon or is carried by another vehicle.

2.1-2.1009 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 or portions of streets it shall be the duty of the police chief to erect or cause to be erected appropriate signs giving notice thereof and no such regulations shall be effective unless signs are erected and in place at the time of any alleged offense. When the signs are so erected giving notice thereof, no person shall disobey the restrictions stated on such signs.

(Code of Iowa, 1985, Sec. 321.255 and 256)

2.1-2.1010 PHYSICIAN'S PARKING. The mayor shall designate and set aside an unmetered parking space in the public street adjacent and convenient to the office of each physician in the metered district. Where one office or building is occupied by two or more physicians the mayor shall designate and set aside such additional unmetered parking spaces as may be required, not exceeding three in number.

2.1-2.1011 PROHIBITED PARKING ON CERTAIN STREETS. No person shall park a motor vehicle between the hours of 2:00 A.M. and 5:00 A.M. on the following described portions of certain streets located in the City of Audubon:

1. Broadway Street between Market Street and Tracy Street.

2. Tracy Street between South Park Place and North Park Place.

3. Leroy Street between South Park Place and North Park Place.

4. South Park Place.

5. North Park Place.

2.1-2.1012 COMMERCIAL LOADING ZONES. Within and at the commercial loading zones designated in this section and clearly identified by painting curb with yellow or orange paint, parking is prohibited between the hours of 8:00 A.M. and 5:30 P.M., Monday through Saturday, except that commercial loading, unloading and delivery which is incident to said loading and unloading is permitted during such period subject to the restriction that no vehicle shall park in any loading zone for the purpose of such loading, unloading, and delivery at any time to exceed thirty (30) minutes.

1. Washington Street, on the west side, from a point fifty-four (54) feet south of Broadway to a point twenty-two (22) feet south thereof, commercial loading zone.

2.1-2.1013 TWO HOUR PARKING. Parking shall be permitted for a maximum period of time of two (2) hours in the following locations:

1. Broadway, on both sides of the street from Market Street extending west to the Blue Grass Creek.

2.1-2.1014 PARKING PROHIBITED - SNOW EMERGENCY.

1. The Public Works Director is hereby authorized to proclaim, when he deems it appropriate and necessary, a snow emergency.

2. The parking ban provided herein shall be of uniform application and the City Clerk is directed to widely publicize the requirements and restrictions, using all available news media. When predictions or occurrences indicate the need, the Public Works Director shall proclaim a snow emergency and inform the media to publicize the proclamation. Such emergency may be extended or shortened when conditions warrant.

3. In the event of a snow emergency proclamation, no person shall park, abandon or leave unattended any vehicle on any public street, alley or City-owned off-street parking area during any snow emergency unless the snow has been removed or plowed from said street or alley or parking area and the snow has ceased to fall. During such emergency, parking shall specifically be prohibited on north-south streets and streets running generally northwest-southeast between the hours of eight o'clock (8:00) a.m. and twelve (12:00) noon and on the east-west streets and the streets running generally northeast-southwest between the hours of one o'clock (1:00) p.m. and five o'clock (5:00) p.m. except that parking shall be allowed after the snow has ceased to fall and cleaning operations have been completed.

4. The Public Works Director and members of the police department are hereby authorized to remove, or have removed, a vehicle from a street or city owned off-street parking area to the nearest garage or other place of safety, or to a garage designated or maintained by the police department, or otherwise maintained or contracted by the City when any vehicle is left parked in violation of the ban on parking during the snow emergency. In addition to any other penalty provided, the owner or driver of any vehicle impounded for violation of any of the provisions of this section shall be required to pay the reasonable cost of towing charges and storage prior to the release of such vehicle from impoundment.

5. Any harassment or interference with the employees or agents of the City in any snow removal operation shall be in violation of this section and subject to punishment accordingly.

6. Violation of this section shall be punishable as follows:

A. For a first offense, a fine of $25.00.

B. For a second offense and each subsequent offense, those penalties set out for simple misdemeanors in the Code of Iowa (as amended).

7. In any proceeding charging a person with violating this section, a prima facie presumption that the registered owner was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred, shall be raised by proof that:

A. The particular vehicle described in the information was parked in violation of this section, and

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

(Ord. 636 – Feb. 02 Supp.)

2.1-2.1015 TWENTY MINUTE PARKING. Parking shall be permitted for a maximum period of time of 20 minutes at the following locations:

1. Tracy Street, on the west side of the street commencing at a point 60 feet from the centerline of South Street and extending south a distance of 40 feet.

(Ord. 579)

ARTICLE 11

PARKING METERS

(Repealed by Ordinance No. 533, September 28, 1983)

ARTICLE 12
ENFORCEMENT PROCEDURES

2.1-2.1201 ARREST OR CITATION. Whenever a police officer has reasonable cause to believe that a person has violated any provision of this chapter such officer may:

1. Immediate Arrest. Immediately arrest such person and take him before a local magistrate, or

2. Issue Citation. Without arresting the person, prepare in quadruplicate a combined traffic citation and complaint as adopted by the Iowa Commissioner of Public Safety and deliver the original and a copy to the court where the defendant is to appear, a copy to the defendant and retain the fourth copy for the records of the City.

(Code of Iowa, 1975, Sec. 753.13 and 321.485)

2.1-2.1202 PARKING VIOLATIONS: ALTERNATE. Admitted violations of parking restrictions imposed by this Code of Ordinances may be charged upon a simple notice of a fine payable at the office of the City Clerk. The simple notice of a fine shall be in the amount of $5.00 for all violations, except snow emergency parking violations and handicapped parking violations. The fine may be increased up to $10.00 if the parking violation is not paid within thirty (30) days of the date upon which the violation occurred. The simple notice of a fine for snow emergency parking violations is $25.00. The simple notice of a fine for handicapped parking violations is $50.00. Failure to pay the simple notice of a fine shall be grounds for the filing of a complaint in District Court. (Amended by Ordinance No. 617)

2.1-2.1203 PARKING VIOLATIONS: VEHICLE UNATTENDED. When a vehicle is parked in violation of this chapter and the driver is not present, the notice of fine or citation as hereinbefore provided shall be attached to the vehicle in a conspicuous place.

(Code of Iowa, 1975, Sec. 753.13)

2.1-2.1204 PRESUMPTION IN REFERENCE TO ILLEGAL PARKING. In any proceeding charging a standing or parking violation, a prima facie presumption that the registered owner was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred, shall be raised by proof that:

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

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

2.1-2.1205 AUTHORITY TO IMPOUND VEHICLES. Members of the police department are hereby authorized to remove, or cause to be removed, a vehicle from a street, public alley or public highway to the nearest garage or other place of safety, or to a garage designated or maintained by the police department, or otherwise maintained by the city, under the circumstances hereinafter enumerated:

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

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

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

4. In addition to the standard penalties provided, the owner or driver of any vehicle impounded for violation of any of the provisions of this section shall be required to pay the cost of towing and storage of said vehicle.

TITLE II - COMMUNITY PROTECTION
DIVISION 1 - LAW ENFORCEMENT
CHAPTER 3 - BEER AND LIQUOR CONTROL

ARTICLE 1
GENERAL PROVISIONS

2.1-3.0101 DEFINITIONS. Where words and phrases used in this chapter are defined by state law, such definitions shall apply to their use in this chapter and are adopted by reference. Those definitions so adopted that need further definition or are reiterated, and other words and phrases used herein, shall have the following meanings:

1. "Person of Good Moral Character": shall mean any person who meets all of the following requirements:
(Code of Iowa, 1975, Sec. 123.3 [11])

A. He has such financial standing and good reputation as will satisfy the council and the director that he will comply with the Iowa Beer and Liquor Control Act and all other laws, ordinances and regulations applicable to his operations under state law.

B. He does not possess a federal gambling stamp.

C. He is not prohibited by the provisions of Section 2.1-3.0225 from obtaining a liquor license or beer permit.

D. He is a citizen of the United States and a resident of Iowa, or licensed to do business in Iowa in the case of a corporation.

E. He has not been convicted of a felony. However, if his conviction of a felony occurred more than five (5) years before the application for a license or permit, and if his rights of citizenship have been restored by the Governor, the director may determine that he is a person of good moral character notwithstanding such conviction.

F. If such person is a corporation, partnership, association, club, or hotel or motel, the requirements of this subsection shall apply to each of the officers, directors and partners of such person, and to any person who directly or indirectly owns or controls ten percent (10%) or more of any class of stock of such person or has an interest of ten percent (10%) or more in the ownership or profits of such person. For the purpose of this provision, an individual and the individual's spouse shall be regarded as one person.

2. "Club": shall mean any nonprofit corporation or association of individuals, which is the owner, lessee or occupant of a permanent building or part thereof, membership in which entails the prepayment of regular dues and is not operated for a profit other than such profits as would accrue to the entire membership.

(Code of Iowa, Sec. 123.3)

3. "Commercial establishment": shall mean a place of business which is at all times equipped with sufficient tables and seats to accommodate twenty-five (25) persons at one time, and the licensed premises of which conform to the ordinances of the city.

(Code of Iowa, Sec. 123.3)

4. "Grocery store": shall mean any retail establishment, the business of which consists of the sale of food products or beverages for consumption off the premises.

(Code of Iowa, Sec. 123.129)

5. "Pharmacy": shall mean a drug store in which drugs and medicines are exposed for sale and sold at retail, or in which prescriptions of licensed physicians and surgeons, dentists or veterinarians are compounded and sold by a registered pharmacist.

(Code of Iowa, Sec. 123.129)

6. "Hotel or Motel": shall mean a premise licensed by the State Department of Inspections and Appeals and regularly or seasonally kept open in a bona fide manner for the lodging of transient guests, and with twenty (20) or more sleeping rooms.

(Code of Iowa, Sec. 123.3 [32])

7. "Legal age": shall mean 21 years of age or more. (Amended by Ordinance No. 556)

8. "Director": shall mean the director of the Iowa beer and liquor control department, or his designee.

(Code of Iowa, Sec. 123.3 [3])

9. "Department": shall mean the Iowa beer and liquor control department.

(Code of Iowa, Sec. 123.3 [2])

2.1-3.0102 ILLEGAL KEEPING OF INTOXICANTS. It shall be unlawful for a person to operate or conduct or allow to be operated, a place where intoxicating liquor is illegally kept, sold, or given away.

(Code of Iowa, Sec. 123.2)

2.1-3.0103 STATE LIQUOR STORE: LOCATION. No state liquor store shall be located within three hundred (300) feet of a public or private educational institution.

(Code of Iowa, Sec. 123.20 [2])

2.1-3.0104 PERSONS UNDER LEGAL AGE. No person shall sell, give or otherwise supply alcoholic liquor, wine or beer to any person knowing or having reasonable cause to believe him/her to be under legal age, and no person or persons under legal age shall individually or jointly have alcoholic liquor, wine or beer in his/her or their possession or control, except in the case of liquor, wine or beer given or dispensed to a person under legal age within a private home and with the knowledge and consent of the parent or guardian for beverage or medicinal purposes or as administered to him/her by either a physician or dentist for medicinal purposes and except to the extent that a person under legal age may handle alcoholic beverages, wine and beer during the regular course of his or her employment by a liquor control licensee or beer permittee under state laws. (Amended by Ordinance No. 556)

(Code of Iowa, Sec. 123.47)

2.1-3.0105 PUBLIC CONSUMPTION OR INTOXICATION. It is unlawful for any person to use or consume alcoholic liquors, wine or beer upon the public streets or highways, or alcoholic liquors in any public place, except premises covered by a liquor control license, or to possess or consume alcoholic liquors, wine or beer in the Audubon City Park, Audubon Legion Park, West Audubon Park, or any public school property or while attending any public or private school related function, and no person shall be intoxicated or simulate intoxication in a public place. As used in this section "school" means a school or that portion thereof which provides teaching for any grade from kindergarten through grade twelve (12). (Amended by Ordinance No. 556)

(Code of Iowa, Sec. 123.46)

2.1-3.0106 OPEN CONTAINER IN PUBLIC PLACES. It shall be unlawful for any person to possess an open container of alcoholic liquors, wine or beer upon the public streets or highways or to possess an open container of alcoholic liquors, wine or beer in any public place, except premises covered by a liquor control license. (Amended by Ordinance No. 556)

ARTICLE 2
BEER, LIQUOR AND WINE PERMITS

2.1-3.0201 LICENSE OR PERMIT REQUIRED. It is unlawful for any person to sell, offer or keep for sale alcoholic liquor, wine or beer without first securing a liquor control license, wine permit or beer permit in accordance with the provisions of this chapter and state law.

(Code of Iowa, Sec. 123.2 and 123.171)

2.1-3.0202 NATURE OF LICENSE OR PERMIT. A license or permit is a purely personal privilege and may be suspended or revoked for cause. It shall not constitute property nor be subject to attachment and execution nor be transferable by gift, sale or bequest, nor assignable, and in any case it shall cease upon the death of the permittee or licensee. However, the administrator of the Alcoholic Beverages Division may in his or her discretion allow the executor or administrator of a permittee or licensee to operate the business of the decedent for a reasonable time not to exceed the expiration date of the permit or license. Every permit or license shall be issued in the name of the true owner and no person holding a permit or license shall allow any other person to use it.

(Code of Iowa, Sec. 123.38)

2.1-3.0203 ELIGIBILITY FOR LIQUOR CONTROL LICENSE, WINE OR BEER PERMIT. Upon meeting the requirements imposed by state law and this chapter, a person who is of good moral character as defined by state law and this chapter may apply for a liquor control license, a wine permit or a beer permit. In the case of a club, corporation or partnership, the officers of the club or corporation and the partners of a partnership shall be persons of good moral character as defined by state law and this chapter.

2.1-3.0204 CONDITIONS FOR APPROVAL OF LICENSE OR PERMIT - PREMISES. An applicant for a liquor control license, wine permit or beer permit, as a further condition for approval by the council, must give consent in writing on the application that members of the fire, police and health departments and the building inspector may enter upon the premises without warrant to inspect for violations of the provisions of state law and of this chapter.

1. No liquor control license, wine permit or beer permit shall be approved for premises which do not conform to all applicable laws, ordinances, resolutions and health and fire regulations.

2. No licensee shall have or maintain any interior access to residential or sleeping quarters unless permission is granted by the administrator of the Alcoholic Beverages Division in the form of a living quarters permit.

3. The premises of a class "B" beer permit and classes of liquor licenses or wine permits where consumption on the premises is allowed shall, at the time of the application, and continue to be equipped with sufficient tables and seats to accommodate twenty-five (25) persons at one time.

2.1-3.0205 BEER PERMITS - CLASSES. Beer permits shall be classed as follows:

1. Class "B". A class "B" beer permit shall allow the holder to sell beer at retail for consumption on or off the premises.

2. Class "C". A class "C" beer permit shall allow the holder to sell beer at retail for consumption off the premises only. Such sales shall be in original containers only. No class "C" permit shall be issued to any person except the owner or proprietor of a grocery store or pharmacy.

3. Class "D". A class "D" beer permit allows the holder to sell beer for consumption on and off the premises and wine in original containers only for consumption off the premises. The holder may purchase wine from a class "A" wine permittee or a class "F" beer permittee and may purchase beer from a class "A" beer permittee or a class "F" beer permittee.

4. Class "E". A class "E" beer permit allows the holder to sell beer and wine in original containers only for consumption off the premises. The holder may purchase wine from a class "A" wine permittee or a class "F" beer permittee, and may purchase beer from a class "A" beer permittee or a class "F" beer permittee.

2.1-3.0206 LIQUOR LICENSES - CLASSES. Liquor control licenses shall be classed as follows:

1. Class "A". A class "A" liquor control license issued to a club authorizes the holder to purchase alcoholic liquors from Class "E" liquor control licensees only, wine from Class "A" wine permittees only, and native wines from native wine manufacturers and to sell liquors, wine, and beer, to bona fide members and their guests by the individual drink for consumption on the premises only.

2. Class "B": A class "B" liquor control license issued to a hotel or motel shall authorize the holder to purchase alcoholic liquors from class "E" liquor control licensees only, wine from class "A" wine permittees only and native

wines from native wine manufacturers and to sell liquors, wine, and beer, to patrons by the individual drink for consumption on the premises only; however, beer may also be sold for consumption off the premises. Each such license shall be effective throughout the premises described in the application.

(Code of Iowa, Sec. 123.30 [3b])

3. Class "C": A class "C" liquor control license issued to a commercial establishment must be issued in the name of the individual or individuals who actually own the entire business and shall authorize the holder or holders to purchase alcoholic liquors from class "E" liquor control licensees only, wine from class "A" wine permittees only and native wines from native wine manufacturers and to sell liquors, wine, and beer, to patrons by the individual drink for consumption on the premises only. However, beer may also be sold for consumption off the premises.

4. Special Class "C". A special class "C" liquor control license authorizes the holder to purchase wine from class "A" wine permittees only, and to sell wine and beer to patrons by the individual drink for consumption on the premises only. However, beer may also be sold in original containers for consumption off the premises.

5. Class "E". A class "E" liquor control license authorizes the holder to purchase alcoholic liquor from the alcoholic beverages division of the department of commerce only and to sell the alcoholic liquor to patrons for consumption off the licensed premises and to other liquor control licensees. The holder of a class "E" liquor control license may also hold a class "B" wine or class "C" beer permit, if the class "E" liquor control licensee is a "grocer" or "pharmacist," or both, for the premises licensed under a class "E" liquor license. Any other class of license or permit may not be held for premises licensed under a class "E" liquor control license. Gasoline may not be sold at any premises licensed under a class "E" liquor control license. By department rule, gasoline is deemed to be sold where the payment is made.

6. Class "F". A class "F" liquor control license allows the holder to make purchases and sales allowed to class "C" liquor control licensees; however, wine may also be sold in original containers for consumption off the premises.

7. Class "G". A class "G" liquor control license allows the holder to make purchases and sales allowed to special class "C" liquor control licensees; however, wine may also be sold in original containers for consumption off the premises.

8. "Class "H". A class "H" liquor control license allows the holder to make purchases and sales allowed to class "B" liquor control licensees; however, wine may also be sold in original containers for consumption off the premises.

2.1-3.0207 CLASS "B" WINE PERMITS. A Class "B" wine permit authorizes the holder to purchase wine from a person holding a Class "A" wine permit and sell wine in original containers only at retail to consumers for consumption off the premises, except as hereinafter provided. A Class "B" wine permittee who also holds a Class "E" liquor control license may sell wine to Class "A", Class "B", and Class"C" liquor control licensees for resale for consumption on the premises. A Class "B" wine permittee who also holds a Class "E" liquor control license may sell wine to Class "A", Class "B", and Class "C" liquor control licensees in quantities of less than one case of any wine brand but not more than one such sale shall be made to the same liquor control licensee in a 24-hour period. A Class "B" wine permittee shall not sell wine to other Class "B" wine permittees. A Class "B" wine permittee who also holds a Class "E" liquor control license shall keep and maintain records for each sale of wine to liquor control licensees showing the name of the establishment to which wine was sold, the date of sale, and the brand and number of bottles sold to the liquor control licensee. (Amended by Ordinance No. 595)

2.1-3.0208 APPLICATION, CONTENTS; BOND. A verified application for the original issuance or the renewal of a liquor control license, a wine permit or a beer permit shall be filed at such time, in such number of copies and in such form as the administrator of the Alcoholic Beverages Division shall prescribe, on forms prescribed by the administrator. The application shall be accompanied by the required fee and bond and be filed with the council for approval or disapproval. The bond to be submitted shall be in a form prescribed by the state administrator and in the amount set by statute or administrative rules.

2.1-3.0209 LICENSE AND PERMIT FEES. Fees shall be submitted with the respective application as set by statute or administrative rules.

2.1-3.0210 PROHIBITED INTEREST. It shall be unlawful for any person or persons to be either directly or indirectly interested in both retail and wholesale permits or licenses except as specifically allowed by state law.

2.1-3.0211 SEPARATE LOCATIONS - CLASS "B" OR "C" BEER OR CLASS "B" WINE PERMITS. Every person holding a class "B" beer or class "C" beer permit or class "B" wine permit having more than one place of business where such beer or wine is sold is required to have a separate license for each separate place of business, except as otherwise provided by state law.

2.1-3.0212 INVESTIGATION OF APPLICANT. Upon receipt of an original application for a liquor license, wine permit or beer per-

mit by the council, it shall be forwarded to the chief of police, who shall conduct an investigation and submit a written report on the moral fitness of the applicant and as to the truth of the facts declared in the application and a recommendation to the council as to the approval of the license or permit. It shall be the duty of the health inspector, the building inspector and the fire chief to inspect the premises to determine if they conform to the requirements of the city, and no license or permit shall be approved until or unless an approving report has been filed with the council by such officers.

2.1-3.0213 SIMPLIFIED APPLICATION FOR RENEWAL. Upon receipt of an application for the renewal of a liquor license, wine permit, or beer permit, it shall be forwarded to the chief of police only, who shall conduct an investigation and shall submit a written report on the applicant as to the truth of the facts declared in the application and a recommendation to the council as to the approval of the renewal of the license or permit.

2.1-3.0214 CIVIL LIABILITY. Every liquor control licensee and class "B" beer permittee shall furnish proof of financial responsibility by the existence of a liability insurance policy in such amount as determined by the state alcoholic beverages division. This applies to any licensee or permittee who sells liquor, wine or beer for consumption on the premises and to class "E" liquor control licensees.

2.1-3.0215 ACTION BY COUNCIL. The council shall either approve or disapprove an application. Action taken by the council shall be so endorsed on the application. The application, fee, penal bond and certificate of dram shop liability insurance (if applicable) shall be forwarded to the Iowa alcoholic beverages division for further action as provided by law.

2.1-3.0216 TERMS OF LICENSES AND PERMITS.

1. Liquor control licenses, wine permits and beer permits, unless sooner suspended or revoked, expire one (1) year from date of issuance. The state administrator will give sixty (60) days' written notice of the expiration to each licensee or permittee.

2. The administrator of alcoholic beverages may issue six-month or eight-month seasonal liquor control licenses, class "B" wine permits or class "B" beer permits for a proportionate part of the annual license or permit fee. No seasonal license or permit shall be renewed at its expiration except after a period of two months.

3. The administrator may issue fourteen-day class "A", class "B" and class "C" liquor control licenses, fourteen-day class "B" wine permits and fourteen-day class "B" beer permits. A fourteen-day license or permit, if granted, is valid for fourteen (14) consecutive days, but the holder shall not

sell on the two Sundays in the fourteen-day period unless the holder qualifies for and obtains the privilege to sell on Sundays in accordance with state law. The fee for a fourteen-day liquor license, wine permit or beer permit is one-quarter (¼) of the annual fee for that class of liquor license, wine or beer permit. The fee for the privilege to sell on the two Sundays in the fourteen-day period is twenty percent (20%) of the price of the fourteen-day liquor license, wine permit or beer permit.

4. No refund shall be made for seasonal licenses or permits or for fourteen-day liquor licenses, wine permits or beer permits.

2.1-3.0217 REFUNDS. Any licensee or permittee, or his or his executor, administrator, or any person duly appointed by the court to take charge of and administer the property or assets of the licensee or permittee for the benefit of the licensee's or permittee's creditors, may voluntarily surrender a license or permit to the state alcoholic beverages division and shall notify the city, and the division and the city, or the city by itself in the case of a retail beer permit, shall refund to the person surrendering the license or permit, a proportionate amount of the fee paid for such license or permit as follows: If surrendered during the first three (3) months of the period for which said license or permit was issued the refund shall be three-fourths (3/4) of the amount of the fee; if surrendered more than three (3) months but not more than six (6) months after issuance, the refund shall be one-half (1/2) of the amount of the fee; if surrendered more than six (6) months but not more than nine (9) months after issuance, the refund shall be one-fourth (1/4) of the amount of the fee. No refund shall be made, however, for a liquor control license, wine permit, or beer permit surrendered more than nine (9) months after issuance. No refund shall be made to any licensee or permittee, upon the surrender of the license or permit, if there is at the time of surrender, a complaint filed with the state division or the city, charging the licensee or permittee with a violation of this chapter or provisions of the Iowa alcoholic beverage control act. If upon a hearing on a complaint the license or permit is not revoked or suspended, then the licensee or permittee is eligible, upon surrender of the license or permit, to receive a refund; but if the license or permit is revoked or suspended upon hearing the licensee or permittee is not eligible for the refund of any portion of the license or permit fee. No refund shall be made for seasonal or fourteen-day licenses or permits.

2.1-3.0218 TRANSFERS. The council will, in its discretion, authorize a licensee or permittee to transfer the license or permit from one location to another within the city, provided that the premises to which the transfer is to be made would have been eligible for a license or permit in the first instance and such transfer will not result in the violation of any law or ordinance. An applicant for such a transfer shall file with the

application for transfer proof of dram shop liability insurance and penal bond covering the premises to which the license is to be transferred.

2.1-3.0219 PROHIBITED SALES AND ACTS. No person or club holding a liquor license or wine or beer permit nor their agents or employees shall do any of the following:

1. Intoxicated Persons. Sell, dispense or give to any intoxicated person, or one simulating intoxication, any alcoholic liquor, wine or beer.

2. Hours of Operation. Sell or dispense any alcoholic liquor, wine or beer on the premises covered by the license or permit, or permit its consumption thereon between the hours of two (2) o'clock a.m. and six (6) o'clock a.m. on a weekday, and between the hours of two (2) o'clock a.m. on Sunday and six (6) o'clock a.m. on the following Monday, except as allowed by a permit for Sunday sales and on New Year's Eve. The holder of a Sunday sales privilege may sell alcoholic liquor, wine and beer for on-premises or off-premises consumption between the hours of ten (10) o'clock a.m. and midnight on Sundays.

3. Credit Sales. Sell alcoholic beverages, wine or beer to any person on credit, except with bona fide credit card. This provision does not apply to sales by a club to its members nor to sales by a hotel or motel to bona fide registered guests.

4. Employment of Minors. Employ any person under eighteen (18) years old in the sale or serving of alcoholic liquor, wine or beer for consumption on the premises where sold.

5. Selling of Alcoholic Beverage to Minors. Sell, give or otherwise supply any alcoholic beverage, wine or beer to any person, knowing or having reasonable cause to believe the person to be under legal age, or permit any person, knowing or having reasonable cause to believe the person to be under legal age, to consume any alcoholic beverage, wine or beer.

6. Mixing of Alcoholic Beverage. In the case of a retail beer or wine permittee, knowingly allow the mixing or adding of alcohol or any alcoholic beverage to beer, wine or any other beverage in or about the licensee's or permittee's place of business.

7. Soliciting and Disorderly Conduct. Knowingly permit any gambling, gaming, solicitations for immoral purposes or immoral or disorderly conduct on the premises covered by the license or permit, except games of chance permitted by state law.

8. Public Indecent Exposure Prohibited. Cause, permit, procure, counsel or assist any person who is acting as a waiter, waitress, host, hostess, dancer or entertainer on the licensed premises to:

A. Expose his or her genitals, pubic hair, buttocks, perineum, anus region or pubic hair region; or

B. Expose or wear any device, costume or covering which gives the appearance of or simulates the genitals, pubic hair, buttocks, perineum, anus region or pubic hair region; or

C. Expose any portion of the female breast at or below the nipple thereof.

For purposes of this subsection, a person shall be deemed a waiter, waitress, host, hostess, dancer or entertainer as such person acts in that capacity without regard to whether such person is paid any compensation by the liquor control licensee or beer or wine permittee, his or her agent or employee.

2.1-3.0220 ADVERTISING SIGNS PROHIBITED. No signs or other matter advertising any brand of alcoholic liquor, beer or wine shall be erected or placed upon the outside of any premises occupied by a licensee or permittee authorized to sell alcoholic liquor, beer or wine at retail. All signs formerly erected shall be removed by the owner of the premises.

2.1-3.0221 SUSPENSION AND REVOCATION. Following written notice and hearing, a liquor license, wine permit or beer permit may be suspended for a period up to one year for violations of this chapter, or revoked for any of the following causes:

1. Misrepresentation. Misrepresentation of any material fact in the application for the license or permit.

2. Violations. Violation of any of the provisions of the Iowa alcoholic beverage control act.

3. Change in Ownership. Any change in the ownership or interest in the business operated under a class "A", class "B", or class "C" liquor control license, or any wine, beer or combined permit, which change was not previously reported to and approved by the city and the state alcoholic beverages division.

4. Original Disqualifications. An event which would have resulted in disqualification from receiving the license or permit when originally issued.

5. Sale or Transfer. Any sale, hypothecation or transfer of the license or permit.

6. Payment of Taxes. The failure or refusal on the part of any licensee or permittee to render any report or remit any taxes to the state alcoholic beverages division under the state law.

2.1-3.0222 EFFECT OF REVOCATION. Any liquor control licensee, wine permittee or beer permittee whose license or permit is revoked under the Iowa alcoholic beverage control act shall not thereafter be permitted to hold a liquor control license, wine permit or beer permit in the state of Iowa for a period of two (2) years from the date of revocation. The spouse and business associates holding ten percent (10%) or more of the capital stock or ownership interest in the business of a person whose license or permit has been revoked shall not be issued a liquor control license, wine permit or beer permit, and no liquor control license, wine permit or beer permit shall be issued which covers any business in which such person has a financial interest for a period of two (2) years from the date of revocation. In the event a license or permit is revoked, the premises which have been covered by such license or permit shall not be relicensed for one year.

2.1-3.0223 APPEAL AND HEARING. Code of Iowa, subsections 123.32(4), (5) are adopted by reference.

2.1-3.0224 PENALTIES.

1. Any person who violates any of the provisions of this chapter shall be subject to a fine of not to exceed $100.00 or to imprisonment for not more than thirty (30) days.

2. The conviction of a liquor control licensee, or a wine permittee or beer permittee for a violation of any of the provisions of subsections (1) to (7), inclusive, of Section 2.1-3.0219 of this chapter shall, subject to subsection (3) of this section, be grounds for the suspension or revocation of the license or permit by the division or the city. However, if any liquor control licensee is convicted of any violation of subsection (2), paragraphs "a", "d", or "e", of Iowa Code, Section 123.49, or any beer permittee is convicted of a violation of subsection (2), paragraph "a" of said section of the Code of Iowa, the beer or wine permit or liquor license shall be revoked and shall immediately be surrendered by the holder, and the bond of the licensee or permit holder shall be forfeited to the state alcoholic beverages division.

3. If any liquor licensee or beer or wine permittee or employee of such licensee or permittee is convicted of a violation of Section 2.1-3.0221, subsection (5) of this chapter, or if a retail beer or wine permittee is convicted of a violation of subsection (6) of said section, the city shall, in addition to the other penalties fixed for such violations by this section, assess a penalty as follows:

A. Upon a first conviction, the violator's liquor license, wine permit or beer permit shall be suspended for a period of fourteen (14) days.

B. Upon a second conviction within a period of two (2) years, the violator's liquor control license, wine permit or beer permit shall be suspended for a period of thirty (30) days.

C. Upon a third conviction within a period of five (5) years, the violator's liquor control license, wine permit or beer permit shall be suspended for a period of sixty (60) days.

D. Upon a fourth conviction within a period of five (5) years, the violator's liquor control license, wine permit or beer permit shall be revoked.

2.1-3.0225 HEARING ON SUSPENSION OR REVOCATION. The council shall conduct a hearing on each suspension or revocation in the following manner:

1. Notice. The licensee or permit holder, and the surety on the licensee's or permittee's bond, shall be served with written notice containing a copy of the complaint against the licensee or permittee, the chapter provisions or state statutes allegedly violated, and the date, time and place for hearing on the matter.

2. Hearing. The council shall conduct a hearing, at which both the licensee or permit holder and complainants shall be present, the purpose of which is to determine the truth of the facts alleged in the complaint. Should the licensee or permit holder or authorized representative fail to appear without good cause, the council may proceed to a determination on the merits of the complaint.

3. Rights of Permit Holder. The licensee or permit holder shall have the right to be represented by counsel, to testify and present witnesses in the permit holder's own behalf, and to cross-examine adverse witnesses.

4. Evidence. The council shall admit only reliable and substantial evidence into the revocation or suspension proceeding, and shall give all admitted evidence its natural probative value.

5. Criminal Charges. In the event that criminal charges have been brought against the licensee or permit holder on the same facts and circumstances as are the basis for the revocation or suspension complaint, the council shall await a judgment in the criminal action before conducting the revocation or temporary suspension hearing required by this section. Neither a conviction nor an acquittal in the criminal action shall be conclusive for purposes of the revocation or suspension proceeding held under this section.

6. Record and Determination. The council shall make and record findings of fact and conclusions of law, and shall revoke or suspend a license or permit under this section only when, upon review of the entire record, it finds clear and convincing evidence of a substantial violation of this chapter or state law.

(Article 2 amended by Ordinance No. 557)

CHAPTER 4
POLICE DEPARTMENT

2.1-4.01 DEPARTMENT ESTABLISHED. The police department of the city is established to provide for the preservation of peace and enforcement of law and ordinances within the corporate limits of the city.

2.1-4.02 ORGANIZATION. The department shall consist of the police chief and such other law enforcement officers and personnel, whether full or part-time, as may be authorized by the council.

2.1-4.03 QUALIFICATIONS. In no case shall any person be recruited, selected, or appointed as a police officer unless such person:

(Code of Iowa, 1975, Sec. 80B.11; Iowa Departmental Rules, 1973, Page 609, Sec. 1.1 and 1.2)

1. Resident Citizen. Is a citizen of the United States and a resident of Iowa or intends to become a resident upon being employed.

2. Age. Is at least 18 years of age, but not more than 59 years of age at the time of appointment.

3. Driver's License. Has a current active Iowa driver's license.

4. Language. Is able to read and write the English language.

5. Alcohol and Drugs. Is not a drug addict or a drunkard.

6. Character. Is of good moral character as determined by a thorough investigation including a fingerprint search conducted of local, state and national fingerprint files and has not been convicted of a felony or a crime involving moral turpitude.

7. Conscientious Objector. Is not by reason of conscience or belief opposed to the use of force, when appropriate or necessary to fulfill his duties.

8. Education. Is a high school graduate with a diploma, or possesses an equivalency certificate acceptable by the state department of public instruction.

9. Vision. Has an uncorrected vision of not less than 20/100 in either eye; correctable to 20/20 and normal color vision.

10. Hearing. Has normal hearing in each ear as determined by an examining physician.

11. Oral Interview. Has participated in an oral interview held by the city, or its representative, to determine such things as appearance, background, and ability to communicate.

12. Health. Has been examined by a physician to determine if free from physical, emotional or mental condition which might adversely affect the performance of duties.

13. Written Exam. Has attained a satisfactory grade in a pre-employment written examination.

2.1-4.04 TRAINING. All police officers shall have received the minimum training required by law at an approved law enforcement training school within one year of employment.
(Code of Iowa, 1975, Sec. 80B.11 [2])

2.1-4.05 OATH. Every police officer, before entering upon the duties of his office, shall qualify for office by taking the oath prescribed by Section 1-1.0201 of this code.

2.1-4.06 COMPENSATION. Members of the department shall be designated by rank and receive such compensation as shall be determined by resolution of the council.

2.1-4.07 PEACE OFFICERS APPOINTED. The police chief shall be appointed and serve at the pleasure of the mayor. Other members of the department shall be appointed by the mayor subject to the approval of the council.
(Code of Iowa, 1975, Sec. 372.4)

2.1-4.08 POLICE CHIEF: DUTIES. The police chief shall have the following powers and duties subject to the approval of the council.

(Code of Iowa, 1975, Sec. 372.13 [4])

1. General. He shall perform all duties required of the police chief or marshal by law or ordinance.

2. Enforce Laws. He shall enforce all laws, ordinances and regulations and bring all persons committing any offense before the proper court.

3. Writs. He shall execute and return all writs and other processes directed to him.

4. Accident Reports. He shall report all motor vehicle accidents investigated to the state department of public safety.

(Code of Iowa, 1975, Sec. 321.266)

5. Prisoners. He shall be responsible for the custody of prisoners, including conveyance to detention facilities as may be required.

6. Assist Officials. He shall, when requested, provide aid to other city officers, boards and commissions in the execution of their official duties.

7. Investigations. He shall provide for such investigation as may be necessary for the prosecution of any person alleged to have violated any law or ordinance.

8. Record of Arrests. He shall keep a record of all arrests made in the city by local peace officers showing whether said arrests were made under provisions of state law or city ordinance, the offense charged, who made the arrest and the disposition of the charge.

9. Reports. He shall compile and submit to the mayor and council an annual report as well as such other reports as may be requested by the mayor or council.

10. Command. He shall be in command of all officers appointed for police work and be responsible for the care, maintenance and use of all vehicles, equipment and materials of the department.

2.1-4.09 DEPARTMENTAL RULES. The police chief shall establish such rules, not in conflict with this code, and subject to the approval of the council, as may be necessary for the operation of the department including rules governing the following:

1. Rules of Conduct. The conduct and activity of members of the department during regular and off duty hours.

2. Uniform. The wear and care of uniforms.

3. Weapons. The care, use and practice of side arms and other police weapons.

4. Communication. The procedures, use and care of the police radio and other communication systems.

5. Training. The nature, time and attendance requirements for inservice training of members of the department.

6. Emergencies. Temporary rules for the protection and functioning of the department as may be necessary in the event of an emergency until such rules may be considered by the council.

7. Other. Such other rules as may be deemed necessary and advisable in assuring efficient and proper performance of the duties of the department.

8. Penalties. The penalties which may be imposed for violation of established departmental rules by members.

9. Notice. The police chief shall give written notice to any member charged with a violation of departmental rules specifying the rule violated, the nature of the violation and the penalty to be imposed.

10. Appeal. A member of the department charged with a violation of rules may request a hearing before the council by filing notice of appeal with the clerk within 10 days of receipt of notice of violation. The council, at its next meeting shall review the facts and affirm, modify or revoke the action of the police chief.

2.1-4.10 UNIFORM ALLOWANCE. All police officers shall be

provided a uniform allowance as determined by resolution of the council which shall be granted in the form of the purchase of clothing meeting the standard of color, style and quality specified by the city. Any officer who leaves the department's service shall turn over all items identifiable as official uniforms, including insignia, before receiving final compensation.

TITLE II - COMMUNITY PROTECTION
DIVISION 1 - LAW ENFORCEMENT
CHAPTER 5 - BICYCLES

ARTICLE 1
BICYCLE REGULATIONS

2.1-5.0101 SCOPE OF REGULATIONS. These regulations, applicable to bicycles, shall apply whenever a bicycle is operated upon any street or upon any public path set aside for the exclusive use of bicycles, subject to those exceptions stated herein.

(Code of Iowa, 1975, Sec. 321.236 [10])

2.1-5.0102 MOVEMENT REGULATIONS.

1. Traffic Code Applies to Persons Riding Bicycles. Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of this state declaring rules of the road applicable to vehicles or by the traffic code of this city applicable to the driver of a vehicle, except as to those provisions which by their nature can have no application. Whenever such person dismounts from a bicycle he shall be subject to all regulations applicable to pedestrians.

(Code of Iowa, 1975, Sec. 321.234)

2. Riding On Bicycles. A person propelling a bicycle shall not ride other than astride a permanent and regular seat attached thereto. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

(Code of Iowa, 1975, Sec. 321.236 [10])

3. Riding Abreast. Persons riding bicycles in the business district and upon sidewalks in residential districts shall ride in single file and elsewhere shall not ride more than two (2) abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

(Code of Iowa, 1975, Sec. 321.236 [10])

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

(Code of Iowa, 1975, Sec. 321.236 [10])

5. Speed. No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

(Code of Iowa, 1975, Sec. 321.236 [10])

6. Emerging from Alley or Driveway. The operators of a bicycle emerging from an alley, driveway or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right of way to all pedestrians approaching on said sidewalk or sidewalk area, and upon entering the roadway shall yield the right of way to all vehicles approaching on said roadway.

(Code of Iowa, 1975, Sec. 321.236 [10])

7. Carrying Articles. No person operating a bicycle shall carry any package, bundle or article which prevents the rider from keeping at least one hand upon the handle bars.

(Code of Iowa, 1975, Sec. 321.236 [10])

8. Riding on Sidewalks.

A. No person shall ride a bicycle upon a sidewalk within a business district.

(Code of Iowa, 1975, Sec. 321.234 [10])

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

(Code of Iowa, 1975, Sec. 321.236 [10])

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

(Code of Iowa, 1975, Sec. 321.236 [10])

9. Towing. It shall be unlawful for any person riding a bicycle to be towed or to tow any other vehicle upon the streets of the city.

10. Following Fire Truck. No person riding a bicycle shall follow a fire truck or other fire equipment at any time.

11. Improper Riding. No person shall ride a bicycle in an irregular or reckless manner such as zig-zagging, stunting, speeding or otherwise so as to disregard the safety of the operation or others.

2.1-5.0103 PARKING. No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle or against a building or at the curb, in such a manner as to afford the least obstruction to pedestrian traffic.

(Code of Iowa, 1975, Sec. 321.236 [10])

2.1-5.0104 EQUIPMENT REQUIREMENTS.

1. Nighttime Use. Every bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred (500) feet to the front and with a red reflector on the rear of a type which shall be visible from all distances from fifty (50) feet to three hundred (300) feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred (500) feet to the rear may be used in addition to the red reflector.

(Code of Iowa, 1975, Sec. 321.236 [10])

2. Signal Device Required. No person shall operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least one hundred (100) feet, except that a bicycle shall not be equipped with nor shall any person use upon a bicycle any siren or whistle.

(Code of Iowa, 1975, Sec. 321.236 [10])

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

(Code of Iowa, 1975, Sec. 321.236 [10])

2.1-5.0105 SPECIAL PENALTY. Any person violating the provisions of this article may, in lieu of the standard penalty provided for violations of the city code, suffer his bicycle to be impounded by the city for not more than thirty (30) days or be fined not exceeding five dollars ($5.00).

TITLE II - COMMUNITY PROTECTION
DIVISION 1 - LAW ENFORCEMENT
CHAPTER 5 - BICYCLES

ARTICLE 2
BICYCLE LICENSING

2.1-5.0201 LICENSE.

1. License Required. No person who resides within this city shall ride or propel a bicycle on any street or upon any public path set aside for the exclusive use of bicycles unless such bicycle has been licensed and a license plate is attached thereto as provided herein.

(Code of Iowa, 1975, Sec. 321.236 [10])

2. License Application and Examination. Application for a bicycle license and license plate shall be made upon a form provided by the city and shall be made to the chief of police. A license fee of twenty-five cents (25¢) shall be paid to the city before each license is granted and the applicant must pass an examination as to his knowledge of the law regulating the operation of bicycles in the city.

(Code of Iowa, 1975, Sec. 321.236 [10])

3. Issuance of License. The chief of police upon receiving proper application therefor is authorized to issue a bicycle license which shall be effective immediately.

(Code of Iowa, 1975, Sec. 372.13 [4])

4. Transfer of License. Upon the sale or other transfer of ownership of a licensed bicycle the license shall be transferred to the new owner and the records of the city changed to reflect the new ownership.

(Code of Iowa, 1975, Sec. 321.236 [10])

5. License Valid. All licenses issued hereunder shall expire as of the 30th day of May of each even numbered year, regardless of the date of issue.

6. Unsafe Bicycles. The chief of police may refuse to grant a license for any bicycle which he finds to be unsafe to be ridden upon the public streets.

2.1-5.0202 LICENSE PLATES OR DECALS.

1. Issued. The chief of police upon issuing a bicycle license shall also issue a license plate or decal bearing the license number assigned to the bicycle and the name of the city.

(Code of Iowa, 1975, Sec. 372.13 [4])

2. Attached to Bicycle. The chief of police shall cause such license plate or decal to be firmly attached to the bicycle for which issued in such position as to be plainly visible from the rear.

(Code of Iowa, 1975, Sec. 321.236 [10])

3. Removal. No person shall remove a license plate or decal from a bicycle during the period for which issued except upon a transfer of ownership or in the event the bicycle is dismantled and no longer operated upon any street in this city.

(Code of Iowa, 1975, Sec. 321.236 [10])

4. Lost License. In the event a license plate or decal shall be lost, destroyed or stolen, the owner shall report such to the clerk immediately. A new license shall be issued upon payment of a fee of twenty five cents (25¢).

2.1-5.0203 MAINTENANCE OF LICENSE RECORDS. The chief of police shall keep a record of the number of each license, the date issued, the name and address of the person to whom issued, and the number on the frame of the bicycle for which issued, and a record of all bicycle license fees collected by him.

(Code of Iowa, 1975, Sec. 372.13 [4])

TITLE II - COMMUNITY PROTECTION
DIVISION 1 - LAW ENFORCEMENT

CHAPTER 6
SNOWMOBILES

2.1-6.01 SNOWMOBILE DEFINED. For use in this chapter the term "snowmobile" shall mean any self-propelled vehicle weighing less than one thousand pounds which utilizes wheels with low pressure tires and is designed to operate on land or ice or is equipped with sled-type runners or skis, endless belt-type tread, or any combination thereof, and is designed for travel upon snow, land or ice, except any vehicle registered as a motor vehicle under state law.

(Code of Iowa, 1975, Sec. 321. G. 1 [2])

2.1-6.02 AUTHORIZED USE. Except as provided by Section 2.1-6.07 of this chapter, registered snowmobiles may be operated on the roadway of the streets and alleys of the city for the purpose of transportation by a direct route from a point within the city to a destination within the city, from a point within the city to the corporate limits or from the corporate limits to a destination within the city.

2.1-6.03 ILLEGAL USE. Except to the extent authorized by subsections 2 and 4 of Section 321G.9 of the 1975 Code of Iowa, as amended, no person shall operate a snowmobile on the roadway of a street or alley for any purpose other than the purpose authorized by Section 2.1-6.05 of this chapter.

2.1-6.04 RESTRICTED STREETS. Except to the extent authorized by subsections 2 and 4 of Section 321G.9 of the 1975 Code of Iowa, as amended, no person shall operate a snowmobile on the roadway of the following streets:

1. Broadway Street from Market Street to Tracy Street.
2. North Park, South Park and Leroy Street from Chicago Street to Davenport Street.

2.1-6.05 OBEDIENCE TO TRAFFIC LAWS. Every person oper-

ating a snowmobile on the roadway of a street or alley shall obey all of the ordinances of the City of Audubon, Iowa, regulating the operation of motor vehicles, except those provisions which by their nature can have no application.

2.1-6.06 SPEED LIMITS. No person shall operate a snowmobile at a speed greater than the following designated descriptions:

1. No snowmobile shall be operated at a speed in excess of twenty miles per hour on a street.
2. No snowmobile shall be operated at a speed in excess of ten miles per hour on an alley.

2.1-6.07 OPERATION OFF ROADWAY. No person shall operate a snowmobile on a public sidewalk or on the part of a street between the curb line and the property line.

2.1-6.08 USE ON PUBLIC PROPERTY. No person shall operate a snowmobile on public property other than a street or alley without the permission of the officer or board having supervision of the property.

2.1-6.09 USE ON PRIVATE PROPERTY. No person shall operate a snowmobile on private property without the consent of the person in possession of the property.

(Code of Iowa, 1975, Ch. 729)

CHAPTER 7
GOLF CARTS

2.1-7.01 OPERATION ON CITY STREETS. Persons possessing a valid motor vehicle operator's license may operate a golf cart on the roadway of the streets and alleys of the City for the purpose of transportation by a direct route from the golf cart owner's residence to the Audubon Golf Club or by a direct route from the Audubon Golf Club to the owner's residence, subject, however, to the limitations stated in this Chapter.

2.1-7.02 MOVEMENT REGULATIONS. Persons operating a golf cart on the city streets of Audubon as permitted herein are subject to the regulations contained in the following subsections:

1. Golf carts may be operated on the city streets only from sunrise to sunset.

2. No golf carts shall be operated on a primary road extension through the City but may cross such road.

3. Golf carts shall be operated as near the right hand side of the street as practical.

4. No person shall operate a golf cart on a city street while carrying more than one passenger.

5. Every person operating a golf cart on the roadway of a street or alley shall obey all of the ordinances of the City of Audubon, Iowa regulating the operation of motor vehicles, except those provisions which by their nature can have no application.

6. No person shall operate a golf cart on a public sidewalk or on the part of a street between the curb line and the property line.

7. No person shall operate a golf cart at a speed greater than the following designated descriptions.

   A. 20 m.p.h. on a street

   B. 10 m.p.h. on an alley.

2.1-7.03 RESTRICTED STREETS. No person shall operate a golf cart on the roadway of the following streets:

1. Broadway Street from Market Street to Tracy Street.

2. North Park, South Park, and Leroy Street from Chicago Street to Davenport.

2.1-7.04 EQUIPMENT REQUIREMENTS. Golf carts shall at all times while being operated on the roadway of the streets and alleys of the City of Audubon be equipped with adequate brakes, a slow moving vehicle sign and a bicycle safety flag visible from at least 100 feet.

CHAPTER 8
RESERVE POLICE FORCE

2.1-8.01 ESTABLISHED. There is hereby created and established the Audubon Reserve Police Force as provided by Chapter 80D, Iowa Code, and subject to the regulations therein contained. The Reserve Police Force shall serve until abolished by the City Council.

2.1-8.02 MEMBERSHIP; BY-LAWS, RULES AND REGULATIONS. Membership in said Reserve Police Force shall be as prescribed in said Reserve's By-Laws, Rules, and Regulations and shall be subject to the approval of the City Council and the Chief of Police. The City Council and Chief of Police may, from time to time, prescribe such other by-laws, rules and regulations as they, in their sole discretion, may deem to be desirable. All rules, regulations or by-laws of said Reserve shall be approved by the Chief of Police.

2.1-8.03 TERMS, REMOVAL OF MEMBERS. The members of the Reserve shall serve at the discretion of the Chief of Police and shall be removed and discharged from said reserve at any time upon violation of any by-law, rule or regulation prescribed as aforesaid or upon recommendation of the Audubon City Council.

2.1-8.04 SUPERVISION BY POLICE DEPARTMENT AND COUNCIL. The members of the Reserve shall be subject to lawful orders of a member of the Audubon Police Department and the Audubon City Council.

2.1-8.05 EMPLOYEE STATUS OF MEMBERS. Members of the Reserve shall be considered employees of the city during those periods when they are performing police duties as authorized and directed by the Chief of Police or the assistant chief in the absence of the chief, and they shall receive a salary of one dollar ($1.00) per year. However, said reserve members shall not be entitled to any benefits or obligation of police retirement benefits or civil service.

2.1-8.06 GROUNDS FOR DISMISSAL. No member of said Reserve shall violate the Ordinances of the City of Audubon, Iowa, or the laws of the State of Iowa, or the United States of America and such violation shall be grounds for summary dismissal.

2.1-8.07 CARRYING FIREARMS. Members of said Reserve shall not, at any time, carry any firearms except as provided by Section 80D.7 of the Iowa Code.

2.1-8.08 RESOLUTION OF CONFLICTING RULES, ETC. Any rule, regulation, constitution or by-law of said Reserve, inconsistent with or in violation of this chapter or the rules & regulations of the Audubon Police Department is hereby repealed.

CHAPTER 9
DRUG PARAPHERNALIA

2.1-9.01 DEFINITIONS. The following words and phrases when used in this chapter shall have the meanings respectively ascribed to them, except where the context otherwise requires:

1. "Controlled substance" means any drug, substance or immediate precursor enumerated, defined or established pursuant to the provisions of Schedules I, II, III, IV and V of Division II of Chapter 204 of the 1985 Code of Iowa, known as the Uniform Controlled Substance Act.

2. "Drug paraphernalia" means all equipment, products and materials of any kind which are used or intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, concealing, containing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance. It includes, but is not limited to:

A. Growing Kits. Kits used or intended for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;

B. Processing Kits. Kits used or intended for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances;

C. Isomerization Devices. Isomerization devices used or intended for use in increasing the potency of any species of plant which is a controlled substance;

D. Testing Equipment. Testing equipment used or intended for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances;

E. Scales. Scales and balances used or intended for use in weighing or measuring controlled substances;

F. Dilutents. Dilutents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose or lactose, used or intended for use in cutting controlled substances;

G. Separators - Sifters. Separation gins and sifters used or intended for use in removing twigs and seeds from, or in otherwise cleaning or refining marijuana;

H. Mixing Devices. Blenders, bowls, containers, spoons and mixing devices used or intended for use in compounding controlled substances;

I. Containers. Capsules, balloons, envelopes and other containers used or intended for use in packaging small quantities of controlled substances;

J. Storage Containers. Containers and other objects used or intended for use in storing or concealing controlled substances;

K. Injecting Devices. Hypodermic syringes, needles and other objects used or intended for use in parenterally injecting controlled substances into the human body;

L. Ingesting-Inhaling Devices. Objects used or intended for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:

(1) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;

(2) Water pipes;

(3) Carburetor tubes and devices;

(4) Smoking and carburetion masks;

(5) Chamber pipes;

(6) Carburetor pipes;

(7) Electric pipes;

(8) Air-driven pipes;

(9) Chillums,

(10) Bongs;

(11) Ice pipes or chillers.

2.1-9.02 DETERMINING FACTORS. In determining whether an object is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:

1. Statements. Statements by an owner or by anyone in control of the object concerning its use.

2. Prior Convictions. Prior convictions, if any, of an owner, or of anyone in control of the object under any state or federal law relating to any controlled substance.

3. Proximity To Violation. The proximity of the object, in time and space, to a direct violation of Chapter 204 of the Code of Iowa.

4. Proximity To Substances. The proximity of the object to controlled substances.

5. Residue. The existence of any residue of controlled substances on the object.

6. Evidence of Intent. Direct or circumstantial evidence of the intent of an owner or of anyone in control of the object, to deliver it to persons whom he knows intend to use the object to facilitate a violation of Chapter 204 of the Code of Iowa; the innocence of an owner, or of anyone in control of the object, as to a direct violation of Chapter 204 of the Code of Iowa, should not prevent a finding that the object is used or intended for use as drug paraphernalia.

7. Instructions. Instructions, oral or written, provided with the object concerning its use.

8. Descriptive Materials. Descriptive materials accompanying the object which explain or depict its use.

9. Advertising. National and local advertising concerning its use.

10. Displayed. The manner in which the object is displayed for sale, including its proximity to other objects commonly used or intended for use in planting, propagating, cultivation, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of Chapter 204 of the Code of Iowa.

11. Sales Ratios. Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise.

12. Legitimate Uses. The existence and scope of legitimate uses for the object in the community.

13. Expert Testimony. Expert testimony concerning its use.

2.1-9.03 OFFENSES AND PENALTIES.

1. It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of Chapter 204 of the Code of Iowa.

2. It is unlawful for any person to deliver, possess with intent to deliver or manufacture with intent to deliver drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of Chapter 204 of the Code of Iowa.

3. In addition to or in the alternative to the provisions of subsections 1 and 2 above, the city or an interested person may institute civil proceedings to obtain injunctive and declaratory relief or such other orders of the court as are reasonable and proper to abate practices, conditions or circumstances found to be contrary to or prohibited by the provisions of this chapter.

2.1-9.04 PARAPHERNALIA FORFEITURE. All drug paraphernalia shall be subject to forfeiture and may be seized and destroyed by the city. Such property shall not be subject to replevin. Property subject to forfeiture under this section may be seized by the city when:

1. The seizure is incident to an arrest or a search pursuant to a search warrant;

2. The property subject to seizure has been subject of a prior judgment in favor of the city in an injunction or forfeiture proceeding based upon this chapter;

3. The city has probable cause to believe that the property was used or is intended to be used in violation of this chapter.

(Chapter 9 added by Ordinance No. 554)

TITLE II — COMMUNITY PROTECTION
DIVISION 1 — LAW ENFORCEMENT

CHAPTER 10

MUNICIPAL INFRACTIONS

2.1-10.01 MUNICIPAL INFRACTION. Any violation of this City's municipal code which is not a felony, an aggravated misdemeanor or serious misdemeanor or a simple misdemeanor under the Iowa Criminal Code, is a municipal infraction. Unless another civil penalty is provided elsewhere in this code for a specific violation, a municipal infraction is a civil offense punishable as provided in the following schedule of civil penalties:

1. First Offense $50.00
2. Second Offense $75.00
3. Third and Subsequent Offense(s)...$100.00

Each day that a municipal infraction occurs and/or is permitted to exist constitutes a separate offense.

2.1-10.02 ALTERNATIVE RELIEF. Seeking a civil penalty as authorized in this chapter does not preclude the City from seeking alternative relief from the court in the same action. Such alternative relief may include, but is not limited to, an order for abatement or injunctive relief.

2.1-10.03 CIVIL CITATION, SERVICE. Any City official or employee authorized by the Council to enforce any specific chapter of the City's municipal code may issue a citation to a person who is alleged to have committed a municipal infraction under the applicable chapter. The citation may be served by personal service or by certified mail, return receipt requested. A copy of the citation shall be filed with the Clerk of District Court and one copy shall be delivered to the alleged violator.

2.1-10.04 CIVIL CITATION, CONTENTS. The citation shall serve as notification of the allegation that a municipal infraction has been committed and shall contain the following information:

1. The name and address of the alleged violator.
2. The name or description of the alleged infraction attested to by the officer issuing the citation.

3. The location and time of the alleged infraction.

4. The amount of civil penalty for the violation charged and the court costs, or the alternative relief sought, or both.

5. The manner, location, and time in which the penalty may be paid.

6. The time and place of court appearance.

7. A statement of the penalty for failure to appear in court.

(Ch. 10 – Ord. 631 – Feb. 02 Supp.)

TITLE 2

DIVISION 2

FIRE SAFETY

CHAPTER I
FIRE DEPARTMENT

2.2-1.01 ESTABLISHMENT AND PURPOSE. A volunteer fire department is hereby established to prevent and extinguish fires and to protect lives and property against fires, to promote fire prevention and fire safety, and to answer all emergency calls for which there is no other established agency.

2.2-1.02 ORGANIZATION. The department shall consist of the Fire Chief and such other officers and personnel as may be authorized by the Council.

2.2-1.03 QUALIFICATIONS. In no case shall any person be recruited selected, or appointed as a member of the department unless such person:

1. Resident Citizen. Is a citizen of the United States and a resident of the Audubon Fire District. (Amended by Ordinance No. 607)

2. Age. Is at least 18 years of age, but not more than 45 years of age at the time of appointment.

3. Driver's License. Has a current active Iowa Driver's license.

4. Language. Is able to read and write the English language.

5. Alcohol and Drugs. Is not a drug addict or a drunkard.

6. Character. Is of good moral character as determined by a thorough investigation and has not been convicted of a felony or a crime involving moral turpitude.

7. Education. Is a high school graduate with a diploma, or possesses an equivalency certificate acceptable by the State Department of Public Instruction.

8. Vision. Has an uncorrected vision of not less than 20/100 in either eye; correctable to 20/20 and normal color vision.

9. Hearing. Has normal hearing in each ear as determined by an examining physician.

10. Health. Prior to appointment, and each four years thereafter, has been examined by a physician to determine if free from physical, emotional or mental condition which might adversely affect the performance of duties.

2.2-1.04 APPROVED BY COUNCIL. No person having otherwise qualified, shall be appointed to the department until such appointment is submitted to and approved by a majority of the council members.

2.2-1.05 TRAINING. All members of the department shall attend and actively participate in regular or special training drills or programs as directed by the chief.

2.2-1.06 COMPENSATION. Members of the department shall be designated by rank and receive such compensation as shall be determined by resolution of the council.

(Code of Iowa, 1975, Sec. 372.13 [4])

2.2-1.07 ELECTION OF OFFICERS. The department shall elect a chief and such other officers as their constitution and by-laws may provide, but the election of chief shall be subject to the approval of the council. In case of absence of the chief the officer next in rank shall be in charge and have and exercise all the powers of chief.

2.2-1.08 FIRE CHIEF: DUTIES. The fire chief shall have the following powers and duties;

(Code of Iowa, 1975, Sec. 372.14 [4])

1. General. He shall perform all duties required of the fire chief by law or ordinance.

2. Enforce Laws. He shall enforce all ordinances and, where enabled, state laws regulating the following:

A. Fire prevention.

B. Maintenance and use of fire escapes.

C. The investigation of the cause, origin and circumstances of fires.

D. The means and adequacy of exit in case of fire from halls, theatres, churches, hospitals, asylums, lodging houses, schools, factories and all other buildings in which the public congregates for any purpose.

E. The installation and maintenance of private fire alarm systems and fire extinguishing equipment.

3. Command. He shall be charged with the duty of maintaining the efficiency, discipline and control of the fire department. The members of the fire department shall, at all times, be subject to the direction of the fire chief.

4. Property. He shall exercise and have full control over the disposition of all fire apparatus, tools, equipment and other property used by or belonging to the fire department.

5. Investigations. He shall investigate the cause, origin and circumstances of each fire by which property has been destroyed or damaged or which results in bodily injury to any person. Whenever he finds that bodily injury or property damage of fifty ($50) dollars or more was caused by such fire, or if he suspects arson, he shall report his findings to the state fire marshal in writing within one week after the fire. If he believes that a fire was started by design or if a death occurs as the result of a fire, he shall notify the state fire marshal immediately.

(Code of Iowa, 1975, Sec. 100.2 and 100.3)

6. Right of Entry. He shall have the right of entry into any building or premises within his jurisdiction at a reasonable time and after reasonable notice to the occupant or owner. He shall there conduct such investigation or inspection that he considers necessary in light of state law, regulation or ordinance.

(Code of Iowa, 1975, Sec. 100.12)

7. Recommendation. He shall make such recommendations to owners, occupants, caretakers or managers of buildings necessary to eliminate fire hazards.

(Code of Iowa, 1975, Sec. 100.13)

8. Assist State Fire Marshal. He shall, at the request of the state fire marshal, and as provided by law, aid said marshal in the performance of his duties by investigating, preventing and reporting data pertaining to fires.

(Code of Iowa, 1975, Sec. 100.4)

9. Records. He shall cause to be kept records of the fire department personnel, operating cost and efficiency of each element of fire fighting equipment, depreciation of all equipment and apparatus, the number of responses to alarms, their cause and location, and an analysis of losses by value, type and location of buildings.

2.2-1.09 CONSTITUTION. The company shall adopt a constitution and by-laws as they deem calculated to accomplish the object contemplated, and such constitution and by-laws and any change or amendment to such constitution and by-laws before being effective, must be approved by the council.

2.2-1.10 ACCIDENTAL INJURY INSURANCE. The council shall contract to insure the city against liability for workmen's compensation and against statutory liability for the costs of hospitalization, nursing, and medical attention for volunteer firemen injured in the performance of their duties as firemen whether within or outside the corporate limits of the city. All volunteer firemen shall be covered by the contract.

(Code of Iowa, 1975, Sec. 85.2, 85.61 and Sec. 410.18)

2.2-1.11 LIABILITY INSURANCE. The council shall contract to insure against liability of the city or members of the department for injuries, death or property damage arising out of and resulting from the performance of departmental duties within or outside the corporate limits of the city.

(Code of Iowa, 1975, Sec. 613A.2 and 517A.1)

2.2-1.12 FIRES OUTSIDE THE CITY. The department shall answer calls to fires and other emergencies outside the city limits if the fire chief determines that such emergency exists and that such action will not endanger persons and property within the city limits.

(Code of Iowa, 1975, Sec. 364.4 [2 and 3])

2.2-1.13 MUTUAL AID. Subject to approval by resolution of the council, the department may enter into mutual aid agreements with other legally constituted fire departments. Copies of any such agreements shall be filed with the clerk.

(Code of Iowa, 1975, Sec. 364.4 [2 and 3])

CHAPTER 2
FIRE LIMITS

2.2-2.01 FIRE LIMITS ESTABLISHED. The fire limits are established to include all territory within the following boundaries:

Beginning at the center intersection of Market Street and Chicago Street, thence east on the center of Chicago Street extended and Chicago Street to the intersection of alley passing through Block Sixteen (16), thence north on the center of said alley to intersection of Broadway thence west on the center of Broadway to Leroy Street, thence north on center of Leroy Street to intersection of alley passing through Block Twelve (12), thence west on center of said alley to intersection with Tracy Street, thence north on center of Tracy Street to intersection with Davenport Street, thence west on center of Davenport Street to Market Street, thence north on center of Market Street to North Division Street, thence west on North Division Street to east bank of Blue Grass Creek, thence southerly along the east bank of Blue Grass Creek to a point opposite the center of South Street extended to Blue Grass Creek, thence easterly to a point in the center of South Street parallel with the west line of Block Thirty Nine (39), thence southerly along the west side of Block Thirty Nine (39) to the center of South Division Street, thence east to the center of Market Street, thence north on the center of Market Street to the intersection of Market and Chicago Streets.

2.2-2.02 PLANS SUBMITTED. It shall be unlawful to build, enlarge or alter any wall, structure, building or part thereof, within the Fire Limits, until a plan of the proposed work, together with a statement of materials to be used shall have been submitted to the mayor, who shall, if in accordance with the provisions of this chapter, issue a permit for the proposed work.

2.2-2.03 BUILDINGS PROHIBITED. The erection of any building or structure of any kind, or additions thereto, or

substantial alterations thereof, involving partial re-building, are prohibited in the Fire Limits, unless constructed in strict compliance with the provisions of this chapter.

2.2-2.04 WALLS AND ROOF. The building or structure shall be enclosed on all sides with walls constructed wholly of stone, brick, terra-cotta, hollow building tile, concrete or other fire proof material and the roof, top and sides of all roof structures, including dormer windows and cornices, shall be covered with incombustible material, such as metal, slate, tile, composition shingles or roofing approved by the National Board of Fire Underwriters as Fire Resistive. Wooden stud walls covered with metal or veneered with brick shall not be construed as fire proof or in compliance with the provisions of this section.

2.2-2.05 EXTERIOR AND DIVISION WALLS. All exterior or division walls of buildings hereafter erected, shall be of sufficient thickness to support the load to be carried. All solid brick or reinforced concrete, exterior or division walls, shall be not less than twelve (12) inches thick in the upper two stories or upper thirty (30) feet, increasing four (4) inches in thickness for each two stories or fraction thereof below. Such exterior or division walls, when constructed of other permissible material, such as concrete tile or hollow tile, shall be at least four (4) inches thicker than solid brick or reinforced concrete walls. All exterior or division walls shall extend at least fifteen (15) inches above the roof.

2.2-2.06 BEAMS IN WALLS. The ends of all floor, ceiling, or roof beams, entering a party or fire wall from opposite sides, shall be separated by at least four (4) inches of solid masonry. Such separation may be obtained by corbeling the wall, or staggering the beams, but no wall shall be corbeled more than two (2) inches for this purpose. The ends of all wooden beams that enter walls shall be cut to a bevel to make them self-releasing.

2.2-2.07 ACCESSORY BUILDINGS. The mayor, upon vote of a majority of the council in favor thereof, may issue a permit to build a coal house and other out buildings of other materials than those specified in this chapter, not exceeding twelve (12) feet in height and one hundred and fifty (150) square feet in area, to be placed not less than twenty feet (20') from any other building or erection within the fire limits, and with the

use of which no fire is anticipated. To obtain such permit, written application shall be made to the mayor and the council before any work is done, specifying the location, size and contemplated use of the proposed erection, and if a majority of the council vote in favor of granting such permit and the mayor approves of the same, the mayor shall issue a permit in writing.

2.2-2.08 SPECIAL PERMIT. The council may, by four -fifths vote, issue a special permit to improve any property within the fire limits contrary to the provisions of this chapter, on condition that such improvement shall not increase the rates for fire insurance or the fire hazard, according to the rules of the Iowa Insurance Service Bureau.

2.2-2.09 MOVING BUILDINGS. The removal of any building not constructed in accordance with the provisions of this chapter, from without to within the fire limits or from any part of the fire limits to any other place therein is prohibited.

2.2-2.10 RECONSTRUCTION PROHIBITED. Any building within the fire limits, not constructed in accordance with the provisions of this chapter, which may hereafter be damaged by fire, decay, or otherwise, to the extent of fifty percent (50%) of its value, shall not be repaired or rebuilt but shall be torn down or removed. When the damages are less than fifty percent (50%) of its value the building shall not be repaired, so as to be higher in value than it was before the damages were sustained, except upon approval, by four-fifths of the members of the council, of the plans and specifications of such repairs and rebuilding.

2.2-2.11 BOARD OF APPRAISEMENT. In case of a question as to the amount or extent of damage, by fire or otherwise, to any building, the damage shall be determined by a board of appraisement of three disinterested parties, owners of real estate within the fire limits, one of whom shall be appointed by the owner or agent of the building, the second by the mayor, and the persons thus chosen shall select a third person. If the members of the board appointed by the owner of the property and by the mayor are unable to agree upon the third member, within ten (10) days of their appointment, the council shall appoint such third member. The members of the board shall fix the amount or extent of the damage. Their decision shall be in writing, shall be final and conclusive, and shall be filed with

the clerk. No building within the Fire Limits about which there is a question shall be repaired or rebuilt until such finding has been filed with the clerk.

2.2-2.12 REMOVAL OF BUILDINGS. Any person, firm or corporation who shall erect or move any building in the Fire Limits, contrary to the provisions of this chapter, shall be given ten (10) days written notice by the mayor to remove or tear down the same, and if such removal or taking down is not completed within ten (10) days from the time of the service of such notice, the mayor shall cause the same to be removed or taken down. The mayor shall report an itemized bill of the expense to the clerk, and the same shall be charged to the person, firm or corporation owning such building. The clerk shall present the bill to the owner of the property and if the bill is not paid within ten (10) days from the date it is presented, the amount of the bill shall be certified, by the clerk, to the county auditor, as a special tax against the property and collected the same as other taxes.

TITLE 2

DIVISION 3

BUILDING AND PROPERTY REGULATION

CHAPTER 1
DANGEROUS BUILDINGS

2.3-1.01 ENFORCEMENT OFFICER. The director of public works shall be responsible for the enforcement of this chapter. (Amended by Ordinance No. 574)

2.3-1.02 GENERAL DEFINITION OF UNSAFE. All buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health, or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, as specified in this chapter or any other ordinance, are, for the purpose of this chapter, unsafe buildings. All such unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified in this chapter.

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

2.3-1.03 UNSAFE BUILDING. "Unsafe building" shall mean any structure or mobile home meeting any or all of the following criteria:

1. Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.

2. Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of twenty (20) pounds per square foot.

3. Whenever any portion thereof has cracked, warped, buckled, or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.

4. Whenever the building or structure, or any portion thereof, because of (a) dilapidation, deterioration, or decay;

(b) faulty construction; (c) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (d) the deterioration, decay or inadequacy of its foundation; or (e) any other cause, is likely to partially or completely collapse.

5. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

6. Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.

7. Whenever the building or structure, exclusive of the foundation, shows 33 per cent or more damage or deterioration of its supporting member or members, or 50 per cent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.

8. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (a) an attractive nuisance to children; (b) a harbor for vagrants, criminals or immoral persons; or as to (c) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.

9. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by any health officer to be unsanitary, unfit for human habitation or in such condition that is likely to cause sickness or disease.

10. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the Fire Marshal or Fire Chief to be a fire hazard.

11. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.

12. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

2.3-1.04 NOTICE TO OWNER. The enforcement officer shall examine or cause to be examined every building or structure or portion thereof reported as dangerous or damaged and, if such is found to be an unsafe building as defined in this chapter, the enforcement officer shall give to the owner of such building or structure written notice stating the defects thereof. This notice may require the owner or person in charge of the building or premises, within 48 hours or such reasonable time as the circumstances require, to commence either the required repairs or improvements or demolition and removal of the building or structure or portions thereof, and all such work shall be completed within 90 days from date of notice, unless otherwise stipulated by the enforcement officer. If necessary, such notice shall also require the building, structure, or portion thereof to be vacated forthwith and not reoccupied until the required repairs and improvements are completed, inspected, and approved by the enforcement officer.
(Code of Iowa, 1975, Sec. 364.12 [3h])

1. Notice Served. Such notice shall be served in the manner provided for service of original notice of the Iowa rules of civil procedure upon the owner of record, if he shall be found within the city limits. If he is not found within the city limits such service may be made upon said owner by registered mail or certified mail, the designated period within which said owner or person in charge is required to comply with the order of the enforcement officer shall begin as of the date he receives such notice.

2. Hearing. Such notice shall also advise the owner that he may request a hearing before the council on the notice by filing a written request for hearing within the time provided in the notice.

2.3-1.05 CONDUCT OF HEARING. If requested, the council shall conduct a hearing in accordance with the following:

1. Nature. The owner shall be served with written notice specifying the date, time and place of hearing.

2. Owner's Rights. At the hearing, the owner may appear

and show cause why the alleged nuisance shall not be abated.

3. Determination. The council shall make and record findings of fact and may issue such order as it deems appropriate.

2.3-1.06 POSTING OF SIGNS. The enforcement officer shall cause to be posted at each entrance to such building a notice to read: "DO NOT ENTER. UNSAFE TO OCCUPY. CITY OF AUDUBON." Such notice shall remain posted until the required repairs, demolition, or removal are completed. Such notice shall not be removed without written permission of the enforcement officer and no person shall enter the building except for the purpose of making the required repairs or of demolishing the building.

2.3-1.07 RIGHT TO DEMOLISH. In case the owner shall fail, neglect, or refuse to comply with the notice to repair, rehabilitate, or to demolish and remove said building or structure or portion thereof, the council may order the owner of the building prosecuted as a violator of the provisions of this chapter and may order the enforcement officer to proceed with the work specified in such notice. A statement of the cost of such work shall be transmitted to the council.

(Code of Iowa, 1975, Sec. 364.12 [3h])

2.3-1.08 COSTS. Costs incurred under Section 2.3-1.06 shall be paid out of the city treasury. Such costs shall be charged to the owner of the premises involved and levied as a special assessment against the land on which the building or structure is located, and shall be certified to the County Auditor for collection in the manner provided for other taxes.

(Code of Iowa, 1975, Sec. 364.12 [3h])

EDITOR'S NOTE

Suggested form of notice and of a resolution and order of the council for the administration of this chapter is provided in the APPENDIX of this code.

TITLE II - COMMUNITY PROTECTION
DIVISION 3- BUILDING AND PROPERTY REGULATIONS
CHAPTER 2 - PLUMBING REGULATIONS

ARTICLE 1
LICENSING OF PLUMBERS

2.3-2.0101 PURPOSE. The purpose of this article is to provide for the examination and licensing of plumbers in order to protect the public health, safety and welfare.

2.3-2.0102 BOARD OF PLUMBING EXAMINERS. The council shall appoint a board of plumbing examiners, consisting of three members; one of whom shall be a practical journeyman plumber, one a member of the city council, and one a practical master plumber, two of whom shall constitute a quorum for the transaction of business.

2.3-2.0103 COMPENSATION. The council, by resolution, shall fix the compensation of the members of the board of plumbing examiners.

2.3-2.0104 EXAMINATIONS AND FEES. The board of plumbing examiners shall hold, as often as necessary, examinations of applicants for a license to work either as a master plumber, journeyman plumber or employing plumber, and if satisfied as to the competency of the applicant, a license shall be issued to such master plumber, journeyman plumber or employing plumber except that the examination may be waived and license issued to any plumber holding a certificate from the state or from any local board in the state. The fee for such examination shall be five (5) dollars for a master plumber or employing plumber and two (2) dollars for a journeyman plumber.

2.3-2.0105 EXPIRATION OF LICENSE. The license of any master plumber, journeyman plumber or employing plumber shall expire on the 31st day of December of each year, but may be renewed from year to year upon the payment of a renewal fee. The fee for the renewal of a master plumber or employing plumbers' license shall be two (2) dollars, and for a journeyman plumber's license the fee shall be one (1) dollar.

2.3-2.0106 LICENSE REVOKED. Any license issued under this ordinance may be revoked by the board of plumbing examiners or the city council for repeated violation of any ordinance in relation to plumbing.

2.3-2.0107 MISREPRESENTATION. It shall be unlawful for anyone to, directly or indirectly, misrepresent himself to any other person or party, in connection with any plumbing work.

2.3-2.0108 REFUND PROHIBITED. In case any plumber's license is suspended, or revoked, the holder of such license shall not be entitled to any refund on the license paid.

2.3-2.0109 BOND REQUIRED. It shall be unlawful for any plumber to do any work in any street, alley or avenue, or make any connection with any sewer, drain or water pipe, or make any connection with any pipe connected with any sewer, drain or water pipe, until the master plumber or employing plumber, having the work in charge, shall file a surety bond with the council in the sum of two thousand (2,000) dollars in favor of the municipality, conditioned on the faithful observance of all rules, regulations and ordinances in regard to plumbing, the payment of all damages sustained by reason of neglect or incompetence in performance of the work done, or careless guarding of excavations made, and the placing of all streets, alleys and public places in as good condition after the work is completed as before the work was begun, and to maintain the same in such condition for one year after the excavation is closed.

2.3-2.0110 EXCAVATION. In the event of neglect or failure of any plumber to properly repair, replace and repave the street where openings are made or in the event of the same sinking or becoming dangerous, within one year from the time the excavation is closed, the engineer shall notify the plumber to make the necessary repairs within twenty-four hours of the receipt of the order, and in case such repairs are not made within such time, the plumbing inspector shall cause the same to be made and the plumber shall pay the municipality the expense thereof upon the presentation of a bill therefor. No permit for any plumbing shall be issued to any plumber who has not paid all bills due the municipality.

ARTICLE 2
PLUMBING INSPECTOR

2.3-2.0201 PURPOSE. The purpose of this article is to establish and define the powers and duties of the office of Plumbing Inspector.

2.3-2.0202 OFFICE CREATED. The office of plumbing inspector is hereby created.

2.3-2.0203 OFFICE COMBINED. The council, by resolution, may combine the powers and duties of this office with any other office or may delegate the powers and duties to any other officer or employee.

2.3-2.0204 MAYOR TO APPOINT. At the first regular meeting, following the regular municipal election, the mayor shall appoint some competent person as plumbing inspector. The plumbing inspector shall hold office for two years, unless removed for cause, or until his successor is appointed and qualified.

2.3-2.0205 WORK UNDER MAYOR. The plumbing inspector shall work under the direction and supervision of the mayor, and shall be subject to dismissal in case of failure to properly perform his duties. In case of dismissal by the mayor, a new inspector shall be appointed by the mayor to fill the unexpired term.

2.3-2.0206 INVESTIGATE PLUMBING. He shall investigate all cases reported or referred to him of any violation of any ordinance, state law, or rule of the local or state board of health, relating to plumbing, sewers, ventilation and drainage.

2.3-2.0207 INSPECT PLUMBING. He shall inspect and test all plumbing with the water or smoke test, or by any other test considered proper and necessary by the plumbing inspector.

2.3-2.0208 RECORDS. He shall keep in suitable form a

record of all inspections made by him and of all plans and specifications examined by him whether for new or old systems, and shall, as soon as possible, complete the record of the plumbing, or want of plumbing, or sewer and water connections to each building, with such explanation and notes appended thereto as will enable future inspectors to trace sources of filth and causes of sickness, enforce the best sanitary conditions and preserve the public health, without re-examination.

2.3-2.0209 INSPECT OLD PLUMBING. He shall, at the request of the owner, agent or occupant of any building or premises where plumbing is located or where he believes defective or unsanitary plumbing exists, have the right and authority, on presentation of proper credentials, to enter any building or go upon any premises at any time between the hours of 7 a.m. and 6 p.m. to make inspections of old plumbing work in order to ascertain whether or not all ordinances relating to plumbing are being complied with and if the plumbing is in a sanitary condition.

2.3-2.0210 NOTICE. Whenever defective or unsanitary plumbing is found, he shall notify, in writing, the owner, agent or occupant of the premises on which such plumbing is found, to at once cause such plumbing to be changed and made to conform with the laws, ordinances and rules of the state and local boards of health or to be changed and made sanitary in such manner as the plumbing inspector shall order and direct. The owner, agent, or occupant shall, after receiving such notice comply therewith, within ten days, and in case of failure or neglect to do so, it shall be the duty of the plumbing inspector to file complaint, with the mayor, against such owner, agent or occupant.

2.3-2.0211 ANNUAL REPORT. He shall at the first regular meeting of the council in July of each year, make a full and detailed report for the past fiscal year of all his acts during the year and attach to his report a complete list of all municipal property in his possession.

2.3-2.0212 OTHER POWERS. He shall have such other powers and perform such other duties as may be provided by the council, the ordinances or the laws of the state, and shall transmit to his successor in office all books, papers, records, documents, and property belonging to the municipality, together with an invoice of the same, in his custody or appertaining to his office.

CHAPTER 3
CISTERNS, CESSPOOLS AND WELLS

2.3-3.01 ENFORCEMENT OFFICER. The chief of police will be responsible for the enforcement of this chapter.

2.3-3.02 DUTY OF PROPERTY OWNERS. It shall be the duty of each property owner within the City of Audubon, Iowa, upon whose premises any cesspool, cistern or well is situated, to keep the same covered in a good safe manner, with a metal cover, or with sound wooden planking of at least two (2) inch thickness, securely nailed in place.

2.3-3.03 ABATEMENT. Whenever the chief of police or other authorized municipal officer finds any cistern, cesspool or well in violation of Section 2.3-3.02 of this chapter, the chief of police shall cause to be served upon the property owner a written notice to place the same in a good safe condition within a reasonable time after notice.

2.3-3.04 NOTICE TO ABATE: CONTENTS. The notice to abate shall contain:

1. A description of what constitutes the violation.

2. The location of the cistern, cesspool or well which is in violation of this chapter.

3. A statement of the act or acts necessary to correct the violation.

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

5. A statement that if the condition is not abated as directed and no request for hearing is made within the time prescribed, the city will abate it and assess the costs against the property owner.

2.3-3.05 METHOD OF SERVICE. The notice may be in the form of an ordinance or sent by certified mail to the property owner.

2.3-3.06 REQUEST FOR HEARING. Any person ordered to abate a violation of this chapter may have a hearing with the council as to whether a violation exists. A request for a hearing must be made in writing and delivered to the clerk with the time stated in the notice, or it will be conclusively presumed that a violation exists and it must be abated as ordered. The hearing will be before the council at a time and place fixed by the council. The findings of the council shall ve conclusive and, if a violation is found to exist, it shall be ordered abated within a reasonable time under the circumstances.

2.3-3.07 ABATEMENT BY CITY. If the person notified to abate a violation of this chapter neglects or fails to do so as directed, the city may perform the required action to abate, keeping an accurate account of the expenses incurred. The itemized expense account shall be filed with the clerk who shall pay such expenses on behalf of the city.

2.3-3.08 COLLECTION OF COSTS. The clerk shall send a statement of the total expense incurred by certified mail to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within one (1) month, the clerk shall certify the cost to the county auditor and it shall then be collected with, and in the same manner, as general property taxes.

2.3-3.09 FAILURE TO ABATE. Any person violating the provisions of this chapter shall be in violation of the city code.

TITLE III

MENTAL AND PHYSICAL HEALTH

TITLE III - MENTAL AND PHYSICAL HEALTH
CHAPTER 1 - NUISANCES

ARTICLE 1
GENERAL PROVISIONS

3-1.0101 DEFINITIONS. For use in this chapter, the following terms are defined:

1. "Nuisance": shall mean whatever is injurious to health, indecent or offensive to the senses or an obstacle to the free use of property so as essentially to interfere with the comfortable enjoyment of life or property. The following are declared to be nuisances:

(Code of Iowa, 1975, Sec. 657.1)

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

(Code of Iowa, 1975, Sec. 657.2 [1])

B. Filth or Noisome Substance. The causing or suffering any offal, filth or noisome substance to be collected or to remain in any place to the prejudice of others.

(Code of Iowa, 1975, Sec. 657.2 [2])

C. Impeding Passage of Navigable River. The obstructing or impeding without legal authority the passage of any navigable river, harbor or collection of water.

(Code of Iowa, 1975, Sec. 657.2 [3])

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

(Code of Iowa, 1975, Sec. 657.2 [4])

E. Blocking Public and Private Ways. The obstructing or encumbering by fences, buildings or otherwise the public roads, private ways, streets, alleys, commons, landing places or burying grounds.

(Code of Iowa, 1975, Sec. 657.2 [5])

F. Billboards. Billboards, signboards and advertising signs, whether erected and constructed on public or private property, which so obstruct and impair the view of any portion or part of a public street, avenue, highway, boulevard or alley or of a railroad or street railway track as to render dangerous the use thereof.

(Code of Iowa, 1975, Sec. 657.2 [7])

G. Cottonwood Trees. Cotton-bearing cottonwood trees and all other cotton-bearing poplar trees.

(Code of Iowa, 1975, Sec. 657.2 [8])

H. Abandoned Appliances. Placing or allowing to be placed, any discarded, abandoned, unattended or unused refrigerator, ice box, oven or similar container equipped with an air-tight door or lid, snap lock, or other locking device which cannot be released from the inside, in a location accessible to children, outside any building, dwelling or within an unoccupied or abandoned building or dwelling, or other structure, under the control of any person without first removing the door, lid, snap lock, or other locking device from said icebox, refrigerator, oven, or similar container. This provision applies equally to the owner of any such refrigerator, ice box, oven or similar container, and to the owner or occupant of the premises where the hazard is permitted to remain.

(Code of Iowa, 1975, Sec. 732.21)

I. Storing of Inflammable Junk. The depositing or storing of inflammable junk, such as old rags, rope, cordage, rubber, bones and paper, by dealers in such articles within the fire limits of the city, unless it be in a building of fireproof construction.

(Code of Iowa, 1975, Sec. 657.2 [10])

J. Air Pollution. The emission of dense smoke, noxious fumes or fly ash.

(Code of Iowa, 1975. Sec. 657.2 [11])

K. Weeds. Dense growth of all weeds, vines, brush or other vegetation in the city so as to constitute a health, safety or fire hazard.

(Code of Iowa, 1975. Sec. 657.2 [12])

L. Dutch Elm Disease. Trees infected with Dutch Elm Disease.

(Code of Iowa, 1975, Sec. 657.2 [13])

M. Airport Air Space. Any object or structure hereafter erected within one thousand (1,000) feet of the limits of any municipal or regularly established airport or landing place, which may endanger or obstruct aerial navigation including take-off and landing, unless such object or structure constitutes a proper use or enjoyment of the land on which the same is located.
(Code of Iowa, Sec. 657.2[9])

3-1.0102 NUISANCES PROHIBITED. The creation or maintenance of a nuisance is prohibited, and a nuisance, public or private, may be abated in the manner provided for in this chapter.

3-1.0103 WEEDS, GROWTHS - TO BE CUT. It shall be unlawful for the owner of any lot or parcel of ground to allow weeds or grass over 8 inches tall or noxious growths of any kind to grow upon said lot or parcel or to allow weeds or grass over 8 inches tall or noxious growths of any kind to grow upon the parking in the street in front of, in the alley, or along such lot or parcel of ground owned by said owner. It shall be the duty of such owner to cut or cause to be cut down reasonably close to the ground all grass, weeds and noxious growths upon said lot or parcel of ground and upon a space between the lot line and the curb line or edge of a traveled way along or in front of said lot or along the adjacent half of alley. Such growths are hereby declared to be a public nuisance. (Amended by Ordinance No. 591)

3-1.0104 WEEDS - ENFORCEMENT. It shall be the duty of the city clerk to serve notice upon the owner of any such lot or real property who has failed to comply with Section 3-1.0103, ordering said owner to cause such weeds, grass or other growths to be cut down upon such lot or parking, within five (5) days of the service of such notice, and in the case of the failure of such owner to cut such weeds, grass or other growths within the time provided, the public works director shall cause the same to be cut down and shall keep a correct account of the expense thereof for each lot, alley or parking so cut and report the same to the clerk, together with a description of each lot, alley or parking so cut, and the name of the owner. (Added by Ordinance No. 562)

3-1.0105 WEEDS CUT - COLLECTION OF COSTS. The clerk shall first bill the persons for whom the work was done, if their address is known. If not paid in 30 days, the clerk shall proceed as follows: The owner or an agent of the owner of any lot or parcel of ground on or abutting which such cutting has been done by the city shall receive five (5) days' notice of the proposed assessment of the cost of the work done together with the cost of serving notices and all other costs connected therewith against said owner or against the property, which notice shall be signed by the clerk. The aforesaid notice may be served personally, by certified mail, or by publishing one (1) week in a newspaper of general circulation in the city. If the owner does not protest said assessment before the next regular council meeting after receipt of notice or last publication,

the owner shall pay the amount stated in the notice within thirty (30) days. If not paid within said period the Council shall, by resolution, assess the cost of such cutting to and against the owner of the lot or parcel of ground upon or opposite where such work was done and declare the same, together with the cost of serving notices and all other costs connected therewith to be a lien and charge upon said lot or parcel of ground, and report the same to the County Treasurer, who shall take the necessary steps to cause the same to be placed on the tax list to be collected at the time and in the manner provided by law for the collection of other taxes. *(Ord. 562)*

3-1.0106 WEEDS – MUNICIPAL INFRACTION. In addition to the collection of the costs, if any, as set out in Sections 3-1.0104 and 3-1.0105, each infraction of 3-1.0103 shall be a municipal infraction and shall be punishable under the procedures and civil penalties for municipal infractions as set out under Title II, Division 1, Chapter 10 of the Audubon City Code; except that each day shall not be a separate offense and instead, beginning with the sixth day after the initial infraction, each five days thereafter which the infraction is allowed by the property owner to go unabated shall constitute a separate and subsequent infraction which shall be punished as such.
(Ord. 632 – Feb. 02 Supp.)

ARTICLE 2
ABATEMENT PROCEDURE

3-1.0201 NUISANCE ABATEMENT: Whenever the mayor or other authorized municipal officer finds that a nuisance exists, he shall cause to be served upon the property owner a written notice to abate the nuisance within a reasonable time after notice.

(Code of Iowa, 1975, Sec. 364.12 [3h])

3-1.0202 NOTICE TO ABATE: Contents. The notice to abate shall contain:

(Code of Iowa, 1975, Sec. 364.12 [3h])

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

2. Location of Nuisance. The location of the nuisance or condition.

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

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

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

3-1.0203 METHOD OF SERVICE. The notice may be in the form of an ordinance or sent by certified mail to the property owner.

(Code of Iowa, 1975, Sec. 364.12 [3h])

3-1.0204 REQUEST FOR HEARING. Any person ordered to abate a nuisance may have a hearing with the council as to whether a nuisance exists. A request for a hearing must be made in writing and delivered to the clerk within the time stated in the notice, or it will be conclusively presumed that a nuisance exists and it must be abated as ordered. The hearing will be

before the council at a time and place fixed by the council. The findings of the council shall be conclusive and, if a nuisance is found to exist, it shall be ordered abated within a reasonable time under the circumstances.

3-1.0205 ABATEMENT IN EMERGENCY. If it is determined that an emergency exists by reason of the continuing maintenance of the nuisance or condition, the city may perform any action which may be required under this chapter without prior notice. The city shall assess the costs as provided in Section 3-1.0207 after notice to the property owner under the applicable provisions of Sections 3-1.0201, .0202 and .0203 and hearing as provided in Section 3-1.0204.

(Code of Iowa, 1975, Sec. 364.12 [3h])

3-1.0206 ABATEMENT BY CITY. If the person notified to abate a nuisance or condition neglects or fails to abate as directed, the city may perform the required action to abate, keeping an accurate account of the expense incurred. The itemized expense account shall be filed with the clerk who shall pay such expenses on behalf of the city.

(Code of Iowa, 1975, Sec. 364.12 [3h])

3-1.0207 COLLECTION OF COSTS. The clerk shall send a statement of the total expense incurred by certified mail to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within one month, the clerk shall certify the costs to the county auditor and it shall then be collected with, and in the same manner, as general property taxes.

(Code of Iowa, 1975, Sec. 364.12 [3h])

3-1.0208 INSTALLMENT PAYMENT OF COST OF ABATEMENT. If the amount expended to abate the nuisance or condition exceeds $100, the city shall permit the assessment to be paid in up to ten (10) annual installments, to be paid in the same manner and with the same interest as benefited property.

(Code of Iowa, 1975, Sec. 364.13)

3-1.0209 FAILURE TO ABATE. Any person causing or maintaining a nuisance who shall fail or refuse to abate or remove the same within the reasonable time required and specified in the notice to abate shall be in violation of the city code.

TITLE III - MENTAL AND PHYSICAL HEALTH
CHAPTER 2 - ANIMAL PROTECTION AND CONTROL

ARTICLE 1
GENERAL PROVISIONS

3-2.0101 DEFINITIONS. For use in this chapter, the following terms are defined:

1. "Animal": shall mean all living creatures not human.

2. "At Large": shall mean any licensed or unlicensed animal found off the premises of its owner and not under the control of a competent person, restrained within a motor vehicle, housed in a veterinary hospital or kennel, on a leash or "at heel" beside a competent person and obedient to that person's command. A female dog or cat that is in season is "at large" if it is outside and not confined to the owner's premises. (Amended by Ordinance No. 570)

3. "Owner": shall mean any person owning, keeping, sheltering or harboring an animal.

(Code of Iowa, Sec. 351.2)

3-2.0102 CRUELTY TO ANIMALS. It shall be unlawful for a person to torture, torment, deprive of necessary sustenance, mutilate, overdrive, overload, drive when overloaded, cruelly beat, cruelly kill any animal, or unnecessarily fail to provide the same with proper food, drink, shelter, or protection from the weather, or drive or work the same when unfit for labor, or cruelly abandon the same, or carry the same, or cause the same to be cruelly carried on any vehicle or otherwise or to commit any other act or omission by which unjustifiable pain, distress, suffering, or death is caused or permitted to any animal, whether the acts or omissions herein contemplated be committed either maliciously, willfully, or negligently.

(Code of Iowa, Sec. 717.3)

3-2.0103 ANIMAL CONTESTS. It shall be unlawful for a person to keep or use, or in any way be connected with, or be interested in the management of, or receive money for the admission of any person to, any place kept or used for the purpose of fighting or baiting any bull, bear, dog, cock, or other creature, or to engage in, aid, abet, encourage, or assist in any bull, bear, dog, or cock fight, or a fight between any other creatures.

(Code of Iowa, Sec. 726.7)

3-2.0104 ANIMALS RUNNING AT LARGE It shall be unlawful for a person to allow dogs, cattle, horses, swine, sheep or other similar animals or fowl to run at large within the corporate limits of the city.

(Atty. Gen. Op. 1914, Page 126)

3-2.0105 BOTHERSOME ANIMALS. It shall be unlawful for a person to keep within the City such bothersome animals as barking dogs, bees, cattle, horses, swine and sheep which tend to disrupt the peace and good order of the community.
(Atty. Gen. Op. 1914, page 126)

3-2.0106 DAMAGE OR INTERFERENCE. It shall be unlawful for the owner of an animal to allow or permit such animal to pass upon the premises of another thereby causing damage to, or interference with, the premises.

3-2.0107 ANNOYANCE OR DISTURBANCE. It shall be unlawful for the owner of a dog to allow or permit such dog to cause serious annoyance or disturbance to any person or persons by frequent and habitual howling, yelping, barking, or otherwise; or by running after or chasing persons, bicycles, automobiles or other vehicles.

3-2.0108 VICIOUS DOGS. It shall be unlawful for any person to harbor or keep a vicious dog within the City. A dog is deemed to be vicious when it shall have attacked or bitten any person without provocation, or when propensity to attack or bite persons shall exist and is known or ought reasonably to be known to the owner.

3-2.0109 AT LARGE ANIMALS: IMPOUNDMENT. Animals found at large in violation of this chapter shall be seized and impounded, or, at the discretion of the peace officer, the owner may be served by a summons to appear before a proper court to answer charges made thereunder.

3-2.0110 DISPOSITION OF LICENSED DOGS. Owners of licensed dogs shall be notified within two days from impoundment that upon payment of impounding fees of $20.00 plus the cost of food and care in a reasonable amount, the dog will be returned. If the impounded licensed dog is not recovered by its owner within three days after notice, the dog shall be disposed of in a humane manner as directed by the City Council. (Amended by Ordinance No. 620)

3-2.0111 DISPOSITION OF UNLICENSED ANIMALS. Impounded unlicensed animals may be recovered by the owner, upon proper identification, by payment of the license fee required by law, impounding fees of $20.00, plus the cost of food and care in a reasonable amount, and the cost of vaccination, if vaccination is required by law. If such animals are not claimed within two days after impoundment, they shall be disposed of in a humane manner as directed by the City Council. (Amended by Ordinance No. 620)

3-2.0112 PENALTY FOR ALLOWING ANIMALS TO RUN AT LARGE. Any owner allowing an animal to run at large shall, upon conviction, be fined the sum of $10.00 for the first offense, $25.00 for the second offense within one year of the first offense, $50.00 for the third offense within one year of the first offense, and $100.00 for each offense thereafter within a period of one year after the first offense.

TITLE III - MENTAL AND PHYSICAL HEALTH
CHAPTER 2 - ANIMAL PROTECTION AND CONTROL

ARTICLE 2
DOG LICENSING

(RESERVED FOR FUTURE USE)

ARTICLE 3
KEEPING OF PIT BULL DOGS

3-2.0301 PURPOSE. In order to protect the health, safety and welfare of the residents and citizens of the city, the council does hereby enact the following provisions.

3-2.0302 KEEPING PROHIBITED. It shall be unlawful to keep, harbor, own or in any way possess within the corporate limits of the city any pit bull dogs; provided, that pit bull dogs licensed with the county on or before the effective date of the ordinance codified in this article may be kept within the city subject to the standards and requirements set forth in Section 3-2.0304 of this article.

3-2.0303 DEFINITION. "Pit Bull Dog" is defined to mean:

1. The Bull Terrier breed of dog;

2. The Staffordshire Bull Terrier breed of dog;

3. The American Pit Bull Terrier breed of dog;

4. The American Staffordshire Terrier breed of dog;

5. Dogs of mixed breed or of other breeds than above listed which breed or mixed breed is known as pit bulls, pit bull dogs or pit bull terriers; or

6. Any dog which has the appearance and characteristics of being predominately of the breeds of Bull Terrier, Staffordshire Bull Terrier, American Pit Bull Terrier, American Staffordshire Terrier, any other breed commonly known as pit bulls, pit bull dogs or pit bull terriers, or a combination of any of these breeds.

3-2.0304 KEEPING OF REGISTERED PIT BULLS. The provisions of Section 3-2.0302 of this article are not applicable to owners, keepers or harborers of pit bull dogs licensed with the county on or before the effective date of the ordinance codified in this article. The keeping of such dogs, however, shall be subject to the following standards:

1. Leash and Muzzle. No person shall permit a licensed pit bull dog to go outside its kennel or exercise pen unless such dog is securely leashed with a leash no longer than four (4) feet. No person shall permit a pit bull dog to be kept on a chain, rope or other type of leash outside its kennel or

exercise pen unless a person is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, etc. In addition, all pit bull dogs on a leash outside the animal's kennel or exercise pen must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.

2. Confinement. All licensed pit bull dogs shall be securely confined indoors or in a securely enclosed and locked kennel, except when leashed and muzzled as above provided. Such pen, kennel or structure must have secure sides and secure top attached to the sides. All structures used to confine licensed pit bull dogs must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two (2) feet. All structures erected to house pit bull dogs must comply with all zoning and building regulations of the city. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.

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

4. Signs. All owners, keepers or harborers of licensed pit bull dogs within the city shall within twenty (20) days of the effective date of the ordinance codified herein display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog." In addition, a similar sign is required to be posted on the kennel or pen of such animals.

5. Insurance. All owners, keepers or harborers of licensed pit bull dogs must within twenty (20) days of the effective date of the ordinance codified in this article provide proof to the clerk of public liability insurance in a single incident amount of $50,000.00 for bodily injury to or death of any person or persons or for damages to property owned by any persons which may result from the ownership, keeping or maintenance of such animal. Such insurance policy shall provide that no cancellation of the policy will be made unless ten (10) days' written notice is first given to the clerk.

6. Identification Photographs. All owners, keepers or harborers of licensed pit bull dogs must within twenty (20) days of the effective date of the ordinance codified in this article provide to the clerk two color photographs of the registered animal clearly showing the color and approximate size of the animal.

7. Reporting Requirements. All owners, keepers or harborers of licensed pit bull dogs must within ten (10) days of any of the following incidents, report the same in writing to the clerk as required hereinafter:

A. The removal from the city or death of a licensed pit bull dog;

B. The birth of offspring of a licensed pit bull dog;

C. The new address of a licensed pit bull dog owner should the owner move within the corporate city limits.

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

9. Animals Born of Licensed Dogs. All offspring born of pit bull dogs licensed with the county must be removed from the city within six (6) weeks of the birth of the animal.

10. Irrefutable Presumptions. There shall be an irrefutable presumption that any dog licensed with the county as a pit bull dog or any of those breeds prohibited by Section 3-2.0302 of this article is in fact a dog subject to the requirements of this section.

11. Failure to Comply. It shall be unlawful for the owner, keeper or harborer of a pit bull dog licensed with the county to fail to comply with the requirements and conditions set forth in this article. Any dog found to be the subject of a violation of this article shall be subject to immediate seizure and impoundment. In addition, failure to comply may result in the revocation of the license of such animal resulting in the immediate removal of the animal from the city.

12. Violation and Penalties. Any person violating or permitting the violation of any provisions of this article shall upon conviction in Magistrate Court be fined a sum not more than one hundred dollars ($100.00). In addition to the fine imposed, the Court may sentence the defendant to imprisonment in the county jail for a period not to exceed thirty (30) days. In addition, the Court shall order the license of the subject pit bull revoked and the dog removed from the city. Should the defendant refuse to remove the dog

from the city, the Magistrate shall find the defendant owner in contempt and order the immediate confiscation and impoundment of the animal. Each day that a violation of this article continues shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates this article shall pay all expenses, including shelter, food, handling, veterinary care and testimony necessitated by the enforcement of this article.

(Article 3 added by Ordinance No. 573)

TITLE III - MENTAL AND PHYSICAL HEALTH
CHAPTER 3 - LIQUID WASTES

ARTICLE 1
PUBLIC SEWER SYSTEM

3-3.0101 DEFINITIONS. For use in this chapter the following terms are defined:

1. "Sewer System, Sewage Works": shall mean all facilities for collecting, pumping, treating and disposing of sewage.

2. "Superintendent": shall mean the superintendent of the city sewer system or his duly authorized assistant, agent or representative.

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

4. "Sewer": shall mean a pipe or conduit for carrying sewage and other waste liquids.

5. "Public Sewer": shall mean a common sewer which is directly controlled by a public authority.
(Iowa Departmental Rules, 1973, Page 344, Sec. 21.2 [83])

6. "Private Sewer": shall mean a sewer privately owned and not directly controlled by a public authority.
(Iowa Departmental Rules, 1973, Page 344, Sec. 21.2 [81])

7. "Sanitary Sewer": shall mean a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

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

9. "Sewage Treatment Plant": shall mean any arrangement

of devices and structures used for treating sewage.

10. "Industrial Wastes": shall mean the liquid wastes from industrial processes, trades or businesses as distinguished from sanitary sewage.

11. "Garbage": shall mean solid wastes from the preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

12. "Properly Shredded Garbage": shall mean garbage that has been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than $\frac{1}{2}$ inch to any dimension.

13. "Building Drain": shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.
(Iowa Departmental Rules, 1973, Page 342, Sec. 21.2 [18])

14. "Building Sewer": shall mean the extension from the building drain to the public sewer or other place of disposal.
(Iowa Departmental Rules, 1973, Page 342, Sec. 21.2 [19])

15. "B.O.D.": (denoting biochemical oxygen demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees C., expressed in parts per million by weight.

16. "pH": shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution. It is used to indicate the concentration of free acid and alkali.

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

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

19. "Watercourse": shall mean a channel in which a

flow of water occurs, either continuously or intermittently.

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

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

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

3-3.0102 DAMAGING SEWER SYSTEM. No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewer system.

3-3.0103 MANHOLES. No person shall open or enter any manhole of the sewer system, except by authority of the superintendent.

3-3.0104 PRIVATE SEWAGE DISPOSAL LIMITED. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

(Code of Iowa, 1975, Sec. 364.12 [3f])

3-3.0105 TREATMENT REQUIRED. It shall be unlawful to discharge to any natural outlet within the city, or in any area under its jurisdiction, any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

(Code of Iowa, 1975, Sec. 364.12 [3f])

3-3.0106 PERMIT REQUIRED. No unauthorized person shall uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the clerk.

3-3.0107 COMPULSORY CONNECTION TO PUBLIC SEWER. The owners of any houses, buildings, or properties used for human

occupancy, employment, recreation or other purposes, situated within the city and abutting on any street, alley or right-of-way in which there is now located, or may in the future be located, a public sewer, are hereby required to install, at such owner's expense, suitable toilet facilities therein and a building sewer connecting such facilities directly with the proper public sewer, and to maintain the same all in accordance with the provisions of this chapter, such compliance to be completed within thirty (30) days after date of official notice from the city to do so, provided that said public sanitary sewer is located within two hundred (200) feet of the property line of such owner and is of such design as to receive and convey by gravity such sewage as may be conveyed to it.

(Code of Iowa, 1975, Sec. 364.12 [3f]
Iowa Departmental Rules, 1973, Page 335, Sec. 12.1 [135])

3-3.0108 SEPARATE BUILDING SEWERS. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway. In such cases the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(Iowa Departmental Rules, 1973, Page 369, Sec. 31.2 [6])

3-3.0109 INTERCEPTORS REQUIRED. Grease, oil, sludge and sand interceptors shall be provided by filling stations, automobile wash racks, garages, and other facilities, when, in the opinion of the superintendent, they are necessary for the proper handling of such wastes that contain grease in excessive amounts or any flammable waste, sand or other harmful ingredients. Such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity as provided by the Iowa public health bulletin and state plumbing code, to be approved by the superintendent, and shall be located so as to be readily and easily accessible for cleaning and inspection.

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

(Iowa Departmental Rules, 1973, P. 355, Sec. 26.1)

3-3.0110 MAINTENANCE OF INTERCEPTORS. All interceptors of grease, oil, sludge and sand shall be maintained by the

owner at his expense in continuously efficient operations at all times.

3-3.0111 PROHIBITED DISCHARGES SPECIFIED. Except as hereinafter provided no person shall discharge or cause to be discharged any of the following described waters or waste to a public sanitary sewer.

1. Surface Waters. Any storm water, surface water, ground water, roof runoff, sub-surface drainage, cooling water or unpolluted industrial process waters.

2. High Temperature. Any liquid or vapor having a temperature higher than 150 degrees F.

3. Fat, Oil, Grease. Any water or waste which contains more than 100 parts per million, by weight, of fat, oil or grease.

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

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

6. Solid or Viscous Substance. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscous substance capable of causing the obstruction of the flow in sewers or other interference with the proper operation of the city sewage system.

7. Noxious or Malodorous Gas. Any noxious or malodorous gas or other substance which either singly or by interaction with other wastes is capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their maintenance and repair.

8. Toxic or Poisonous Substance. Any water or waste containing a toxic or poisonous substance in sufficient quantity to injure or interfere with the sewage system, that would constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage system.

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

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

11. Slugs. Any wastes that for a duration of fifteen minutes have a concentration greater than five times that of "normal sewage" as measured by suspended solids and B.O.D.

12. Materials which React with Water or Wastes. Any waters, wastes, materials or substances which react with water or wastes in the sewer system to release noxious gases, develop color of undesirable intensity, form suspended solids in objectionable concentration or create any other condition deleterious to structures and treatment processes.

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

14. Surface Waters Exception. Special permits for discharging surface waters to a public sanitary sewer may be issued by the council where such discharge is deemed necessary or advisable for purposes of flushing, but any permit so issued shall be subject to revocation at any time when deemed to the best interests of the sewer system.

3-3.0112 SUPERINTENDENT APPOINTED. The superintendent of the city sewage system shall be appointed by the council and exercise the following powers and duties:

(Code of Iowa, 1975, Sec. 372.13 [4])

1. Operation and Maintenance. He shall operate and maintain the city sewage system.

2. Inspection and Tests. He shall conduct necessary inspections and tests to assure compliance with the provisions of this chapter.

3. Records. He shall maintain a complete and accurate record of all sewers, sewage connections and manholes constructed showing the location and grades thereof.

3-3.0113 CONNECTION REQUIREMENTS. Any connection with a

public sanitary sewer must be made under the direct supervision of the superintendent and in accordance with the following:

1. Plumber to make Connections. Any installation of a private sewer and its connection to a public sewer shall be made by a competent plumber with experience in laying drain and sewer pipes. He shall be licensed by the city.

2. Permit for Connection. Any person desiring to make a connection with the sewer system shall first file with the clerk an application therefor, on blanks furnished by the city, setting forth the location and description of the property to be connected with the sewer system and for what purpose the sewer is to be used.

3. Permit For Sewer Line. The legal or beneficial owner of the real property within the limits of the city of Audubon, which property has not heretofore been subject to any assessment for the construction of lateral, trunk, feeder, or main sewer lines, may procure a permit to connect to any municipal owned sewer adjacent to his or her properties; provided such connection shall be made under the supervision of the city council or its authorized agent, and provided further that said owner shall pay in advance the fees hereinafter provided for.

A. Construction of Sewer Lines. Any person or persons, (hereinafter referred to as contractor), whom constructs a lateral, trunk, feeder, or main sewer line, (hereinafter referred to as constructed sewer line), within the corporate limits of the City of Audubon connecting to any lateral, trunk, feeder, or main line, may make application to the city council; and, after hearing, inspection and examination of the facts, the council may reduce or waive such feed, provided that such constructed sewer line so meets the general specifications of the City of Audubon and the State Health Department in such cases made and provided, and further provided that said constructed sewer line shall become the property of the City of Audubon, together with the right of way or easement upon which the same is situated. In all such cases, the city council, acting for and on behalf of the City of Audubon, may make any such contract or arrangement for the construction, specification and fees as it may deem advisable, it being the intent of the City of Audubon to encourage voluntary constructions of lateral, trunk, feeder, or main sewer lines, which may be of general uses and a benefit to the area

and may contribute to the cost of construction thereof, when the general benefit is deemed sufficient.

In said event that the City of Audubon reduce or waive such fees as heretofore provided, the contractor will file with the city clerk of the City of Audubon a verified statement of the construction cost of said constructed sewer line. As any person or persons, other than said contractor, whose property adjoins the constructed sewer line connects said property to said constructed sewer line, the City of Audubon shall refund to the contractor any sewer connection fees paid by said person or persons until such time that one-half of the construction costs of said constructed sewer line has been refunded to the contractor. Any further sewer connection fees over and above the refunded amount equal to one-half of construction costs shall become the sole property of the City of Audubon, Iowa.

B. Certificate of Fee Payment. The city clerk shall issue permits for such construction under this chapter only with the approval of the city council specifying on the permit the number of dwellings served, the description of the real property involved and the fee paid therefor. The city clerk shall maintain in his office all copies and records of said permits.

C. Fees. Fees required to be paid hereunder shall be determined as follows:

(1) The regular permit fees as provided by ordinance of the City of Audubon for sewer connection shall be charged.

(2) In addition the permit application must pay an amount of money equivalent to $16.00 per lineal foot of municipal lateral, trunk, feeder, or main sewer line adjoining his property. The minimum charge shall be for sixty (60) lineal feet frontage, fronting upon the municipal sewer line whether the same be in the alley or the street. Tracts of less than one hundred lineal feet may not be subdivided for purposes of this chapter. Frontage greater than one hundred may be subdivided into parcels of not less than sixty (60) feet each, and the owner may pay for and secure release of a portion or portions thereof, not less than sixty (60) feet each.

(3) All fees provided for herein must be paid in advance at the time of the issuance of the permit.
(4) Provided further that the fees provided for in this section are based upon the present cost of sewer installation and subject to a revision by the city council of the City of Audubon, Iowa.

4. Inspection. All connections with the sanitary sewer system before being covered shall be inspected and approved, in writing, by the superintendent. As soon as all pipe work from the public sewer to inside the building has been completed, and before any backfilling is done, the superintendent shall be notified and he shall inspect and test the work as to workmanship and material. No sewer pipe laid under ground shall be covered or trenches filled until after the sewer has been so inspected and approved. If the superintendent refuses to approve the work, the plumber or owner must proceed immediately to correct the work.

5. Connection Deadline. All approved connection permits

shall require the owner to complete construction and connection of the building sewer to the public sewer within thirty (30) days from the approval of the permit.

6. Extension of Time. When, in the judgment of the superintendent, a property owner on application has made sufficient showing that due to conditions beyond his control or peculiar hardship, the period of time set forth for the completion of the connection shall be inequitable or unfair to him, an extension of time within which to comply with the provisions herewith may be granted.

7. Old Building Sewers. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent, to meet all requirements of this article.

(Iowa Departmental Rules, 1973, P. 369, Sec. 31.2 [5])

8. Preparation of Basement or Crawl Space. No connection for any residence, business or other structure with any sanitary sewer shall be made unless the basement floor is poured, or in the case of a building with a slab or crawl space, unless the ground floor is installed with the area adjacent to the foundation of such building cleared of debris and backfilled. The backfill shall be well compacted and graded so that the drainage is away from the foundation. Prior to the time the basement floor is poured, or the first floor is installed in buildings without basements, the sewer shall be plugged and the plug shall be sealed by the superintendent. Any accumulation of water in any excavation or basement during construction and prior to connection to the sanitary sewer shall be removed by means other than draining into the sanitary sewer.

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

10. Sewer Taps; Wyes. Connection of the building sewer into the public sewer shall be made at the "Y" branch, if such branch is available at a suitable location. If no properly located "Y" branch is available, the property

owner shall at his own expense install a "Y" saddle with mortar in the public sewer at the location specified by the superintendent.

11. Alignment and Grade. All four (4) inch building sewers shall be laid to a straight line and at a grade of not less than one-fourth ($\frac{1}{4}$) inch per foot. A six (6) inch building sewer may be laid at a grade of not less than one-eighth (1/8) inch per foot. Any deviation in alignment or grade shall be made only with the written approval of the superintendent. Whenever possible the building sewer shall be brought to the building at an elevation below the basement floor.

12. Pipe Specifications. Building sewer pipe shall be free from flaws, splits, or breaks. Materials shall be as specified in the state plumbing code except that the building sewer pipe, from the property line to the public sewer, shall comply with one of the following requirements:

A. Clay sewer pipe - A.S.T.M. C 13-50 (Standard Strength)

B. Clay sewer pipe - A.S.T.M. C 200-50T (Extra Strength)

C. Extra heavy cast iron soil pipe

D. Cast iron water pipe - A.S.A. A21.11

E. P.V.C. Schedule 40-A.S.T.M. D2665-68

13. Jointing. Fittings, type of joint, and jointing material shall be commensurate with the type of pipe used and subject to the approval of the superintendent, subject to the following specific requirements. Jointing in vitrified clay pipe sanitary sewers shall be of the O-ring or plastic jointing known as ASTM C-425 Types I and III, flexible compression joints. Cast iron pipe shall be lead jointed, properly swagged tight, or installed with approved gaskets. (Iowa Departmental Rules, 1973, P. 351-354, Ch. 24)

14. Sewage Lifts. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer.

15. Property Owner's Responsibility. All costs and ex-

penses incident to the installation, connection and maintenance of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

3-3.0114 EXCAVATIONS. All excavations for building sewer installations shall be made in accord with the following:

1. Barricades and Lighting. Adequate barricades and warning lights shall be so placed as to protect the public from hazard.

2. Public Convenience. Streets and alleys shall be opened in the manner which will cause the least inconvenience to the public and admit the uninterrupted passage of water along the gutter on the street.

3. Pipe Bed. Immediately prior to installing the pipe, the trench bottom shall be accurately shaped and graded by hand and bell holes shall be excavated so that the pipe will have uniform contact with a longitudinal bearing on undisturbed earth along its entire barrel length. Bell holes shall be excavated by the pipe layer immediately prior to laying the pipe and shall be of such depth that the pipe bell does not come in contact with the bottom of the bell hole. All sewer pipe shall be laid with the bell end upgrade. Where the floor of the trench at the proper grade is of hard or rock material, the floor shall be excavated four (4) inches or more below grade and backfilled with fine gravel or material approved by the superintendent. Where the floor of the trench at the proper grade is of unstable material the same treatment as described above shall be provided.

4. Backfill. All sewer pipe shall be provided with adequate bottom and lateral support by thoroughly, carefully and adequately tamping and ramming suitable and proper backfill material beneath, around and to the top of the pipe between the bell holes and sewer joints. All material used for pipe embedment and tamped backfill shall be free of stones, sticks, large clods, lumps of earth, debris, or similar material. When backfill is made in and across a roadway ditch or other watercourse it shall be protected from surface erosion by adequate means. Backfill shall be made with dirt and tamped by hand to a depth of six (6) inches over the pipe. The remainder of the trench shall be backfilled and tamped with gravel or

materials approved by the superintendent. All excess dirt will be removed immediately and before the connection is approved by the superintendent.

5. Restoration of Public Property. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city, at the expense of the property owner.

6. Completion by the City. Should any excavation in any street or alley be left open or unfinished, for a period of twenty-four hours or should the work be improperly done, the superintendent shall have the right to finish or correct such work and the expense shall be charged to the property owner.

3-3.0115 SERVICE OUTSIDE THE CITY. The owners of property outside the corporate limits of the city so situated that it may be served by the city sewer system may apply to the council for permission to connect to the public sewer upon the terms and conditions stipulated by resolution of the council.

(Code of Iowa, 1975, Sec. 364.4 [2 and 3])

3-3.0116 ABATEMENT OF VIOLATIONS. Construction or maintenance of building sewer lines located upon the private property of any owner, which construction or maintenance is in violation of any of the requirements of this article, shall be corrected, at the owner's expense, within thirty (30) days after date of official notice from the council of such violation. If not made within such time the council shall, in addition to the other penalties herein provided, have the right to finish and correct the work and assess the cost thereof to the property owner. Such assessment shall be collected with and in the same manner as general property taxes.

(Code of Iowa, 1975, Sec. 364.12 [3])

ARTICLE 2
PRIVATE SEWER SYSTEMS

3-3.0201 WHEN PROHIBITED. Except as otherwise provided in this article, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.
(Code of Iowa, 1975, Sec. 364.12 [3b])

3-3.0202 WHEN REQUIRED. Where a public sanitary sewer is not available under the provisions of Section 3-3.0107, the building sewer shall be connected to a private sewage system complying with the provisions of this article.

3-3.0203 PERMIT REQUIRED: APPLICATION: FEE. Before commencing the construction of a private sewage disposal system the owner shall first obtain a written permit signed by the superintendent. The application for the permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the superintendent. A permit and inspection fee of two dollars ($2.00) shall be paid to the city at the time the application is filed.

3-3.0204 INSPECTION REQUIRED. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the superintendent. The superintendent shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the superintendent when the work is ready for final inspection which shall be before any underground portions are covered. The inspection shall be made within twenty-four (24) hours of the receipt of notice by the superintendent.

3-3.0205 COMPLIANCE WITH STATE RULES. The type, capacity, location and layout of a private sewage disposal system shall comply with all recommendations of the state department of health.
(Iowa Departmental Rules, 1973, P. 335-337, Ch. 12)

3-3.0206 DISCHARGE TO NATURAL OUTLETS PROHIBITED. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(Iowa Departmental Rules, 1973, P. 335-337, Ch. 12)

3-3.0207 MAINTENANCE OF FACILITIES. The owner of private sewage disposal facilities shall operate and maintain the facilities in a sanitary manner at all times and at no expense to the city.

3-3.0208 ADDITIONAL REQUIREMENTS. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by any health officer acting in his official capacity.

3-3.0209 PRIVATE SYSTEMS ABANDONED. Within 60 days of notice that a public sewer is available to a property served by a private sewage disposal system, as provided in Section 3-3.0107, a direct connection shall be made to the public sewer in compliance with this chapter and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

(Code of Iowa, 1975, Sec. 364.12 [3b])

ARTICLE 3
SEWER RENTAL

3-3.0301 SEWER RENTAL REQUIRED. Every contributor shall pay to the City sewer rental fees as hereinafter provided.
(Code of Iowa, 1975, Sec. 384.84[1])

3-3.0302 RENTAL RATE. Each contributor shall pay a sewer rental in the amount of one hundred percent (100%) of the bill for water and water services attributable to the contributor for the property served. (Amended by Ordinance No. 615)

3-3.0303 SPECIAL RATES. Where, in the judgment of the Superintendent and the Council, special conditions exist to the extent that the application of the sewer rental provided in Section 3-3.0302 would be inequitable or unfair to either the City or the contributor, a special rate shall be proposed by the Superintendent and submitted to the Council for approval by resolution.
(Code of Iowa, 1975, Sec. 384.84[2b])

3-3.0304 PRIVATE WATER SYSTEMS. Contributors whose premises are served by a private water system shall pay sewer rentals based upon the water used as determined by the Superintendent either by an estimate agreed to by the contributor or by metering the water system at the contributor's expense. Any negotiated, or agreed upon sales or rentals shall be subject to approval of the Council.
(Code of Iowa, 1975, Sec. 384.84[2b])

3-3.0305 PAYMENT OF BILLS. All sewer rentals shall be due and payable under the same terms and conditions provided for payment for water service except that the provision of Section 3-3.0306 shall be used to enforce collection of delinquent sewer charge. Water service may not be discontinued for failure to pay sewer rental charges.
(Code of Iowa, 1975, Sec. 384.84[1])

3-3.0306 LIEN FOR NON-PAYMENT. The city shall have a lien upon the property served by the sanitary utility for all delinquent rates and charges.

The city clerk shall certify within ten (10) days of the following dates, to the county auditor for collection with and in the same manner as property taxes and to establish the property liens, all rates and charges which are delinquent over thirty (30) days on the first of March, June, September and December.

(Code of Iowa, 1975, Sec. 384.84 [1])

TITLE III - MENTAL AND PHYSICAL HEALTH
CHAPTER 4 - SOLID WASTE CONTROL

ARTICLE 1
GENERAL PROVISIONS

3-4.0101 PURPOSE. The purpose of this chapter is to provide for the sanitary storage, collection and disposal of solid wastes and, thereby, to protect the citizens of this city from such hazards to their health, safety and welfare as may result from the uncontrolled disposal of solid wastes.

3-4.0102 DEFINITIONS. For use in this chapter the following terms are defined:

1. "Solid waste": shall mean garbage, refuse, rubbish, and other similar discarded solid or semisolid materials, including but not limited to such materials resulting from industrial, commercial, agricultural, and domestic activities. Solid waste may include vehicles, as defined by subsection one (1) of section three hundred twenty-one point one (321.1) of the Code of Iowa.

(Code of Iowa, 1975, Sec. 455B.75 [4])

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

(I.A.C., 400-25.1 [7])

3. "Refuse": shall mean putrescible and nonputrescible wastes, including but not limited to garbage, rubbish, ashes, incinerator residues, street cleanings, market and industrial solid wastes and sewage treatment wastes in dry or semisolid form.

(I.A.C., 400-25.1 [19])

4. "Rubbish": shall mean nonputrescible solid waste consisting of combustible and noncombustible wastes, such as

ashes, paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery or litter of any kind.

(I.A.C., 400-25.1 [21])

5. "Open burning": shall mean any burning of combustible materials where the products of combustion are emitted into the open air without passing through a chimney or stack.

(I.A.C., 400-25.1 [13])

6. "Landscape waste": shall mean any vegetable or plant wastes except garbage. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery and yard trimmings.

(I.A.C., 400-1.2 [31])

7. "Back yard burning": shall mean the disposal of residential waste by open burning on the premises of the property where such waste is generated.

(I.A.C., 400-1.2 [10])

8. "Residential waste": shall mean any refuse generated on the premises as a result of residential activities. The term includes landscape wastes grown on the premises or deposited thereon by the elements, but excludes garbage, tires and trade wastes.

(I.A.C., 400-1.2 [46])

9. "Discard": shall mean to place, cause to be placed, throw, deposit or drop.

(Code of Iowa, 1975, Sec. 455B.83 [2])

10. "Litter": shall mean any garbage, rubbish, trash, refuse, waste materials or debris.

(Code of Iowa, 1975, Sec. 455B.95 [1])

11. "Open dumping": shall mean the depositing of solid wastes on the surface of the ground or into a body or stream of water.

(I.A.C., 400-25.1 [14])

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

(I.A.C., 400-25.1 [22])

13. "Sanitary disposal project": shall mean all facilities and appurtenances including all real and personal pro-

party connected with such facilities, which are acquired, purchased, constructed, reconstructed, equipped, improved, extended, maintained, or operated to facilitate the final disposition of solid waste without creating a significant hazard to the public health or safety, and which are approved by the executive director.
(Code of Iowa, 1975, Sec. 455B.75[3])

14. "Toxic and hazardous wastes": shall mean waste materials, including but not limited to poisons, pesticides, herbicides, acids, caustics, pathological wastes, flammable or explosive materials and similar harmful wastes which require special handling and which must be disposed of in such a manner as to conserve the environment and protect the public health and safety.
(I.A.C., 400-25.1[35])

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

16. "Yard wastes": shall mean organic debris (e.g. grass clippings, leaves, tree limbs, bark, branches, flowers, etc.) which is produced as part of yard and garden development and maintenance. (Amended by Ordinance No. 588)

17. "Sanitary disposal": shall mean a method of treating solid waste so that it does not produce a hazard to the public health or safety or create a nuisance.
(I.A.C., 400-25.1[25])

18. "Executive director": shall mean the executive director of the State Department of Environmental Quality or his designee.
(Code of Iowa, 1975, Sec. 455B.1[2])

19. "Approved incinerator": shall mean equipment or facilities for the enclosed burning of refuse having a stack adequate to maintain a draft sufficient for efficient combustion and equipped with a screen sufficiently fine to prevent ejection of particles of burning materials as approved by the Iowa Air Quality Commission.
(Iowa Departmental Rules, 1973, page 270, Sec. 3.1)

20. "Salvage Operation": shall mean any business, in-

dustry or trade engaged wholly or in part in salvaging or reclaiming any product or material, including, but not limited to, chemicals, drums, metals, motor vehicles or shipping containers.

(I.A.C., 400-1.2 [49])

3-4.0103 HEALTH HAZARD. It shall be unlawful for any person to permit to accumulate on any premises, improved or vacant, or on any public place, such quantities of solid waste, either in containers or not, that shall constitute a health or sanitation hazard.

3-4.0104 FIRE HAZARD. It shall be unlawful for any person to permit to accumulate quantities of solid waste within or close to any building, unless the same is stored in containers in such a manner as not to create a fire hazard.

3-4.0105 OPEN BURNING PROHIBITED. No person shall allow, cause or permit open burning of combustible materials, except that the following shall be permitted:

(I.A.C., 400-4.2 [1])

1. Disaster Rubbish. The open burning of rubbish, including landscape waste, for the duration of the community disaster period in cases where an officially declared emergency condition exists.

(I.A.C., 400-4.2 [3a])

2. Diseased Trees. The open burning of diseased trees. However, when the burning of diseased trees causes a nuisance appropriate action may be taken to require relocation of the burning operation. Rubber tires shall not be used to ignite diseased trees.

(I.A.C., 400-4.2 [3b])

3. Flare Stacks. The open burning or flaring of waste gases, provided such open burning or flaring is conducted in compliance with applicable rules of the state department of environmental quality.

(I.A.C., 400-4.2 [3c])

4. Landscape Waste. The disposal by open burning of landscape waste originating on the premises. However, the burning of landscape waste produced in clearing, grubbing and

construction operations shall be limited to areas located at least one-fourth mile from any inhabited building. Rubber tires shall not be used to ignite landscape waste.

(I.A.C., 400-4.2 [3d])

5. Recreational Fires. Open fires for cooking, heating, recreation and ceremonies, provided they comply with the limits for emission of visible air contaminants established by the state department of environmental quality.

(I.A.C., 400-4.2 [3e])

6. Back Yard Burning. Back yard burning of residential waste at dwellings of four-family units or less.

(I.A.C., 400-4.2 [3f])

7. Training Fires. Fires set for the purpose of bona fide training of public or industrial employees in fire fighting methods, provided that the executive director of the state department of environmental quality receives notice in writing at least one week before such action commences.

(I.A.C., 400-4.2 [3g])

8. Variance. Any person wishing to conduct open burning of materials not exempted herein may make application for a variance to the executive director of the state department of environmental quality.

(I.A.C., 400-4.2 [2])

3-4.0106 LITTERING PROHIBITED. No person shall discard any litter onto or in any water or land, except that nothing in this section shall be construed to affect the authorized collection and discarding of such litter in or on areas or receptacles provided for such purpose. When litter is discarded from a motor vehicle, the driver of the motor vehicle shall be responsible for the act in any case where doubt exists as to which occupant of the motor vehicle actually discarded the litter.

(Code of Iowa, 1975, Sec. 455B.97)

3-4.0107 OPEN DUMPING PROHIBITED. No person shall dump or deposit or permit the open dumping or depositing of any solid waste except rubble at any place other than a sanitary disposal project approved by the executive director of the state department of environmental quality.

(I.A.C., 400-26.4 [1])

3-4.0108 TOXIC AND HAZARDOUS WASTES.

1. Labeling. All containers used for the storage, collection or transportation of toxic or hazardous wastes shall be plainly marked so as to provide adequate notice of the contents thereof.

(I.A.C., 400-26.5 [1])

2. Vehicles and Containers. All vehicles and containers used for the storage, collection and transportation of toxic and hazardous wastes shall be so constructed that they can be loaded, moved and unloaded in a manner that does not create a danger to public health or safety and in compliance with federal and state laws, rules and regulations.

(I.A.C., 400-26.5 [2c])

3. Disposal. No person shall deposit in a solid waste container or otherwise offer for collection any toxic or hazardous wastes. Such materials shall be transported by the owner, responsible person or his agent, to a place of safe deposit or disposal as prescribed by the health officer or his authorized representative.

(I.A.C., 400-26.4 [4])

3-4.0109 WASTE STORAGE CONTAINERS. Every person owning, managing, operating, leasing or renting any premises, dwelling unit or any place where refuse accumulates shall provide and at all times maintain in good order and repair portable containers for refuse in accordance with the following:

(I.A.C., 400-26.5 [13] and 26.5 [2b])

1. Container Specification. Waste storage containers shall comply with the following specifications:

A. Residential. Residential waste containers shall be of not less than 20 gallons nor more than 35 gallons in nominal capacity; shall be leak proof, water proof and fitted with a fly tight lid which shall be kept in place except when depositing or removing the contents thereof. They shall have handles, bails or other suitable lifting devices or features and be of a type originally manufactured for the storage of residential wastes with tapered sides for easy emptying. They shall be of light weight and sturdy construction with the total weight of any individual containers and contents not exceeding 75

pounds. Galvanized metal containers, rubber or fiberglass containers and plastic containers which do not become brittle in cold weather may be used. Disposable containers or other containers as approved by the City may also be used.

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

2. Location of Containers. Residential solid waste containers shall be stored upon the residential premises. Commercial solid waste containers shall be stored upon private property, unless the owner shall have been granted written permission from the City to use public property for such purposes. The storage site shall be well drained; fully accessible to collection equipment, public health personnel and fire inspection personnel.

3. Nonconforming Containers. Solid waste containers which are not adequate will be collected together with their contents and disposed of after due notice to the owner.

3-4.0110 STORAGE OF YARD WASTES. All yard wastes shall be stored in containers so constructed and maintained as to prevent the dispersal of wastes placed therein upon the premises served, upon adjacent premises, or upon adjacent public rights-of-way. (Amended by Ordinance No. 588)

3-4.0111 SANITARY DISPOSAL REQUIRED. It shall be the duty of each owner to provide for the sanitary disposal of all refuse accumulating on his premises before it becomes a nuisance. Any such accumulation remaining on any premises for a period of more than thirty (30) days shall be deemed a nuisance and the City may proceed to abate such nuisances in accordance with the provisions of Title 3, Chapter 1, Article 2, or by initiating proper action in District Court.

(Code of Iowa, 1975, Ch. 657)

3-4.0112 PROHIBITED PRACTICES. It shall be unlawful for any person to:

1. Unlawful use of Containers. Deposit refuse in any solid waste containers other than his own without the written consent of the owner of such containers.

2. Interfere with Collectors. Interfere in any manner with solid waste collection equipment or with solid waste collectors in the lawful performance of their duties as such, whether such equipment or collectors be those of the city, or those of any other authorized waste collection service.

3. Unlawful Disposal. Dispose of refuse at any facility or location which is not an approved sanitary disposal project.

4. Unlawful Collection. Engage in the business of collecting, transporting, processing or disposing of refuse within the city without a contract therefor with the city or a valid permit therefor.

5. Incinerators. Burn rubbish or garbage except in approved incinerators so maintained and operated as to prevent the emission of objectionable odors or particulate matter.

(I.A.C., 400-4.4 [12])

ARTICLE 2
COLLECTION AND TRANSPORTATION

3-4.0201 DEFINITIONS. For use in this article the following terms are defined:

1. "Residential premises": means a single family dwelling and any multiple family dwelling up to and including four (4) separate quarters. Garden type apartments and row type housing units shall be considered residential premises regardless of the total number of such apartments or units which may be included in a given housing development.

2. "Collectors": shall mean any person authorized by this article to gather solid waste from public and private places.

3. "Dwelling unit": shall mean any room or group of rooms located within a stucture and forming a single habitable unit with facilities which are used, or are intended to be used, for living, sleeping, cooking and eating.

4. "Single family dwelling": shall mean a stucture containing one dwelling unit only.

5. "Multiple family dwelling": shall mean a structure containing more than one dwelling unit.

6. "Property served": shall mean any property which is being used or occupied and is eligible to receive refuse collection and disposal service as provided herein.

3-4.0202 COLLECTION SERVICE. The City shall provide for the collection of refuse and recyclables from residential premises only. The owners or operators of commercial, industrial or institutional premises shall provide for the collection of refuse produced upon such premises. All residential units within the City shall dispose of their solid waste by depositing it in proper containers for collection by licensed haulers having a contract with the City. All residential units within the City shall use their recycling containers furnished by the Solid Waste Management Commission and shall deposit in the container those items listed by the Solid Waste Management Commission to be collected by licensed haulers having contracts with the City. (Amended by Ordinance No. 594)

3-4.0203 COLLECTION VEHICLES. Vehicles or containers used

for the collection and transportation of garbage and similar putrescible waste or refuse containing such materials shall be leakproof, durable and of easily cleanable construction. They shall be cleaned to prevent nuisances, pollution or insect breeding and shall be maintained in good repair.
(I.D.R., 1973, page 296, Sec. 26.5[2b])

3-4.0204 LOADING. Vehicles or containers used for the collection and transportation of any solid waste shall be loaded and moved in such a manner that the contents will not fall, leak, or spill therefrom, and shall be covered to prevent blowing or loss of materials. Where spillage does occur, the material shall be picked up immediately by the collector or transporter and returned to the vehicle or container and the area properly cleaned.
(I.D.R., 1973, page 296, Sec. 26.5[2c])

3-4.0205 FREQUENCY OF COLLECTION. All refuse shall be collected from residential premises at least once each week and all recyclables shall be collected from residential premises at least once each week. Refuse shall be collected from commercial and industrial and institutional premises as frequently as may be necessary, but not less frequently than required of residential premises. (Amended by Ordinance No. 594)

3-4.0206 LOCATION OF CONTAINERS. Containers for the storage of waste awaiting collection shall be placed at the curb or alley line by the owner or occupant of the premises served. Containers or other wastes placed at the curb line shall not be so placed more than 12 hours of the regularly scheduled collection day and shall be promptly removed from the curb line following collection. The recycling container shall be placed only at curb side by the owner or occupant of the premises served. (Amended by Ordinance No. 594)

3-4.0207 BULKY RUBBISH. Bulky rubbish which is too large or heavy to be collected in the normal manner of other refuse may be collected at the discretion of the collector upon request.

3-4.0208 TREE LIMBS AND BRUSH. Tree limbs of less than four inches in diameter and brush will be collected provided they are placed at the curb or alley line, securely tied in bundles not more than 48 inches long or 18 inches in diameter when not in approved containers and weigh no more than 65 pounds.

3-4.0209 SEPARATION OF YARD WASTE REQUIRED. All yard waste shall be separated by the owner or occupant from all other garbage and refuse accumulated on the premises. (Amended by Ordinance No. 588)

3-4.0210 RIGHT OF ENTRY. Solid waste collectors are hereby authorized to enter upon private property for the purpose of collecting refuse therefrom as required by this article, however solid waste collectors shall not enter dwelling units or other residential buildings.

3-4.0211 COLLECTOR'S LICENSE. No person shall engage in the business of collecting, transporting, processing or disposing of solid waste other than his own within the City without first obtaining from the City an annual license for each vehicle or container to be used in accordance with the following:

1. Application. Application for a waste collector's license shall be made to the Clerk and provide the following:

A. Name and Address. The full name and address of the applicant, and if a corporation, the names and addresses of the officers thereof.

B. Equipment. A complete and accurate listing of the number and type of collection and transportation equipment to be used.

C. Collection Program. A complete description of the frequency, routes and method of collection and transportation to be used.

D. Disposal. A statement as to the precise location and method of disposal or processing facilities to be used.

2. Insurance. No collectors license shall be issued until and unless the applicant therefor, in addition to all other requirements set forth, shall file and maintain with the City evidence of satisfactory public liability insurance covering all operations of the applicant pertaining to such business and all equipment and vehicles to be operated in the conduct thereof in the following minimum amounts:

Bodily injury
Property damage

Each insurance policy required hereunder shall include as a part thereof provisions requiring the insurance carrier to notify the City of the expiration, cancellation or other

termination of coverage not less than 10 days prior to the effective date of such action.

3. License Fee. A license fee in the amount of $25.00 for each vehicle or transport container to be used in the city shall accompany the application. In the event the requested license is not granted, the fee paid shall be refunded by the clerk to the applicant.

4. License Issued. If the clerk upon investigation finds the application to be in order and determines that the applicant will collect, transport, process or dispose of refuse without hazard to the public health or damage to the environment and in conformity with law and ordinance he shall issue the requested license to be effective for a period of one year from the date approved.

5. License Denied-Appeal. If the clerk refuses to issue a requested license he shall notify the applicant in writing of the reasons for such refusal and of his right of appeal to the council. The council shall consider any appeals at its next regular meeting and may affirm, reverse or modify the determination of the clerk.

6. License Number Displayed. All vehicles, mobile equipment or facilities operated by virtue of a license granted hereunder shall have prominently displayed thereon in a clearly visible manner the license number under which operated.

7. License Renewal. An annual license may be renewed simply upon payment of the required fee if operated in substantially the same manner as provided in the original application and by providing the clerk with a current listing of vehicles, equipment and facilities in use.

8. License Not Transferable. No license authorized by this article may be transferred to another person.

9. Owner May Transport. Nothing herein is to be construed so as to prevent the owner from transporting refuse accumulating upon premises owned, occupied or used by him, provided such refuse is disposed of properly in an approved sanitary disposal project.

3-4.0212 COLLECTION FEES. The collection and disposal of refuse as provided by this article is declared to be a benefit to the property served or eligible to be served and there shall be levied and collected fees therefor in

accordance with the following:

(Goreham vs. Des Moines, 1970, 179 NW 2nd, 449)

1. Schedule of Fees. The fees for refuse collection and disposal service, used or available, and for landfill shall be:

A. For each single family residence - $13.50 per month.

B. For each dwelling unit of a multiple-family dwelling - $13.50 per month.

C. For each business, a landfill fee of $3.50 per month.

(Ord. 642 – Feb. 02 supp.)

2. Billing. In all cases where the unit or premises is served by City water, the charges shall be made against the person in whose name the water meter is registered.

3. Payment of Bills. All fees are due and payable under the same terms and conditions provided for payment of water service except that the provision of subsection 3 hereof shall be used to enforce collection of delinquent fees and a ten percent (10%) penalty shall be added to all bills not paid when due.

3. Lien for Nonpayment. Fees remaining unpaid and delinquent for a period of ninety (90) days shall constitute a lien upon the premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

ARTICLE 3
SOLID WASTE DISPOSAL

3-4.0301 DEFINITIONS: For use in this article the following terms are defined:

1. "Processing facility": shall mean any incinerator, baler, shredder or similar facility or process employed to reduce the volume of, or change the characteristics of, solid waste prior to final disposal.

2. "Site": shall mean any location, place or tract of land used for collection, storage, conversion, utilization, incineration or burial of solid wastes.

3. "Scavenging": shall mean the collection, picking up or gathering of discarded material no longer of value for its original purpose but which has value if reclaimed.

4. "Operator": shall mean the person or agency authorized to conduct disposal operations at a public sanitary disposal project or licensed private sanitary disposal project.

5. "Resident": shall mean in addition to any person residing in the city, any person occupying or using any commercial, industrial or institutional premises within the city.

3-4.0302 SANITARY DISPOSAL REQUIRED. All solid wastes generated or produced within the city shall be disposed of at a sanitary disposal project designated by the city and approved by the executive director of the Iowa state department of environmental quality.

(Code of Iowa, 1975, Sec. 455B.82)

3-4.0303 OPEN DUMPING PROHIBITED. No person shall cause, allow or permit the disposal of solid wastes upon any place within the jurisdiction of the city owned or occupied by him unless such place has been designated by the city as a licensed sanitary disposal project, public sanitary disposal project or an approved processing facility.

(Code of Iowa, 1975, Sec. 455B.82)

3-4.0304 EXCEPTIONS. Nothing in this article shall prohibit the filling, leveling or grading of land with earth, sand, ashes, cinders, slag, gravel, rock, demolition or construction rubble or similar inert wastes provided these materials are not contaminated or mixed with combustible, putrescible or other waste materials, nor to the disposal of animal and agricultural wastes on land used or operated for farming.

3-4.0305 TOXIC AND HAZARDOUS WASTES. Toxic or hazardous wastes shall be disposed of only upon receipt of and in accordance with explicit instructions obtained from the executive director of the Iowa state department of environmental quality.

(I.D.R., 1973, page 296, Sec. 26.4 [3])

3-4.0306 RADIOACTIVE MATERIALS. Materials that are radioactive shall not be disposed of in a sanitary disposal project. Luminous timepieces are exempt.

(I.D.R., 1973, page 296, Sec. 26.4 [4])

3-4.0307 PUBLIC SANITARY LANDFILL DESIGNATED. The sanitary landfill facilities operated by the county are hereby designated as the official "Public Sanitary Landfill" for the disposal of solid waste produced or originating within the city.

3-4.0308 PRIVATE SANITARY LANDFILL. Any person may establish and operate a private sanitary landfill within the city for the disposal of his own solid waste provided he shall first have applied for and received a license from the city designating his site as a "Licensed Private Sanitary Landfill" in accordance with the following:

1. Application. Application for a license to operate a private sanitary landfill shall be made in writing to the clerk and include the following information:

A. Name and Address. The full name and address of the owner and operator.

B. Location. The specific location of the site.

C. Nuisances. An agreement of the applicant to maintain his landfill site and the vicinity in a safe and sanitary manner so as to prohibit the creation or maintenance of a nuisance.

D. Rules and regulations. Agreement to operate the landfill in accordance with all local, county, state or federal regulations now or hereafter adopted.

E. Attendant. Agreement to provide a responsible person who will be in constant attendance during all hours of active operation of the landfill.

F. Other Licenses or Permits. Attached to the application shall be a copy of any required federal, state, county or other local licenses or permits required for such operation.

G. Right of Entry. Agreement to permit access to the landfill site by any officer or governmental representative or agency who may have jurisdiction for the purpose of inspection.

2. Fee. An annual fee in the amount of $300.00 for each location shall be paid to the clerk upon filing of an application. In the event the requested license is denied the clerk shall refund the fee deposited.

3. License Issued. The council shall review the application and if it is determined that the facts stated therein are true and that the proposed operation complies with all other applicable laws, ordinances and rules the clerk shall issue the requested license which shall be effective for a period of one year.

4. Renewal. A license may be renewed for additional one year periods upon payment of the required fee if operated substantially in the same manner as provided in the original application and in compliance with law or ordinance.

5. Use Restricted. A licensed private sanitary landfill site shall be used for the exclusive purpose of disposing of the site operator's own waste and shall not be open to any segment of the general public nor to any other private source of waste.

6. Abatement of Violations. If any private sanitary landfill is found to be operated in a manner detrimental to the health or welfare of the public or in violation of any of the provisions of this article such violation may be abated in the manner as provided for the abatement of nuisances.

3-4.0309 LANDFILL OPERATION. All public or private sanitary landfills within the jurisdiction of the city shall be operated in a sanitary, safe and nuisance free manner and in compliance with all local, county, state and federal laws and regulations including, but not limited to, the following:

1. Open Burning Restricted. Open burning shall be prohibited except when permitted by the rules of the Iowa Air Quality Commission. Any burning to be conducted by a sanitary disposal project shall be at a location separate and distinct from the sanitary landfill.

(I.D.R., 1973, page 298, Sec. 27.1 [4i1])

2. Scavenging Prohibited. Scavenging shall be prohibited. Any salvaging to be permitted at the landfill site must first be approved by state and local officials.

(I.D.R., 1973, page 298, Sec. 27.1 [4i14])

3. Attendant on Duty. An attendant shall be on duty at the landfill site at all times while it is open for public use.

(I.D.R., 1973, page 298, Sec. 27.1 [4i15])

4. Fence Required. The landfill site shall be fenced to control access and a gate shall be provided at the entrance and kept locked when an attendant is not on duty.

(I.D.R., 1973, page 298, Sec. 27.1 [4i16)

5. Rules Posted. A permanent sign shall be posted at the site entrance identifying the hours and days the landfill is open, specifying the penalty for unauthorized dumping, identifying the location, if any, which has been designated for disposal of toxic and hazardous wastes and providing other pertinent information.

(I.D.R., 1973, page 298, Sec. 27.1 [4i17])

6. Materials Excluded. At the discretion of the operator certain materials may be excluded from those solid wastes which may be deposited at any sanitary landfill. These excluded materials may include:

A. Junk automobiles and similar bulky objects which may require special processing prior to disposal.

B. Trees and tree limbs, unless they have been cut into pieces not exceeding ten (10) feet in length.

C. Burning materials or materials containing hot or live coals.

CHAPTER 5
CEMETERY

3-5.01 DEFINITION. The term "cemetery" shall mean the Arlington Heights Cemetery, which is a municipal cemetery under the provisions of Sections 566.14 to 566.18 of the 1985 Code of Iowa.

3-5.02 CEMETERY SEXTON IS APPOINTED. The council shall appoint a cemetery sexton who shall operate the cemetery in accordance with the rules and regulations therefor and under the direction of the council.

(Code of Iowa, 1985, Sec. 372.13 [4])

3-5.03 DUTIES OF CEMETERY SEXTON. the duties of the cemetery sexton shall be as follows:

(Code of Iowa, 1985, Sec. 372.13 [4])

1. Act as direct supervisor of the maintenance contractor duties and the grave digging.

2. Sell cemetery lots.

3. Maintain records of burials.

4. Up-date cemetery maps.

5. Supervise setting of new and old stones.

6. Assist families in finding cemetery lots.

7. Provide veteran's grave information to county for perpetual care levy.

8. Paint veteran's memorial monument.

3-5.04 RECORDS. It shall be the duty of the clerk to make and keep a permanent record of all interments made in the cemetery, which record shall at all times be open to public inspection. The record shall, among other things, include:

1. An accurate plat of the cemetery.
2. The names of the owners of all lots that have been sold.
3. The correct description of all lots for sale and the price thereof, as shall be fixed by the city council.
4. The exact location of each grave upon each cemetery lot.

3-5.05 SALE OF LOTS. The sale of lots in the cemetery shall be evidenced by a deed signed and executed by the mayor and the clerk for and on behalf of the city, and

it shall be the duty of the clerk to collect the purchase price for any lot sold before delivering the deed of conveyance for the same. A portion of the sale price as specified by the rules and regulations established by the council, shall be set aside and deposited in the perpetual care endowment fund of the cemetery.

(Code of Iowa, 1975, Sec. 566.26)

3-5.06 FEES, CHARGES AND PAYMENTS. The payment of all fees and charges shall be made at the office of the clerk in the city hall where receipts will be issued for all amounts paid. Said fees and charges shall be based upon the charges as set out in the rules and regulations then in effect as adopted by the council.

3-5.07 PERPETUAL CARE. The term "perpetual care" shall be construed to mean the obligation which the city assumes to each year expend the net annual income of the perpetual care endowment set aside for the lot in furnishing such care as mowing grass, raking and cleaning the lot and adjacent alleys, filling of sunken graves and keeping monumental work in a vertical position. Where the income is sufficient it may be used in the perpetual care of avenues, alleys, fences, buildings and grounds in general. Expenditures shall be made at the discretion and under the direction of the council and the city shall not be bound to make any separate investment of the sum of money set aside as perpetual care, but the same shall be added to the perpetual care fund of the city and the proceeds therefrom used by the city in the manner heretofore provided.

(Code of Iowa, 1975, Sec. 566.14)

3-5.08 PERPETUAL CARE ON LOT SALES. Future lot sales in the cemetery shall be made with the perpetual care provided for, at the rates specified in the rules and regulations as adopted by the council, under and by virtue of the terms of this chapter.

(Code of Iowa, 1975, Sec. 566.16)

3-5.09 CEMETERY LOTS WITHOUT PERPETUAL CARE. Owners of lots or other interested persons may secure perpetual care on lots or parts of lots in the older portions of the cemetery not having perpetual care by the payment to the city of the perpetual care charges at the rates specified in the rules and regulations.

3-5.10 ANNUAL CARE. An annual care charge as specified

in the rules and regulations shall be made by the city on those lots in the older portions of the cemetery which are not at present under perpetual or endowed care. The city reserves the right to refuse to furnish maintenance service, or to permit the erection of any monumental work on those lots not under perpetual or endowed care or when the annual care on such lot has not been paid in advance.

3-5.11 RULES AND REGULATIONS. The rules and regulations for the cemetery shall be adopted, and may be amended from time to time, by resolution of the council and shall cover the hours of opening and closing, the use of roads within the cemetery, the hours for burials, the decorating of graves, the fees for services rendered in connection with interments or the placing of markers and the cost of lots or payments for perpetual care as deemed necessary.

3-5.12 TRESPASSING OR VANDALISM IN CEMETERY. Any person who shall trespass upon any cemetery under the jurisdiction of the city by destroying, injuring or defacing any grave, vault, tombstone, or monument, or any building, fence, tree, shrub, flower, or anything in or belonging to said cemetery shall be guilty of a misdemeanor and shall be liable for any and all damage.

3-5.13 MOTORCYCLE USE PROHIBITED. It shall be unlawful for any person to operate a motorcycle upon land used as cemeteries within the City of Audubon.

TITLE IV

EDUCATION AND CULTURE

CHAPTER 1
LIBRARY

4-1.01 PURPOSE. The purpose of this chapter is to provide for the appointment of a city library board of trustees, and to specify that board's powers and duties.

4-1.02 PUBLIC LIBRARY. The public library for the city shall be known as the Audubon Public Library. It shall be referred to in this chapter as the library.

4-1.03 LIBRARY TRUSTEES. The board of trustees of the library, hereinafter referred to as the board, consists of seven (7) members. All board members are to be appointed by the mayor with the approval of the council.

(Code of Iowa, 1973, Sec. 378.3;
Code of Iowa, 1975, Sec. 392.5)

4-1.04 QUALIFICATIONS OF TRUSTEES. All of the members of the board shall be bona fide citizens and residents of the city and all shall be over the age of eighteen (18).

(Code of Iowa, 1973, Sec. 378.5;
Code of Iowa, 1975, Sec. 392.5)

4-1.05 ORGANIZATION OF THE BOARD.

1. Term of Office. All appointments to the board shall be for six (6) years, except to fill vacancies. Each term shall commence on July first. Appointments shall be made every two (2) years of one-third the total number or as near as possible, to stagger the terms.

(Code of Iowa, 1973, Sec. 378.4)

2. Vacancies. The position of any trustee shall be vacant if he moves permanently from the city, or if he is absent from six (6) consecutive regular meetings of the board, except in the case of sickness or temporary absence from the city. Vacancies in the board shall be filled by appointment of the mayor, with approval of the council, and the new trustee shall fill out the unexpired term for which the appointment is made.

(Code of Iowa, 1973, Sec. 378.6 and 7;
Code of Iowa, 1975, Sec. 392.5)

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

(Code of Iowa, 1985, Sec. 378.8;
Code of Iowa, 1985, Sec.392.5)

4-1.06 POWERS AND DUTIES. The board shall have and exercise the following powers and duties:

1. Officers. To meet and elect from its members a president, a secretary, and such other officers as it deems necessary. The City Clerk shall serve as finance officer. Said officer shall keep all financial records, handle all receipts, issue all checks for and on the library board, and submit a monthly financial report.

(Code of Iowa, 1985, Sec. 378.10 [1]) and 378.17;
Code of Iowa, 1985, Sec. 392.5)

2. Physical Plant. To have charge, control and supervision of the public library, its appurtenances, fixtures and rooms containing the same.

(Code of Iowa, 1985, Sec. 378.10 [2];
Code of Iowa, 1985, Sec. 392.5)

3. Charge of Affairs. To direct and control all affairs of the library.

(Code of Iowa, 1985, Sec. 378.10 [2];
Code of Iowa, 1985, Sec. 392.5)

4. Hiring of Personnel. To employ a librarian, and authorize the librarian to employ such assistants and employees as may be necessary for the proper management of the library, and fix their compensation; provided, however, that prior to such employment, the compensation of the librarian, assistants and employees shall have been fixed and approved by a majority of the members of the board voting in favor thereof.

(Code of Iowa, 1985, Sec. 378.10 [3];
Code of Iowa, 1985, Sec. 392.5)

5. Removal of Personnel. To remove the librarian, by a two-thirds vote of the board, and provide procedures for the removal of the assistants or employees for misdemeanor, incompetency or inattention to duty, subject however, to the provisions of Chapter 70, Code of Iowa.

(Code of Iowa, 1985, Sec. 378.10 [4];
Code of Iowa, 1985, Sec. 392.5)

6. Purchases. To select, or authorize the librarian to select, and make purchases of books, pamphlets, magazines, periodicals, papers, maps, journals, other library materials,

furniture, fixtures, stationery and supplies for the library within budgetary limits set by the board.

(Code of Iowa, 1973, Sec. 378.10 [5]; Code of Iowa, 1975, Sec. 392.5)

7. Use by Non-residents. To authorize the use of the library by non-residents of the city and to fix charges therefor.

(Code of Iowa, 1973, Sec. 378.10 [6]; Code of Iowa, 1975, Sec. 392.5)

8. Rules and Regulations. To make and adopt, amend, modify or repeal rules and regulations, not inconsistent with code and the law, for the care, use, government and management of the library and the business of the board, fixing and enforcing penalities for violations.

(Code of Iowa, 1973, Sec. 378.10 [7]; Code of Iowa, 1975, Sec. 392.5)

9. Expenditures. To have exclusive control of the expenditure of all funds allocated for library purposes by the council, and of all moneys available by gift or otherwise for the erection of library buildings, and of all other moneys belonging to the library including fines and rentals collected under the rules of the board.

(Code of Iowa, 1973, Sec. 378.10 [8]; Code of Iowa, 1975, Sec. 392.5)

10. Gifts. To accept gifts of real property, personal property, or mixed property, and devises and bequests, including trust funds; to take the title to said property in the name of the library; to execute deeds and bill of sale for the conveyance of said property; and to expend the funds received by them from such gifts, for the improvement of the library.

(Code of Iowa, 1973, Sec. 378.10 [9]; Code of Iowa, 1975, Sec. 392.5)

11. Enforce the Performance of Conditions on Gifts. To enforce the performance of conditions on gifts, donations, devises and bequests accepted by the city by action against the council.

(Code of Iowa, 1975, Ch. 661)

12. Proceedings: Record. To keep a record of its proceedings.

13. County Historical Association. To have authority to make agreements with the local county historical association where such exists, and to set apart the necessary room and to care for such articles as may come into the possession of the association. The trustees are further authorized to purchase necesssary receptacles and materials for the preservation and protection of such articles as are in their judgment of a historical and educational nature and pay for the same out of funds allocated for library purposes.

(Code of Iowa, 1973, Sec. 378.16;
(Code of Iowa, 1975, Sec. 392.5)

4-1.07 CONTRACTING WITH OTHER LIBRARIES. The board shall have power to contract with other libraries in accordance with the following:

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

(Code of Iowa, 1973, Sec. 378.11;
Code of Iowa, 1975, Sec. 392.5 and Ch. 28E)

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

(Code of Iowa, 1973, Sec. 378.13;
Code of Iowa, 1975, Sec. 392.5)

4-1.08 NON-RESIDENT USE. The board may authorize the use of the library by non-residents in any one or more of the following ways:

1. Lending. By lending the books or other materials of the library to non-residents on the same terms and conditions as to residents of the city, or upon payment of a special non-resident library fee.

(Code of Iowa, 1973, Sec. 378.12 [1];
Code of Iowa, 1975, Sec. 392.5)

2. Depository. By establishing depositories of library books or other materials to be loaned to non- residents.

(Code of Iowa, 1973, Sec. 378.12 [2];
Code of Iowa, 1975, Sec. 392.5)

3. Bookmobiles. By establishing bookmobiles or a traveling library so that books or other library materials may be loaned to non-residents.

(Code of Iowa, 1973, Sec. 378.12 [3];
Code of Iowa, 1975, Sec. 392.5)

4. Branch Library. By establishing branch libraries for lending books or other library materials to non-residents.

(Code of Iowa, 1973, Sec. 378.12 [4];
Code of Iowa, 1975, Sec. 392.5)

4-1.09 EXPENDITURES. Axl money appropriated by the council for the operation and maintenance of the library shall be set aside in an account for the library. Expenditures shall be paid for only on orders of the board, signed by its president and secretary. The check writing officer is the board secretary.

(Code of Iowa, 1973, Sec. 378.17;
Code of Iowa, 1975, Sec. 384.20 and 392.5)

4-1.10 ANNUAL REPORT. The board shall make a report to the council immediately after the close of the fiscal year. This report shall contain statements as to the condition of the library, the number of books added, the number circulated, the amount of fines collected, and the amount of money expended in the maintenance of the library during the year, together with such further information as may be required by the council.

(Code of Iowa, 1973, Sec. 378.18;
Code of Iowa, 1975, Sec. 392.5)

4-1.11 INJURY TO BOOKS OR PROPERTY. It shall be unlawful for a person to willfully, maliciously or wantonly tear, deface, mutilate, injure or destroy, in whole or in part, any

newspaper, periodical, book, map, pamphlet, chart, picture or other property belonging to the library or reading room.

(Code of Iowa, 1973, Sec. 714.16)

TITLE V

LEISURE TIME OPPORTUNITIES

TITLE V - LEISURE TIME OPPORTUNITIES

CHAPTER 1
PARK REGULATIONS

5-1.01 PURPOSE. The purpose of this chapter is to facilitate the enjoyment of park facilities by the general public by establishing rules and regulations governing the use of park facilities.

(Code of Iowa, 1975, Sec. 392.1)

5-1.02 MOTORCYCLE USE PROHIBITED. It shall be unlawful for any person to operate a motorcycle upon land used by parks or cemeteries within the city.

5-1.03 USE OF DRIVES REQUIRED. No person shall drive any car, cycle or other vehicle, or ride or drive any horse, in any portion of a park except upon the established drives or roadways therein or such other places as may be officially designated by the city.

5-1.04 FIRES. No fires shall be built, except in a place provided therefor, and such fire shall be extinguished before leaving the area unless it is to be immediately used by some other party.

5-1.05 LITTERING. No person shall place, deposit, or throw any waste, refuse, litter or foreign substance in any area or receptacle except those provided for that purpose.

5-1.06 HOURS FOR LEGION PARK AND ALBERT THE BULL PARK. Legion Park and Albert the Bull Park shall be opened to the public during the hours of 7:00 A.M. to 11:00 P.M. of any one day; and it shall be unlawful for any person or persons (other than city personnel conducting city business therein, and other registered campers in Albert the Bull Park), to occupy or be present in said parks during any hours in which the parks are not open to the public.

CHAPTER 2
PARKS AND RECREATION BOARD

5-2.01 PARKS AND RECREATION BOARD CREATED. A parks and recreation board is hereby created to advise the council on the needed facilities to provide open space such as parks, playgrounds and community facilities for other forms of recreation. It shall also plan and oversee the city programs, and encourage other programs, for the leisure time of the city's residents of all ages.

5-2.02 BOARD ORGANIZATION. The Board shall consist of five (5) members, all citizens of the city, appointed by the mayor with the approval of the council for overlapping five-year terms. The mayor shall designate the terms of the first appointed members and the first chairperson and vice chairperson and the board shall choose its chairperson and vice chairperson every two (2) years thereafter. Members shall serve without compensation, but may receive their actual expenses. Vacancies shall be filled in the same manner as original appointments.

5-2.03 DUTIES OF THE BOARD. In addition to its duty to make a plan for recreation and for the facilities for recreation, and to update and revise these plans as required, the board shall have the authority over the properties and personnel devoted to parks and recreation, subject to the limitation and expenditures for salaries and supplies, contracts and capital outlays set forth in the annual budget provided by the council for park and recreation operations; and it shall cooperate with the mayor in the allotment of time of city employees for park and recreation purposes. The chairperson shall order supplies by the procedures established by the council for all departments of the city, and payments will be made by warrant/check written by the clerk for invoices submitted and approved by the board.

5-2.04 REPORTS. The board shall make written reports to the council of its activities from time to time as it deems advisable or upon council request. Its revenues and expenditures shall be reported monthly by the clerk in the manner of other departmental expenditures, and a copy shall be provided to each member, and in the clerk's report to the council.

5-2.05 RULES. The board shall have the power to make rules and regulations for the use of parks or other recreational facilities or for the conduct of recreation programs, subject to the approval of the rules by the council. Such rules shall be either posted on the facility or otherwise publicized in a manner to provide adequate notice to the using public.

5-2.06 PENALTIES. Violation of a board rule which has been approved by the council and adopted by ordinance may be cause for denial of use of a facility or participation in a program, but such denial which extends more than one day may be appealed to the board or to the council for a hearing. The violation may be prosecuted as a misdemeanor if a serious offense.

(Chapter 2 added by Ordinance No. 581)

TITLE VI

COMMUNITY DEVELOPMENT AND ENVIRONMENT

TITLE VI - COMMUNITY DEVELOPMENT AND ENVIRONMENT
CHAPTER 1- WATER SERVICE

ARTICLE 1
PUBLIC WATER SYSTEM

6-1.0101 DEFINITIONS. For use in this chapter the following terms are defined:

1. "Water system" or "water works": shall mean all public facilities for securing, collecting, storing, pumping, treating and distributing water.

2. "Superintendent": shall mean the superintendent of public works or his duly authorized assistant, agent or representative.

3. "Water main": shall mean a water supply pipe provided for public or community use.
(Iowa Departmental Rules, 1973, P. 345, Sec. 21.1 [120])

4. "Water service pipe": shall mean the pipe from the water main to the building served.
(Iowa Departmental Rules, 1973, P. 345, Sec. 21.2 [123])

5. "Consumer": shall mean any person receiving water service from the city.

6-1.0102 SUPERINTENDENT: APPOINTMENT, DUTIES. The council shall appoint a superintendent who shall supervise the installation of water service pipes and their connection to the water main and enforce all regulations pertaining to water services in this city in accordance with this article. This article shall apply to all replacements of existing water service pipes as well as to new ones. The superintendent shall make such rules, not in conflict with the provisions of this article, as may be needed for the detailed operation of the water system, subject to the approval of the council. In the event of an emergency he may make temporary rules for the protection of the system until due consideration by the council may be had.
(Code of Iowa, 1975, Sec. 372.13 [4])

6-1.0103 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 it is reasonably available and if the building is not furnished with pure and wholesome water from some other source.

(Iowa Departmental Rules, 1973, P. 364, Sec. 30.3 [135])

6-1.0104 ABANDONED CONNECTIONS. When an old water service is abandoned or a service is renewed with a new tap in the main, all abandoned connections with the mains shall be turned off at the corporation cock and made absolutely water tight.

6-1.0105 PERMIT. Before any person shall make a connection with the public water system, a written permit must be obtained from the clerk. The application for the permit shall be filed with the clerk on blanks furnished by him. The application shall include a legal description of the property, the name of the property owner, the name and address of the person who will do the work, and the general uses of the water. No different or additional uses will be allowed except by written permission of the superintendent. The superintendent shall issue the permit, bearing his signature and stating the time of issuance, if the proposed work meets all the requirements of this article and if all fees required under this article have been paid. Work under any permit must be begun within six (6) months after it is issued. The superintendent may at any time revoke the permit for any violation of this article and require that the work be stopped.

(Code of Iowa, 1975, Sec. 372.13 [4])

6-1.0106 FEE FOR PERMIT. Before any permit is issued the person who makes the application shall pay $15.00 to the clerk to cover the cost of issuing the permit and supervising, regulating and inspection of the work.

(Code of Iowa, 1975, Sec. 384.84 [2a])

6-1.0107 COMPLIANCE WITH PLUMBING CODE. The installation of any water-service pipe and any connection with the water system shall comply with all pertinent and applicable provisions, whether regulatory, procedural or enforcement provisions, of the State Plumbing Code.

(Iowa Departmental Rules, 1973, P. 346, Sec. 22.1 [2])

6-1.0108 PLUMBER REQUIRED. All installations of water service pipes and connections to the water system shall be made by a competent plumber licensed by this city. The superintendent shall have the power to suspend the license of any plumber for violation of any of the provisions of this article. A suspension, unless revoked, shall continue until the next

regular meeting of the city council. The superintendent shall notify the plumber immediately by personal written notice of the suspension, the reasons for the suspension and the time and place of the council meeting at which he will be granted a hearing. At this council meeting the superintendent shall make a written report to the council stating his reasons for the suspension, and the council, after fair hearing, shall revoke the suspension or take any further action that is necessary and proper.

6-1.0109 EXCAVATIONS. All trench work, excavation and backfilling required in making a connection shall be performed in accordance with applicable excavation provisions as provided for installation of building sewers.

6-1.0110 TAPPING MAINS. All taps into water mains shall be made by the superintendent and in accord with the following:

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

(Iowa Departmental Rules, 1973, P. 367, Sec. 30.12[3])

2. Sizes and Location of Taps. All mains six inches or less in diameter shall receive no larger than a three-fourths inch tap. All mains of over six inches in diameter shall receive no larger than a one inch tap. Where a large connection than a one inch tap is desired, two or more small taps or saddles shall be used, as the superintendent shall order. All taps in the mains shall be made at or near the top of the pipe, at least eighteen inches apart. No main shall be tapped nearer than six (6) inches of the joint in the main.

3. Corporation Cock. A brass corporation cock, of the pattern and weight approved by the superintendent, shall be inserted in every tap in the main. The corporation cock in the main shall in no case be smaller than one size smaller than the service pipe.

4. Location Record. An accurate and dimensional sketch showing the exact location of the tap shall be filed with the superintendent in such form as he shall require.

(Code of Iowa, 1975, Sec. 372.13 [4])

5. Charges. The applicant or owner shall pay to the city the reasonable costs of labor and material used by the city in making each tap or connection to a water main.

6-1.0111 INSTALLATION OF WATER SERVICE PIPE. Water service pipes from the main to the meter setting shall be standard weight type K copper or approved P.V.C. Pipe must be laid sufficiently waving, and to such depth, as to prevent rupture from settlement or freezing.

6-1.0112 CURB STOP. There shall be installed a main shut-off valve of the inverted key type on the water-service pipe eighteen (18) inches from the curb line with a suitable lock of a pattern approved by the superintendent. The shut-off valve shall be covered with a heavy metal cover having the letter "W" marked thereon, visible and even with the pavement or ground.

(Iowa Departmental Rules, 1973, P. 367, Sec. 30.12 [135])

6-1.0113 INTERIOR STOP AND WASTE COCK. There shall be installed a shut-off valve and waste cock on every service pipe inside the building as close to the entrance of the pipe within the building as possible and so located that the water can be shut off conveniently and the pipes drained. Where one service pipe supplies more than one customer within the building, there shall be separate valves for each such customer so that service may be shut off for one without interfering with service to the others.

(Iowa Departmental Rules, 1973, P. 367, Sec. 30.12 [1])

6-1.0114 INSPECTION AND APPROVAL. All water-service pipes and their connections to the water system must be inspected and approved in writing by the superintendent before they are covered, and he shall keep a record of such approvals. If he refuses to approve the work, the plumber or property owner must proceed immediately to correct the work so that it will meet with his approval. Every person who uses or intends to use the municipal water system shall permit the superintendent to enter the premises to inspect or make necessary alterations or repairs at all reasonable hours and on proof of authority.

(Iowa Departmental Rules, 1973, P. 379, Sec. 34.11 [135])

6-1.0115 COMPLETION BY THE CITY. Should any excavation be left open or only partly refilled for twenty-four (24) hours after the water-service pipe is installed and connected with the water system, or should the work be improperly done, the superintendent shall have the right to finish

or correct the work, and the council shall assess the costs to the property owner or the plumber. If the plumber is assessed, he must pay the costs before he can receive another permit, and the plumber's bond shall be security for the assessment. If the property owner is assessed, such assessment shall be collected with and in the same manner as general property taxes.

(Code of Iowa, 1975, Sec. 364.12 [3a and h])

6-1.0116 SHUTTING OFF WATER SUPPLY. After giving reasonable notice, the superintendent may shut off the supply of water to any customer because of any substantial violation of this article, or valid regulation under Section 6-1.0102 that is not being contested in good faith. The supply shall not be turned on again until all violations have been corrected and the superintendent has ordered the water to be turned on.

6-1.0117 MAINTENANCE OWNER'S RESPONSIBILITY. It shall be the responsibility of the owner of the property connected to any water main to keep in good repair and free of any leaks the corporation cock, water service pipe and curb stop whether in the public right of way or not.

6-1.0118 FAILURE TO MAINTAIN. When any corporation cock, water service pipe or curb stop becomes defective or creates a nuisance and the owner fails to correct such nuisance the city may do so and assess the costs thereof to the property.

(Code of Iowa, 1975, Sec. 364.12 [3a and h])

6-1.0119 OPERATION OF CURB STOP. It shall be unlawful for any person except the water superintendent to turn water on at the curb stop.

ARTICLE 2
WATER METERS

6-1.0201 WATER USE METERED. All water furnished consumers shall be measured through city approved meters furnished by the property owner unless said requirement is waived by the city council and installed by the city. Any connecting, removal, or disconnecting of any meter without prior permission from the superintendent shall be considered a misdemeanor and be subject to a fine of no more than one hundred dollars ($100.00).

6-1.0202 FIRE SPRINKLER SYSTEMS - EXCEPTION. Fire sprinkler systems may be connected to water mains by direct connection without meters under the direct supervision of the superintendent. No open connection can be incorporated in the system, and there shall be no valves except a main control valve at the entrance to the building which must be sealed open.

6-1.0203 LOCATION OF METERS. All meters shall be so located that they are easily accessible to meter readers and repairmen and protected from freezing.

6-1.0204 METER SETTING. The property owner shall have provided all necessary piping and fittings for proper setting of the meter by the city including a globe type valve on the discharge side of the meter. Meter pits may be used only upon approval of the superintendent and of a design and construction approved by him.

6-1.0205 METER REPAIRS; COST. Whenever a water meter owned by the city is found to be out of order the superintendent shall have it repaired. If it is found that damage to the meter has occurred due to the carelessness or negligence of the consumer or property owner, then the property owner shall be liable for the cost of repairs.

6-1.0206 RIGHT OF ENTRY. The superintendent shall be permitted to enter the premises of any consumer at any reasonable time to remove or change a meter.

6-1.0207 INSPECTION FEE. The city shall inspect a water meter at the request of the property owner or consumer. If the meter is found to be in need of repair there shall be no inspection fee charged. If the meter is found to be in good working order, or that damage has occurred due to any act of the consumer or property owner, an inspection fee of twenty-five ($25.00) dollars shall be assessed and applied on the water bill for said meter.

ARTICLE 3

WATER RATES

6-1.0301 SERVICE CHARGES. Each customer shall pay for water service provided him by the City based upon his use of water, as determined by meters provided for in Article 2 of this chapter. Each location, building, premises or connection shall be considered a separate and distinct customer whether owned or controlled by the same person or not.

(Code of Iowa, Sec. 384.84)

6-1.0302 RATES AND SERVICE. Water service shall be furnished at the following rates within the City:

(Code of Iowa, Sec. 384.84)

0 to 5,000 gallons	$18.25 minimum
5,001 to 30,000 gallons	$3.40 per 1000 gallons
Over 30,001 gallons	$2.65 per 1000 gallons

(Ord. 649 – Feb. 02 Supp.)

6-1.0303 MINIMUM CHARGE. Every consumer furnished water through a meter shall be charged a minimum or ready to serve charge of $18.25 a quarter for each meter. For the minimum charge the consumer will be allowed 5,000 gallons of water for each meter, but all water in excess of 5,000 gallons per quarter shall be paid for according to the meter rates established in this article.

(Ord. 649 – Feb. 02 Supp.)

6-1.0304 RATES OUTSIDE THE CITY. Water service shall be provided to any consumer located outside the corporate limits of the City which the City has agreed to serve at rates three hundred percent (300%) of the rates provided in Section 6-1.0302. No such consumer, however, will be served unless he shall have signed a service contract agreeing to be bound by the ordinances, rules and regulations applying to water service established by the Council.

(Code of Iowa, Sec. 364.4 & 384.84)

6-1.0305 BILLING FOR WATER SERVICE. Billing and payment for water service shall be in accordance with the following:
(Code of Iowa, 1985, Sec. 384.84 (1))

1. Meters Read. Water meters shall be read once during each of the quarters consisting of the following months.

First Quarter: July, August and September
Second Quarter: October, November and December
Third Quarter: January, February and March
Fourth Quarter: April, May and June

2. Bills Issued. The clerk shall prepare and issue bills for water service on or before the first day of the month following the reading.

3. Bills Payable. Bills for water service shall be due and payable at the office of the clerk within thirty (30) days of mailing of the bills, except that monthly payments under the City Averaged Payment Plan shall be due and payable the last business day of each month.

4. Penalty. If any bill for water service shall not be paid by the due date, a charge of five (5) percent of the amount of the bill shall be added thereto and collected therewith.

5. Delinquent Bills. Bills not paid when due shall be considered delinquent and subject to service being discontinued as provided in Section 6-1.0306.

6. City Averaged Payment Plan. Any person who has established a water usage record for at least one year, and whose account is not delinquent shall be eligible to pay their water bill pursuant to the City Averaged Payment (CAP) plan hereby established as follows:

A. Any person who elects to pay pursuant to said plan shall have their annual usage averaged and shall make equal monthly payments based thereon.

B. The City shall annually adjust the required payments based on the previous year's usage.

6-1.0306 SERVICE DISCONTINUED. Water service to delinquent consumers shall be discontinued in accordance with the following:
(Code of Iowa, 1985, Sec. 384.84 (1))

1. Notice. The clerk shall notify each delinquent consumer that water service may be discontinued if payment, including late payment charges, is not received within five (5) days of the date when due. Such notice shall be sent by first class mail on the first day of the month. If the consumer fails to make payment by the date specified in the notice of delinquency, a certified letter shall be sent stating that in

ten (10 days the water service shall be disconnected if the entire account is not paid in full, including postage costs. At the end of said ten (10) days, the Superintendent shall shut off the supply of water to any consumer who, not having contested the amount billed in good faith, has failed to make payment, including late charges and postage.

2. Fees. (Repealed by Ordinance No. 629 – Feb. 02 Supp.)

6-1.0307 CONSUMER DEPOSITS. Consumer deposits shall be required of all consumers having no established credit record, or who have a prior record of failure to pay water bills rendered by the City. Such deposit shall be one hundred dollars ($100.00). The owner of the property shall be responsible for any uncollected water service charges. ***(Ord. 626 – Feb. 02 Supp.)***

6-1.0308 METER SERVICE FEES. A fee of $20.00 shall be assessed for any connection, disconnection or restoration of water service, which fee, if not paid at the time of such connection, disconnection or restoration of service, shall be added to the customer's next regular water service charge, except hat said fee shall be paid in advance before service is restored to a delinquent customer whose service was discontinued for nonpayment.

(Ord. 629 – Feb. 02 Supp.)

ARTICLE 4
WATER SHORTAGE

6-1.0401 AUTHORITY TO RESTRICT WATER USAGE. The mayor is hereby authorized and directed to implement conservation measures by ordering the restricted use or absolute curtailment of the use of water for certain non-essential purposes for the duration of the water shortage in the manner hereinafter set out. In exercising this discretionary authority, and making the determinations set forth in Section 6-1.0403 hereof, the mayor shall give due consideration to water levels, available/usable storage on hand, draw down rates and the projected supply capability at the well head; supply capacity, rate of usage and projected supplies of well in the water system and elevation of the East Nishnabotna River; system purification and pumping capacity; daily water consumption and consumption projections of the system's customers; prevailing and forecast weather conditions; fire service requirements; pipeline conditions including breakage, stoppages and leaks; supplementary source data; and safety and such other data appurtenant to the past, current and projected water demands. Said declaration shall provide for the limitations of water usage by all citizens and residents of the city. Said limitations shall include but not be limited to:

1. Inclusive dates of the emergency;

2. Specific limitations on water usage and times for said usage;

3. Penalties for violations thereof;

Any violation of said declaration shall constitute a municipal infraction pursuant to the Code of Iowa, Chapter 364.22 and fines in accordance therewith shall be imposed.

6-1.0402 EXCEPTIONS TO REGULATIONS. The provisions of this article, or regulations promulgated hereunder, which are hereby authorized, shall not apply to any governmental activity, institution, business or industry, upon a proper show, to be necessary to the public health, safety and welfare or the prevention of severe economic hardship or the substantial loss of employment. Any activity, institution, business or industry aggrieved may appeal to the city council.

6-1.0403 WATER CONSERVATION MEASURES. Upon a determination by the mayor or the existence of the following conditions, the mayor shall take the following actions: a) Step 1 - Water Alert: When moderate, but limited supplies of water are available, the mayor

shall, through appropriate means, call upon the general population to employ prudent restraint in water usage, and to conserve water voluntarily by whatever methods available. b) Step 2 - Water Emergency: When very limited supplies of water are available, the mayor shall order curtailment of less essential usages of water, including but not limited to, one or more of the following:

1. Watering Yards. The sprinkling, watering or irrigating of shrubbery, trees, lawns, grass, ground cover, plants, vines, gardens, vegetables, flowers or any other vegetation.

2. Washing Mobile Equipment. The washing of automobiles, trucks, trailers, trailer-houses, railroad cars, or any other type of mobile equipment.

3. Cleaning Outdoor Services. The washing of sidewalks, driveways, filling station aprons, porches and other outdoor services.

4. Cleaning Buildings. The washing of the outside of the dwellings; the washing of the inside and outside of office buildings.

5. Cleaning Equipment and Machinery. The washing and cleaning of any business or industrial equipment and machinery.

6. Ornamental Fountains. The operation of any ornamental fountain or other structure making a similar use of water.

7. Swimming Pools. The swimming and wading pools not employing a filter and recirculating system.

8. Fire Hydrants. The use of water from fire hydrants for any purpose other than fire suppression or other public emergency.

9. Escape Through Defection Plumbing. The escape of water through defective plumbing, which shall mean the knowing permission for defective plumbing to remain out of repair.

10. Restaurants. The serving of drinking water in restaurants, cafeterias or other food establishments unless requested by the individual.

6-1.0404 EXCEPTIONS. The council shall have the authority to permit a reasonable use of water in any case necessary to maintain adequate health and sanitation standards. Further this article shall not apply to those businesses and industries declared by resolution of the council to be necessary for the public health, safety and welfare.

6-1.0405 PENALTY. Any violation of this article shall constitute a municipal infraction pursuant to Section 364.22 of the Code of Iowa, and fines in accordance therewith shall be imposed.

(Article 4 added by Ordinance No. 569)

TITLE VI - COMMUNITY DEVELOPMENT AND ENVIRONMENT
CHAPTER 2 - TREES

ARTICLE 1
GENERAL PROVISIONS

6-2.0101 PURPOSE. The purpose of this chapter is to beautify and preserve the appearance of the city by regulating and providing for the planting, care and removal of trees.

6-2.0102 DEFINITIONS. For use in this chapter, the following terms are defined:

1. "Parking": shall mean that part of the street, avenue or highway in the city not covered by sidewalk and lying between the lot line and the curb line; or, on unpaved streets, that part of the street, avenue or highway lying between the lot line and that portion of the street usually traveled by vehicular traffic.

2. "Superintendent": shall mean the superintendent of public works.

6-2.0103 PLANTING RESTRICTIONS. No tree shall be planted in any street or parking except in accordance with the following:

1. Alignment. All trees hereafter planted in any street shall be planted in the parking midway between the outer line of the sidewalk and the curb. In the event a curb line is not established, trees shall be planted on a line 10 feet from the property line.

2. Spacing. Trees shall not be planted on the parking if it is less than nine (9) feet in width, or contains less than eighty-one (81) square feet of exposed soil surface per tree. Trees shall not be planted closer than twenty (20) feet to street intersections (property lines extended) and ten (10) feet to driveways. If it is at all possible, trees should be planted inside the property lines and not between the sidewalk and the curb.

3. Prohibited trees. No person shall hereinafter plant in any street, any fruit bearing tree or any tree of the kinds commonly known as cottonwood, poplar, boxelder, chinese elm, or evergreens.

6-2.0104 DUTY TO TRIM TREES. The owner or agent of the abutting property shall keep the trees on, or overhanging the street trimmed so that all branches will be at least fifteen (15) feet above the surface of the street and eight (8) feet above the sidewalks.

(Code of Iowa, 1975, Sec. 364.12 [2c])

6-2.0105 ASSESSMENT. If the abutting property owner fails to trim the trees as required in this chapter, the city may serve notice on the abutting property owner requiring him to do so within five (5) days. If he fails to trim the trees within that time, the city may perform the required action and assess the costs against the abutting property for collection in the same manner as a property tax.

(Code of Iowa, 1975, Sec. 364.12 [2 d and e])

6-2.0106 TRIMMING TREES TO BE SUPERVISED. It shall be unlawful for any person to trim or cut any tree in a street or public place unless the work is done under the supervision of the city.

6-2.0107 REMOVAL OF TREES. The superintendent shall remove, on the order of the council, any tree on the streets of the city which interferes with the making of improvements or with travel thereon. He shall additionally remove any trees on the street, not on private property, which have become diseased, or which constitute a danger to the public, or which may otherwise be declared a nuisance.

(Code of Iowa, 1975, Sec. 364.12 [2c] and 372.13 [4])

ARTICLE 2
DUTCH ELM DISEASE CONTROL

6-2.0201 TREES SUBJECT TO REMOVAL. The council having determined that the health of the elm trees within the city is threatened by a fatal disease known as the Dutch elm disease hereby declares the following shall be removed:
(Code of Iowa, 1975, Sec. 364.12 [3b])

1. Living or standing trees. Any living or standing elm tree or part thereof infected with the Dutch elm disease fungus or which harbors any of the elm bark beetles, that is scolytus multistriatus (eichb.) or hylurgopinus rufipes (marsh.)

2. Dead trees. Any dead elm tree or part thereof including logs, branches, stumps, firewood or other elm material from which the bark has not been removed and burned or sprayed with an effective elm bark beetle destroying insecticide.

6-2.0202 DUTY TO REMOVE. No person, firm or corporation shall permit any tree or material as defined in Section 1 of this article to remain on the premises owned, controlled or occupied by him within the city.
(Code of Iowa, 1975, Sec. 364.12 [3b])

6-2.0203 INSPECTION. The superintendent shall inspect or cause to be inspected all premises and places within the city to determine whether any condition as defined in Section 1 of this article exists thereon, and shall also inspect or cause to be inspected any elm trees reported or suspected to be infected with the Dutch elm disease or any elm bark bearing material reported or suspected to be infected with the elm bark beetles.

6-2.0204 REMOVAL FROM CITY PROPERTY. If the superintendent upon inspection or examination, in person or by some qualified person acting for him, shall determine that any condition as herein defined exists in or upon any public street, alley, park or any public place, including the strip between the curb and the lot line of private property, within

the city and that the danger of other elm trees within the city is imminent, he shall immediately cause it to be removed and burned or otherwise correct the same in such manner as to destroy or prevent as fully as possible the spread of Dutch elm disease or the insect pests or vectors known to carry such disease fungus.

6-2.0205 REMOVAL FROM PRIVATE PROPERTY. If the superintendent upon inspection or examination, in person or by some qualified person acting for him, shall determine with reasonable certainty that any condition as herein defined exists in or upon private premises and that the danger to other elm trees within the city is imminent, he shall immediately notify by certified mail the owner, occupant or person in charge of such property, to correct such condition within 14 days of said notification. If such owner, occupant or person in charge of said property fails to comply within 14 days of receipt thereof, the council may cause the nuisance to be removed and the cost assessed against the property as provided in Article 2, Chapter 2 of Title III.

(Code of Iowa, 1975, Sec. 364.12 3 [b and h])

If the superintendent is unable to determine with reasonable certainty whether or not a tree in or upon private premises is infected with Dutch elm disease, he is authorized to remove or cut specimens from said tree, and obtain a diagnosis of such specimens.

TITLE VI - COMMUNITY DEVELOPMENT AND ENVIRONMENT
CHAPTER 3 - ABANDONED AND JUNKED VEHICLES AND MACHINERY

ARTICLE 1
ABANDONED VEHICLES

6-3.0101 DEFINITIONS. For use in this article the following terms are defined:

1. "Abandoned Vehicle": shall mean any of the following: (Code of Iowa, 1975, Sec. 321.89 [1b])

A. A motor vehicle that has been left unattended on public property for more than forty-eight (48) hours and lacks current registration plates, or

B. A motor vehicle that has remained illegally on public property for more than fifteen (15) days, or

C. A motor vehicle that has been unlawfully parked on private property or has been placed on private property without the consent of the owner or person in control of the property for more than twenty-four (24) hours, or

D. A motor vehicle that has been legally impounded by order of the chief of police and has not been reclaimed for a period of thirty (30) days.

2. "Inoperable Vehicle": shall mean any motor vehicle which lacks an engine or two or more wheels or other structural part which renders the vehicle totally inoperable.

6-3.0102 REMOVAL OF ABANDONED MOTOR VEHICLES. The police chief may remove and impound any abandoned motor vehicle whether in operable or totally inoperable condition. Impoundment shall be in any city-owned garage or area, or in any privately-owned public garage or area designated by the council.

(Code of Iowa, 1975, Sec. 321.89 [2])

6-3.0103 NOTICE BY MAIL. The police chief shall notify by certified mail within ten (10) days of having taken possession of any abandoned operable motor vehicle, the last known registered owner of the motor vehicle and all lienholders

of record, addressed to their last known address of record that the abandoned motor vehicle has been taken into custody. Notice shall be deemed given when mailed. Notice shall describe the year, make, model and serial number of the motor vehicle, set forth the location of the facility where it is being held, inform the owner and any lienholders of their right to reclaim the motor vehicle within fourteen (14) days after the effective date of the notice upon payment of all towing, preservation and storage charges resulting from placing the motor vehicle in custody. The notice shall also state that the failure of the owner or lienholders to exercise their right to reclaim the motor vehicle within the time provided shall be deemed a waiver by the owner and all lienholders of all right, title, claim and interest in the motor vehicle and that such failure to reclaim is deemed consent to the sale of the motor vehicle at a public auction or disposal of the motor vehicle to a demolisher. If the owner and lienholders do not exercise their right, they shall have no further right, title, claim or interest in or to such motor vehicle, as provided by law.

(Code of Iowa, 1975, Sec. 321.89 [3a])

6-3.0104 NOTIFICATION IN NEWSPAPER. If the identity of the last registered owner of an abandoned but operable vehicle cannot be determined, or if the registration contains no address for the owner, or if it is impossible to determine with reasonable certainty the identity and addresses of all lienholders, notice by one publication in one newspaper of general circulation in this city shall be made by the police chief and multiple listings may be included in said notice if they are subject to the same time limits, and the same information as prescribed for mailed notice shall be included.

(Code of Iowa, 1975, Sec. 321.89 [3b])

6-3.0105 EXTENSION OF TIME. The owner or any lienholder may, by written request delivered to the police chief prior to the expiration of the fourteen (14) day reclaiming period, obtain an additional fourteen (14) days within which the motor vehicle may be reclaimed.

(Code of Iowa, 1975, Sec. 321.89 [3c])

6-3.0106 FEES FOR IMPOUNDMENT. The owner or lienholder shall pay three dollars if claimed within five (5) days of impounding, plus one dollar for each additional day within the reclaiming period plus towing charges if stored by the city, or upon payment of the towing and storage fees, if stored in a public garage, whereupon said vehicle shall be released. The amount of towing charges, and the rate of storage charges by

privately owned garages shall be established by resolution of the council.

(Code of Iowa, 1975, Sec. 321.89 [3a])

6-3.0107 DISPOSAL OF OPERABLE VEHICLES. If an abandoned motor vehicle which is operable has not been reclaimed as provided by Section 6-3.0103, the police chief shall make a determination as to whether or not the motor vehicle should be sold for use upon the highways. If it is to be sold for such use it shall first be inspected as required by law, have a valid certificate of inspection affixed, and shall then be sold, and title given in accordance with law. Vehicles not sold for use upon the highways shall be sold only in accordance with the restrictions in Iowa law. The purchasers shall take title as provided for by law, or if sold to a demolisher no further titling of the motor vehicle shall be permitted.

(Code of Iowa, 1975, Sec. 321.89 [4])

6-3.0108 DISPOSAL OF INOPERABLE ABANDONED VEHICLES.

1. Disposal by City. Any totally inoperable abandoned vehicle or any such inoperable vehicle left on private property by other than the owner or person in charge of the private property shall be disposed of by the police chief to a demolisher unless he deems it practicable to sell it as provided in Section 6-3.0107. A sale to a demolisher shall not require the notification procedures or public auction, but the police chief shall endeavor to obtain as much compensation as possible to defray any costs to the city.

(Code of Iowa, 1975, Sec. 321.89 [4])

2. Disposal by Other Persons. A person or this city or other unit of government upon whose property or in whose possession is found any abandoned motor vehicle, or any person being the owner of a motor vehicle whose title certificate is faulty, lost or destroyed, may, without notification procedures, dispose of such motor vehicle if it lacks an engine, or two (2) or more wheels, or other structural part which renders the vehicle totally inoperable, to a demolisher for junk without the title.

(Code of Iowa, 1975, Sec. 321.90 [2e])

6-3.0109 PROCEEDS FROM SALES. Proceeds from the sale of any abandoned vehicle shall apply to the cost of towing, preserving, storing and notification required, in accordance with state law. Any balance shall be held for the owner of the motor vehicle or entitled lienholder for ninety (90) days,

and then shall be deposited in the reimbursement fund of the Iowa Department of Public Safety. Where the sale of any vehicle fails to realize the amount necessary to meet costs the police chief shall apply for reimbursement from the Department of Public Safety.

(Code of Iowa, 1975, Sec. 321.89 [4])

6-3.0110 DUTIES OF DEMOLISHER. Any demolisher who purchases or otherwise acquires an abandoned motor vehicle for junk shall junk, scrap, wreck, dismantle or otherwise demolish such a motor vehicle. When a demolisher acquires a motor vehicle under Section 6-3.0108, the demolisher shall apply to the police chief for a certificate to demolish the vehicle. The application shall include the name and address of the applicant, the year, make, model and serial number of the motor vehicle. After the motor vehicle has been demolished, processed or changed so that it physically is no longer a motor vehicle, the demolisher shall surrender the auction sales receipt or certificate of authority to dispose of or demolish a motor vehicle to the state Department of Public Safety for cancellation.

(Code of Iowa, 1975, Sec. 321.90 [3a]

ARTICLE 2

INOPERABLE VEHICLES AND JUNK

6-3.0201 DEFINITIONS. For use in this article, the following terms are defined:

1. "Inoperable Vehicle": Any motor vehicle, recreational vehicle, boat, trailer or semi-trailer which lacks a current registration or component part which renders the vehicle unfit for legal use or which vehicle has any of the following characteristics:

A. Broken Glass. Any vehicle with a broken or cracked windshield, window, headlight or tail light, or any other cracked or broken glass.

B. Broken or Loose Part. Any vehicle with a broken or loose fender, door, bumper, hood, hood ornament, door handle, window handle, running board, steering wheel, trunk top, trunk handle, radio aerial, tail pipe or decorative piece.

C. Habitat for Nuisance Animals or Insects. Any vehicle which has become the habitat for rats, mice, or snakes, or any other vermin or insects.

D. Flammable Fuel. Any vehicle which contains gasoline or any other flammable fuel.

E. Inoperable. Any motor vehicle if it lacks an engine, transmission or two or more wheels or other structural parts, rendering said motor vehicle totally inoperable.

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

(Ord. 643 – Feb. 02 Supp.)

2. "Junk" means all old or scrap copper, brass, lead, or any other non-ferrous metal; old rope, rags, batteries, paper, trash, rubber, debris, waste or used lumber, or salvaged wood; dismantled or inoperable

vehicles, machinery and appliances or parts of such vehicles, machinery or appliances; iron, steel or other old or scrap ferrous materials; old discarded glass, tinware, plastic or old or discarded household goods or hardware.

6-3.0202 MISCELLANEOUS – PARKING AND STORAGE. No person shall park, place, keep or store or permit the parking or storage of a stock car, racing car, inoperable vehicle, vehicular component parts or miscellaneous junk and debris on any public or private property unless it shall be in a completely enclosed building. This section shall not apply to legitimate businesses operating in a lawful place and manner; provided, however, that such outside areas are screened from public view. If a violation of this section occurs upon private property, the owner or person in control of said property shall be pima facie liable for said violation.

6-3.0203 NOTICE TO ABATE. Upon discovery of any inoperable vehicle or junk upon any property within the corporate limits of the City, the Chief of Police shall within five (5) days notify in writing the owner of said vehicle or junk or, in the absence of any known or ascertainable owner, the owner of the property upon which it is stored that:

1. The vehicle or junk constitutes a nuisance under the provisions of this article;

2. The owner must remove or repair the vehicle or junk in accordance with the terms of Section 6-3.0204 of this article; and

3. Failure to so remove or repair will be sufficient cause for its removal by the City.

6-3.0204 DUTY OF OWNER TO REMOVE OR REPAIR. The owner of an inoperable vehicle or junk which violates the provisions of this article or, in the absence of any known or ascertainable owner, the owner of the property upon which it is stored must within ten (10) days after receipt of a written notice from the chief of police remove the vehicle or junk, or repair the defects which caused such vehicle or junk to violate the provisions of this article.

6-3.0205 ABATEMENT. If the owner of the inoperable vehicle or junk or, in the absence of any known or ascertainable owner, the owner of the property upon which it is stored shall fail to remove or repair the vehicle or junk in accordance with the terms of Section 6-3.0204 of this article, the chief of police, or any other delegated officer, shall abate such nuisance, shall remove the vehicle or junk and the cost of removal shall be charged to the owner of the vehicle or junk or to the owner of the property upon which it is stored.

6-3.0206 AUCTION SALE. All inoperable vehicles impounded by the police pursuant to this article shall be sold to the highest bidder at a public auction, the time and place of which shall be duly published in a newspaper of general circulation within the city not less than seven (7) days before the auction. All revenues derived from such sale shall accrue to the city for the purpose of recovering its costs of removal and sale. Any excess revenue from the sale shall be paid to the owner of the vehicle.

6-3.0207 COLLECTION OF COSTS. After removal and sale of an inoperable vehicle, or removal of junk, the city shall first bill the person liable for the unrecovered costs. If not paid within 30 days the clerk shall proceed as follows: The owner of the property upon which the inoperable vehicle or junk was located shall receive five (5) days' notice of the proposed assessment of the costs of the work done together with the cost of serving notice and all other costs connected therewith against said owner or against said owner's property, which notice shall be signed by the clerk. The aforesaid notice may be served personally, by certified mail, or by publishing one week in a newspaper of general circulation in the city. If the owner does not protest or pay said assessment within the said five days, the council, at its next regular council meeting shall, by resolution, assess the costs thereof to and against the owner of the property from which the inoperable vehicle or junk was removed for collection in the same manner as a property tax.

(Article 2 amended by Ordinance No. 563)

CHAPTER 4
PLANNING AND ZONING COMMISSION

6-4.01 PLANNING AND ZONING COMMISSION. There shall be a city Planning and Zoning Commission, hereinafter referred to as the commission, consisting of seven (7) members, who shall be citizens of the city and qualified by knowledge or experience to act in matters pertaining to the development of a city plan and who shall not hold any elective office in the city government, appointed by the council.

(Code of Iowa, 1975, Sec. 414.6 and 392.1)

6-4.02 TERM OF OFFICE. The term of office of the members of the commission shall be five (5) years. The terms of not more than one-third of the members will expire in any one year.

(Code of Iowa, 1975, Sec. 392.1)

6-4.03 VACANCIES. If any vacancy shall exist on the commission caused by resignation, or otherwise, a successor for the residue of said term shall be appointed in the same manner as the original appointee.

(Code of Iowa, 1975, Sec. 392.1)

6-4.04 COMPENSATION. All members of the commission shall receive as compensation the sum of five dollars ($5.00) for each meeting attended, payable quarterly.

(Code of Iowa, 1975, Sec. 392.1)

6-4.05 POWERS AND DUTIES.

1. Selection of Officers. The commission shall choose annually at its first regular meeting one of its members to act as chairman and another as vice-chairman, who shall perform all the duties of the chairman during his absence or disability.

(Code of Iowa, 1975, Sec. 392.1)

2. Adopt Rules and Regulations. The commission shall adopt such rules and regulations governing its organization and procedure as it may deem necessary.

(Code of Iowa, 1975, Sec. 392.5)

3. Annual Report. The commission shall each year make a report to the mayor and council of its proceedings, with a full statement of its receipts, disbursements and the progress of its work during the preceding fiscal year.

(Code of Iowa, 1975, Sec. 392.1)

4. Appointment of Assistants. Subject to the limitations contained in this chapter as to the expenditure of funds, it may appoint such assistants as it may deem necessary and prescribe and define their respective duties and fix and regulate the compensation to be paid to the several persons employed by it.

(Code of Iowa, 1975, Sec. 392.1)

5. Comprehensive Plan. It shall have full power and authority to make or cause to be made such surveys, studies, maps, plans, or charts of the whole or any portion of the city or of any land outside thereof, which in the opinion of the commission bears relation to the comprehensive plan and shall bring to the attention of the council and may publish its studies and recommendations.

(Code of Iowa, 1975, Sec. 414.3)

6. Comprehensive Plan: Preparation. For the purpose of making a comprehensive plan for the physical development of the city, the commission shall make careful and comprehensive studies of present conditions and future growth of the city and with due regard to its relation to neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the city and its environs which will, in accordance with the present and future needs, best promote health, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development.

(Code of Iowa, 1975, Sec. 414.3 and 392.1)

7. Comprehensive Plan: Public Hearing. Before adopting a comprehensive plan as referred to in the preceding paragraph, or any part of it, or any substantial amendment thereof, the commission shall hold at least one public hearing thereon, notice of the time of which shall be given by one publication in a newspaper of general circulation in the city not less than ten nor more than twenty days before the date of hearing. The adoption of the plan or part or amendment thereof shall be by resolution of the commission carried by the affirmative vote of not less than two-thirds of the members of the commission.

After adoption of said plan by the commission an attested copy thereof shall be certified to the council and the council may approve the same. When said plan or any modification or amendment thereof shall receive the approval of the council, the said plan until subsequently modified or amended as hereinbefore authorized shall constitute the official city plan.

(Code of Iowa, 1975, Sec. 414.1, 414.6 & 392.1)

8. Comprehensive Plan: Amendments. When the comprehensive plan as hereinbefore provided has been adopted no substantial amendment or modification thereof shall be made without such proposed change first being referred to the commission for its recommendations. If the commission disapproves the proposed change it may be adopted by the council only by the affirmative vote of at least three-fourths (3/4) of the members of the said council.

(Code of Iowa, 1975, Sec. 414.4, 414.5 & 392.1)

9. Recommendations of Improvements. No statuary, memorial or work of art in a public place, and no public building, bridge, viaduct, street fixtures, public structure or appurtenances, shall be located or erected, or site therefor obtained, nor shall any permit be issued by any department of the city for the erection or location thereof until and unless the design and proposed location of any such improvement shall have been submitted to the commission and its recommendations thereon obtained, except such requirements and recommendations shall not act as a stay upon action for any such improvement when the commission after thirty (30) days' written notice requesting such recommendations, shall have failed to file same.

(Code of Iowa, 1975, Sec. 392.1)

10. Review and Comment on Plats. All plans, plats, or re-plats of subdivision or re-subdivisions of land embraced in the city or adjacent thereto, laid out in lots or plats with the streets, alleys, or other portions of the same intended to be dedicated to the public in the city, shall first be submitted to the commission and its recommendations obtained before approval by the council.

(Code of Iowa, 1975, Sec. 392.1)

11. Review and Comment of Street and Park Improvements. No plan for any street, park, parkway, boulevard, traffic-way, riverfront, or other public improvement affecting the city plan shall be finally approved by the city or the character or

location thereof determined, unless such proposal shall first have been submitted to the commission and the latter shall have had thirty days within which to file its recommendations thereon.

(Code of Iowa, 1975, Sec. 392.1)

12. Zoning. The commission shall have and exercise all the powers and duties and privileges in preparing and amending the city zoning code as provided by Chapter 414 of the 1975 Code of Iowa.

(Code of Iowa, 1975, Sec. 414.6)

13. Fiscal Responsibilities. The commission shall have full, complete and exclusive authority to expend for and on behalf of the city all sums of money appropriated to it, and to use and expend all gifts, donations or payments whatsoever which are received by the city for city planning and zoning purposes.

(Code of Iowa, 1975, Sec. 392.1)

14. Limitation on Entering Contracts. The commission shall have no power to contract debts beyond the amount of its income for the present year.

(Code of Iowa, 1975, Sec. 392.1)

TITLE VI - COMMUNTY DEVELOPMENT AND ENVIRONMENT
CHAPTER 5 - ZONING CODE

ARTICLE 1
GENERAL PROVISIONS

6-5.0101 TITLE. This chapter shall be known and may be cited as The Audubon Zoning Code.

6-5.0102 PURPOSE. The purpose of this chapter is to promote the health, safety and general welfare in the city by regulating and restricting the location, construction and the use of land and for said purposes dividing the city into districts.

(Code of Iowa, 1975, Sec. 414.1, 414.2 and 414.3)

6-5.0103 DEFINITIONS. For the purpose of this chapter certain terms and words are hereby defined:

1. "Accessory Use": shall mean a use customarily incidental to the principal use of the lot.

2. "Alley": shall mean a narrow service way providing a secondary means of access to abutting properties.

3. "Alterations": shall mean a change or rearrangement in the structural parts or in the existing facilities, or an enlargement of a building or structure.

4. "Board": shall mean the Board of Adjustment of the City of Audubon, Iowa.

5. "Boarding House": shall mean any private dwelling in which three (3) or more persons either individually or as families are housed or lodged for hire with or without meals, and in which no transients are accommodated. A rooming house shall be deemed a boarding house.

6. "Building": shall mean any roofed over structure intended for shelter.

7. "Building, Accessory": shall mean a subordinate building, the use of which is incidental to that of a main building on the same lot.

8. "Building Height": shall mean the vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

9. "Building,Main": shall mean a building devoted to the principal use of the lot on which it is located.

10. "Commercial Use": shall mean any land or building designed or designated to be used for commercial purposes, which shall include such land or buildings used for retail sales and office use.

11. "Commission": shall mean the Planning and Zoning Commission of the City of Audubon, Iowa.

12. "Court": shall mean an open space on the same lot with a building bounded on two (2) or more sides by the walls of such building.

13. "Court, Inner": shall mean a court bounded on all sides by exterior wall of a building or by exterior walls and lot lines on which walls are allowable.

14. "Court, Outer": shall mean any court other than an inner court.

15. "Coverage": shall mean the percent of lot area covered by buildings.

16. "Dwelling": shall mean any building used primarily as living quarters for one (1) or more families.

17. "Dwelling, Single Family": shall mean a detached building used primarily for living quarters accommodating only a single family.

18. "Dwelling, Two-Family": shall mean a detached building used primarily for living quarters accommodating two (2) families.

19. "Dwelling, Multiple-Family": shall mean a building

or portion thereof accommodating three (3) or more families living independently of each other.

20. "Family": shall mean one (1) or more persons occupying a premise and living as a non-profit housekeeping unit.

21. "Farm": shall mean any parcel of land containing at least ten (10) acres which is used for gain in the production of agricultural products.

22. "Filling Station": shall mean any area of land, including structures thereon, that is primarily used or designed to be used for the supply of gasoline or oil or other fuel for use in motor vehicles and which may include facilities used or designed to be used for parking, greasing, washing, spraying, or other cleaning and servicing of such motor vehicles.

23. "Floor Area": shall mean the sum of the gross horizontal areas of the several floors of a building excluding areas not normally considered rentable areas.

24. "Garage, Private": shall mean an accessory building for the storage of one (1) or more motor vehicles, provided that no business, occupation or service is conducted for profit therein nor space therein for more than one (1) car is leased to a non-resident of the premises.

25. "Garage, Public": shall mean any garage other than a private garage, available to the public, operated for gain, and which is used for storage, repair, rental, greasing, washing, servicing, adjusting or equipping of automobiles or other motor vehicles.

26. "Home Occupation": shall mean a profession or an occupation which:

    A. Is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof.

    B. Occupies no more than 50% of the floor area of one story of the dwelling.

    C. Produces no offensive noise, vibration, smoke, dust, odors, heat or glare.

    D. Employs not more than one (1) person outside the immediate family residing on the premises.

E. Offers no articles for sale except such as may be produced on the premises or comprises no more than 10% of the gross proceeds from the occupation.

F. Off street parking space is provided for each 100 square feet of area used for such profession or occupation.

G. Is carried on wholly within the dwelling on the premises with no exterior storage, no exterior display, and no exterior advertising except a small name plate no larger than one (1) square foot.

27. "Hospital": shall mean a building used for diagnosis, treatment or other care of human ailments.

28. "Hotel": shall mean a building containing rooms intended or designed to be occupied as the more or less temporary abiding place of individuals and where no provision is made for cooking in any individual room.

29. "Hotel, Apartment": shall mean a dwelling primarily occupied by permanent guests and not transients which may include restaurants, news stands, and other accessory services primarily for servicing its occupants and only incidental to the public.

30. "Junk Yard": shall mean a lot, land, or portion thereof used primarily for the collecting, storage

and sale of junk including paper, rags, scrap metal or other discarded material, or the dismantling, demolition, sale or abandonment of automobiles or other vehicles or machinery or parts thereof.

31. "Lot": shall mean a parcel or plat of land considered as a unit occupied or to be occupied by a building and its accessory buildings together with such open spaces as are required under this chapter.

32. "Lot, Corner": shall mean a lot at the junction of and fronting on two or more intersecting streets.

33. "Lot, Depth of": shall mean a horizontal distance between the front and rear lot lines.

34. "Lot, Width of": shall mean the width measured at right angles to its depth.

35. "Lot Lines": shall mean any line dividing one lot from another.

36. "Mobile Home"; shall mean a vehicle used or constructed to be used for living or sleeping purposes and designed for being conveyed upon the public streets and highways.

37. "Mobile Home, Independent": shall mean a mobile home having a flush toilet and a bath or shower.

38. "Mobile Home Park": shall mean any park, lot or site whereupon mobile homes as herein defined are located and maintained or intended to be located and maintained whether for or without compensation for such accommodation.

39. "Mobile Home Space": shall mean a plot of ground within a mobile home park designated as the location for only one (1) mobile home and not used for any other purposes whatsoever other than the customary accessory uses thereof.

40. "Structure": shall mean anything constructed or erected the use of which requires location on the ground or attached to something having location on the ground.

41. "Use": shall mean the specific purpose for which land or a building is designed, intended, or for which it is or may be occupied or maintained.

42. "Yard": shall mean an unoccupied space open to the sky, on the same lot with a building.

43. "Yard, Front": shall mean a yard between the front line of the building and the front line of the lot and extending the full width of the lot.

44. "Yard, Rear": shall mean a yard between the rear line of the building and the rear lot lines and extending the full width of the lot.

45. "Yard, Side": shall mean a yard between the building and the side lines of the lot and extending from the front yard to the rear yard.

ARTICLE 2
ESTABLISHMENT OF DISTRICTS

6-5.0201 DISTRICTS ESTABLISHED. For the purpose of promoting the public health, safety, morals, and general welfare of the community, the city is hereby divided into the following types of districts:

1. Agriculture
2. One-Family Residential District (1st District)
3. One-Family Residential District (2nd District)
4. Two Family Residential District
5. Multiple Family Residential District
6. Central Business District
7. Local Business District
8. Restricted Industrial District
9. Light Industrial District
10. Heavy Industrial District

(Code of Iowa, 1975, Sec. 414.2)

6-5.0202 OFFICIAL ZONING MAP. The city is hereby divided into zones, or districts, as shown on the official zoning map which, together with all explanatory matters thereon, is hereby adopted by reference and declared to be a part of this chapter.
(Code of Iowa, 1975, Sec. 414.2)

6-5.0203 IDENTIFICATION AND CERTIFICATION OF OFFICIAL ZONING MAP. The official zoning map shall be identified by the signature of the mayor, attested by the clerk, and bearing the seal of the city under the following words: "This to certify that this is the Official Zoning Map referred to in Section 3 of Ordinance Number 355 of the City of Audubon, Iowa," together with the date of the adoption of Ordinance Number 355.
(Code of Iowa, 1975, Sec. 414.4)

6-5.0204 RECORDING CHANGES ON OFFICIAL ZONING MAP. If, in accordance with the provisions of this chapter and Chapter 414, Code of Iowa, changes are made in district boundaries or other matter portrayed on the official zoning map, such changes shall be made on the official zoning map promptly after the amendment

has been approved by the commission, together with an entry on the official zoning map as follows: "On (date), by (change or changes) were made in the official zoning map:

(brief description of nature of change)

which entry shall be signed by the mayor and attested by the city clerk."
The amending ordinance shall provide that such changes or amendments shall not become effective until they have been duly entered upon the official zoning map. No amendment to this chapter which involves matters portrayed on the official zoning map, shall become effective until after such change and entry has been made on such map.

(Code of Iowa, 1975, Sec. 414.4)

6-5.0205 SYMBOLS FOR IDENTIFING ZONING DISTRICTS. For the purpose of clearly defining the various use districts, the following symbols have been used:

1. A-1 Agriculture District
2. R-1 One Family Residential District (1st District)
3. R-2 One Family Residential District (2nd District)
4. R-3 Two Family Residential District
5. R-4 Multiple Family Residential District
6. B-1 Central Business District
7. B-2 Local Business District
8. I-1 Restricted Industrial District
9. I-2 Light Industrial District
10. I-3 Heavy Industrial District

The boundaries of these districts shall be determined by the extent of coverage of the pattern for the respective district.

(Code of Iowa, 1975, Sec. 414.2)

6-5.0206 INTERPRETATION OF DISTRICT BOUNDARIES. The following rules shall apply where uncertainty exists with respect to the boundaries of any of the zoning districts as shown on the official zoning map:

(Code of Iowa, 1975, Sec. 414.4)

1. Streets and Lot Lines. Where district boundaries indicated as approximately following the lot lines, such street lines or lot lines shall be construed to be said boundaries.

2. More Restrictive District Boundary Prevails. When there is a reasonable doubt as to the boundaries between two districts, the regulations of the more restrictive district shall govern the entire parcel in question, unless otherwise determined by the Commission.

EDITOR'S NOTE

The following ordinances have been passed as amendments to the Official Zoning Map of the City and by this reference are made a part hereof.

ORDINANCE	ADOPTED	ORDINANCE	ADOPTED
457	January 11, 1978		
458	January 11, 1978		
459	January 11, 1978		
460	January 11, 1978		
461	January 11, 1978		
462	January 11, 1978		
471	May 22, 1978		
476	October 11, 1978		
493	October 10, 1979		
504	July 28, 1980		
510	February 23, 1981		
518	May 3, 1982		
534	January 9, 1984		
580	May 29, 1990		
604	October 11, 1993		
609	February 14, 1994		
614	August 22, 1994		
616	March 27, 1995		
622	November 27, 1995		
640	March 9, 1999		

ARTICLE 3
DISTRICT REGULATIONS

6-5.0301 APPLICATION OF REGULATIONS. Except as hereinafter provided:

(Code of Iowa, 1975, Sec. 414.1 and 414.2)

1. Conformity with District Use Regulations. No land shall be used and no building shall be erected or structurally altered nor shall any building or premises be used for any purpose unless in conformity with the regulations herein specified for the district in which it is located.

2. Conformity with Yard and Open Space Requirements. No lot upon which a building has been erected shall be so reduced in area that the yards or open spaces shall be smaller than those prescribed by this chapter, nor shall a part of a yard or other open space required about any building for the purpose of complying with the provisions of this chapter be included as a part of a yard or other open space similarly required for another building.

3. Conformity with Other Requirements. No building shall hereafter be erected or altered in the following manner:

A. To have narrower or smaller rear yards, front yards, side yards or courts.
B. To exceed the specified height.
C. To occupy a greater percentage of lot area.
D. To accommodate or house a greater number of families than is specified herein for the district in which such building is located.

4. Classification of Newly Annexed Territory. All territory which may hereafter be annexed to the city shall automatically be classed the same as the adjoining properties to the annexed territory unless said adjoining property does not have identical classifications, in which case the classification of the annexed territory shall be that as designated by the council.

6-5.0302 DISTRICT REGULATIONS FOR THE A-1, AGRICULTURE DISTRICT. The following regulations shall apply in all A-1 Agriculture Districts:

(Code of Iowa, 1975, Sec. 414.1 and 414.2)

1. Uses Permitted. The following uses are permitted in the A-1 district.

A. Agriculture and horticulture uses provided that there are no uses which are offensive in odor or which destroy the beauty of the landscape by their presence. Such offensive uses being those which include the storage of live stock or commercial poultry farms.

B. Public and private riding academies; provided however, that no stable may be located nearer than one half ($\frac{1}{2}$) mile from and adjacent to a residential district.

C. Reservoirs, wells, towers, filter beds, refuse dumps sewage treatment plants, and water supply plants.

D. Churches, schools, and hospital.

E. Publicly owned and operated libraries, museums, parks, playgrounds, fire stations and community buildings.

F. Publicly and privately owned golf courses, tennis courts, out door theaters, amusement parks, race tracks and fairgrounds.

G. Accessory buildings and uses customarily incidental to any of the above uses.

H. Airports, cemeteries, and natural production uses are permitted, subject to a permit approved by the zoning administrator and further subject to such conditions, restrictions and safeguards as may be deemed necessary by said zoning administrator.

2. Building Height Limit. No building shall exceed two and one half ($2\frac{1}{2}$) stories nor thirty five (35) feet.

3. Required Lot Area. A lot shall not be less than twenty thousand (20,000) square feet and a lot width of not less than one hundred and twenty (120) feet is required.

4. Percentage of Lot Coverage. All buildings, including accessory buildings shall not cover more than thirty (30) percent of the area of the lot.

5. Yards Required. Each lot shall have front, side and rear yards not less than the following depths or widths:

A. Front yard depth: fifty (50) feet.

B. Rear yard depth: twenty five (25) feet.

C. Side yard width: twenty (20) feet.

D. The side yard width of twenty (20) feet may be reduced to a side yard width of ten (10) feet for any lot having an average width of less than eighty (80) feet, which was a lot of record at the time of adoption of these regulations, provided that the width of the two side yards on such lot shall not be less than thirty (30) percent of the lot width.

6. Off Street Parking and Supplementary Regulations. Refer to SUPPLEMENTARY REGULATIONS, ARTICLE 4 for off street parking and supplementary regulations.

6-5.0303 DISTRICT REGULATIONS FOR THE R-1, ONE FAMILY RESIDENTIAL DISTRICT (1st DISTRICT). The following regulations shall apply in all R-1, One-Family Residential Districts (1st DISTRICT):

(Code of Iowa, 1975, Sec. 414.1 and 414.2)

1. Uses Permitted. The following uses are permitted in the R-1 district:

A. One-Family Dwelling.

B. Churches or similar places of worship.

C. Elementary schools, high schools and institutions for higher education.

D. Publicly owned and operated libraries, museums, parks, playgrounds, fire stations, and community buildings.

E. Golf courses. Country clubs and non-commercial recreational uses.

F. Agriculture, when conducted exclusively for the use of the occupants of the dwelling located on the premises, provided there are no agriculture uses present which are offensive in odor or which destroy the character of the landscape.

G. Any use allowed and approved by the Audubon Board of Adjustment as a "home occupation" as defined in Section 6-5.0103(26) of this Code.

H. Public utility structures necessary for the service of the area.

2. Building Weight Limits. No building shall exceed two and one-half (2½) stories, nor thirty five (35) feet.

3. Required Lot Area. A lot shall not be less than eight thousand five hundred (8,500) square feet and a lot width of eighty (80) feet is required.

4. Percentage of Lot Coverage. All buildings including accessory buildings shall not cover more than thirty (30) percent of the area of the lot.

5. Yards Required. Each lot shall have front, side and rear years and not less than the following depths or widths:

A. Front yard depth; thirty-five (35) feet.

B. Rear yard depth; twenty-five (25) feet.

C. Side yard width; not less than eight (8) feet but the sum of the two side yards shall not be less than twenty (20) feet.

6. Off-street Parking and Supplementary Regulations. Refer to SUPPLEMENTARY REGULATIONS, ARTICLE 4 for off street parking and supplementary regulations.

6-5.0304 DISTRICT REGULATIONS FOR THE R-2, ONE FAMILY RESIDENTIAL DISTRICTS (2nd DISTRICT):
(Code of Iowa, 1985, Sec. 414.1 and 414.2)

1. Uses Permitted. Any use permitted in the R1 One-Family Residential Districts (1st District).

2. Building Height Limit. No building shall exceed two and one-half ($2\frac{1}{2}$) stories nor thirty five (35) feet.

3. Required Lot Area. A lot shall not be less than six thousand (6,000) square feet and a lot width of not less than sixty-five (65) feet is required.

4. Percentage of Lot Coverage. All buildings including accessory buildings shall not cover more than thirty (30) percent of the area of the lot.

5. Yards Required. Each lot shall have front, side and rear yards not less than the depth or width as follows:

A. Front yard depth: twenty-five (25) feet.

B. Rear yard depth: twenty-five (25) feet.

C. Side yard width: six (6) feet but the sum of the two side yards shall not be less than fifteen (15) feet.

6. Off Street Parking and Supplementary Regulations. Refer to SUPPLEMENTARY REGULATIONS, ARTICLE 4 for off street parking and supplementary regulations.

6-5.0305 DISTRICT REGULATIONS OR THE R-3, TWO-FAMILY RESIDENTIAL DISTRICT. The following regulations shall apply in all R-3 Two-Family Residential Districts:
(Dode of Iowa, 1975, Sec. 414.1 and 414.2)

1. Uses Permitted. The following uses are permitted in the R-3 district:

A. Any use permitted in the R-1 One-Family Residential Districts (1st District).

B. Two family dwellings.

C. An existing dwelling may be converted into a two-family dwelling provided that any exterior stairway to serve the second floor be placed in the rear of the structure to be converted.

2. Building Height Limit. No building shall exceed two and one-half ($2\frac{1}{2}$) stories, nor thirty-five (35) feet.

3. Required Lot Area. Each lot shall have an area of not less than six thousand (6,000) square feet with a minimum lot width of sixty (60) feet.

4. Yards Required. Each lot shall have front, side, and rear yards not less than those specified for the R-2 One-family Residential Districts (2nd District.

5. Off-Street Parking and Supplementary Regulations. Refer to SUPPLEMENTARY REGULATIONS, ARTICLE 4 for off street parking and supplementary regulations.

6-5.0306 DISTRICT REGULATIONS FOR THE R-4 MULTIPLE FAMILY RESIDENTIAL DISTRICT. The following regulations shall apply in all R-4 Multiple-Family Residential Districts:
(Code of Iowa, 1975, Sec. 414.1 and 414.2)

1. Uses Permitted. The following uses are permitted in the R-4 district.

A. Any use permitted in the R-3, Two-family Residential Districts.
B. Multiple-family dwellings.
C. Tourist homes, rooming and boarding houses.
D. Clubs and lodges, excepting such clubs or lodges the chief activity of which is a service customarily carried on as a business or primarily for gain.

2. Building Height Limit. No building shall exceed four and one half ($4\frac{1}{2}$) stories, nor fifty five (55) feet.

3. Required Lot Area. Each lot shall have an area and width of not less than the area and width for the R-3, Two family Residential Districts, provided, however, that each multiple-family dwelling shall be located on a lot having not less than one thousand five hundred (1,500) square feet for each family housed therein.

4. Percentage of Lot Coverage. All buildings, including accessory buildings, shall not cover more than fifty (50) percent of the area of the lot.

5. Yards Required. Each lot shall have front, side and rear yards not less than the following depths or widths:

A. Front yard depth: Twenty-five (25) feet.
B. Rear yard depth: Twenty-five (25) feet and equal in depth to the height of the building.
C. Side yards: Five (5) feet, but each side yard shall be equal to one-fourth (1/4) of the height of the building.

6. Required Court Dimensions. The following court dimensions are required:

A. Outer court: The width of an outer court containing windows shall not be less than the full height of the court.

B. Inner court: The least dimension of an inner court shall be not less than the full height of such court.

7. Off Street Parking and Supplementary Regulations. Refer to SUPPLEMENTARY REGULATIONS, ARTICLE 4 for off street parking and supplementary regulations.

6-5.0307 DISTRICT REGULATIONS FOR THE B-1 CENTRAL BUSINESS DISTRICT. The following regulations shall apply in the B-1 Central Business District.

(Code of Iowa, 1975, Sec. 414.1 and 414.2)

1. Uses Permitted. The following uses are permitted in the B-1 district.

A. Any use permitted in the R-4, Multiple Family Residential Districts provided, however, that any building which is used for residential purposes shall conform to the district regulations for the R4, Multiple-family Residential District.
B. Retail stores and shops.
C. Banks, offices, theaters, bowling alleys, restaurants, hotels, and similar community - services.
D. Automobile repair shops and filling stations, subject to the following provisions.

(1) No repair work is performed out of doors.
(2) Pumps, lubricating or other devices are located at least twenty (20) feet from any

street line.

(3) All fuel, oil or similar substances are stored at least thirty five (35) feet from any street or lot line.

(4) All automobile parts, dismantled vehicles and similar articles are stored within a building.

E. Baking, confectionary, dressmaking, dyeing, laundry, printing, tailoring, upholstery and similar establishments or business of a similar nature and no more objectionable characteristics subject to the following provisions:

(1) All goods or products manufactured or processed shall be sold at retail on the premises.

(2) All such manufacturing or processing shall be done on the premises, and not more than five (5) persons shall be so employed at any one time.

F. Barber, shoeshine, beauty parlor and other personal services.

G. Caterer, undertaker.

H. Telegraph, telephone and express offices.

I. Railway or bus passenger station.

J. Laundry and cleaning depots.

K. Parking lots and used car lots. Other uses similar in character to those enumerated above, and which, in the opinion of the zoning administrator, will not be injurious to the district. (Code of Iowa, 1975, Sec. 414.4)

L. Outdoor advertising signs but only when attached to or made part of the commercial structure. A projecting sign shall not exceed fifty (50) square feet in area for each frontage.

2. Building Height Limit. No building shall exceed six (6) stories, nor seventy five (75) feet in height.

3. Required Lot Area. When the lot is not used for residential purposes, there is no required lot area.

4. Percentage of Lot Coverage. When the lot is not used for residential purposes, the entire lot may be covered, except as herinafter specified.

5. Yards Required. Each lot shall have front, side and rear yards of not less than the following depths or widths:

A. Front yard depth: Twenty (20) feet.
B. Rear yard depth: Twenty (20) feet.
C. Side yard width: Five (5) feet.

6. Off Street Parking and Supplementary Regulations. Refer to SUPPLEMENTARY REGULATIONS, ARTICLE 4 for off street parking and supplementary regulations.

6-5.0308 DISTRICT REGULATIONS FOR THE B-2 LOCAL BUSINESS DISTRICT. The following regulations shall apply in all B-2 Local Business Districts:

(Code of Iowa, 1975, Sec. 414.1 and 414.2)

1. Uses Permitted. The following uses are permitted in the B-2 district.

A. Any use permitted in the B-1, Central Business District.
B. Motels.

2. Building Height Limit. No building shall exceed two and one half ($2\frac{1}{2}$) stories, nor thirty five (35) feet.

3. Required Lot Area. When the lot is not used for residential purposes, there is no required lot area.

4. Percentage of Lot Coverage. All buildings including accessory buildings shall not cover more than fifty (50) percent of the area of the lot.

5. Yards Required. Each lot shall have front, side and rear yards of not less than the following depths or widths:

A. Front yard depth: Twenty (20) feet.
B. Rear yard depth: Twenty (20) feet.
C. Side yard width: Five (5) feet.

6. Off Street Parking and Supplementary Regulations. Refer to SUPPLEMENTARY REGULATIONS, ARTICLE 4 for off street parking and supplementary regulations.

6-5.0309 DISTRICT REGULATIONS FOR THE I-1, RESTRICTED INDUSTRIAL DISTRICT. The following regulations shall apply in all I-1, Restricted Industrial Districts:

(Code of Iowa, 1975, Sec. 414.1 and 414.2)

1. Uses Permitted. The following uses are permitted in the I-1 district:

A. No residential use is permitted.

B. Wholesaling, manufacturing, jobbing, warehousing, or business of a similar nature subject to the regulations as hereinafter specified.

C. Any use which may be or may become a nuisance or annoyance by reason of excessive emission of noise, smoke, fumes, odors, vibrations, glare, or similar substances and conditions or by reason of unsightliness shall be prohibited. Standardized measurements taken by standardized methods and equipment shall be used as proof of non-compliance and the cost of said measurements shall be borne by the occupant.

D. The storage of all materials and equipment used in connection with the development shall be enclosed within buildings.

E. No building or premises shall be used, erected, or altered until and unless a permit for the contemplated development has been secured from the zoning administrator. There shall have been filed with the zoning administrator, a written application for said permit. Said application shall be accompanied with the following information.

(Code of Iowa, 1975, Sec. 414.4)

(1) The location of present and proposed buildings, parking lots, driveways, and other necessary facilities indicated on a plot plan.

(2) Preliminary architectural plans for the proposed building or buildings.

(3) A written description indicating the effects of the industrial operations in pro-

ducing problems of glare, noise, odor, sewage, fire hazards, air pollution, or water pollution or of excessive traffic congestion or other factors detrimental to the safety, health and welfare of the community.

(4) Any other information the zoning administrator may deem as necessary to adequately consider the cost of providing municipal services to the area and the effect the proposed uses may have upon the surrounding properties.

2. Building Height Limits. No building shall exceed two and one half ($2\frac{1}{2}$) stories, nor forty five (45) feet in height.

3. Required Lot Area. Individual building sites shall be of such size that all space requirements of this ordinance are satisfied and be of such size that the development will have architectural unity.

4. Percentage of Lot Coverage. All buildings, including accessory buildings, shall not cover more than thirty (30) percent of the area of the lot.

5. Yards Required. Each lot shall have front, side and rear yards not less than the following depths and widths:

A. Front yard depth: Sixty (60) feet. Required front yards shall be landscaped and maintained to provide an attractive setting for the building.

B. Rear yard depth: Fifteen (15) feet. Where the rear yards abut a lot in a residential district, said rear lot depth shall be thirty (30) feet. Required rear yards shall be planned and maintained to provide a sightly and well kept condition.

C. Side yard width: Ten (10) feet. Where the side yard abuts a lot in a residential district, said side yard width shall be thirty (30) feet.

6. Off Street Parking and Supplementary Regulations. Refer to SUPPLEMENTARY REGULATIONS, ARTICLE 4 for off street parking and supplementary regulations.

6-5.0311 DISTRICT REGULATIONS FOR THE I-3, HEAVY INDUSTRIAL DISTRICT. The following regulations shall apply to all I-3 Heavy Industrial Districts:

(Code of Iowa, 1975, Sec. 414.1 and 414.2)

1. Uses Permitted. All uses not otherwise prohibited by law, except no residential use is permitted.

2. Uses Prohibited. All uses of land, buildings and structures or industrial processes that may be noxious or injurious by reason of the production or emission of dust, smoke refuse matter, odor, gas, fumes, noise, vibrations, or similar substances or conditions provided, however, that any uses may be permitted if approved by the zoning administrator and subject to the securing of a permit therefor and to such restrictions, conditions and safeguards as may be deemed necessary by said zoning administrator for the purpose of protecting the health, safety, morals or the general welfare of the city.

(Code of Iowa, 1975, Sec. 414.4)

3. Building Height Limit. No building shall exceed six (6) stories, nor seventy five (75) feet in height.

4. Percentage of Lot Coverage. The entire lot may be covered, except as herinafter specified.

5. Yard Requirements. Each lot shall have front, side and rear yards of not less than the following depths or width:

A. Front yard depth: Twenty (20) feet.

B. Rear yard depth: Twenty (20) feet.

C. Side yard width: Five (5) feet.

6. Off Street Parking and Supplementary Regulations. Refer to SUPPLEMENTARY REGULATIONS, ARTICLE 4 for off street parking and supplementary regulations.

Required side yards shall be planned and maintained to provide a sightly and well kept condition.

6-5.0310 DISTRICT REGULATIONS FOR THE I-2, LIGHT INDUSTRIAL DISTRICT. The following regulations shall apply in all I-2 Light Industrial Districts:

(Code of Iowa, 1975, Sec. 414.1 and 414.2)

1. Uses Permitted. The following uses are permitted in the I-2 district.

A. Any use permitted in the B-2 Local Business District, but not residential uses or motels.

B. Wholesale, storage and warehouse facilities.

C. Lumber, wood, feed, or other similar storage yards, but not salvage yards, coal yards, stock yards or junk yards.

D. Uses of a light manufacturing nature, employing electricity or other unobjectionable motive power, and free from any objectionable odors, glare, fumes, dirt, vibration, or noise.

2. Building Height Limit. No building shall exceed six (6) stories, nor seventy five (75) feet in height.

3. Required Lot Area. When the lot is not used for residential purposes, there is no required lot area.

4. Percentage of Lot Coverage. When the lot is not used for residential purposes, the entire lot may be covered except as hereinafter specified.

5. Yard Requirements. Each lot shall have front, side, and rear yards of not less than the following depths or width:

A. Front yard depth: Twenty (20) feet.

B. Rear yard depth: Twenty (20) feet.

C. Side yard width: Five (5) feet.

ARTICLE 4
SUPPLEMENTARY REGULATIONS

6-5.0401 SUPPLEMENTARY REGULATIONS. The provisions of this chapter shall be subject to such additions, or modifications as herein provided by the following supplementary regulations:

1. Stripping of Top Soil. No person shall remove top soil for use other than on the premises from which the same shall be taken.

(Code of Iowa, 1975, Sec. 414.1)

2. Height and Open Space. In any district any main building may be erected to a height in excess of that specified for the district provided that for each one(1) foot of additional height the front, side, and rear yards are each increased by one (1) foot.

(Code of Iowa, 1975, Sec. 414.1)

3. Height Exceptions. The height limitations of this chapter shall not apply to church spires, towers, penthouses, and grain elevators; nor to chimneys, ventilators, skylights, water tanks and similar features usually carried above the roof level.

(Code of Iowa, 1975, Sec. 414.1)

4. Airport Height Exceptions. In any district no structure shall be erected which exceeds the maximum heights permissible under the rules of the Federal Aeronautics Administration and further provided that no structure shall be erected within seven hundred and fifty (750) feet of the projected centerline of a runway for a distance of five hundred (500) feet from the boundary of the airport.

(Code of Iowa, 1975, Sec. 414.1)

5. Dwelling on Small Lots. Except on a lot in an industrial district, a dwelling may be erected on any lot,

separately owned or under contract of sale containing, at the time of the passage of these regulations, an area or a width smaller than that required for a one family dwelling.

(Code of Iowa, 1975, Sec. 414.1)

6. Supplemental Yard and Lot Requirements. The following are supplemental yard and lot requirements:

A. In any residence district each dwelling hereafter erected shall have a front yard equal in depth to the average depth of the front yards of the lots immediately adjacent but no front yard shall be less than fifteen (15) feet, nor shall any front yard have a greater depth than thirty five (35) feet.

B. Where a lot in a business or industrial district abuts a lot in a residential or agriculture district, there shall be provided on the business or industrial lot a front yard equal in depth to one half (1/2) the required front yard depth of the residential or agriculture district.

(Code of Iowa, 1975, Sec. 414.1 and 414.2)

C. Where a lot in a business or industrial district abuts a lot in a residential or agriculture district there shall be provided on the business or industrial lot a side yard equal in width to that required in the residential or agriculture district.

(Code of Iowa, 1975, Sec. 414.1 and 414.2)

D. On every corner lot in a residential district there shall be provided on the side street a side yard equal in depth to one half (1/2) the required front yard depth; except that in no event shall a structure project beyond either the front yard required by this chapter on the nearest and adjacent lots in either direction, or the front yard actually existing on said lots, whichever is less.

(Code of Iowa, 1975, Sec. 414.1 and 414.2)

E. A paved terrace or an unenclosed porch, even though roofed over, shall not be considered in the determination of yard sizes or lot coverage, provided, however, that such terrace or porch

shall not be nearer than four (4) feet at any point to any lot line.

(Code of Iowa, 1975, Sec. 414.1)

F. Any enclosed porch shall be considered a part of the building in the determination of the size of yard or lot coverage.

(Code of Iowa, 1975, Sec. 414.1)

G. The space in any required yard shall be open and unobstructed to the sky, except for ordinary projection of windowsills, belt courses, cornices, eaves, and other architectural features, provided, however, that such features shall not project more than two (2) feet into any required yard.

(Code of Iowa, 1975, Sec. 414.1)

H. Open fire escapes may extend into any required yard not more than three and one half ($3\frac{1}{2}$) feet.

(Code of Iowa, 1975, Sec. 414.1)

I. Accessory buildings, including garages, unless within or attached to the dwelling, shall be located not less than sixty (60) feet from the front line in all residential districts. Said buildings shall be located not less than two (2) feet to the side or rear lot line and not nearer than six (6) feet to the main building.

(Code of Iowa, 1975, Sec. 414.1)

7. Off-Street Parking. In order to reduce congestion in the streets the following off-street parking spaces shall be provided and maintained, by the owner of the property, for each building which, after the effective date of these regulations, is erected, enlarged or altered for use for any of the following purposes:

(Code of Iowa, 1975, Sec. 414.1 and 414.2)

A. Dwellings: At least one (1) parking space for each dwelling unit in the building or buildings.

B. Auditorium, stadium, theater or other places of public assembly; establishments for the sale and consumption on the premises of food or beverage:

at least one (1) parking space for each five (5) seats provided for patrons.

C. Dance halls, skating rinks and assembly halls without fixed seats: At least one (1) parking space for each seventy five (75) square feet of floor area used for dancing, skating or assembly.

D. Hotels: At least one (1) parking space for each two (2) guest sleeping rooms.

E. Retail stores, office buildings, clinics: At least one (1) parking space for each five hundred (500) square feet of floor area.

F. Shops, wholesale distributors, industrial or manufacturing establishments: At least one (1) parking space for each one thousand (1,000) square feet for floor area or for each three (3) employees on the largest shift.

G. All required parking spaces shall be on the same lot with the building, except that if the board determines that it is impractical to provide parking on the same lot, said board may permit the parking spaces to be on any lot within five hundred (500) feet of the building.

6-5.0402 UNIT PLAN REGULATIONS. The purpose and intent of this section is to permit diversification in the development of the city without in any way jeopardizing or reducing zoning standards which promote the public safety, convenience, health, general welfare, as well as preserve personal and property rights. For this purpose the provisions of this chapter shall be subject to such exceptions as provided by the following unit plan regulations:

(Code of Iowa, Sec. 414.3)

1. Plan Review and Approval - Residential. The owner of any tract of land comprising an area of not less then fifteen (15) acres may submit to the commission a plan for the use and development of all of the tract of land for residential purposes. After study and public hearing the commission may approve or disapprove the development plan. If the commission approves the development plan, the commission may authorize the issuance of building permits and certificates of occupancy therefor even though the use of the land and location of structures do not conform in all respects to the regulations contained in other sections of this chapter. If the development plan is approved, the commission shall make a report stating the reasons for approving the development plan and specific

evidence and facts showing that the proposed development meets the following conditions:

(Code of Iowa, Sec. 414.1 and 414.4)

A. That the plan is consistent with the intent and purpose of this chapter to promote public health, safety, morals and general welfare.

B. That the values of building and the character of the property adjoining the area included in such plan will not be adversely affected.

C. That the average lot area per family contained in the site exclusive of the area occupied by streets, shall not be less than the lot area per family required for the district in which the development is located.

D. That the buildings shall be used for residential purposes and the customary accessory uses, such as garages, storage space, or community activities including churches.

2. Plan Review and Approval - Local Commercial Centers. The owner of any tract of land comprising an area of not less than six (6) acres may submit to the commission a plan for the use and development of all of the tract of land for local commercial purposes. After study and public hearing the commission may approve or disapprove the development plan. If the commission approves the development plan, the responsible agency may authorize the issuance of building permits and certificates of occupancy therefor, even though the use of the land and location of structures do not conform in all respects to the regulations contained in other sections of this chapter. If the development plan is approved, the commission shall make a report stating the reasons for approving the development and specific evidence and facts showing that the proposed development contributes to the harmonious development of the city within which major shopping centers have a place and that the proposed development is consistent with the intent and purpose of this chapter to promote public health, safety, morals and general welfare.

(Code of Iowa, 1975, Sec. 414.1, 414.3 and 414.4)

ARTICLE 5
NONCONFORMING USES AND STRUCTURES

6-5.0501 REGULATIONS FOR NONCONFORMING USES AND STRUCTURES. The lawful use of any building or premises existing at the time of the enactment of these regulations shall be allowed to continue, although the use does not conform to the regulations in the respective district, and such building may be reconstructed or structurally altered and nonconforming use changed subject to the following regulations:

(Code of Iowa, 1975, Sec. 414.2)

1. Unsafe Structures. Any structure or part thereof that is delcared unsafe, may be restored to a safe condition.

2. Reconstruction and Alteration. Any nonconforming building may not be reconstructed or structurally altered during its life to exceed a cost of fifty (50) percent of the assessed value of the building unless the building is changed to conform with the regulations of the district.

3. Extension of Building. There shall not be extension of any building for a nonconforming use, but an extension to said building may be allowed for a conforming use.

4. Damaged or Destroyed Buildings. Any building damaged by fire or other causes to the extent of fifty (50) percent of its assessed value shall not be repaired or rebuilt unless it is in conformity with the regulation of the respective district.

5. Discontinuance. Upon the discontinuance of a nonconforming use for a period of one (1) year, the use shall not be re-established. Any future use shall be in conformity with the regulations of the respective district.

6. Reversion. No conforming use shall be extended to replace a conforming use.

7. Extension of Use. No nonconforming use shall be extended to replace a conforming use.

6-5.0502 DISTRICT BOUNDARY CHANGES. If the boundaries of a district shall be changed so as to transfer an area from one district to another district with different regulations, the provisions in Section 6-5.0501 shall apply to any nonconforming uses existing in this district.

ARTICLE 6
BOARD OF ADJUSTMENT

6-5.0601 CREATION OF BOARD. A board of adjustment is hereby established. The board shall consist of five (5) members. The board shall appoint one of its members as chairman and another member as secretary, and shall prescribe the rules for the conduct of its affairs.

(Code of Iowa, 1975, Sec. 414.7 and 414.8)

6-5.0602 POWERS AND DUTIES. The powers and duties of the board as prescribed by law and this chapter are specified as follows:

(Code of Iowa, 1975, Sec. 414.4, 414.10 and 414.12)

1. Interpretation. To hear and decide all appeals from the decision of an enforcing officer involving the interpretation of any regulation of this chapter.

2. Special Permits. To issue special permits for any of the uses which require such permits from the board or for the extension of use, as it existed at the time these regulations went into effect, into a contiguous or more restricted district, but not for any other purpose or use. A special permit shall not be granted unless the board finds that the use for which the permit is sought will not be njurious to the neighborhood or detrimental to the public welfare.

3. Variances. To vary or adapt any regulation of this chapter when any such regulation results in practical difficulty or unnecessary hardship that would prohibit the owner from the reasonable use of the land or building involved, but in no other case.

No variance of any regulation shall be granted by the board unless they find.

A. That there is proof of the hardship and the conditions and circumstances are peculiar to such land or buildings and that these conditions and circumstances do not generally apply to the neighborhood.

B. That the variance granted by the board be the minimum variance possible to accomplish the purpose of providing for the reasonable use of land or building.

C. That the granting of the variance not change the essential character of the neighborhood and shall be in accordance with the general purpose and intent of this chapter.

4. Appeals. Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board, or bureau of the City of Audubon affected by any decision of the administrative officer. Appeals and applications made to the Board shall be made in writing within thirty (30) days from and after the occurrence of the event from which the appeal is taken. The appeal or application shall state the interpretation that is claimed, the use for which the permit is sought, or the details of the variance applied for and the reason why the variance should be granted. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. The Board shall forthwith cause notice of all appeals and applications filed with the board to be given to the City Council and to all owners of all properties within a 300 foot radius of the area affected by the application or appeal; said notice to be given at least twenty (20) days prior to any hearing or action taken. Said notice to the owners of properties to be mailed by regular mail to the last known address of such owners.

5. Home Occupations. Applications for approval of home occupations shall be made in writing. They shall state in detail the proposed use and the reasons why the application should be approved and shall be accompanied by the written consent thereto of all owners of at least 80% of all properties within a 300 foot radius of the proposed home occupation, which 80% shall include all owners of properties abutting the proposed home occupation. The board shall set a date for hearing on said application and give written notice thereof to all owners of properties within a 300 foot radius of the proposed home occupation whose written consent is not a part of the application. Said notice shall be mailed by regular mail to the last known address of such owners at least twenty (20) days before the hearing. Such notice shall also be given to the Audubon City Council. The Board shall either approve or disapprove the proposed home occupation and, if approved, the zoning administrator shall issue to the applicant a non-transferable permit therefor.

6. Procedure. The board shall act in strict compliance with the procedure prescribed by law and this chapter.

6-5.0603 COMPENSATION. All members of the board shall receive as compensation the sum of five dollars ($5.00) for each meeting attended, payable quarterly.

ARTICLE 7
ADMINISTRATION AND ENFORCEMENT

6-5.0701 ENFORCEMENT OFFICER. The zoning regulations shall be administered and enforced by the zoning administrator. Any appeal concerning the decision of the zoning administrator may be made to the board as provided in subsection 5.0602(1).
(Code of Iowa, 1975, Sec. 372.13 and 414.10)

6-5.0702 BUILDING PERMITS. The issuance of building permits shall be subject to the following provisions:
(Code of Iowa, 1975, Sec. 414.4)

1. Conformity with Zoning Code. There shall be no building or structure erected, added to or structurally altered unless there has been a permit issued by the zoning administrator. Except upon a written request from the board, no such building permit or certificate of occupancy shall be issued for any building where said consrruction, addition or alteration or use thereof will not conform to any of the regulations of this chapter.

2. Plot Plan Required. With all applications for building permits there shall be submitted two (2) copies of a layout or plot plan drawn to scale showing the actual dimensions of the lot to be built upon, the exact size and location on the lot of the building and accessory buildings to be erected and any other information necessary to determine and provide for the enforcement of this zoning code. A careful record of these applications and plot plans shall be kept in the office of the zoning administrator.

6-5.0703 CERTIFICATE OF OCCUPANCY. The issuance of certificates of occupancy shall be subject to the following provisions:
(Code of Iowa, 1975, Sec. 414.4)

1. Conformity with Zoning District Regulations. No land shall be used or occupied and no building hereafter erected or structurally altered shall be used or changed in use until

there has been a certificate of occupancy issued by the zoning administrator stating that the building or proposed use complies with the regulations of the respective district.

2. Nonconforming Uses. There shall be no nonconforming use maintained, renewed, changed or extended with a certificate of occupancy issued by the zoning administrator.

3. Application For and Issuance of Certificate of Occupancy. A certificate of occupancy must be applied for coincident with the application for a building permit. The certificate shall be issued within ten (10) days after the erection or structural alteration has been approved as complying with the regulations of this zoning code.

4. Records. A record of all certificates shall be kept in the office of the zoning administrator and copies shall be furnished, upon request, to any person having proprietary or tenancy interest in the building affected.

5. Application Must Be Filed Before Permit Issued. There shall be no permit for excavation for, or the erection, or alteration of or repairs to any building issued until there has been an application filed for a certificate of occupancy.

6-5.0704 INTERPRETATION, CONFLICT WITH OTHER LAWS. In the interpreting or applying the provisions of this zoning code, they shall be held to be the minimum requirements adopted for the promotion of the public health, morals, safety, convenience, comfort, and general welfare. Whenever the requirements of this chapter are in conflict with the requirements of any other local statute, ordinance or regulation, the most restrictive or that imposing the higher standards shall govern.
(Code of Iowa, 1985, Sec. 414.21)

6-5.0705 AMENDMENTS AND CHANGES. The council may from time to time amend, change, modify or repeal any portion of the zoning code or zoning map provided there is such a request in the form of a motion from the zoning commission, a motion originating within the council or a petition signed by a property owner, subject to the following:
(Code of Iowa, 1985, Sec. 414.5 and 414.6)

1. Every proposed amendment or change, whether originating with the commission, the council, or by petition, shall be referred to the commission for a public hearing and a report to the council thereon.

2. In the event there is a request for a change in the zoning classification of any property, the Planning and Zoning Commission shall notify all property owners within a 300' radius of the proposed change by certified mail at least 15 days prior to the hearing.

3. All requests for changes in zoning classifications shall be submitted with a plot plan, with a drawing of the proposed structure. Any changes to these plans, other than cosmetic, without the prior approval of the council after hearings as provided in this section shall render the change in classification null and void.

4. Written consents and protests by property owners to amendments to the zoning code shall be of no force or effect unless dated within three months prior to the time the proposed amendment is submitted to the council.

5. After receiving a report from the Planning and Zoning Commission, the council shall set the matter down for public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least 15 days notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of Audubon.

6. In no event shall a proposed amendment to the zoning classification of any property be approved by the council without the written consent thereto of all owners of at least 80% of all properties within a 300' radius of the proposed zoning change, which 80% shall include all owners of property adjacent to the proposed zoning change.

7. Notices given pursuant to this section shall contain the legal description of the affected property as well as the street address or other local description.

ARTICLE 8

FLOODWAY AND FLOODWAY FRINGE DISTRICTS

6-5.0801 PURPOSE. It is the purpose of this article to promote the public health, safety and general welfare and to minimize losses by applying the provisions of this article to:

1. Restrict or prohibit uses which are dangerous to health, safety, or property in times of flood or which cause undue increases in flood heights or velocities.

2. Require that uses vulnerable to floods, including public utilities which serve such uses, be provided with flood protection at the time of initial construction.

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.

6-5.0802 DEFINITIONS. Unless specifically defined below, words or phrases used in this article shall be interpreted so as to give them the meaning they have in common usage and to give this article its most reasonable application.

1. "Base flood" means the flood having one percent (1%) chance of being equaled or exceeded in any given year. (See 100-year flood.)

2. "Basement" means any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see "lowest floor."

3. "Development" means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

4. "Existing construction" means any structure for which the "start of construction" commenced before the effective date of the community's Flood Insurance Rate Map. May also be referred to as "existing structure."

5. "Existing factory-built home park or subdivision" means 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) was completed before the effective date of these flood plain management regulations.

6. "Expansion of existing factory-built home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

7. "Factory-built home" means 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 article, factory-built homes include mobile homes, manufactured homes and modular homes and also includes "recreational vehicles" which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.

8. "Factory-built home park" means a parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.

9. "Flood" means a general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.

10. "Flood elevation" means 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 floodwaters related to the occurrence of the 100-year flood.

11. "Flood Insurance Rate Map (FIRM)" means the official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.

12. "Flood plain" means any land area susceptible to being inundated by water as a result of a flood.

13. "Flood plain management" means an overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of flood plains, including but not limited to emergency preparedness plans, flood control works, floodproofing and flood plain management regulations.

14. "Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities which will reduce or eliminate flood damage to such structures.

15. "Floodway" means the channel of a river or stream and those portions of the flood plains adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one foot.

16. "Floodway fringe" means those portions of the flood plain, other than the floodway, which can be filled, leveed, or otherwise obstructed without causing substantially higher flood levels or flow velocities.

17. "Historic structure" means any structure that is:

A. Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing in the National Register;

B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,

D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by either (i) an approved state program as determined by the Secretary of the Interior or (ii) directly by the Secretary of the Interior in states without approved programs.

18. "Lowest floor" means 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 this article; and

B. The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking or storage; and

C. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one foot above the 100-year flood level; and

D. The enclosed area is not a "basement" as defined in this section.

In cases where the lowest enclosed area satisfies criteria A, B, C and D above, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria above.

19. "New construction" (new buildings, factory-built home parks) means those structures or development for which the start of construction commenced on or after the effective date of the Flood Insurance Rate Map.

20. "New factory-built home park or subdivision" means a factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of these flood plain management regulations.

21. "100-Year Flood" means a flood, the magnitude of which has a one percent (1%) chance of being equaled or exceeded in any given year or which, on the average, will be equaled or exceeded at least once every one hundred (100) years.

22. "Recreational vehicle" means a vehicle which is:

A. Built on a single chassis;

B. Four hundred (400) square feet or less when measured at the largest horizontal projection;

C. Designed to be self-propelled or permanently towable by a light duty truck; and

D. Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

23. "Special flood hazard area" means the land within a community subject to the "100-year flood." This land is identified as Zone A on the Flood Insurance Rate Map.

24. "Start of construction" includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement or permanent construction of a structure on a site, such as pouring of a slab or footings, the installation of pile, the construction of columns, or any work beyond the stage of excavation; or the placement of a factory-built home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

25. "Structure" means anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factory-built homes, storage tanks and other similar uses.

26. "Substantial damage" means 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 percent (50%) of the market value of the structure before the damage occurred.

27. "Substantial improvement" means any improvement to a structure which satisfies either of the following criteria:

A. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) 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 comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure safe conditions for the existing use. The term also does not include any alteration of an "historic structure,"

provided the alteration will not preclude the structure's designation as an "historic structure."

B. Any addition which increases the original floor area of a building by twenty-five percent (25%) or more. All additions constructed after May 17, 1989, shall be added to any proposed addition in determining whether the total increase in original floor space would exceed twenty-five percent.

28. "Variance" means a grant of relief by a community from the terms of the flood plain management regulations.

29. "Violation" means the failure of a structure or other development to be fully compliant with this article.

GENERAL PROVISIONS

6-5.0803 LANDS TO WHICH ARTICLE APPLIES. The provisions of this article shall apply to all lands within the jurisdiction of the City identified on the Flood Insurance Rate Map (FIRM) as numbered and unnumbered A Zones (including AE, AO and AH Zones) and within the Zoning districts FW and FF established in this article. In all areas covered by this article no development shall be permitted except upon the issuance of a flood plain permit to develop, granted by the City or its duly designated representative under such safeguards and restrictions as the City or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community and where specifically noted in this article.

6-5.0804 ENFORCEMENT OFFICER. The Planning and Zoning Administrator of the community is hereby designated as the community's duly designated Enforcement Officer under this article.

6-5.0805 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES. The boundaries of the floodway and flood fringe overlay districts shall be determined by scaling distances on the Official Zoning Map or on the Flood Rate Insurance Rate Map or Floodway Map. Where interpretation is needed as to the exact location of the boundaries of the districts as shown on the Official Zoning Map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions, the Enforcement Officer shall make the necessary interpretation. In such cases where the interpretation is contested, the Zoning Board of Adjustments will resolve the dispute. The regulatory flood elevation for the point in question shall be the governing factor in locating the district boundary on the land. The person contesting the location of the district boundary shall be given a reasonable

opportunity to present his case to the Zoning Board of Adjustments and to submit his own technical evidence, if he so desires.

6-5.0806 COMPLIANCE. With identified special flood hazard areas of this community, no development shall be located, extended, converted or structurally altered without full compliance with the terms of this article and other applicable regulations.

6-5.0807 ABROGATION AND GREATER RESTRICTIONS. It is not intended by this article to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this article imposes greater restrictions, the provision of this article shall prevail. Any ordinances inconsistent with this article are hereby repealed to the extent of the inconsistency only.

6-5.0808 INTERPRETATION. In their interpretation and application, the provisions of this article shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State statutes.

6-5.0809 WARNING AND DISCLAIMER OF LIABILITY. The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood height may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This article does not imply that areas outside floodway and flood fringe district boundaries or land uses permitted within such districts will be free from flooding or flood damage. This article shall not create liability on the part of the City or any officer or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made thereunder.

6-5.0810 APPEAL. Where a request for a permit to develop or a variance is denied by the Planning and Zoning Administrator, the applicant may apply for such permit or variance directly to the Zoning Board of Adjustments.

DEVELOPMENT PERMIT

6-5.0811 PERMIT REQUIRED. No person, firm or corporation shall initiate any flood plain development or substantial improvement or cause the same to be done without first obtaining a separate permit for development as defined in this article.

6-5.0812 ADMINISTRATION. The Planning and Zoning Administrator is hereby appointed to administer and implement the provisions of this article. The duties and responsibilities of the Administrator include, but are not necessarily limited to:

1. Review all development permit applications to assure that sites are reasonably safe from flooding and that the permit requirements of this article have been satisfied.

2. Review applications for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies, from which prior approval is required.

3. Notify adjacent communities and the Department of Natural Resources prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency.

4. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

5. Verify, record and maintain record of the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures in special flood hazard areas.

6. Verify, record and maintain record of the actual elevation (in relation to mean sea level) to which new or substantially improved structures have been floodproofed.

7. When floodproofing is utilized for a particular structure, the Administrator shall be presented certification from a registered professional engineer or architect.

6-5.0813 APPLICATION FOR PERMIT. To obtain a Flood Plain Development Permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every such application shall:

1. Identify and describe the development to be covered by the permit.

2. Describe the land on which the proposed development is to be done by lot, block, tract, street address or similar description that will readily identify and definitely locate the proposed building or development.

3. Indicate the use or occupancy for which the proposed development is intended.

4. Be accompanied by plans and specification s for proposed construction.

5. Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.

6. Give such other information as reasonably may be required necessary by the Administrator.

6-5.0814 ESTABLISHMENT OF ZONING DISTRICTS. Along watercourses where a floodway has been established, the mapped floodplain areas are hereby divided into the two following districts: A floodway overlay district (FW) and a flood fringe overlay district (FF) as identified in the Flood Insurance Study. Within these districts all uses not meeting the standards of this article and those standards of the underlying zoning district shall be prohibited.

STANDARDS FOR FLOOD PLAIN DEVELOPMENT

6-5.0815 No permit for development shall be granted for new construction, substantial improvements and other development(s) including the placement of manufactured homes within all numbered and unnumbered A zones (including AE, AO, and AH zones) unless the conditions of this section are satisfied.

6-5.0816 All areas identified as unnumbered A zones on the FIRM are subject to inundation of the base flood; however, the water surface elevation was not provided. The unnumbered A zones shall be subject to all development provisions of sections the Flood Fringe Overlay District. If Flood Insurance Study data is not available, the community shall utilize any base flood elevation or floodway data currently available from Federal, State or other sources.

6-5.0817 Until a floodway has been designated, no development or substantial improvement may be permitted within special flood hazard areas unless the applicant has demonstrated that the proposed development or substantial improvement, when combined with all other existing and reasonably anticipated developments or substantial improvements, will not increase the water surface elevation of the base flood more than one (1) foot at any location as shown on the Flood Insurance Study.

6-5.0818 New construction, subdivision proposals, substantial improvements, prefabricated buildings, placement of manufactured homes and other developments shall require:

1. Design or anchorage to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

2. New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the system into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination.

3. Construction with materials resistant to flood damage, utilizing methods and practices that minimize flood damages, and 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.

4. All utility and sanitary facilities be elevated or floodproofed up to the regulatory flood protection elevation.

6-5.0819 STORAGE OF MATERIAL AND EQUIPMENT.

1. The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal or plant life is prohibited.

2. Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

6-5.0820 Subdivision proposals and other proposed new development, including factory-built home parks or subdivisions, be required to assure that (a) all such proposals are consistent with the need to minimize flood damage, (b) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated and constructed to minimize or eliminate flood damage, (c) adequate drainage is provided so as to reduce exposure to flood hazards, and (d) proposals for development (including proposals for factory-built home parks and subdivisions) of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals the base flood elevation.

FLOOD FRINGE OVERLAY DISTRICT (Including AO and AH Zones)

6-5.0821 PERMITTED USES. Any use permitted in the Floodway Overlay District shall be permitted in the Flood Fringe Overlay District. No use shall be permitted in the district unless the standards for Flood Plain Development are met.

6-5.0822 STANDARDS FOR THE FLOOD FRINGE OVERLAY DISTRICT.

1. Require new construction or substantial improvements of residential structures to have the lowest floor, including basement, elevated to or above one (1) foot above the base flood elevation.

2. Require new construction or substantial improvements of non-residential structures to have the lowest floor, including basement, elevated to or above one (1) foot above the base flood elevation or, together with attendant utility and sanitary facilities, to be floodproofed so that below that level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of Ns subsection are satisfied. Such certification shall be provided to the Planning and Zoning administrator as set forth in the Development Permit section.

3. Require for all new construction and substantial improvements that fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which 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 architect or meet or exceed the following minimum criteria: 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. The bottom of all openings shall be not higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

4. Within AH zones adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.

6-5.0823 FACTORY-BUILT HOMES.

1. All factory-built homes shall be anchored to resist floatation, collapse, or lateral movement. Factory-built homes must be anchored in accordance with local building codes or FEMA guidelines. In the event that over-the-top frame ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met:

A. Over-the-top ties be provided at each of the four corners of the factory-built home, with two additional ties per side at intermediate locations and manufactured homes less than 50 feet long requiring one additional tie per side;

B. Frame ties be provided at each comer of the home with five additional ties per side at intermediate points and factory-built homes less than 50 feet long requiring four additional ties per side;

C. All components of the anchoring system be capable of carrying a force of 4,800 pounds; and

D. Any additions to the factory-built home be similarly anchored.

2. Require that all factory-built homes to be placed or substantially improved within special flood hazard areas on the community's FIRM on sites:

A. Outside of a factory-built home park or subdivision,

B. In a new factory-built home park or subdivision,

C. In an expansion to an existing factory-built home park or subdivision, or

D. In an existing factory-built home park or subdivision on which a factory-built home has incurred "substantial damage" as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the factory-built home is at or above one (1) foot above the base flood elevation; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of this section.

3. Require that factory-built homes to be placed or substantially improved on sites in an existing factory-built home park or subdivision within special flood hazard areas on the community's FIRM that are not subject to the provisions of this section be elevated so that either:

A. The lowest floor of the factory-built home is at or above one (1) foot above the base flood elevation, or

B. The factory-built home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of this section.

6-5.0824 Recreational vehicles placed on sites within the special flood hazard areas on the community's official map shall either (i) be on the site for fewer that 180 consecutive days, (ii) be fully licensed and ready for highway use, or (iii) meet the permit requirements and the elevation and anchoring requirements for "manufactured homes" of this article. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently-attached additions.

6-5.0825 Located within the areas of special flood hazard established in this article are areas designated as AO Zones. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply within AO Zones:

1. All new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as one (1) foot above the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).

2. All new construction and substantial improvements of non-residential structures shall:

   A. Have the lowest floor elevated above the highest adjacent grade at least as high as one (1) foot above the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or

   B. Together with attendant utility and sanitary facilities be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Such certification shall be provided to the official as set forth in this article.

3. Adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.

FLOODWAY OVERLAY DISTRICT

6-5.0826 PERMITTED USES. Only uses having a low flood-damage potential and not obstructing flood flows shall be permitted within the Floodway District to the extent that they are not prohibited by any other article. The following are recommended uses for the Floodway District:

1. Agricultural uses such as general farming, pasture, nurseries, forestry.

2. Residential uses such as lawns, gardens, parking and play areas.

3. Non-residential areas such as loading areas, parking and airport landing strips.

4. Public and private recreational uses such as golf courses, archery ranges, picnic grounds, parks, wildlife and nature preserves.

6-5.0827 STANDARDS FOR THE FLOODWAY OVERLAY DISTRICT. New structures for human habitation are prohibited. All encroachments, including fill, new construction, substantial improvements and other development must be prohibited unless certification by a registered professional engineer or architect is provided demonstrating that the development shall not result in any increase in water surface elevations along the floodway profile during occurrence of the base flood discharge. These uses are subject to the standards for Flood Plain Development. In Zone A unnumbered, obtain, review and reasonably utilize any flood elevation and floodway data available through Federal, State or other sources or this article, in meeting the standards of this section.

6-5.0828 VARIANCE PROCEDURES.

1. The Zoning Board of Adjustments as established by the City of Audubon shall hear and decide appeals and requests for variances from the requirements of this article.

2. The Zoning Board of Adjustments shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Planning and Zoning administrator in the enforcement or administration of this article.

3. Any person aggrieved by the decision of the Zoning Board of Adjustments or any taxpayer may appeal such decision to the District Court as provided to City/County in the State for Iowa floodplain management regulations.

4. In passing upon such applications, the Zoning Board of Adjustments shall consider all technical evaluation, all relevant factors, standards specified in other sections of this article, and:

A. The danger that materials may be swept onto other lands to the injury of others;

B. The danger to life and property due to flooding or erosion damage;

C. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

D. The importance of the services provided by the proposed facility to the community;

E. The necessity to the facility of a waterfront location, where applicable;

F. The availability of alternative locations, not subject to flooding or erosion drainage, for the proposed use;

G. The compatibility of the proposed use with existing and anticipated development;

H. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

I. The safety of access to the property in times of flood for ordinary and emergency vehicles;

J. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and,

K. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

6-5.0829 CONDITIONS FOR VARIANCES.

1. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (2-6 below) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

2. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

3. Variances shall not be issued within any designated floodway if any increase in flood levels along the floodway profile during the base flood discharge would result.

4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief

5. Variances shall only be issued 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 a 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 laws or ordinances.

6. Any applicant to whom a variance is granted shall be given a written notice that the costs of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

6-5.0830 NONCONFORMING USE.

1. A structure or the use of a structure or premises which was lawful before the passage or amendment of the ordinance, but which is not in conformity with the provisions of this article may be continued subject to the following conditions:

A. If such use is discontinued for 12 consecutive months, any future use of the building premises shall conform to this article. The Utility Department shall notify the Planning and Zoning administrator in writing of instances of nonconforming uses where utility services have been discontinued for a period of 12 months.

B. Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.

2. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than 50 percent of the market value of the structure before the damage occurred except that if it is reconstructed in conformity with the provisions of this article. 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 or a State Inventory of Historic Places, provided that the alteration shall not preclude its continued designation.

6-5.0831 PENALTIES FOR VIOLATION. Violation of the provisions of this article or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person who violates this article or fails to comply with any of its requirements shall upon conviction thereof be fined not more than $100.00, 30 days in jail, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Audubon or other appropriate authority from taking such other lawful action is as necessary to prevent or remedy any violation.

6-5.0832 AMENDMENTS. The regulations, restrictions and boundaries set forth in this article may from time to time be amended, supplemented, changed or appealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City. At least 15 days shall elapse between the date of this publication and the public hearing. A copy of such amendments will be provided to the Federal Emergency Management Agency. The regulations of this article are in compliance with the National Flood Insurance Program Regulations as published in Title 44 of the Code of Federal Regulations and the Iowa Flood Plain Management Act.

(Article 8 – Ord. 627 – Feb. 02 Supp.)

CHAPTER 6
SUBDIVISION CONTROL

6-6.01 TITLE. This chapter shall be known and may be cited as "Subdivision Control Regulations of Audubon, Iowa."

6-6.02 COMPLIANCE REQUIRED. No plat of subdivision of land within the city or within two (2) miles of the corporate limits thereof shall be approved excepting in full compliance with the provisions of this chapter.

(Code of Iowa, 1975, Sec. 409.14)

6-6.03 DEFINITIONS. When used in this chapter the following terms shall have the meaning indicated:

1. "Alley": shall mean a public way which affords a secondary means of access to abutting property.

2. "Building Setback Line": shall mean a line within a lot or other parcel of land, so designated on the plat of the proposed subdivision, between which, and the adjacent boundary of the street upon which the lot abuts, the erection of an enclosed structure or portion thereof is prohibited.

3. "Butt Lots": shall mean lots, the rear lines of which abut the side lot lines of other lots platted in the same block and not separated therefrom by an alley or other open space.

4. "Collector Street": shall mean a street which carries traffic from minor streets to the major street system, including the principal entrance streets of residence development and the primary circulating streets within such a development.

5. "Commission": shall mean the planning and zoning commission of Audubon, Iowa.

6. "Cross-walk": shall mean a public or private right of way across a block to be used by pedestrians and/or for underground utilities.

7. "Cul-de-sac": shall mean a minor street having one open end and being terminated at the other by a vehicular turnaround.

8. "Easement": shall mean the quantity of land set aside or over which a liberty, privilege, or advantage in land without profit, existing distinct from the ownership of the land, is granted to the public or some particular person or part of the public.

9. "Final Plat": shall mean a map or chart of a subdivision which has been accurately surveyed, and such survey marked on the ground so that streets, alleys, blocks, lots and other divisions thereof can be identified.

10. "Lot Width": shall mean the width of the lot measured along the minimum building setback line, except for lots which front on the concave side of a curving street, where the width of lot shall be measured sixty (60) feet back from the front lot line.

11. "Major Street": shall mean a public thoroughfare with a high degree of traffic continuity having a width established at eighty (80) feet or more by the thoroughfare plan established in the official plan of the city.

12. "Owner": may mean either a natural person, firm, association, partnership, private corporation, public or quasi-public corporation, or combination of any of them.

13. "Preliminary Plat": shall mean a map or plan of a proposed land division or subdivision.

14. "Street": shall mean a public or private thoroughfare which affords primary access by pedestrians and vehicles to abutting property.

15. "Subdivision": shall mean a division of a lot, tract, or parcel of land into three or more lots, or other divisions of land, for the purpose whether immediate or future, of a) transfer of ownership, b) building development, or c) redevelopment, including all changes in street or lot lines; provided, however, that divisions of land for agricultural purposes, in parcels of five acres or more not involving any new street or easement of access, shall be exempted.
(Code of Iowa, 1975, Sec. 409.1)

16. "Tentative Approval": shall mean an approval with or without recommended alterations given to a preliminary plat by the commission, and provides the necessary authority to proceed with the preparation and presentation of the final plat.

6-6.04 PROCEDURE. In order to subdivide any tract of land an owner or subdivider shall follow the procedure set forth in this section:

(Code of Iowa, 1975, Sec. 409.14)

1. Preliminary Plat Procedure. The procedure for preliminary plat submittal and review is as follows:

A. The subdivider shall file with the council at the office of the clerk, six (6) copies of the preliminary plat, at least ten (10) days prior to the commission meeting and pay a filing fee in accordance with the following rates:

(Code of Iowa, 1975, Sec. 409.7)

1) For one (1) to twenty five (25) lots, a fee of twenty five dollars ($25.00).
2) For twenty five (25) to fifty (50) lots, a fee of fifty dollars ($50.00).
3) For fifty (50) to one hundred (100) lots, a fee of one hundred dollars ($100.00).
4. For more than one hundred (100) lots, a fee of two hundred dollars ($200.00).

B. The clerk shall immediately distribute one (1) copy to the commission, two copies to the superintendent of public works, one (1) copy to the superintendent of schools, one (1) copy to the city solicitor or attorney and one (1) copy to the council.

C. The recommendation of the commission shall be due within forty five (45) days after receipt of the preliminary plat by the commission, and the recommendation shall be returned to the clerk for referral to the council.

(Code of Iowa, 1975, Sec. 409.14)

D. In the event of disapproval of any preliminary plat by the council, the same shall be immediately returned, so marked, to the clerk for return to the subdivider. The subdivider may then file a revised preliminary plat in accordance with paragraph A, subsection 1 of Section 6-6.04 above, upon payment of a refiling fee in the amount of twenty five percent (25%) of the original filing fee as determined by the above paragraph A, subsection 1 of Section 6-6.04.

(Code of Iowa, 1975, Sec. 409.14 and 409.15)

E. A preliminary plat for a specific area of land shall be held valid, as applicable to this chapter, for a period of three (3) years after the date of approval by the council. The period of validity of such preliminary plat may be extended for periods of one (1) year only after request for such extension has been submitted to and approved by the council within the final sixty (60) days of any afore mentioned period of validity.

2. Engineering Plans Required. Within twelve (12) months after receiving approval of the preliminary plat by the council, there shall be submitted to the clerk by the subdivider four (4) copies of the engineering plans and specifications as required in Section 6-6.08. The clerk shall immediately refer two (2) copies to the commission and two (2) copies to the superintendent of public works and shall notify the council of this section at the next regular council meeting. In the event of a special problem, the commission shall notify the owner or subdivider of the time and place at which he shall be afforded an opportunity of being heard. The commission shall make its recommendation to the council within forty five (45) days after receipt of the engineering drawings and specifications. In the event of disapproval of the engineering plans and specifications by the commission, the same shall be immediately returned so marked to the clerk for return to the subdivider, and may be refiled with the clerk after necessary revisions are made.

3. Final Plat Procedure. The procedure for final plat submitted and review is as follows:

A. Within six (6) months after receiving approval of the engineering plans and specifications by the commission, or a period of time beyond six (6) months that may be granted by the council, there shall be submitted to the clerk by the subdivider, the original drawing, one (1) transparency print, and four (4) copies of the final plat, which shall also contain all required signed certifications, other than signed certificates of approval by the commission, the council, and the superintendent of public works. The final plat shall retain the overall characteristics of the preliminary plat and may include all or part of the area shown on the preliminary plat.

(Code of Iowa, 1975, Sec. 409.7 and 409.9)

B. The clerk shall refer the original drawing and two (2) copies of the final plat to the commission, and one (1) copy of the final plat to the superintendent of public works at least ten (10) days prior to their next regularly scheduled meeting for a recommendation as to final approval. In the event of a special problem, the commission shall notify the owner or subdivider as to the time and place of the commission meeting at which time he will be afforded an opportunity of being heard. The commission shall make its recommendation within thirty (30) days after the receipt of the final plat at a meeting of the commission. The original drawing, one (1) copy of the final plat, and recommendation shall be returned to the clerk for referral to the council.

(Code of Iowa, 1975, Sec. 409.14)

C. After receiving the final report of the commission, the council shall approve or disapprove the final plat within thirty (30) days. In the event of disapproval of the final plat by the council, the same shall be immediately returned to the subdivider and may be refiled as provided in paragraph A, subsection 3 of Section 6-6.04 with the clerk after the necessary revisions have been made.

(Code of Iowa, 1975, Sec. 409.25)

D. Following the final approval of the final plat, in accordance with paragraph C, subsection 3 of Section 6-6.04, the clerk shall notify the owner or subdivider by letter. The owner or subdivider shall, within ten (10) days after the aforementioned final approval, record the final plat at the county recorder's office. The clerk shall at that time obtain from the owner or subdivider four (4) copies of the final plat bearing evidence of recording, with one (1) copy going to the clerk's file, one (1) copy to the commission file, and two (2) copies going to the superintendent of public works. The cost of recording shall be paid to the county recorder by the owner or subdivider.

(Code of Iowa, 1975, Sec. 409.12 and 409.14)

6-6.05 ACREAGES EXCEPTED. The above procedures shall not be required for the division or subdivision of land into parcels of five (5) acres or more in size and not involving a new street or easement of access, or the sale or exchange of

existing parcels or tracts of land, or the division of lots and blocks in recording subdivisions.

6-6.06 PRELIMINARY PLAT REQUIREMENTS. The preliminary plat shall contain the information herein specified and comply with the following requirements:

(Code of Iowa, 1975, Sec. 409.14)

1. Description and Delineation. The following descriptions and delineations are required:

A. Proposed name of subdivision.

B. Location of the subdivision by section, township and range, or by other legal description.

(Code of Iowa, 1975, Sec. 409.1)

C. Names and addresses of the owner and the designer of the subdivision.

D. Date of preparation, scale one hundred (100) feet to the inch and northpoint (designated as true north).

2. Existing Conditions. The preliminary plat shall show the following existing conditions:

A. Boundary line of proposed subdivision indicated by solid heavy line and the total approximate acreage encompassed thereby.

B. Locations, width and names of all existing or prior platted streets or other public ways, railroad and other utility rights of way, parks and other public open spaces, permanent buildings and structures, houses or permanent easements, and section corporation lines, within and adjacent to the tract.

(Code of Iowa, 1975, Sec. 409.4 and 409.6)

C. Existing culverts, sewers, water mains or other underground facilities within the tract and to a distance of at least one hundred (100) feet beyond the tract boundaries indicating pipe sizes, grades, manholes and exact location.

D. Boundary lines of adjacent tracts of unsubdivided or subdivided land, showing ownership where possible.

E. Contour at vertical intervals of not more than two (2) feet. High water levels of all watercourses,

if any, shall be indicated in same datum used for contour elevations. If any portion of the land within the boundaries of the proposed subdivision is subject to overflow, inundation or flood hazard by storm waters such fact and such portion shall be clearly shown on the subdivision plat.

3. Proposed Subdivision Plan. The proposed plan for the subdivision shall show the following:

A. Layout of streets showing location and widths of streets, cross-walks and easements.
(Code of Iowa, 1975, Sec. 409.4 and 409.6)

B. Layout, numbers and typical dimensions of lots.
(Code of Iowa, 1975, Sec. 409.1)

C. Parcels of land intended to be dedicated or temporarily reserved for public use or set aside for use of property owners in the subdivison.
(Code of Iowa, 1975, Sec. 409.13)

D. Building setback lines - showing dimensions.

E. Easements for public utilities - where alleys are not provided.
(Code of Iowa, 1975, Sec. 409.9)

F. Typical street cross sections.

G. Layout of proposed waterlines, sewer lines, water shut off valves, and junction boxes for either water or sewer lines, all to be located in the parkway.
(Code of Iowa, 1975, Sec. 409.14)

4. Installment of Improvements. The preliminary plat shall show or a certificate shall be submitted to the effect that the subdivider will install all of the following items in accordance with the current standards and specifications as set forth in pertinent city policy:

A. Pavements.
B. Curb and gutter.
C. Street lights.
D. Sidewalks.
E. Parkway seeding and tree planting.
(Code of Iowa, 1975, Sec. 409.14)

6-6.07 FINAL PLAT REQUIREMENTS. The final plat shall contain all information required on the preliminary plat, except contours, plus the following:
(Code of Iowa, 1975, Sec. 409.14)

1. Dimensions. Accurate angular and lineal dimensions for all lines, angles and curves used to describe boundaries, streets, alleys, easements, areas to be reserved for public use and other important features.

(Code of Iowa, 1975, Sec. 409.1)

2. Identification System. An identification system for all lots and blocks and names of streets. Lot lines to show dimensions in feet and hundredths.

(Code of Iowa, 1975, Sec. 409.1)

3. Angles and Distances to Street Lines or Official Monuments. True angles and distances to the nearest established street lines or official monuments, not less than three (3) which shall be accurately described in the plat.

4. Measurements. Radii, internal angles, points and curvatures, tangent bearings and lengths of all arcs.

5. Monuments. Accurate location of all monuments, which shall be concrete 6"x6"x30" with iron pipe cast in center. Permanent stone or concrete monuments shall be set at each corner or angle on the outside boundary. Pipes or other physical markers shall be placed at each intersection of street center lines. All U.S., state, county or other official bench marks, monuments, or tri angulation stations in or adjacent to the property, shall be preserved in precise position.

(Code of Iowa, 1975, Sec. 409.1)

6. Physical Markers. Pipes or other physical markers shall be placed at each lot corner.

7. Dedication and Reservations. Accurate outlines and legal descriptions of any areas to be dedicated or reserved for public use, with the purposes indicated thereon, and of any area to be reserved by deed, covenant for common uses of all property owners.

(Code of Iowa, 1975, Sec. 409.13)

8. Certification by Surveyor. Certification by a licensed surveyor to the effect that the plat represents a survey made by him and that monuments and markers shown thereon exist as located and that all dimensional and geodetic details are correct.

(Code of Iowa, 1975, Sec. 409.1)

B. The clerk shall refer the original drawing and two (2) copies of the final plat to the commission, and one (1) copy of the final plat to the superintendent of public works at least ten (10) days prior to their next regularly scheduled meeting for a recommendation as to final approval. In the event of a special problem, the commission shall notify the owner or subdivider as to the time and place of the commission meeting at which time he will be afforded an opportunity of being heard. The commission shall make its recommendation within thirty (30) days after the receipt of the final plat at a meeting of the commission. The original drawing, one (1) copy of the final plat, and recommendation shall be returned to the clerk for referral to the council.

(Code of Iowa, 1975, Sec. 409.14)

C. After receiving the final report of the commission, the council shall approve or disapprove the final plat within thirty (30) days. In the event of disapproval of the final plat by the council, the same shall be immediately returned to the subdivider and may be refiled as provided in paragraph A, subsection 3 of Section 6-6.04 with the clerk after the necessary revisions have been made.

(Code of Iowa, 1975, Sec. 409.25)

D. Following the final approval of the final plat, in accordance with paragraph C, subsection 3 of Section 6-6.04, the clerk shall notify the owner or subdivider by letter. The owner or subdivider shall, within ten (10) days after the aforementioned final approval, record the final plat at the county recorder's office. The clerk shall at that time obtain from the owner or subdivider four (4) copies of the final plat bearing evidence of recording, with one (1) copy going to the clerk's file, one (1) copy to the commission file, and two (2) copies going to the superintendent of public works. The cost of recording shall be paid to the county recorder by the owner or subdivider.

(Code of Iowa, 1975, Sec. 409.12 and 409.14)

6-6.05 ACREAGES EXCEPTED. The above procedures shall not be required for the division or subdivision of land into parcels of five (5) acres or more in size and not involving a new street or easement of access, or the sale or exchange of

9. Certification by Owner. Notarized certification, by owner, or by any mortgage holder on record, of the adoption of the plat and the dedication of streets and other public areas.
(Code of Iowa, 1975, Sec. 409.8)

10. Tax and Assessment Certification. Certifications - showing that all taxes and special assessments due on the property to be subdivided have been paid in full and that there are no judgments affecting said property.
(Code of Iowa, 1975, Sec. 409.9)

11. Property Form. Property form for the approval by the city council with space for signatures.
(Code of Iowa, 1975, Sec. 409.12 and 409.14)

12. Approval of Utility Installations. Approval by signature of city, county and state officials concerned with the specification of utility installations.

13. Commission Approval. Approval by signature of the commission. This approval of the final plat shall not be deemed to constitute or affect an acceptance by the public of the dedication of any street or other proposed public way or space shown on the plat.

6-6.08 AGREEMENTS AS TO IMPROVEMENTS. The final plat to be placed on record shall be accompanied by a statement signed by the owner and subdivider, setting forth the following:

1. Plans and Specifications. Plans and specifications for such improvements previously approved by the city engineer clearly describing the same.

2. Agreement. Agreement excuted by the owner and subdivider wherein they agree to make and install the improvements provided for in Section 6-6.09, in accordance with the plans and specifications accompanying the final plat; and that all such improvements shall be inspected during the course of construction by an inspector appointed by the council, salaries and other costs in connection with such inspections to be paid by the owner and subdivider, such costs to be based on the reasonable, customary charges for such service.
(Code of Iowa, 1975, Sec. 409.14)

3. Surety Bond. In the event that the council, by motion approves the action of the commission in approving the final

plat, it shall withhold its approval of the plat until an agreement signed by the subdivider, as provided in subsection 2 of Section 6-6.07 above, shall be given, supported by a bond executed by an acceptable surety company in an amount equal to the estimated cost of construction of the required improvements, which estimated cost shall be determined by the city engineer. The surety will be subject to the condition that the improvements will be completed within two years after approval of the final plat. As an alternative, the subdivider may deposit cash with the city in place of said surety bond.

(Code of Iowa, 1975, Sec. 409.5 and 409.14)

6-6.09 REQUIRED LAND IMPROVEMENTS. No final plat of subdivision of land shall be approved without receiving a statement signed by the city engineer certifying that the improvements described in the subdivider's plans and specifications, together with agreements, meet the minimum requirements of all ordinances of the city and, as established by the city engineer, that they comply with the following:

(Code of Iowa, 1975, Sec. 409.14)

1. Sewers: Sewers shall comply with the following requirements:

A. Sanitary sewers shall be installed to serve all properties in the subdivision.

(Code of Iowa, 1975, Sec. 409.14)

B. Storm sewers shall be constructed throughout the entire subdivision to carry off water from all inlets and catch basins, and be connected to an adequate outfall. Inlets shall be provided so that surface water is not carried across or around any intersection, nor for a distance of more than six hundred (600) feet in the gutter. The storm water drainage system shall be separate and independent of the sanitary sewer system.

(Code of Iowa, 1975, Sec. 409.14)

C. The capacity and size of sewer mains shall be determined by the council.

2. Street Improvements: Streets shall comply with the following requirements:

A. Grades of streets shall not be in excess of three (3) percent on major collector streets, nor in excess of five (5) percent on other streets.

(Code of Iowa, 1975, Sec. 409.5 and 409.14)

B. All streets within the corporate limits of the city other than state and county highways shall be improved with pavements bounded by integral concrete curb and gutters, to an overall width in accordance with the following minimum dimensions:

Type of Street	Dedicated Street Width	Pavement Width
Major	Conform to thoroughfare plan.	Conform to thoroughfare plan.
Collector	Sixty (60) feet	Thirty two (32) feet
Cul-de-sac	Sixty (60) feet	Thirty two (32) feet
Cul-de-sac turnaround	Sixty (60) feet	Sixty (60) feet

(Code of Iowa, 1975, Sec. 409.14)

C. Pavements shall be six (6) inches thick Portland cement concrete.

(Code of Iowa, 1975, Sec. 409.5 and 409.14)

D. Curbs and gutters on minor residential streets shall be concrete of the integral rolled type unit, not less than eighteen (18) inches thick where curb abuts the street pavement.

(Code of Iowa, 1975, Sec. 409.5 and 409.14)

E. Storm water inlets and catch basins shall be provided within the roadway improvement at points specified by the city engineer.

(Code of Iowa, 1975, Sec. 409.5 and 409.14)

F. All curb corners shall have a radius of not less than fifteen (15) feet and at intersections involving collector or major streets of not less than twenty five (25) feet.

(Code of Iowa, 1975, Sec. 409.5 and 409.14)

G. In subdivisions outside the corporate area, but within the two (2) mile area, street improvements shall conform to standards of improvements as outlined in this ordinance for subdivisions within the corporate area.

H. Street name signs at all corners not previously marked. Said signs shall be of the identical dimensions and coloring as similar signs used by the city.

(Code of Iowa, 1975, Sec. 409.14)

I. All parkways within the dedicated right of way graded and seeded. All stumps, trees that cannot be saved, boulders, and similar items shall be removed.
(Code of Iowa, 1975, Sec. 409.14)

J. In all parkways, trees shall be planted. Not less than two (2) trees per lot shall be planted.
(Code of Iowa, 1975, Sec. 409.14)

K. In the case of a residential zone abutting an industrial zone, the subdivider shall provide a row of trees to act as a screening device between the two zones.
(Code of Iowa, 1975, Sec. 409.14)

3. Public Utilities: Public utilities shall conform to the following requirements:

A. All utility lines for telephone and electric service shall be placed in rear line easements when carried on overhead poles.
(Code of Iowa, 1975, Sec. 409.14)

B. Where telephone and electric service lines are placed underground entirely throughout a subdivided area, said conduits or cables shall be placed within easements or dedicated public ways in a manner which will not conflict with other underground services. Further, all transformer boxes shall be located so as not to be unsightly or hazardous to the public.
(Code of Iowa, 1975, Sec. 409.14)

4. Sidewalks: When requested by the council, concrete sidewalks to a width of not less than five (5) feet offset one foot from the abutting lot lines shall be required.
(Code of Iowa, 1975, Sec. 409.5 and 409.14)

5. Water Supply: Water supply system shall comply with the following requirements:

A. All water main plans and installations including all appurtenances thereto, shall conform to the standards and specifications set forth in the city ordinances pertinent thereto.
(Code of Iowa, 1975, Sec. 409.5 and 409.14)

B. Water distribution facilities including all pipe fittings, hydrants, valves, vaults, etc., shall be

installed to serve all properties within the subdivision.

(Code of Iowa, 1975, Sec. 409.5 and 409.14)

C. Where water mains of larger capacity than necessary to serve the subdivision as delineated in the preliminary plan are required to serve the future growth in the vicinity of the subdivision, as determined by the council, the city shall specify the size of the larger main and the subdivider shall provide the same.

(Code of Iowa, 1975, Sec. 409.5 and 409.14)

6-6.10 PARKS, SCHOOL SITES AND OTHER PUBLIC AREAS. Where a proposed park, playground, school site or other public use area, shown in the city plan and adjacent unincorporated areas, is located in whole or in part in a subdivision, the commission or the council may require the dedication or reservation of such area, in whole or in part, within the subdivision in those cases in which the commission or the council deem such requirements to be reasonable. However, in no case, shall the total amount of required public areas to be dedicated or reserved, in addition to the public streets, exceed ten (10) percent of the total gross acreage controlled by the owner. The acquisition of the additional area needed for parks, playgrounds, schools or other public uses, other than streets and alleys, shall be secured by the authority having jurisdiction. Arrangements for securing said area from the owner shall be made within a period not to exceed ninety (90) days from the date the plat is recorded.

(Code of Iowa, 1975, Sec. 409.13 and 409.14)

6-6.11 LOT SIZE AND AREA. The minimum depth of lots shall be pursuant to applicable zoning regulations.

(Code of Iowa, 1975, Sec. 409.14)

6-6.12 OCCUPANCY PERMITS. No land shall be occupied or used and no dwelling hereafter erected or altered shall be occupied or used in whole or in part for any purpose whatsoever until a certificate shall have been issued by the building commissioner stating that the building complies with all dwelling and health laws and ordinances, and with the provisions of this chapter. No change of use shall be made in any dwelling or part thereof now or hereafter erected or altered,

without a permit having been issued by the building commissioner and no permit shall be issued to make such change unless it is in conformity with the provisions of this chapter or amendments thereto hereafter duly enacted. Nothing in this section shall prevent the continuance of the present occupancy or use of any existing dwelling except as may be necessary for safety of life and property. Certificates for occupancy and compliance shall be applied for coincident with the application for a building permit and shall be issued within ten (10) days after erection or alteration of such buildings shall have been completed. A record of all certificates shall be kept on file in the office of the building commissioner and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected. A fee of two dollars ($2.00) shall be charged for each original certificate and one dollar ($1.00) for each copy thereof, which fees shall be collected by the building commissioner and by him paid over to the city treasurer. No permit for excavation for the erection of any building shall be issued before application has been made for certificate of occupancy and compliance. No building or premises may be occupied until such certificate shall have been issued.

6-6.13 ANNEXATION. Any areas proposed for annexation to the present corporation limits of the city shall be studied by the commission and a public hearing held on the proposed use district, prior to the incorporation of the area into the city. Each petition for annexation to the city shall be accompanied by petitions for the annexation of the same territory to the park district, unless the territory is already entirely within said park district.

6-6.14 ENFORCEMENT. The council shall appoint an individual to act as a zoning administrator and it shall be the duty of said officer to enforce this chapter.

6-6.15 SPECIAL PENALTY. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this chapter, the city, in addition to other remedies, may institute any property action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct, or abate such violation, to prevent any illegal act, conduct, business or use in or about such premises.

TITLE VII

SOCIAL AND ECONOMIC WELL-BEING

TITLE VII - SOCIAL AND ECONOMIC WELL BEING
CHAPTER 1 - REGULATION OF BUSINESS AND VOCATION

ARTICLE 1
PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS

7-1.0101 PURPOSE. The purpose of this chapter is to protect residents of the city against fraud, unfair competition and intrusion into the privacy of their homes by licensing and regulating peddlers, solicitors and transient merchants.
(Easterly v. Incorporated Town of Irwin, 99 Iowa 694, 68 N.W. 919 [1896])

7-1.0102 DEFINITIONS. For use in this chapter the following terms are defined:
(Town of Scranton v. Henson, 151 Iowa 221, 130 N.W. 1079 [1911]; Davenport v. Rice, 75 Iowa 74, 39 N.W. 191 [1888]; 68 Iowa 678 [1886])

1. "Peddler": shall mean any person carrying goods or merchandise who sells or offers for sale for immediate delivery such goods or merchandise from house-to-house or upon the public street.

2. "Solicitor": shall mean any person who solicits or attempts to solicit from house-to-house or upon the public street an order for goods, subscriptions or merchandise to be delivered at a future date.

3. "Transient merchant": shall mean any person, firm or corporation who engages in a temporary or itinerant merchandising business and in the course of such business hires, leases or occupies any building or structure what-so-ever. Temporary association with a local merchant, dealer, trader or auctioneer, or conduct of such transient business in connection with, as a part of, or in the name of any local merchant, dealer, trader or auctioneer shall not exempt any person, firm or corporation from being considered a transient merchant.

7-1.0103 LICENSE REQUIRED. Any person engaging in peddling, soliciting or in the business of a transient merchant in this city without first obtaining a license as herein provided shall be in violation of this chapter.
(Easterly v. Incorporated Town of Irwin, 99 Iowa 694, 68 N.W. 919 [1896])

7-1.0104 LICENSE EXEMPTIONS. The following are excluded from the application of this chapter:

(State of Iowa v. Garbroski, 111 Iowa 496, 82 N.W. 959 [1900])

1. News boys
2. Members of local Boy Scout, Girl Scout, Campfire Girls, 4-H Clubs, Future Farmers of America and similar organizations.
3. Farmers who offer for sale products of their own raising.
4. Students representing the Audubon Community School District conducting projects sponsored by organizations recognized by the school.
5. Milk delivery men who only incidently solicit additional business or make special sales.
6. Persons customarily calling on businesses or institutions for the purposes of selling products for resale or institutional use.

7-1.0105 RELIGIOUS AND CHARITABLE ORGANIZATIONS. Authorized representatives of religious and charitable organizations desiring to solicit money or to distribute literature shall be exempt from the operation of Section 6 through Section 14 of this chapter. All such organizations shall be required to submit in writing to the clerk the name and purpose of the cause for which such activities are sought, names and addresses of the officers and directors of the organization, the period during which such activities are to be carried on, and whether any commissions, fees or wages are to be charged by the solicitor for his efforts and the amount thereof. If the clerk shall find that the organization is a bona fide charity or religious organization he shall issue, free of charge, a license containing the above information to the applicant.

7-1.0106 APPLICATION FOR LICENSE. An application in writing shall be filed with the clerk for a license under this chapter. Such application shall set forth the applicant's name, permanent and local address, business address if any, physical description, recent photograph, right thumb print and if a peddler a certificate signed by the health officer or other local physician that the applicant is in good health and free from any contagious diseases. The application shall also set forth the applicant's employer if any, and the employer's address, the nature of the applicant's business, the last three places of such business and the length of time sought to be

covered by the license. An application fee of $2.00 shall be paid at the time of filing such application to cover the cost of investigating the facts stated therein.

7-1.0107 BOND REQUIRED. Before a license under this chapter shall be issued, each principal shall post a bond, by a surety company authorized to engage in the business of insuring the fidelity of others in Iowa, in the amount of $1,000.00 with the clerk to the effect that the registrant and the surety shall consent to the forfeiture of the principal sum of the bond or such part thereof as may be necessary: (1) to indemnify the town for any penalties or costs occasioned by the enforcement of this ordinance and (2) to make payment of any judgment rendered against the registrant as a result of a claim or litigation arising out of or in connection with such registrant's peddling or solicitation. Said bond shall not be retired until after a lapse of one year from the expiration of the license which it covers.

7-1.0108 AGENT FOR SERVICE OF PROCESS. Before the license is issued the applicant shall first sign an appointment naming the clerk as agent of the licensee for service of process in the event of claim or litigation against such registrant arising out of or in connection with any peddling or solicitation.

7-1.0109 LICENSE FEES. The following license fees shall be paid to the clerk prior to the issuance of any license. (Memphis Steam Laundry Cleaner v. Stone, 342 U.S. 389 [1952])

1. "Solicitors." In addition to the application fee for each person actually soliciting (principal or agent), a fee for the principal of $10 per year.

2. Peddlers or Transient Merchants:

For one day	$ 5.00
For one week	$ 25.00
For up to six months	$100.00
For one year or major part thereof	$175.00

7-1.0110 LICENSE ISSUED. If the clerk finds the application is completed in conformance with Section 6 of this chapter and the facts stated therein are found to be correct, the required bond is posted and the license fee paid, a license shall be issued immediately.

7-1.0111 DISPLAY OF LICENSE. Each solicitor or peddler

shall at all times while doing business in this city keep in his possession the license provided for in Section 10 of this chapter, and shall, upon the request of prospective customers, exhibit the license as evidence that he has complied with all requirements of this chapter. Each transient merchant shall display publicly his license in his place of business.

7-1.0112 LICENSE NOT TRANSFERABLE. Licenses issued under the provisions of this chapter are not transferable in any situation and are to be applicable only to the person filing the application.

7-1.0113 TIME RESTRICTION. All peddler's and solicitor's licenses shall provide that said licenses shall be in force and effect only between the hours of 8:00 o'clock A.M. and 6:00 o'clock P.M.

(City of Buffalo v. Tinsman, 98 N.Y. Supp. 737 [1906])

7-1.0114 REVOCATION OF LICENSE. After notice and hearing, the clerk may revoke any license issued under this chapter for the following reasons:

1. Fraudulent Statements. The licensee has made fraudulent statements in his application for the license or in the conduct of his business.

2. Violation of Law. The licensee has violated this chapter or has otherwise conducted his business in an unlawful manner.

3. Endangered Public Welfare, Health or Safety. The licensee has conducted his business in such manner as to endanger the public welfare, safety, order or morals.

7-1.0115 NOTICE. The license holder, and the surety on his bond shall be served with written notice containing particulars of the complaints against him, the ordinance provisions or state statutes allegedly violated, and the date, time and place for hearing on the matter.

7-1.0116 HEARING. The clerk shall conduct a hearing at which both the licensee and any complainants shall be present to determine the truth of the facts alleged in the complaint and notice. Should the licensee, or his authorized representative, fail to appear without good cause the clerk may proceed to a determination of the complaint.

7-1.0117 RECORD AND DETERMINATION. The clerk shall make and record findings of fact and conclusion of law, and shall revoke a license only when upon review of the entire record he finds clear and convincing evidence of substantial violation of this chapter or state law.

7-1.0118 APPEAL. If the clerk revokes, or refuses to issue, a license he shall make a part of the record his reasons therefor. The licensee, or the applicant, shall have a right to a hearing before the council at its next regular meeting. The council may reverse, modify or affirm the decision of the clerk by a majority vote of the council members present and the clerk shall carry out the decision of the council. (Constitution of Iowa, Article I, Sec.9)

7-1.0119 EFFECT OF REVOCATION. Revocation of any license shall bar the licensee from being eligible for any license under this chapter for a period of one year from the date of the revocation.

ARTICLE 2
HOUSE MOVERS

7-1.0201 PURPOSE. The purpose of this chapter is to protect and preserve the public safety and wellbeing by licensing and regulating house and building movers.

7-1.0202 HOUSE MOVER DEFINED. A "house mover" shall mean any person who undertakes to move a building or similar structure upon, over or across the public streets, alleys, walks or property using skids, jacks, dollies or any method other than upon a properly licensed motor vehicle.

7-1.0203 LICENSE REQUIRED. It shall be unlawful for any person to engage in the activity of house mover as herein defined without a valid license from the city for each house, building or similar structure to be moved.

7-1.0204 APPLICATION. Application for a house mover's license shall be made in writing to the clerk on forms furnished by him. The application shall include:

1. Name and Address. The applicant's full name and address and if a corporation the names and addresses of it's principal officers.

2. Building Location. An accurate description of the present location and future site of the building or similar structure to be moved.

3. Routing Plan. A routing plan approved by the police chief, public works superintendent, and public utility officials. The route approved shall be the shortest route compatible with the greatest public convenience and safety.

7-1.0205 BOND REQUIRED. The applicant shall post with the clerk a penal bond in the sum of $500.00 issued by a surety company authorized to issue such bonds in the state of Iowa. The bond shall guarantee the licensee's payment for any damage done to the city or to public property, and payment of all costs incurred by the city in the course of moving the building or structure.

7-1.0206 INSURANCE REQUIRED. Each applicant shall also have filed a certificate of insurance indicating that he is carrying public liability insurance in effect for the duration of the license covering himself and his agents and employees for the following amounts.

	Per Person	Per Accident
Bodily Injury	$50,000	$100,000
Property Damage		$ 50,000

7-1.0207 LICENSE FEE. A license fee of $10.00 shall be payable at the time of filing the application with the clerk. A separate license shall be required for each house, building or similar structure to be moved.

7-1.0208 LICENSE ISSUED. Upon completion of the application, filing of bond and insurance certificate, and payment of the required fee the clerk shall issue a license.

7-1.0209 PUBLIC SAFETY. At all times when a building or similar structure is in motion upon any street, alley, sidewalk or public property, the licensee shall maintain flagmen at the closest intersections or other possible channels of traffic to the sides, behind and ahead of the building or structure. At all times when the building or structure is at rest upon any street, alley, sidewalk or public property the licensee shall maintain adequate warning signs or flares at the intersections or channels of traffic to the sides, behind and ahead of the building or structure.

7-1.0210 TIME LIMIT. No housemover shall permit or allow a building or similar structure to remain upon any street or other public way for a period of more than twelve (12) hours without having first secured the written approval of the city.

7-1.0211 REMOVAL BY CITY. In the event any building or similar structure is found to be in violation of Section 10 of this chapter the city is authorized to remove such building or structure and assess the costs thereof against the license holder and the surety on his bond.

TITLE VII - SOCIAL AND ECONOMIC WELL BEING
CHAPTER 1 - REGULATION OF BUSINESS AND VOCATIONS

ARTICLE 3
CABLE TELEVISION SYSTEMS

7-1.0301 PURPOSE. The purpose of this article is to provide for regulations governing the use, conditions to accompany franchises, operational standards, use of public property and rates of cable television systems operating within the city.

7-1.0302 DEFINITIONS. The following words and phrases, when used in this article shall, for the purposes of this article, have the meanings ascribed to them in this section:

1. "Cable Television System". The term "cable television system" shall mean any facility that, in whole or in part, receives directly, or indirectly over the air, and amplifies or otherwise modifies the signals transmitting programs broadcast by one or more television or radio stations and distributes such signals, by wire or cable, to subscribing members of the public who pay for such services.

2. "Channel". The term "channel" shall mean the segment of the electro-magnetic spectrum to which a source of television transmission is assigned.

3. "City". The term "city" shall mean the City of Audubon, Iowa. When the context so requires, the term "city" shall mean and include the city, its officers, agents, employees, servants, and independent contractors.

4. "FCC". The term "FCC" shall mean the Federal Communications Commission.

5. "Franchise". The term "franchise" shall mean the rights, privileges, and authority granted by the city to the grantee hereunder and shall include all of the terms and conditions of this ordinance.

6. "Grantee". The term "grantee" shall mean Atlantic Cablevision Systems, Inc., a corporation organized and existing under the laws of the State of Iowa, its successors and assigns. When the context so requires, the term "grantee"

shall mean and include the grantee, its officers, agents, employees, servants, and independent contractors.

7. "Person". The term "person" shall mean any individual, or any corporation, business, firm or other entity, and shall be construed as singular or plural, or masculine, feminine or neuter, as the context may require.

8. "Private Property". The term "private property" shall mean all property, real, personal, or mixed, owned by a private person, including property owned by a public utility not owned or operated by the city.

9. "Property of the Grantee". The term "property of the Grantee" shall mean all property, real, personal or mixed, owned or used by the Grantee however arising from or related to or connected with the franchise.

10. "Public Property". The term "public property" shall mean all property, real, personal or mixed, owned or used by the city, including property owned or used by a public utility owned or operated by the city.

7-1.0303 POLES. The poles used for the company's distribution system shall be those erected and maintained by the utility companies operating in Audubon, providing mutually satisfactory rental agreements can be entered into with said companies. The company shall be authorized and entitled to erect their own poles if any, only after the authorization and approval of the city council.

7-1.0304 JOINT USE OF POLES. The company shall grant to the city, joint use of any and all poles owned by it, if any, for any proper municipal purposes acceptable to the company, and under such arrangements as may be mutually agreed upon, insofar as may be done without interfering with the free use and enjoyment of the company's own wires and fixtures, and the city shall hold the company harmless from any and all actions, causes of action, or damage caused by the placing of the city's wires or appurtenances upon the poles of the company.

7-1.0305 INTERFERENCE WITH PUBLIC PROPERTY. The company's transmission and distribution system, wires and appurtenances, shall be located, erected and maintained so as not to endanger or interfere with the lives of persons, or to interfere with any improvements the city may deem proper to make,

or to unnecessarily hinder or obstruct the free use of the streets, alleys, bridges, easements or other public property. The city reserves the right to require the company to place its conductors underground and to designate the districts in which such work shall be performed, and also to order the removal or relocation of poles, wires and other appurtenances erected by the company whenever in the judgment of the city council such action is in the public interest, and the company shall forthwith comply with any and all instructions and directives in such matters at its own expense.

7-1.0306 CONSTRUCTION AND MAINTENANCE STANDARDS. Construction and maintenance of the transmission distribution system, including house connections, shall be in accordance with the provisions of the National Electrical Safety Code prepared by the National Bureau of Standards, the National Electrical Code of the National Board of Fire Underwriters, and such applicable ordinances and regulations of the City of Audubon affecting installation which may be presently in effect or may be enacted by the City Coucil of the City of Audubon.

7-1.0307 HARDWARE. Installation and housedrop hardware shall be uniform throughout the city, except that the company shall be free to change its hardware and installation procedure as the art progresses.

7-1.0308 HOUSE MOVING. The company shall temporarily raise or lower its wires to permit the moving of buildings by a holder of a city housemover's license. The company shall be given not less than 48 hours notice to do the work. Expense of such temporary work will be paid to the company by the permit holder.

7-1.0309 USE OF PUBLIC PROPERTY. In the maintenance and operation of its television transmission and distribution system in the streets, alleys and other public places, and in the course of any new construction or addition to its facilities, the company shall proceed so as to cause the least possible inconvenience to the general public. Any opening or obstruction in the streets or other public places made by the company in the course of its operations shall be guarded and protected at all times by the placement of adequate barriers, fences or boardings, the bounds of which during periods of dusk and darkness shall be clearly designated by red warning lights.

7-1.0310 INTERFERENCE OF POLE USE. The company shall

maintain its attachment on poles that the city now uses, or has been authorized by other franchises now in force or hereafter enacted to use, in such manner that it will not interfere with the use of such poles by the city.

7-1.0311 RADIO AND TV SERVICE. The company shall not engage in the sale or service of radio and television receivers.

7-1.0312 EXTENSION OF LINES. In consideration of the rights granted in its franchise, the company agrees and binds itself to extend its lines and to serve any and all applicants for television service whose dwellings or places of business are located in the City of Audubon, and who in good faith have entered into or signified their willingness to enter into a contract for such television service.

7-1.0313 RULES AND REGULATIONS. The company shall have the right to prescribe reasonable service rules and regulations for the conduct of its business not inconsistent with the provisions of its franchise and this ordinance. Such rules shall be filed with the City Clerk and shall be effective as of the date of such filing, and be subject to approval by the city council within six months after such filing. Whenever it is necessary to shut off or interrupt service for the purpose of making repairs, adjustments or installations, the company shall do so at such time as will cause thc least amount of inconvenience to its customers, and unless such interruption is unforeseen and immediately necessary it shall give reasonable notice thereof to its customers.

7-1.0314 RATES. Rates charged by the company for service hereunder shall be fair and reasonable and designed to meet all necessary costs of service, including a fair rate of return on net valuation of its properties devoted thereto under efficient and economic management. The basic monthly charge to single dwelling home users will be $6.00 for the first television set, with an additional charge of no more than $1.50 for each additional extension, plus any applicable tax which may be required by the taxing authority of any governmental body. The company will make a charge of nomore than $10.00 for the first installation of its service and no more than $5.00 for each additional installation, with no charge to disconnect the same. No increase in rates for any service shall be made without a prior public hearing and the consent of the city council by resolution, provided, however, that if a rate charge regulation is levied by a department of the

state or federal government such department would have exclusive jurisdiction over the service charges of the company. All subscriptions to the services of the company under this ordinance shall be on a purely voluntary basis, and may be terminated at any time by the customer. Such services shall be maintained so as not to interfere with existing television and radio reception within the city.

7-1.0315 CHANNELS PROVIDED. The company shall provide sufficient channels to provide reception from all available major networks and in addition will deliver to its customers the maximum number of channels which afford satisfactory reception together with a weather scan and one channel for the purpose of educational use, public announcements or emergency warnings. The Federal Communications Commission Rules and Regulations for Cable Television Systems and any amendments and additions thereto are hereby made a part of this ordinance.

7-1.0316 FCC REGULATIONS. The company's distribution system shall conform to the rules and regulations of the Federal Communications Commission, particularly with respect to freedom from spurious radiation. Test equipment, adequate to detect spurious radiation, shall be furnished by the company at its expense and shall be made available for use by city inspection personnel during regular business hours during the period of its franchise.

7-1.0317 ANTENNA MAINTENANCE. The antenna and receiving equipment shall be installed and maintained so as to give a reasonably noise-free picture on each channel.

7-1.0318 DISTORTION. The installation and maintenance of equipment shall be such that no objectionable intermodulation distortion will occur.

7-1.0319 COLOR SIGNALS. The installation and maintenance of equipment shall be such that standard NTSC color signals shall be transmitted to any subscriber's receiver without objectionable picture degradation.

7-1.0320 TERMINATION OF SERVICE. The distribution system of the company shall not be abandoned, either in whole or in part, without the consent of the city council. In the event of the failure of the company to render community television service to the City of Audubon and the inhabitants thereof, as contemplated and provided for by this ordinance, within a

period of two years from the effective date of its franchise, the city council shall have the right, on reasonable notice to the company, to declare its franchise forfeited; provided, however, failure to comply with the terms hereof by reason of causes beyond the reasonable control of the company which could not be anticipated at the time of the acceptance of its terms by the company, shall not be sufficient grounds to declare a forfeiture. Company shall not sell or assign its franchise without the previous consent of the city council provided said consent shall not be arbitrarily withheld. Company may, without city council's prior consent, pledge and assign the franchise as security for financing.

7-1.0321 PERFORMANCE BOND. At any time on demand of the city, the company shall furnish to the city a suitable bond approved by the city for performance of the requirements imposed upon the company by its franchise.

7-1.0322 REMOVAL AND RESTORATION OF PROPERTY. Upon termination or forfeiture of its franchise in accordance with any of its terms or with this ordinance, the company shall, within a reasonable time, remove its cables, wires and appliances from the city streets, lanes, avenues, sidewalks, alleys, bridges, highways, easements and other public places within the city, and shall restore such streets and other public places to their original condition.

7-1.0323 LIABILITY. The company shall indemnify and hold the city harmless at all times during the term of its franchise from and against all claims for injury or damages to persons or property, both real and personal, resulting from the negligence on the part of the company in the construction, erection, operation or maintenance of any structure, equipment, appliance or products authorized or used pursuant to authority of this ordinance, and the company shall carry insurance against liability due to damage to property in an amount not less than one hundred thousand dollars ($100,000) as to any one person, and two hundred thousand dollars ($200,000) as to any one accident; and against liability due to injury or death of persons in an amount not less than one hundred thousand dollars ($100,000) as to any one person and three hundred thousand dollars ($300,000) as to any one accident. The company, upon receipt of due notice in writing from the city, shall defend at its own expense any action or proceedings against the city in which it is claimed that the damage or injury arose from the company's negligence in the operation of its television system.

7-1.0324 FEE FOR USE OF STREETS. In further consideration of the granting of its franchise the company will pay to the city one percent (1%) of the gross receipts derived from the operation of its system within the corporate limits of the city, after the system has attained 600 customers. Payment calculated on the basis of such gross revenue shall be made to the city within thirty (30) days of July 1 and January 1 of each year during the effective time hereof. The city or its designated agents may at any reasonable time, upon written notice, have access to the books and records of the company for audit purposes.

7-1.0325 SERVICE COMPLAINTS. The company shall maintain an office or a designated agent locally for the purpose of receiving, investigating and responding to service complaints from subscribers. Every reasonable effort shall be made to resolve any and all complaints to the satisfaction of the subscriber. If not satisfied, the subscriber may request the city council to appoint a committee to investigate the complaint. If the committee recommends action by the city council, the council may call for a public hearing on the matter and thereafter take whatever action council may deem necessary to resolve the matter.

7-1.0326 FRANCHISE FORFEITED. Any violation by the company of the provisions of its franchise, or any material portion thereof, or the failure to promptly perform the provisions thereof, shall be cause for forfeiture of its franchise, after written notice to the company, and continuation of such violation, failure or default.

7-1.0327 ACKNOWLEDGEMENT. The city acknowledges that it has investigated the legal, character, financial, technical and other qualifications and the adequacy and feasibility of the Grantee's proposed system, and they have been found to be acceptable and have been approved by the city as part of a full public proceeding affording due process.

7-1.0328 EXPENSES PAID. The company shall pay all expenses incurred in the holding of the special franchise election and publication of this ordinance.

CHAPTER 2
CIGARETTE PERMITS

7-2.01 DEFINITIONS. For use in this chapter the following terms are defined.

1. "Cigarette": shall mean any roll for smoking made wholly or in part of tobacco, irrespective of size or shape and irrespective of being flavored, adulterated or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any other material. It also shall mean cigarette papers, wrappers and tubes. It shall further include cigarellos provided their weight does not exceed three (3) pounds per thousand. However, this definition shall not be construed to include cigars.

(Code of Iowa, 1975, Sec. 98.1 [1])

2. "Retailer": shall mean every individual, firm, corporation or other association that sells, distributes or offers for sale for consumption, or possesses for the purpose of sale for consumption, cigarettes, irrespective of the quantity or amount or the number of sales.

(Code of Iowa, 1975, Sec. 98.1 [14]; O.A.G., 1944, P. 142)

3. "Place of Business": shall mean any building or structure in which cigarettes are sold, or are kept for the purpose of sale, by a retailer.

(O.A.G., 1932, P. 112; 1928, P. 162; and 1927, P. 142)

7-2.02 PERMIT REQUIRED. No retailer shall sell, distribute, or solicit the sale of any cigarettes within the city without a valid permit for each place of business. The permit shall be displayed publicly in the place of business so that it can be seen easily by the public. No permit shall be issued to a minor.

7-2.03 APPLICATION. A completed application on forms provided by the State Department of Revenue and accompanied by the fee provided in Section 7-2.04 shall be filed with the clerk. Renewal applications shall be filed at least 5 days prior to the last regular meeting of the council in

June. If a renewal application is not timely filed, and a special council meeting is called to act on the application the costs of such special meeting shall be paid by the applicant.

(O.A.G., 1922, P. 460;
Code of Iowa, 1975, Sec. 98.13 [5 and 9])

7-2.04 FEES. The fee for issuing or renewing a cigarette permit shall be as follows:

(Code of Iowa, 1975, Sec. 98.13 [3])

FOR PERMITS ISSUED OR RENEWED DURING:	FEE:
July, August, or September	$75.00
October, November, or December	$56.25
January, February, or March	$37.50
April, May, or June	$18.75

7-2.05 ISSUANCE. The council shall issue or renew a permit upon a determination that such issuance or renewal will not be detrimental to the public health, safety or morals, and shall certify its action in issuing a permit to the State Department of Revenue.

7-2.06 PERMITS NOT TRANSFERABLE. A permit shall not be transferable to another place of business or retailer. However, if a retailer who holds a valid permit changes his place of business, the council, if it decides to issue a new permit to him, shall not charge any additional fee for the unexpired term of the original permit if the retailer has not received a refund for surrender of the original permit.

7-2.07 EXPIRATION. Permits expire on June 30 of each year.

7-2.08 REFUNDS. A retailer may surrender an unrevoked permit and receive a refund from the city, except during April, May, or June, as follows:

(Code of Iowa, 1975, Sec. 98.13 [4])

PERMITS SURRENDERED DURING:	AMOUNT OF REFUND:
July, August, or September	$56.25
October, November, or December	$37.50
January, February, or March	$18.75

7-2.09 REVOCATION. The council, after notice and hearing, shall revoke a permit if it finds the retailer has substantially violated the provisions of this chapter or Chapter 98,

Code of Iowa, 1975, or if grounds exist that would be sufficient for refusal to issue such a permit. The clerk shall give five (5) days written notice to the retailer by mailing a copy of the notice by certified mail to the place of business as it appears on his application for a permit. The notice shall state the reason for the contemplated revocation and the time and place at which he may appear and be heard. The hearing shall be held at the regular meeting place of the council.

(Code of Iowa, 1975, Sec. 98.22; O.A.G., 1932, P. 164)

7-2.10 RENEWAL AFTER REVOCATION. Upon revocation, no new permit shall be issued to the retailer or for the place of business for one year from the date of revocation unless good cause to the contrary is shown the council.

TITLE VII — SOCIAL AND ECONOMIC WELL BEING
CHAPTER 3 — FRANCHISES

ARTICLE 1

NATURAL GAS FRANCHISE

7-3.0101 FRANCHISE GRANTED. There is hereby granted to MidAmerican Energy Company, an Iowa corporation, hereinafter called the "Company," its successors and assigns, the right and franchise to acquire, construct, erect, maintain and operate in the City, a gas distribution system, to furnish natural gas along, under and upon the streets, avenues, alleys and public places to serve customers within and without the City, and to furnish and sell natural gas to the City and its inhabitants. For the term of this franchise the Company is granted the right of eminent domain, the exercise of which is subject to Council approval upon application by the Company. This franchise shall be effective for a ten (10) year period from and after the effective date of the ordinance codified by this article, provided however, that there shall be a re-evaluation prior to the end of the fifth (5) year, with the opportunity for both parties to request amendments. The parties may mutually agree to waive such re-evaluation by means of a written agreement during the last 60 days of year 5. If the parties waive the re-evaluation then this franchise will continue without change for the remaining 5 years.

7-3.0102 RIGHTS AND PRIVILEGES. The rights and privileges hereby granted are subject to the restrictions and limitations of Chapter 364 of the Code of Iowa or as subsequently amended or changed.

7-3.0103 REVIEW COMMITTEE. If requested by the City, a Utility Review Committee comprised of two City appointees and two MidAmerican Energy Company employees shall be convened to review the performance of the Company and planned or completed distribution system maintenance within the City. The Utility Review Committee shall report the results of the performance review to the Council.

7-3.0104 PIPES AND MAINS. The Company shall have the right to excavate in any public street for the purpose of laying, re-laying, repairing or extending gas pipes, mains, conduits and other facilities provided that the same shall be so placed as not to interfere with the construction of any water pipes,

drain or sewer or the flow of water therefrom, which have been or may hereafter be located by authority of the City.

7-3.0105 CONSTRUCTION AND MAINTENANCE. The Company shall, at its cost and expense, locate and relocate its installations in, on, over or under any public street or alley in the City in such manner as the City may at any time reasonably require for the purposes of facilitating the construction, reconstruction, maintenance or repair of the street or alley or any public improvement of, in or about any such street or alley or reasonably promoting the efficient operation of any such improvement. If the City has a reasonable alternative route for the street, alley or public improvements, which alternative route would not cause the relocation of the Company installations, the City shall consider selecting said alternative route. If relocation of the Company facilities could be avoided by relocating other franchisee's or facility user's equipment and facilities, and said other franchisee's or user's cost of relocation is less than the Company's cost of relocation, the City shall consider selecting the route which requires the other franchisees or users to relocate. If project funds from a source other than the City are available to pay for the relocation of utility facilities, the City shall use its best efforts to secure said funds and provide them to the Company to compensate the Company for the costs of relocation.

7-3.0106 EXCAVATIONS. In making excavations in any streets, avenues, alleys and public places for the installation of gas pipes, conduits or apparatus, the Company shall not unreasonably obstruct the use of the streets, and shall replace the surface, restoring the original condition as nearly as practicable.

7-3.0107 INDEMNIFICATION. The Company shall indemnify and save harmless the City from any and all claims, suits, losses, damages, costs or expenses, on account of injury or damage to any person or property, caused or occasioned, or allegedly caused or occasioned, in whole or in part, by the Company's negligence in construction, reconstruction, excavation, operation or maintenance of the gas facilities authorized by this franchise; provided, however, that the Company shall not be obligated to defend, indemnify and save harmless the City for any costs or damages arising from the negligence of the City, its officers, employees or agents.

7-3.0108 MAPPING INFORMATION. The Company will provide upon reasonable request of the City mapping information relating to specific public improvement projects as anticipated by the City. The City shall not provide such mapping information to other persons without the written consent of the Company.

7-3.0109 PROJECT APPROVAL REQUIRED. Prior to beginning any major construction, reconstruction or maintenance project on public Rights of Ways, the Company shall consult with and obtain the approval of the Director of Public Works. Routine maintenance, replacing of like and similarly situated facilities, new or replacement services and emergency repairs and restoration of service are exempted from this provision. No mains or services in public right-of-way shall be installed directly above and parallel to any City utility mains. Mains and services installed prior to the effective date of the ordinance codified by this article are exempted from this prohibition. Future exceptions to this prohibition may be granted by the Director of Public Works. If the Director of Public Works fails to approve the proposed work within 14 days of the submission of the proposed project, the Company may request a review of the proposed work and decision by the Council. The Council shall render its decision in the form of a resolution within 14 days of receiving the request for review. If the Council fails to act within 14 days of receiving the request for review, the work project shall be deemed approved and the Company shall be authorized to proceed.

7-3.0110 APPLICABLE REGULATIONS. The Company shall extend its mains and pipes and operate and maintain the system in accordance with the applicable regulations of the Iowa Utilities Board or its successors. Contributions in aid of construction shall comply with said Iowa Utilities Board rules and regulations.

7-3.0111 QUALITY AND QUANTITY. During the term of this franchise the Company shall furnish natural gas in the quantity and quality consistent with applicable Iowa laws and regulations.

7-3.0112 POLICE REGULATIONS. All reasonable and proper police regulations shall be adopted and enforced by the City for the protection of the facilities of the Company.

7-3.0113 RIGHT TO TERMINATE. The City reserves the right to terminate this franchise if the Company substantially breaches the terms and conditions of this agreement. The City shall provide the Company via certified mail notification of the specific alleged failure(s) to comply with the terms and conditions herein contained. The Company shall have 60 days to commence corrective action if required. Completion of corrective action will be within a timeline agreed to by the City and the Company. If the Company fails to resolve the situation within the agreed upon schedule, the City may terminate this franchise agreement. The Company shall not be considered to have breached the terms and conditions of this franchise if it has operated in compliance with the rules and regulations of the Iowa Utilities Board or Federal agencies having jurisdiction over Company operations. The Company shall not

be considered to have breached the terms and conditions of this franchise if the alleged breach is a result of actions of another entity.

EDITOR'S NOTE

Ordinance No. 648 adopting a gas franchise for the City was passed and adopted on January 22, 2001.

TITLE VII — SOCIAL AND ECONOMIC WELL BEING
CHAPTER 3 — FRANCHISES

ARTICLE 2

ELECTRIC FRANCHISE

7-3.0201 FRANCHISE GRANTED. There is hereby granted to MidAmerican Energy Company, an Iowa corporation, hereinafter called the "Company," its successors and assigns, the right and franchise to acquire, construct, erect, maintain and operate in the City, a system for the transmission and distribution of electric energy along, under, over and upon the streets, avenues, alleys and public places to serve customers within and without the City, and to furnish and sell electric energy to the City and its inhabitants. For the term of this franchise the Company is granted the right of eminent domain, the exercise of which is subject to Council approval upon application by the Company. This franchise shall be effective for a ten (10) year period from and after the effective date of the ordinance codified by this article, provided however, that there shall be a re-evaluation prior to the end of the fifth (5) year, with the opportunity for both parties to request amendments. The parties may mutually agree to waive such re-evaluation by means of a written agreement during the last 60 days of year 5. If the parties waive the re-evaluation then this franchise will continue without change for the remaining 5 years.

7-3.0202 RESTRUCTURING. The City, its residents and businesses shall not be prohibited form participating or enjoying any provisions or benefits that may be conveyed to them as a result of the restructuring of the electric utility industry, when such actions are consistent with State and Federal rules, regulations and law.

7-3.0203 RIGHTS AND PRIVILEGES. The rights and privileges hereby granted are subject to the restrictions and limitations of Chapter 364 of the Code of Iowa or as subsequently amended or changed.

7-3.0204 REVIEW COMMITTEE. If requested by the City, a Utility Review Committee comprised of two City appointees and two MidAmerican Energy Company employees shall be convened to review the performance of the Company and planned or completed distribution system maintenance within

the City. The Utility Review Committee shall report the results of the performance review to the Council.

7-3.0205 POLES AND WIRES. The Company shall have the right to erect all necessary poles and to place thereon the necessary wires, fixtures and accessories as well as excavate and bury conductors for the distribution of electric energy in and through the City, but all said conduits and poles shall be placed so as not to interfere with the construction of any water pipes, drain or sewer or the flow of water therefrom, which have been or may hereafter be located by authority of the City. The Company is authorized and empowered to cut and trim at its expense, any trees extending into any street, alley or public ground so as to prevent limbs or branches from interfering with the wires and facilities of the Company.

7-3.0206 CONSTRUCTION AND MAINTENANCE. The Company shall, at its cost and expense, locate and relocate its installations in, on, over or under any public street or alley in the City in such manner as the City may at any time reasonably require for the purposes of facilitating the construction, reconstruction, maintenance or repair of the street or alley or any public improvement of, in or about any such street or alley or reasonably promoting the efficient operation of any such improvement. If the City has a reasonable alternative route for the street, alley or public improvements, which alternative route would not cause the relocation of the Company installations, the City shall consider selecting said alternative route. If relocation of the Company facilities could be avoided by relocating other franchisee's or facility user's equipment and facilities, and said other franchisee's or user's cost of relocation is less than the Company's cost of relocation, the City shall consider selecting the route which requires the other franchisees or users to relocate. If project funds from a source other than the City are available to pay for the relocation of utility facilities, the City shall use its best efforts to secure said funds and provide them to the Company to compensate the Company for the costs of relocation.

7-3.0207 EXCAVATIONS. In making excavations in any streets, avenues, alleys and public places for excavation of conduits or the erection of poles and wires or other appliances, the Company shall not unreasonably obstruct the use of the streets, and shall replace the surface, restoring the original condition as nearly as practicable.

7-3.0208 INDEMNIFICATION. The Company shall indemnify and save harmless the City from any and all claims, suits, losses, damages, costs or expenses, on account of injury or damage to any person or property, caused or occasioned, in whole or in part, by the Company's negligence in construction, reconstruction, excavation, operation or maintenance of the electric facilities

authorized by this franchise; provided, however, that the Company shall not be obligated to defend, indemnify and save harmless the City for any costs or damages arising from the negligence of the City, its officers, employees or agents.

7-3.0209 MAPPING INFORMATION. The Company will provide upon reasonable request of the City mapping information relating to specific public improvement projects as anticipated by the City. The City shall not provide such mapping information to other persons without the written consent of the Company.

7-3.0210 PROJECT APPROVAL REQUIRED. Prior to beginning any major construction or reconstruction project on public Rights of Ways, the Company shall consult with and obtain the approval of the Director of Public Works. Routine maintenance, replacing of like and similarly situated facilities, new or replacement services and emergency repairs and restoration of service are exempted from this provision. If the Director of Public Works fails to approve the proposed work within 14 days of the submission of the proposed project, the Company may request a review of the proposed work and decision by the Council. The Council shall render its decision in the form of a resolution within 14 days of receiving the request for review. If the Council fails to act within 14 days of receiving the request for review, the work project shall be deemed approved and the Company shall be authorized to proceed.

7-3.0211 APPLICABLE REGULATIONS. The Company shall construct, operate and maintain its facilities in accordance with the applicable regulations of the Iowa Utilities Board or its successors. The Company shall extend its distribution system and service lines in compliance therewith. Contributions in aid of construction shall comply with said Iowa Utilities Board rules and regulations.

7-3.0212 QUALITY AND QUANTITY. During the term of this franchise the Company shall furnish electric energy in the quantity and quality consistent with applicable Iowa laws and regulations.

7-3.0213 POLICE REGULATIONS. All reasonable and proper police regulations shall be adopted and enforced by the City for the protection of the facilities of the Company.

7-3.0214 RIGHT TO TERMINATE. The City reserves the right to terminate this franchise if the Company substantially breaches the terms and conditions of this agreement. The City shall provide the company via certified mail notification of the specific alleged failure(s) to comply with the terms and conditions herein contained. The Company shall have 60 days to commence

corrective action if required. Completion of corrective action will be within a timeline agreed to by the City and the Company. If the Company fails to resolve the situation within the agreed upon schedule, the City may terminate this franchise agreement. The Company shall not be considered to have breached the terms and conditions of this franchise if the alleged breach is a result of actions of another entity.

EDITOR'S NOTE

Ordinance No. 647 adopting an electric franchise for the City was passed and adopted on January 22, 2001.

TITLE VII - SOCIAL AND ECONOMIC WELL BEING
CHAPTER 3 - FRANCHISES

ARTICLE 3
CA TV SYSTEM

7-3.0301 FRANCHISE GRANTED. In consideration of the faithful performance and observance of conditions and reservations hereinafter specified, the non exclusive right is hereby granted to Atlantic Cablevisions Systems, Inc., an Iowa corporation with its principal place of business in Atlantic, Iowa its successors or assigns, (hereinafter collectively referred to as company) will, if this franchise is approved by the voters, erect, maintain and operate television transmission and distribution facilities, including poles where approved, wires and appurtenances, and additions thereto, and facilities for the transmission of frequency modulated sound signals, in, under, over, along, across and upon the streets, avenues, sidewalks, alleys, bridges, easements, for utility installations and other public places in the City of Audubon and subsequent additions thereto, for the purpose of transmission and distribution of television impulses and television energy and frequency modulated sound signals in accordance with the laws and regulation of the United States of America and the State of Iowa, and ordinances and regulations of the City of Audubon, for a period of fifteen (15) years, with the franchise holder having an option to renew for an additional ten (10) years, following the fulfillment of Section 7-3.0302 hereof.

7-3.0302 EFFECTIVE. This ordinance, following its passage, its ratification by a majority of the qualified voters of the City of Audubon voting at a special election called for that purpose, and its publication as by law provided, shall become effective upon acceptance by the company.

ARTICLE 4
REGULATION OF CABLE TELEVISION RATES

7-3.0401 ADMINISTRATION OF RULES AND REGULATIONS. The City of Audubon (herein called "the City") has the legal authority to administer and shall enforce against any non-municipally owned cable television system operator, as permitted therein, the provisions of Part 76, Subpart N of the Rules and Regulations of the Federal Communications Commission, concerning Cable Rate Regulation, 47 C.F.R. §§76.900 et seq., as they currently read and hereafter may be amended, which are herewith incorporated by reference.

7-3.0402 RATE REGULATION PROCEEDINGS. Any rate regulation proceedings conducted under Section 7-3.0401 shall provide a reasonable opportunity for consideration of the view of any interested party, including but not limited to, the City or its designee, the Cable Operator, subscribers, and residents of the franchise area. In addition to all other provisions required by the laws of the State of Iowa and the City of Audubon for such proceedings, and in order to provide for such opportunity for consideration of the views of any interested party, the City shall take the following actions:

1. The City shall publish notice as provided in Code of Iowa Chapter 362.4, and shall mail, by certified mail, to the Cable Operator a notice of the intent to conduct a public proceeding on basic service tier rates and/or charges for equipment to receive such basic service tier, as defined by the FCC.

2. Said notice shall state, among other things, that cable television rates are subject to municipal review and explain the nature of the rate review in question; that any interested party has a right to participate in the proceeding; that public views may be submitted in the proceeding, explaining how they are to be submitted and the deadline for submitting any such views; that a decision concerning the reasonableness of the cable television rates in question will be governed by the FCC Rules and Regulations: and that the decision of the City is subject to review by the FCC.

3. The City shall conduct a public proceeding to determine whether or not the rates or proposed rate increase are reasonable. The City may delegate the responsibility to

conduct the proceeding to any duly qualified and eligible individual(s) or entity. If the City or its designee cannot determine the reasonableness of a proposed rate increase within the time period permitted by the FCC Rules and Regulations, it may announce the effective date of the proposed rates for an additional period of time as permitted by the FCC Rules and Regulations, and issue any other necessary or appropriate order and give notice accordingly.

4. In the course of the rate regulation proceeding, the City may require additional information from the Cable Operator that is reasonably necessary to determine the reasonableness of the basic service tier rates and equipment charges. Any such additional information submitted to the City shall be verified by an appropriate official of the cable television system supervising the preparation of the response on behalf of the entity, and submitted by way of affidavit or under penalty of perjury, stating that the response is true and accurate to the best of that person's knowledge, information and belief formed after reasonable inquiry. The City may request proprietary information, provided that the City shall consider a timely request from the Cable Operator that said proprietary information shall not be made available for public information, consistent with the procedures set forth in Section 0.459 of the FCC Rules and Regulations. Furthermore, said proprietary information may be used only for the purpose of determining the reasonableness of the rates and charges or the appropriate rate level based on a cost-of-service showing submitted by the Cable Operator. The City may exercise all powers under the laws of evidence applicable to administrative proceedings under the laws of the State of Iowa and of the City of Audubon to discover any information relevant to the rate regulation proceeding, including, but not limited to, subpoena, interrogatories, production of documents, and deposition.

5. Upon termination of the rate regulation proceeding, the City shall adopt and release a written decision as to whether or not the rates or proposed rate increase are reasonable or unreasonable, and, if unreasonable, its remedy, including prospective rate reduction, rate prescription, and refunds.

6. The City may not impose any fines, penalties, forfeitures or other sanctions, other than permitted by the FCC Rules and Regulations, for charging an unreasonable rate or proposing an unreasonable rate increase.

7. Consistent with FCC Rules and Regulations, the City's decision may be reviewed only by the FCC.

8. The City shall be authorized, at any time, whether or not in the course of a rate regulation proceeding, to gather information as necessary to exercise its jurisdiction as authorized by the Communications Act of 1934, as amended, and the FCC Rules and Regulations. Any information submitted to the City shall be verified by an appropriate official of the cable television system supervising the preparation of the response on behalf of the entity, and submitted by way of Affidavit or under penalty of perjury, stating that the response is true and accurate to the best of that person's knowledge, information and belief formed after reasonable inquiry.

7-3.0403 CERTIFICATION TO FCC AND CABLE OPERATOR. The City has filed with the FCC the required certification form (FCC Form 328) and the Cable Operator was given notice thereof by the City sending the Cable Operator a copy of said Form FCC 328. Upon final passage of this chapter, the City shall notify the Cable Operator that the City has been certified by the FCC and that it has adopted all necessary regulations so as to begin regulating basic service tier cable television rates and equipment charges.

7-3.0404 CABLE PROGRAMMING SERVICE TIER. With regard to the cable programming service tier, as defined by the Communications Act of 1934, as amended, and the FCC Rules and Regulations, and over which the City is not empowered to exercise rate regulation, the Cable Operator shall give notice to the City of any change in rates for the cable programming service tier or tiers, any change in the charge for equipment required to receive the tier or tiers, and any changes in the nature of the services provided, including the program services included in the tier or tiers. Said notice shall be provided within five (5) business days after the change becomes effective.

7-3.0405 DELEGATION OF POWERS PERMITTED. The City may delegate its powers to enforce this chapter to municipal employees or officers ("cable official"). The cable official will have the authority to:

1. administer oaths and affirmations;
2. issue subpoenas;
3. examine witnesses;
4. rule upon questions of evidence;
5. take or cause depositions to be taken;
6. conduct proceedings in accordance with this chapter;
7. exclude from the proceeding any person engaging in contemptuous conduct or otherwise disrupting the proceedings;
8. hold conferences for the settlement or simplification of the issues by consent of the parties; and
9. take actions and make decisions or recommend decisions in conformity with this chapter.

(Article 4 added by Ordinance No. 610)

ARTICLE 5
CABLE TV CUSTOMER SERVICE STANDARDS

7-3.0501 ADOPTION. The City has the legal authority to adopt and enforce customer service standards for the cable television system in the City as permitted by the Cable Television Consumer Protection and Competition Act of 1992. Upon review of the customer service standards adopted by the Federal Communications Commission (FCC) on March 11, 1993 by MM Docket No. 92-263 of the FCC, and deeming it in the best interest of the City, the Council herewith adopts by reference the above mentioned customer service standards for cable television service effective at least 90 days from passage of this article or date of written notification to Cable Operator, whichever is later.

7-3.0502 NOTIFICATION. The Clerk shall notify the Cable Operator by registered mail with return receipt that the City has adopted said customer service standards for cable television service to become effective at least 90 days from passage of this article or date of written notification to Cable Operator, whichever is later.

7-3.0503 RULES AND PROCEDURES. The Council or a Cable Commission appointed by the Council shall establish rules and procedures regarding the process to remedy possible violations of the customer service standards by the Cable Operator. The Council or Commission shall provide for notice and opportunity for hearing for both the customers and the Cable Operator in such process.

7-3.0504 EFFECTIVE. This article shall be in effect at least 90 days from passage of this article or date of written notification to Cable Operator, whichever is later, after its final passage, approval, and publication as provided by law.

7-3.0505 COMPLIANCE. If after notice and opportunity for hearing, the City determines that the Cable Operator is not in complete compliance with all the provisions of the customer service standards, the Cable Operator shall reduce the rate for the basic tier of cable service by twenty percent (20%) until such time that the City has been satisfied that the Cable Operator is in compliance of all the provisions of the customer service standards. In addition, the cable operator shall pay to the City the sum of $100.00 for each day that the Cable Operator fails to be in compliance of all the provisions of the customer service standards after the date that the Council has passed a resolution stipulating the sections where the cable operator is in non-compliance.
(Article 5 added by Ordinance No. 611)
Supp. Feb-96

TITLE VIII

TRANSPORTATION

TITLE VIII - TRANSPORTATION
CHAPTER 1 - STREETS AND ALLEYS

ARTICLE 1
STREET REGULATIONS

8-1.0101 REMOVAL OF WARNING DEVICES. It shall be unlawful for a person to willfully remove, throw down, destroy or carry away from any highway, street, alley, avenue or bridge any lamp, obstruction, guard or other article or things, or extinguish any lamp or other light, erected or placed thereupon for the purpose of guarding or enclosing unsafe or dangerous places in said highway, street, alley, avenue or bridge without the consent of the person in control thereof.

(Code of Iowa, 1975, Sec. 714.19)

8-1.0102 OBSTRUCTING OR DEFACING STREETS. It shall be unlawful for any person to obstruct, deface, or injure any public road in any manner.

(Code of Iowa, 1975, Sec. 716.6)

8-1.0103 PLACING DEBRIS ON STREETS. It shall be unlawful for any person to throw or deposit on any street any glass bottle, glass, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, grass, or any other debris, or any other substance likely to injury any person, animal or vehicle. (Amended by Ordinance No. 592)

8-1.0104 INJURING NEW PAVEMENT. It shall be unlawful for any person to willfully injure new pavement in any street, alley or sidewalk by willfully driving, walking or making marks on such pavement before it is ready for use.

(Code of Iowa, 1975, Sec. 364.12[2])

8-1.0105 EXCAVATIONS.

1. Permit Required. No person, firm or corporation shall make or cause to be made, any excavation in any public street, avenue, alley or other public place in the City, or dig up, cut through, or remove any public sidewalk, curb, or pavement without first obtaining a permit from the Clerk or his authorized representative as hereinafter provided. If, however, an emergency arises in which it becomes necessary to make immediate excavations in order that the public safety be preserved, then, and in that event, it shall not be necessary

to secure the above permit prior to making said excavations provided, however, that said permit shall be secured immediately upon termination of said emergency.

2. Application. Before any such permit shall be issued an application therefore shall be filed with the clerk or his authorized representative by the person desiring to do the work which application shall state the place, amount and purpose of the contemplated work, the time when the work is to be started and the estimated time required for completion thereof, together with such other information as the council may reasonably require to determine whether the permit should be granted. Each application shall contain an agreement signed by the applicant, in which the applicant agrees to perform the work including all digging, tunnelling, backfilling and restoration of the surface in a good and workmanlike manner, and in accordance with the rules and specifications established by the city engineer. Said rules and specifications shall be filed with the clerk. The application shall contain an agreement by the applicant to compensate the city for the cost of restoring the pavement surface determined as hereinafter provided.

3. Restoration of Pavement. When the permittee has completed the excavation including backfilling and restoration, to the approval of the city engineer or his authorized representative, the paving surface shall then be restored by the city street department as soon as practicable at permittee's cost. The cost of restoration of the pavement surface shall be determined by the city engineer and shall include field labor, supervision, materials, use of equipment, and inspection. Payment shall be made upon receipt of proper billing of such costs.

4. Public Convenience. Any work done under a permit provided for in this section shall be performed in such a manner as to cause the least possible interference with the movement of traffic. On main thoroughfares there shall be at all times sufficient traffic lanes open to permit a substantially normal traffic flow.

5. Form of Permit. Permits shall be executed in duplicate and shall show the work for which the same had been granted, the name of the person, firm or corporation to which the same is issued, the location of the premises, the purpose of the excavation and the time within which the work shall be commenced and completed. The work shall be started within one week from the date of the issuance of the permit.

6. Work Supervised. Any work done under a permit as provided for in this section shall be done expeditiously and in a good and workmanlike manner under the direction and supervision of the city engineer or his authorized representative.

7. Violations. Any person, firm or corporation who shall fail to comply with the terms and conditions of the permit herein authorized or shall violate the terms of this section shall not hereafter be granted another such permit without the prior approval of the council.

8. Exceptions. The provisions of this section shall not apply to city departments or to persons performing work under a contract with the city but any such contract shall require a substantial compliance with the provisions of this section.

8-1.0106 DUMPING OF SNOW. It shall be unlawful for any person to throw, push, or place or cause to be thrown, pushed or placed, any ice or snow from private property, sidewalks, or driveways onto the traveled way of streets so as to obstruct gutters, or impede the passage of vehicles upon the street or to create a hazardous condition therein; except where, in the cleaning of large commercial drives in the business district it is absolutely necessary to move the snow onto the streets temporarily, such accumulation shall be removed promptly by the property owner or his agent, and only after first making arrangements for such prompt removal at the owner's cost of the accumulation within a reasonably short time.

(Code of Iowa, 1975, Sec. 364.12 [2])

8-1.0107 PLAYING IN STREETS. It shall be unlawful for any person to coast, sled or play games on streets or highways except in the areas blocked off by the chief of police for such purposes.

(Code of Iowa, 1975, Sec. 364.12 [2])

8-1.0108 TRAVELING ON BARRICADED STREET PROHIBITED. It shall be unlawful for any person to travel or operate any vehicle on any street or public way temporarily closed by barricades, lights, signs, or flares placed thereon by the authority or permission of any city official, police officer or member of the fire department.

8-1.0109 USE OF PARKINGS. It shall be unlawful to temporarily or permanently park, store, or place any car, truck, vehicle, junk or any other goods, wares and merchandise of any kind upon any street parking without permission of the council.

8-1.0110 USE OF STREETS FOR BUSINESS PURPOSES. It shall be unlawful to park, store or place any new or used car or cars, machinery, or any other goods, wares and merchandise of any kind upon any street for the purpose of storage, exhibition, sale or offering same for sale, without permission of the council.

8-1.0111 MAINTENANCE OF PARKING OR TERRACE. It shall be the responsibility of the abutting property owner to maintain all property outside the lot and property lines and inside the curb lines upon the public streets, except that the abutting property owner shall not be required to remove diseased trees or dead wood on the publicly owned property or right of way.

8-1.0112 FAILURE TO MAINTAIN PARKING OR TERRACE. If the abutting property owner does not perform an action required under Section 8-1.0111 of the Code within a reasonable time, the City may perform the required action and assess the cost against the abutting property for collection in the same manner as a property tax.

ARTICLE 2
CONTROLLED ACCESS FACILITIES

(RESERVED FOR FUTURE USE)

ARTICLE 3
BUILDING NUMBERING

(RESERVED)

ARTICLE 4
NAMING OF STREETS

8-1.0401 NAMING NEW STREETS. New streets shall be assigned names in accordance with the following:

1. Extension of Existing Street. Streets added to the city that are natural extensions of existing streets shall be assigned the name of the existing street.

2. Planning Commission. Proposed street names shall be referred to the planning commission for review and recommendation.

3. Ordinance. All street names, except streets named as a part of a subdivision or platting procedure, shall be named by ordinance.

8-1.0402 CHANGING NAME OF STREET. The council may, by ordinance, change the name of a street.

(Code of Iowa, Sec. 409.17)

8-1.0403 RECORDING STREET NAMES. Following adoption of an ordinance naming or changing the name of a street, the mayor and clerk shall certify and file a copy thereof with the county recorder and county auditor.

(Code of Iowa, Sec. 409.17)

EDITOR'S NOTE

The following ordinances not codified herein, and specifically saved from repeal, have been adopted naming extensions of, changing the name of or naming a new street and remain in full force and effect.

ORDINANCE NO.	ADOPTED
467	May 9, 1978
472	June 12, 1978
558	October 12, 1987

ARTICLE 5
VACATION AND DISPOSAL

8-1.0501 POWER TO VACATE. When in the judgment of the council it would be in the best interest of the city to vacate a street or alley, or portion thereof, they may do so in accordance with the provisions of this article.
(Code of Iowa, 1975, Sec. 364.12 [2a])

8-1.0502 PLAN COMMISSION. Any proposal to vacate a street or alley shall be referred by the council to the planning commission for its' study and recommendation prior to further consideration by the council. The planning commission shall submit a written report including recommendations to the council within 30 days of the date the proposed vacation was referred to it.
(Code of Iowa, 1975, Sec. 392.1)

8-1.0503 NOTICE OF VACATION HEARING. The council shall cause to be published a notice of public hearing at which time the proposal to vacate shall be considered. In addition to published notice, notice shall be posted at least twice on each block along the street or alley proposed to be vacated not more than 25 days nor less than 10 days prior to the date set for the hearing.

8-1.0504 FINDINGS REQUIRED. No street or alley, or portion thereof, shall be vacated unless the council finds that:

1. Public Use. The street or alley proposed to be vacated is not needed for the use of the public, and, therefore, its' maintenance at public expense is no longer justified.

2. Abutting Property. The proposed vacation will not deny owners of property abutting on the street or alley reasonable access to their property.
(Code of Iowa, 1975, Sec. 364.15)

8-1.0505 DISPOSAL OF STREETS OR ALLEYS. When in the judgment of the council it would be in the best interest of the city to dispose of a vacated street or alley, or portion thereof, they may do so by resolution following notice and hearing.

(Code of Iowa, 1975, Sec. 364.7)

8-1.0506 DISPOSAL BY GIFT LIMITED. The city may not dispose of a vacated street or alley, or portion thereof, by gift except to a governmental body for a public purpose.

(Code of Iowa, 1975, Sec. 364.7 [3])

EDITOR'S NOTE

The following ordinances, not codified herein and specifically saved from repeal, have been adopted vacating certain streets and/or alleys and remain in full force and effect.

ORDINANCE NUMBER	ADOPTED
277	February 25, 1949
280	August 8, 1949
292	August 7, 1952
293	December 18, 1952
295	September 8, 1953
297	December 7, 1953
298	February 1, 1954
301	May 3, 1954
304	July 12, 1954
305	August 2, 1954
308	May 17, 1955
317	November 12, 1955
323	June 5, 1957
324	June 20, 1957
328	April 7, 1958
329	April 14, 1958
340	September 8, 1959
351	March 20, 1961
376	Undated
380	July 7, 1966
408	September 28, 1971
425	September 23, 1974
435	July 8, 1975
436	July 8, 1975
437	July 8, 1975
438	July 8, 1975
439	July 8, 1975
444	September 22, 1976

EDITOR'S NOTE
(continued)

ORDINANCE NO.	ADOPTED	ORDINANCE NO.	ADOPTED
468	May 22, 1978		
477	July 9, 1979		
483	March 26, 1979		
499	Jul 28, 1980		
500	July 28, 1980		
501	July 28, 1980		
502	July 28, 1980		
505	September 23, 1980		
542	November 26, 1984		
551	November 10, 1986		
578	May 14, 1990		
589	June 11, 1991		
605	October 11, 1993		
618	July 10, 1995		
644	July 24, 2000		
645	October 9, 2000		
653	September 10, 2001		

ARTICLE 6
STREET AND SIDEWALK GRADES

8-1.0601 ESTABLISHED GRADES. The grades of all streets, alleys and sidewalks, which have been heretofore established by ordinance are hereby confirmed, ratified and established as official grades.

8.1.0602 RECORD MAINTAINED. The clerk shall maintain a record of all established grades and furnish information concerning such grades upon request.

EDITOR'S NOTE

The following ordinances not codified herein, and specifically saved from repeal, have been adopted establishing street and/or sidewalk grades and remain in full force and effect.

ORDINANCE NUMBER	ADOPTED
257	July 21, 1947
258	July 2[illegible], 1947
270	January 5, 1948
274	August 2, 1948
276	January 3, 1949
332	July 7, 1958
333	September 3, 1958
334	September 3, 1958
352A	May 1, 1961
365	June 25, 1962
384	May 8, 1967
385	September 25, 1967
391	August 19, 1968
395	December 22, 1969
401	August 11, 1970
422	July 22, 1974
525	December 13, 1982

CHAPTER 2
SIDEWALK REGULATIONS

8-2.01 DEFINITIONS. For use in this chapter the following terms are defined:

1. "Sidewalk": shall mean all permanent public walks in business, residential or suburban areas.

2. "Broom Finish": shall mean a sidewalk finish that is made by sweeping the sidewalk when it is hardening.

3. "Wood Float Finish": shall mean a sidewalk finish that is made by smoothing the surface of the sidewalk with wooden trowel.

4. "Portland Cement": shall mean any type of cement except bituminous cement.

5. "One-course Construction": shall mean that the full thickness of the concrete is placed at one time, using the same mixture throughout.

6. "Established Grade": shall mean that grade established by this city for the particular area in which a sidewalk is to be constructed.

7. "Business District": shall have the same meaning as defined in Section 2.1-2.0102 [5].

8-2.02 RESPONSIBILITY FOR MAINTENANCE. It shall be the responsibility of the abutting property owners to maintain in a safe and hazard free condition any sidewalk outside the lot and property lines and inside the curb lines or travelled portion of the public street.

(Code of Iowa, 1975, Sec. 364.12 [2c])

8-2.03 FAILURE TO MAINTAIN - PERSONAL INJURIES. If the abutting property owner does not maintain sidewalks as required and action is brought against the city for personal injuries alleged to have been caused by its negligence, the city may notify in writing any person by whose negligence it claims the

injury was caused. The notice shall state the pendency of the action, the name of the plaintiff, the name and location of the court where the action is pending, a brief statement of the alleged facts from which the cause arose, that the city believes that the person notified is liable to it for any judgment rendered against the city, and asking the person to appear and defend. A judgment obtained in the suit is conclusive in any action by the city against any person so notified, as to the existence of the defect or other cause of the injury or damage, as to the liability of the city to the plaintiff in the first named action, and as to the amount of the damage or injury. The city may maintain an action against the person notified to recover the amount of the judgment together with all the expenses incurred by the city in the suit.

(Code of Iowa, 1975, Sec. 364.14)

8-2.04 CITY MAY ORDER REPAIRS. If the abutting property owner does not maintain sidewalks as required the council may serve notice on such owner, by certified mail, requiring him to repair, replace or reconstruct sidewalks within a reasonable time and if such action is not completed within the time stated in the notice the council may require the work to be done and assess the costs against the abutting property for collection in the same manner as a property tax.

(Code of Iowa, 1975, Sec. 364.12 [2d and e])

8-2.05 ORDER BY CITY COUNCIL. The council may order the construction, reconstruction, repair or cleaning of permanent or temporary sidewalks along any street, highway, avenue or public grounds within the city limits, and may assess the cost therefor on the lots or parcels of land in front of which same shall be constructed, reconstructed, repaired or cleaned in accordance with the procedures and subject to the limitations as provided by the laws of the state.

8-2.06 SIDEWALK STANDARDS. Sidewalks repaired, replaced or constructed under the provisions of this chapter shall be of the following construction and meet the following standards:

1. Cement. Portland cement shall be the only cement used in the construction and repair of sidewalks.

2. Construction. Sidewalks shall be of one-course construction.

3. Sidewalk Base. Concrete may be placed directly on compact and well drained soil. Where soil is not well drained, a three (3) inch sub-base of compact, clean, coarse gravel, sand, or cinders shall be laid. The adequacy of the soil drainage is to be determined by the city.

4. Sidewalk Bed. The sidewalk bed shall be graded to the established grade.

5. Length, Width and Depth.

A. Residential sidewalks shall be four inches (4") thick and each section shall be no more than six feet (6') in length. Residential sidewalks shall conform in width to existing abutting sidewalks, if any, otherwise they shall be four feet (4') wide.

B. Business district sidewalks shall conform in width to existing abutting sidewalks or be four feet (4') wide, whichever is greater. Each section shall be four inches (4") thick and no more than six feet (6') in length and width.

C. Driveway areas shall be not less than six inches (6") in thickness.

6. Location.

Residential sidewalks and business district sidewalks that do not extend from the property line to the curb shall be located with the inner edge (edge nearest the abutting private property) one foot (1') from the property line, unless the council shall establish a different distance due to circumstances.

7. Grade. Curb tops shall be on level with the centerline of the street which shall be the established grade.

8. Elevations. The street edge of a sidewalk shall be at an elevation even with the curb, at the curb, or not less than one-half (½) inch above the curb for each foot between the curb and the sidewalk.

9. Slope. All sidewalks shall slope .25 inch per foot toward the curb.

10. Finish. All sidewalks shall be finished with a "broom" or "wood float" finish.

11. Ramps for Handicapped. There shall be not less than two (2) curb cuts or ramps per lineal block which shall be located on or near the crosswalks at intersections. Each curb cut or ramp shall be at least thirty-six (36) inches wide, shall be sloped at not greater than one (1) inch of rise per twelve (12) inches lineal distance, except that a slope no greater than one (1) inch of rise per eight (8) inches lineal distance may be used where necessary, shall have a nonskid surface, and shall otherwise be so constructed as to allow reasonable access to the crosswalk for physically handicapped persons using the sidewalk. (Amended by Ordinance No. 600)

8-2.07 REMOVAL OF SNOW, ICE AND ACCUMULATIONS. It shall be the responsibility of the abutting property owners to remove snow, ice and accumulations promptly from sidewalks. If a property owner does not remove snow, ice or accumulations within a reasonable time, the City may do so and assess the costs against the property owner for collection in the same manner as a property tax.

(Code of Iowa, 1975, Sec. 364.12[2b and e])

8-2.08 AWNINGS: STANDARDS. It shall be unlawful for a person to erect or maintain any awning over any sidewalk unless all parts of the awning are elevated at least seven (7) feet above the surface of the street or sidewalk and the roof or covering is made of duck, canvas or other suitable material supported by iron frames or brackets securly fastened to the building, without any posts or other device that will obstruct the sidewalk or hinder or interfere with the free passage of pedestrians.

8-2.09 ENCROACHING STEPS. It shall be unlawful for a person to erect or maintain any stairs or steps to any building upon any part of any sidewalk without permission by resolution of the Council.

8-2.10 OPENINGS AND ENCLOSURES. It shall be unlawful for a person to:

1. Stairs and Railings. Construct or build a stairway or passageway to any cellar or basement by occupying any part of the sidewalk, or to enclose any portion of a sidewalk with a railing without permission by resolution of the Council.

2. Openings. Keep open any cellar door, grating or cover to any vault on any sidewalk except while in actual use with adequate guards to protect the public.

3. Protect Openings. Neglect to properly protect or barricade all openings on or within six (6) feet of any sidewalk.

8-2.11 FIRES ON SIDEWALK. It shall be unlawful for a person to make a fire of any kind on any sidewalk.

8-2.12 FUEL ON SIDEWALK. It shall be unlawful for a person to place or allow any fuel to remain upon any sidewalk.

8-2.13 DEFACING. It shall be unlawful for a person to scatter or place any paste, paint or writing on any sidewalk.

8-2.14 DEBRIS ON SIDEWALKS. It shall be unlawful for a person to throw or deposit on any sidewalk any glass bottle, glass, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, or any other debris, or any other substance likely to injure any person, animal or vehicle.

(Code of Iowa, 1975, Sec. 364.12 [2])

8-2.15 MERCHANDISE DISPLAY. It shall be unlawful for a person to place upon or above any sidewalk, any goods or merchandise for sale or for display in such a manner as to interfere with the free and uninterrupted passage of pedestrians on the sidewalk; in no case shall more than three (3) feet of the sidewalk next to the building be occupied for such purposes.

8-2.16 SALES STANDS. It shall be unlawful for a person to erect or keep any stand for the sale of fruit, vegetables or other substances or commodities on any sidewalk without first obtaining a written permit from the clerk.

8-2.17 REMOVING PART OF SIDEWALK. It is unlawful for any person, firm or corporation to remove any part of a sidewalk without first securing the permission of the council therefor.

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Interpretation of District Boundaries	6-5.0206
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APPENDIX

CODE OF ORDINANCES
OF THE
CITY OF AUDUBON, IOWA, 1977

ADOPTED June 28, 1977,
by Ordinance No. 452
as amended by Ordinances No. 453 through 542, both inclusive,

ADOPTED March 20, 1985,
as the 1985 Code by Ordinance No. 543
as amended by Ordinances No. 544 through 583, both inclusive,

ADOPTED November 16, 1990,
as the 1990 CODE by Ordinance No. 584

SUPPLEMENT RECORD

SUPPLEMENT		ORDINANCES AMENDING CODE		
No.	Repeals, Amends or Adds	No.	Date	Subject
1-80		453	9-21-77	Sewer Rates
		454	11-9-77	Water Rates
		455	11-9-77	Refuse Collection Fee
		456	11-9-77	Sewer Rental
		457	1-11-78	Zoning Map Amendment
		458	1-11-78	Zoning Map Amendment
		459	1-11-78	Zoning Map Amendment
		460	1-11-78	Zoning Map Amendment
		461	1-11-78	Zoning Map Amendment
		462	1-11-78	Zoning Map Amendment
		463	4-12-78	No Parking Zones
		464	3-22-78	Water Meters
		465	5-22-78	Mayor's Compensation
		466	5-22-78	Council Compensation
		467	5-9-78	Assigning Names to Streets
		468	5-22-78	Vacate Street
		469	6-26-78	Animal Control
		470	5-22-78	Parking - Hours Restrictions
		471	5-22-78	Zoning Map Amendment
		472	6-12-78	Assigning Names to Streets
		473	6-12-78	Amortization Period, Special Assessment
		474	8-28-78	Stop Intersections
		475	9-11-78	Council Meeting Time/ Day

PLACE IN APPENDIX IMMEDIATELY FOLLOWING DIVIDER

SUPPLEMENT

ORDINANCES AMENDING CODE

No.	Repeals, Amends or Adds	No.	Date	Subject
1-80 (cont.)		476	11-11-78	Zoning Map Amendment
		477	7-9-79	Vacate Street
		478	9-27-78	Franchise to Iowa Public Service Co./ Gas
		479	9-27-78	Franchise to Iowa Public Service Co./ Electric
		480	12-11-78	One-way Streets
		481	1-22-79	Open Meetings
		482	not passed	
		483	3-26-79	Vacate Alley
		484	3-26-79	Planning and Zoning Commission Compensation
		485	4-23-79	Commercial Loading Zones
		486	5-14-79	Impounding Vehicles
		487	7-23-79	Parking Time Limit
		488	not passed	
		489	not passed	
		490	8-28-79	Park Regulations
		491	7-23-79	Zoning - Flood Control Areas
		492	9-26-79	Appeals to Board of Adjustment
		493	10-10-79	Zoning Map Amendment
		493A	8-28-79	Water Rates
		494	10-10-79	Safety & Inspection of Cisterns, Wells and Cesspools
2-81		495	12-17-79	Water Meters
		496	4-14-80	Stop Intersections
		497	4-14-80	Truck Parking Limited
		498	7-28-80	Disposition of Licensed and Unlicensed Dogs
		499	7-28-80	Vacating Street
		500	7-28-80	Vacating Street
		501	7-28-80	Vacating Alley
		502	7-28-80	Vacating Alley
		503	7-7-80	Water Rates
		504	7-28-80	Zoning Map Amendment
		505	9-23-80	Vacating Street
		506	10-8-80	Beer and Liquor Control
		507	11-11-80	Curfew for Minors
		508	11-11-80	Water Service
		509	2-23-81	Zoning/Supp. Reg.

PLACE IN APPENDIX IMMEDIATELY FOLLOWING DIVIDER

SUPPLEMENT

ORDINANCES AMENDING CODE

No.	Repeals, Amends or Adds	No.	Date	Subject
		510	2-23-81	Zoning Map Amendment
		511	3-9-81	Barbed Wire and Electric Wire
		512	3-23-81	Solid Waste Collection Fees
		513	4-13-81	Overtime Parking Penalty
3-87		514	7-13-81	Water Rates
		515	5-26-81	Zoning Code - Board of Adjustment
		516	10-14-81	Cable TV Rates
		517	3-8-82	Zoning Code - Board of Adjustment
		518	5-3-82	Zoning Map Amendment
		519	6-14-82	Golf Carts
		520	6-14-82	Zoning Amendments & Changes
		521	6-14-82	Library Board Officers
		522	7-12-82	Animal Protection & Control
		523	7-12-82	Stop Intersections
		524	10-13-82	Possession of Firearms on City-owned Property
		525	12-13-82	Street Grades
		526	1-24-83	No Parking Zone
		527	3-14-83	Duties of Cemetery Sexton
		528	3-21-83	Solid Waste Collection Fees
		529	4-11-83	Water Rates
		530	5-16-83	Beer and Liquor Control
		531	5-16-83	Stop Intersections, Special Yield Required & Truck Parking Limited
		532	8-22-83	Public Consumption or Intoxication
		533	9-28-83	Eliminating Use of Parking Meters
		534	1-9-84	Zoning Map Amendment
		535	1-9-84	Parking Prohibited - Snow Emergency
		536	2-27-84	Industrial Tax Exemption
		537	2-13-84	Sidewalk Standards

PLACE IN APPENDIX IMMEDIATELY FOLLOWING DIVIDER

SUPPLEMENT — ORDINANCES AMENDING CODE

No.	Repeals, Amends or Adds	No.	Date	Subject
3-87 (cont.)		538	3-12-84	Water Rates
		539	6-26-84	Reserve Police Force
		540	8-27-84	Council Meetings
		541	9-24-84	Diagonal Parking/ No Parking Zones
		542	11-26-84	Street Vacation
		543	3-20-85	Adopting City Code
		544	4-22-85	Billing for Water Service
		545	4-8-85	Special Yield Required
		546	not passed	
		547	missing	
		548	4-28-86	Water Rates
		549	6-9-86	Maintenance of Parking or Terrace
		550	8-19-86	Water Rates
		551	11-10-86	Street Vacation
		552	1-12-87	Truck Parking Limited
Jan-91	2.1-2.1006(14)	553	4-13-87	Parking Prohibited
	2.1-9	554	4-27-87	Drug Paraphernalia
	6-5.08	555	6-8-87	Flood Plain Regulations
	2.1-3.0101(7) and 2.1-3.0104/05	556	9-14-87	Definition of "Legal Age" as 21; Regulations to Include Wine as Well as Beer and Liquor
	2.1-3.02	557	9-14-87	Beer and Wine Permits and Liquor Licenses
	8-1.04	558	10-12-87	Naming New Extensions of Third Avenue & Stadium Drive
	1-1.07	559	10-12-87	Giving and Reporting of Gifts to City Officials and Employees
	2.1-2.0901(6) & 2.1-2.0901(9)	560	5-09-88	One-way Traffic
	3-4.0212	561	5-23-88	Solid Waste Collection Fees
	3-1.0103/04/05	562	6-13-88	Control of Weeds or Grass Over 12"
	6-3.02	563	6-13-88	Inoperable Vehicles and Junk
	1-1.0801	564	6-13-88	Authority to Join Airport Authority

PLACE IN APPENDIX IMMEDIATELY FOLLOWING DIVIDER

SUPPLEMENT — ORDINANCES AMENDING CODE

No.	Repeals, Amends or Adds	No.	Date	Subject
Jan-91 (cont.)	2.1-2.0602	565	6-27-88	Stop Sign on Church Street at Broadway
	6-1.0306	566	7-25-88	Fee For Restoration of Water Service
	2.1-2.0901(9)	567	7-25-88	Alley from East Division to Broadway to be Two-way
	2.1-2.1007	568	10-10-88	No Parking Zone on Scott Street
	6-1.04	569	5-22-89	Water Conservation
	3-2.0101(2)	570	6-12-89	Definition of Cats & Dogs 'In Season'
	3-4.0212	571	6-12-89	Landfill Fee
	2.1-2.0605(32)	572	7-10-89	Special Yield on Brayton St. at Second Avenue
	3-2.03	573	6-12-89	Pit Bull Dogs
	2.3-1.01	574	8-14-89	Director of Public Works to Enforce Dangerous Buildings Chapter
	1-3.0306	575	10-23-89	Compensation of Council Members
	2.1-2.0901(9)(10)	576	11-13-89	Part of N. Division St. to be One-way
	1.1-0802 - 08	577	12-12-89	Annual Levy for Use of the Airport Authority
	8-1.05	578	5-14-90	Vacated Street
	2.1-2.1015	579	6-11-90	Twenty-minute Parking
	6-5.02	580	5-29-90	Zoning Map Amendment
	5-2	581	8-27-90	Parks & Recreation Board
	2.1-2.0301 & 2.1-2.0301(15)	582	9-10-90	Violation of Traffic Regulations
	2.1-2.0602	583	10-8-90	Stop on Second Ave. at Hahn St. & Eliminate Stop on Hahn St. at Second Avenue
		584	11-16-90	ADOPTING CODE
Feb-96	2.1-2.0605	585	1-14-91	Special Yield Required
	2.1-2.0602(57)	586	1-14-91	Stop Intersections
	2.1-2.0410(4)	587	1-14-91	Special 35 MPH Speed Zone
	1-1.06	587A	5-13-91	Prior Approval for Tax Exemption

PLACE IN APPENDIX IMMEDIATELY FOLLOWING DIVIDER

No.	Repeals, Amends or Adds	No.	Date	Subject
Feb-96 (cont.)	3-4.0102(16); 3-4.0110; 3-4.0209	588	5-28-91	Yard Waste
	8-1.05	589	6-11-91	Street Vacation
	2.1-2.0603(2)	590	6-11-91	Four-Way Stop
	3-1.0103	591	6-24-91	Weeds
	8-1.0103	592	6-24-91	Debris on Streets
	3-4.0212	593	7-22-91	Garbage Fees
	3-4.0202; 3-4.0205; 3-4.0206	594	11-25-91	Garbage Collection, Frequency and Locations
	2.1-3.0207	595	12-23-91	Wine Permits
	3-4.0212	596	1-13-92	Garbage Fees
		597		Not Adopted
		598		Not Adopted
		599		Not Adopted
	8-2.06(11)	600	8-10-92	Handicapped Ramps
	2.1-2.0605(34)	601	11-9-92	Special Yield Required
	2.1-2.0602(57)	602	11-9-92	Stop Intersections
	1-1.09	603	7-26-93	Urban Renewal
	6-5.02	604	10-11-93	Rezoning from R-4 to B-2
	8-1.05	605	10-11-93	Street Vocation
	2.1-2.1007(40)	606	10-25-93	No Parking Zone
	2.2-1.03(1)	607	12-13-93	Fire Department - Resident
	3-4.0212	608	1-24-94	Garbage Fees
	6-5.02	609	2-14-94	Rezoning from R-2 to R-4
	7-3.04	610	2-4-94	Regulation of Cable TV Rates
	7-3.05	611	3-14-94	Customer Service Standards
	1-4.01; 1-4.02	612	3-28-94	Clerk/Treasurer
	3-3.0302	613	8-8-94	Sewer Rental Rates
	6-5.02	614	8-22-94	Rezoning from R-2 to B-2
	3-3.0302	615	4-10-95	Sewer Rental Rates
	6-5.02	616	3-27-95	Rezoning from R-2 to B-2
	2.1-2.1202; 2.1-2.0301(17)	617	4-24-95	Parking Violation: Alternate, Handicapped Parking
	8-1.05	618	7-10-95	Street Vacation
	2.1-2.1007(63)	619	7-24-95	No Parking Zone
	3-2.0110; 3-2.0111	620	9-25-95	Disposition of Dogs
	1-1.10	621	11-27-95	Urban Revitalization
	6-5.02	622	11-27-95	Rezoning from R-2 to B-2
	1-1.0102(8)	623	12-1-95	Readopting Ordinance

PLACE IN APPENDIX IMMEDIATELY FOLLOWING DIVIDER

SUPPLEMENT RECORD

SUPPLEMENT		ORDINANCES AMENDING CODE		
Supp. No.	**Repeals, Amends or Adds**	**Ord. No.**	**Date**	**Subject**
Feb-02	2.1-2.0602(58-60); 2.1-2.0605(35-39)	624	6-24-96	Stop and Yield Requirements
	2.1-2.0703A)	625	6-20-96	Load and Weight Restrictions
	6-1.0307	626	10-14-96	Water Deposit
	6-5.08	627	11-25-96	Flood Plain Management
	1-3.0304(1)	628	4-14-97	Council Meeting Time and Date
	6-1.0308	629	5-27-97	Meter Service Fee
	2.1-2.1007(64-65)	630	7-28-97	Parking Prohibited
	2.1-10	631	11-24-97	Municipal Infractions
	3-1.0106	632	11-24-97	Infraction for Weeds
	2.1-2.0602(61-62)	633	12-8-97	Stop Signs
	2.1-2.0504	634	1-26-98	Left Turn for Parking
	2.1-2.0505	635	2-23-98	Backing from Parking Space
	2.1-2.1014	636	2-23-98	Snow Emergency
	2.1-2.0506	637	3-23-98	Traffic Fines
	2.1-1.0301	638	9-14-98	Curfew
	1-1.09	639	11-27-98	Urban Renewal Area
	6-5.02	640	3-9-99	Rezoning
	6-1.0302; 6-1.0303	641	6-28-99	Water Rates
	3-4.0212(1)	642	2-29-00	Residential Garbage Fee
	6-3.0201(1)	643	4-24-00	Inoperable Vehicles
	8-1.05	644	7-24-00	Vacation of Alley
	8-1.05	645	10-9-00	Vacation of Alley
	2.1-2.0311	646	12-13-00	Noise Ordinance
	7-3.02	647	1-22-01	Electric Franchise
	7-3.01	648	1-22-01	Gas Franchise
	6-1.0302; 6-1.0303	649	4-9-01	Water Rates
	1-1.09	650	4-23-01	Urban Renewal Area
	1-1.09	651	5-14-01	Urban Renewal Area
	1-2.0202	652	9-5-01	Voting Precincts
	8-1.05	653	9-10-01	Vacation of Alleys
		656	2-25-02	Readopt Existing Code as 2002 Code of Ordinances

Place in the Appendix immediately following the Divider.

APPENDIX 2.3-1

SUGGESTED FORM

DANGEROUS BUILDINGS

FIRST NOTICE

TO: (Name and Address of the Owner, Agent or Occupant of the Property on Which Nuisance is Located or the Person Causing or Maintaining the Nuisance)

You are hereby notified to abate the nuisance existing at (location of nuisance) within ____ days from service of this notice or file written request for a Council hearing with the undersigned officer within said time limit.

The nuisance consists of (describe the nuisance and cite the law or ordinance) and shall be abated by (state action necessary to abate the particular nuisance).

In the event you fail to abate or cause to abate the above nuisance as directed, or file written request for hearing within the time prescribed herein, the City will take such steps as are necessary to abate or cause to be abated the nuisance and the cost will be assessed against you as provided by law.

Date of Notice:

CITY OF AUDUBON

_____19__

BY_____

MAYOR (or other authorized officer)

APPENDIX 2.3-1

SUGGESTED FORM

DANGEROUS BUILDINGS

NOTICE OF HEARING

TO: (Name and Address of the Owner, Agent or Occupant of the Property on Which Nuisance is located or the Person Causing or Maintaining the Nuisance)

You are hereby notified that the City Council of Audubon, Iowa, will meet on the ___ day of _____ at _____o'clock __M. in the Council Chambers of the City Hall, at (address) _____ for the purpose of considering whether or not the alleged nuisance consisting of (describe the nuisance) on your property, locally known as _____, constitutes a nuisance pursuant to Chapter 1 of Division 3, Title Two of the City Code of Audubon, Iowa, 1977 and should be abated by (state action necessary to abate the particular nuisance).

You are further notified that at such time and place you may appear and show cause why the said alleged nuisance should not be abated.

You are further notified to govern yourselves accordingly.

Date of Notice:

_____19__

_____

MAYOR (or other authorized officer)

APPENDIX 2.3-1

SUGGESTED FORM

DANGEROUS BUILDINGS

RESOLUTION
(AND ORDER)

BE IT RESOLVED, by the City Council of the City of Audubon, Iowa:

WHEREAS, notice has heretofore been served on the _____day of _____, 19__, on (property owner's name), through (agent's name or "none"), agent, to abate the nuisance existing at (legal description and address) within _____days from service of notice upon the said (name of owner or agent); and

(either)

WHEREAS, a hearing was requested by the said (name of property owner or agent) and the same was held at this meeting and evidence produced and considered by the City Council;

(or)
(Alternate to preceding paragraph)

WHEREAS, the said owner (agent) named above has failed to abate or cause to abate the above nuisance as directed within the time set, and after evidence was duly produced and considered at this meeting, and said owner has failed to file a written request for hearing, as provided, after being properly served by a notice to abate;

NOW, THEREFORE, BE IT RESOLVED that the owner of said property, or his agent, (name of owner or agent), is hereby directed and ordered to abate the nuisance consisting of (describe the nuisance) by (state action necessary to abate) within____days after the service of this Order upon him; and

BE IT FURTHER RESOLVED that the enforcement officer be and is hereby directed to serve a copy of this Order upon the said property owner or agent named above; and

BE IT FURTHER RESOLVED, that in the event the owner, or agent,

(name the owner or agent), fails to abate the said nuisance within the time prescribed above, then and in that event the City will abate the said nuisance and the cost will be assessed against the property and/or owner (owner's name) at (address), as the law shall provide.

Moved by _____ to adopt. Adopted this ____ day of _____, 19__.

_____
MAYOR

Attest:

_____
City Clerk

Note: It is suggested by the blank space in the resolution that additional time be allowed the owner to abate the nuisance after the passage of the resolution before any action is taken on the part of the city to abate the same. In some instances, for the sake of public safety, the time element could be stricken from the resolution and immediate action be taken to abate the nuisance after the order is given.

APPENDIX 3-1.02 SUGGESTED FORM

NOTICE TO ABATE NUISANCE

TO: _____

_____

_____

(Name and address of owner, agent, or occupant of the property on which the nuisance is located or the person causing or maintaining the nuisance.)

You are hereby notified to abate the nuisance existing at _____

_____

(location of nuisance)
or file written request for a hearing with the undersigned officer within _____ (hours or days) from service of this notice.

The nuisance consists of:

_____

_____

_____

_____

(describe the nuisance) and shall be abated by:

_____

_____

_____

_____

_____

_____

(state action necessary to abate the particular nuisance).

In the event you fail to abate or cause to be abated the above nuisance as directed, the Police Chief will take such steps as are necessary to abate or cause to be abated the nuisance and the costs will be assessed against you as provided by law.

THE CITY OF AUDUBON, IOWA

By _____

(Designate Officer initiating notice)