

CHAPTER 1

CODE OF ORDINANCES

1.01 Title
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1.01 TITLE. This code of ordinances shall be known and may be cited as the Code of Ordinances of the City of Glenwood, Iowa.

1.02 DEFINITIONS. Where words and phrases used in this Code of Ordinances are defined by State law, such definitions apply to their use in this Code of Ordinances and are adopted by reference. Those definitions so adopted that need further definition or are reiterated, and other words and phrases used herein, have the following meanings, unless specifically defined otherwise in another portion of this Code of Ordinances:

1. “Alley” means a public right-of-way, other than a street, affording secondary means of access to abutting property.
2. “City” means the City of Glenwood, Iowa.
3. “Clerk” means the city clerk of Glenwood, Iowa.
4. “Code” means the specific chapter of this Code of Ordinances 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).
5. “Code of Ordinances” means the Code of Ordinances of the City of Glenwood, Iowa.
6. “Council” means the city council of Glenwood, Iowa.
7. “County” means Mills County, Iowa.
8. “Measure” means an ordinance, amendment, resolution or motion.

9. “Month” means a calendar month.
10. “Oath” means 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” are equivalent to the words “swear” and “sworn.”
11. “Occupant” or “tenant,” applied to a building or land, includes any person who occupies the whole or a part of such building or land, whether alone or with others.
12. “Ordinances” means the ordinances of the City of Glenwood, Iowa, as embodied in this Code of Ordinances, ordinances not repealed by the ordinance adopting this Code of Ordinances, and those enacted hereafter.
13. “Person” means 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.
14. “Preceding” and “following” mean next before and next after, respectively.
15. “Property” includes real property, and tangible and intangible personal property unless clearly indicated otherwise.
16. “Property owner” means a person owning private property in the City as shown by the County Auditor’s plats of the City.
17. “Public place” includes in its meaning, but is not restricted to, any City-owned open place, such as parks and squares.
18. “Public property” means 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.
19. “Public way” includes any street, alley, boulevard, parkway, highway, sidewalk, or other public thoroughfare.

20. “Sidewalk” means that surfaced portion of the street between the edge of the traveled way, surfacing, or curb line and the adjacent property line, intended for the use of pedestrians.

21. “State” means the State of Iowa.

22. “Statutes” or “laws” means the latest edition of the Code of Iowa, as amended.

23. “Street” or “highway” means the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular traffic.

24. “Writing” and “written” include printing, typing, lithographing, or other mode of representing words and letters.

25. “Year” means a calendar year.

1.03 CITY POWERS. The City may, except as expressly limited by the Iowa Constitution, and if not inconsistent with the laws of the Iowa General Assembly, exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges and property of the City and of its residents, and preserve and improve the peace, safety, health, welfare, comfort and convenience of its residents and each and every provision of this Code of Ordinances shall be deemed to be in the exercise of the foregoing powers and the performance of the foregoing functions.

(Code of Iowa, Sec. 364.1)

1.04 INDEMNITY. The applicant for any permit or license under this Code of Ordinances, by making such application, assumes and agrees to pay for all injury to or death of any person or persons whomsoever, and all loss of or damage to property whatsoever, including all costs and expenses incident thereto, however arising from or related to, directly, indirectly or remotely, the issuance of the permit or license, or the doing of anything thereunder, or the failure of such applicant, or the agents, employees or servants of such applicant, to abide by or comply with any of the provisions of this Code of Ordinances or the terms and conditions of such permit or license, and such applicant, by making such application, forever agrees to indemnify the City and its officers, agents and employees, and agrees to save them harmless from any and all claims, demands, lawsuits or liability whatsoever for any loss, damage, injury or death, including all costs and expenses incident thereto, by reason of the foregoing. The provisions of this section shall be deemed to be a part of any

permit or license issued under this Code of Ordinances or any other ordinance of the City whether expressly recited therein or not.

1.05 PERSONAL INJURIES. When 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, Sec. 364.14)

1.06 RULES OF CONSTRUCTION. In the construction of the Code of Ordinances 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. Verb Tense and Plurals. Words used in the present tense include the future, the singular number includes the plural and the plural number includes the singular.
2. May. The word “may” confers a power.
3. Must. The word “must” states a requirement.
4. Shall. The word “shall” imposes a duty.
5. Gender. The masculine gender includes the feminine and neuter genders.
6. Interpretation. All general provisions, terms, phrases, and expressions contained in the Code of Ordinances shall be liberally construed in order that the true intent and meaning of the Council may be fully carried out.

7. Extension of Authority. Whenever an officer or employee is required or authorized to do an act by a provision of the Code of Ordinances, the provision shall be construed as authorizing performance by a regular assistant, subordinate or a duly authorized designee of said officer or employee.

1.07 AMENDMENTS. All ordinances which amend, repeal or in any manner affect this Code of Ordinances shall include proper reference to title, division, chapter, section and subsection to maintain an orderly codification of ordinances of the City.

(Code of Iowa, Sec. 380.2)

1.08 CATCHLINES AND NOTES. The catchlines of the several sections of the Code of Ordinances, titles, headings (chapter, 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 Code of Ordinances, do not constitute any part of the law, and are intended merely to indicate, explain, supplement or clarify the contents of a section.

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

(Code of Iowa, Sec. 718.5)

1.10 STANDARD PENALTY. Unless another penalty is expressly provided by the Code of Ordinances 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 Code of Ordinances, or any rule or regulation adopted herein by reference shall, upon conviction, be subject to a fine of not more than five hundred dollars (\$500.00) or imprisonment not to exceed thirty (30) days.

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

(Ord. 661 – Sep. 00 Supp.)

1.11 SEVERABILITY. If any section, provision or part of the Code of Ordinances is adjudged invalid or unconstitutional, such adjudication will not affect the validity of the Code of Ordinances as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

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CHAPTER 3

BOUNDARIES

3.01 Corporate Limits

3.02 Division into Wards

3.01 CORPORATE LIMITS. The corporate limits of the City are described as follows:

(RESERVED FOR FUTURE USE)

3.02 DIVISION INTO WARDS. The City is divided into three (3) election wards, the boundaries and ward numbers thereof to be as follows:

1. First Ward.

The first ward and first precinct include all territory and land within the municipality lying south of the following described line: Beginning at the intersection of the centerline of Green Street and the west corporate limits; thence easterly along the centerline of Green Street to the centerline of Grove Street; thence northerly along the centerline of Grove Street to the centerline of Coolidge Street; thence easterly along the centerline of Coolidge Street to the centerline of Walnut Street; thence northerly along the centerline of Walnut Street to the centerline of Third Street; thence easterly along the centerline of Third Street to the centerline of Linn Street; thence northerly along the centerline of Linn Street to the centerline of Fourth Street; thence easterly along the centerline of Fourth Street to the east corporate limits.

2. Second Ward.

The second ward and second precinct include all territory and land within the municipality lying north and west of the following described line: Beginning at the intersection of the centerline of Green Street and the west corporate limits; thence easterly along the centerline of Green Street to the centerline of Grove Street; thence northerly along the centerline of Grove Street to the centerline of Coolidge Street; thence easterly along the centerline of Coolidge Street to the centerline of Walnut Street; thence northerly along the centerline of Walnut Street to the centerline of Fourth Street; thence westerly along the centerline of Fourth Street to the centerline of Locust Street; thence northerly along the centerline of Locust Street to the north corporate limits.

3. Third Ward.

The third ward and third precinct include all territory and within the municipality lying east and north of the following described line: Beginning at the intersection of the centerline of Locust Street and the north corporate limits; thence southerly along the centerline of Locust

Street to the centerline of Fourth Street; thence easterly along the centerline of Fourth Street to the centerline of Walnut Street; thence southerly along the centerline of Walnut Street to the centerline of Third Street; thence easterly along the centerline of Third Street to the centerline of Linn Street; thence northerly along the centerline of Linn Street to the centerline of Fourth Street; thence easterly along the centerline of Fourth Street to the east corporate limits.

(Ord. 846 – Dec. 11 Supp.)

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CHAPTER 4

MUNICIPAL INFRACTIONS

4.01 Municipal Infraction
4.02 Environmental Violation
4.03 Penalties

4.04 Civil Citations
4.05 Alternative Relief
4.06 Criminal Penalties

4.01 MUNICIPAL INFRACTION. A violation of this Code of Ordinances or any ordinance or code herein adopted by reference or the omission or failure to perform any act or duty required by the same, with the exception of those provisions specifically provided under State law as a felony, an aggravated misdemeanor, or a serious misdemeanor, or a simple misdemeanor under Chapters 687 through 747 of the Code of Iowa, is a municipal infraction punishable by civil penalty as provided herein.

(Code of Iowa, Sec. 364.22[3])

4.02 ENVIRONMENTAL VIOLATION. A municipal infraction which is a violation of Chapter 455B of the Code of Iowa or of a standard established by the City in consultation with the Department of Natural Resources, or both, may be classified as an environmental violation. However, the provisions of this section shall not be applicable until the City has offered to participate in informal negotiations regarding the violation or to the following specific violations:

(Code of Iowa, Sec. 364.22 [1])

1. A violation arising from noncompliance with a pretreatment standard or requirement referred to in 40 C.F.R. §403.8.
2. The discharge of airborne residue from grain, created by the handling, drying or storing of grain, by a person not engaged in the industrial production or manufacturing of grain products or by a person engaged in such industrial production or manufacturing if such discharge occurs from September 15 to January 15.

4.03 PENALTIES. A municipal infraction is punishable by the following civil penalties:

(Code of Iowa, Sec. 364.22 [1])

1. Standard Civil Penalties.
 - A. First Offense - Not to exceed \$750.00
 - B. Each Repeat Offense - Not to exceed \$1,000.00

Each day that a violation occurs or is permitted to exist constitutes a repeat offense.

(Ord. 731 - Aug. 03 Supp.)

2. Special Civil Penalties.

A. A municipal infraction arising from noncompliance with a pretreatment standard or requirement, referred to in 40 C.F.R. §403.8, by an industrial user is punishable by a penalty of not more than one thousand dollars (\$1,000.00) for each day a violation exists or continues.

B. A municipal infraction classified as an environmental violation is punishable by a penalty of not more than one thousand dollars (\$1,000.00) for each occurrence. However, an environmental violation is not subject to such penalty if all of the following conditions are satisfied:

- (1) The violation results solely from conducting an initial startup, cleaning, repairing, performing scheduled maintenance, testing, or conducting a shutdown of either equipment causing the violation or the equipment designed to reduce or eliminate the violation.
- (2) The City is notified of the violation within twenty-four (24) hours from the time that the violation begins.
- (3) The violation does not continue in existence for more than eight (8) hours.

4.04 CIVIL CITATIONS. Any officer authorized by the City to enforce this Code of Ordinances may issue a civil citation to a person who commits a municipal infraction. A copy of the citation may be served by personal service as provided in Rule of Civil Procedure 1.305, by certified mail addressed to the defendant at defendant's last known mailing address, return receipt requested, or by publication in the manner as provided in Rule of Civil Procedure 1.310 and subject to the conditions of Rule of Civil Procedure 1.311. A copy of the citation shall be retained by the issuing officer, and the original citation shall be sent to the Clerk of the District Court. The citation shall serve as notification that a civil offense has been committed and shall contain the following information:

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

1. The name and address of the defendant.
2. The name or description of the infraction attested to by the officer issuing the citation.

3. The location and time of the infraction.
4. The amount of civil penalty to be assessed or the alternative relief sought, or both.
5. The manner, location, and time in which the penalty may be paid.
6. The time and place of court appearance.
7. The penalty for failure to appear in court.
8. The legal description of the affected real property, if applicable.

If the citation affects real property and charges a violation relating to the condition of the property, including a building code violation, a local housing regulation violation, a housing code violation, or a public health or safety violation, after filing the citation with the Clerk of the District Court, the City shall also file the citation in the office of the County Treasurer.

(Ord. 834 – Oct. 10 Supp.)

4.05 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.

(Code of Iowa, Sec. 364.22 [8])

4.06 CRIMINAL PENALTIES. This chapter does not preclude a peace officer from issuing a criminal citation for a violation of this Code of Ordinances or regulation if criminal penalties are also provided for the violation. Nor does it preclude or limit the authority of the City to enforce the provisions of this Code of Ordinances by criminal sanctions or other lawful means.

(Code of Iowa, Sec. 364.22[11])

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CHAPTER 5

OPERATING PROCEDURES

5.01 Oaths	5.07 Conflict of Interest
5.02 Bonds	5.08 Resignations
5.03 Duties: General	5.09 Removal of Appointed Officers and Employees
5.04 Books and Records	5.10 Vacancies
5.05 Transfer to Successor	5.11 Gifts
5.06 Meetings	

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

1. Qualify for Office. Each elected or appointed officer shall qualify for office by taking the prescribed oath and by giving, when required, a bond. The oath shall be taken, and bond provided, after being certified as elected but not later than noon of the first day which is not a Sunday or a legal holiday in January of the first year of the term for which the officer was elected.

(Code of Iowa, Sec. 63.1)

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 _____ as now or hereafter required by law."

(Code of Iowa, 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 offices:

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

(Code of Iowa, Sec. 63A.2)

5.02 BONDS. Surety bonds are provided in accordance with the following:

1. Required. The Council shall provide by resolution for a surety bond or blanket position 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, Sec. 64.13)

2. Bonds Approved. Bonds shall be approved by the Council.
(Code of Iowa, Sec. 64.19)
3. Bonds Filed. All bonds, after approval and proper record, shall be filed with the Clerk.
(Code of Iowa, Sec. 64.23[6])
4. 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, Sec. 64.24[3])

5.03 DUTIES: GENERAL. Each municipal officer shall exercise the powers and perform the duties prescribed by law and this Code of Ordinances, or as otherwise directed by the Council unless contrary to State law or City charter.

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

5.04 BOOKS AND RECORDS. All books and records required to be kept by law or ordinance shall be open to examination by the public upon request, unless some other provisions of law expressly limit such right or require such records to be kept confidential. Access to public records which are combined with data processing software shall be in accordance with policies and procedures established by the City.

(Code of Iowa, Sec. 22.2 & 22.3A)

5.05 TRANSFER TO SUCCESSOR. Each officer shall transfer to his or her successor in office all books, papers, records, documents and property in the officer’s custody and appertaining to that office.

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

5.06 OPEN MEETINGS. All meetings of the Council, any board or commission, or any multi-membered body formally and directly

created by any of the foregoing bodies shall be held in open session unless closed sessions are expressly permitted by law. Notice of any such meeting shall be provided pursuant to law.

(Code of Iowa, Sec. 21.3 & 21.4)

5.07 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 the 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, 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, Sec. 362.5)

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, Sec. 362.5)

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

(Code of Iowa, Sec. 362.5)

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 8 of this section, or both, if the contracts are made by competitive bid in writing, publicly invited and opened, or if the remuneration of employment will not be directly affected as a result of the contract and the duties of employment do not directly involve the procurement or preparation of any part of the contract. The competitive bid qualification of this subsection does not apply to a contract for professional services not customarily awarded by competitive bid.

(Ord. 728 – Aug. 03 Supp.)

(Code of Iowa, Sec. 362.5[5])

5. Newspaper. The designation of an official newspaper.

(Code of Iowa, Sec. 362.5)

6. Existing Contracts. A contract in which a City officer or employee has an interest if the contract was made before the time the officer or employee was elected or appointed, but the contract may not be renewed.

(Code of Iowa, Sec. 362.5)

7. Volunteers. Contracts with volunteer fire fighters or civil defense volunteers.

(Code of Iowa, Sec. 362.5)

8. Corporations. A contract with a corporation in which a City officer or employee has an interest by reason of stock holdings when less than five percent (5%) of the outstanding stock of the corporation is owned or controlled directly or indirectly by the officer or employee or the spouse or immediate family of such officer or employee.

(Code of Iowa, Sec. 362.5)

9. Contracts. Contracts made by the City upon competitive bid in writing, publicly invited and opened.

(Code of Iowa, Sec. 362.5)

10. Cumulative Purchases. Contracts not otherwise permitted by this section, for the purchase of goods or services which benefit a City officer or employee, if the purchases benefiting that officer or employee do not exceed a cumulative total purchase price of fifteen hundred dollars (\$1,500.00) in a fiscal year.

(Code of Iowa, Sec. 362.5)

11. Franchise Agreements. Franchise agreements between the City and a utility and contracts entered into by the City for the provision of essential City utility services.

(Code of Iowa, Sec. 362.5[12])

12. Third Party Contracts. A contract that is a bond, note or other obligation of the City and the contract is not acquired directly from the City but is acquired in a transaction with a third party who may or may not be the original underwriter, purchaser or obligee of the contract.

(Ord. 728 – Aug. 03 Supp.)

(Code of Iowa, Sec. 362.5[13])

5.08 RESIGNATIONS. An elected officer who wishes to resign may do so by submitting a resignation in writing to the Clerk so that it shall be properly recorded and considered. A person who resigns from an elective office is not eligible for appointment to the same office during the time for which the person was elected, if during that time the compensation of the office has been increased.

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

5.09 REMOVAL OF APPOINTED OFFICERS AND EMPLOYEES.

Except as otherwise provided by State or City law, all persons appointed to City office or employment 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 (30) days after 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 (30) days after the date the request is filed, unless the person removed requests a later date.

(Code of Iowa, Sec. 372.15)

5.10 VACANCIES. A vacancy in an elective City office during a term of office shall be filled, at the Council's option, by one of the two following procedures:

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

1. Appointment. By appointment following public notice by the remaining members of the Council within forty (40) days after the vacancy occurs, except that if the remaining members do not constitute a quorum of the full membership, or if a petition is filed requesting an election, the Council shall call a special election as provided by law.

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

2. Election. By a special election held to fill the office for the remaining balance of the unexpired term as provided by law.

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

5.11 UNLAWFUL USE OF CITY PROPERTY. No person shall use or permit any other person to use the property owned by the City for any private purpose and for personal gain, to the detriment of the City.

(Code of Iowa, Sec. 721.2[5])

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CHAPTER 6

CITY ELECTIONS

6.01 Nominating Method to be Used
6.02 Nominations by Petition
6.03 Adding Name by Petition

6.04 Preparation of Petition and Affidavit
6.05 Filing, Presumption, Withdrawals, Objections
6.06 Persons Elected

6.01 NOMINATING METHOD TO BE USED. All candidates for elective municipal offices shall be nominated under the provisions of Chapter 45 of the Code of Iowa.

6.02 NOMINATIONS BY PETITION. Nominations for elective municipal offices of the City may be made by nomination paper or papers signed by not less than twenty-five (25) eligible electors, residents of the City.

6.03 ADDING NAME BY PETITION. The name of a candidate placed upon the ballot by any other method than by petition shall not be added by petition for the same office.

6.04 PREPARATION OF PETITION AND AFFIDAVIT. Nomination papers shall include a petition and affidavit of candidacy. The petition and affidavit shall be substantially in the form prescribed by the State Commissioner of Elections, shall include information required by the Code of Iowa, and shall be signed in accordance with the Code of Iowa.

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

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

(Ch. 6 – Ord. 870 – Sep. 16 Supp.)

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CHAPTER 9

URBAN RENEWAL

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
506	4-11-89	Glenwood Urban Renewal District No. 1/Industrial
507	4-11-89	Glenwood Urban Renewal District No. 2/Residential
508	4-11-89	Glenwood Urban Renewal District No. 3/Residential
514	11-14-89	Glenwood Urban Renewal District No. 4/Industrial/Commercial
520	6-12-90	Glenwood Urban Renewal District No. 5/Industrial/Commercial
533	6-25-91	1991 Addition to Glenwood Urban Renewal District No. 3/Residential
560	8-23-94	1994 Addition to Glenwood Urban Renewal District No. 3/Residential
561	8-23-94	1994 Addition to Glenwood Urban Renewal District No. 2/Residential
564	10-11-94	1994 Addition to Glenwood Urban Renewal District No. 4/Industrial/Commercial
782	9-26-06	Glenwood Urban Renewal Area No. 6

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CHAPTER 10

URBAN REVITALIZATION AREAS

EDITOR'S NOTE		
The following ordinances not codified herein, and specifically saved from repeal, have been adopted designating Urban Revitalization Areas in the City and remain in full force and effect.		
ORDINANCE NO.	ADOPTED	NAME OF AREA
727	8-12-03	Glen Haven Revitalization Area
862	7-8-14	Glenwood Urban Revitalization Area
880	8-8-17	Glenwood Urban Revitalization Area
887	11-20-18	Glenwood Urban Revitalization Area

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CHAPTER 15

MAYOR

15.01 Term of Office
15.02 Powers and Duties
15.03 Appointments

15.04 Compensation
15.05 Voting

15.01 TERM OF OFFICE. The Mayor is elected for a term of two (2) years.

(Code of Iowa, Sec. 376.2)

15.02 POWERS AND DUTIES. The powers and duties of the Mayor are as follows:

1. Chief Executive Officer. Supervise all departments of the City, give direction to department heads concerning the functions of the departments, and 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, Sec. 372.14[1])

2. Presiding Officer. 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, Sec. 372.14[1 & 3])

3. Special Meetings. Call special meetings of the Council when the Mayor deems such meetings necessary to the interests of the City.

(Code of Iowa, Sec. 372.14[1])

4. Mayor's Veto. Sign, veto or take no action on an ordinance, amendment or resolution passed by the Council. If the Mayor exercises such veto power, the Mayor shall explain the reason for such veto in a written message 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, Sec. 380.5 & 380.6[2])

5. Reports to Council. Make such oral or written reports to the Council as required. These reports shall concern municipal affairs generally, the municipal departments, and recommendations suitable for Council action.

6. Negotiations. Represent the City in all negotiations properly entered into in accordance with law or ordinance. The Mayor shall not represent the City where this duty is specifically delegated to another officer by law, ordinance, or Council direction.
7. Contracts. Whenever authorized by the Council, sign contracts on behalf of the City.
8. Professional Services. 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, the Mayor shall act in accordance with the Code of Ordinances and the laws of the State.
9. Licenses and Permits. 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. Issue written order for removal, at public expense, any nuisance for which no person can be found responsible and liable.
11. Absentee Officer. Make appropriate provision that duties of any absentee officer be carried on during such absence.

15.03 APPOINTMENTS. The Mayor shall appoint the following officials:
(*Code of Iowa, Sec. 372.4*)

1. Mayor Pro Tem
2. Police Chief
3. Peace Officers, with approval of the Council
4. Library Board of Trustees
5. Water Utility Board of Trustees
6. Cemetery Board

15.04 COMPENSATION. The salary of the Mayor is six thousand five hundred dollars (\$6,500.00) per year, payable annually. Effective January 1, 2008, the salary of the Mayor shall be eight thousand one hundred and twenty-five dollars (\$8,125.00) per year, payable annually. (*Ord. 792 – Oct. 07 Supp.*)
(*Code of Iowa, Sec. 372.13[8]*)

15.05 VOTING. The Mayor is not a member of the Council and shall not vote as a member of the Council. (*Ord. 677 – Sep. 01 Supp.*)
(*Code of Iowa, Sec. 372.4*)

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CHAPTER 16

MAYOR PRO TEM

16.01 Vice President of Council
16.02 Powers and Duties

16.03 Voting Rights
16.04 Compensation

16.01 VICE PRESIDENT OF COUNCIL. The Mayor Pro Tem is vice president of the Council.

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

16.02 POWERS AND DUTIES. Except for the limitations otherwise provided herein, the Mayor Pro Tem shall perform the duties of the Mayor in cases of absence or inability of the Mayor to perform such duties. In the exercise of the duties of the office the Mayor Pro Tem 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, Sec. 372.14[3])

16.03 VOTING RIGHTS. The Mayor Pro Tem shall have the right to vote as a member of the Council.

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

16.04 COMPENSATION. If the Mayor Pro Tem performs the duties of the Mayor during the Mayor's absence or disability for a continuous period of fifteen (15) days or more, the Mayor Pro Tem may be paid for that period the compensation as determined by the Council, based upon the Mayor Pro Tem's performance of the Mayor's duties and upon the compensation of the Mayor.

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

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CHAPTER 17

COUNCIL

17.01 Number and Term of Council
17.02 Powers and Duties
17.03 Exercise of Power

17.04 Meetings
17.05 Appointments
17.06 Compensation

17.01 NUMBER AND TERM OF COUNCIL. The Council consists of two (2) Council Members elected at large and one (1) Council Member from each of three (3) wards as established by this Code of Ordinances, elected for overlapping terms of four (4) years.

17.02 POWERS AND DUTIES. The powers and duties of the Council 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, 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, Sec. 372.13[7])

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

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

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

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

5. Contracts. The 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, Sec. 364.2[1] & 384.95 through 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 Code of Ordinances.

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

7. Records. The Council shall require the Clerk to maintain records of its proceedings.

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

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

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

17.03 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, Sec. 364.3[1])

1. Action by Council. Passage of an ordinance, amendment of resolution requires a majority vote of all of the members of the Council. Passage of a motion requires a majority vote of a quorum of the Council. A resolution must be passed to spend public funds in excess of one hundred thousand dollars (\$100,000.00) on a public improvement project, or to accept public improvements and facilities upon their completion. Each Council member's vote on a measure must be recorded. A measure which fails to receive sufficient votes for passage shall be considered defeated.

(Ord. 802 – Dec. 07 Supp.)

(Code of Iowa, 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, 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])

17.04 MEETINGS. Meetings of the Council shall be as follows:

1. Regular Meetings. The regular meetings of the Council shall be on the second and fourth Tuesday of each month at seven o'clock (7:00) p.m. in the Council Chambers at City Hall. If such day shall fall on a legal holiday, the meeting shall be held on the next succeeding day at the same time unless a different day or time is determined by the Council.

(Ord. 652 – Dec. 99 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. A record of the service of notice shall be maintained by the Clerk.

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

3. Quorum. A majority of all Council members is a quorum.
(Code of Iowa, 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, Sec. 372.13[5])
5. Compelling Attendance. Any three (3) members of the Council can compel the attendance of the absent members at any regular, adjourned or duly called meeting, by serving a written notice upon the absent members to attend at once.
6. Notice of Meetings. The Council shall give reasonable notice, as defined by State law, of the time, date and place of each meeting, and its tentative agenda.
(Code of Iowa, Sec. 21.4)
7. Meetings Open. All meetings shall be held in open session unless closed sessions are held as expressly permitted by State law.
(Code of Iowa, Sec. 21.3)
8. Minutes. Minutes shall be kept of all meetings showing the date, time and place, the members present, and the action taken at each meeting. The minutes shall show the results of each vote taken and information sufficient to indicate the vote of each member present. The vote of each member present shall be made public at the open session. The minutes shall be public records open to public inspection.
(Code of Iowa, Sec. 21.3)
9. Closed Session. A closed session may be held only by affirmative vote of either two-thirds of the Council or all of the members present at the meeting and in accordance with Chapter 21 of the Code of Iowa.
(Code of Iowa, Sec. 21.5)
10. Cameras and Recorders. The public may use cameras or recording devices at any open session.
(Code of Iowa, Sec. 21.7)
11. Electronic Meetings. A meeting may be conducted by electronic means only in circumstances where such a meeting in person is impossible or impractical and then only in compliance with the provisions of Chapter 21 of the Code of Iowa.
(Code of Iowa, Sec. 21.8)

17.05 APPOINTMENTS. The Council shall appoint the following officials and prescribe their powers, duties, compensation and term of office:

1. City Administrator/Financial Manager
2. City Clerk
3. City Attorney
4. Planning and Zoning Commission
5. Fire Chief
6. Public Works Director
7. Zoning Board of Adjustment

(Ord. 792 – Oct. 07 Supp.)

17.06 COMPENSATION. The salary of each Council member shall be forty dollars (\$40.00) for each meeting of the Council attended, payable annually. Effective January 1, 2008, the salary of each Council member shall be fifty dollars (\$50.00) per meeting attended, payable annually.

(Ord. 792 – Oct. 07 Supp.)

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

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CHAPTER 18

CITY CLERK

18.01 Appointment and Compensation	18.08 Records
18.02 Powers and Duties: General	18.09 Attendance at Meetings
18.03 Recording and Publication of Meeting Minutes	18.10 Issue Licenses and Permits
18.04 Recording Measures Considered	18.11 Notify Appointees
18.05 Publication	18.12 Elections
18.06 Authentication	18.13 City Seal
18.07 Certify Measures	18.14 Other Duties of City Clerk
	18.15 Job Duties of Office Assistant

18.01 APPOINTMENT AND COMPENSATION. At its first meeting in January following the regular city election the Council shall appoint by majority vote a City Clerk, hereinafter referred to as Clerk, to serve for a term of two (2) years. The Clerk shall receive such compensation as established by resolution of the Council.

(Code of Iowa, Sec. 372.13[3])

18.02 POWERS AND DUTIES: GENERAL. The Clerk, or in the Clerk's absence or inability to act, the Deputy Clerk, has the powers and duties as provided in this chapter, this Code of Ordinances and the law.

18.03 RECORDING AND PUBLICATION OF MEETING MINUTES. The Clerk shall attend all regular and special Council meetings and within fifteen (15) days following a regular or special meeting shall cause the minutes of the proceedings thereof to be published. Such publication shall include a list of all claims allowed and a summary of all receipts and shall show the gross amount of the claim.

(Code of Iowa, Sec. 372.13[6])

18.04 RECORDING MEASURES CONSIDERED. The Clerk shall promptly record each measure considered by the Council, with a statement where applicable, indicating whether the Mayor signed, vetoed or took no action on the measure, and whether the measure was repassed after the Mayor's veto.

(Code of Iowa, Sec. 380.7[1])

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

1. Time. If notice of an election, hearing, or other official action is required by this Code of Ordinances or law, the notice must be published at least once, not less than four (4) nor more than twenty (20) days

before the date of the election, hearing or other action, unless otherwise provided by law.

(Code of Iowa, Sec. 362.3[1])

2. Manner of Publication. A publication required by this Code of Ordinances or law must be in a newspaper published at least once weekly and having general circulation in the City.

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

18.06 AUTHENTICATION. The Clerk shall authenticate all measures except motions with the Clerk's signature, certifying the time and manner of publication when required.

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

18.07 CERTIFY MEASURES. The Clerk shall certify all measures establishing any zoning district, building lines, or fire limits and a plat showing the district, lines, or limits to the recorder of the County containing the affected parts of the City.

(Code of Iowa, Sec. 380.11)

18.08 RECORDS. The Clerk shall maintain the specified City records in the following manner:

1. Ordinances and Codes. Maintain copies of all effective City ordinances and codes for public use.

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

2. Custody. Have custody and be responsible for the safekeeping of all writings or documents in which the City is a party in interest unless otherwise specifically directed by law or ordinance.

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

3. Maintenance. Maintain all City records and documents, or accurate reproductions, for at least five (5) years except that ordinances, resolutions, Council proceedings, records and documents, or accurate reproductions, relating to the issuance, cancellation, transfer, redemption or replacement of public bonds or obligations shall be kept for at least eleven (11) years following the final maturity of the bonds or obligations. Ordinances, resolutions, Council proceedings, records and documents, or accurate reproductions, relating to real property transactions shall be maintained permanently.

(Code of Iowa, Sec. 372.13[3 & 5])

4. Provide Copy. Furnish upon request to any municipal officer a copy of any record, paper or public document under the Clerk's control when it may be necessary to such officer in the discharge of such

officer's duty; furnish a copy to any citizen when requested upon payment of the fee set by Council resolution; under the direction of the Mayor or other authorized officer, affix the seal of the City to those public documents or instruments which by ordinance and Code of Ordinances are required to be attested by the affixing of the seal.

(Code of Iowa, Sec. 372.13[4 & 5] and 380.7[5])

5. Filing of Communications. Keep and file all communications and petitions directed to the Council or to the City generally. The Clerk shall endorse thereon the action of the Council taken upon matters considered in such communications and petitions.

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

18.09 ATTENDANCE AT MEETINGS. At the direction of the Council, the Clerk shall attend meetings of committees, boards and commissions. The Clerk shall record and preserve a correct record of the proceedings of such meetings.

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

18.10 ISSUE LICENSES AND PERMITS. The Clerk shall issue or revoke licenses and permits when authorized by this Code of Ordinances, and keep a record of licenses and permits issued which shall show date of issuance, license or permit number, official receipt number, name of person to whom issued, term of license or permit and purpose for which issued.

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

18.11 NOTIFY APPOINTEES. The Clerk shall inform all persons appointed by the Mayor or Council to offices in the City government of their position and the time at which they shall assume the duties of their office.

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

18.12 ELECTIONS. The Clerk shall perform the following duties relating to elections and nominations:

1. Certify to the County Commissioner of Elections the type of nomination process to be used by the City no later than ninety (90) days before the date of the regular City election. *(Ord. 712 – Nov. 02 Supp.)*

(Code of Iowa, Sec. 376.6)

2. Accept the nomination petition of a candidate for a City office for filing if on its face it appears to have the requisite number of signatures and is timely filed.

(Code of Iowa, Sec. 376.4)

3. Designate other employees or officials of the City who are ordinarily available to accept nomination papers if the Clerk is not readily available during normal working hours.

(Code of Iowa, Sec. 376.4)

4. Note upon each petition and affidavit accepted for filing the date and time that the petition was filed.

(Code of Iowa, Sec. 376.4)

5. Deliver all nomination petitions, together with the text of any public measure being submitted by the Council to the electorate, to the County Commissioner of Elections not later than five o'clock (5:00) p.m. on the day following the last day on which nomination petitions can be filed.

(Code of Iowa, Sec. 376.4)

18.13 CITY SEAL. The City seal is in the custody of the Clerk and shall be attached by the Clerk to all transcripts, orders and certificates which it may be necessary or proper to authenticate. The City seal is circular in form, in the center of which are the words "SEAL" and around the margin of which are the words "CITY SEAL OF GLENWOOD, MILLS COUNTY, IOWA."

18.14 OTHER DUTIES OF CITY CLERK. In addition to the foregoing, the Clerk shall satisfactorily perform other duties as may be directed by the Council and as required by law, including, but not limited to, the following:

1. Prepares correspondence to and from Mayor and Council.
2. Assists with preparation and distribution of agenda for each meeting. Sees that all notices of public meetings are posted as required.
3. Sets up for and attends all Council meetings and responsible for publication of such minutes and distribution to appropriate parties.
4. Records in the minutes each measure considered by the Council.
5. Sees to the publication of all ordinances, enactments, proceedings and official notices requiring publication.
6. Authenticates all such measures except motions with the Clerk's signature.
7. Certifies all measures establishing any zoning district, building lines or fire limits and a plat showing the district, lines or limits to the Recorder of the County.
8. Maintains all required records of the City.
9. Issues licenses and permits authorized by the Code of Ordinances.

10. Notifies all persons appointed by the Mayor or Council to offices of the City.
11. Maintains cemetery records. Types deeds, records burials.
12. Maintains Accounts Receivable records. Types, mails and records statements for A/R billings.
13. Designee to distribute open records requests.
14. Prepares claims/enters/writes Accounts Payable checks on computer. Maintains all accounts payable records.
15. Cross trains with Administrator to do payroll.
16. Performs, assists and relieves City Administrator with general clerical duties.
17. Receptionist-greets customers and sales people and answers two-line telephone for the City. Provides general information to the public on the telephone and in person. Takes telephone messages for Council, Mayor, City Administrator or other Department Heads.
18. Records revenue accounts received in receipt book. Writes up and makes bank deposits (if revenue comes in) once per day by 3:00 p.m. Balances cash drawer.
19. Co-signs on the Accounts Payable and Payroll checks.
20. Keeps office lists updated (Board Members, Committees, permits, agreements, etc.)
21. Runs errands for office: bank deposits, deliveries to Courthouse, City Attorney, insurance company, and others, picks up orders for meetings, and other errands assigned. Delivers outgoing local checks, materials, correspondence. Takes outgoing mail to post office.
22. Assists with copies and mailing when needed or requested by Department Heads.
23. Maintains necessary office supplies.
24. Posts the office closings and notices on front door or bulletin board.
25. Cleans up at the end of each day and after meetings. Empties trash cans in City offices and meeting rooms.
26. Performs other duties as assigned.

(Ord. 795 – Oct. 07 Supp.)

18.15 JOB DUTIES OF OFFICE ASSISTANT. *(Repealed by Ordinance 795 – Oct. 07 Supp.)*

CHAPTER 19

DIRECTOR OF FINANCE

19.01 Appointment
19.02 Compensation
19.03 Job Duties of Director of Finance
19.04 Immediate Supervisor

19.05 Required Knowledge, Skills and Abilities
19.06 Acceptable Minimum Experience and Training
19.07 Prepare and Monitor Budget

19.01 APPOINTMENT. The Director of Finance is to be appointed by a majority vote of the Council, shall hold office at the pleasure of the Council and shall be subject to removal by majority vote of the Council.

19.02 COMPENSATION. The Director of Finance shall receive such annual salary as the Council shall from time to time determine by resolution, and payment shall be made biweekly from the treasury of the City in the manner provided for paying other officers and employees.

19.03 JOB DUTIES OF THE DIRECTOR OF FINANCE. In addition to the foregoing, the Director of Finance shall satisfactorily perform the duties as directed by the Council and as required by law, including, but not limited to, the following:

1. Will act on behalf of City as Director of Finance and Treasurer.
2. Prepares and submits the annual operating budget, including any necessary tax levies, to the State in a timely manner and in the proper format.
3. Develops financial management plans and strategies for consideration and approval of the Council.
4. Prepares/files Road Use Report, Annual Financial Report, TIF Report and Debt Obligation Report.
5. Implements the approved budget.
6. Regularly apprises the Council of the City's financial condition, and of future funding needs.
7. Oversees payroll, maintains personnel records and files payroll reports and tax records.
8. Develops and oversees the City ordinances and resolutions.
9. Attends required training sessions applicable to job requirements.

10. Attends various seminars and conferences to maintain awareness and keep abreast of changes in municipal/public administration functions, responsibilities and trends.
11. Administers the City's personnel program in compliance with all local, State and Federal employment policies, laws and regulations, including personnel policies and civil service requirements.
12. Initiates policy recommendations for consideration by the Council and responds to requests from the Council and the public for research or recommendations on City policy issues.
13. Responds to complaints, questions and other concerns from the public.
14. Participates in the collective bargaining process and administers any resulting collective bargaining agreements.
15. Makes recommendations regarding financing of all City projects.
16. Researches and applies for grants that could benefit financing of projects for the City.
17. Invests City funds.
18. Prepares monthly financial reports to the City Council.
19. Executes and supervises contracts on behalf of the City.
20. Codes cash receipts and enters on computer.
21. Oversees the City Hall computer system.
22. Cross-trains City Clerk on City financial procedures.
23. Prepares a manual on financial procedures required for the City.
24. Signatory on Accounts Payable and Payroll checks.
25. Attends City Council meetings to apprise Council on financial matters of agenda.

19.04 IMMEDIATE SUPERVISOR. The immediate supervisor of the Director of Finance is the Mayor, through the City Council.

19.05 REQUIRED KNOWLEDGE, SKILLS AND ABILITIES. The Director of Finance shall be required to have knowledge of accounting, budgeting, public relations and an ability to assume authority and to perform fiscal planning and form fiscal policy. The Director of Finance shall also have the ability to do original research and make sound financial analysis relating to City policy and the Code of Iowa and to prepare and submit written and oral reports and recommendations; and to establish and maintain effective and

trustworthy working relationships with public officials, City employees and the general public.

19.06 ACCEPTABLE MINIMUM EXPERIENCE AND TRAINING.

The Director of Finance shall be a graduate of a college with a four year business management degree including general accounting courses, or five years municipal finance administration experience, of which three years supervisory experience is required.

19.07 PREPARE AND MONITOR BUDGET. The Director of Finance shall prepare the City Budget and Annual Report with the cooperation of and under the direction of the Mayor and the City Council, after analyzing the needs of each department against the resources of the City. The Director of Finance shall also monitor and administer the budget and its accounting system after conferring with the various department heads concerning the solution of financial management and other policy problems.

(Ch. 19 – Ord. 841 – Apr. 11 Supp.)

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CHAPTER 21

CEMETERY AND CEMETERY BOARD

21.01 Establishment
21.02 Cemetery Board
21.03 Employment
21.04 Titles and Conveyances
21.05 Care of Lots
21.06 Interments

21.07 Fees
21.08 Clerk's Duties
21.09 General Regulations
21.10 Perpetual Care Fund
21.11 Liability

21.01 ESTABLISHMENT. The cemetery ground located on the following described property:

The South 430 feet of the West 338.6 feet of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 1; and the North 208.5 feet of the West 338.6 feet of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12; and all that part of the South 430 feet of the East 996.7 feet of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 2 lying East of U.S. Hwy. 275; Lot 2 and all that part of the North 839 feet of Lot 1 of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11 lying East of said U.S. Hwy. 275, all located in Township 72 North, Range 43 West of the 5th Principal meridian, Mills County, Iowa.

is hereby established as the Glenwood Municipal Cemetery under the provisions of Chapter 523I of the Code of Iowa and which shall be operated under the provisions of Chapter 523I of the Code of Iowa and this chapter. Pursuant to Section 523I.502 of the Code of Iowa, the City Council hereby states its willingness and intention to act as the trustee for the perpetual maintenance of the cemetery property.

(Ord. 769 – Sep. 05 Supp.)

(Code of Iowa, Sec. 523I.501 and Sec. 523I.502)

21.02 CEMETERY BOARD.

1. The Mayor shall appoint, subject to Council approval, three (3) persons to serve as members of the Cemetery Board for a period of three (3) years.
2. No public officer or salaried employee of the City may serve as a Board Member.
3. Any vacancy on the Board will be filled in the same manner as an original appointment except that such appointment shall be for the balance of the unexpired term.
4. It will be the duty of the Cemetery Board to coordinate the administration, maintenance and policies of the Glenwood Municipal Cemetery.
5. The Cemetery Board will meet once a month on a regularly scheduled basis.

21.03 EMPLOYMENT.

1. The Sexton of the Glenwood Municipal Cemetery will be hired and dismissed from such position only with approval of the Mayor and City Council.
2. The salary of the Sexton will be set and approved by the Mayor and City Council.
3. Any part-time employment may be secured by the Sexton with approval of the City Administrator.
4. Any duties other than the Sexton's job description will be assigned by the City Administrator.

21.04 TITLES AND CONVEYANCES.

1. No person shall have title to any cemetery grave until the same has been paid for, and when the amount has been paid in full, a deed shall be issued.
2. Conveyances shall be by Cemetery Deed, a record of which shall be kept by the City Clerk.
3. No interment shall be made on any burial grave unless the same is paid for.
4. After a grave is fully paid for, the City Clerk shall deliver the Cemetery Deed to the County Recorder forthwith for recording and shall return the deed to the purchaser after such recording.
5. All deeds shall be executed by the Mayor and City Clerk as provided by law.
6. The sale price of graves within the Glenwood Municipal Cemetery will be determined annually by the Glenwood City Council.
7. The entire sales price of each lot shall be transferred to the City Treasurer.
8. Twenty percent of the sale price of each grave shall be deposited by the City Treasurer in the City's perpetual care fund as established pursuant to Section 21.10. An additional five percent of the sale price of each grave shall be deposited by the City Treasurer and delineated as repayment by the City to the perpetual care fund. The balance shall be deposited into the general cemetery fund.
(Ord. 738 – Jan-04 Supp.)
9. On graves owned by churches or benevolent societies any person may be buried with the consent of the trustees of the church or benevolent society.

10. No discrimination shall be made between grave owners or prospective purchasers of graves but privileges of the cemetery shall at all times be open to all persons upon equal terms, subject to rules and regulations herein.

21.05 CARE OF LOTS.

1. The City shall have full care of all graves within the Glenwood Municipal Cemetery.
2. There will be no planting of flowers, shrubs or trees. No concrete, ceramic or plastic pots, no iron hangers for hanging baskets will be allowed. No permanent articles will be allowed without prior approval. No one may dig holes for containers. Memorial Day decorations may be placed on the graves the Friday prior and may remain for one week after. Christmas decorations and winter blankets must be removed by April 1. Any other decorations will be removed on mowing day.
3. No litter of any kind shall be placed upon the cemetery grounds or driveways.

21.06 INTERMENTS.

1. All interments shall comply with the laws of the State and the rules and regulations of the Iowa State Board of Health.
2. If any grave owner is or becomes a nonresident of the City, or in the event of such person's death should all of said person's heirs be or become nonresidents, the Council may recognize any relative or family friend in controlling interments and shall be responsible only for good faith in making such recognition.
3. The City Council gives authority to the Sexton of the cemetery to determine who shall be qualified as a gravedigger in the cemetery. No grave shall be opened without first obtaining permission from the Cemetery Sexton.
4. Burials are prohibited on Sundays and the City observed holidays of New Years Day, Presidents Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day and the day after, Christmas Day and the day after. *(Ord. 815 – Oct. 08 Supp.)*
5. Requests for opening of graves shall be made to the City Clerk's office twenty-four (24) hours before the funeral.
6. Prior to burial, the receptacle containing the body shall be placed in an outside container consisting of a minimum construction of a concrete box. In the event of cremation, prior to the cremation burial,

the receptacle containing the cremains shall be placed in an outside container consisting of a minimum construction of a concrete vault or a high impact polymer plastic vault. *(Ord. 653 – Mar. 00 Supp.)*

7. Arrangements for interments shall be made by the owner of the burial space, by a member or members of the family acting and authorized by law to act for the owner, or by an authorized undertaker, or other authorized agent of the owner.

8. The City shall in no manner be liable for any delay in the interment of a body where a protest to the interment has been made or where the rules and regulations of the cemetery have not been complied with. The City shall be under no duty to recognize any protest of interment unless it be in writing and filed with the City Clerk. The City shall not be responsible for errors resulting from orders or instructions given by telephone and the Clerk and Cemetery Sexton may require such orders to be in writing before finalizing any action.

21.07 FEES. The City Council shall, from time to time, as deemed necessary by the Council, fix a schedule of fees which shall be collected for work performed in the cemetery under the jurisdiction of the City. The schedule of fees, so fixed, from time to time as deemed necessary by the Council, shall be placed on file in the office of the Clerk, and shall be available for inspection by the general public.

21.08 CLERK’S DUTIES.

1. It is the duty of the Clerk to collect all moneys from the sale of graves, from the care of lots and from all other purposes mentioned herein.

2. The Clerk shall deposit all moneys collected monthly to the credit of cemetery funds and shall from time to time, as the Council may direct, account for all such moneys to the Council.

3. It is the duty of the Clerk to make and keep complete records identifying the owners of all interment rights sold by the cemetery and historical information regarding any transfers of ownership. The records shall include all of the following:

(Code of Iowa, Sec. 523I.311)

- A. Sales or Transfers of Interment Rights.
 - (1) The name and last known address of each owner or previous owner of interment rights.
 - (2) The date of each purchase or transfer of interment rights.
 - (3) A unique numeric or alphanumeric identifier that identifies the location of each interment space sold by the cemetery.
- B. Interments.
 - (1) The date the remains are interred.
 - (2) The name, date of birth and date of death of the decedent interred, if those facts can be conveniently obtained.
 - (3) A unique numeric or alphanumeric identifier that identifies the location of each interment space where the remains are interred.

(Ord. 769 – Sep. 05 Supp.)

21.09 GENERAL REGULATIONS.

1. To insure a proper landscape effect, and to protect the mutual rights of all grave owners, family monuments will be permitted on only lots of four spaces or more.
2. Family monuments shall be placed as directed by the Cemetery Sexton.
3. The foundations for monuments, markers and headstones shall be constructed in such a manner as to comply with the cemetery rules and regulations set forth by the City Council and shall be constructed under the supervision of the Sexton.
4. Foundations for family monuments shall extend in depth three feet from the top of the ground, and foundations for markers and headstones shall extend two feet from the top of the ground, and there shall be a four-inch wash.
5. No monument shall exceed four feet six inches in height above lawn grade, unless the design for the same shall have been first submitted to and approved by the Cemetery Sexton.
6. Grave markers shall be placed on the grave line and the inscription shall face the head of the lot.

7. Mausoleums are prohibited.
8. No monument shall be placed until the grave is fully paid for.
9. Veterans stickers shall be placed in concrete for permanent mounting.
10. No person shall drive any vehicle faster than 15 miles an hour or in a careless manner upon the cemetery roads or drive anywhere except upon such roads unless authorized by the Sexton.
11. Persons shall walk only on roads and walkways or footpaths except when absolutely necessary for maintenance of grave sites, inspection of plats, installation of markers or decorations of graves, or funeral services.
12. No homemade markers shall be placed on any grave.

(Ord. 687 – Apr. 02 Supp.)

21.10 PERPETUAL CARE FUND. The Council, by resolution, shall accept, receive and expend all moneys and property donated or left to them by bequest for perpetual care, and that portion of interment space sales or permanent charges made against interment spaces which has been set aside in a perpetual care fund. The assets of the perpetual care fund shall be invested in accordance with State law. The Council, by resolution, shall provide for the payment of interest annually to the appropriate fund to be used in caring for or maintaining the individual property of the donor in the cemetery, or interment spaces which have been sold with provisions for perpetual care, all in accordance with the terms of the donation or bequest, or the terms of the sale or purchase of an interment space and Chapter 523I of the Code of Iowa.

(Code of Iowa, Sec. 523I.503, 523I.507 & 523I.508)

(Ord. 769 – Sep. 05 Supp.)

21.11 LIABILITY. The City shall take reasonable precautions to protect lot owners and the property rights of lot owners within the cemetery from loss or damage, but it expressly shall not be liable for loss or damage beyond its control, and particularly, from damage caused by the elements, acts of God, common enemy, thieves, strikers, malicious mischief makers, explosions, unavoidable civil disorder, whether the damage be direct or consequential.

CHAPTER 23

PLANNING AND ZONING COMMISSION

23.01 Planning and Zoning Commission
23.02 Term of Office
23.03 Vacancies

23.04 Compensation
23.05 Powers and Duties

23.01 PLANNING AND ZONING COMMISSION. The City Planning and Zoning Commission, hereinafter referred to as the Commission, consists of seven (7) members, five (5) of whom are residents of the City. The resident members shall be appointed by the Council and shall not hold any elective office in the City government. The additional two members of the Commission are one member of the County Board of Supervisors and one resident of the area outside the City over which the zoning jurisdiction of the City has been extended, both appointed by the County Board of Supervisors.

(Ord. 885 – Mar. 18 Supp.)

(Code of Iowa, Sec. 414.6, 414.23 & 392.1)

23.02 TERM OF OFFICE. The term of office of the members of the Commission is five (5) years. The terms of not more than one-half of the members will expire in any one year.

(Ord. 885 – Mar. 18 Supp.)

(Code of Iowa, Sec. 392.1)

23.03 VACANCIES. If any vacancy exists on the Commission caused by resignation, or otherwise, a successor for the residue of the term shall be appointed in the same manner as the original appointee.

(Code of Iowa, Sec. 392.1)

23.04 COMPENSATION. All members of the Commission shall serve without compensation, except their actual expenses, which are subject to the approval of the Council.

(Code of Iowa, Sec. 392.1)

23.05 POWERS AND DUTIES. The Commission has and exercises the following powers and duties:

1. Selection of Officers. The Commission shall choose annually at its first regular meeting one of its members to act as Chairperson and another as Vice Chairperson, who shall perform all the duties of the Chairperson during the Chairperson's absence or disability.

(Code of Iowa, 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, Sec. 392.1)

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, Sec. 392.1)

4. Appointment of Assistants. Subject to the limitations contained in this chapter as to the expenditure of funds, the Commission 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, Sec. 392.1)

5. Comprehensive Plan. The Commission 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, bear relation to the comprehensive plan and shall bring its studies and recommendations to the attention of the Council and may also publish such studies and recommendations.

(Code of Iowa, 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, Sec. 414.3 & 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

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CHAPTER 24

PARK COMMISSION

24.01 Park Board
24.02 Term
24.03 Organization
24.04 Treasurer
24.05 Compensation

24.06 Budget Certified
24.07 Jurisdiction and Authority
24.08 Rules and Regulations
24.09 Procedures for Donated Projects

24.01 PARK BOARD. There shall be a Board of Park Commissioners (hereinafter “Park Board”) for the City consisting of five (5) persons of legal age. Not more than one (1) said member may reside outside the corporate limits of the City of Glenwood, and no such members shall reside outside the Glenwood postal address area. All said members shall be appointed by the Mayor with the approval of the Council. The appointments by the Mayor shall be made effective on January 1 of each year. *(Ord. 784 – Nov. 06 Supp.)*

24.02 TERM. Initially, two (2) Park Board members shall serve a term of three (3) consecutive years, two (2) Park Board members shall serve a term of two (2) consecutive years, and one (1) Park Board member shall serve a term of one (1) year. Thereafter, all other Park Board members appointed shall serve three (3) consecutive years. If, for any reason, a Park Board member is unable to serve his or her full term, the Mayor, with the Council’s approval, shall appoint a person to fill the vacated spot for the remainder of the existing term. In the event any Park Board member fails to attend four (4) or more consecutive meetings of the Park Board, said member shall appear before the Council and show good cause why he or she should not be removed as a member.

24.03 ORGANIZATION. Annually at the February meeting, the Park Board shall elect one of its members as Chairperson and one of its members as Secretary of the Park Board. The Secretary shall write the minutes of each Park Board meeting and submit such minutes to City Hall within fifteen (15) days after each such meeting. *(Ord. 790 – Feb. 07 Supp.)*

24.04 TREASURER. The City Clerk shall be the Treasurer of the Board and pay out all moneys under the control of the Park Board on orders signed by the Chairperson and Secretary, but shall receive no compensation for such services as Treasurer.

24.05 COMPENSATION. All services performed by the Park Board members shall be rendered without compensation.

24.06 BUDGET CERTIFIED. The Park Board, on or before the date specified in Section 7.05(2) of this Code of Ordinances, shall submit to the City Administrator a proposed budget for general park purposes for the ensuing fiscal year. *(Ord. 806 – Mar. 08 Supp.)*

24.07 JURISDICTION AND AUTHORITY. The Park Board shall govern, subject to the authority of the City Council, all parks and pleasure grounds acquired by it or by the City and set aside as a park or pleasure ground. This includes, but is not necessarily limited to, Lake Park, 11th Street Park, Hiley Park (Kiwanis), the skate park, the neighborhood park at Vine Street and Railroad Avenue (Troutman Lot) and any other neighborhood park. Pleasure grounds shall include all greenways and mini-parks as defined in Chapter 4 of the City's Comprehensive Plan dated August 21, 2001. The City's sports complex, recreation facility and swimming pool are specifically excluded from the jurisdiction of the Park Board. All ordinances of the City shall be in full force and effect in and over the territory occupied by such parks. No person, organization, or entity shall make or cause any alteration, improvement, or modification to any park or pleasure ground in which the aggregate cost of said alteration, improvement, or modification is in excess of \$1,000.00 without prior approval of the City Council; said approval shall be sought prior to the commencement of the project, the letting of bids, or the seeking of grant applications, if applicable. *(Ord. 806 – Mar. 08 Supp.)*

24.08 RULES AND REGULATIONS. The Board shall have the power to make rules and regulations for the use of park or other facilities under its control, such rules shall be posted on the facility or otherwise publicized in a manner to provide adequate notice to the public.

(Ch. 24 – Ord. 707 – Nov. 02 Supp.)

24.09 PROCEDURES FOR DONATED PROJECTS. Should any person, entity, or organization provide funding for any alteration, improvement, modification, or other project for and on behalf of the park or pleasure ground, and in excess of a cost of \$1,000.00 or more, the following procedure shall be utilized:

1. The Board shall assess any request to determine if the project is, in its sole discretion, viable;
2. After such assessment, the Board shall make a formal recommendation to the City Council;
3. The City Council shall either approve or disapprove of the requested planning;

4. If approved by the City Council, the Board shall proceed with project planning;

5. Except as hereafter provided, any donated funds or grant proceeds from any person, organization, or entity shall be made directly to the Board and shall be received and distributed through the Board budget. Any revenues created by or as a result of any project shall inure to the Board as part of the Board's budget. Any projects funded by an Internal Revenue Code tax exempt 501©(3) organization or other similar Internal Revenue Code tax exempt organization shall control all financial receipts and distributions for such project; however, any revenues created by or as a result of the project shall inure to the Board as part of the Board's budget.

(Ord. 806 – Mar. 08 Supp.)

(Former Sections 24.07 and 24.09 repealed by Ord. 806 and Remaining Sections Renumbered)

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CHAPTER 25

UTILITY BOARD OF TRUSTEES OF GLENWOOD MUNICIPAL UTILITIES

25.01 Purpose
25.02 Board Established
25.03 Appointment of Trustees
25.04 Compensation
25.05 Vacancies

25.06 Power and Duties of the Board
25.07 Control of Funds
25.08 Accounting
25.09 Discriminatory Rates Illegal
25.10 Discontinuance of Board

25.01 PURPOSE. The purpose of this chapter is to provide for the operation of the municipally owned water utility and sanitary sewer system by a board of trustees.
(Ord. 718 – Feb. 03 Supp.)

25.02 BOARD ESTABLISHED. Pursuant to an election held on November 10, 1952, the management and control of the municipally owned waterworks were placed in the hands of a Board of Trustees. Pursuant to an election held on November 5, 2002, the management and control of the municipally owned sanitary sewer system were placed in the hands of a Board of Trustees effective January 1, 2003.
(Ord. 718 – Feb. 03 Supp.)

(Code of Iowa, Sec. 388.2)

25.03 APPOINTMENT OF TRUSTEES. The Mayor shall appoint, subject to the approval of the Council, three (3) persons to serve as trustees for staggered six (6) year terms. Effective April 1, 2006, the Mayor shall appoint, subject to the approval of the Council, five (5) persons to serve as trustees for staggered six (6) year terms. No public officer or salaried employee of the City may serve on the utility board.
(Ord. 773 – Mar. 06 Supp.)

(Code of Iowa, Sec. 388.3)

25.04 COMPENSATION. The Council shall by resolution set the compensation of Board members.

(Code of Iowa, Sec. 388.3)

25.05 VACANCIES. An appointment to fill a vacancy on the Board of Trustees shall be made in the same manner as an original appointment except that such appointment shall be for the balance of the unexpired term.

(Code of Iowa, Sec. 388.3)

25.06 POWERS AND DUTIES OF THE BOARD. The Board of Trustees may exercise all powers of the City in relation to the City utility, City utilities,

or combined utility system it administers, with the following exceptions:

(Code of Iowa, Sec. 388.4)

1. Taxes, Ordinances and Bonds. A Board may not certify taxes to be levied, pass ordinances or amendments, or issue general obligation or special assessment bonds.

(Code of Iowa, Sec. 388.4[1])

2. Property. Title to all property must be in the name of the City but the Board has full control of such property subject to limitations imposed by law.

(Code of Iowa, Sec. 388.4[2])

3. Reports to Council. The Board shall make a detailed annual report to the Council including a complete financial statement.

(Code of Iowa, Sec. 388.4[3])

4. Proceedings Published. Immediately following a regular or special meeting, the Board Secretary shall prepare and cause to be published in a newspaper of general circulation in the City a condensed statement of proceedings including a list of all claims.

(Code of Iowa, Sec. 388.4[4])

25.07 CONTROL OF FUNDS. The Board shall control tax revenues allocated to it as well as all moneys derived from operations.

(Code of Iowa, Sec. 388.5)

25.08 ACCOUNTING. Utility moneys are held in a separate utility fund, with a separate account or accounts for each utility or combined utility system.

(Code of Iowa, Sec. 388.5)

25.09 DISCRIMINATORY RATES ILLEGAL. A utility may not provide use or service at a discriminatory rate, except to the City or its agencies, as provided in Section 384.91, Code of Iowa.

(Code of Iowa, Sec. 388.6)

25.10 DISCONTINUANCE OF BOARD. A proposal, on motion of the Council or upon receipt of a valid petition, to discontinue a utility board is subject to the approval of the voters of the City, except that a Board may be discontinued by resolution of the Council when the City utility, City utilities, or combined utility system it administers is disposed of or leased for a period of over five (5) years.

(Code of Iowa, Sec. 388.2)

CHAPTER 26

RECREATION BOARD

26.01 Establishment

26.02 Purpose

26.03 Board Organization

26.04 Duties of the Board

26.05 Authority

26.06 Termination of Board

26.01 ESTABLISHMENT. A Board of Recreation Directors is created to advise the Glenwood City Council on design, operation and fiscal management and programming aspects of the Community Recreation Center (hereinafter “facility”).

26.02 PURPOSE. The Board’s general purpose is to provide expertise and make recommendation to the City Council concerning the general operation of the facility.

26.03 BOARD ORGANIZATION. The Board will consist of seven (7) members. All members to be appointed by the Mayor, with the approval of the Glenwood City Council for overlapping three (3) year terms, with not more than three (3) Board members residing outside the City limits within Mills County. Appointments will be made at the first regular Council meeting in January of each year. Members will serve without compensation. Vacancies will be filled in the same manner as original appointments. The Board will select its chairperson as soon as practical after new appointments are made. Initial appointments to the Board may be made for less than three (3) year periods in order to facilitate the timely overlapping of subsequent appointments for terms of three (3) years. The Board will meet on a monthly basis and all announcements of Board meetings will occur at least 1 week prior to meeting date.

26.04 DUTIES OF THE BOARD. The duties of the Recreation Board of Directors shall be as follows:

1. The Board will develop a programming and membership plan for the center and will distribute and market membership and programming information throughout Glenwood and the surrounding Mills County area.
2. The Board will provide assistance and advise the City Recreation Director with programs, policy and special events at the center.
3. The Board shall advise on community center policy including hours of operation, job descriptions of full time and part time employees, subject to the limitations on expenditures for salaries and supplies,

contracts and capital outlays set forth in the annual budget provided by the Council for community center operations.

4. The Board shall cooperate with the Mayor in the allotment of time of City employees for recreation purposes.

5. The Board shall make recommendations and specify fitness and recreation equipment and supplies used at the center.

6. To communicate, advise, and consult with any third party organizations seeking to become involved with, operate, or maintain the facility or its programming.

7. The Board will keep a record of its proceedings and provide written reports to the City Council from time to time as it deems advisable or upon the request of the City Council.

8. To perform all other arts or duties as the City Council may from time to time direct.

26.05 AUTHORITY. The Board shall not have the authority to enter into contracts on behalf of the City or to otherwise obligate the City to perform any duties or services or pay compensation to third parties, or to otherwise act on the City's behalf except in an advisory or consulting manner.

26.07 TERMINATION OF BOARD. The Board of Recreation Directors may be terminated at any time upon majority vote of the members of the City Council.

(Ch. 26 – Ord. 704 - Sep. 02 Supp.)

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CHAPTER 30

POLICE DEPARTMENT

30.01 Department Established
30.02 Organization
30.03 Peace Officer Qualifications
30.04 Required Training
30.05 Oath
30.06 Compensation
30.07 Peace Officers Appointed

30.08 Police Chief: Duties
30.09 Departmental Rules
30.10 Summoning Aid
30.11 Taking Weapons
30.12 Uniform Allowance
30.13 Contract Law Enforcement

30.01 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.

30.02 ORGANIZATION. The department consists of the Police Chief and such other law enforcement officers and personnel, whether full or part time, as may be authorized by the Council.

30.03 PEACE OFFICER QUALIFICATIONS. In no case shall any person be selected or appointed as a law enforcement officer unless such person meets the minimum qualification standards established by the Iowa Law Enforcement Academy.

(Code of Iowa, Sec. 80B.11)

30.04 REQUIRED TRAINING. All peace officers shall have received the minimum training required by law at an approved law enforcement training school within one year of employment. Peace officers shall also meet the minimum in-service training as required by law.

(Code of Iowa, Sec. 80B.11 [2])

(IAC, 501-3 and 501-8)

30.05 OATH. Every peace officer, before entering upon the duties of the office, shall qualify for office by taking the oath prescribed by Section 5.01 of this Code of Ordinances.

30.06 COMPENSATION. Members of the department are designated by rank and receive such compensation as shall be determined by resolution of the Council.

30.07 PEACE OFFICERS APPOINTED. The Mayor shall appoint and dismiss the Police Chief, subject to the consent of a majority of the Council, and the Mayor, subject to Council approval, shall also appoint the other members of the department. *(Ord. 677 – Sep. 01 Supp.)*

(Code of Iowa, Sec. 372.4)

30.08 POLICE CHIEF: DUTIES. The Police Chief has the following powers and duties subject to the approval of the Council.

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

1. General. Perform all duties required of the police chief by law or ordinance.
2. Enforce Laws. Enforce all laws, ordinances and regulations and bring all persons committing any offense before the proper court.
3. Writs. Execute and return all writs and other processes directed to the Police Chief.
4. Accident Reports. Report all motor vehicle accidents investigated to the State Department of Transportation.
(Code of Iowa, Sec. 321.266)
5. Prisoners. Be responsible for the custody of prisoners, including conveyance to detention facilities as may be required.
6. Assist Officials. When requested, provide aid to other City officers, boards and commissions in the execution of their official duties.
7. Investigations. 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. Keep a record of all arrests made in the City by 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. 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. 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.

30.09 DEPARTMENTAL RULES. The Police Chief shall establish such rules, not in conflict with the Code of Ordinances, and subject to the approval of the Council, as may be necessary for the operation of the department.

30.09 SUMMONING AID. Any peace officer making a legal arrest may orally summon as many persons as the officer reasonably finds necessary to aid the officer in making the arrest.

(Code of Iowa, Sec. 804.17)

30.10 TAKING WEAPONS. Any person who makes an arrest may take from the person arrested all items which are capable of causing bodily harm which the arrested person may have within such person's control to be disposed of according to law.

(Code of Iowa, Sec. 804.18)

30.11 CONTRACT LAW ENFORCEMENT. In lieu of the appointment of a police chief by the Mayor as provided by Section 30.06, the Council may contract with the County Sheriff or any other qualified lawful entity to provide law enforcement services within the City and in such event the Sheriff or such other entity shall have and exercise the powers and duties of the Police Chief as provided herein.

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

CHAPTER 31

RESERVE POLICE UNIT

31.01 Establishment of Force
31.02 Membership
31.03 Oath of Office
31.04 Training
31.05 Status of Reserve Officers
31.06 Carrying Weapons
31.07 Supplementary Capacity

31.08 Supervision of Officers
31.09 No Reduction of Regular Force
31.10 Compensation
31.11 Benefits When Injured
31.12 Insurance
31.13 Pension Fund or Retirement System
31.14 Civil Defense Auxiliary Police Exempt

31.01 ESTABLISHMENT OF FORCE. The Mayor, acting through the Police Chief, is hereby authorized to organize a Reserve Police Unit of not to exceed twenty-five (25) members for the purpose of assisting the Police Chief and other members of the Police Department.

31.02 MEMBERSHIP. Each member recruited for said unit shall be a minimum of eighteen (18) years of age; a high school graduate; physically fit; in good health and of good moral character. If the Director of the Law Enforcement Academy for the State establishes minimum standards for members, those standards shall also be adopted. All members shall be approved and appointed by the Mayor and Police Chief. *(Ord. 882 – Mar. 18 Supp.)*

31.03 OATH OF OFFICE. Members shall take an oath of office, administered by the Mayor, as reserve peace officers in the same manner as regular police officers.

31.04 TRAINING. Training for individuals appointed as reserve peace officers shall be provided by instructors in a community college or other facility, including a law enforcement agency, selected by the individual and approved by the law enforcement agency and the Iowa Law Enforcement Academy. All standards and training required under Chapter 80D of the Code of Iowa constitute the minimum standards for reserve peace officers. Upon satisfactory completion of training, the Iowa Law Enforcement Academy shall certify the individual as a reserve peace officer. There shall be no exemptions from the personal and training standards provided for in this chapter.

(Ord. 803 – Dec. 07 Supp.)

31.05 STATUS OF RESERVE OFFICERS. Reserve peace officers shall serve as peace officers on the orders and at the discretion of the Police Chief. While in the actual performance of official duties, reserve peace officers shall be vested with the same rights, privileges, obligations and duties as any other peace officers.

31.06 CARRYING WEAPONS. A member of the reserve force shall not carry a weapon in the line of duty until the member has been approved by the Council and certified by the Iowa Law Enforcement Academy Council. After approval and certification, a reserve peace officer may carry a weapon in the line of duty only when authorized by the Police Chief.

31.07 SUPPLEMENTARY CAPACITY. Reserve peace officers shall act only in a supplementary capacity to the regular force and shall not assume full time duties of regular peace officers without first complying with all the requirements of regular peace officers.

31.08 SUPERVISION OF OFFICERS. Reserve peace officers shall be subordinate to regular peace officers, shall not serve as peace officers unless under the direction of regular peace officers, and shall wear a uniform prescribed by the Police Chief, unless the Police Chief designates alternate apparel for use when engaged in assignments involving special investigations, civil process, court duties, jail duties and the handling of mental patients. The reserve peace officer shall not wear an insignia of rank. The Police Chief shall appoint a regular force peace officer as the reserve force coordinating and supervising officer. That regular peace officer shall report directly to the Police Chief.

31.09 NO REDUCTION OF REGULAR FORCE. The Council shall not reduce the authorized size of the regular police department because of the establishment or utilization of reserve peace officers.

31.10 COMPENSATION. While performing official duties, each reserve peace officer shall be considered an employee of the City and shall be paid at a minimum of \$1.00 per year. The Council may provide additional monetary assistance for the purchase and maintenance of uniforms and equipment used by reserve peace officers. The uniforms and accessories purchased by the City shall remain the property of the City.

31.11 BENEFITS WHEN INJURED. Hospital and medical assistance and benefits, as provided in Chapter 85 of the Code of Iowa, shall be provided to members of the reserve force who sustain injury in the course of performing official duties.

31.12 INSURANCE. Liability and false arrest insurance shall be provided to members of the reserve force while performing official duties in the same manner as for regular peace officers.

31.13 PENSION FUND OR RETIREMENT SYSTEM. Members are not eligible for participation in a pension fund or retirement system created by the laws of the State of which regular peace officers may become members.

31.14 CIVIL DEFENSE AUXILIARY POLICE EXEMPT. This chapter does not apply to local civil defense auxiliary police forces organized by local Civil Defense officials and trained according to standards established by the United States Office of Civil Defense and contained in the Code of Federal Regulations.

(Ch. 31 – Ord. 579)

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CHAPTER 35

FIRE DEPARTMENT

35.01 Establishment and Purpose
35.02 Organization
35.03 Qualifications
35.04 Approved by Council
35.05 Training
35.06 Compensation
35.07 Election of Officers
35.08 Oath
35.09 Fire Chief: Duties

35.10 Obedience to Fire Chief
35.11 Constitution
35.12 Accidental Injury Insurance
35.13 Liability Insurance
35.14 Calls Outside City
35.15 Mutual Aid
35.16 Authority to Cite Violations
35.17 Billing for Fire Services

35.01 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.

(Code of Iowa, Sec. 364.16)

35.02 ORGANIZATION. The department consists of the Fire Chief and such other officers and personnel as may be authorized by the Council.

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

35.03 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 is a resident of the City or resides not more than five (5) miles from the corporate boundaries of the City. *(Ord. 859a – June 15 Supp.)*
2. Age. Is at least eighteen (18) years of age at the time of appointment.
3. Driver's License. Has a current active Iowa driver's license.
4. The individual shall pass a physical exam or test routinely administered by or on behalf of the department for its applicants.
5. Character. Be of good moral character. Should the department be made aware of any criminal convictions, any addictions, or any behavior which may negatively effect upon applicant's moral character or upon the department, the department reserves the right to discharge such person.

6. Education. Is a high school graduate with a diploma, or possesses an equivalency certificate acceptable by the State Department of Education.
7. Health. Prior to appointment, has been examined by a physician to assist in determining applicant is free from physical, emotional or mental condition which might adversely affect the performance of duties.
8. Application. Has made proper written department application.

(Ord. 859 – Jan. 14 Supp.)

35.04 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.

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

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

35.06 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, Sec. 372.13[4])

35.07 ELECTION OF OFFICERS. The Glenwood City Council shall appoint a Chief of the fire department to serve at the discretion of the Council. The members of the department shall elect other officers of the department not less than every two (2) years. 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.

(Ord. 859 – Jan. 14 Supp.)

35.08 OATH. The Fire Chief, before entering upon the duties of his office, shall qualify for office by taking the oath prescribed by Section 5.01 of this Code of Ordinances.

35.09 FIRE CHIEF: DUTIES. The Fire Chief has the following powers and duties:

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

1. General. Perform all duties required of the Fire Chief by law or ordinance.
2. Enforce Laws. Enforce all ordinances and, where enabled, State laws regulating the following:
 - A. Fire prevention.
 - B. Maintenance and use of fire escapes.
 - C. The investigation of the cause, origin and circumstances of fires.
 - D. The means and adequacy of exit in case of fire from halls, 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 alarms systems and fire extinguishing equipment.
3. Authority at Fires. Direct an operation as necessary to extinguish or control a fire, perform a rescue operation, investigate the existence of a suspected or reported fire, gas leak, or other hazardous condition, or take any other action deemed necessary in the reasonable performance of the department's duties.

(Code of Iowa, Sec. 102.2)

4. Control of Scenes. Prohibit an individual, vehicle or vessel from approaching a fire scene and remove from the scene any object, vehicle, vessel or individual that may impede or interfere with the operation of the fire department.

(Code of Iowa, Sec. 102.2)

5. Authority to Barricade. Place or erect ropes, guards, barricades or other obstructions across a street, alley, right-of-way, or private property near the location of the fire or emergency so as to prevent accidents or interference with the fire fighting efforts of the fire department, to control the scene until any required investigation is complete, or to preserve evidence related to the fire or other emergency.

(Code of Iowa, Sec. 102.3)

6. Command. 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.

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

8. Notification. Whenever death, serious bodily injury, or property damage in excess of \$200,000 has occurred as a result of a fire, or if arson is suspected, notify the State Fire Marshal's Division immediately. For all fires causing an estimated damage of \$50.00 or more or emergency responses by the Fire Department, file a report with the Fire Marshal's Division within ten (10) days following the end of the month. The report shall indicate all fire incidents occurring and state the name of the owners and occupants of the property at the time of the fire, the value of the property, the estimated total loss to the property, origin of the fire as determined by investigation, and other facts, statistics, and circumstances concerning the fire incidents.

(Code of Iowa, Sec. 100.2 & 100.3)

9. Right of Entry. Have the right, during reasonable hours and upon the consent of the occupant, to enter any building or premises within the Fire Chief's jurisdiction for the purpose of making such investigation or inspection which under law or ordinance may be necessary to be made and is reasonably necessary to protect the public health, safety and welfare.

(Code of Iowa, Sec. 100.12)

10. Recommendation. Make such recommendations to owners, occupants, caretakers or managers of buildings necessary to eliminate fire hazards.

(Code of Iowa, Sec. 100.13)

11. Assist State Fire Marshal. At the request of the State Fire Marshal, and as provided by law, aid said marshal in the performance of duties by investigating, preventing and reporting data pertaining to fires.

(Code of Iowa, Sec. 100.4)

12. Records. Cause to be kept records of the fire department personnel, 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.

13. Reports. Compile and submit to the Mayor and Council an annual report of the status and activities of the department as well as such other reports as may be requested by the Mayor or Council.

14. Prior Approval. Obtain prior approval from the City Council of Glenwood of any express or implied agreement to provide fire, rescue, ambulance or other emergency services to any person, entity, organization or jurisdiction. Any such agreement, including any agreements entered into in the name of a division, subsidiary or other branch of the Glenwood Volunteer Fire Department, shall be deemed invalid and void unless such prior approval of the City Council is obtained.
(Ord. 698 – Sep. 02 Supp.)

35.10 OBEDIENCE TO FIRE CHIEF. No person shall willfully fail or refuse to comply with any lawful order or direction of the Fire Chief.

35.11 CONSTITUTION. The department shall adopt a constitution and bylaws as they deem calculated to accomplish the object contemplated, and such constitution and bylaws and any change or amendment to such constitution and bylaws before being effective, must be approved by the Council.

35.12 ACCIDENTAL INJURY INSURANCE. The Council shall contract to insure the City against liability for worker's compensation and against statutory liability for the costs of hospitalization, nursing, and medical attention for volunteer fire fighters injured in the performance of their duties as fire fighters whether within or outside the corporate limits of the City. All volunteer fire fighters shall be covered by the contract.

(Code of Iowa, Sec. 85.2, 85.61 and Sec. 410.18)

35.13 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, Sec. 670.2 & 517A.1)

35.14 CALLS OUTSIDE 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, Sec. 364.4 [2 & 3])

35.15 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, Sec. 364.4 [2 & 3])

35.16 AUTHORITY TO CITE VIOLATIONS. Fire officials acting under the authority of Chapter 100 of the Code of Iowa may issue citations in accordance to Chapter 805 of the Code of Iowa, for violations of state and/or local fire safety regulations.

(Code of Iowa, Sec. 100.41)

35.17 BILLING FOR FIRE SERVICES. After every service call, the Fire Chief, or his designee, shall prepare and deliver a statement for any fire, hazmat cleanup, or similar service rendered by the Glenwood Volunteer Fire Department as provided herein. The person, business, or entity responsible for payment is the person, business, or entity whose conduct precipitated the service call or the person, business, or entity who owned the property benefited by the service call. Payment of such fee shall be made to the City of Glenwood and deposited by the City Clerk in the general fund for the benefit of the Glenwood Volunteer Fire Department.

1. Billing. The statement for services rendered shall be sent to the person, business, or entity responsible for payment.
2. Charges for Billing Purposes. Charges for services rendered by the Glenwood Volunteer Fire Department shall take into account the following:
 - A. Emergency response apparatus actually used in the response;
 - B. Stand by status of support vehicles;
 - C. Manpower actually used in the response;
 - D. The uninsured portion of equipment damaged, contaminated, or destroyed, at replacement cost;
 - E. The replacement cost of disposable supplies, including but not limited to fuel, water, foam, absorbent materials, or any other cost, incurred by the fire department in the response to the incident.
3. Rates charged by the Glenwood Volunteer Fire Department shall be established by the Glenwood City Council upon recommendation of the Glenwood Volunteer Fire Department Chief and may be amended from time to time by resolution of the Glenwood City Council.

(Ord. 858 – Aug. 13 Supp.)

CHAPTER 36

FIRE PREVENTION CODE

36.01 Purpose
36.02 Adoption of Code
36.03 Copy on File
36.04 Enforcement

36.05 Limits
36.06 Modifications
36.07 Appeals
36.08 Penalties

36.01 PURPOSE. The purpose of this chapter is to prescribe regulations governing conditions hazardous to life and property from fire or explosion.

36.02 ADOPTION OF CODE. Pursuant to published notice and public hearing, there is hereby adopted that certain code known as the Fire Prevention Code, 1976, with 1982 amendment, Abbreviated Edition, as published by the American Insurance Association, 85 John Street, New York City, New York, and the whole thereof, save and except such portions as are hereinafter deleted, modified, or amended by this chapter, and the same is hereby adopted and incorporated as fully as if set out at length herein, and from the effective date of this chapter, the provisions thereof shall be controlling within the limits of the City.

36.03 COPY ON FILE. An official copy of the Fire Prevention Code as adopted, and a certified copy of the ordinance codified by this chapter are on file in the office of the Clerk. A copy of the Fire Prevention Code as adopted, and a copy of said ordinance have been furnished the State Law Library, the Municipal Library, all newspapers of general circulation published in the City, and all commercial radio stations situated in the City.

(Code of Iowa, Sec. 372.13[4] and 380.10)

36.04 ENFORCEMENT. The Fire Prevention Code shall be enforced by the Chief of the Fire Department.

36.05 LIMITS. Establishment of limits of districts in which storage of flammable liquids in outside above ground tanks and bulk storage of liquefied petroleum gases is to be restricted. The limits referred to in Section 804A of the Fire Prevention code in which storage of flammable liquids in outside above ground tanks is prohibited, and the limits referred to in Section 1104 of the Fire Prevention Code, in which bulk storage of liquefied petroleum gas is restricted, are hereby established as follows:

Commencing at the Northwest corner of Lot 4 in Block 5 and running thence East to the Northeast corner of Lot 9 in Block 61, thence South to the Southeast corner of Lot 6 in Block 32, thence West to the Southwest corner of Lot 3 in Block 20 and thence North to the place of beginning.

36.06 MODIFICATIONS. The Chief of the Fire Department shall have power to modify any of the provisions of the Fire Prevention Code upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the Code, provided that the spirit of the Code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the Chief of the Fire Department thereon shall be entered upon the records of the Department. One signed copy of the decision of the Chief of the Fire Department shall be furnished the applicant, and one signed copy shall be filed in the office of the Clerk.

36.07 APPEALS. Whenever the Chief of the Fire Department shall disapprove an application or refuse to grant a license or permit applied for, or when it is claimed that the provisions of the Code do not apply or that the true intent and meaning of the Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief of the Fire Department to the City Council with thirty (30) days from the date of the decision of the appeal.

(Constitution of Iowa, Article 1, Sec. 9)

36.08 PENALTIES. Any person who shall violate any of the provisions of the Code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the City Council or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance, respectively, be guilty of a misdemeanor. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time, and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense. The application of this penalty shall not be held to prevent the enforced removal of prohibited conditions. *(Ord. 647 – Nov. 99 Supp.)*

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CHAPTER 37

HAZARDOUS SUBSTANCE SPILLS

37.01 Purpose

37.02 Definitions

37.03 Cleanup Required

37.04 Liability for Cleanup Costs

37.05 Notifications

37.06 Police Authority

37.07 City Liability

37.08 Penalty

37.01 PURPOSE. In order to reduce the danger to the public health, safety, and welfare from the spills of hazardous substances, these regulations are promulgated to establish responsibility for the removal and cleanup of spills within the City limits.

37.02 DEFINITIONS. For purposes of this chapter, these words have the following meanings:

1. “Cleanup” means action necessary to contain, collect, control, identify, analyze, clean up, treat, disperse, remove, or dispose of a hazardous substance or hazardous waste.
2. “Hazardous condition” means any situation involving the actual, imminent, or probable spillage, leakage, or release of a hazardous substance which, because of the quantity, strength and toxicity of the hazardous substance, its mobility in the environment and its persistence, creates an immediate potential danger to the public health or safety of persons or property. The term “hazardous condition” includes any accident involving hazardous materials required to be reported under Section 321.266(4) of the Code of Iowa.
3. “Hazardous substance” means and includes any, each and all substances or materials regulated pursuant to any Environmental Laws, including, but not limited to, any such substance, emission or material now defined as or deemed to be a regulated substance, hazardous substance, toxic substance, pesticide, explosives, radioactive materials, hazardous waste or any similar or like classification or categorization there under. “Hazardous substance” also means any substance or mixture of substances that presents a danger to the public health or safety or environment and includes, but is not limited to, a substance that is toxic, corrosive, or flammable, or that is an irritant or that in confinement generates pressure through decomposition, heat, or other means. The following are examples of substances which, in sufficient quantity, may be hazardous: acids; alkalis; explosives; fertilizers; heavy metals such as chromium, arsenic, mercury, lead and cadmium; industrial chemicals, paint thinners; paints; pesticides; petroleum products; poisons;

radioactive materials; sludge; and organic solvents. “Hazardous substance” may include any hazardous waste identified or listed by the administrator of the United States Environmental Protection Agency under the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, or any toxic pollutant listed under Section 307 of the Federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous substance designated under Section 311 of the Federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous material designated by the Secretary of Transportation under the Hazardous Materials Transportation Act.

4. “Hazardous waste” means a waste or combination of wastes that, because of its quantity, concentration, biological degradation, leaching from precipitation, or physical, chemical, or infectious characteristics, has either of the following effects:

A. Causes or significantly contributes to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or

B. Poses a substantial danger to human health or the environment. “Hazardous waste” may include, but is not limited to, wastes that are toxic, corrosive, or flammable or irritants, strong sensitizers or explosives.

5. “Hazardous waste” does not include:

A. Agricultural wastes, including manures and crop residues that are returned to the soil as fertilizers or soil conditioners;

B. Source, special nuclear or by-product material as defined in the Atomic Energy Act of 1954, as amended to January 1, 1979.

6. “Person” means individual, corporation, firm, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

7. “Responsible person” means the person, whether the owner, agent, lessor, tenant, or operator, in charge of the hazardous substance being stored, processed or handled, or the owner or bailee transporting hazardous wastes or substances whether on public ways or ground or on private property, where the existence or spill of such substance would cause danger to the public or to any person, or damage to the environment.

37.03 CLEANUP REQUIRED.

1. Whenever a hazardous condition is created so that a hazardous substance may enter the environment or be emitted into the air or discharged into any waters, including ground waters, the responsible person shall cause the condition to be remedied by a cleanup, as defined in the preceding section, as rapidly as feasible to an acceptable, safe condition, and restore the affected area to its state prior to the hazardous condition as far as practicable. The costs of cleanup shall be borne by the responsible person.

2. If the responsible person does not cause the cleanup to begin in a reasonable time in relation to the hazard and circumstances of the incident, the City may, by authorization of the Mayor or designee, give reasonable notice, based on the character of the hazardous condition, setting a deadline for commencing and accomplishing the cleanup, or the City may proceed to procure cleanup services. If the cost of the cleanup is beyond the capacity of the City to finance, the Mayor or designee may report to the City Council and immediately seek any State or Federal funds available for said cleanup.

37.04 LIABILITY FOR CLEANUP COSTS. The responsible person shall be strictly liable to the City for all of the following:

1. The reasonable costs incurred by the City or the agents of the City in containing and/or controlling a hazardous condition.
2. The reasonable cleanup costs incurred by the City or the agents of the City as a result of the failure of the person to clean up a hazardous substance or waste involved in a hazardous condition caused by that person.
3. The reasonable costs incurred by the City or the agents of the City to evacuate people from the area threatened by a hazardous condition caused by the person.
4. The reasonable damages to the City for the injury to, destruction of, or loss of City property, including parks and roads, resulting from a hazardous condition caused by that person, including the costs of assessing the injury, destruction or loss.
5. The excessive and extraordinary cost incurred by the City or the agents of the City in responding at and to the scene of a hazardous condition caused by that person.
6. The costs referenced above shall be as determined by the Fire Chief for: manpower, apparatus, ambulance/rescue squad, command vehicle or utility truck, supplies and outside services, mileage, and decontamination, repairs, replacement, maintenance of equipment, apparatus or supplies, plus a reasonable administrative fee. It is unlawful for any responsible person to fail to pay a billing for such services within thirty (30) days of the receipt therefor.

(Ord. 825 – Jan. 10 Supp.)

37.05 NOTIFICATIONS.

1. A person manufacturing, storing, handling, transporting, or disposing of a hazardous substance or waste shall notify the Chief of the Fire Department of the occurrence of a hazardous condition as soon as possible but no later than one hour after the onset of the hazardous condition or discovery of the hazardous condition. The Fire Chief shall notify the proper State office in the manner established by the State.
2. Any City employee who discovers a hazardous condition shall notify the fire department, which shall then notify the proper State office in the manner established by the State.

37.06 POLICE AUTHORITY. If the circumstances reasonably require, the Chief of the Fire Department or Chief of Police, or their representative(s) may:

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

No person shall disobey an order of the Fire Chief or any other deputy or peace officer/law enforcement officer issued under this section.

37.07 CITY LIABILITY. The City shall not be liable to any person for claims of damages, injuries, or losses resulting from any hazardous condition, except if the City is the responsible person as defined in Section 37.02(7).

37.08 PENALTY. Any person who fails to perform an act required by this chapter or who commits an act prohibited by this chapter shall be guilty of a County infraction punishable by a civil penalty as provided by in this Code of Ordinances. The responsible person or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties provided herein. Each day the responsible person or other person allows a violation to continue shall constitute a separate and distinct violation. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ch. 37 – Ord. 811 – May 08 Supp.)

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CHAPTER 40

PUBLIC PEACE

40.01 Assault

40.02 Harassment

40.03 Disorderly Conduct

40.04 Unlawful Assembly

40.05 Failure to Disperse

40.06 Stalking

40.07 Standing, Loitering and Obstructing Persons

40.08 Standing, Loitering and Obstructing Persons
On Public Property

40.01 ASSAULT. No person shall, without justification, commit any of the following:

1. Pain or Injury. Any act which is intended to cause pain or injury to, or which is intended to result in physical contact which will be insulting or offensive to another, coupled with the apparent ability to execute the act.

(Code of Iowa, Sec. 708.1 [1])

2. Threat of Pain or Injury. Any act which is intended to place another in fear of immediate physical contact which will be painful, injurious, insulting, or offensive, coupled with the apparent ability to execute the act.

(Code of Iowa, Sec. 708.1 [2])

However, where the person doing any of the above enumerated acts, and such other person, are voluntary participants in a sport, social or other activity, not in itself criminal, and such act is a reasonably foreseeable incident of such sport or activity, and does not create an unreasonable risk or serious injury or breach of the peace, the act is not an assault.

(Code of Iowa, Sec. 708.1)

40.02 HARASSMENT. No person shall, with intent to intimidate, annoy or alarm another person, do any of the following:

1. Communications. Communicates with another by telephone, telegraph, writing or via electronic communication without legitimate purpose and in a manner likely to cause the other person annoyance or harm.

(Ord. 662 – Sep. 00 Supp.)

(Code of Iowa, Sec. 708.7)

2. Simulated Explosive. Place any simulated explosive or simulated incendiary device in or near any building, vehicle, airplane, railroad engine or railroad car, or boat occupied by the other person.

(Code of Iowa, Sec. 708.7)

3. Merchandise or Services. Order merchandise or services in the name of another, or to be delivered to another, without such other person's knowledge or consent.

(Code of Iowa, Sec. 708.7)

4. False Reports. Report or cause to be reported false information to a law enforcement authority implicating another in some criminal activity, knowing that the information is false, or reports the alleged occurrence of a criminal act, knowing the same did not occur.

(Code of Iowa, Sec. 708.7)

40.03 DISORDERLY CONDUCT. No person shall do any of the following:

1. Fighting. Engage in fighting or violent behavior in any public place or in or near any lawful assembly of persons, provided that participants in athletic contests may engage in such conduct which is reasonably related to that sport.

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

2. Noise. Make loud and raucous noise in the vicinity of any residence or public building which causes unreasonable distress to the occupants thereof.

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

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

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

4. Disrupt Lawful Assembly. Without lawful authority or color of authority, disturb any lawful assembly or meeting of persons by conduct intended to disrupt the meeting or assembly.

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

5. False Report of Catastrophe. By words or action, initiate or circulate a report or warning of fire, epidemic, or other catastrophe, knowing such report to be false or such warning to be baseless.

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

6. Disrespect of Flag. Knowingly and publicly use the flag of the United States in such a manner as to show disrespect for the flag as a symbol of the United States, with the intent or reasonable expectation that such use will provoke or encourage another to commit trespass or assault. As used in this subsection:

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

A. "Deface" means to intentionally mar the external appearance.

- B. “Defile” means to intentionally make physically unclean.
- C. “Flag” means a piece of woven cloth or other material designed to be flown from a pole or mast.
- D. “Mutilate” means to intentionally cut up or alter so as to make imperfect.
- E. “Show disrespect” means to deface, defile, mutilate or trample.
- F. “Trample” means to intentionally tread upon or intentionally cause a machine, vehicle or animal to tread upon.

(Ord. 801 – Dec. 07 Supp.)

7. Obstruct Use of Street. Without authority or justification, obstruct any street, sidewalk, highway, or other public way, with the intent to prevent or hinder its lawful use by others.

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

8. Funeral or Memorial Service. Within 500 feet of the building or other location where a funeral or memorial service is being conducted, or within 500 feet of a funeral procession or burial:

- A. Make loud and raucous noise which causes unreasonable distress to the persons attending the funeral or memorial service or participating in the funeral procession.
- B. Direct abusive epithets or make any threatening gesture which the person knows or reasonably should know is likely to provoke a violent reaction by another.
- C. Disturb or disrupt the funeral, memorial service, funeral procession or burial by conduct intended to disturb or disrupt the funeral, memorial service, funeral procession or burial.

This subsection applies to conduct within 60 minutes preceding, during and within 60 minutes after a funeral, memorial service, funeral procession or burial.

(Code of Iowa, Sec. 723.5)

(Ord. 786 – Nov. 06 Supp.)

40.04 UNLAWFUL ASSEMBLY. It is unlawful for three (3) or more persons to assemble together, with them or any of them acting in a violent manner, and with intent that they or any of them will commit a public offense. No person shall willingly join in or remain part of an unlawful assembly, knowing or having reasonable grounds to believe it is such.

(Code of Iowa, Sec. 723.2)

40.05 FAILURE TO DISPERSE. A peace officer may order the participants in a riot or unlawful assembly or persons in the immediate vicinity of a riot or unlawful assembly to disperse. No person within hearing distance of such command shall refuse to obey.

(Code of Iowa, Sec. 723.3)

40.06 STALKING. No person shall, on more than one occasion, willfully follow, pursue or harass another person and, while doing so and without legitimate purpose, make a credible threat against the other person.

(Code of Iowa, Sec. 708.11)

40.07 STANDING, LOITERING AND OBSTRUCTING PERSONS. No person shall congregate, stand, loaf or loiter in or on any privately owned property, whether in or on or in front of any hall, lobby, doorway, passage, entrance, street, sidewalk or parking lot, so as to interfere with the property rights of the owner(s) or with any person's ability to use the services afforded by such property when there exists on such property or at the entrance of such property a posted sign which expressly prohibits loitering. *(Ord. 601)*

40.08 STANDING, LOITERING AND OBSTRUCTING PERSONS ON PUBLIC PROPERTY. No person shall collect, assemble or group together and after being so collected, assembled or grouped together, stand or loiter on any sidewalk, parking area or any street corner, or at any other place in the City to the hindrance or obstruction to free passage of any person or persons passing on or along any sidewalk in said City. *(Ord. 600)*

CHAPTER 41

PUBLIC HEALTH AND SAFETY

41.01 Distributing Dangerous Substances	41.09 Discharging Weapons
41.02 False Reports to Law Enforcement Authorities	41.10 Throwing and Shooting
41.03 Interference with Official Acts	41.11 Urinating and Defecating
41.04 Refusing to Assist Officer	41.12 Fireworks Permit
41.05 Harassment of Public Officers and Employees	41.13 Tobacco Use
41.06 Abandoned or Unattended Refrigerators	41.14 Providing False Identification Information
41.07 Antenna and Radio Wires	41.15 Hunting, Trapping in City Limits
41.08 Barbed Wire and Electric Fences	

41.01 DISTRIBUTING DANGEROUS SUBSTANCES. No person shall distribute samples of any drugs or medicine, or any corrosive, caustic, poisonous or other injurious substance unless the person delivers such into the hands of a competent person, or otherwise takes reasonable precautions that the substance will not be taken by children or animals from the place where the substance is deposited.

(Code of Iowa, Sec. 727.1)

41.02 FALSE REPORTS TO LAW ENFORCEMENT AUTHORITIES. No person shall report or cause to be reported false information to a fire department or a law enforcement authority, knowing that the information is false, or shall report the alleged occurrence of a criminal act knowing the same did not occur.

(Code of Iowa, Sec. 718.6)

41.03 INTERFERENCE WITH OFFICIAL ACTS. No person shall knowingly resist or obstruct anyone known by the person to be a peace officer or fire fighter, whether paid or volunteer, in the performance of any act which is within the scope of the lawful duty or authority of that officer or fire fighter, or shall knowingly resist or obstruct the service or execution by any authorized person of any civil or criminal process or order of any court. The terms “resist” and “obstruct” as used in this section do not include verbal harassment unless the verbal harassment is accompanied by a present ability and apparent intention to execute a verbal threat physically.

(Code of Iowa, Sec. 719.1)

41.04 REFUSING TO ASSIST OFFICER. Any person who is requested or ordered by any magistrate or peace officer to render the magistrate or officer assistance in making or attempting to make an arrest, or to prevent the commission of any criminal act, shall render assistance as required. No person

shall unreasonably and without lawful cause, refuse or neglect to render assistance when so requested.

(Code of Iowa, Sec. 719.2)

41.05 HARASSMENT OF PUBLIC OFFICERS AND EMPLOYEES.

No person shall willfully prevent or attempt to prevent any public officer or employee from performing the officer's or employee's duty.

(Code of Iowa, Sec. 718.4)

41.06 ABANDONED OR UNATTENDED REFRIGERATORS.

No person shall abandon or otherwise leave unattended any refrigerator, ice box, or similar container, with doors that may become locked, outside of buildings and accessible to children, nor shall any person allow any such refrigerator, ice box, or similar container, to remain outside of buildings on premises in the person's possession or control, abandoned or unattended and so accessible to children.

(Code of Iowa, Sec. 727.3)

41.07 ANTENNA AND RADIO WIRES. It is unlawful for a person to allow antenna wires, antenna supports, radio wires or television wires to exist over any street, alley, highway, sidewalk, public way, public ground or public building without written consent of the Council.

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

41.08 BARBED WIRE AND ELECTRIC FENCES. It is unlawful for a person to use barbed wire or electric fences to enclose land within the City limits without the written consent of the Council unless such land consists of ten (10) acres or more and is used as agricultural land.

41.09 DISCHARGING WEAPONS. It is unlawful for a person to discharge rifles, shotguns, revolvers, pistols, guns, BB guns, or other firearms of any kind within the City limits except by written consent of the Council.

41.10 THROWING AND SHOOTING. It is unlawful for a person to throw stones, bricks 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, alley, highway, sidewalk, public way, public ground or public building, without written consent of the Council.

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

41.11 URINATING AND DEFECATING. It is unlawful for any person to urinate or defecate onto any sidewalk, street, alley, or other public way, or onto any public or private building, including but not limited to the wall, floor,

hallway, steps, stairway, doorway or window thereof, or onto any public or private land.

41.12 FIREWORKS PERMIT. (Repealed by Ordinance No. 879 – Mar. 18 Supp.)

41.13 TOBACCO USE. All provisions of Chapter 142D of the Iowa Code, as may from time to time be amended, are hereby adopted. Additionally, there shall be no smoking in any City owned parks, shelters, recreation fields, or any other City grounds owned or controlled by the City. There shall be no smoking in any private vehicles located on any City owned or controlled grounds, parks or recreation fields, except recreational vehicles located in designated campgrounds on City owned parks. There shall be no smoking in or on any City owned vehicles, equipment, or machinery. Any violation thereof shall be deemed a municipal infraction punishable in accord with the schedules set forth in Chapter 142D of the Iowa Code. There shall be no tobacco use in or on any City owned parks. A violation of this provision shall be deemed a municipal infraction and punishable in accord with the Glenwood City Code of Ordinances. “Tobacco use” shall include smoking, chewing, snuffing or dipping tobacco or tobacco products. *(Ord. 855 – Jul. 13 Supp.)*

41.14 PROVIDING FALSE IDENTIFICATION INFORMATION. No person shall knowingly provide false identification information to anyone known by the person to be a peace officer, emergency medical care provider, or firefighter, whether paid or volunteer, in the performance of any act that is within the scope of the lawful duty or authority of that officer, emergency medical care provider, or firefighter.

(Code of Iowa, Sec. 719.1A)

(Ord. 835 – Oct. 10 Supp.)

41.15 HUNTING, TRAPPING IN CITY LIMITS.

1. Definition. Hunting is defined as pursuing, killing, trapping, snaring, netting, searching for or shooting at, stalking or lying in wait for any game, animal or bird protected by the State laws or rules adopted by the Department of Natural Resources, whether or not such animal is then subsequently captured, killed or injured.

2. Prohibition. It is unlawful for a person to hunt or trap within the City limits or to use any weapons, including snares, traps, pits or other devices capable of killing or injuring an animal. Live trapping of animals that does not cause injury to animals is allowed. Hunting with firearms within City limits is prohibited. Written consent of the Police Chief is required to discharge a firearm manufactured for the control of

geese or waterfowl even if the firearm is non-lethal and cannot cause death or injury upon any human being or animal.

3. Special Permits. Special permits by order of the Council may be issued from time to time to allow a special hunting season in the City limits to kill an overpopulated deer herd or goose population and only if the hunting is done with a bow and arrow.

(Ord. 854 – Mar. 13 Supp.)

CHAPTER 42

PUBLIC AND PRIVATE PROPERTY

42.01 Trespassing

42.02 Criminal Mischief

42.03 Defacing Proclamations or Notices

42.04 Unauthorized Entry

42.05 Fraud

42.06 Theft

42.07 Unauthorized Computer Access

42.01 TRESPASSING. It is unlawful for a person to knowingly trespass upon the property of another. As used in this section, the term “property” includes any land, dwelling, building, conveyance, vehicle or other temporary or permanent structure whether publicly or privately owned. The term “trespass” means one or more of the following acts:

(Code of Iowa Sec. 716.7 and 716.8)

1. Entering Property Without Permission. Entering upon or in property without the express 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.

(Code of Iowa, Sec. 716.7 [2a])

2. Entering or Remaining on Property. Entering or remaining upon or in property without 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, Sec. 716.7 [2b])

3. Interfering with Lawful Use of Property. Entering upon or in property for the purpose or with the effect of unduly interfering with the lawful use of the property by others.

(Code of Iowa, Sec. 716.7 [2c])

4. Using Property Without Permission. Being upon or in property and wrongfully using, removing therefrom, altering, damaging, harassing, or placing thereon or therein anything animate or inanimate, without the implied or actual permission of the owner, lessee, or person in lawful possession.

(Code of Iowa, Sec. 716.7 [2d])

None of the above shall be construed to prohibit entering upon the property of another for the sole purpose of retrieving personal property which has

accidentally or inadvertently been thrown, fallen, strayed, or blown onto the property of another, provided that the person retrieving the property takes the most direct and accessible route to and from the property to be retrieved, quits the property as quickly as is possible, and does not unduly interfere with the lawful use of the property.

(Code of Iowa, Sec. 716.7(3))

42.02 CRIMINAL MISCHIEF. It is unlawful, for any person who has no right to do so, to intentionally damage, deface, alter or destroy tangible property.

(Code of Iowa, Sec. 716.1)

42.03 DEFACING PROCLAMATIONS OR NOTICES. It is unlawful for a person intentionally to 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 the 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, Sec. 716.1)

42.04 UNAUTHORIZED ENTRY. No unauthorized person shall enter or remain in or upon any public building, premises or grounds in violation of any notice posted thereon or when said building, premises or grounds are closed and not open to the public. When open to the public, a failure to pay any required admission fee also constitutes an unauthorized entry.

42.05 FRAUD. It is unlawful for any person to commit a fraudulent practice as defined in Section 714.8 of the Code of Iowa.

(Code of Iowa, Sec. 714.8)

42.06 THEFT. It is unlawful for any person to commit theft. A person commits theft when the person does any of the following:

(Code of Iowa, Sec. 714.1)

1. Takes possession or control of the property of another, or property in the possession of another, with the intent to deprive the other thereof.
2. Misappropriates property which the person has in trust, or property of another which the person has in the person's possession or control, whether such possession or control is lawful or unlawful, by using or disposing of it in a manner which is inconsistent with or a denial of the trust or of the owner's rights in such property, or conceals found property, or appropriates such property to the person's own use, when the owner of such property is known to the person.

3. Obtains the labor or services of another, or a transfer of possession, control, or ownership of the property of another, or the beneficial use of property of another, by deception.
4. Exercises control over stolen property, knowing such property to have been stolen, or having reasonable cause to believe that such property has been stolen, unless the person's purpose is to promptly restore it to the owner or to deliver it to an appropriate public officer.
5. Takes, destroys, conceals or disposes of property in which someone else has a security interest, with intent to defraud the secured party.
6. Makes, utters, draws, delivers, or gives any check, share draft, draft, or written order on any bank, credit union, person or corporation, and obtains property or service in exchange therefor, if the person knows that such check, share draft, draft or written order will not be paid when presented.
7. Obtains gas, electricity or water from a public utility or obtains cable television or telephone service from an unauthorized connection to the supply or service line or by intentionally altering, adjusting, removing or tampering with the metering or service device so as to cause inaccurate readings.
8. Any act that is declared to be theft by any provision of the Code of Iowa.

42.07 UNAUTHORIZED COMPUTER ACCESS. It is unlawful for a person to knowingly and without authorization access a computer, computer system or computer network. *(Ord. 660 – Sep. 00 Supp.)*

(Code of Iowa, Sec. 716.6B)

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CHAPTER 45

ALCOHOL CONSUMPTION AND INTOXICATION

45.01 Persons Under Legal Age

45.02 (Repealed by Ordinance No. 625)

45.03 Public Consumption or Intoxication

45.04 Open Container on Streets and Highways

45.01 PERSONS UNDER LEGAL AGE. As used in this section, “legal age” means twenty-one (21) years of age or more.

1. A person or persons under legal age shall not purchase or attempt to purchase or individually or jointly have alcoholic liquor, wine or beer in 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, presence and consent of the parent or guardian, for beverage or medicinal purposes or as administered to the person 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 the person’s employment by a liquor control licensee, or wine or beer permittee under State laws.

(Code of Iowa, Sec. 123.47[2])

2. A person under legal age shall not misrepresent the person’s age for the purpose of purchasing or attempting to purchase any alcoholic beverage, wine or beer from any licensee or permittee. *(Ord. 625)*

(Code of Iowa, Sec. 123.49[3])

45.02 PERSONS AGE EIGHTEEN, NINETEEN AND TWENTY.
(Repealed by Ordinance No. 625)

45.03 PUBLIC CONSUMPTION OR INTOXICATION.

1. As used in this section unless the context otherwise requires:

A. “Arrest” means the same as defined in Section 804.5 of the Code of Iowa and includes taking into custody pursuant to Section 232.19 of the Code of Iowa.

B. “Chemical test” means a test of a person’s blood, breath, or urine to determine the percentage of alcohol present by a qualified person using devices and methods approved by the Commissioner of Public Safety.

C. “Peace Officer” means the same as defined in Section 801.4 of the Code of Iowa.

D. “School” means a public or private school or that portion of a public or private school which provides teaching for any grade from kindergarten through grade twelve.

2. A person shall not use or consume alcoholic liquor, wine or beer upon the public streets or highways. A person shall not use or consume alcoholic liquor in any public place, except premises covered by a liquor control license. A person shall not possess or consume alcoholic liquors, wine or beer on public school property or while attending any public or private school-related function. A person shall not be intoxicated or simulate intoxication in a public place. A person violating this subsection is guilty of a simple misdemeanor.

3. When a peace officer arrests a person on a charge of public intoxication under this section, the peace officer shall inform the person that the person may have a chemical test administered at the person’s own expense. If a device approved by the Commissioner of Public Safety for testing a sample of a person’s breath to determine the person’s blood alcohol concentration is available, that is the only test that need be offered the person arrested. In a prosecution for public intoxication, evidence of the results of a chemical test performed under this subsection is admissible upon proof of a proper foundation. The percentage of alcohol present in a person’s blood, breath, or urine established by the results of a chemical test performed within two hours after the person’s arrest on a charge of public intoxication is presumed to be the percentage of alcohol present at the time of arrest.

(Code of Iowa, Sec. 123.46)

45.04 OPEN CONTAINER ON STREETS AND HIGHWAYS. *(Repealed by Ordinance No. 648 - See Section 62.12 of this Code of Ordinances.)*

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CHAPTER 46

MINORS

46.01 Curfew
46.02 Minors in Taverns
46.03 Minors in Billiard Rooms

46.04 Cigarettes and Tobacco
46.05 Contributing to Delinquency

46.01 CURFEW. A curfew applicable to minors is established and shall be enforced as follows:

1. Definition. The term “minor” means in this section, any unmarried person below the age of eighteen (18) years.

2. Time Limits. It is unlawful for any minor to be or remain upon any of the alleys, streets or public places or places of business and amusement in the City between the hours of twelve o’clock (12:00) midnight and five o’clock (5:00) a.m. of any day of the week.

(Ord. 814 – Oct. 08 Supp.)

3. Exceptions. The restriction provided by subsection 46.01(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/her home or place of residence and the place where any approved employment, church, municipal or school function is being held.

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 46.01(2), except as otherwise provided in subsection 46.01(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 46.01(2) except as otherwise provided in subsection 46.01(3).

6. Enforcement. Any peace officer of the City while on duty is hereby empowered to arrest any minor who violates any of the provisions of Subsections 46.01(2) and (3). Upon arrest, the minor shall be returned to the custody of the parent, guardian or other person charged with the care and custody of the minor.

46.02 MINORS IN TAVERNS. It is unlawful for any person under legal age to enter, remain in or frequent a business establishment holding a retail liquor or beer permit after the hour of nine o'clock (9:00) p.m. on any day unless over fifty percent (50%) of the dollar volume of the business establishment comes from the sale and serving of prepared foods.

46.03 MINORS IN BILLIARD ROOMS. It is unlawful for any person who keeps a billiard hall where beer, liquor or wine is sold, or the agent, clerk or employee of any such person, or any person having charge or control of any such hall, to permit any minor to remain in such hall or to take part in any of the games known as billiards or pool.

46.04 CIGARETTES AND TOBACCO. It is unlawful for any person under eighteen (18) years of age to smoke, use, possess, purchase or attempt to purchase any tobacco, tobacco products or cigarettes. Possession of cigarettes or tobacco products by a person under eighteen years of age shall not constitute a violation of this section if said person possesses the cigarettes or tobacco products as part of the person's employment and said person is employed by a person who holds a valid permit under Chapter 453A of the Code of Iowa and lawfully offers for sale or sells cigarettes or tobacco products.

(Ord. 663 – Sep. 00 Supp.)

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

46.05 CONTRIBUTING TO DELINQUENCY. It is unlawful for any person to encourage any child under eighteen (18) years of age to commit any act of delinquency.

(Code of Iowa, Sec. 709A.1)

CHAPTER 47

PARK REGULATIONS

47.01 Purpose
47.02 Parking
47.03 Use of Drives Required
47.04 Fires
47.05 Littering
47.06 Camping Areas

47.07 Camping Refused
47.08 Glenwood Lake Park Regulations
47.09 Obedience to Signs
47.10 Hunting
47.11 Violation of Rules

47.01 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, Sec. 364.12)

47.02 PARKING. All vehicles shall be parked in designated parking areas.

47.03 USE OF DRIVES REQUIRED. No person shall drive any car, cycle or other vehicle, or ride or lead 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 Park Commission.

47.04 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.

47.05 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.

47.06 CAMPING AREAS. No person shall camp in any portion of a park except in portions prescribed or designated by the Park Commission.

47.07 CAMPING REFUSED. The Park Commission may refuse camping privileges or rescind any and all camping privileges for cause.

47.08 GLENWOOD LAKE PARK REGULATIONS. The following rules and regulations apply in Glenwood Lake Park:

1. Swimming. No person shall swim in the lake.
2. Debris. No person shall throw any dirt, sticks or other debris into the lake.

3. Ice Skating. No person shall ice skate on the lake during the winter months.
4. Boating. No person shall place or use in such lake any privately owned motor boat.
5. Violate Rules. No person shall violate any of the rules and regulations adopted by the Iowa State Department of Natural Resources for the conduct of such park and the fishing therein, such rules and regulations being posted in conspicuous places in such park.
6. Stocking. It is unlawful for any person to place any fish in the water of said lake, except the Iowa State Department of Natural Resources, its agents or employees, and the agents or employees of the park commissioners of the City.
7. Curfew. It is unlawful for any person to enter said park, or to be upon any of the grounds enclosed within the limits of the park, between the hours of 12:01 A.M. and 5:00 A.M. of each day of the year; and except that when the said park is closed, and notices thereof have been posted in at least two (2) conspicuous places in said park, no person or persons shall enter said park or be upon any of the grounds enclosed within the limits of such park from any time from one-half (1/2) hour after sunset until one-half (1/2) hour before sunrise, except upon special permission of the park commissioners of the City.

47.09 OBEDIENCE TO SIGNS. It is unlawful for any person to disobey the order or orders on any signs placed in any park by the park commissioners of the City.

47.10 HUNTING. It is unlawful for any person to do any hunting of any kind in any park, or to shoot or in any manner injure any birds or animals therein.

47.11 VIOLATION OF RULES. It is unlawful for any person to violate any rules or regulations hereafter adopted by the park commissioners and approved by the Council, when such rules or regulations have been posted in at least two (2) conspicuous places in said park.

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CHAPTER 48

FIREWORKS REGULATION

48.01 Definitions

48.02 Scope of Regulations

48.03 Display Fireworks Regulations

48.04 Consumer Fireworks Regulations

48.05 Novelties Use Regulations

48.06 First-Class Consumer Fireworks and Second-Class
Consumer Fireworks Use Restrictions

48.07 Prohibition of Fireworks or Novelties Use

48.08 General Requirements

48.09 Sale of Fireworks

48.10 Penalty

48.01 DEFINITIONS. For purposes of this chapter:

1. “APA 87-1” means the American Pyrotechnics Association Standard 87-1 as published in December, 2001, and as may be amended from time to time and re-published.
2. “City” means the City of Glenwood, Iowa.
3. “Consumer fireworks” means first-class consumer fireworks and second-class consumer fireworks as those terms are defined in Section 100.19, *Code of Iowa*.
4. “Display fireworks” means the fireworks defined in Section 727.2, *Code of Iowa*, as amended from time to time.
5. “Explosive” means any chemical compound, mixture or device, the primary or common purpose of which is to function by explosion with substantially instantaneous release of gas and heat, unless such compound, mixture or device is otherwise specifically classified by the United States Department of Transportation. The term includes all materials which are classified as a Class 1, Division 1.1, 1.2, 1.3, or 1.4 explosive by the United States Department of Transportation under 49 C.F.R. Section 173.50, and all materials classified as explosive materials under 18 U.S.C. Section 841, and includes, but is not limited to, dynamite, black powder, pellet powders, initiating explosives, blasting caps, electric blasting caps, safety fuse, fuse lighters, fuse igniters, squibs, cordeau detonative fuse, instantaneous fuse, igniter cord, igniters, smokeless propellant, cartridges for propellant-actuated power devices, cartridges for industrial guns, and overpressure devices, but does not include “consumer fireworks,” “display fireworks,” or “novelties” as those terms are defined in this chapter, or ammunition or small arms primers manufactured for use in shotguns, rifles, and pistols.
6. “Fireworks” means 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.

7. “First-class consumer fireworks” means those fireworks defined as first-class consumer fireworks in Section 100.19(c), *Code of Iowa*, as amended from time to time, and includes, but is not limited to, the following consumer fireworks:

- A. Aerial shell kits and reloadable tubes.
- B. Chasers.
- C. Helicopter and aerial spinners.
- D. Firecrackers.
- E. Mine and shell devices.
- F. Missile-type rockets.
- G. Roman candles.
- H. Sky rockets and bottle rockets.
- I. Multiple tube devices under this paragraph manufactured in accordance with APA 87-1, Section 3.5.

8. “Novelties” means those items enumerated as novelties as defined in Section 727.2, *Code of Iowa*, as amended from time to time, and includes those items classified as novelties in Chapter 3 of APA 87-1, and that comply with the labeling regulations issued by the U.S. Consumer Products Safety Commission.

9. “Permanent Building” means a structure as defined by the State Fire Marshal by administrative regulation or rule, which shall comply with the National Fire Protection Association, Standard 1124, published in the National Fire Protection Code relating to the manufacture, transportation, storage and retail sale of fireworks and pyrotechnic articles, 2006 Edition, as it may be amended from time to time.

10. “Retailer” means as defined in Section 423.1, *Code of Iowa*.

11. “Sale” or “sell” means transfer of ownership or possession in exchange for valuable consideration furnished by the person receiving ownership or possession.

12. “Second-class consumer fireworks” means those fireworks defined as second-class consumer fireworks in Section 100.19(e), *Code of Iowa*, as amended from time to time, and includes, but is not limited to the following consumer fireworks:

- A. Cone fountains.

- B. Cylindrical foundations.
 - C. Flitter sparklers.
 - D. Ground and hand-held sparkling devices, including multiple tube ground and hand-held sparkling devices that are manufactured in accordance with APA 87-1, Section 3.5.
 - E. Ground spinners.
 - F. Illuminating torches.
 - G. Toy smoke devices that are not classified as novelties pursuant to APA 87-1, Section 3.2.
 - H. Wheels.
 - I. Wire or dipped sparkers that are not classified as novelties pursuant to APA 87-1, Section 3.2.
13. “Stand-alone structure” means either a permanent building or a temporary structure attached to no other building or structure, and which is located a minimum of fifty (50) feet from any adjacent structure.
14. “Structure” means a place constructed by putting together materials which satisfies all conditions for a structure as set out in regulations or rules of the State Fire Marshal.
15. “Temporary structure” means that structure as defined by the State Fire Marshal by administrative regulation or rule, which shall comply with the National Fire Protection Association, Standard 1124, published in the National Fire Protection Code relating to the manufacture, transportation, storage and retail sale of fireworks and pyrotechnic articles, 2006 Edition, and amendments thereto.
16. “Use” means to apply the device or substance involved to the purpose for which it was designed. In the case of fireworks, this includes the discharge or exploding of the device or substance.
17. “Wholesaler” means a person who engages in the business of selling or distributing consumer fireworks for the purpose of re-sale in the State of Iowa.

48.02 SCOPE OF REGULATIONS. The City of Glenwood deems the use of display fireworks and consumer fireworks both a threat to public safety and a possible nuisance, and therefore prohibits the use of display fireworks, consumer fireworks, and novelties except as provided in this chapter.

48.03 DISPLAY FIREWORKS REGULATIONS. It is unlawful for any person to use display fireworks, unless upon application and permit therefore

issued by the City in accordance with conditions established by the City Council. In addition to or incorporated into the conditions established, shall be conditions requiring that the operator or sponsoring organization has satisfied the City that the display fireworks will be managed by a competent operator and that the operator or sponsoring organization has filed with the City Clerk evidence of liability insurance protecting the City with limits established by the City, but not less than \$1,000,000 per person and \$2,000,000 aggregate.

48.04 CONSUMER FIREWORKS REGULATIONS. Consumer fireworks may be used without advance notice as long as in compliance with all other regulations and restrictions concerning consumer fireworks use in the City.

48.05 NOVELTIES USE REGULATIONS. Novelties may be used without advance notice as long as in compliance with all other regulations and restrictions concerning novelties use in the City.

48.06 FIRST-CLASS CONSUMER FIREWORKS AND SECOND-CLASS CONSUMER FIREWORKS USE RESTRICTIONS. In addition to any restrictions stated in other sections of this chapter, the following use restrictions are adopted for use both of first-class consumer fireworks and second-class consumer fireworks:

1. Date(s) of use – first-class consumer fireworks and second-class consumer fireworks may be used only on the following dates and times. All times are local times:
 - A. July 1, July 2 and July 3 of each year beginning at 9:00 A.M. and ending at 10:00 P.M. each day;
 - B. July 4 of each year beginning at 9:00 A.M. and ending at 11:00 P.M.;
 - C. July 5 of each year beginning at 9:00 A.M. and ending at 10:00 P.M.;
 - D. December 30 of each year beginning at 9:00 A.M. and ending at 10:00 P.M. each day;
 - E. December 31 of each year beginning at 9:00 A.M. and ending at 12:30 A.M. of the day following;
 - F. January 1 and January 2 of each year beginning at 9:00 A.M. and ending at 10:00 P.M.
2. Proximity to structures. Fireworks shall be discharged a minimum of fifty (50) feet from any structure at the location where discharged.

3. Supervision. Use of first-class consumer fireworks shall be under supervision of the responsible person indicated on the notice filed with the City Clerk. Use of second-class consumer fireworks shall be under supervision of an adult. The responsible person or adult shall be physically present at the location and in a position to enable the responsible person or adult to render assistance on an immediate basis.
4. Fire extinguisher. It shall be the responsibility of the responsible person or adult to have present at the location a fire extinguisher sufficient to suppress or extinguish fires started by use of the fireworks.
5. Reserved power in City. The City Fire Chief or Chief of Police may refuse or end the use of fireworks at any location in the event the Fire Chief or Chief of Police determines use at that location to be unsafe or in violation of this chapter.

48.07 PROHIBITATION OF FIREWORKS OR NOVELTIES USE. The City may prohibit use of fireworks or novelties when an increased fire danger is present, or for any other good cause posing hazard to the City or property of its residents.

48.08 GENERAL REQUIREMENTS.

1. Adults only. No person under the age of 18 years shall discharge a first-class consumer fireworks or second-class consumer fireworks without supervision as specified in this chapter.
2. Intoxication. No fireworks shall be discharged by a person under the influence of an alcoholic beverage or drugs.
3. Responsibility for safe use. The responsible person or adult at each location where consumer fireworks are used is responsible for both proper and safe use of the fireworks and use in compliance with this chapter.
4. Unsafe or reckless use. No person shall discharge fireworks in an unsafe or reckless manner or with the intent to cause injury, death, fire or property damage either to the person's property or that of a third party.
5. Alteration of components. It is a violation of this chapter for any person to alter components of fireworks. The responsible person or any adult at the location of the violation may be charged accordingly.
6. Open flame devices. Open flame devices shall not be released into the air, unless the device after release remains connected to a person able to retrieve the device during or after use.
7. Public property use restrictions. It is unlawful for any person to use fireworks upon public property within the City, unless upon

application and permit therefore issued by the City in accordance with the requirements of Section 48.03 of this chapter. This use restriction includes, but is not limited to, use of fireworks upon City parks, street rights-of-way, sidewalks, recreational trail areas and the adjoining easement area thereto, and upon other easement areas granted to the City.

48.09 SALE OF FIREWORKS. The following regulations apply to sales or selling of fireworks within the City:

1. State Fire Marshall. The sale of consumer fireworks shall be regulated by the State Fire Marshal. Dates of permitted sales, minimum requirements for a consumer fireworks seller license and issuance of licenses shall be controlled by the State Fire Marshal, and those rules and regulations are hereby adopted by reference and incorporated into this chapter in addition to those provisions herein stated. In the event of a conflict between the rules and regulations of the State Fire Marshal and the provisions of this ordinance, the stricter provision shall be deemed controlling, in the absence of a state law providing otherwise.
2. Place of sales. The sale of fireworks shall be limited to either a permanent building or temporary structure meeting the requirements of the State Fire Marshal, which building or structure is a stand-alone structure under this chapter.
3. NFP standards. Any seller of consumer fireworks as described in APA 87-1, Chapter 3, shall do so in accordance with the National Fire Protection Standard 1124, published in the National Fire Protection Code relating to the manufacture, transportation, storage and retail sales of fireworks and pyrotechnic articles, 2006 Edition, and amendments thereto.
4. Permit and insurance required. A seller must provide to the City Clerk proof satisfactory to the City of the seller's possession of a valid license issued by the State Fire Marshal and a policy of commercial general liability insurance with minimum limits per occurrence of \$1,000,000 and minimum aggregate limits of \$2,000,000 with both the City of Glenwood and the property owner where the permanent building or temporary structure is located shown as additional insureds, effective during the entire duration of sale dates provided for under law.
5. Sale dates and times. Sales of fireworks from the following structures are permitted each year during the dates and times shown. All times are local time.
 - A. Permanent building. June 1 through July 8, and December 10, to the following January 3, all dates inclusive.

- B. Temporary structure. June 13 through July 8, inclusive.
 - C. Hours: Sales shall begin at 8:00 A.M. and shall end at 8:00 P.M.
- 6. Age restrictions. No consumer fireworks shall be sold to any person under the age of 18 years on the date of sale.
 - 7. Where allowed. Fireworks sales shall be permitted only in areas not zoned as residential under the City of Glenwood Zoning Ordinance.

48.10 PENALTY. Any person found guilty of a violation of an of the provisions of this chapter shall upon conviction be subject to a minimum fine of \$250.00, plus court costs. Any violation of the provisions of this chapter may be prosecuted as a municipal infraction under this Code of Ordinances, either in addition to or in lieu of, the criminal prosecution.

(Ch. 48 – Ord. 879 – Mar. 18 Supp.)

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CHAPTER 50

NUISANCE ABATEMENT PROCEDURE

50.01 Definition of Nuisance
50.02 Nuisances Enumerated
50.03 Other Conditions
50.04 Nuisances Prohibited
50.05 Nuisance Abatement
50.06 Notice to Abate: Contents
50.07 Method of Service
50.08 Request for Hearing

50.09 Abatement in Emergency
50.10 Abatement by City
50.11 Collection of Costs
50.12 Installment Payment of Cost of Abatement
50.13 Failure to Abate
50.14 Fine for Failure to Abate
50.15 Subsequent Violation Within 365 Days

50.01 DEFINITION OF NUISANCE. Whatever is injurious to health, indecent, or unreasonably offensive to the senses, or an obstruction to the free use of property so as essentially to interfere unreasonably with the comfortable enjoyment of life or property is a nuisance. *(Ord. 581)*

(Code of Iowa, Sec. 657.1)

50.02 NUISANCES ENUMERATED. The following subsections include, but do not limit, the conditions which are deemed to be nuisances in the City:

1. **Offensive Smells.** Erecting, continuing or using any building or other place for the exercise of any trade, employment or manufacture, which, by occasioning noxious exhalations, unreasonably offensive smells, or other annoyances, becomes injurious and dangerous to the health, comfort or property of individuals or the public. *(Ord. 581)*

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

2. **Filth or Noisome Substance.** 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, Sec. 657.2[2])

3. **Impeding Passage of Navigable River.** Obstructing or impeding without legal authority the passage of any navigable river, harbor or collection of water.

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

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

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

5. Blocking Public and Private Ways. Obstructing or encumbering, by fences, buildings or otherwise, the public roads, private ways, streets, alleys, commons, landing places or burying grounds.

(Code of Iowa, Sec. 657.2[5])

6. 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. **(See also Section 62.09)**

(Code of Iowa, Sec. 657.2[7])

7. (Repealed by Ordinance No. 604)

8. Storing of Flammable Junk. Depositing or storing of flammable junk, such as old rags, rope, cordage, rubber, bones and paper, by dealers in such articles within the fire limits of the City, unless in a building of fireproof construction. **(See also Chapter 51)**

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

9. Air Pollution. Emission of dense smoke, noxious fumes or fly ash.

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

10. Weeds, Brush. 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, 657.2[12])

11. Dutch Elm Disease. Trees infected with Dutch Elm Disease. **(See also Chapter 151)**

(Code of Iowa, Sec. 657.2[13])

12. 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])

13. Houses of Ill Fame. Houses of ill fame, kept for the purpose of prostitution and lewdness; gambling houses; places resorted to by persons participating in criminal gang activity prohibited by Chapter 723A of the Code of Iowa or places resorted to by persons using controlled substances, as defined in Section 124.101 of the Code of Iowa, in violation of law, or houses where drunkenness, quarreling, fighting or breaches of the peace are carried on or permitted to the disturbance of others.

(Code of Iowa, Sec. 657.2[6])

14. Accumulation of Litter. Accumulation of litter, as defined in Chapter 105 of this Code of Ordinances, on any premises, improved or vacant, or on any public place.

50.03 OTHER CONDITIONS. The following chapters of this Code of Ordinances contain regulations prohibiting or restricting other conditions which are deemed to be nuisances:

1. Inoperable Vehicles and Junk (**See Chapter 51**)
2. Dangerous Buildings (**See Chapter 145**)
3. Storage and Disposal of Solid Waste (**See Chapter 105**)
4. Trees (**See Chapter 151**)
5. Drug Paraphernalia (**See Chapter 52**)

50.04 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 or State law.

(Code of Iowa, Sec. 657.3)

50.05 NUISANCE ABATEMENT. Whenever the Mayor or other authorized municipal officer finds that a nuisance exists, such officer may cause to be served upon the property owner, or any person in possession thereof, a written notice to abate the nuisance within a reasonable time after notice.

(Ord. 696 – Jun. 02 Supp.)

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

50.06 NOTICE TO ABATE: CONTENTS. The notice to abate shall contain:

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

1. Description of Nuisance. A description of what constitutes the nuisance.
2. Location of Nuisance. The location of the nuisance.
3. Acts Necessary to Abate. A statement of the act or acts necessary to abate the nuisance.
4. Reasonable Time. A reasonable time within which to complete the abatement.
5. Assessment of 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.

6. Notice of Subsequent Violation. A statement that in the event such nuisance is abated by the City, a subsequent like nuisance which occurs on the same property within 365 days of the date of the notice may be abated by the City without prior notice to such person and with the costs assessed to such person. *(Ord. 732 – Oct. 03 Supp.)*

50.07 METHOD OF SERVICE. The notice may be served upon the property owner or person in possession thereof by personal service, certified mail, regular mail or publication in the Glenwood Opinion Tribune. If the owner of the property or the person in possession thereof is unknown or their whereabouts are unknown, notice may be provided by posting a dated and signed placard in a conspicuous place on the property in violation of this chapter. *(Ord. 748 – Nov. 04 Supp.)*

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

50.08 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.

50.09 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 50.11 after notice to the property owner under the applicable provisions of Sections 50.05, 50.06 and 50.07 and hearing as provided in Section 50.08.

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

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

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

50.11 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 costs to the County Treasurer and such costs shall then be collected with, and in the same manner, as general property taxes.

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

50.12 INSTALLMENT PAYMENT OF COST OF ABATEMENT. If the amount expended to abate the nuisance or condition exceeds one hundred dollars (\$100.00), the City may permit the assessment to be paid in up to ten (10) annual installments, to be paid in the same manner and with the same interest rates provided for assessments against benefited property under State law.

(Code of Iowa, Sec. 364.13)

50.13 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 is in violation of this Code of Ordinances.

50.14 FINE FOR FAILURE TO ABATE. Any person who fails to abate either a public or private nuisance, after (1) being served with a notice to abate and not requesting a hearing within the time prescribed in the notice as provided in Section 50.08, or (2) after being ordered to abate a nuisance by the Council after hearing and within the time so provided in the order of the Council, shall be subject to the fine as established in Section 1.10 of this Code of Ordinances. Every day that the nuisance continues after the date of (1) or (2) above, shall be considered a separate violation of this section. The issuance of a complaint or citation under this section shall not be considered the sole remedy of the City and shall not be deemed to restrict the City's ability to seek additional relief under this statute or the Code of Iowa. *(Ord. 647 – Nov. 99 Supp.)*

50.15 SUBSEQUENT VIOLATION WITHIN 365 DAYS. If a person allows a subsequent nuisance to exist within 365 days of being served with a previous nuisance abatement notice involving the same subject matter and property as the previous nuisance and for which the City abated the previous nuisance pursuant to Section 50.10, the City shall have the right to abate the subsequent nuisance without prior notice to such person and to immediately certify the costs thereof to the County Treasurer. *(Ord. 813 – Aug. 08 Supp.)*

EDITOR'S NOTE

A suggested form of notice for the abatement of nuisances is included in the appendix of this Code of Ordinances.

Caution is urged in the use of this administrative abatement procedure, particularly where cost of abatement is more than minimal or where there is doubt as to whether or not a nuisance does in fact exist. If compliance is not secured following notice and hearings, we recommend you review the situation with your attorney before proceeding with abatement and assessment of costs. Your attorney may recommend proceedings in court under Chapter 657 of the Code of Iowa rather than this procedure.

CHAPTER 51

INOPERABLE VEHICLES AND JUNK

51.01 Definitions

51.02 Parking and Storage of Inoperable Vehicles or Junk

51.03 Inoperable Vehicles and Junk a Nuisance

51.04 Auction Sale

51.05 Lot Parking

51.06 Lot Parking Duration

51.07 Lot Defined

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

1. “Inoperable” means incapable of being put into use or operation.
2. “Inoperable vehicle” means any motor vehicle that is required to be licensed by law, recreational vehicle, boat, trailer or semi-trailer which lacks (a) current registration or (b) one or more wheels (exclusive of the spare) or an engine transmission, differential, drive shaft, axle or any other component part thereof, the absences or removal of which renders the vehicle inoperable by its own power. *(Ord. 585)*
3. “Junk” means all old or scrap copper, brass, lead, or any other non-ferrous metal; old or discarded 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 or discarded glass, tinware, plastic or old or discarded household goods or hardware. Neatly stacked firewood located on a side yard or a rear yard is not considered to be junk.
4. “Vehicle” means any motor vehicle required to be licensed by law, recreational vehicle, boat, trailer or semi-trailer.

(Ord. 749 – Nov. 04 Supp.)

51.02 PARKING AND STORAGE OF INOPERABLE VEHICLES OR

JUNK. No person shall park, place, keep or store or permit the parking, placing, keeping or storage of an inoperable vehicle, vehicular component parts or miscellaneous junk and debris on any public or private property within corporate limits of the City unless it is within a completely enclosed building. This section does not apply to short term emergency repairs on licensed vehicles. The definition of “short term” shall be determined by the Police Chief and the Public Works Director at their discretion. This section does not apply to auto salvage yards lawfully operated within the City and enclosed by a fence or wall at least eight (8) feet in height and so constructed as to prevent unauthorized entrance and access. If a violation of this section occurs upon

private property, the owner or person in control of said property shall be prima facie liable for said violation.
(Ord. 749 - Nov. 04 Supp)

51.03 INOPERABLE VEHICLES AND JUNK A NUISANCE. It is hereby declared that any inoperable vehicle or junk located upon private property, unless excepted by Section 51.02, constitutes a threat to the health and safety of the citizens and is a nuisance within the meaning of Section 657.1 of the Code of Iowa. Upon discovery of any inoperable vehicle or junk located upon private property in violation of this chapter, the City shall initiate abatement procedures as outlined in Chapter 50 of this Code of Ordinances.

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

51.04 AUCTION SALE. All inoperable vehicles removed and impounded 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 said 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 such sale shall be paid to the owner of the vehicle. Any unrecovered costs shall be the responsibility of the owner of the vehicle.

51.05 LOT PARKING. No property owner or person in possession thereof shall allow more than two (2) vehicles, whether operable or inoperable, to be parked upon any lot exclusive of vehicles parked entirely on driveways or in garages or carports.
(Ord. 749 – Nov. 04 Supp.)

51.06 LOT PARKING DURATION. No property owner or person in possession thereof shall knowingly or unknowingly allow the parking or placement of any vehicles upon any lots, exclusive of driveways, garages or carports for more than seven (7) days.
(Ord. 749 – Nov. 04 Supp.)

51.07 LOT DEFINED. The term “lot” as used in this chapter shall mean a lot as defined in Section 166.15(4) of the City Code of Ordinances.
(Ord. 749 – Nov. 04 Supp.)

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CHAPTER 52

DRUG PARAPHERNALIA

52.01 Purpose

52.02 Controlled Substance Defined

52.03 Drug Paraphernalia Defined

52.04 Determining Factors

52.05 Possession of Drug Paraphernalia

52.06 Manufacture, Delivery or Offering For Sale

52.07 Nuisance

52.01 PURPOSE. The purpose of this chapter is to prohibit the use, possession with intent to use, manufacture and delivery of drug paraphernalia as defined herein.

52.02 CONTROLLED SUBSTANCE DEFINED. The term “controlled substance” as used in this chapter is defined as the term “controlled substance” is defined in the Uniform Controlled Substance Act, Chapter 124 of the Code of Iowa, as it now exists or is hereafter amended.

52.03 DRUG PARAPHERNALIA DEFINED. The term “drug paraphernalia” as used in this chapter means all equipment, products and materials of any kind which are used, intended for use, or designed 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 in violation of the Uniform Controlled Substances Act, Chapter 124 of the Code of Iowa. It includes, but is not limited to:

1. Growing Kits. Kits used, intended for use, or designed 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.
2. Processing Kits. Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances.
3. Isomerization Devices. Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance.
4. Testing Equipment. Testing equipment used, intended for use, or designed for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances.

5. Scales. Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances.
6. Diluents. Diluents and adulterants, such as quinine, hydrochloride, mannitol, mannite, dextrose or lactose, used, intended for use, or designed for use in cutting controlled substances.
7. Separators - Sifters. Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining marijuana.
8. Mixing Devices. Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances.
9. Containers. Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances.
10. Storage Containers. Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances.
11. Injecting Devices. Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body.
12. Ingesting-Inhaling Device. Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing heroin, marijuana, cocaine, hashish, or hashish oil into the human body, such as:
 - A. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
 - B. Water pipes;
 - C. Carburetion tubes and devices;
 - D. Smoking and carburetion masks;
 - E. Roach clips, meaning objects used to hold burning materials, such as a marijuana cigarette that has become too small or too short to be held in the hand;
 - F. Miniature cocaine spoons and cocaine vials;
 - G. Chamber pipes;
 - H. Carburetor pipes;
 - I. Electric pipes;

- J. Air driven pipes;
- K. Chillums;
- L. Bongs;
- M. Ice pipes or chillers.

52.04 DETERMINING FACTORS. In determining whether an object is drug paraphernalia for the purpose of enforcing this chapter, the following factors should be considered in addition to all other logically relevant factors:

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 the Uniform Controlled Substance Act, Chapter 124 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 who, he or she knows or should reasonably know, intend to use the object to facilitate a violation of the Uniform Controlled Substances Act, Chapter 124 of the Code of Iowa.
7. Innocence of an Owner. The innocence of an owner, or of anyone in control of the object, as to a direct violation of the Uniform Controlled Substances Act, Chapter 124 of the Code of Iowa, should not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia.
8. Instructions. Instructions, oral or written, provided with the object concerning its use.
9. Descriptive Materials. Descriptive materials accompanying the object which explain or depict its use.
10. Advertising. National and local advertising concerning its use.
11. Displayed. The manner in which the object is displayed for sale.

12. Licensed Distributor or Dealer. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products.
13. Sales Ratios. Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise.
14. Legitimate Uses. The existence and scope of legitimate uses for the object in the community.
15. Expert Testimony. Expert testimony concerning its use.

52.05 POSSESSION OF DRUG PARAPHERNALIA. 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 the Uniform Controlled Substance Act, Chapter 124 of the Code of Iowa.

52.06 MANUFACTURE, DELIVERY OR OFFERING FOR SALE. It is unlawful for any person to deliver, possess with intent to deliver, manufacture with intent to deliver, or offer for sale drug paraphernalia, intending that the drug paraphernalia will be used, or knowing, or under circumstances where one reasonably should know that it will be used, or knowing that it is designed

for use 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 the Uniform Controlled Substances Act, Chapter 124 of the Code of Iowa.

52.07 PENALTIES. Any person violating any provision, section or paragraph of this chapter shall be guilty of a misdemeanor. Each day a violation occurs shall constitute a separate offense. *(Ord. 647 – Nov. 99 Supp.)*

52.08 NUISANCE. Violation of this chapter shall constitute a nuisance which may be abated in the manner provided in Chapter 50 of this Code of Ordinances, or in the alternative may be abated by injunction in the Iowa District Court.

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CHAPTER 53
NOISE CONTROL

5. Powered model vehicles. The sound made by the operation of a powered model vehicle which is received between the hours of eight o'clock (8:00) p.m. and eight o'clock (8:00) a.m. the following morning at the real property boundary of residential property.
6. Musical instruments. The sound made by a drum, horn, reed instrument, string instrument or other musical instrument or device which is received between the hours of ten o'clock (10:00) p.m. and seven o'clock (7:00) a.m. at the property boundary of residential property.
7. Off-road motorcycle and recreational vehicle noise. The sound made on private property or on City-owned property other than public right-of-way by a motorcycle or recreational vehicle and received between the hours of eight o'clock (8:00) p.m. and eight o'clock (8:00) a.m. the following morning at the real property boundary of residential property; provided, however, the sound made by a motorcycle when traveling from private property to a public right-of-way, or vice versa, in pursuance of normal ingress or egress for purposeful transportation is not a "noise disturbance" unless made so by some provision of this section other than this Subsection 7.
8. Construction noise. The sound made by tools or equipment in erection, demolition, excavation drilling or other such construction work which is received between the hours of nine o'clock (9:00) p.m. and seven o'clock (7:00) a.m. the following morning at the real property boundary of residential property.
9. Sound equipment. The sound made by sound equipment operated upon the public right-of-way or in any building or upon any premises, public or private, if plainly audible from any public right-of-way within the City unless the person using, operating or causing to be used or operated the sound equipment possesses a current sound equipment permit and the actual use or operation of such sound equipment is not inconsistent with the statements made in the application, the conditions imposed in the sound equipment permit or the limitations specified in Subsection 4 of Section 53.08 of this chapter.
10. Racing. The sound made by a motor vehicle or recreational vehicle on private property or public right-of-way during any racing event or time trial, whether organized or unorganized.

11. Screeching tires. The sound made by the intentional screeching or squealing of the tires of a motor vehicle in areas of the City zoned residential or commercial.
12. Noisy exhaust system. The sound made by a motor vehicle or a recreational vehicle whose exhaust system has been modified by the installation of a muffler cut-out or by-pass.
13. Animal or bird noises. The frequent or habitual sound made by a domesticated animal or bird, other than livestock owned or possessed for agricultural purposes, which is received between the hours of ten o'clock (10:00) p.m. and seven o'clock (7:00) a.m. the following morning at the real property boundary of residential property.

53.07 EXCLUDED SOUNDS. Any other provision of Section 53.06 or other sections of this chapter to the contrary notwithstanding, the term “noise disturbance,” as used in this chapter, does not mean or include the following sounds:

1. Lawn and garden equipment. The sound emitted by motor-powered, muffler-equipped lawn and garden equipment operated between the hours of seven o'clock (7:00) a.m. and ten o'clock (10:00) p.m.
2. Chain saws. The sound emitted by motor-powered tree trimming equipment operated between the hours of six o'clock (6:00 a.m.) and eight o'clock (8:00 p.m.). *(Ord. 881 – Mar. 18 Supp.)*
3. Snow removal equipment. The sound emitted by motor-powered, muffler-equipped snow removal equipment operated between the hours of six o'clock (6:00) a.m. and ten o'clock (10:00) p.m. and the sound emitted by City-owned or hired snow removal equipment.
4. Emergencies. The sound emitted in the performance of emergency work or to alert persons to the existence of an emergency.
5. Alarms. The sound emitted by the intentional sounding outdoors of any fire, burglar or civil defense alarm, siren, whistle or similar stationery emergency signaling device for emergency purposes or for the essential testing of such device when conducted between the hours of nine o'clock (9:00) a.m. and four o'clock (4:00) p.m.
6. Church bells. The sound emitted by church carillons, bells or chimes.

7. Automobile radios. The sound emitted by an automobile or truck radio

5. Conditions. The City Building Official, or the Council, as the case may be, may impose reasonable conditions and requirements to be met or fulfilled by the sound equipment permit holder preliminary to or at the time of the use or operation of the sound equipment. Such conditions and requirements shall be those conditions and requirements necessary or advisable to protect the health, welfare and quality of life of the residents of the City and may include, without limitation, restrictions on the time of day the sound equipment can be used or operated, restrictions on the level of the sound to be produced and restrictions on the number of minutes or consecutive minutes (or other unit of time) that the sound equipment may be used or operated during any one hour or day (or other unit of time).

53.09 CONSTRUCTION. No provisions of this chapter should be construed to legalize or permit sounds, devices or activities made unlawful by other ordinances of the City or State or Federal Statutes.

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CHAPTER 54

DANGEROUS AND VICIOUS ANIMALS

54.01 Definitions

54.02 Keeping of Dangerous Animals Prohibited

54.03 Keeping of Vicious Animals Prohibited

54.04 Seizure, Impoundment and Disposition

54.05 Mayor Designee

54.06 Pit Bulls Prohibited

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

1. “Dangerous animal” means:

- A. Badgers, wolverines, weasels, skunk and mink;
- B. Raccoons;
- C. Bats;
- D. Scorpions.

(Ord. 804 – Dec. 07 Supp.)

2. “Vicious animal” means any animal, except for a dangerous animal per se, as listed above, that has bitten or clawed a person or persons while running at large and the attack was unprovoked, or any animal that has exhibited vicious propensities in present or past conduct, including such that said animal (a) has bitten or clawed a person or persons on two separate occasions within a twelve-month period; or (b) did bite or claw once causing injuries above the shoulders of a person; or (c) could not be controlled or restrained by the owner at the time of the attack to prevent the occurrence; or (d) has attacked any domestic animal or fowl on three separate occasions within a twelve-month period.

3. (Repealed by Ordinance No. 746 – Nov. 04 Supp.)

54.02 KEEPING OF DANGEROUS ANIMALS PROHIBITED. No person shall keep, shelter or harbor any dangerous animal as a pet, or act as a temporary custodian for such animal, or keep, shelter or harbor such animal for any purpose or in any capacity within the City. *(Ord. 804 – Dec. 07 Supp.)*

54.03 KEEPING OF VICIOUS ANIMALS PROHIBITED. No person shall keep, shelter or harbor for any reason within the City a vicious animal except in the following circumstances:

- 1. Animals under the control of a law enforcement or military agency.

2. The keeping of guard dogs; however, guard dogs must be kept within a structure or fixed enclosure at all times, and any guard dog found at large may be processed as a vicious animal pursuant to the provisions of this chapter. Any premises guarded by a guard dog shall be prominently posted with a sign containing the wording "Guard Dog," "Vicious Dog" or words of similar import, and the owner of such premises shall inform the local law enforcement officers that a guard dog is on duty at said premises.

54.04 SEIZURE, IMPOUNDMENT AND DISPOSITION.

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

2. Upon the complaint of any individual that a person is keeping, sheltering or harboring a dangerous or vicious animal on premises in the City, the Mayor shall cause the matter to be investigated and if after investigation, the facts indicate that the person named in the complaint is keeping, sheltering or harboring a dangerous or vicious animal in the City, the Mayor shall order the person named in the complaint to safely remove such animal from the City or destroy the animal, within three (3) days of the receipt of such order. Such order shall be contained in a notice to remove the dangerous or vicious animal, which notice shall be given in writing to the person keeping, sheltering or harboring the dangerous or vicious animal, and shall be served personally or by certified mail. Such order and notice to remove the dangerous or vicious animal shall not be required where such dangerous or vicious animal has previously caused serious physical harm or death to any person, in which case the Mayor shall cause the animal to be immediately seized and impounded or killed if seizure and impoundment are not possible without risk of serious physical harm or death to any person.

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

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

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

(Ord. 804 – Dec. 07 Supp.)

(Ch. 54 - Ord. 630 - Jan. 98 Supp.)

54.05 MAYOR DESIGNEE. The duties imposed upon the Mayor by this chapter may be performed by a designee of the Mayor. *(Ord. 746 – Nov. 04 Supp.)*

54.06 PIT BULLS PROHIBITED. Except as otherwise provided in this section, it shall be unlawful for any person to own, possess, keep, exercise control over, maintain, harbor, transport, or sell any pit bull within the City of Glenwood, Iowa.

1. Pit Bull and Owner Defined.

A. A “pit bull” is defined as any dog that is an American Pit Bull Terrier, American Staffordshire Terrier, Staffordshire Bull Terrier, or any dog displaying the majority of physical traits of any one or more of the above breeds (more so than any other breed), or any dog exhibiting those distinguishing characteristics which substantially conform to the standards established by the American Kennel Club or United Kennel Club for any of the aforementioned breeds, as from time to time may be modified. The final determination of the classification of any dog lies with the City Council of the City of Glenwood.

B. An “owner” is defined as any person or entity who owns, possesses, keeps, exercises control over, maintains, harbors, transports or sells a pit bull.

2. Exception to Prohibition. The owner of a pit bull currently licensed as of the date of publication of the ordinance codified in this section and who maintains the pit bull at all times in compliance with the requirements of this section and all other applicable requirements of Chapter 54 and Chapter 55 of the Glenwood Code of Ordinances, may keep a pit bull within the City limits of Glenwood, Iowa. Such requirements of this section are as follows:

A. The owner of the pit bull shall keep the license current by annual renewal, and such license shall not be transferable and shall be renewable only by the holder of the license or by a member of the immediate family, such licensee who is at least 18 years of age. The owner of the pit bull must be at least 18 years of age. The owner shall not be able to sell or transfer the pit bull to any other person or entity located within the City of Glenwood, Iowa except to a member of the immediate family. The Glenwood Police Department shall be notified by the owner of any such sale or transfer within three (3) days of the sale or transfer, and the owner shall provide the name, age, address, and telephone number of the new owner.

B. The owner must provide or present to the Glenwood Police Department proof that the owner has procured liability insurance in the minimum amount of One Hundred Thousand Dollars (\$100,000.00), covering any damage or injury that may be caused by a pit bull during the duration of its license. Such policy shall contain a provision requiring the insurance company to provide written notice to the Glenwood Police Department not less than fifteen (15) days prior to any cancellation, termination, or expiration of the policy.

C. The owner, at his or her own expense, shall have the pit bull spayed or neutered within thirty (30) days of the final publication of this ordinance, and present written proof to the Glenwood Police Department from a licensed veterinarian that such sterilization has been performed.

D. The owner shall cause to be placed and remain in place a sign at his or her property entrance and which must contain the words “pit bull dog.” Said sign shall be a minimum of 8” X 10” in size and the lettering on such sign shall not be less than two (2) inches in height.

E. At all times when a pit bull is at the property of the owner, the owner shall keep the pit bull confined. "Confined" as used in this section shall mean the dog shall be placed in a securely enclosed and locked pen or structure upon the premises which shall be set back at least ten (10) feet from the nearest property line of the premises. Said pen or structure must be constructed of materials which prevent the pit bull from biting or otherwise attacking a person wholly outside of the pen or structure. No owner or person shall permit or allow such pit bull to be beyond the premises of such person unless the pit bull is securely leashed and muzzled by a responsible adult, or otherwise securely restrained in a kennel or other enclosure. The leash shall be no longer than four feet. "Muzzled" shall mean that the jaws of the pit bull are confined by a device that prevents the pit bull from biting. A "secured temporary enclosure" shall mean an enclosure used for purposes of transporting a pit bull and which includes a top and bottom permanently attached to the sides except for a door for removal of the pit bull. Such enclosure must be constructed in order to ensure that the pit bull may not exit the enclosure on its own.

F. The owner of the pit bull must notify the Glenwood Police Department within five (5) days in the event the pit bull is lost, stolen, dies or has a litter.

G. In the event of a litter, the owner shall not keep any puppy of the litter for more than eight (8) weeks. Any puppy from the litter shall be permanently transferred out of the City limits of the City of Glenwood, Iowa within eight weeks of its birth.

3. The City of Glenwood is authorized to immediately impound any pit bull found in the City limits of the City of Glenwood for which the foregoing requirements have not been strictly complied with by the owner, and, upon such impoundment, shall be able to dispose of the pit bull in accord with Section 55.04 or Section 55.16 of the Glenwood City Code of Ordinances.

(Ord. 791 – Oct. 07 Supp.)

[The next page is 269]

CHAPTER 55

ANIMAL PROTECTION AND CONTROL

55.01 Definitions	55.15 At Large Animals: Impoundment
55.02 Cruelty to Animals	55.16 Disposition of Animals
55.03 Abandonment	55.17 Impounding Costs
55.04 Exhibitions and Fights	55.18 Adoption Costs
55.05 Injuries to Animals	55.19 License Required – Exception
55.06 At Large Prohibited	55.20 License Application – Procedure and Fees
55.07 Bothersome Animals	55.21 Transfer or Change of Ownership
55.08 Damage or Interference	55.22 Tags Displayed
55.09 Annoyance or Disturbance	55.23 Duplicate Tag
55.10 Vicious Animals	55.24 Transportation Fees
55.11 Rabies Vaccination	55.25 Scheduled Violation
55.12 Owner's Duty	55.26 Unhealthful or Unsanitary Conditions
55.13 Confinement	55.27 Municipal Infraction
55.14 Contained Animals: Impoundment	

55.01 DEFINITIONS. The following terms are defined for use in the chapters of this Code of Ordinances pertaining to Animal Protection and Control:

1. “Animal” means a nonhuman vertebrate.
2. “At large” means off the premises of the animal’s owner and not under the control of a competent person, restrained within a motor vehicle, or housed in a veterinary hospital or kennel.
3. “Owner” means any person owning, keeping, sheltering or harboring an animal.

(Code of Iowa, Sec. 351.2)

55.02 CRUELTY TO ANIMALS. No person who impounds or confines, in any place, any domestic animal, or fowl, or dog or cat, shall fail to supply such animal during confinement with a sufficient quantity of food or water, or shall fail to provide the dog or cat with adequate shelter, or shall torture, torment, deprive of necessary sustenance, mutilate, overdrive, overload, drive when overloaded, beat, or kill any such animal by any means which causes unjustified pain, distress or suffering, whether intentionally or negligently.

(Code of Iowa, Sec. 717.2)

55.03 ABANDONMENT. A person who has ownership of a cat or dog shall not abandon the cat or dog, except the person may deliver the cat or dog to another person who will accept ownership and custody or the person may deliver the cat or dog to an animal shelter or pound.

(Code of Iowa, Sec. 717.4)

55.04 EXHIBITIONS AND FIGHTS. No person shall arrange, promote or stage an exhibition at which any animal is tormented, or any fight between animals or between a person and an animal, or shall keep a place where such exhibitions and fights are staged for the entertainment of spectators.

(Code of Iowa, Sec. 717.3)

55.05 INJURIES TO ANIMALS. No person, having no right to do so, shall maliciously kill, maim, or disfigure any animal of another, or maliciously administer poison to any such animal, or expose any poisonous substance with the intent that the same should be taken by any such animal.

(Code of Iowa, Sec. 717.1)

55.06 AT LARGE PROHIBITED. No owner of any dog shall, knowingly or unknowingly, permit such dog to run at large, whether the dog be licensed or unlicensed.

55.07 BOTHERSOME ANIMALS. It is unlawful for a person to keep within the City bothersome animals such as bees, cattle, donkeys, mules, horses, swine, sheep, goats, fowl and geese, which tend to disrupt the peace and good order of the community.

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

55.09 ANNOYANCE OR DISTURBANCE. It is 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.

55.10 VICIOUS ANIMALS. It is unlawful for any person to harbor or keep a vicious animal within the City. An animal is deemed to be vicious when it has attacked or bitten any person without provocation, or when propensity to attack or bite persons exists and is known or ought reasonably to be known to the owner. In addition to any remedies provided by this chapter, the City may cause removal of any vicious animal in accord with the provisions and procedures set forth in Chapter 54 of the Code of Ordinance.

(Ord. 747 – Nov. 04 Supp.)

55.11 RABIES VACCINATION. Every owner of a dog shall obtain a rabies vaccination for such animal. It is unlawful for any person to own or have a dog in the person's possession, six months of age or over, which has not been vaccinated against rabies. Dogs kept in kennels and not allowed to run at large are not subject to these vaccination requirements.

(Code of Iowa, Sec. 351.33)

55.12 OWNER'S DUTY. It is the duty of the owner of any dog, cat or other animal which has bitten or attacked a person or any person having knowledge of such bite or attack to report this act to a local health or law enforcement official. It is the duty of physicians and veterinarians to report to the local board of health the existence of any animal known or suspected to be suffering from rabies.

(Code of Iowa, Sec. 351.38)

55.13 CONFINEMENT. If law enforcement receives information that an animal has bitten a person or that a dog or animal is suspected of having rabies, a law enforcement official shall order the owner to confine such animal in the manner it directs. If the owner fails to confine such animal in the manner directed, the animal shall be apprehended and impounded by law enforcement, and after ten (10) days may have the animal humanely destroyed. If such animal is returned, the owner shall pay the cost of impoundment. This section does not apply if any police service dog or a horse used by a law enforcement agency and acting in the performance of its duties has bitten a person.

(Ord. 734 – Jan-04 Supp.)

(Code of Iowa, Sec. 351.39)

55.14 CONTAINED ANIMALS: IMPOUNDMENT. Anyone keeping, sheltering or harboring a bothersome, interfering, annoying, or disturbing animal in violation of this chapter shall be guilty of a simple misdemeanor and continuing violation of said sections may result in the impoundment and disposition of such animals as provided herein.

55.15 AT LARGE ANIMALS: IMPOUNDMENT. *(Repealed by Ord. 734 – Jan-04 Supp.)*

55.16 DISPOSITION OF ANIMALS. When an animal has been apprehended and impounded, written notice shall be provided to the owner within two (2) days of impoundment provided the owner's name and current address can reasonably be determined by accessing a tag or other device that is on or part of the animal. Impounded animals may be redeemed by the owner only upon providing the impoundment facility a written release from the Glenwood Police Department that all impoundment costs and fees have been fully paid, and if the animal is a dog which is not vaccinated, by having the animal immediately vaccinated. Should the owner fail to redeem the animal within seven (7) days of the commencement of the impoundment, the animal shall be disposed in accordance with law or destroyed by euthanasia. If the animal is euthanized, the owner of the animal shall pay a forty dollar (\$40.00) euthanasia fee to the Glenwood Police Department. Any dog or cat shall be properly sterilized before ownership may be transferred by way of sale or adoption.

(Ord. 864 – Mar. 15 Supp.)

55.17 IMPOUNDING COSTS. Impounding costs shall be sixty dollars (\$60.00) for each impoundment during any calendar year for the first day, or any part thereof, and twenty-five dollars (\$25.00) per day thereafter while the animal is impounded. No animal shall be impounded for more than seven (7) days unless the animal has been impounded pursuant to the provisions of §§54.04 and 55.13 of the Code of Ordinances and in sole discretion of the Glenwood Police Department. Notwithstanding the foregoing, the impoundment costs for an animal impounded pursuant to the provisions of §§54.04 and 55.13 of the Code of Ordinances shall be \$350.00, payable to the Glenwood Police Department by or on behalf of owner.

(Ord. 864 – Mar. 15 Supp.)

55.18 ADOPTION COSTS. *(Repealed by Ord. 734 – Jan-04 Supp.)*

55.19 LICENSE REQUIRED – EXCEPTION. All dogs six months old or older kept, harbored or maintained by their owners in the City shall be licensed annually by their owners as provided in this chapter, and it is unlawful for the owner of any dog to fail to properly license the animal except that the following dogs need not be licensed provided they are properly immunized against rabies:

1. Dogs which are kept and raise solely for the bona fide purpose of sale and which are kept under constant restraint in a kennel pursuant to Chapter 162 of the Iowa Code, i.e. “Kennel Dogs”;
2. Guide dogs, owned by a blind or partially sighted person, and specifically trained to aid such person;
3. Dogs that are under the control of the owner or handlers, and which are in transit or are to be exhibited if they are to be within the City for less than thirty (30) days;
4. Service dogs specially trained, maintained and owned for the primary purpose of assisting a physically disabled person with daily living activities necessary to sustain a normal quality of life.

55.20 LICENSE APPLICATION – PROCEDURE AND FEES.

1. The owner of a dog for which a license is required shall on or before July 1st of each year apply to the Glenwood Police Department for a license for each dog owned by owner.
2. Such application shall be in writing on forms provided by the Glenwood Police Department and shall state the breed, sex, age, color, markings and name, if any, of the dog, and the name, address and telephone number of the owner, and be signed by the owner.
3. Before a license is issued for any dog, the owner must present evidence with the application that the dog has been vaccinated against rabies. Such evidence shall be a certificate of vaccination signed by a licensed veterinarian, and the certificate shall show that the vaccination is valid for a minimum of thirty (30) days from the date the license is purchased.
4. The annual license fee for each dog shall be \$10.00.
5. All licenses shall expire on June 30 of the following year in which the license was issued.
6. The annual license fee shall become delinquent on July 31 of the year in which the same is due and payable as required in this section, and shall be considered delinquent thirty days after such animal has come into the possession of the owner or reached six months of age; and a penalty of \$10.00 shall be added to the cost of each unpaid license fee on and after such date.

(Ord. 845 – Aug. 11 Supp.)

55.21 TRANSFER OR CHANGE OF OWNERSHIP. When the permanent ownership of a dog is transferred, the new owner shall within ten working days from the date of change of ownership make application for a new license as provided under the provisions of this section and shall pay the annual fee. It is unlawful for the new owner of any dog to fail to make application for a new license within the time herein specified.

55.22 TAGS DISPLAYED. Upon an application and payment of the license fee, a license certificate shall be issued to the owner. The tag shall have stamped thereon the number corresponding with the number on the license certificate. Every owner shall be required to provide each dog with a substantial collar or harness to which the license tag shall be affixed, and the owner shall see that the collar or harness bearing the license tag is constantly worn. It is unlawful for an owner to fail to insure that the license tag is at all times worn by the dog and any dog found not wearing a license tag shall be deemed not to be licensed and not have a current rabies vaccination and shall be treated as unlicensed and unvaccinated under the terms of the City and State laws.

(Ord. 869 – Sep. 16 Supp.)

55.23 DUPLICATE TAG. Upon filing of an affidavit with the Glenwood Police Department that a license tag has been lost or destroyed, the owner may obtain another tag upon the payment of a \$5.00 fee.

(Ord. 845 – Aug. 11 Supp.)

(Sections 55.19 – 55.23 added by Ord. 689 – May 02 Supp.)

55.24 TRANSPORTATION FEES. The owner of any dog, cat or other animal apprehended, impounded or confined in accord with this Chapter or Chapter 54 of the City Code of Ordinances and subsequently transported by or on behalf of the City for extermination, adoption or other disposition outside the Glenwood city limits shall be assessed a transportation fee of one hundred twenty-five dollars (\$125.00) for each such animal transported.

(Ord. 864 – Mar. 15 Supp.)

55.25 SCHEDULED VIOLATION. Any person owning, possessing or maintaining a dog which has not been duly licensed or which does not display a tag in accord with Sections 55.19 through 55.22 shall be assessed a \$50.00 municipal infraction penalty.

(Ord. 845 – Aug. 11 Supp.)

55.26 UNHEALTHFUL OR UNSANITARY CONDITIONS.

1. An owner shall keep all structures, pens, coops or yards wherein animals are confined clean, devoid of vermin and free of odors arising from feces.
2. No owner of any animal, or person in possession thereof, shall permit the animal to discharge feces upon any public or private property, other than the property of the owner of the animal. The owner or person in possession shall be deemed to permit the animal's discharge of feces if the owner does not immediately thereafter take steps to remove and clean up the feces from the property.
3. All feces removed as aforesaid shall be placed in an airtight container and shall be stored in a sanitary manner in an appropriate refuse container until it is removed pursuant to refuse collection procedures or otherwise disposed of in a sanitary manner.
4. An owner may, as an alternative to subsection 3 above, collect the feces and turn it under the surface of the owner's soil in any manner that prevents odor or collection of vermin.

(Ord. 764 – Sep. 05 Supp.)

55.27 MUNICIPAL INFRACTION. Any fees incurred by or on behalf of the City as a result of impoundment, transportation, vaccination, or sterilization shall be immediately due and payable by the "Owner" of the animal as defined in §55.01. Failure to pay the fees as required by the terms of this Chapter may result in the issuance of a municipal infraction citation to said owner wherein the City shall seek reimbursement of said costs incurred on behalf of the Owner's animal and a monetary fine in accord with §4.03 of the City Code of Ordinances.

(Ord. 864 – Mar. 15 Supp.)

CHAPTER 56

CHICKENS WITHIN COPORATE LIMITS

56.01 Definitions
56.02 Permit Required
56.03 Permit Fee
56.04 Revocation of Permit
56.05 Nontransferable

56.06 Disposal of Refuse
56.07 Distance from Dwellings
56.08 Storage and Use and Maintenance
56.09 Penalty
56.10 Termination of Chapter

56.01 DEFINITIONS. For use in this chapter, the following terms shall have the following meanings:

1. “Chickens” mean the domestic type of fowl birds kept for their eggs and meat, and shall apply only to those fowl birds with the common characteristics of chickens rather than other types of fowl.
2. “Owner” means any person or persons, firm, association, or corporation owning, keeping, sheltering or harboring fowl chickens.
3. “Owner” or “person or entity in lawful possession and control of any premises” means the fee title owner of any property or premises, or the person or entity in actual possession or control of such premises under a lease or real estate contract.
4. “Rear yard” means that space of a lot as defined in Section 166.28 of the City of Glenwood Land Development Ordinance, as from time to time may be amended.
5. “Director of compliance” or “director” means the person or persons authorized by the City to monitor and enforce the provisions of this chapter. In absence of any particular appointment by the City, the Code Enforcement Officer shall be considered the director of compliance for purposes of this chapter.

56.02 PERMIT REQUIRED.

1. No person, firm, association or corporation in the City of Glenwood shall have in their possession or control, or keep or harbor any chickens, as defined in Section 1, without having first obtained a permit to do so from the director, which permit shall be issued only after payment of the required fee and after inspection of the premises by the director for compliance with this chapter, and the sanitation requirements of this chapter or any other applicable state or local law. No permits for the keeping or harboring of any fowl other than chickens shall be issued. Except as otherwise provided herein, a permit for the keeping of chickens shall be in effect for one year from the date of its issuance.

Application for such permits shall be made upon forms furnished by the City.

2. Upon expiration, such permit may be renewed by any person, firm, association or corporation to whom it has been issued, by filing an application for a renewal thereof with the director upon forms to be provided by the city. Approval of the application for renewal of a permit shall be made and the permit issued for the succeeding annual period only after payment of the required fee and after inspection of the premises for compliance with the provisions of this chapter, and the sanitation requirements of this chapter or any other applicable state or local law. Except as otherwise provided herein, every permit so renewed shall be for one year from and after the date of the renewal, and shall be subject to revocation in the same manner as the original permit.

3. Permits may be issued only to owners of any premises or persons or entities in lawful possession of any premises with the written consent of the owner of said premises, and only for premises consisting of single family, detached dwellings located in residentially zoned districts within the city corporate limits.

4. Upon issuance of a permit, the owner is deemed to have provided the Director, or his or her designee, the authority and right to enter upon the premises at his or her discretion for the purpose of inspecting the premises for compliance with this chapter.

56.03 PERMIT FEE. The fee for the initial issuance and any renewal of a permit for the keeping of chickens shall be as provided in the City's prevailing schedule of fees as adopted by the City Council from time to time by resolution. The fee shall not be refundable if the permit is denied or revoked, or if the chickens are removed or die.

56.04 REVOCATION OF PERMIT. The Director may revoke a permit for the keeping of chickens for any violation of the provisions of this chapter, or any other pertinent sections of this municipal code, or any statute of the state of Iowa pertaining to the keeping of chickens. Notice of revocation shall be given in writing, delivered personally or by certified mail to the holder of such permit. The notice shall state the grounds upon which the permit has been revoked, and shall state that the holder of the permit is required to remove all chickens from the premises concerned within seven (7) days after receipt of notice of revocation. The notice shall also inform the permit holder of the right to appeal such revocation to the City Council.

56.05 NONTRANSFERABLE. Any permit issued pursuant to this chapter shall not be sold, assigned, or transferred, and shall apply only to the premises designated and the person, firm, association or corporation to whom issued. A violation of this provision shall be cause for revocation of any such permit.

56.06 DISPOSAL OF REFUSE. All manure and spilled grain shall be removed from the premises, or any enclosure or structure thereon, at least once every forty-eight (48) hours, and shall be placed in suitable watertight and fly-tight containers until disposed. Such materials shall be disposed by causing same to be picked up by a licensed private refuse hauler.

56.07 DISTANCE FROM DWELLING.

1. No person within the city of Glenwood, Iowa, shall keep, shelter, harbor, or coop any chickens within eighty (80) feet of any dwelling other than the dwelling of the owner of such fowl chickens.
2. If the owner of the chickens is able to obtain the written consent of the owner and occupant of an effected dwelling, the eighty (80) foot requirement may be waived as to that dwelling, so long as the owner and occupant of said dwelling continues to consent to said waiver, and continues to reside in said dwelling.
3. Under no circumstances shall chickens be permitted to be kept within twenty (20) feet of any dwelling.

56.08 STORAGE AND USE AND MAINTENANCE

1. All grains and grain supplements intended for use as food for chickens shall be kept and stored in a rodent-tight building or container.
2. No owner or person in lawful possession and control of the premises shall keep, shelter, or harbor more than five (5) hens at a single residential dwelling.
3. No owner shall slaughter, maim, or other intentionally kill within the corporate limits any of its permitted chickens. Any chicken which may die within corporate limits shall be immediately removed from the city limits and disposed by the owner in a hygienic and safe manner.
4. All chickens permitted by the chapter shall be continuously housed or stored in a secure screened or walled and roofed enclosure, coop, shelters, and/or run in a manner that reasonably protects the chickens from predators, and of all of which shall be located entirely within the rear yard of the permitted premises. All such enclosures, coops, or shelters shall be not less than three (3) square feet in size per chicken provided such enclosure, coop, or shelter has a run, and such enclosure, coop, or shelter shall not exceed five (5) feet by five (5) feet,

or twenty-five (25) feet in total diameter; otherwise said enclosure, coop, or shelter shall be not less than ten (10) feet by five (5) feet, or fifty (50) feet in total diameter. No part of any such enclosure, coop, shelter, or run shall be located within eighty (80) feet of any dwelling or as otherwise set forth in Section 7 of this chapter. The materials utilized in the construction of the enclosure, coop, shelter, or run shall be subject to the approval of the director and shall be located in compliance with the applicable rear and side lot line restrictions.

5. All enclosures, coops, or shelters shall have a roost for each fowl chicken not less than eight (8) square inches.

6. All enclosures, coops, or shelters shall have not less than one (1) laying box for every three (3) chickens of which each laying box shall not be less than one (1) square foot in diameter. Each laying box shall be dressed with adequate and proper bedding materials.

7. No owner shall allow, whether knowingly or unknowingly, any chickens to run at large or otherwise outside of the enclosure, coop, shelter, or run for which the chickens are housed or stored.

56.09 PENALTY. Any person, firm, partnership, corporation or any legal entity found guilty of a violation of any of the provision of this chapter shall, upon conviction, be subject to the penalty provisions of a municipal infraction. Each day that a violation is allowed to continue shall constitute a separate and distinct violation. Any owner is deemed violating of this chapter by the City or the Director shall immediately have its permit revoked and shall be prohibited from receiving another permit for a minimum period of twelve (12) months after revocation of the permit.

56.10 TERMINATION OF CHAPTER. (Repealed by Ord. 883 – Mar. 18 Supp.)

(Ch. 56 - Ord. 871 – Oct. 16 Supp.)

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CHAPTER 60

ADMINISTRATION OF TRAFFIC CODE

60.01 Title
60.02 Definitions
60.03 Administration and Enforcement
60.04 Power to Direct Traffic

60.05 Traffic Accidents: Reports
60.06 Peace Officer's Authority
60.07 Obedience to Peace Officers

60.01 TITLE. Chapters 60 through 70 of this Code of Ordinances may be known and cited as the Glenwood Traffic Code.”

60.02 DEFINITIONS. Where words and phrases used in the Traffic Code are defined by State law, such definitions apply to their use in said Traffic Code and are adopted by reference. Those definitions so adopted that need further definition or are reiterated, and other words and phrases used herein, have the following meanings:

(Code of Iowa, Sec. 321.1)

1. “Business District” means the territory contiguous to and including the following designated streets:
2. “Park” or “parking” means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.
3. “Peace officer” means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.
4. “Residence district” means 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.
5. “School district” means the territory contiguous to and including a highway for a distance of two hundred (200) feet in either direction from a school house.
6. “Stand” or “standing” means the halting of a vehicle, whether occupied or not, otherwise than for the purpose of and while actually engaged in receiving or discharging passengers.

7. "Stop" means when required, the complete cessation of movement.
8. "Stop" or "stopping" means 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.
9. "Suburban district" means all other parts of the City not included in the business, school or residence districts.
10. "Traffic control device" means all signs, signals, markings, and devices not inconsistent with this chapter, lawfully placed or erected for the purpose of regulating, warning, or guiding traffic.
11. "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, street, or alley.

60.03 ADMINISTRATION AND ENFORCEMENT. Provisions of this Traffic Code and State law relating to motor vehicles and law of the road are enforced by the _____.

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

60.04 POWER TO DIRECT TRAFFIC. A peace officer, and, in the absence of a peace officer, 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.

(Code of Iowa, Sec. 102.4 & 321.236[2])

60.05 TRAFFIC ACCIDENTS: REPORTS. The driver of a vehicle involved in an accident within the limits of the City shall file a report as and when required by the Iowa Department of Transportation. A copy of this report shall be filed with the City for the confidential use of peace officers and shall be subject to the provisions of Section 321.271 of the Code of Iowa.

(Code of Iowa, Sec. 321.273 & 321.274)

60.06 PEACE OFFICER'S AUTHORITY. A peace officer is authorized to stop a vehicle to require exhibition of the driver's license of the driver, to serve a summons or memorandum of traffic violation, to inspect the condition of the vehicle, to inspect the vehicle with reference to size, weight, cargo, log book, bills of lading or other manifest of employment, tires and safety equipment, or to inspect the registration certificate, the compensation certificate, travel order, or permit of such vehicle. A peace officer having probable cause to stop a vehicle may require exhibition of the proof of financial liability coverage card issued for the vehicle.

(Ord. 636 - Sep. 98 Supp.)

(Code of Iowa, Sec. 321.492)

60.07 OBEDIENCE TO PEACE OFFICERS. No person shall willfully fail or refuse to comply with any lawful order or direction of any peace officer invested by law with authority to direct, control, or regulate traffic.

(Code of Iowa, Sec. 321.229)

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CHAPTER 62

GENERAL TRAFFIC REGULATIONS

62.01 Violation of Regulations
62.02 Play Streets Designated
62.03 Vehicles on Sidewalks
62.04 Clinging to Vehicle
62.05 Quiet Zones
62.06 Funeral or Other Processions

62.07 Tampering with Vehicle
62.08 Eluding or Attempting to Elude Pursuing Law
Enforcement Vehicle
62.09 Obstructing View at Intersections
62.10 Reckless Driving
62.11 Careless Driving
62.12 Open Containers in Motor Vehicles

62.01 VIOLATION OF REGULATIONS. Any person who willfully fails or refuses to comply with any lawful order of a peace officer or direction of a Fire Department officer during a fire, or who fails to abide by 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 section. These sections of the *Code of Iowa* are adopted by reference and are as follows:

1. Display of Registration and License to Drive: 321.17, 321.32, 321.37, 321.38, 321.57, 321.67, 321.78, 321.79, 321.91, 321.98, 321.99, 321.104, 321.115, 321.174, 321.174A, 321.180, 321.180B, 321.193, 321.194, 321.208A, 321.216, 321.216B, 321.216C and 321.218 through 321.224.
2. All Terrain Vehicles, Golf Carts, and Bicycles to Obey Traffic Regulations, Radar Jamming Devices, Road Workers: 321.232 through 321.234A, 235A and 321.247.
3. Traffic Signs, Signals, and Markings: 321.259 and 321.260.
4. Accidents and Accident Reporting: 321.262 through 321.266.
5. Operation of Motorcycles and Motorized Bicycles: 321.275.
6. Drag Racing; Speed; Open Containers; Control of Vehicle: 321.276, 321.277, 321.277A, 321.278, 321.281, 321.284, 321.284A, 321.288, 321.295, 321.333, 321.382 and 321.383.
7. Driving on Right, Meeting, Overtaking, Following, or Towing: 321.297 through 321.299 and 321.302 through 321.310.
8. Turning and Starting, Signals on Turning and Stopping: 321.312 through 321.318.
9. Right-of-Way: 321.319 through 321.324A.
10. Pedestrian Rights and Duties and Safety Zones: 321.329, 321.330, 321.332, 321.333, and 321.340.
11. Railroad Crossings: 321.341 through 321.344 and 321.344B.
12. Stopping, Standing, Parking: 321.354 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 321.365 and 321.367 through 321.371.
14. School Buses: 321.372.

15. Lighting Equipment Required and Time of Use: 321.384 through 321.390, 321.392 through 321.395, 321.398, 321.402 through 321.405, 321.408, 321.409, 321.415, 321.417 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.
16. Brakes, Horns, Sirens, Mufflers, Wipers, Mirrors, Tires, Flares, Windows, Safety Belts, and Special Markings for Transporting Explosives: 321.430 through 321.434; 321.436 through 321.442; 321.444 through 321.446, 321.449 and 321.450.
17. Size, Weight, and Load: 321.454 through 321.458, 321.460 through 321.463, 321.465 and 321.466.
18. Unsafe Vehicles: 321.381 and 321.381A.

(Ord. 838 – Oct. 10 Supp.)

62.02 PLAY STREETS DESIGNATED. The Police Chief shall have authority to declare any street or part thereof a play street and cause to be placed 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)

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

62.04 CLINGING TO VEHICLE. 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, in-line skates, sled or toy vehicle shall attach the same or himself or herself to any vehicle upon a roadway.

62.05 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.

62.06 FUNERAL OR OTHER PROCESSION. No driver of any vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion. This provision does not apply at intersections where traffic is controlled by traffic control signals or peace officers.

(Code of Iowa, Sec. 321.236[3])

62.07 TAMPERING WITH VEHICLE. It is unlawful for any person, either individually or in association with one or more other persons, willfully to injure or tamper with any vehicle or break or remove any part or parts of or from a vehicle without the consent of the owner.

62.08 ELUDING OR ATTEMPTING TO ELUDE PURSUING LAW ENFORCEMENT VEHICLE. No driver of a motor vehicle shall willfully fail to bring the motor vehicle to a stop or otherwise elude or attempt to elude a marked official law enforcement vehicle driven by a uniformed peace officer after being given a visual or audible signal to stop and in doing so exceed the speed limit by twenty-five (25) miles per hour or more. The signal given by the peace officer shall be by flashing red light or siren.

(Code of Iowa, Sec. 321.279)

62.09 OBSTRUCTING VIEW AT INTERSECTIONS. It is unlawful to allow any tree, hedge, billboard or other object to obstruct the view of an intersection by preventing persons from having a clear view of traffic approaching the intersection from cross streets. Any such obstruction shall be deemed a nuisance and in addition to the standard penalty may be abated in the manner provided by Chapter 50 of this Code of Ordinances.

62.10 RECKLESS DRIVING. No person shall drive any vehicle in such manner as to indicate a willful or a wanton disregard for the safety of persons or property.

(Code of Iowa, Sec. 321.277)

62.11 CARELESS DRIVING. No person shall intentionally operate a motor vehicle on a street or highway in any one of the following ways:

(Code of Iowa, Sec. 321.277A)

1. Creating or causing unnecessary tire squealing, skidding or sliding upon acceleration or stopping.
2. Simulating a temporary race.
3. Causing any wheel or wheels to unnecessarily lose contact with the ground.
4. Causing the vehicle to unnecessarily turn abruptly or sway.

(Ord. 624)

62.12 OPEN CONTAINERS IN MOTOR VEHICLES.

1. Drivers. A driver of a motor vehicle upon a public street or highway shall not possess in the passenger area of the motor vehicle an open or unsealed bottle, can, jar, or other receptacle containing an alcoholic beverage.

(Code of Iowa, Sec. 321.284)

2. Passengers. A passenger in a motor vehicle upon a public street or highway shall not possess in the passenger area of the motor vehicle an open or unsealed bottle, can, jar or other receptacle containing an alcoholic beverage.

(Code of Iowa, Sec. 321.284A)

As used in this section “passenger area” means the area of a motor vehicle designed to seat the driver and passengers while the motor vehicle is in operation and any area that is readily accessible to the driver or a passenger while in their seating positions, including the glove compartment. An open or unsealed receptacle containing an alcoholic beverage may be transported in the trunk of the motor vehicle. An unsealed receptacle containing an alcoholic beverage may be transported behind the last upright seat of the motor vehicle if the motor vehicle does not have a trunk.

(Ord. 648 – Nov. 99 Supp.)

CHAPTER 63

SPEED REGULATIONS

63.01 General	63.08 Special Speed Restrictions
63.02 Business District	63.09 Special 10 MPH Speed Zones
63.03 Residence or School District	63.10 (Repealed by Ordinance No. 590)
63.04 Suburban District	63.11 Special 35 MPH Speed Zones
63.05 Parks, Cemeteries and Parking Lots	63.12 Special 25 MPH Speed Zones
63.06 Minimum Speed	63.13 Special 20 MPH Speed Zones
63.07 Emergency Vehicles	63.14 Special Construction Zone Speed Limitations

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

(Code of Iowa, Sec. 321.285)

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

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

63.03 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 chapter, is unlawful.

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

63.04 SUBURBAN DISTRICT. A speed in excess of forty-five (45) miles per hour in any suburban district, unless specifically designated otherwise in this chapter, is unlawful.

(Code of Iowa, Sec. 321.285 [4])

63.05 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 chapter, is unlawful.

(Code of Iowa, Sec. 321.236[5])

63.06 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, Sec. 321.294)

63.07 EMERGENCY VEHICLES. The speed limitations set forth in this chapter do not apply to authorized emergency vehicles when responding to emergency calls and the drivers 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, Sec. 321.231)

63.08 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 herein 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 at such location.

(Code of Iowa, Sec. 321.290)

63.09 SPECIAL 10 MPH SPEED ZONES. A speed in excess of ten (10) miles per hour is unlawful on any of the following designated streets or parts thereof.

1. Lake Park Road from Lake Drive to Old Highway 34.
2. Soccer Complex Road *(Ord. 651 – Nov. 99 Supp.)*
3. Louise Avenue from East Florence Street to Shelby Lane.
(Ord. 785 – Nov. 06 Supp.)

63.10 SPECIAL 30 MPH SPEED ZONES. *(Repealed by Ordinance No. 590)*

63.11 SPECIAL 35 MPH SPEED ZONES. A speed in excess of thirty-five (35) miles per hour is unlawful on any of the following designated streets or parts thereof:

1. *(Repealed by Ordinance No. 849 – Jun. 12 Supp.)*
2. Locus Street from Hazel Street to Coolidge Street.
3. Locust Street from Second Street to north corporate limits.
4. Sharp Street from Chestnut Street to the east corporate limits.

(Ord. 559)

63.12 SPECIAL 25 MPH SPEED ZONES. A speed in excess of twenty-five (25) miles per hour is unlawful in any of the following designated streets or parts thereof:

1. Sharp Street and East Sharp Street from Vine Street to Redbud Avenue.
2. Redbud Avenue from East Sharp Street north to corporate limits.
(Ord. 822 – Jan. 10 Supp.)
3. Railroad Avenue.
(Ord. 849 – Jun. 12 Supp.)

63.13 SPECIAL 20 MPH SPEED ZONES. A speed in excess of twenty (20) miles per hour is unlawful in any of the following designated streets or parts thereof:

1. Coolidge Street from Grove Street to Hazel Street.
(Ord. 777 – Jun. 06 Supp.)

63.14 SPECIAL CONSTRUCTION ZONE SPEED LIMITATIONS. Speed in excess of the posted speed limit in a marked construction zone is unlawful. All fines for speeding in a construction zone shall double in sum.

(Ord. 831 – Oct. 10 Supp.)

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CHAPTER 65

STOP OR YIELD REQUIRED

65.01 Through Streets - Stop
65.02 Stop Required
65.03 Four-Way Stop Intersections
65.04 Yield Required
65.05 School Stops

65.06 Stop Before Crossing Sidewalk
65.07 Stop When Traffic Is Obstructed
65.08 Yield to Pedestrians in Crosswalks
65.09 Official Traffic Controls

65.01 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. _____, from _____
to _____;
2. _____, from _____
to _____;
3. _____, from _____
to _____;
4. _____, from _____
to _____;

65.02 STOP REQUIRED. Every driver of a vehicle shall stop in accordance with the following:

(Code of Iowa, Sec. 321.345)

1. _____ Street. Vehicles traveling _____ on
_____ shall stop at _____;
2. _____ Street. Vehicles traveling _____ on
_____ shall stop at _____;
3. _____ Street. Vehicles traveling _____ on
_____ shall stop at _____;
4. _____ Street. Vehicles traveling _____ on
_____ shall stop at _____;
5. _____ Street. Vehicles traveling _____ on
_____ shall stop at _____;

65.03 FOUR-WAY STOP INTERSECTIONS. Every driver of a vehicle shall stop before entering the following designated four-way stop intersections:

(Code of Iowa, Sec. 321.345)

1. Intersection of _____ and _____;
2. Intersection of _____ and _____;
3. Intersection of _____ and _____;
4. Intersection of _____ and _____.

65.04 YIELD REQUIRED. Every driver of a vehicle shall yield in accordance with the following:

(Code of Iowa, Sec. 321.345)

1. _____ Street. Vehicles traveling _____ on _____ shall yield at _____;
2. _____ Street. Vehicles traveling _____ on _____ shall yield at _____;
3. _____ Street. Vehicles traveling _____ on _____ shall yield at _____;
4. _____ Street. Vehicles traveling _____ on _____ shall yield at _____;
5. _____ Street. Vehicles traveling _____ on _____ shall yield at _____;

65.05 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. Intersection of _____ and _____;
2. Intersection of _____ and _____;
3. Intersection of _____ and _____;

65.06 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)

22. Fourth Street. Vehicles traveling on Fourth Street shall stop at Myrtle Street.
23. Timberlane. Vehicles traveling south on Timberlane shall stop at Fairview Drive.
24. Fairview Drive. Vehicles traveling west on Fairview Drive shall stop at Linn Street.
25. Fairview Drive. Vehicles traveling east on Fairview Drive shall stop at the County Road.
26. Valleyway Drive. Vehicles traveling south on Valleyway Drive shall stop at Fairview Drive.
27. Railroad Avenue. Vehicles traveling southwest on Railroad Avenue shall stop at the intersection of Hazel Street and Railroad Avenue.
(Ord. 755 – Nov. 04 Supp.)
28. Hazel Street. Vehicles traveling on Hazel Street shall stop at Arnold Street.
29. Hazel Street. Vehicles traveling on Hazel Street shall stop at Green Street.
30. Hazel Street. Vehicles traveling on Hazel Street shall stop at Coolidge Street.
31. Hazel Street. Vehicles traveling on Hazel Street shall stop at First Street.
32. Hazel Street. Vehicles traveling on Hazel Street shall stop at Fourth Street.
33. Hazel Street. Vehicles traveling south on Hazel Street shall stop at Third Street.
34. Ebaugh Street. Vehicles traveling northeasterly on Ebaugh Street shall stop at Arnold Street.
35. Townsend Street. Vehicles traveling on Townsend Street shall stop at Hazel Street.
36. Grove Street. Vehicles traveling south on Grove Street shall stop at Townsend Street.
37. Grove Street. Vehicles traveling on Grove Street shall stop at Green Street.

38. Grove Street. Vehicles traveling north on Grove Street shall stop at Third Street.
39. Grove Street. Vehicles traveling on Grove Street shall stop at Fourth Street.
40. Grove Street. Vehicles traveling on Grove Street shall stop at Fifth Street.
41. Grove Street. Vehicles traveling on Grove Street shall stop at Coolidge Street.
42. Nuckolls Street. Vehicles traveling on Nuckolls Street shall stop at Hazel Street.
43. Green Street. Vehicles traveling on Green Street shall stop at Hazel Street.
44. Tyson Street. Vehicles traveling west on Tyson Street shall stop at Hazel Street.
45. Tyson Street. Vehicles traveling on Tyson Street shall stop at Vine Street.
46. Myrtle Street. Vehicles traveling on Myrtle Street shall stop at First Street.
47. Myrtle Street. Vehicles traveling on Myrtle Street shall stop at Third Street.
48. Myrtle Street. Vehicles traveling on Myrtle Street shall stop at Fifth Street.
49. Myrtle Street. Vehicles traveling on Myrtle Street shall stop at Fourth Street.
50. Second Street. Vehicles traveling on Second Street shall stop at Myrtle Street.
51. Fifth Street. Vehicles traveling on Fifth Street shall stop at Hazel Street.
52. Fifth Street. Vehicles traveling on Fifth Street shall stop at Myrtle Street.
53. Glenbrook Drive. Vehicles traveling south on Glenbrook Drive shall stop at Sixth Street.

54. Tenth Street. Vehicles traveling east on Tenth Street shall stop at Linn Street.
55. Sharp Street. Vehicles traveling on Sharp Street shall stop at Myrtle Street.
56. Eleventh Street. Vehicles traveling west on Eleventh Street shall stop at Linn Street.
57. Elm Street. Vehicles traveling north on Elm Street shall stop at Sixth Street.
58. Pinehurst Circle. Vehicles traveling on Pinehurst Circle shall stop at Glenbrook Drive.
59. Hillcrest Avenue. Vehicles traveling southeasterly on Hillcrest Avenue shall stop at Glenbrook Drive.
60. Hillway Drive. Vehicles traveling on Hillway Drive shall stop at Fairview Drive.
61. Glenwood Heights Apartment Drive. Vehicles traveling on Glenwood Heights Apartment Drive shall stop at Ebaugh Street.
62. Iowa Street. Vehicles traveling on Iowa Street shall stop at Main Street.
63. Orchard Drive. Vehicles traveling on Orchard Drive shall stop at Main Street.
64. Northeast Elementary School Drive. Vehicles traveling east on Northeast Elementary School Drive shall stop at Linn Street.
65. East Florence Avenue. Vehicles traveling south on East Florence Avenue shall stop at Tenth Street.
66. Main Street. Vehicles traveling west on Main Street shall stop at Lacey Street.
67. Independence Street. Vehicles traveling north on Independence Street shall stop at Main Street.
68. Lacey Street. Vehicles traveling west on Lacey Street shall stop at Iowa Street.
69. Camp Road. Vehicles traveling north on Camp Road shall stop at Main Street.

70. Central Street. Vehicles traveling south on Central Street shall stop at Main Street.
71. Indian Hills. Vehicles traveling northwesterly on Indian Hills shall stop at Lacey Street.
72. Arnold Street. Vehicles traveling on Arnold Street shall stop at Hazel Street.
73. Chestnut Street. Vehicles traveling on Chestnut Street shall stop at the intersection of Chestnut Street and Nuckolls Street.
74. Nuckolls Street. Vehicles traveling on Nuckolls Street shall stop at the intersection of Nuckolls and Chestnut Streets.
75. Railroad Avenue. Vehicles traveling northeast on Railroad Avenue shall stop at Vine Street.
76. Third Street. Vehicles traveling east on Third Street shall stop at Linn Street.
77. Valley Street. Vehicles traveling east on Valley Street shall stop at Glenbrook Drive.
78. Eleventh Street. Vehicles traveling west on Eleventh Street shall stop at Linn Street. Vehicles traveling east on Eleventh Street shall stop at Timberlane. *(Ord. 571)*
79. Valleyway Drive. Vehicles traveling west on Valleyway Drive shall stop at Timberlane.
80. Fourth Street. Vehicles traveling east on Fourth Street shall stop at Elm Street.
81. Industrial Road. Vehicles traveling west on Industrial Road shall stop by Railroad Avenue. *(Ord. 755 – Nov. 04 Supp.)*
82. Glenbrook Drive. Vehicles traveling south on Glenbrook Drive shall stop at Valley Street.
83. Second Street. Vehicles traveling east on Second Street shall stop at Linn Street.
84. Second Street. Vehicles traveling on Second Street shall stop at Chestnut Street.

85. Intersection of alley with Coolidge between Walnut Street and Locust Street. Vehicles traveling south in the alley between Walnut Street and Locust Street shall stop at Coolidge. *(Ord. 558 - Aug. 94 Supp.)*
86. Woodlawn Avenue. Vehicles traveling southwest on Woodlawn Avenue shall stop at Glenbrook Drive.
87. Terrace Circle. Vehicles traveling southwest on Terrace Circle shall stop at Glenbrook Drive.
88. Birch Street. Vehicles traveling east on Birch Street shall stop at Glenbrook Drive. *(Ord. 571 - Mar. 95 Supp.)*
89. Elmwood Circle. Vehicles traveling north on Elmwood Circle shall stop at Valley Street. *(Subsections 86-89 Ord. 563 - Sep. 94 Supp.)*
90. Ridgeway Drive. Vehicles traveling east on Ridgeway Drive shall stop at Hillway Drive.
91. Hillway Drive. Vehicles traveling west on Hillway Drive shall stop at Valleyway.
92. Ridgeway Drive. Vehicles traveling west on Ridgeway Drive shall stop at Valleyway.
93. Industrial Road. Vehicles traveling west on Industrial Road shall stop at County Road.
94. Timberlane. Vehicles traveling southeasterly on Timberlane shall stop at County Road. *(Subsection 90-94 Ord. 571 - Mar. 95 Supp.)*
95. Hazel Street. Vehicles traveling south on Hazel Street shall stop at Fifth Street. *(Ord. 597 - Jul. 96 Supp.)*
96. Fourth Street. The vehicles traveling on Fourth Street shall stop at Chestnut Street. *(Ord. 602 - Oct. 96 Supp.)*
97. Crossway Street. The vehicles traveling westerly on Crossway Street shall stop at Valleyway Street. *(Ord. 607 - Jan. 97 Supp.)*
98. Crossway Street. The vehicles traveling easterly on Crossway Street shall stop at Timber Lane. *(Ord. 607 - Jan. 97 Supp.)*
99. Shamrock Circle. The vehicles exiting Shamrock Circle shall stop at Valley Street. *(Ord. 611 - Jan. 97 Supp.)*
100. A 2-way stop for north and south bound traffic on Walnut Street at 9th Street shall be posted by a School Representative 30 minutes before school starts to 30 minutes after school starts and also 30 minutes before school ends to 30 minutes after school ends. *(Ord. 616 - Apr. 97 Supp.)*

101. Linn Street. Vehicles traveling north and south on Linn Street shall stop at Tenth Street and Linn Street Intersection.

(Ord. 628 - Dec. 97 Supp.)

102. Gateway Drive. Vehicles traveling northeast on Gateway Drive shall stop at the intersection of U.S. Highway 275.

(Ord. 628 - Dec. 97 Supp.)

103. Louise Avenue. Vehicles traveling east and west on Louise Avenue shall stop at the intersection of East Florence Avenue and Louise Avenue.

(Ord. 690 – May 02 Supp.)

104. Walnut Street. Vehicles traveling north and south on Walnut Street shall stop at the intersection of West Florence Avenue and Walnut Street.

(Ord. 709 – Nov. 02 Supp.)

105. Gateway Drive. Vehicles traveling northeasterly on Gateway Drive shall stop at Locust Street.

106. Woodlawn Avenue. Vehicles traveling northeasterly on Woodlawn Avenue shall stop at Locust Street.

107. Harolds Drive. Vehicles traveling northeasterly on Harolds Drive shall stop at Locust Street.

108. Hazel Street. Vehicles traveling north or south on Hazel Street shall stop at Locust Street.

109. Sixth Street. Vehicles traveling west on Sixth Street shall stop at Locust Street.

110. Fifth Street. Vehicles traveling east on Fifth Street shall stop at Locust Street.

111. Fourth Street. Vehicles traveling east or west on Fourth Street shall stop at Locust Street.

112. Third Street. Vehicles traveling east or west of Third Street shall stop at Locust Street.

113. Second Street. Vehicles traveling east or west on Second Street shall stop at Locust Street.

114. First Street. Vehicles traveling east or west on First Street shall stop at Locust Street.

115. Coolidge Street. Vehicles traveling east or west on Coolidge Street shall stop at Locust Street.

116. Tyson Street. Vehicles traveling east or west on Tyson Street shall stop at Locust Street.

117. Green Street. Vehicles traveling east on Green Street shall stop at Locust Street.

118. Nuckolls Streets. Vehicles traveling east or west on Nuckolls Street shall stop at Locust Street.

119. Townsend Street. Vehicles traveling east or west on Townsend Street shall stop at Locust Street.

120. Arnold Street. Vehicles traveling east on Arnold Street shall stop at Locust Street.

121. Ebaugh Street. Vehicles traveling southeasterly on Ebaugh Street shall stop at Locust Street.

(#105 – 121 – Ord. 726 – Jul. 03 Supp.)

122. First Street. Vehicles traveling east and west on First Street shall stop at Grove Street.

(Ord. 763 – Sep. 05 Supp.)

123. Second Street. Vehicles traveling east and west on Second Street shall stop at Grove Street.

(Ord. 763 – Sep. 05 Supp.)

124. Birch Street. Vehicles traveling east on Birch Street shall stop at Glenbrook Drive.

(Ord. 776 – Jun. 06 Supp.)

125. Birch Street. Vehicles traveling southwest on Birch Street shall stop at Valley Street.

(Ord. 776 – Jun. 06 Supp.)

126. Sivers Road. Vehicles traveling northerly on Sivers Road shall stop at 4th Street.

(Ord. 848 – Jun. 12 Supp.)

127. Sivers Road. Vehicles traveling west on Sivers Road shall stop at intersection of 4th Street and Sivers Road.

(Ord. 848 – Jun. 12 Supp.)

128. Sharp Street. Vehicles traveling east or west on Sharp Street shall stop at Elm Street.

(Ord. 853 – Nov. 12 Supp.)

65.03 FOUR-WAY STOP INTERSECTIONS. Every driver of a vehicle shall stop before entering the following designated four-way stop.

(Code of Iowa, Sec. 321.345)

1. Green Street and Hazel Street. All vehicles approaching the intersection of Green Street and Hazel Street shall stop before entering such intersection.

2. Linn Street and Fourth Street. All vehicles approaching the intersection of Linn Street and Fourth Street shall stop before entering such intersection.

3. Myrtle Street and Fourth Street. All vehicles approaching the intersection of Myrtle Street and Fourth street shall stop before entering such intersection.

4. Arnold Street and Hazel Street. All vehicles approaching the intersection of Arnold Street and Hazel Street shall stop before entering such intersection.

5. Hazel and Coolidge Street. All vehicles approaching the intersection of Hazel Street and Coolidge Street shall stop before entering the intersection. *(Ord. 566 - Dec. 94 Supp.)*

65.04 SPECIAL YIELD REQUIRED. Every driver of a vehicle shall yield in accordance with the following:

(Code of Iowa, Sec. 321.345)

1. Grove Street. Vehicles traveling southbound on Grove Street shall yield the right of way to east and west bound traffic traveling on Third Street. *(Ord. 763 – Sep. 05 Supp.)*

65.05 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. Intersection of Linn Street at the Northeast Elementary School Drive.

2. Intersection of Vine Street and Ninth Street.

3. Intersection of Fairview Drive and Linn Street.

(#3 - Ord. 799 – Dec. 07 Supp.)

65.06 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)

65.07 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.

65.08 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)

65.09 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. Intersection of Sharp Street and Locust Street.
2. Intersection of Sharp Street and Walnut Street.
3. Intersection of Sharp Street and Vine Street
4. 148 feet north of 6th Street on Locust Street.

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CHAPTER 68

ONE-WAY TRAFFIC

68.01 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.

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

1. 9th Street shall be westbound only from Vine Street to Walnut Street between the hours of 7:30 a.m. to 8:45 a.m. and 2:30 p.m. to 3:45 p.m.
2. Vine Street shall be southbound only from 9th Street to 10th Street between the hours of 7:30 a.m. to 8:45 a.m. and 2:30 p.m. to 3:45 p.m.
3. Sharp Street will be westbound only from Myrtle Street to Elm Street from 3:00 p.m. until 3:20 p.m. on all school days. *(Ord. 572)*
4. Vine Street shall be northbound only from school property line at the south end to East Florence Avenue from 7:50 a.m. to 8:15 a.m. and 2:45 p.m. to 3:10 p.m. on all school days. *(Ord. 584)*
5. The Sports Complex Road will be for one-way traffic commencing at the east entrance at all times. *(Ord. 650 – Nov. 99 Supp.)*
6. Myrtle Street shall be southbound only from First Street to Sharp Street for a period of two hours starting one hour before the commencement of the first West Elementary School period on all Glenwood Community District school days. *(Ord. 872 – Oct. 16 Supp.)*

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CHAPTER 69

PARKING REGULATIONS

69.01 Park Adjacent to Curb
69.02 Park Adjacent to Curb - One-way Street
69.03 Diagonal Parking
69.04 Angle Parking - Manner
69.05 Parking for Certain Purposes Illegal
69.06 Parking Prohibited
69.07 Handicapped Parking
69.08 No Parking Zones
69.09 Overnight Parking
69.10 Truck Parking Limited

69.11 Parking Limited to One Hour
69.12 Parking Limited to Two Hours
69.13 Parking Limited to Ten Minutes
69.14 Parking Limited
69.15 Snow Emergency
69.16 Fire Lanes
69.17 Parking Signs Required
69.18 Controlled Access Facilities
69.19 Glenwood Library Parking

69.01 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, Sec. 321.361)

69.02 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, Sec. 321.361)

69.03 DIAGONAL PARKING. Angle or diagonal parking is permitted only in the following locations:

(Code of Iowa, Sec. 321.361)

1. First Street in the center and on the north and south sides from Walnut Street to Vine Street.
2. Vine Street on both sides from Sharp Street to Second Street.
3. Vine Street in the center from Sharp Street to First Street.
4. Sharp Street on both sides from Vine Street to Walnut Street.
5. Walnut Street on both sides from Sharp Street to First Street.

6. Walnut Street on both sides with parallel parking in the center from Sharp Street to First Street.
7. Vine Street on the east side from Sharp Street to a point one hundred fifty (150) feet south of Sharp Street.

69.04 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, Sec. 321.361)

69.05 PARKING FOR CERTAIN PURPOSES ILLEGAL. No person shall park a vehicle upon public property for more than forty-eight (48) hours or for any of the following principal purposes:

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

1. Sale. Displaying such vehicle for sale;
2. Repairing. For lubricating, repairing or for commercial washing of such vehicle except such repairs as are necessitated by an emergency;
3. Advertising. Displaying advertising;
4. Merchandise Sales. Selling merchandise from such vehicle except in a duly established market place or when so authorized or licensed under this Code of Ordinances.

69.06 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.
2. Center Parkway. On the center parkway or dividing area of any divided street.

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

4. Sidewalks. On or across a sidewalk.

(Code of Iowa, Sec. 321.358 [1])

5. Driveway. In front of a public or private driveway.

(Code of Iowa, Sec. 321.358 [2])

6. Intersection. Within, or within ten (10) feet of an intersection of any street or alley.

(Code of Iowa, Sec. 321.358 [3])

7. Fire Hydrant. Within five (5) feet of a fire hydrant.

(Code of Iowa, 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, 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, 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 Council may cause curbs to be painted with a yellow color and erect no parking or standing signs.

(Code of Iowa, Sec. 321.358 [13])

14. Theaters, Hotels and Auditoriums. A space of not to exceed fifty (50) feet is hereby reserved at the side of the street in front of any theater, 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, 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.

(Ord. 670 – Mar. 01 Supp.)

(Code of Iowa, Sec. 321.360)

15. Public Alleys. In any public alley.

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

16. Ramps. In front of a curb cut or ramp which is located on public or private property in a manner which blocks access to the curb cut or ramp.

(Code of Iowa, Sec. 321.358[15])

69.07 HANDICAPPED PARKING. The following regulations shall apply to the establishment and use of handicapped parking spaces:

1. Nonresidential Off-street Facilities. Nonresidential off-street parking facilities shall set aside handicapped parking spaces in accordance with the following:

A. Municipal off-street public parking facilities or an entity providing nonresidential parking in off-street public parking facilities shall provide not less than two percent (2%) of the total parking spaces in each parking facility as handicapped parking spaces, rounded to the nearest whole number of handicapped parking spaces. However, such parking facilities having ten (10) or more parking spaces shall set aside at least one handicapped parking space.

(Code of Iowa, Sec. 321L.5[3a])

B. An entity providing off-street nonresidential public parking facilities shall review the utilization of existing handicapped parking spaces for a one-month period not less than once every twelve months. If upon review, the average occupancy rate for handicapped parking spaces in a facility exceeds sixty percent (60%) during normal business hours, the entity shall provide additional handicapped parking spaces as needed.

(Code of Iowa, Sec. 321L.5[3b])

C. An entity providing off-street nonresidential parking as a lessor shall provide a handicapped parking space to an individual requesting to lease a parking space, if that individual possesses a permanent handicapped identification device issued in accordance with Section 321L.2 of the Code of Iowa.

D. A new nonresidential facility in which construction has been completed on or after July 1, 1991, providing parking to the general public shall provide handicapped parking spaces as stipulated below:

TOTAL PARKING SPACES IN LOT	REQUIRED MINIMUM NUMBER OF HANDICAPPED PARKING SPACES
10 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	†
1001 and over	‡
† Two percent (2%) of total	
‡ Twenty (20) spaces plus one for each 100 over 1000	

(Code of Iowa, Sec. 321L.5[3d])

2. Residential Buildings and Facilities. All public and private buildings and facilities, temporary and permanent, which are residences, and which provide ten (10) or more tenant parking spaces, excluding extended health care facilities, shall set aside at least one handicapped parking space as needed for each individual dwelling unit in which a handicapped person resides. Residential buildings and facilities which provide public visitor parking of ten (10) or more spaces shall designate handicapped parking spaces in the visitors parking area in accordance with the table contained in subsection (1)(D) of this section.

(IAC, 661-18.7[321L])

3. Business District. With respect to any on-street parking areas provided by the City within the business district, not less than two percent (2%) of the total parking spaces within each business district shall be designated as handicapped parking spaces.

(Code of Iowa, Sec. 321L.5[4a])

4. Other Spaces. Any other person may set aside handicapped parking spaces on the person's property provided each parking space is

clearly and prominently designated as a handicapped parking space. No person shall establish any on-street handicapped parking spaces without first obtaining Council approval.

(Code of Iowa, Sec. 321L.5[3e])

5. Improper Use. The use of a handicapped parking space, located on either public or private property, by a motor vehicle not displaying a handicapped identification device, displaying such a device but not being used by a handicapped person, or are in violation of the rules adopted under Section 321L.8 of the Code of Iowa, constitutes improper use of a handicapped identification device, which is a misdemeanor, and is subject to a mandatory \$100.00 fine.

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

6. Wheelchair Parking Cones. No person shall use or interfere with a wheelchair parking cone in violation of the following:

A. A person issued a persons with disabilities parking permit must comply with the requirements of Section 321L.2A (1) of the Code of Iowa when utilizing a wheelchair parking cone.

B. A person shall not interfere with a wheelchair parking cone which is properly placed under the provisions of Section 321L.2A (1) of the Code of Iowa.

(Ord. 659 – Sep. 00 Supp.)

69.08 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. 321.236 [1])

1. Main Street on both sides from Iowa Street to east corporate limits.
2. Lacey Street on both sides from Iowa Street to the railroad underpass.
3. Lacey Street on the west side from Main Street to a point 750 feet north of Main Street.
4. Lacey Street on the east side from Main Street to a point 600 feet north of Main Street.
5. Lacey Street on the east side from Main Street to Camp Road.
6. Lacey Street on the west side from Main Street to Camp Road.

7. Tenth Street on the south side from Vine Street to a point 225 feet east of East Florence Avenue.
8. Louise Avenue on the south side and east side from East Florence Avenue to the dead end including the cul-de-sac and on Louise Avenue on the north and west side from a point two hundred thirteen (213) feet east of East Florence to a point four hundred fifty-eight (458) feet east/northeast of East Florence. *(Ord. 741 – Jul. 04 Supp.)*
9. Camp Road on both sides from Lacey Street to Main Street.
10. Buckner Drive on both sides from Camp Road to Independence Street.
11. Independence Street on both sides from Buckner Drive to Lacey Street.
12. Iowa Street on both sides from Lacey Street to Main Street.
13. Central Street on both sides from Main Street to Lacey Street. *(Ord. 722 – May 03 Supp.)*
14. Center Street on the north side from Walnut Street to the cul-de-sac.
15. West Florence Avenue on the north side from Walnut Street to Owen Avenue.
16. West Florence Avenue on the south side from Walnut Street to a point 40 feet east of Walnut Street.
17. West Florence Avenue on the northeast side from the southern to the northern intersection of West Florence Avenue and Walnut Street.
18. Fairview Drive on the south side from Linn Street to the County Road.
19. Fairview Drive on the north side from Hillway Drive to the County Road.
20. Fairview Drive on the north side from Valleyway to a point 120 feet west of Valleyway.
21. Fairview Drive on the north side from a point 350 feet east of Linn Street to a point 250 feet southwest of Timberlane.
22. Ridgeway Drive on the north side from Valleyway Drive to Hillway Drive.

23. Valleyway Drive on the west side from Fairview Drive to Timberlane.
24. Hillway Drive on the south side from Valleyway Drive, east to the curve and on the west from the curve to Fairview Drive. *(Ord. 573)*
25. Hillway Drive on the east side from Fairview Drive to a point fifty (50) feet north. *(Ord. 573)*
26. Timberlane, On the west side from Fairview Drive to its intersection with Sivers Road. *(Ord. 573)*
27. (Repealed by Ordinance No. 569)
28. Crossway from Valleyway to Timberlane.
29. (Repealed by Ordinance No. 569)
30. Second Street on the north side from Grove Street to Myrtle Street.
31. Hazel Street from Locust Street to Arnold Street.
32. Hazel Street on the east side from Arnold Street to Coolidge Street.
33. Hazel Street on the west side from Coolidge Street to Second Street.
34. Hazel Street on the east side from Second Street to Fifth Street.
35. Hazel Street from Fifth Street to a point two hundred seventy-five (275) feet north of Fifth Street.
36. Hazel Street on the east side from Sharp Street to a point thirty (30) feet south. *(Ord. 877 – Mar. 18 Supp.)*
37. Third Street from Elm Street to Grove Street.
38. Third Street on the north side from Locust Street to Walnut Street.

39. Fourth Street on the south side from the west corporate line to
Sivers Road. *(Ord. 829 – Aug. 10 Supp.)*
40. Fifth Street on the north side from Elm Street to Locust Street.
41. Sixth Street on the south side from Elm Street to Grove Street.
42. Sixth Street on the south side from Locust Street to Walnut Street.
43. Sixth Street from Vine Street to Chestnut Street.
44. Sixth Street on the north side from Vine Street to a point fifty (50)
feet west.
45. Ninth Street on the north side from Walnut Street to Vine Street.
46. Tenth Street on the north side from Vine Street to Linn Street.
47. Eleventh Street on the north side from Linn Street to Timberlane.
48. First Street on the south side from Elm Street to Park Avenue.
49. First Street from Elm Street to Grove Street.
50. First Street on the south side from Grove Street to Myrtle Street.
51. First Street on the south side from Hazel Street to Locust Street.
52. First Street on the south side from Chestnut Street to Linn Street.
53. First Street on the north side from Vine Street to Chestnut Street.
54. Sharp Street from the west City limits to Locust Street.
55. Sharp Street from Vine Street to the east City limits.
56. Coolidge Street on the north side from Elm Street to Locust
Street.
57. Coolidge Street from Locust Street to Vine Street.
58. Tyson Street on the north side from Hazel Street to Locust Street.

59. Tyson Street from Vine Street to Chestnut Street.
60. Nuckolls Street on the north side from Grove Street to Hazel Street.
61. Nuckolls Street on the south side of Locust Street to a point one hundred fifty (150) feet west.
62. Townsend Street on the south side from Bowman Avenue to Locust Street.
63. Arnold Street on the north side from Bowman Avenue to Locust Street.
64. Ebaugh Street on the east side from South Locust Street to Arnold Street.
(Ord. 829 – Aug. 10 Supp.)
65. Park Avenue on the west side from Sharp Street to First Street.
66. Elm Street from Coolidge Street to Sixth Street.
67. Grove Street on the east side from Townsend Street to Green Street.
68. Grove Street on the east side from Coolidge Street to Sharp Street.
69. Grove Street on the west side from Sharp Street to a point sixty (60) feet south.
70. Grove Street from First Street to Second Street.
71. Grove Street on the east side from Second Street to Third Street and on the west side from Third Street to a point two hundred (200) feet south.
72. Grove Street from Fifth Street to Sixth Street.
73. Myrtle Street on the east side from Sharp Street to a point two hundred fifty (250) feet north of Fifth Street.
74. Locust Street from the south corporate limits to the north corporate limits.
(Ord. 829 – Aug. 10 Supp.)

75. Walnut Street on the east side from Tyson Street to Sharp Street.
76. Walnut Street from Second Street to the north intersection of West Florence and continuing north on the east side to the circle.
77. Vine Street from Iowa Street to Coolidge Street.
78. Vine Street from Fourth Street to Tenth Street.
79. Chestnut Street on the east side from Arnold Street to Sharp Street.
80. Linn Street on the west side from Sharp Street to First Street.
(Ord. 573)
81. Linn Street on the east side from Sharp Street to the City limits.
(Ord. 573)
82. *(Repealed by Ordinance No. 569)*
83. Linn Street on the west side from Fourth Street to the north corporate limits.
84. Sivers Road from Sharp Street to the City limits.
85. Indian Hills from Lacey Street to the west corporate limits.
86. Glenbrook Drive on the west side from Sixth Street to a point one hundred seventy (170) feet north of Hillcrest Avenue.
87. Glenbrook Drive on the east side from Pinehurst Circle to Terrace Circle, and on the north side from Terrace Circle to the turn and on the west side from the turn to Valley Street.
(Ord. 573)
88. *(Repealed by Ordinance No. 569)*
89. Glenbrook Drive on the west side from a point one hundred forty (140) feet south of Woodlawn Avenue to a point three hundred ten (310) feet south of Woodlawn Avenue.
90. Hillcrest Avenue on the north and on the east sides from Glenbrook Drive to the dead end.
(Ord. 573)
91. Hillcrest Avenue on the west side from a point two hundred (200) feet north of Glenbrook Drive to a point three hundred fifty (350) feet north of Glenbrook Drive.
92. Valley Street on the southwest side from Glenbrook Drive including the cul-de-sac to a point one hundred eighty (180) feet northwest of Birch Street.
(Ord. 776 - Jun. 06 Supp.)
93. *(Repealed by Ordinance No. 569)*

94. Valley Street on the north side from Glenbrook Drive to a point one hundred sixty (160) feet west (Ord. 573)
95. Elmwood Circle from Valley Street to the cul-de-sac. (Ord. 573)
96. Pinehurst Circle from Glenbrook Drive to the cul-de-sac.
97. (Repealed by Ordinance No. 569)
98. (Repealed by Ordinance No. 569)
99. (Repealed by Ordinance No. 569)
100. (Repealed by Ordinance No. 569)
101. (Repealed by Ordinance No. 569)
102. (Repealed by Ordinance No. 569)
103. (Repealed by Ordinance No. 569)
104. (Repealed by Ordinance No. 569)
105. (Repealed by Ordinance No. 569)
106. Terrace Circle from Glenbrook Drive to the cul-de-sac.
107. Second Street on the north side from Linn Street to Chestnut Street.
108. Sixth Street from Elm Street west to center of Section 11, Township 72, Range 43 West of the 5th PM.
109. Linn Street from Fourth Street north to the north City limits.
110. The west side of Linn Street, from Fourth Street south, a distance of ninety (90) feet from the corner thereof. (Ord. 557)
111. The south side of Townsend Street between Chestnut Street and Linn Street. (Ord. 562 - Sep. 94 Supp.)
112. Walnut Street on the east side from Nuckolls Street to Townsend Street. (Ord. 578 - Aug. 95 Supp.)
113. East side of Woodlawn between U.S. Highway 275 and Glenbrook. (Ord. 589 - Dec. 95 Supp.)
114. Tyson Street on both sides from West right-of-way on Hazel Street West approximately 160 feet to East line of Section 14-72-43. (Ord. 593 - Feb. 96 Supp.)
115. Hazel Street on the West side from Fifth Street to a point sixty (60) feet South of the South curb line of Fifth Street. (Ord. 598 - Jul. 96 Supp.)

116. Bowman Avenue on both sides from Arnold Street South to the dead end.
(Ord. 610 - Jan. 97 Supp.)
117. Valleyway Street on the east side from Hillway Street to a point fifty (50) feet north of the north curb line of Hillway Street.
(Ord. 614 - Apr. 97 Supp.)
118. The east side of Ebaugh Street from the City limits to Arnold Street.
(Ord. 621 - Sep. 97 Supp.)
119. Parking on the West side of Myrtle Street shall be allowed only from the intersection of Myrtle and Sharp Street, north to the intersection of Myrtle and First Street. No parking shall be allowed on the East side of Myrtle Street between the intersection of Myrtle Street and Sharp Street and the intersection of Myrtle Street and First Street.
(Ord. 626 - Nov. 97 Supp.)
120. On Myrtle Street from the intersection of First Street and Myrtle Street north to the intersection of Myrtle Street and Fourth Street; provided, however, that off street parking shall be allowed on the east side of Myrtle Street between First Street and Fourth Street with the exception of the 183 feet directly south of Fourth Street.
(Ord. 817 - Jan. 09 Supp.)
121. Between the signs on the curve on the east side of Glenbrook Drive from 176 feet north of Birch Street to 473 feet north of Birch Street.
(Ord. 866 - Sep. 16 Supp.)
122. Shamrock Circle on the West side from Valley Street to a point 357 feet South.
(Ord. 631 - Mar. 98 Supp.)
123. South side of Third Street from Hazel Street to Locust Street.
(Ord. 637 - Jan. 99 Supp.)
124. Linn Street 140 feet north of First Street on the west side.
125. Both sides of Fourth Street 276 feet west of Elm Street.
(Ord. 639 - Feb. 99 Supp.)
126. South side of Coolidge Street between Vine Street and Chestnut Street.
(Ord. 646 - Nov. 99 Supp.)
127. The inside shoulder of Sports Complex Road, commencing from the east entrance.
(Ord. 650 - Nov. 99 Supp.)
128. Walnut Street on the west side from First Street to a point 45 feet north.
129. First Street north side between Locust Street and Walnut Street from alley to a point 29 feet east of alley.

130. First Street south side between Locust Street and Walnut Street from alley to a point 12 feet west of alley.
131. Second Street north side from Hazel Street to a point 180 feet west.
(Ord. 673 – May 01 Supp.)
(Subsections 128 – 131 – Ord. 666 – Mar. 01 Supp.)
132. The west side of South Hazel Street between Townsend Street and Arnold Street.
(Ord. 681 – Apr. 02 Supp.)
133. Tyson Street on south side from Vine Street to Chestnut Street.
(Ord. 695 – Jun. 02 Supp.)
134. (Repealed by Ordinance No. 708 – Nov. 02 Supp.)
135. Eleventh Street, both sides, from North Linn Street to Timber Lane.
(Ord. 716 – Nov. 02 Supp.)
136. Glenbrook Drive on the west side from Woodlawn Avenue to a point sixty (60) feet south.
(Ord. 741 – Jul. 04 Supp.)
137. North side of Third Street between Chestnut Street and Vine Street.
(Ord. 742 – Jul. 04 Supp.)
138. Both sides of Tenth Street from East Florence west to Vine Street.
(Ord. 743 – Jul. 04 Supp.)
139. North side of Second Street from Locust to Hazel.
(Ord. 760 – Jun. 05 Supp.)
140. Birch Street on the north/northwest side from Glenbrook Drive to Valley Street.
(Ord. 776 – Jun. 06 Supp.)
141. Birch Street on the south side starting at a point one hundred seventy-eight (178) feet east from Glenbrook Drive and going three hundred forty-eight (348) feet from Glenbrook Drive.
(Ord. 776 – Jun. 06 Supp.)
142. Birch Street on the south side from Glenbrook Drive to a point seventy (70) feet west.
(Ord. 776 – Jun. 06 Supp.)
143. Birch Street on the south side from Valley Street to a point seventy (70) feet east.
(Ord. 776 – Jun. 06 Supp.)
144. Fifth Street on the south side from 110 feet west of Locust Street to Locust Street.
(Ord. 779 – Aug. 06 Supp.)
145. First Street on the south side from Park Avenue west four hundred (400) feet to the end of the public right-of-way. *(Ord. 789 – Feb. 07 Supp.)*

146. On the south side of the curve of East Florence Avenue from 155 feet west of Owen Avenue proceeding northwesterly then southerly for a total of two hundred sixty-five (265) feet. *(Ord. 817 – Jan. 09 Supp.)*
147. The north side of Fourth Street from Elm Street west to the corporate line. *(Ord. 828 – Jan. 10 Supp.)*
148. Chestnut Street on the west side from Fourth Street to Sixth Street. *(Ord. 830 – Aug. 10 Supp.)*
149. The east side of Grove Street from Green Street north to Coolidge Street.
150. The north side and the south side of Green Street from Grove Street west to the City of Glenwood's west corporate line.
151. The west side of Hickory Ridge Drive, including the cul-de-sac.
152. The east side of Hickory Ridge Drive from Hilman Road and continuing southeast for six hundred (600) consecutive feet.
153. The south side of Hickory Ridge Lane.
(Subsections 149-153—Ord. 851 – Nov. 12 Supp.)
154. Each side of Industrial Road from Railroad Avenue for 430 feet east, including the cul-de-sac. *(Ord. 863 – Nov. 14 Supp.)*
155. Sixth Street on the north side from Grove Street to a point 50 feet west. *(Ord. 866 – Sep. 16 Supp.)*
156. Fourth Street on the north side from Elm Street to a point 35 feet east. *(Ord. 877 – Mar. 18 Supp.)*
157. Marian Avenue on the south side from Red Bud Avenue to the corporate line. *(Ord. 878 – Mar. 18 Supp.)*

69.09 OVERNIGHT PARKING.

1. Except as otherwise provided herein, no person shall park a vehicle on any of the following named streets for a period longer than thirty (30) minutes between the hours of two o'clock (2:00) a.m. and six o'clock (6:00) a.m. of any day: First Street from Locust Street to Vine Street; Sharp Street from Locust Street to Vine Street; Walnut Street from Second Street to Coolidge Street; and Vine Street from First Street to Sharp Street.
2. Except during snow emergencies when no vehicles shall be parked on the above-named referenced streets, overnight parking shall be allowed as follows: On the south side of Sharp Street from Walnut Street to the alley located immediately west of Walnut Street; on the east side of Walnut Street from Sharp Street to the alley located immediately

north of First Street; and on the west side of Vine Street from First street to Sharp Street.

3. The prohibitions provided in this section shall not apply to physicians or other persons on emergency call.

(Ord. 861 – May 14 Supp.)

69.10 TRUCK PARKING LIMITED. It is unlawful for any person to park any motor vehicle, other than a light delivery truck, panel delivery truck, pickup, or passenger automobile as defined by the Code of Iowa, on any street or public alley within the City other than in areas zoned for light manufacturing, heavy manufacturing, general business zone, or heavy general business zone unless at the time said vehicle is so parked personal property is being loaded onto or is being unloaded from said truck.

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

69.11 PARKING LIMITED TO ONE HOUR. It is unlawful to park any vehicle for a continuous period of more than one hour between the hours of three o'clock (3:00) p.m. and six o'clock (6:00) p.m. on any day except Sunday upon the following designated streets.

1. Vine Street, on the east side, from eighty-three (83) feet south of Second Street to two hundred six (206) feet north of First Street.

69.12 PARKING LIMITED TO TWO HOURS. It is unlawful to park any vehicle for a continuous period of more than two (2) hours between the hours of seven o'clock (7:00) a.m. and six o'clock (6:00) p.m. on each day except Sunday upon the following designated streets:

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

1. Sharp Street from Locust Street to Vine Street.
2. Vine Street from First Street to Sharp Street.
3. First Street on the north side from Locust Street to Vine Street.
4. First Street on the south side from Locust Street to Walnut Street.
5. First Street on the south side from Walnut Street to Vine Street.
6. Walnut Street on the west side from Sharp Street two hundred fifty (250) feet south.

(Ord. 796 – Oct. 07 Supp.)

69.13 PARKING LIMITED TO TEN MINUTES. Except for Saturdays and Sundays, it is unlawful to park any vehicle for a continuous period of more than ten (10) minutes between the hours of seven-thirty (7:30) a.m. and four-thirty (4:30) p.m. on each day, upon the following designated streets and public parking areas:

1. Vine Street, on the east side, from Sharp Street to the Post Office drive.
2. *(Repealed by Ord. 872 – Oct. 16 Supp.)*

69.14 PARKING LIMITED. No one shall stop, stand or park a vehicle in any of the following specifically designated no parking zones, except during time periods other than the periods posted, or when necessary to avoid conflict with other traffic or in compliance with the direction of a peace officer or traffic control signal.

1. Fourth Street, on the north side, from Locust Street to Sivers Road, from seven o'clock (7:00) a.m. to nine o'clock (9:00) a.m. and two o'clock (2:00) p.m. to four o'clock (4:00) p.m.
2. Vine Street, on the east side from the school property line at the south end to East Florence Avenue from twenty-five (25) minutes to the commencement of the school first period class and from fifteen (15) minutes prior to the end of the school last period class to ten (10) minutes after the end of the last school period on all school days; provided, however, that any standing or parking of a vehicle shall be strictly prohibited, as the exceptions outlined in this subsection shall be limited to the stopping of a vehicle for the sole purpose of loading and unloading children for transportation. *(Ord. 872 – Oct. 16 Supp.)*
3. Ninth Street, on the north side, from 7:50 a.m. to 8:15 a.m. and 2:45 p.m. to 3:10 p.m. on all school days.
4. Sharp Street, on the south side, from the intersection of Grove Street and Myrtle Street from 7:30 a.m. to 8:30 a.m. and 2:30 p.m. to 3:30 p.m. on all school days.
5. Linn Street, on the west side, from the intersection of First Street to Fourth Street from 7:00 a.m. to 5:00 p.m. Monday through Friday. *(Ord. 708 – Nov. 02 Supp.)*

69.15 SNOW EMERGENCY.

1. When predictions or occurrences indicate the need, the Mayor may proclaim a snow emergency and the Police Chief shall inform the news media to publicize the proclamation. Such emergency may be extended or shortened when conditions warrant. Such a ban shall be of uniform application and the Police Chief is directed to publicize the requirements, using all available news media.
2. No person shall park, abandon or leave unattended any vehicle on any public street or City-owned parking lot, other than designated overnight parking areas, during any snow emergency proclaimed by the

Mayor. The snow emergency parking ban shall continue from its proclamation through the duration of the snow or ice storm and the twenty-four (24) hour period after cessation of such, or until the snow is plowed or removed from such areas, whichever occurs sooner.

3. Whenever any motor vehicle without driver is found parked or stopped in violation of any of the restrictions imposed by this section, the officer finding such vehicle shall make a reasonable effort to notify the party who can move the vehicle and, not succeeding, shall have the authority to have such vehicle towed at the owner's expense.

69.16 FIRE LANES. No person shall stop, stand or park a vehicle in a fire lane as provided herein.

(Code of Iowa, Sec. 321.236)

1. Fire Lanes Established. The Fire Chief may designate fire lanes on any private road or driveway where deemed necessary to assure access to property or premises by authorized emergency vehicles.

2. Signs and Markings. Wherever a fire lane has been designated, the Police Chief shall cause appropriate signs and markings to be placed identifying such fire lanes and the parking prohibition established by this section.

3. Exception. The provisions of this section do not apply to authorized emergency vehicles.

69.17 PARKING SIGNS REQUIRED. Whenever by this chapter or any other section of this Code of Ordinances 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, Sec. 321.255 & 321. 256)

69.18 CONTROLLED ACCESS FACILITIES. Parking restrictions on controlled access facilities are as specified in Chapter 140 of this Code of Ordinances.

69.19 GLENWOOD LIBRARY PARKING. It is unlawful for any person to park a vehicle in the Glenwood Library parking lot situated on the east side of the Glenwood Library, located at 109 North Vine Street, unless such person utilizes the parking lot for the purpose of concurrently patronizing the Glenwood Library or to work or volunteer at the Glenwood Library.

(Ord. 818 – May 09 Supp.)

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CHAPTER 70

TRAFFIC CODE ENFORCEMENT PROCEDURES

70.01 Arrest or Citation
70.02 Scheduled Violations
70.03 Parking Violations: Alternate

70.04 Parking Violations: Vehicle Unattended
70.05 Presumption in Reference to Illegal Parking
70.06 Impounding Vehicles

70.01 ARREST OR CITATION. Whenever a peace officer has reasonable cause to believe that a person has violated any provision of the Traffic Code, such officer may:

1. Immediate Arrest. Immediately arrest such person and take such person before a local magistrate, or
2. Issue Citation. Without arresting the person, prepare in quintuplicate 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, two copies to the defendant and retain the fifth copy for the records of the City.

(Code of Iowa, Sec. 805.6 & 321.485)

70.02 SCHEDULED VIOLATIONS. For violations of the Traffic Code which are designated by Section 805.8 of the Code of Iowa to be scheduled violations, the scheduled fine for each of those violations shall be as specified in Section 805.8 of the Code of Iowa.

(Code of Iowa, Sec. 805.8 & 805.8A)

70.03 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 ten dollars (\$10.00) for all violations except improper use of a persons with disabilities parking (handicapped parking) permit. If such fine is not paid within thirty (30) days, it shall be increased by five dollars (\$5.00). The simple notice of a fine for improper use of a persons with disabilities parking (handicapped parking) permit is one hundred dollars (\$100.00). Failure to pay the simple notice of a fine shall be grounds for the filing of a complaint in District Court. *(Ord. 730 – Aug. 03 Supp.)*

(Code of Iowa, Sec. 321.236 [1a] & 321L.4[2])

70.04 PARKING VIOLATIONS: VEHICLE UNATTENDED. When a vehicle is parked in violation of any provision of the Traffic Code, and the driver is not present, the notice of fine or citation as herein provided shall be attached to the vehicle in a conspicuous place.

70.05 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. Described Vehicle. The particular vehicle described in the information was parked in violation of the Traffic Code, and
2. Registered Owner. The defendant named in the information was the registered owner at the time in question.

70.06 IMPOUNDING VEHICLES. A peace officer is hereby authorized to remove, or cause to be removed, a vehicle from a street, public alley, public parking lot or highway to the nearest garage or other place of safety, or to a garage designated or maintained by the City, under the circumstances hereinafter enumerated:

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

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

2. Illegally Parked Vehicle. When any vehicle is left unattended and is so illegally parked as to constitute a definite hazard or obstruction to the normal movement of traffic.

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

3. Snow Removal. When any vehicle is left parked in violation of a ban on parking during snow removal operations.

4. Parked Over Forty-eight Hour Period. When any vehicle is left parked 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, the owner shall be given an opportunity to remove the vehicle.

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

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

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

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CHAPTER 75

ALL-TERRAIN VEHICLES AND SNOWMOBILES

75.01 Purpose
75.02 Definitions
75.03 General Regulations
75.04 Operation of Snowmobiles

75.05 Operation of All-Terrain Vehicles
75.06 Negligence
75.07 Accident Reports

75.01 PURPOSE. The purpose of this chapter is to regulate the operation of all-terrain vehicles and snowmobiles within the City.

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

1. “All-terrain vehicle” or “ATV” means a motorized flotation-tire vehicle, with not less than three (3) and not more than six (6) low pressure tires, that is limited in engine displacement to less than one thousand (1,000) cubic centimeters and in total dry weight to less than one thousand (1,000) pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.

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

2. “Off-road motorcycle” means a two-wheeled motor vehicle that has a seat or saddle designed to be straddled by the operator and handlebars for steering control and that is intended by the manufacturer for use on natural terrain. “Off-road motorcycle” includes a motorcycle that was originally issued a certificate of title and registered for highway use under Chapter 321 of the Code of Iowa, but which contains design features that enable operation over natural terrain. An operator of an off-road motorcycle is also subject to the provisions of this chapter governing the operation of all-terrain vehicles.

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

3. “Off-road utility vehicle” means a motorized flotation-tire vehicle, with not less than four and not more than eight low-pressure tires, that is limited in engine displacement to less than one thousand five hundred (1,500) cubic centimeters and in total dry weight to not more than one thousand eight hundred (1,800) pounds and that has a seat that is of bucket or bench design, not intended to be straddled by the operator, and a steering wheel or control levers for control. An operator of an off-road utility vehicle is also subject to the provisions of this chapter governing the operation of all-terrain vehicles. *(Ord. 826 – Jan. 10 Supp.)*

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

4. "Snowmobile" means a motorized vehicle weighing less than one thousand (1,000) pounds which uses sled-type runners or skis, endless belt-type tread with a width of forty-eight (48) inches or less, or any combination of runners, skis or tread, and is designed for travel on snow or ice. "Snowmobile" does not include an all-terrain vehicle which has been altered or equipped with runners, skis, belt-type tracks or treads.

(Code of Iowa, Sec. 321G.1)

(Ord. 800 – Dec. 07 Supp.)

75.03 GENERAL REGULATIONS. No person shall operate an ATV, off-road motorcycle or off-road utility vehicle within the City in violation of Chapter 321I of the Code of Iowa or a snowmobile within the City in violation of the provisions of Chapter 321G of the Code of Iowa or in violation of rules established by the Natural Resource Commission of the Department of Natural Resources governing their registration, equipment and manner of operation.

(Code of Iowa, Ch. 321G & Ch. 321I)

(Ord. 800 – Dec. 07 Supp.)

75.04 OPERATION OF SNOWMOBILES. The operators of snowmobiles shall comply with the following restrictions as to where snowmobiles may be operated within the City:

1. Streets. Snowmobiles shall be operated only upon streets which have not been plowed during the snow season and on such other streets as may be designated by resolution of the Council.

(Code of Iowa, Sec. 321G.9[4a])

2. Exceptions. Snowmobiles may be operated on prohibited streets only under the following circumstances:

A. Emergencies. Snowmobiles may be operated on any street in an emergency during the period of time when and at locations where snow upon the roadway renders travel by conventional motor vehicles impractical.

(Code of Iowa, Sec. 321G.9[4c])

B. Direct Crossing. Snowmobiles may make a direct crossing of a prohibited street provided all of the following occur:

- (1) The crossing is made at an angle of approximately ninety degrees (90°) to the direction of the street and at a place where no obstruction prevents a quick and safe crossing;
- (2) The snowmobile is brought to a complete stop before crossing the street;

(3) The driver yields the right-of-way to all on-coming traffic which constitutes an immediate hazard; and

(4) In crossing a divided street, the crossing is made only at an intersection of such street with another street.

(Code of Iowa, Sec. 321G.9[2])

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

(Code of Iowa, Sec. 321G.13[1h])

4. Trails. Snowmobiles shall not be operated on all-terrain vehicle trails except where so designated.

(Code of Iowa, Sec. 321G.9[4 g])

5. Parks and Other City Land. Snowmobiles shall not be operated in any park, playground or upon any other City-owned property without the express permission of the City. A snowmobile shall not be operated on any City land without a snow cover of at least one-tenth of one inch.

6. Sidewalk or Parking. Snowmobiles shall not be operated upon the public sidewalk or that portion of the street located between the curb line and the sidewalk or property line commonly referred to as the "parking" except for purposes of crossing the same to a public street upon which operation is authorized by this chapter.

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

1. Streets. ATVs and off-road utility vehicles may be operated on streets only in accordance with Section 321.234A of the *Code of Iowa* or on such streets as may be designated by resolution of the Council for the operation of registered ATVs or registered off-road utility vehicles. In designating such streets, the Council may authorize ATVs and off-road utility vehicles to stop at service stations or convenience stores along a designated street.

(Code of Iowa, Sec. 321I.10[1 & 3])

(Ord. 837 – Oct. 10 Supp.)

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

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

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

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

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

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

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

(Code of Iowa, Sec. 321G.18 & 321I.19)

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

(Code of Iowa, Sec. 321G.10 & 321I.11)

(Ch. 75 – Ord. 744 - Nov. 04 Supp.)

CHAPTER 77

SKATEBOARDS, ROLLERSKATES AND SCOOTERS

77.01 Definitions

77.02 Operation Prohibited

77.03 Use of Sidewalks

77.04 Traffic Code Applies

77.05 Staying to Right

77.06 Nighttime Use

77.07 Special Penalty

77.08 Scheduled Violation

77.01 DEFINITIONS. As used in this chapter, the following terms are defined as:

1. “Skateboard” means a foot, motor or wind propelled vehicle consisting of a board equipped with two or more wheels, tandem and guided by the user or rider, standing on the same and pushing the same with foot power or operating with motor or wind power.
2. “Rollerskates” means skates with wheels instead of runners.
3. “Scooter” means a vehicle consisting of a narrow foot board mounted on two (2) wheels tandem, and guided by a handle attached to front wheel, which the operator stands with one foot on the foot board and pushes with the other.

77.02 OPERATION PROHIBITED. Skateboards, rollerskates and scooters are prohibited from public parks, and from streets and sidewalks within the corporate limits listed as follows:

1. Upon the streets and sidewalks of any Business District.
2. Upon the following streets:
 - A. Walnut Street.
 - B. Vine Street.
 - C. Sharp Street.
 - D. Locust Street.
 - E. Elm Street.
 - F. Fourth Street.
 - G. Third Street.
3. The following streets on the grounds of the Glenwood State Hospital School identified as follows:
 - A. Iowa Street
 - B. Main Street
 - C. Orchard Drive

- D. Lacey Street
 - E. Central Street
 - F. Camp Road
 - G. Bockner Drive
 - H. Independence Street
 - I. Indian Hills Drive
- (Ord. 617)*

77.03 USE ON SIDEWALKS. A person using a skateboard, rollerskates or scooter upon a sidewalk, where such use is not prohibited, shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian.

77.04 TRAFFIC CODE APPLIES. Every person operating a skateboard, rollerskates or scooter upon a roadway shall be granted all the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of the State of Iowa, 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.

77.05 STAYING TO RIGHT. Every person operating a skateboard, rollerskates or scooter upon the public roads shall stay as near as practicable to the right inside of the roadway, exercising due care when passing a standing vehicle or other vehicles proceeding in the same direction.

77.06 NIGHTTIME USE. No person shall operate a skateboard, rollerskates or scooter upon a public highway within the City at any time from sunset to sunrise or at such other times when conditions such as fog, snow, sleet or rain provide insufficient lighting to render clearly discernible persons and vehicles on the highway at a distance of five hundred (500) feet ahead.

77.07 SPECIAL PENALTY. Any person violating the provisions of this chapter may, in lieu of the standard penalty provided for violations of the Code of Ordinances, allow the person's skateboard, rollerskates or scooter to be impounded by the City for not less than five (5) days for the first offense, ten (10) days for a second offense and thirty (30) days for a third offense.

77.08 SCHEDULED VIOLATION. Any person violating the provisions of this chapter shall be assessed a municipal infraction penalty of \$25.00 for a first offense, \$50.00 for a second offense and \$100.00 for a third and subsequent offenses.
(Ord. 699 – Sep. 02 Supp.)

CHAPTER 78

GOLF CARTS

78.01 Purpose

78.02 Operations of Golf Carts Permitted

78.03 Prohibited Streets and Other Restricted Areas
of Operation

78.04 Operation

78.05 Motor Vehicle Law

78.06 Golf Cart Insurance

78.07 Violation and Penalty

78.01 PURPOSE. The purpose of this Chapter is to permit the operation of golf carts on certain streets in the City of Glenwood, Iowa, as authorized by Section 321.247, Code of Iowa, as amended. This Chapter shall be applicable whenever a golf cart is operated on any street or alley, within the City as provided in this Chapter.

78.02 OPERATION OF GOLF CARTS PERMITTED. Golf carts may be operated upon the streets of Glenwood, Iowa, by persons possessing a valid Iowa operators license and at least eighteen (18) years of age, except as otherwise prohibited by this Chapter or the Code of Iowa.

78.03 PROHIBITED STREETS AND OTHER RESTRICTED AREAS OF OPERATION. Golf carts shall not be operated upon the City street which is a primary road extension through the City. Primary road extensions are those streets that are also a State Highway. Golf carts are also prohibited from traveling on the following streets within the City of Glenwood:

1. Sharp Street
2. Locust Street

78.04 OPERATION.

1. Traffic Code. Any person operating a golf cart, including those for which a City of Glenwood permit has been issued, shall adhere to all traffic signs and signals, and all other traffic rules and regulations and shall obey the orders and direction of any law enforcement officer authorized to direct or regulate traffic or the direction of a fire department officer during a fire.
2. Speed. No golf cart shall be operated at a speed in excess of the lesser of 25 miles per hour or a posted speed limit, nor shall any golf cart be operated at a speed greater than is reasonable and proper for the existing conditions.

3. Trails. Golf carts shall not be operated on any recreational, bike or walking trails, unless the trail is specifically designed to allow use of motor vehicles.
4. Sidewalks. Golf carts shall not be operated upon sidewalks.
5. Parking. Golf carts shall not be operated upon that portion of a street right-of-way between the curb or edge of street paving and the sidewalk, referred to as "the parking."
6. Direct Crossing. Golf carts may make a direct crossing of a prohibited street provided:
 - A. The crossing is made at an angle of approximately ninety degrees (90°) to the direction of the street and at a place where no obstruction prevents a quick and safe crossing;
 - B. The golf cart is brought to a complete stop before crossing the street;
 - C. The driver/operator yields the right-of-way to all oncoming traffic which constitutes an immediate hazard.
7. Parks. Golf carts shall not be operated within City parks and other land owned by the City, unless for a special event authorized by the City Council and the operator possesses a valid permit issued by the City of Glenwood.
8. Equipment. Golf carts operated upon streets within the City of Glenwood shall be equipped with at least the following:
 - A. Slow moving vehicle sign;
 - B. A bicycle safety flag, the top of which shall be a minimum of 5 feet from ground level;
 - C. Adequate brakes;
 - D. Headlights;
 - E. Taillights;
 - F. Brake lights.
9. Hours of Operation. Golf carts may be operated on City streets only from sunrise to sunset. However, a person operating a golf cart shall pull over to the side of the public street or alley and come to a complete stop at all such times a Glenwood Community School District school bus is operating within three hundred (300) feet of the golf cart, and shall remain stopped until the bus is beyond the 300 foot radius of the golf cart.
(Ord. 873 – Apr. 17 Supp.)

10. Riding on Golf Carts. A person operating a golf cart shall not ride other than on a permanent seat which is designed to be a part of the golf cart and permanently attached thereto. No person operating a golf cart upon a public street or alley shall allow a passenger in the golf cart who has not yet obtained the age of eight (8) years, except during specifically designated events in include Glenwood's annual Homecoming, Keg Creek Days, and Scarecrow Days celebrations. All passengers under the age of twelve (12) years shall wear and utilize an operable seat belt when the golf cart is in motion. No golf cart shall be used to carry more persons at one time than the number for which it is designed and equipped. *(Ord. 873 – Apr. 17 Supp.)*

11. Permits. No person shall operate a golf cart on any public street or alley for any purpose unless the operator possesses a City of Glenwood permit to operate a golf cart on the City streets, issued by the Glenwood Police Chief or authorized designee.

A. Golf cart owners may apply for a permit from the Glenwood Police Chief on forms provided by the City;

B. The Police Chief shall not issue a permit until the owner/operator has provided the following:

(1) Evidence that the operator is at least eighteen (18) years of age and possesses a valid driver's license.

(2) Proof that the owner/operator has liability insurance covering operation of golf carts on City streets;

C. The applicant for a permit to operate a golf cart on the City streets, as a part of the application, shall verify the golf cart complies with State law and the provisions of this chapter;

D. The operator of a golf cart shall prominently display the Glenwood permit on a rear fender or similar component of the golf cart;

E. All permits issued shall uniquely identify the name and address of the owner/operator of the golf cart;

F. The fee for a permit to operate a golf cart on the City streets and alleys shall be \$25.00 annually.

78.05 MOTOR VEHICLE LAW. Persons authorized to operate golf carts pursuant to this chapter shall obey all statutes and ordinances governing the operation of motor vehicles to the extent practically applicable.

78.06 GOLF CART INSURANCE. Financial responsibility required. The owner/operator of every golf cart being operated upon the streets and alleys of

the City of Glenwood, Iowa, shall have in effect liability insurance covering operation of the golf cart in the same limits, as required of automobiles by the financial responsibility provision of Section 321A, Code of Iowa.

78.07 VIOLATION AND PENALTY.

1. Any person guilty of violating the provisions herein shall be guilty of a misdemeanor and shall be subject to a fine of one hundred dollars (\$100.00) and revocation of the City of Glenwood permit for a period of two (2) months.
2. Any person guilty of violating this Ordinance two (2) times in a twelve (12) month period shall be subject to a fine of two hundred dollars (\$200.00) and revocation of the City of Glenwood permit for a period of two (2) years.
3. Any person guilty of violating this Ordinance three (3) times shall be subject to a fine of three hundred dollars (\$300.00) and permanent revocation of the City Glenwood permit.

(Ch. 78 – Ord. 865 – Feb. 16 Supp.)

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CHAPTER 80

ABANDONED VEHICLES

80.01 Definitions

80.02 Authority to Take Possession of Abandoned Vehicles

80.03 Notice by Mail

80.04 Notification in Newspaper

80.05 Fees for Impoundment

80.06 Disposal of Abandoned Vehicles

80.07 Disposal of Totally Inoperable Vehicles

80.08 Proceeds from Sales

80.09 Duties of Demolisher

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

(Code of Iowa, Sec. 321.89[1])

1. “Abandoned vehicle” means any of the following:
 - A. A vehicle that has been left unattended on public property for more than twenty-four (24) hours and lacks current registration plates or two (2) or more wheels or other parts which renders the vehicle totally inoperable.
 - B. A vehicle that has remained illegally on public property for more than twenty-four (24) hours.
 - C. A vehicle that has been unlawfully parked or placed on private property without the consent of the owner or person in control of the property for more than twenty-four (24) hours.
 - D. A vehicle that has been legally impounded by order of a police authority and has not been reclaimed for a period of ten (10) days. However, a police authority may declare the vehicle abandoned within the ten-day period by commencing the notification process.
 - E. Any vehicle parked on the highway determined by a police authority to create a hazard to other vehicle traffic.
 - F. A vehicle that has been impounded pursuant to Section 321J.4B of the Code of Iowa by order of the court and whose owner has not paid the impoundment fees after notification by the person or agency responsible for carrying out the impoundment order.
2. “Demolisher” means a person licensed under Chapter 321H of the Code of Iowa whose business it is to convert a vehicle to junk, processed scrap or scrap metal, or otherwise to wreck, or dismantle vehicles.

3. "Police authority" means the Iowa state patrol or any law enforcement agency of a county or city.

80.02 AUTHORITY TO TAKE POSSESSION OF ABANDONED VEHICLES. A police authority, upon the authority's own initiative or upon the request of any other authority having the duties of control of highways or traffic, shall take into custody an abandoned vehicle on public property and may take into custody any abandoned vehicle on private property. The police authority may employ its own personnel, equipment and facilities or hire a private entity, equipment and facilities for the purpose of removing, preserving, storing, or disposing of abandoned vehicles. If a police authority employs a private entity to dispose of abandoned vehicles, the police authority shall provide the private entity with the names and addresses of the registered owners, all lienholders of record, and any other known claimant to the vehicle or the personal property found in the vehicle.

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

80.03 NOTICE BY MAIL. The police authority or private entity that takes into custody an abandoned vehicle shall notify, within twenty (20) days, by certified mail, the last known registered owner of the vehicle, all lienholders of record, and any other known claimant to the vehicle or to personal property found in the vehicle, addressed to the parties' last known addresses of record, that the abandoned vehicle has been taken into custody. Notice shall be deemed given when mailed. The notice shall describe the year, make, model and vehicle identification number of the vehicle, describe the personal property found in the vehicle, set forth the location of the facility where the vehicle is being held, and inform the persons receiving the notice of their right to reclaim the vehicle and personal property within ten (10) days after the effective date of the notice upon payment of all towing, preservation, and storage charges resulting from placing the vehicle in custody and upon payment of the costs of the notice. The notice shall also state that the failure of the owner, lienholders or claimants to exercise their right to reclaim the vehicle or personal property within the time provided shall be deemed a waiver by the owner, lienholders and claimants of all right, title, claim and interest in the vehicle or personal property and that failure to reclaim the vehicle or personal property is deemed consent to the sale of the vehicle at a public auction or disposal of the vehicle to a demolisher and to disposal of the personal property by sale or destruction. The notice shall state that any person claiming rightful possession of the vehicle or personal property who disputes the planned disposition of the vehicle or property by the police authority or private entity or of the assessment of fees and charges provided by this section may ask for an evidentiary hearing before the police authority to contest those matters. If the persons receiving the notice do not ask for a hearing or exercise their right to reclaim the vehicle or personal

property within the ten-day reclaiming period, the owner, lienholders or claimants shall no longer have any right, title, claim, or interest in or to the vehicle or the personal property. A court in any case in law or equity shall not recognize any right, title, claim, or interest of the owner, lienholders or claimants after the expiration of the ten-day reclaiming period.

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

80.04 NOTIFICATION IN NEWSPAPER. If it is impossible to determine with reasonable certainty the identity and addresses of the last registered owner and all lienholders, notice by one publication in one newspaper of general circulation in the area where the vehicle was abandoned shall be sufficient to meet all requirements of notice under Section 80.03. The published notice may contain multiple listings of abandoned vehicles and personal property but shall be published within the same time requirements and contain the same information as prescribed for mailed notice in Section 80.03.

(Code of Iowa, Sec. 321.89[3b])

80.05 FEES FOR IMPOUNDMENT. The owner, lienholder or claimant shall pay all towing and storage fees as established by the storage facility, whereupon the vehicle shall be released.

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

80.06 DISPOSAL OF ABANDONED VEHICLES. If an abandoned vehicle has not been reclaimed as provided herein, the police authority or private entity shall make a determination as to whether or not the motor vehicle should be sold for use upon the highways, and shall dispose of the motor vehicle in accordance with State law.

(Code of Iowa, Sec. 321.89[4])

80.07 DISPOSAL OF TOTALLY INOPERABLE VEHICLES. The City or any person 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 dispose of such motor vehicle to a demolisher for junk, without a title and without notification procedures, if such motor vehicle lacks an engine or two (2) or more wheels or other structural part which renders the vehicle totally inoperable. The police authority shall give the applicant a certificate of authority. The applicant shall then apply to the County Treasurer for a junking certificate and shall surrender the certificate of authority in lieu of the certificate of title.

(Code of Iowa, Sec. 321.90[2e])

80.08 PROCEEDS FROM SALES. Proceeds from the sale of any abandoned vehicle shall be applied to the expense of auction, 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 State Road Use Tax Fund. Where the sale of any vehicle fails to realize the amount necessary to meet costs the police authority shall apply for reimbursement from the Department of Transportation.

(Code of Iowa, Sec. 321.89[4])

80.09 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 motor vehicle. A demolisher shall not junk, scrap, wreck, dismantle or demolish a vehicle until the demolisher has obtained the junking certificate issued for the vehicle.

(Code of Iowa, Sec. 321.90[3a])

(Ch. 80 – Ord. 768 – Sep. 05 Supp.)

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CHAPTER 90
WATER SERVICE SYSTEM

90.01 UTILITIES BOARD OF TRUSTEES. The management of the City's Water Utility is the responsibility of the Utilities Board of Trustees, established and operated as described in Chapter 25 of this Code of Ordinances.

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CHAPTER 91

PRIVATE WELLS WITHIN THE CITY

91.01 Scope
91.02 Private Wells Prohibited
91.03 Private Wells Permitted
91.04 Permit Required
91.05 Permit Fee

91.06 Registration of Pre-existing Wells
91.07 Abandoned Wells and Wells Located in
Contaminated Areas
91.08 Penalty

91.01 SCOPE. The provisions of this chapter shall apply to drinking (potable) and non-drinking (non-potable) private wells located within the City limits. This chapter shall not apply to test or monitoring wells used for soil and groundwater investigation.

91.02 PRIVATE WELLS PROHIBITED. No person shall construct a private well within the City unless permitted by Section 91.03.

91.03 PRIVATE WELLS PERMITTED. A potable private well may be constructed within the corporate limits in the event there is no public water supply within 1000 feet of any property line of the property upon which the well is to be located. Such well shall remain separate from any public water supply. Such well shall not be constructed in an area the City considers to be contaminated or otherwise unsuitable for a private well.

A non-potable private well may be constructed within the corporate limits solely for the purpose of irrigation. Such well shall not be utilized to obtain water for drinking or other purposes. Such well shall be located at least 500 feet from the public water supply and shall remain separate from any public water supply. Any non-potable private well to be located in a City-owned park may, upon approval of the City Council, be released from the 500 foot requirement. No well shall be constructed in an area the City considers to be contaminated or otherwise unsuitable for a private well.

(Ord. 816 – Jan. 09 Supp.)

91.04 PERMIT REQUIRED. No person shall construct a private well unless the person obtains a permit from the City.

1. Any person wanting a potable private well permit shall make application to the City on the prescribed form. Prior to the issuance of the permit, a representative of the Glenwood Municipal Utilities Board shall inspect the proposed location to ensure the potable well is at least 1000 feet from the public water supply. The City's permit shall be in addition to any permit required by the County and/or State.

2. Any person wanting a non-potable private well permit shall make application to the City on the prescribed form. Prior to the issuance of the permit, a representative of the Glenwood Municipal Utilities Board shall inspect the proposed location to ensure the non-potable well is at least 500 feet from the public water supply. The City's permit shall be in addition to any permit required by the County and/or State.

91.05 PERMIT FEE. There shall be a permit fee set by the City in the amount of \$50.00. A person applying for a permit shall pay the fee upon submission of the application. The applicant shall be responsible for any additional expenses associated with the private well.

91.06 REGISTRATION OF PRE-EXISTING WELLS. A person owning property in the City that contains a well constructed prior to the effective date of the ordinance codified by this chapter, shall register the well with the City. Any property owner registering a pre-existing well shall obtain a registration form from the City. The property owner shall provide all information requested by the City, but not limited to the following:

1. Exact location;
2. Well history;
3. Separation from public water supply; and
4. Vulnerability status.

There shall be no fee to register a pre-existing well.

91.07 ABANDONED WELLS AND WELLS LOCATED IN CONTAMINATED AREAS.

1. A pre-existing well located within what the City considers a contaminated area shall be required to be plugged and sealed in accordance with the Department of Natural Resources regulations.
2. Any abandoned well located within the City shall be required to be plugged and sealed in accordance with the Department of Natural Resources regulations.

91.08 PENALTY. Any person found guilty of a violation of any provisions of this chapter shall be subject to the penalty provisions applicable. Each day that a violation is allowed to continue shall constitute a separate and distinct violation. At the discretion of the City Attorney, any violation of the provisions of this chapter may be pursued.

(Ch. 91 – Ord. 733 – Oct. 03 Supp.)

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CHAPTER 95

SANITARY SEWER SYSTEM

95.01 UTILITIES BOARD OF TRUSTEES. The management of the City's Sanitary Sewer System is the responsibility of the Utilities Board of Trustees, established and operated as described in Chapter 25 of this Code of Ordinances.

(Ord. 719 – Feb. 03 Supp.)

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CHAPTER 105

SOLID WASTE CONTROL

105.01 Definitions	105.07 Burning Prohibited
105.02 Prohibition Against Hauling Solid Waste Without License	105.08 Health and Fire Hazard
105.03 Disposal Limited	105.09 Littering Prohibited
105.04 Disposal Instructions	105.10 Landfill Maintenance Fee
105.05 Hazardous and Excluded Materials	105.11 Separation of Yard Waste Required
105.06 Incinerator Use	105.12 Residential Solid Waste Limitation
	105.13 Containment of Solid Waste and Garbage Required

105.01 DEFINITIONS. For the purpose of this chapter, the following words are defined:

1. “Association” means the Mills County Landfill Association.
2. “Garbage” means the solid or semi-solid animal and vegetable waste resulting from the handling, preparation, cooling and serving of foods, including cans, bottles and cartons in which it was received, and wrappings in which it may be placed for disposal.
3. “Discard” means to place, cause to be placed, throw, deposit or drop.

(Code of Iowa, Sec. 455B.361)

4. “Litter” means any garbage, rubbish, trash, refuse, waste materials or debris.

(Code of Iowa, Sec. 455B.361[1])

5. “Residence” means any single-family dwelling and any multi-family dwelling up to and including four separate family quarters. Garden type apartments and row type housing units are considered residential premises regardless of the total number of such apartments or units which may be included in a given housing development.

6. “Solid waste” means garbage, refuse, rubbish and other similar discarded solid or semi-solid materials, including but not limited to such materials resulting from industrial, commercial, agricultural, residential and domestic activities. This chapter does not prohibit the use of dirt, stone, brick or similar inorganic material for fill, landscaping, excavation or grading at places other than a sanitary disposal facility. This definition does not include sludge from sewage treatment operations which is being disposed under Iowa Department of Natural Resources regulations and permits, nor does it include disposal of humus generated through Iowa Department of Natural Resources regulations regulating compost or co-composting activities. Solid waste does not include

hazardous waste as defined in Section 45B.411 or source, special nuclear or by-product material as defined in the Atomic Energy Act of 1954, as amended to January 1, 1979.

7. “Solid waste collection” means the collection, removal or hauling of solid waste from any public or private place.

8. “Yard waste” means any debris such as grass clippings, leaves, garden waste, brush and trees. Yard waste does not include tree stumps.

105.02 PROHIBITION AGAINST HAULING SOLID WASTE WITHOUT LICENSE. No person shall collect, remove or haul solid waste within the City unless such person has been issued a current hauler’s license by the Association.

105.03 DISPOSAL LIMITED. No person shall permanently dispose of solid waste of any kind upon any land within the corporation limits of the City unless such land has been designated by the Association as a public landfill site; provided, however, that the prohibition contained in this section shall not apply to the deposit of inert wastes, not potentially injurious to health or the public welfare where permission to make such a deposit has been obtained from the owner or responsible agent, or to the filling in or grading of property with earth, mud, ashes or similar materials, providing all other applicable local and State laws have been complied with.

105.04 DISPOSAL INSTRUCTIONS. No person shall deposit any solid waste at any Association landfill site, except in compliance with posted instructions or instructions of an attendant in charge.

105.05 HAZARDOUS AND EXCLUDED MATERIALS. Certain materials may be excluded from those refuse materials, which may be deposited at an Association landfill site. These excluded materials may include junk automobile bodies and similar bulky objects which may require special processing prior to disposal; trees and tree limbs, unless they have been cut into pieces not exceeding ten feet in length; burning materials or materials containing hot or live coals; hazardous materials; and other materials which the Association deems necessary to exclude. However, hazardous materials may be deposited upon the receipt of written permission of a responsible official or attendant of the Association and subject to any special instructions issued with said permission. Hazardous material shall include: explosive materials, materials contaminated by infectious or contagious disease, fly ash or other fine or powdery material and other material which may present a special hazard to landfill personnel, equipment or the public.

105.06 INCINERATOR USE. It is unlawful for any person to sell or offer for sale, or to install or offer to install, any device intended for use as a garbage or solid waste burner or incinerator.

105.07 BURNING PROHIBITED. It is unlawful for any person to burn or incinerate or permit the burning or incineration of any solid waste. This section shall apply to all solid waste as defined and shall specifically include all waste paper, boxes, market waste, garden wastes, trees, tree limbs, leaves and any and all materials other than materials used as a fuel in a furnace or boiler. This section shall not apply to any incinerator operated under a license granted by the City or any incinerator operated by or for the City, or any burning conducted under the direction of the fire department of the City.

105.08 HEALTH AND FIRE HAZARD. It is unlawful for any person to permit to accumulate on any premises, improved or vacant, or on any public place, such quantities of solid waste that constitute a health, sanitation or fire hazard.

105.09 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. Sec. 455B.363)

105.10 LANDFILL MAINTENANCE FEE. The landfill maintenance fee may be established by resolution of the Council. If such fee is established, it shall be payable each month and shall be deemed delinquent if not paid within ten (10) days after such payment due date. Delinquent payments shall bear a penalty of five percent (5%) plus interest at the maximum rate permitted by law (but in no event shall the rate of interest exceed seven percent (7%) per annum) from said due date to the date of payment.

105.11 SEPARATION OF YARD WASTE REQUIRED. All yard waste shall be separated by the owner or occupant from all other solid waste accumulated on the premises and may be composted on the premises.

105.12 RESIDENTIAL SOLID WASTE LIMITATION. Each dwelling unit shall be allowed no more than two (2) thirty-three (33) gallon trash containers per week. Each container shall weigh no more than fifty (50) pounds. The solid waste hauler shall set a reasonable fee for additional containers and shall enforce said fee. *(Ord. 679 – Apr. 02 Supp.)*

105.13 CONTAINMENT OF SOLID WASTE AND GARBAGE REQUIRED. All solid waste and garbage, including animal offal, intended to be discarded shall be placed and stored in an enclosed solid container or receptacle with a covered lid or top until such waste and garbage is disposed pursuant to this chapter. *(Ord. 739 – Jan-04 Supp.)*

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CHAPTER 110

NATURAL GAS FRANCHISE

110.01 Franchise Granted
110.02 Term
110.03 Rules and Regulations
110.04 Construction
110.05 Maintenance
110.06 Extension of Company Facilities

110.07 Relocation of Company Facilities
110.08 Quality of Service
110.09 Adequate System Required
110.10 Confidential Information
110.11 Force Majeure
110.12 Hold Harmless

110.01 FRANCHISE GRANTED. The City hereby grants a nonexclusive franchise to Peoples Natural Gas, a division of UtiliCorp United Inc., a Delaware corporation, (hereinafter called “Grantee”), its lessees, successors and assigns. This repeals the franchise previously granted by Ordinance No. 408. Grantee is hereby granted the right, privilege, franchise, permission and authority to construct, maintain, operate and extend in the present and future streets, alleys, avenues, bridges, public rights-of-way and public places as are now within the present or future limits of the City, a natural gas distribution system for the purpose of supplying natural gas or processed gas for all purposes to the inhabitants of the City and consumers in the vicinity thereof, and for the distribution of natural gas from or through the City to points beyond the limits thereof. The City further grants Grantee the right, permission and authority to lay, install, maintain and operate over, across and along all of the streets, avenues, alleys, bridges, public rights-of-way and public places of the City all mains, services, pipes, conduits and appliances necessary or convenient for transmitting, transporting, distributing and supplying natural gas for all purposes for which it may be used, and to do all other things necessary and proper in providing natural gas service to the inhabitants of the City and in carrying on such business.

110.02 TERM. The rights and privileges granted by this franchise shall remain in effect for a period of fifteen (15) years from and after the effective date of the ordinance codified by this chapter and for an additional ten (10) years thereafter unless the City provides written notice as provided herein to Grantee at least one hundred and eighty (180) days prior to the expiration of the initial term.

110.03 RULES AND REGULATIONS. This franchise is granted subject to all conditions, limitations and immunities now provided for, or as hereafter amended, and applicable to the operations of a public utility, by the laws of the State. The rates to be charged by Grantee for service within the present or future corporate limits of the City and the rules and regulations regarding the character, quality and standards of service to be furnished by Grantee shall be under the jurisdiction and control of such regulatory body or bodies as may, from time to time, be vested by law with authority and jurisdiction over the rates, regulations and quality and standards of service to be supplied by Grantee. Provided, however, should any judicial, regulatory or legislative body, having proper jurisdiction, take any action that precludes Grantee from recovering from its customers any cost associated with services provided hereunder,

then Grantee and the City shall renegotiate the terms of this franchise in accordance with the action taken so as to allow Grantee to be made whole economically. In determining the rights and duties of the Grantee, the terms of this chapter shall take precedence over any conflicting terms or requirements contained in any other ordinance enacted by the City.

110.04 CONSTRUCTION. Any pavements, sidewalks or curbing taken up and any and all excavations made shall be done in such a manner as to cause only such inconvenience to the inhabitants of the City and to the general public as is reasonably necessary; and repairs and replacements shall be made promptly by Grantee, leaving such properties in as good a condition as existed immediately prior to excavation. Whenever the Grantee, in the construction or maintenance of its system or in the installation of any extension thereto, shall cut into or take up any pavement or shall make any excavation in any street, avenue, alley or public place within the corporate limits of the City, the same shall be done in a manner so as not to unreasonably interfere with the use of such thoroughfares by the public. The Grantee shall replace any street or backfill to meet, at a minimum, the specifications provided in the "Street Excavations Specifications for Surface Restoration of the City of Glenwood Public Works Department" dated March 1998, and as may from time to time be amended. The Grantee shall use such safeguards as may be necessary to prevent the injury to persons or property during such construction work and upon its completion, all pavement shall be replaced in as good condition as it was before taken up. All excavations shall be refilled and all obstructions shall be removed at the expense of the Grantee and to the reasonable satisfaction and approval of the City. In the event that the Grantee shall fail to comply with the provisions of this section after having been given reasonable notice, the City may do such work as may be needed to properly repair said thoroughfare and the cost thereof shall be repaid to the City by the Grantee.

110.05 MAINTENANCE. Grantee agrees that for the term of this grant, it will use its best efforts to maintain facilities and equipment sufficient to meet the current and future energy requirements of the City, its inhabitants and industries. While maintaining its facilities and equipment, Grantee shall obtain permits as required by ordinance, except that in emergency situations, Grantee shall take immediate unilateral actions as it determines are necessary to protect the public health, safety and welfare; in which case, Grantee shall notify the City as soon as reasonably possible.

110.06 EXTENSION OF COMPANY FACILITIES. Upon receipt and acceptance of a valid application for service, Grantee shall make reasonable extensions of its distribution facilities to serve customers located within the current or future corporate limits of the City.

110.07 RELOCATION OF COMPANY FACILITIES. If the City elects to change the grade of or otherwise alter any street, alley, avenue, bridge, public right-of-way or public place for a public purpose, Grantee, upon reasonable notice from the City, shall remove and relocate its facilities or equipment situated in the public rights-of-way, if such removal is necessary to prevent interference and not merely for the

convenience of the City, at the cost and expense of Grantee. If the City orders or requests Grantee to relocate its facilities or equipment primarily for non-public purposes or the primary benefit of a commercial or private project, or as a result of the initial request of a commercial or private developer or other non-public entity, and such removal is necessary to prevent interference and not merely for the convenience of the City or other right-of-way user, Grantee shall receive reimbursement for the cost of such relocation as a precondition to relocating its facilities or equipment. The City shall consider reasonable alternatives in designing its public works projects so as not arbitrarily to cause Grantee unreasonable additional expense in exercising its authority under this section. The City shall also provide a reasonable alternative location for Grantee's facilities.

110.08 QUALITY OF SERVICE. The Grantee shall at all times maintain under adequate pressure a supply of clean, standard gas of the British Thermal Unit heating value of not less than that prescribed in its Rules and Regulations relating thereto in effect and on file from time to time with the Iowa Utilities Board.

110.09 ADEQUATE SYSTEM REQUIRED. Grantee agrees for and in behalf of itself, its lessees, successors and assigns that for and during the term and period of this grant and all extensions thereof, it will maintain in the City an adequate, modern, standard and sufficient gas system and appurtenances, in accordance with its Rules and Regulations relating to customer connections and main and service line extensions currently in effect and on file from time to time with the Iowa Utilities Board, provided, however, that no obligation shall extend to or be binding upon the Grantee to construct or extend its mains or furnish natural gas or gas service within the City if Grantee is, for any reason, unable to obtain delivery of natural gas at or near the corporate limits of the City or an adequate supply thereof to warrant the construction or extension of its mains for the furnishing of such natural gas or gas service; provided further, that when the amount of natural gas supplied to Grantee at or near the City limits is insufficient to meet the additional firm requirements of connected or new consumers, Grantee shall have the right to prescribe reasonable rules and regulations for allocating the available supply of natural gas for such additional firm requirements to residential, commercial and industrial customers in that order of priority.

110.10 CONFIDENTIAL INFORMATION. The City acknowledges that certain information it might request pursuant to this franchise may be of a proprietary and confidential nature. If Grantee requests that any information provided by Grantee to the City be kept confidential due to such proprietary or commercial value, the City and its employees, agents and representatives shall maintain the confidentiality of that information. If the City is requested or required by legal or administrative process to disclose any such confidential information, the City shall promptly notify Grantee of such request or requirement so that Grantee may seek an appropriate protective order or other relief. The City shall use all reasonable efforts to ensure that the confidentiality of Grantee's confidential information is maintained.

110.11 FORCE MAJEURE. It shall not be a breach or default under this franchise if either party fails to perform its obligations hereunder due to Force Majeure. Force

Majeure shall include, but not be limited to, the following: (1) physical events such as acts of God, landslides, lightning, earthquakes, fires, freezing, storms, floods, washouts, explosions, breakage or accident or necessity of repairs to machinery, equipment or distribution or transmission lines; (2) acts of others such as strikes, work-force stoppages, riots, sabotage, insurrections or wars; (3) governmental actions such as necessity for compliance with any court order, law, statute, ordinance, executive order or regulation promulgated by a governmental authority having jurisdiction; and any other causes, whether of the kind herein enumerated or otherwise not reasonably within the control of the affected party to prevent or overcome. Each party shall make reasonable efforts to avoid Force Majeure and to resolve such event as promptly as reasonably possible once it occurs in order to resume performance.

110.12 HOLD HARMLESS. Grantee, during the term of this franchise, agrees to save harmless and indemnify the City from and against all claims, demands, losses and expenses arising out of the negligence of Grantee, its employees or agents, in the constructing, operating and maintaining of distribution and transmission facilities or appliances of Grantee; provided, however, that Grantee need not save harmless the City from claims, demands, losses and expenses arising out of the negligence of the City, its employees or agents. Grantee shall maintain insurance at all times during the terms of this franchise and any extensions hereof in an adequate amount to cover and protect itself and others to whom Grantee may be held legally liable in the performance of its duties hereunder.

EDITOR'S NOTE

Ordinance No. 654 granting a gas franchise to Peoples Natural Gas, a division of UtiliCorp United Inc., was adopted on May 23, 2000.

CHAPTER 111

ELECTRIC FRANCHISE

111.01 Franchise Granted	111.10 Trimming Trees
111.02 Rights and Privileges	111.11 Information
111.03 Poles and Wires	111.12 Applicable Regulations
111.04 Construction and Maintenance	111.13 Franchise Fee
111.05 Excavations	111.14 Management Fees
111.06 Utility Easements	111.15 Applicability
111.07 Relocation Not Required	111.16 Termination
111.08 Relocation Reimbursement	111.17 Effective
111.09 Indemnification	

111.01 FRANCHISE GRANTED. There is hereby granted to MidAmerican Energy Company, an Iowa corporation, (hereinafter called the “Company,”) and its successors and assigns, the right and non-exclusive franchise to acquire, construct, erect, maintain and operate in the City of Glenwood, Iowa, (hereinafter called the “City,”) a system for the transmission and distribution of electric energy and communications signals along, under, over and upon the streets, avenues, rights of way and alleys to serve customers within the City, and to furnish and sell electric energy to the City and its inhabitants. The Company is granted the right to exercise of powers of eminent domain, subject to City Council approval. This franchise shall remain in effect for a period of fifteen (15) years from the effective date of the ordinance codified by this chapter and for an additional ten (10) years thereafter unless the City provides written notice to the Company at least one hundred and eighty (180) days prior to the expiration of the initial term.[†]

111.02 RIGHTS AND PRIVILEGES. The rights and privileges hereby granted are subject to the restrictions and limitations of Chapter 364 of the *Code of Iowa* 2017 or as subsequently amended or changed.

111.03 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 to excavate and bury conduits or conductors for the distribution of electric energy and communication signals in and through the City, provided the same shall be placed in accord with this franchise and City code regulations of the City, regarding the placement of structures, facilities, accessories or other objects in the right of way, including ordinances which assign corridors or other placements to users of the right of way and requirements which may be adopted regarding separation of structures, facilities, accessories or other objects.

111.04 CONSTRUCTION AND MAINTENANCE. The Company shall, excluding facilities located in private easements (whether titled in Company exclusively or in Company and other entities), in accordance with Iowa law including Company’s Tariff on file with and made effective by the Iowa Utilities Board as may

[†] **EDITOR’S NOTE:** Ordinance No. 875, adopting an electric franchise for the City, was passed and adopted on March 28, 2017.

subsequently be amended ("Tariff"), at its cost and expense, locate and relocate its existing installations located in, on, over or under the right of way of any public street, right of way or alley in the City in such a manner as the City may require for the purposes of facilitating the construction, reconstruction, maintenance or repair of the street right of way or alley. Relocation expenses for other hard surfaces, including pedestrian and non-motorized vehicle pathways, will be paid by the City. If the City has a reasonable alternative route for the street, right of way or alley or an alternative construction method, which would not cause the relocation of Company installations or would minimize the cost or expense of relocation of Company installations, the City and Company shall work together to consider said alternative route or construction method. The City shall, in the extension or modification of streets and roads, make provision for the placement of company service lines and facilities on City-owned right of way without charge to Company. In planning for the extension or modification of streets, the City shall, to the extent practicable design such changes to limit the need for relocation of Company facilities. The City shall be responsible for surveying and staking the right-of-way for City projects that require the Company to relocate Company facilities. If requested, the City shall provide, at no cost to the Company, copies of the relocation plan and profile and cross section drawings. If vegetation and tree removals must be completed by the City as part of the City's project and are necessary whether or not utility facilities must be relocated, the City at its own cost shall be responsible for said removals. If the timing of vegetation and tree removals does not coincide with Company's facilities relocation schedule and the Company must remove vegetation and trees that are included in the City's portion of the project, the City shall either remove them or reimburse the Company for the expenses incurred to remove said materials. 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.

111.05 EXCAVATIONS. In making excavations in any streets, avenues and public places for the installation, maintenance or repair of conductor, conduits or the erection of poles and wires or other appliances, the Company shall not unreasonably obstruct the use of the streets. The Company in making such excavations shall, if required by ordinance, obtain a City permit therefore and provide City representatives with advance notice prior to the actual commencement of the work, and shall comply with all provisions and requirements of the City in its regulation of the use of City right of way in performing such work. In emergencies which require immediate excavation, the Company may proceed with the work without first applying for or obtaining the permit, provided, however, that Company shall apply for and obtain the excavation permit as soon as possible after commencing such emergency work. The Company shall comply with all City ordinances regarding paving cuts, placement of facilities and restoration of pavement and other public infrastructure. The Company shall replace the surface, restoring the condition as existed prior to the Company's excavation but shall not be required to improve or modify the public right of way, sidewalks or other areas in or adjacent to the Company project to a condition superior to its immediate previously existing condition. Company shall complete all repairs in

a timely manner. Company agrees any replacement of road surface shall conform to current City ordinances regarding its depth and composition.

111.06 UTILITY EASEMENTS. The City's vacating a street, avenue, alley, public ground or public right-of-way shall not deprive the Company of its right to operate and maintain existing facilities on, below, above, or beneath the vacated property. Prior to the City abandoning or vacating any street, avenue, alley or public ground where the Company has facilities in the vicinity, the City shall provide Company with not less than sixty (60) days advance notice of the city's proposed action and, upon request grant the Company a utility easement covering existing and future facilities and activities. If the City fails to grant the Company a utility easement for said facilities prior to abandoning or vacating a street, avenue, alley or public ground, the City shall at its cost and expense obtain easements for the existing Company facilities.

111.07 RELOCATION NOT REQUIRED. The Company shall not be required to relocate, at its cost and expense, Company facilities in the public right of way that have been relocated at Company expense at the direction of the City in the previous ten (10) years.

111.08 RELOCATION REIMBURSEMENT. Pursuant to relocation of Company facilities, if the City orders or requests the Company to relocate its existing facilities or equipment in order to directly facilitate a project for the primary benefit of a commercial or private developer or other non-public entity, the City shall require the developer or non-public entity to reimburse the Company for the cost of such relocation as a precondition to relocation of its existing facilities or equipment. The Company shall not be required at its expense to relocate in order to facilitate such private development.

111.09 INDEMNIFICATION. The Company shall indemnify, save and hold 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, to the extent caused or occasioned 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 to the extent arising from the negligence of the City, its officers, employees or agents.

111.10 TRIMMING TREES. The pruning and removal of vegetation and trees shall be done in accordance with current nationally accepted safety and utility industry standards and federal and state law, rules and regulations. The pruning and removal of vegetation and trees shall be done in accordance with current nationally accepted safety and utility industry standards and federal and state law, rules and regulations. The Company is authorized and empowered to prune or remove at Company expense, any tree extending into any street, avenue, right of way, alley, public place or public grounds to maintain electric reliability, safety, to restore utility service and to prevent limbs, branches, or trunks from interfering with the wires and facilities of the Company. The pruning and removal of vegetation and trees shall be completed in

accordance with nationally accepted safety and utility standards, NSI Z133.1-2012, American National Standard for Arboricultural Operations-Safety Requirements, and ANSI A300(part 1) – 2008 Pruning, (Revision of ANSI A300 part 1-2001) American National Standard for Tree, Shrub, and other Woody Plant Management – Standard of Practices (Pruning) or subsequent revisions to these standards, and City ordinances regarding the pruning of trees that incorporate by reference that standard.

111.11 INFORMATION. Upon reasonable request, the Company shall provide the City, on a project specific basis, information indicating the horizontal location, relative to boundaries of the right of way, of all equipment which it owns or over which it has control that is located in City right of way, including documents, maps, and other information in paper or electronic or other forms (“Information”). The Company and City recognize the Information may in whole or part be considered a confidential record under state or federal law or both. Therefore, City shall not release any Information without prior consent of the Company and shall return the Information to Company upon request. City recognizes that Company claims the Information may constitute a trade secret or is otherwise protected from public disclosure by state or federal law on other grounds, and agrees to retain the Information in its non-public files. Furthermore, the City agrees that no documents, maps or other Information provided to the City by the Company shall be made available to the public or other entities if such documents or Information are exempt from disclosure under the provisions of the Freedom of Information Act, the Federal Energy Regulatory Commission Critical Energy Infrastructure requirements pursuant to 18 CFR 388.112 and 388.113, or Chapter 22 of the *Code of Iowa*, as such statutes and regulations may be amended from time to time, then the Company shall provide the City with a written explanation of the basis for such assertion of confidentiality or exemption from disclosure within ten (10) days.

111.12 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 and Iowa law. During the term of this franchise, the Company shall furnish electric energy in the quantity and quality consistent with and in accordance with the applicable regulations of the Iowa Utilities Board, the Company’s tariff and made effective by the Iowa Utilities Board or its successors and Iowa law.

111.13 FRANCHISE FEE. There is hereby imposed upon the customers a franchise fee of five (5) percent upon the gross revenues, minus uncollectible accounts, generated from sales of electricity and distribution service by the Company within the corporate limits of the City. The franchise fee shall be remitted by the Company to the City on or before the last business day of the calendar quarter following the close of the calendar quarter in which the franchise fee is charged.

1. The City agrees to modify the level of franchise fees imposed only once in any 24-month period.
2. The Company will commence collecting franchise fees on or before the first Company billing cycle of the first calendar month following ninety (90)

days of receipt of information required of the City to implement the franchise fee, including the City's documentation of customer classes subject to or exempted from City-imposed franchise fee.

3. The City shall be solely responsible for identifying customer classes subject to or exempt from paying the City imposed franchise fee. The Company shall have no obligation to collect franchise fees from customers in annexed areas until and unless such ordinances have been provided to the Company by certified mail. The Company shall commence collecting franchise fees in the annexed areas no sooner than sixty (60) days after receiving annexation ordinances from the City.

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

111.14 MANAGEMENT FEES. Upon implementation of a franchise fee, the City shall not, pursuant to Chapter 480A.6 of the *Code of Iowa*, impose or charge Company right-of-way management fees for permits for Company construction, maintenance, repairs, excavation, pavement cutting or inspections of Company work sites and projects or related matters.

111.15 APPLICABILITY. This franchise shall apply to and bind the City and Company and their successors and assigns.

111.16 TERMINATION. Either City or Company ("party") may terminate this franchise if the other party shall be materially in breach of its provisions. Upon the occurrence of a material breach, the non-breaching party shall provide the breaching party with notification by certified mail specifying the alleged breach. The breaching party shall have 60 days to cure the breach, unless it notifies the non-breaching party, and the parties agree upon a longer period for cure. If the breach is not cured within the cure period, the non-breaching party may terminate this franchise. A party shall not be considered to be in breach of this franchise if it has operated in compliance with State or Federal law. A party shall not be considered to have breached this franchise if the alleged breach is the result of the actions of a third party or the other party.

111.17 EFFECTIVE. This ordinance and the rights and privileges herein granted shall become effective and binding upon its approval and passage in accordance with Iowa law and the written acceptance by the Company. The City shall provide Company with an original signed and sealed copy of this ordinance within 10 days of its final passage. The Company shall, within thirty (30) days after the City Council approval of this ordinance, file in the office of the clerk of the City, its acceptance in writing of all the terms and provisions of this ordinance. Following City Council

approval, this ordinance shall be published in accordance with the *Code of Iowa*. The effective date of this ordinance shall be the date of publication. In the event Company does not file its written acceptance of this ordinance within thirty (30) days after its approval by the City Council, this ordinance shall be void and of no effect.

(Ch. 111 – Ord. 875 – Apr. 17 Supp.)

CHAPTER 112
TELEPHONE FRANCHISE

(RESERVED)

[The next page is 471]

CHAPTER 113

CABLE TELEVISION FRANCHISE AND REGULATIONS

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113.01 DEFINITION OF TERMS. For the purpose of this chapter, the following terms, phrases, words, and abbreviations shall have the meanings ascribed to them below. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number:

1. "Affiliate" means an entity which owns or controls, is owned or controlled by, or is under common ownership with Grantee.
2. "Basic cable service" is the tier of service regularly provided to all subscribers that includes the retransmission of local broadcast television signals.
3. "Basic revenues" means the monthly cable service revenues received by Grantee from subscribers for basic cable service on an annual basis; provided, however, that such phrase shall not include: (i) revenues received from national advertising carried on cable system; (ii) any taxes on cable service which are imposed directly or indirectly on any subscriber thereof by any governmental unit or agency, and which are collected by the Grantee on behalf of such governmental unit or agency.
4. "Cable Act" means the Cable Communications Policy Act of 1984, as amended.

5. "Cable service" means (i) the one-way transmission to subscribers of video programming or other programming service, and (ii) subscriber interaction, if any, which is required for the selection of such video programming or any other lawful communication service.
6. "Cable system" means a facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment or other communications equipment that is designed to provide cable service and other service to subscribers.
7. "FCC" means Federal Communications Commission, or successor governmental entity thereto.
8. "Franchise" means the initial authorization, or renewal thereof, issued by the franchising authority, whether such authorization is designated as a franchise, permit, license, resolution, contract, certificate or otherwise, which authorizes construction and operation of the cable system for the purpose of offering cable service or other service to subscribers.
9. "Franchising authority" means the City of Glenwood, Iowa, or the lawful successor, transferee, or assignee thereof.
10. "Grantee" means Heritage Cablevision, Inc., d/b/a TCI of the Heartlands, or the lawful successor, transferee, or assignee thereof.
11. "Public way" means the surface of, and the space above and below, any public street, highway, freeway, bridge, land path, alley, court, boulevard, sidewalk, parkway, way, lane, public way, drive, circle, or other public right-of-way, including, but not limited to, public utility easements, dedicated utility strips, or rights-of-way dedicated for compatible uses and any temporary or permanent fixtures or improvements located thereon now or hereafter held by the franchising authority in the service area which shall entitle the franchising authority and the Grantee to the use thereof for the purpose of installing, operating, repairing, and maintaining the cable system. Public way also means any easement now or hereafter held by the franchising authority within the service area for the purpose of public travel, or for utility or public service use dedicated for compatible uses, and shall include other easements or rights-of-way as shall within their proper use and meaning entitle the franchising authority and the Grantee to the use thereof for the purpose of installing or transmitting Grantee's cable service or other service over poles, wires, cables, conductors, ducts conduits, vaults, manholes, amplifiers, appliances, attachments, and other property as may be ordinarily necessary and pertinent to the cable system.

12. “Service area” means the present municipal boundaries of the franchising authority, and shall include any additions thereto by annexation or other legal means.

13. “Service tier” means a category of cable service or other services provided by Grantee and for which a separate charge is made by Grantee.

14. “Subscriber” means a person or user of the cable system who lawfully receives cable services or other service therefrom with Grantee’s express permission.

15. “Video programming” means programming provided by, or generally considered comparable to programming provided by, a television broadcast station.

113.02 GRANT. The franchising authority hereby grants to Grantee a nonexclusive franchise which authorizes the Grantee to construct and operate a cable system and offer cable service and other services in, along, among, upon, across, above, over, under, or in any manner connected with public ways within the service area and for that purpose to erect, install, construct, repair, replace, reconstruct, maintain, or retain in, on, over, under, upon, across, or along any public way and all extensions thereof and additions thereto, such poles, wires, cables, conductors, ducts, conduits, vaults, manholes, pedestals, amplifiers, appliances, attachments, and other related property or equipment as may be necessary or appurtenant to the cable system.

113.03 TERM. The franchise granted pursuant to this chapter shall be for an initial term of ten (10) years from the effective date of the franchise, as set forth in Section 113.04 unless otherwise lawfully terminated in accordance with the terms of this chapter.
(Ord. 827 – Jan. 10 Supp.)

113.04 ACCEPTANCE; EFFECTIVE DATE. Grantee shall accept the franchise granted pursuant hereto by signing the ordinance codified by this chapter and filing same with the Clerk or other appropriate official or agency of the franchising authority within thirty (30) days after the passage and final adoption of the ordinance codified by this chapter. Subject to acceptance by the Grantee, the effective date of the ordinance codified in this chapter shall be the established renewal date of the franchise by the Iowa Utilities Board, which is May 22, 2009.
(Ord. 827 – Jan. 10 Supp.)

113.05 EQUAL PROTECTION. In the event the franchising authority enters into a franchise, permit, license, authorization or other agreement of any kind with any other person or entity other than the Grantee to enter into the franchising authority’s streets and public ways for the purpose of constructing

or operating a cable system or providing cable service to any part of the service area, the material provisions thereof shall be reasonably comparable to those contained herein, in order that one operator not be granted an unfair competitive advantage over another and to provide all parties equal protection under the law.

113.06 CONDITIONS OF STREET OCCUPANCY. All transmission and distribution structures, poles, other lines, and equipment installed or erected by the Grantee pursuant to the terms hereof shall be located so as to cause a minimum of interference with the proper use of public ways and with the rights and reasonable convenience of property owners who own property that adjoins any of said public ways.

113.07 RESTORATION OF PUBLIC WAYS. If during the course of Grantee's construction, operation, or maintenance of the cable system there occurs a disturbance of any public way by Grantee, it shall, at its expense, replace and restore such public way to a condition reasonably comparable to the condition of the public way existing immediately prior to such disturbance.

113.08 RELOCATION AT REQUEST OF FRANCHISING AUTHORITY. Upon its receipt of reasonable advance notice, not to be less than five (5) business days, the Grantee shall, at its own expense, protect, support, temporarily disconnect, relocate in the public way, or remove from the public way, any property of the Grantee when lawfully required by franchising authority by reason of traffic conditions, public safety, street abandonment, freeway and street construction, change or establishment of street grade, installation of sewers, drains, gas or water pipes, or any other type of structures or improvements by the franchising authority; but, the Grantee shall in all cases have the right of abandonment of its property. If public funds are available to any company using such street, easement, or right-of-way for the purpose of defraying the cost of any of the foregoing, such funds shall also be made available to the Grantee.

113.09 RELOCATION AT REQUEST OF THIRD PARTY. The Grantee shall, on the request of any person holding a building moving permit issued by the franchising authority, temporarily raise or lower its wires to permit the moving of such building, provided: (a) the expense of such temporary raising or lowering of wires is paid by said person, including, if required by the Grantee, making such payment in advance; and (b) the Grantee is given not less than ten (10) business days' advance written notice to arrange for such temporary wire changes.

113.10 TRIMMING OF TREES AND SHRUBBERY. The Grantee shall have the authority to trim trees or other natural growth overhanging any of its cable system in the service area so as to prevent branches from coming in contact with the Grantee's wires, cables, or other equipment. Grantee shall be permitted to charge persons who own, or are responsible for, such trees or natural growth for the cost of such trimming, provided that similar charges are assessed by and paid to the utilities or the franchising authority for tree trimming. The Grantee shall reasonably compensate the franchising authority or property owner for any damages caused by such trimming, or shall, in its sole discretion and at its own cost and expense, reasonably replace all trees or shrubs damaged as a result of any construction of the cable system undertaken by Grantee. Such replacement shall satisfy any and all obligations Grantee may have to the franchising authority or property owner pursuant to the terms of this section. Grantee will provide advance notice to the property owner before trimming trees.

113.11 USE OF GRANTEE'S EQUIPMENT BY FRANCHISING AUTHORITY. Subject to any applicable State or Federal regulations or tariffs, the franchising authority shall have the right to make additional use, for any public purpose, of any poles or conduits controlled or maintained exclusively by or for the Grantee in any public way; provided that (a) such use by the franchising authority does not interfere with a current or future use by the Grantee; (b) the franchising authority holds the Grantee harmless against and from all claims, demands, costs, or liabilities of every kind and nature whatsoever arising out of such use of said poles or conduits, including but not limited to, reasonable attorney's fees and costs; and (c) at Grantee's sole discretion, the franchising authority may be required either to pay a reasonable rental fee or otherwise reasonably compensate Grantee for the use of such poles, conduits, or equipment; provided, however, that Grantee agrees that such compensation or charge shall not exceed those paid by it to public utilities pursuant to the applicable pole attachment agreement, or other authorization, relating to the service area.

113.12 SAFETY REQUIREMENTS. Construction, installation, and maintenance of the cable system shall be performed in an orderly and workmanlike manner. All such work shall be performed in substantial accordance with applicable FCC or other Federal, State and local regulations. The cable system shall not unreasonably endanger or interfere with the safety of persons or property in the service area.

113.13 AERIAL AND UNDERGROUND CONSTRUCTION. In those areas of the service area where all of the transmission or distribution facilities of the respective public utilities providing telephone communications and

electric services are underground, the Grantee likewise shall construct, operate, and maintain all of its transmission and distribution facilities underground; provided that such facilities are actually capable of receiving Grantee's cable and other equipment without technical degradation of the cable system's signal quality. In those areas of the service area where the transmission or distribution facilities of the respective public utilities providing telephone communications and electric services are both aerial and underground, Grantee shall have the sole discretion to construct, operate, and maintain all of its transmission and distribution facilities, or any part thereof, aerially or underground. Nothing contained in this section shall require Grantee to construct, operate, and maintain underground any ground-mounted appurtenances such as subscriber taps, line extenders, system passive devices (splitters, directional couplers), amplifiers, power supplies, pedestals, or other related equipment. Notwithstanding anything to the contrary contained in this section, in the event that all of the transmission or distribution facilities of the respective public utilities providing telephone communications and electric services are placed underground after the effective date of this chapter, Grantee shall only be required to construct, operate, and maintain all of its transmission and distribution facilities underground if it is given reasonable notice and access to the public utilities' facilities at the time that such are placed underground.

113.14 REQUIRED EXTENSIONS OF SERVICE. The cable system as constructed as of the date of the passage and final adoption of this chapter substantially complies with the material provisions hereof. Grantee is hereby authorized to extend the cable system as necessary, as desirable, or as required pursuant to the terms hereof within the service area. Whenever Grantee shall receive a request for service from at least fifteen (15) subscribers within 1,320 cable-bearing strand feet (one-quarter cable mile) of its trunk or distribution cable, it shall extend its cable system to such subscribers at no cost to said subscribers for system extension, other than the usual connection fees for all subscribers; provided that such extension is technically feasible, and if it will not adversely affect the operation, financial condition, or market development of the cable system, or as provided for under Section 113.15 of this chapter.

113.15 SUBSCRIBER CHARGES FOR EXTENSIONS OF SERVICE. No subscriber shall be refused service arbitrarily. However, for unusual circumstances, such as a subscriber's request to locate the cable drop underground, existence of more than one hundred fifty (150) feet of distance from distribution cable to connection of service to subscribers, or a density of less than fifteen (15) subscribers per 1,320 cable-bearing strand feet of trunk or distribution cable, cable service or other service may be made available on the basis of a capital contribution in aid of construction, including cost of material, labor, and easements. For the purpose of determining the amount of capital

contribution in aid of construction to be borne by Grantee and subscribers in the area in which cable service may be expanded, Grantee will contribute an amount equal to the construction and other costs per mile, multiplied by a fraction whose numerator equals the actual number of potential subscribers per 1,320 cable-bearing strand feet of its trunk or distribution cable, and whose denominator equals fifteen (15) subscribers. Potential subscribers will bear the remainder of the construction and other costs on a pro rata basis. Grantee may require that the payment of the capital contribution in aid of construction borne by such potential subscribers be paid in advance.

113.16 SERVICE TO PUBLIC BUILDINGS. The Grantee shall provide without charge, one (1) outlet of basic service to the franchising authority's office building(s), fire station(s), police station(s), and public school building(s) that are passed by its cable system. The outlets of basic cable service shall not be used to distribute or sell cable services in or throughout such buildings; nor shall such outlets be located in common or public areas open to the public. Users of such outlets shall hold Grantee harmless from any and all liability or claims arising out of their use of such outlets, including but not limited to, those arising from copyright liability. Notwithstanding anything to the contrary set forth in this section, the Grantee shall not be required to provide an outlet to such buildings where the drop line from the feeder cable to said buildings or premises exceeds one hundred fifty (150) cable feet, unless it is technically feasible and so long as it will not adversely affect the operation, financial condition, or market development of the cable system to do so, or unless the appropriate governmental entity agrees to pay the incremental cost of such drop line in excess of 150 cable feet. In the event that additional outlets of basic cable service are provided to such buildings, the building owner shall pay the usual installation fees associated therewith, including, but not limited to, labor and materials. Upon request of Grantee, the building owner may also be required to pay the service fees associated with the provision of basic cable service and the additional outlets relating thereto.

113.17 FRANCHISE FEE. Grantee shall pay to the franchising authority a franchise fee equal to five percent (5%) of basic revenues (as defined in Section 113.01 of this franchising agreement) received by Grantee from the operation of the cable system on an annual basis; provided, however, Grantee may credit against any such payments: (i) any tax, fee, or assessment of any kind imposed by franchising authority or other governmental entity on a cable operator, or subscriber, or both, solely because of status as such; (ii) any tax, fee or assessment of general applicability which is unduly discriminatory against cable operators or subscribers (including any such tax, fee, or assessment imposed, both on utilities and cable operators and their services), and (iii) any other special tax, assessment, or fee such as a business, occupation, and

entertainment tax. For the purpose of this section, the 12-month period applicable under the franchise for the computation of the franchise fee shall be the calendar year, unless otherwise agreed to in writing by the franchising authority and Grantee. The franchise fee payment shall be due and payable ninety (90) days after the close of the preceding calendar year. Each payment shall be accompanied by a brief report from a representative of Grantee showing the basis for the computation. In no event shall the franchise fee payments required to be paid by Grantee exceed five percent (5%) of gross revenues received by Grantee in any 12-month period.

(Ord. 827 – Jan. 10 Supp.)

113.18 RATES AND CHARGES. The franchising authority may not regulate the rates for the provision of cable service and other services, including, but not limited to, ancillary charges relating thereto, except as expressly provided herein and except as authorized pursuant to Federal and State law including, but not limited to, the Cable Act and FCC Rules and Regulations relating thereto. From time to time, and at any time, Grantee has the right to modify its rates and charges including, but not limited to, the implementation of additional charges and rates; provided, however, that Grantee shall give notice to the franchising authority of any such modifications or additional charges thirty (30) days prior to the effective date thereof.

In the event that rates for basic cable are subject to approval of the franchising authority, the Grantee may, at its discretion and without consent of the franchising authority, increase rates for basic cable by an amount which is at least equal to the cumulative increase (calculated from the date of the last basic rate increase) in the Consumer Price Index of All Urban Consumers – United States Average (CPI) published by the Bureau of Labor Statistics of the United States Department of Labor.

113.19 RENEWAL OF FRANCHISE. The franchising authority and the Grantee agree that any proceedings undertaken by the franchising authority that relate to the renewal of the Grantee's franchise shall be governed by and comply with the provisions of the Cable Act, unless the procedures and substantive protections set forth therein shall be deemed to be preempted and superseded by the provisions of any subsequent provision of Federal or State law. In addition to the procedures set forth in the Cable Act, the franchising authority agrees to notify Grantee of its preliminary assessments regarding the identity of future cable-related community needs and interests, as well as the past performance of Grantee under the then current franchise term. The franchising authority further agrees that such a preliminary assessment shall be provided to the Grantee prior to the time that the four (4) month period referred to in the Cable Act is considered to begin. Notwithstanding anything to the

contrary set forth in this section, the Grantee and franchising authority agree that at any time during the term of the then current franchise, while affording the public appropriate notice and opportunity to comment, the franchising authority and Grantee may agree to undertake and finalize negotiations regarding renewal of the then current franchise and the franchising authority may grant a renewal thereof. The Grantee and the franchising authority consider the terms set forth in this section to be consistent with the express provisions of the Cable Act.

(Ord. 827 – Jan. 10 Supp.)

113.20 CONDITIONS OF SALE. Except to the extent expressly required by Federal or State law, if a renewal or extension of Grantee's franchise is denied or the franchise is lawfully terminated, and the franchising authority either lawfully acquires ownership of the cable system or by its actions lawfully effects a transfer of ownership of the cable system to another party, any such acquisition or transfer shall be at a fair market value, determined on the basis of the cable system valued as a going concern.

Grantee and franchising authority agree that in the case of a lawful revocation of the franchise, at Grantee's request, which shall be made in its sole discretion, Grantee shall be given a reasonable opportunity to effectuate a transfer of its cable system to a qualified third party. The franchising authority further agrees that during such a period of time, it shall authorize the Grantee to continue to operate pursuant to the terms of its prior franchise; however, in no event shall such authorization exceed a period of time greater than six (6) months from the effective date of such revocation. If, at the end of that time, Grantee is unsuccessful in procuring a qualified transferee or assignee of its cable system which is reasonably acceptable to the franchising authority, Grantee and franchising authority may avail themselves of any rights they may have pursuant to Federal or State law; it being further agreed that Grantee's continued operation of its cable system during the six (6) month period shall not be deemed to be a waiver, nor an extinguishment of, any rights of either the franchising authority or the Grantee. Notwithstanding anything to the contrary set forth in this section, neither franchising authority nor Grantee shall be required to violate Federal or State law.

113.21 TRANSFER OF FRANCHISE. Grantee's right, title, or interest in the franchise shall not be sold, transferred, assigned, or otherwise encumbered, other than to an affiliate, without the prior consent of the franchising authority, such consent not to be unreasonably withheld. No such consent shall be required, however, for a transfer in trust, by mortgage, by other hypothecation, or by assignment of any rights, title, or interest of Grantee in the franchise or cable system in order to secure indebtedness.

113.22 TESTING FOR COMPLIANCE. The franchising authority may perform technical tests of the cable system during reasonable times and in a manner which does not unreasonably interfere with the normal business operations of the Grantee or the cable system in order to determine whether or not the Grantee is in compliance with the terms hereof and applicable State or Federal laws. Except in emergency circumstances, such tests may be undertaken only after giving Grantee reasonable notice thereof, not to be less than two (2) business days, and providing a representative of Grantee an opportunity to be present during such tests. In the event that such testing demonstrates that the Grantee has substantially failed to comply with a material requirement hereof, the reasonable costs of such tests shall be borne by the Grantee. In the event that such testing demonstrates that Grantee has substantially complied with such material provisions hereof, the cost of such testing shall be borne by the franchising authority. Except in emergency circumstances, the franchising authority agrees that such testing shall be undertaken no more than two (2) times a year in the aggregate, and that the results thereof shall be made available to the Grantee upon Grantee's request.

113.23 BOOKS AND RECORDS. The Grantee agrees that the franchising authority may review such of its books and records, during normal business hours and on a nondisruptive basis, as are reasonably necessary to monitor compliance with the terms hereof. Such records shall include, but shall not be limited to, any public records required to be kept by the Grantee pursuant to the rules and regulations of the FCC. Notwithstanding anything to the contrary set forth herein, Grantee shall not be required to disclose information which it reasonably deems to be proprietary or confidential in nature. The franchising authority agrees to treat any information disclosed by the Grantee to it as confidential and only to disclose it to employees, representatives, and agents thereof that have a need to know, or in order to enforce the provisions hereof.

113.24 INSURANCE REQUIREMENTS. Grantee shall maintain in full force and effect, at its own cost and expense, during the term of the franchise, Comprehensive General Liability Insurance in the amount of \$1,000,000 combined single limit for bodily injury and property damage with statutory workers compensation coverage. Said insurance shall designate the franchising authority as an additional insured. Such insurance shall be non-cancelable except upon thirty (30) days' prior written notice to the franchising authority.

113.25 INDEMNIFICATION. The Grantee agrees to indemnify, save and hold harmless, and defend the franchising authority, its officers, boards and employees, from and against any liability for damages and for any liability or claims resulting from property damage or bodily injury (including accidental death), which arise out of the Grantee's construction, operation, or maintenance

of its cable system, including, but not limited to, reasonable attorney's fees and costs.

113.26 BOOKS AND OTHER SURETY. Except as expressly provided herein, Grantee shall not be required to obtain or maintain bonds or other surety as a condition of being awarded the franchise or continuing its existence. The franchising authority acknowledges that the legal, financial, and technical qualifications of Grantee are sufficient to afford compliance with the terms of the franchise and the enforcement thereof. Grantee and franchising authority recognize that the costs associated with bonds and other surety may ultimately be borne by the subscribers in the form of increased rates for cable services. In order to minimize such costs, the franchising authority agrees to require bonds and other surety only in such amounts and during such times as there is a reasonably demonstrated need therefor. The franchising authority agrees that in no event, however, shall it require a bond or other related surety in an aggregate amount greater than \$10,000, conditioned upon the substantial performance of the material terms, covenants, and conditions of the franchise. Initially, no bond or other surety will be required. In the event that one is required in the future, the franchising authority agrees to give Grantee at least sixty (60) days' prior written notice thereof stating the exact reason for the requirement. Such reason must demonstrate a change in the Grantee's legal, financial, or technical qualifications which would materially prohibit or impair its ability to comply with the terms of the franchise or afford compliance therewith.

113.27 NOTICE OF VIOLATION. In the event that the franchising authority believes that the Grantee has not complied with the terms of the franchise, it shall notify Grantee in writing of the exact nature of the alleged noncompliance.

113.28 GRANTEE'S RIGHT TO CURE OR RESPOND. Grantee shall have thirty (30) days from receipt of the notice described in Section 113.27: (a) to respond to the franchising authority contesting the assertion of noncompliance or; (b) to cure such default or; (c) in the event that, by the nature of default, such default cannot be cured within the thirty (30) day period, initiate reasonable steps to remedy such default and notify the franchising authority of the steps being taken and the projected date that they will be completed.

113.29 PUBLIC HEARING. In the event that Grantee fails to respond to the notice described in Section 113.27 pursuant to the procedures set forth in Section 113.28, or in the event that the alleged default is not remedied within sixty (60) days after the Grantee is notified of the alleged default pursuant to Section 113.27, the franchising authority shall schedule a public meeting to

investigate the default. Such public meeting shall be held at the next regularly scheduled meeting of the franchising authority which is scheduled at a time which is no less than five (5) business days therefrom. The franchising authority shall notify the Grantee of the time and place of such meeting and provide the Grantee with an opportunity to be heard.

113.30 ENFORCEMENT. Subject to applicable Federal and State law, in the event the franchising authority, after such meeting, determines that Grantee is in default of any provision of the franchise, the franchising authority may:

1. Foreclose on all or any part of any security provided under this chapter, if any, including without limitation, any bonds or other surety; provided, however, the foreclosure shall only be in such a manner and in such amount as the franchising authority reasonably determines is necessary to remedy the default;
2. Commence an action at law for monetary damages or seek other equitable relief;
3. In the case of a substantial default of a material provision of the franchise, declare the franchise agreement to be revoked; or
4. Seek specific performance of any provision, which reasonably lends itself to such remedy, as an alternative to damages.

The Grantee shall not be relieved of any of its obligations to comply promptly with any provision of the franchise by reason of any failure of the franchising authority to enforce prompt compliance.

113.31 ACTS OF GOD. The Grantee shall not be held in default or noncompliance with the provisions of the franchise, nor suffer any enforcement or penalty relating thereto, where such noncompliance or alleged defaults are caused by strikes, acts of God, power outages, or other events reasonably beyond its ability to control.

113.32 MISDEMEANOR. In addition to those criminal and civil remedies provided by State and Federal law, it shall be a misdemeanor for any person, firm or corporation to create or make use of any unauthorized connection, whether physically, electrically, acoustically, inductively, or otherwise, with any part of the cable system without the express consent of the Grantee. Further, without the express consent of Grantee, it shall be a misdemeanor for any person to tamper with, remove, or injure any property, equipment, or part of the cable system or any means of receiving cable service or other services provided thereto. Subject to applicable Federal and State law, the franchising

authority may incorporate into its criminal code, if not presently a part thereof, criminal misdemeanor law which will enforce the intent of this section.

113.33 DOCUMENTS INCORPORATED AND MADE A PART HEREOF. The following documents shall be incorporated herein by this reference, and in the case of a conflict or ambiguity between or among them, the document of latest date shall govern:

1. Any enabling ordinance in existence as of the date hereof;
2. Any franchise agreement between Grantee and franchising authority reflecting the renewal of the franchise, if any.

113.34 PREEMPTION. If the FCC, or any other Federal or State body or agency shall now or hereafter exercise any paramount jurisdiction over the subject matter of the franchise, then to the extent such jurisdiction shall preempt and supersede or preclude the exercise of the like jurisdiction by the franchising authority, the jurisdiction of the franchising authority shall cease and no longer exist.

113.35 ACTIONS OF FRANCHISING AUTHORITY. In any action by the franchising authority or representative thereof mandated or permitted under the terms hereof, such party shall act in a reasonable, expeditious, and timely manner. Furthermore, in any instance where approval or consent is required under the terms hereof, such approval or consent shall not be unreasonably withheld.

113.36 NOTICE. Unless expressly otherwise agreed between the parties, every notice or response to be served upon the franchising authority or Grantee shall be in writing, and shall be deemed to have been duly given to the required party five (5) business days after having been posted in a properly sealed and correctly addressed envelope by certified or registered mail, postage prepaid, at a post office or branch thereof regularly maintained by the U.S. Postal Service.

The notices or responses to the franchising authority shall be addressed as follows:

City of Glenwood
Attn: City Clerk
107 South Locust Street
Glenwood, IA 51534

The notices or responses to the Grantee shall be addressed as follows:

Mediacom Communications

2705 Ingersoll Avenue
Des Moines, Iowa 50312

Franchising authority and the Grantee may designate such other address or addresses from time to time by giving notice to the other.

(Ord. 827 – Jan. 10 Supp.)

EDITOR'S NOTE

Ordinance No. 554 adopting a cable TV franchise for the City was passed and adopted on March 22, 1994.

[The next page is 487]

CHAPTER 114

REGULATION OF CABLE TELEVISION RATES

114.01 DEREGULATION OF CABLE TELEVISION RATES. Effective August 1, 2006, the City of Glenwood shall be decertified as a rate regulator of cable television rates and as consistent with the rules and regulations of the Federal Communications Commission. *(Ord. 780 – Aug. 06 Supp.)*

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CHAPTER 115

CUSTOMER SERVICE STANDARDS

115.01 Authorization
115.02 Notification

115.03 Rules and Procedures
115.04 Compliance

115.01 AUTHORIZATION. The City of Glenwood (herein called “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 City Council herewith adopts by reference the above mentioned customer service standards for cable television service effective (at least 90 days from passage of the ordinance or date of written notification to Cable Operator, whichever is later).

115.02 NOTIFICATION. The City Manager/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 the ordinance or date of written notification to Cable Operator, whichever is later).

115.03 RULES AND PROCEDURES. The City Council/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.

115.04 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 [ten percent (10%)/twenty percent (20%)/twenty-five percent (25%)] 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.

(Chapter 115 added by Ordinance No. 556)

[The next page is 490.1]

CHAPTER 116

ENERGY PROVIDERS FRANCHISE FEE

116.01 Franchise Fee Established
116.02 Exemption from Other Fees
116.03 Payment
116.04 Billing

116.05 Map
116.06 Annexation
116.07 Records

116.01 FRANCHISE FEE ESTABLISHED. The City of Glenwood, Iowa, (hereinafter referred to as the “Municipality”) hereby establishes a franchise fee on every natural gas company and every other person, firm or corporation, their successors and assigns, owning, operating, controlling, leasing or managing a natural gas system and/or generating, manufacturing, selling, distributing or transporting natural gas (hereinafter referred to, collectively, as “Energy Providers,” each, individually, an “Energy Provider”). Energy Providers shall collect from their customers located within the corporate limits of the Municipality as depicted on the Map (as defined below) including the City of Glenwood and pay to the City an amount equal to five percent (5%) of gross receipts Energy Providers derive from the sale, distribution or transportation of natural gas delivered within the limits of the Municipality. Gross receipts as used herein are revenues received from the sale, distribution or transportation of natural gas, after adjustment for the net write-off of uncollectible accounts and corrections of bills theretofore rendered.

116.02 EXEMPTION FROM OTHER FEES. The amount paid by Energy Providers shall be in lieu of, and Energy Providers shall be exempt from, all other fees, charges, taxes or assessments which the Municipality may impose for the privilege of doing business within the Municipality, including, without limitation, excise taxes, occupation taxes, licensing fees, or right-of-way permit fees, and in the event the Municipality imposes any such fee, charge, tax or assessment, the payment to be made by Energy Providers in accordance with this ordinance shall be reduced in an amount equal to any such fee, charge, tax or assessment imposed upon the Energy Providers. Ad valorem property taxes imposed generally upon all real and personal property within the Municipality shall not be deemed to affect Energy Providers’ obligations under this ordinance.

116.03 PAYMENT. Energy Providers shall report and pay any amount payable under this ordinance on a monthly basis. Such payment shall be made no more than thirty (30) days following the close of the period for which payment is due. Initial and final payments shall be prorated for the portions of

the periods at the beginning and end of any franchise granted by the City of Glenwood, Iowa, to an Energy Provider.

116.04 BILLING. Energy Providers shall list the franchise fee collected from customers as a separate item on bills for utility service issued to their customers. If at any time the Iowa Utilities Board or other authority having proper jurisdiction prohibits such recovery, Energy Providers will no longer be obligated to collect and pay the franchise fee until an alternate lawful franchise fee can be negotiated and implemented. In addition, with prior approval of City, Energy Providers may reduce the franchise fee payable for natural gas delivered to a specific customer when such reduction is required to attract or retain the business of that customer.

116.05 MAP. Within ten (10) days of the date of this ordinance, the Municipality shall provide the Energy Providers with a map of its corporate limits (the "Map"). The Map shall be of sufficient detail to assist Energy Providers in determining whether their customers reside within the Municipality's corporate limits. The Map along with Energy Provider's Geographic Information System ("GIS") mapping information shall serve as the sole basis for determining Energy Provider's obligation hereunder to collect and pay the franchise fee from customers; provided, however, that if the Municipality's corporate limits are changed by annexation or otherwise, it shall be the Municipality's sole responsibility to (a) update the Map so that such changes are included therein, and (b) provide the updated Map to the Energy Providers. An Energy Provider's obligation to collect and pay the franchise fee from customers within an annexed area shall not commence until the later: (a) of sixty (60) days after such Energy Provider's receipt from the Municipality of an updated Map including such annexed area, or (b) such time after such Energy Provider's receipt from the Municipality of an updated Map including such annexed area as is reasonably necessary for such Energy Provider to identify the customers in the annexed area obligated to pay the franchise fee.

116.06 ANNEXATION. The City shall provide copies of annexation ordinances to Energy Providers on a timely basis to ensure appropriate Franchise fee collection from customers within the corporate limits of the city as set forth in Section 116.04 above.

116.07 RECORDS. The Municipality shall have access to and the right to examine, during normal business hours, Energy Provider's books, receipts, files, records and documents as is reasonably necessary to verify the accuracy of payments due hereunder; provided, that the Municipality shall not exercise such right more than twice per calendar year. If it is determined that a mistake was made in the payment of any franchise fee required hereunder, such mistake shall be corrected promptly upon discovery such that any under-payment by an

Energy Provider shall be paid within thirty (30) days of recalculation of the amount due, and any over-payment by an Energy Provider shall be deducted from the next payment of such franchise fee due by such Energy Provider to the Municipality; provided, that neither party shall have the obligation to correct a mistake that is discovered more than one (1) year after the occurrence thereof.

(Ch. 116 – Ord. 874 – Apr. 17 Supp.)

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CHAPTER 120

LIQUOR LICENSES AND WINE AND BEER PERMITS

120.01 License or Permit Required
120.02 General Prohibition
120.03 Action by Council

120.04 Prohibited Sales and Acts
120.05 Outdoor Service
120.06 Small Open Air Service and Consumption

120.01 LICENSE OR PERMIT REQUIRED. No person shall manufacture for sale, import, sell, or 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 Chapter 123 of the Code of Iowa.

(Code of Iowa, Sec. 123.22, 123.122 & 123.171)

120.02 GENERAL PROHIBITION. It is unlawful to manufacture for sale, sell, offer or keep for sale, possess or transport alcoholic liquor, wine or beer except upon the terms, conditions, limitations and restrictions enumerated in Chapter 123 of the Code of Iowa, and a license or permit may be suspended or revoked for a violation thereof.

(Code of Iowa, Sec. 123.2, 123.39 & 123.50)

120.03 ACTION BY COUNCIL. The Council shall either approve or disapprove the issuance of the liquor control license or retail wine or beer permit and shall endorse its approval or disapproval on the application, and thereafter the application, necessary fee and bond, if required, shall be forwarded to the Alcoholic Beverages Division of the State Department of Commerce for such further action as is provided by law.

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

120.04 PROHIBITED SALES AND ACTS. A person or club holding a liquor license or retail wine or beer permit and the person's or club's agents or employees shall not do any of the following:

1. Sell, dispense or give to any intoxicated person, or one simulating intoxication, any alcoholic liquor, wine or beer.

(Code of Iowa, Sec. 123.49 [1])

2. Sell or dispense any alcoholic beverage, wine or beer on the premises covered by the license or permit, or permit its consumption thereon between the hours of two o'clock (2:00) a.m. and six o'clock (6:00) a.m. on a weekday, and between the hours of two o'clock (2:00) a.m. on Sunday and six o'clock (6:00) a.m. on the following Monday; however, a holder of a license or permit granted the privilege of selling alcoholic liquor, beer or wine on Sunday may sell or dispense alcoholic

liquor, beer or wine between the hours of eight o'clock (8:00) a.m. on Sunday and two o'clock (2:00) a.m. of the following Monday, and further provided that a holder of any class of liquor control license or the holder of a class "B" beer permit may sell or dispense alcoholic liquor, wine or beer for consumption on the premises between the hours of eight o'clock (8:00) a.m. on Sunday and two o'clock (2:00) a.m. on Monday when that Monday is New Year's Day and beer for consumption off the premises between the hours of eight o'clock (8:00) a.m. on Sunday and two o'clock (2:00) a.m. on the following Monday when that Sunday is the day before New Year's Day.

(Code of Iowa, Sec. 123.49 [2b and 2k] & 123.150)

3. Sell alcoholic beverages, wine or beer to any person on credit, except with a bona fide credit card. This provision does not apply to sales by a club to its members, to sales by a hotel or motel to bona fide registered guests or to retail sales by the managing entity of a convention center, civic center or events center. *(Ord. 745 – Nov. 04 Supp.)*

(Code of Iowa, Sec. 123.49 [2c])

4. Employ a person under eighteen (18) years of age in the sale or serving of alcoholic liquor, wine or beer for consumption on the premises where sold.

(Code of Iowa, Sec. 123.49 [2f])

5. (Repealed by Ordinance No. 647 - Nov. 99 Supp.)

6. 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 permittee's place of business.

(Code of Iowa, Sec. 123.49 [2i])

7. Knowingly permit any gambling, except in accordance with Iowa law, or knowingly permit any solicitation for immoral purposes, or immoral or disorderly conduct on the premises covered by the license or permit.

(Code of Iowa, Sec. 123.49 [2a])

8. Knowingly permit or engage in any criminal activity on the premises covered by the license or permit.

(Code of Iowa, Sec. 123.49 [2j])

9. Keep on premises covered by a liquor control license any alcoholic liquor in any container except the original package

purchased from the Alcoholic Beverages Division of the State Department of Commerce and except mixed drinks or cocktails mixed on the premises for immediate consumption.

(Code of Iowa, Sec. 123.49 [2d])

10. Reuse for packaging alcoholic liquor or wine any container or receptacle used originally for packaging alcoholic liquor or wine; or adulterate, by the addition of any substance, the contents or remaining contents of an original package of an alcoholic liquor or wine; or knowingly possess any original package which has been reused or adulterated.

(Code of Iowa, Sec. 123.49 [2e])

11. Allow any person other than the licensee, permittee or employees of the licensee or permittee to use or keep on the licensed premises any alcoholic liquor in any bottle or other container which is designed for the transporting of such beverages, except as allowed by State law.

(Code of Iowa, Sec. 123.49 [2g])

12. Permit or allow any person under twenty-one (21) years of age to remain upon licensed premises unless over fifty percent (50%) of the dollar volume of the business establishment comes from the sale and serving of prepared foods. This provision does not apply to holders of a class "C" beer permit only. *(Ord 625)*

13. Sell, give, possess or otherwise supply a machine which is used to vaporize an alcoholic beverage for the purpose of being consumed in a vaporized form. *(Ord. 787 – Nov. 06 Supp.)*

(Code of Iowa, Sec. 123.49[2l])

120.05 OUTDOOR SERVICE. Any licensee or permittee may serve the type of alcoholic liquor, beer or wine permitted by the license or permit in an outdoor area only after complying with the following conditions:

1. The outdoor area must be enclosed by a permanent or temporary retainer which clearly encloses the outdoor area contiguous to the licensed establishment. The retainer must either be:

A. At least seventy-two (72) inches in height and constructed in a manner that prevents the passage of beverage containers outside of the enclosed area;

B. Or consist of two (2) barriers, both of which must be at least forty-two (42) inches in height, and spaced at least six (6) feet apart to prevent the passage of beverage containers outside the enclosed area. No persons shall be allowed within the six (6) foot space between the barriers.

2. Emergency exits must be provided with a clean and unobstructed access to a public way.
3. The outdoor service area must have adequate lighting to allow for the easy identification of individuals within that area.
4. The licensee or permittee must provide adequate staff in order to have all entrances and exits between the enclosed area and the public way staffed to prevent the transfer of open beverage containers beyond the enclosed service area and to prevent entrance to the service area by individuals which have not presented valid identification and verification of being legal drinking age.
5. All alcoholic liquor, beer or wine shall be served in paper or plastic containers; however, should the licensee or permittee maintain an outdoor service area in compliance with the City of Glenwood's ordinances and such outdoor service area is used in the licensee's or permittee's normal business operations on a continuous or seasonally continuous basis, the limitation of using only paper or plastic containers shall not apply. *(Ord. 844 – Jun. 11 Supp.)*
6. Any outdoor service area which exceeds twelve hundred (1200) square feet must have at least two (2) bathrooms or portable bathrooms provided within that outdoor service area.
7. A diagram showing the outdoor area and describing how it will be enclosed shall be submitted to the Clerk.
8. An endorsement from the insurance company acknowledging that the outdoor area is covered by the dram shop insurance policy shall be submitted to the Clerk.
9. An application from the licensee or permittee telling what dates the outdoor area will be used shall be submitted to the Clerk.

After compliance with the above listed requirements, the Clerk shall forward the appropriate information to the Council which may approve the outdoor service area and authorize the Clerk to forward the information to the Iowa Alcoholic Beverages Division.

120.06 SMALL OPEN AIR SERVICE AND CONSUMPTION. In areas not zoned residential or which otherwise do not prohibit the sale of alcohol, a liquor licensed establishment may utilize an open air area and serve liquor for consumption provided that the maximum open air area does not exceed four hundred (400) square feet, and it meets the conditions set forth herein:

1. The open air area shall securely attach to the licensed structure and shall not protrude into the public right of way, and shall be

constructed and maintained so that it may only be entered and exited from the portion of the premises which is not part of the open air area and which is part of the licensed establishment. The open air area shall be enclosed by a wrought iron or similar type of fence approved by the City and structurally sufficient, in the sole discretion of the City of Glenwood, to prevent uncontrolled entrance or exit from the licensed area. The fence shall not be less than 36 inches in height and shall so be constructed and maintained to restrict access from below the top height of the fence.

2. All exits from such area shall be for emergency use only and shall be equipped with the appropriate hardware to ensure such limited use.

3. No open containers of alcohol or consumption of alcohol are permitted in the open air area between the hours of 11:00 p.m. and 7:00 a.m. Sunday through Thursday, or 12 midnight and 7:00 a.m. Fridays and Saturdays. For special occasions or events, the liquor licensee for the open air area may seek prior City Council approval in the event the licensee desires to serve liquor and/or operate the open air area for hours longer than established herein.

4. Amplified music and sound will be permitted in the open area during the hours that consumption is permitted, but will be subject to the City of Glenwood's noise ordinance.

5. The outdoor service area must have adequate lighting to allow for the easy identification of individuals within that area.

6. The licensee or permitted must provide adequate staff in order to have all entrances and exits between the enclosed area and the public way staffed to prevent the transfer of open beverage containers beyond the enclosed service area. For special events as from time to time deemed by the Mayor or designee, including Glenwood's annual Homecoming celebration date and RAGBRAI, the liquor licensee shall provide its own security personnel to maintain and enforce the provisions of this chapter and of the Code of Ordinances.

7. All alcoholic liquor, beer or wine shall be served in paper or plastic containers; however, should the licensee or permittee maintain an outdoor service area in compliance with the City of Glenwood's ordinances and such outdoor service area is used in the licensee's or permittee's normal business operations on a continuous or seasonally continuous basis, the limitation of using only paper or plastic containers shall not apply.

8. A diagram showing the outdoor area and describing how it will be enclosed shall be submitted to the City Clerk.

9. An endorsement from the insurance company acknowledging that the outdoor area is covered by the dram shop insurance policy shall be submitted to the Clerk.

10. If two violations of State law or the Glenwood Municipal Code occur in the open air area within a twelve-month period that result in the conviction of the owner liquor licensee and/or his/her employees or agents, the use of the outdoor area as part of the liquor license premises will cease for a period of twelve (12) months, starting on the date of the second conviction. The same penalty will occur if four different incidents occur in the outdoor area within a twelve-month period that result in at least one conviction of persons other than the owner or his/her employees or agents.

(Section 120.06 added by Ord. 856 – Jul. 13 Supp.)

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CHAPTER 121

CIGARETTE AND TOBACCO PERMITS

121.01 Definitions
121.02 Permit Required
121.03 Application
121.04 Fees
121.05 Issuance and Expiration

121.06 Refunds
121.07 Persons Under Legal Age
121.08 Self-service Sales Prohibited
121.09 Permit Revocation

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

(Code of Iowa, Sec. 453A.1)

1. “Carton” means a box or container of any kind in which ten or more packages or packs of cigarettes or tobacco products are offered for sale, sold or otherwise distributed to consumers.
2. “Cigarette” means any roll for smoking made wholly or in part of tobacco, or any substitute for tobacco, irrespective of size or shape and irrespective of tobacco or any substitute for tobacco being flavored, adulterated or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any other material. However, this definition is not to be construed to include cigars.
3. “Package” or “pack” means a container of any kind in which cigarettes or tobacco products are offered for sale, sold or otherwise distributed to consumers.
4. “Place of business” means any place where cigarettes or tobacco products are sold, stored or kept for the purpose of sale or consumption by a retailer.
5. “Retailer” means every person who 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 or who engages in the business of selling tobacco products to ultimate consumers.
6. “Self-service display” means any manner of product display, placement or storage from which a person purchasing the product may take possession of the product, prior to purchase, without assistance from the retailer or employee of the retailer, in removing the product from a restricted access location.
7. “Tobacco products” means the following: cigars; little cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed

and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine-cut and other chewing tobaccos; shorts or refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or for both chewing and smoking, but does not mean cigarettes.

121.02 PERMIT REQUIRED.

1. Cigarette Permits. It is unlawful for any person, other than a holder of a retail permit, to sell cigarettes at retail and no retailer shall distribute, sell or solicit the sale of any cigarettes within the City without a valid permit for each place of business. The permit shall be displayed publicly in the place of business so that it can be seen easily by the public. No permit shall be issued to a minor.

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

2. Tobacco Permits. It is unlawful for any person to engage in the business of a retailer of tobacco products at any place of business without first having received a permit as a tobacco products retailer for each place of business owned or operated by the retailer.

(Code of Iowa, Sec. 453A.47A)

A retailer who holds a cigarette permit is not required to also obtain a tobacco permit. However, if a retailer only holds a cigarette permit and that permit is suspended, revoked or expired, the retailer shall not sell any cigarettes or tobacco products during such time.

121.03 APPLICATION. A completed application on forms provided by the State Department of Revenue and accompanied by the required fee shall be filed with the Clerk. Renewal applications shall be filed at least five (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.

(Code of Iowa, Sec. 453A.13 & 453A.47A)

121.04 FEES. The fee for a retail cigarette or tobacco permit shall be as follows:

(Code of Iowa, Sec. 453A.13 & 453A.47A)

FOR PERMITS GRANTED 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

121.05 ISSUANCE AND EXPIRATION. Upon proper application and payment of the required fee, a permit shall be issued. Each permit issued shall describe clearly the place of business for which it is issued and shall be nonassignable. All permits expire on June 30 of each year. The Clerk shall submit a duplicate of any application for a permit, and any permit issued, to the Iowa Department of Public Health within thirty (30) days of issuance.

121.06 REFUNDS. A retailer may surrender an unrevoked permit and receive a refund from the City, except during April, May or June, in accordance with the schedule of refunds as provided in Section 453A.13 or 453A.47A of the Code of Iowa.

(Code of Iowa, 453A.13 & 453A.47A)

121.07 PERSONS UNDER LEGAL AGE. No person shall sell, give or otherwise supply any tobacco, tobacco products or cigarettes to any person under eighteen (18) years of age. The provision of this section includes prohibiting a minor from purchasing cigarettes or tobacco products from a vending machine. If a retailer or employee of a retailer violates the provisions of this section, the Council shall, after written notice and hearing, and in addition to the other penalties fixed for such violation, assess the following:

1. For a first violation, the retailer shall be assessed a civil penalty in the amount of three hundred dollars (\$300.00). Failure to pay the civil penalty as ordered under this subsection shall result in automatic suspension of the permit for a period of fourteen (14) days.
2. For a second violation within a period of two (2) years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars (\$1,500.00) or the retailer's permit shall be suspended for a period of thirty (30) days. The retailer may select its preference in the penalty to be applied under this subsection.
3. For a third violation within a period of three (3) years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars (\$1,500.00) and the retailer's permit shall be suspended for a period of thirty (30) days.
4. For a fourth violation within a period of three (3) years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars (\$1,500.00) and the retailer's permit shall be suspended for a period of sixty (60) days.
5. For a fifth violation with a period of four (4) years, the retailer's permit shall be revoked.

The Clerk shall give ten (10) days' written notice to the retailer by mailing a copy of the notice to the place of business as it appears on the application for a permit. The notice shall state the reason for the contemplated action and the time and place at which the retailer may appear and be heard.

(Code of Iowa, Sec. 453A.2, 453A.22 and 453A.36[6])

121.08 SELF-SERVICE SALES PROHIBITED. Beginning January 1, 1999, except for the sale of cigarettes through a cigarette vending machine as provided in Section 453A.36(6) of the Code of Iowa, a retailer shall not sell or offer for sale cigarettes or tobacco products, in a quantity of less than a carton, through the use of a self-service display.

(Code of Iowa, Sec. 453A.36A)

121.09 PERMIT REVOCATION. Following a written notice and an opportunity for a hearing, as provided by the Code of Iowa, the Council may also revoke a permit issued pursuant to this chapter for a violation of Division I of Chapter 453A of the Code of Iowa or any rule adopted thereunder. If a permit is revoked, a new permit shall not be issued to the permit holder for any place of business, or to any other person for the place of business at which the violation occurred, until one year has expired from the date of revocation, unless good cause to the contrary is shown to the Council. The Clerk shall report the revocation or suspension of a retail permit to the Iowa Department of Public Health within thirty (30) days of the revocation or suspension.

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

(Ch. 121 - Ord. 767 – Sep. 05 Supp.)

CHAPTER 122

PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS

122.01 Purpose	122.11 Revocation of License
122.02 Definitions	122.12 Notice
122.03 License Required	122.13 Hearing
122.04 Application for License	122.14 Record and Determination
122.05 License Fees	122.15 Appeal
122.06 Bond Required	122.16 Effect of Revocation
122.07 License Issued	122.17 Rebates
122.08 Display of License	122.18 License Exemptions
122.09 License Not Transferable	122.19 Religious and Charitable Organizations
122.10 Time Restriction	

122.01 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.

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

1. “Peddler” means 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” means any person who solicits or attempts to solicit from house to house or upon the public street an order for goods, subscriptions, merchandise or services to be delivered or performed at a future date.
(Ord. 761 – Jun. 05 Supp.)
3. “Transient merchant” means any person who engages in a temporary or itinerant merchandising business and in the course of such business hires, leases or occupies any building or structure whatsoever. Temporary association with a local merchant, dealer, trader or auctioneer, or conduct of such transient business in connection with, as a part of, or in the name of any local merchant, dealer, trader or auctioneer does not exempt any person from being considered a transient merchant.

122.03 LICENSE REQUIRED. Any person engaging in peddling, soliciting or in the business of a transient merchant in the City without first obtaining a license as herein provided is in violation of this chapter.

122.04 APPLICATION FOR LICENSE. An application in writing shall be filed with the Police Chief for a license under this chapter. Such application shall set forth the applicant's name, permanent and local address and business address if any. 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 two dollars (\$2.00) shall be paid at the time of filing such application to cover the cost of investigating the facts stated therein.

122.05 LICENSE FEES. The following license fees shall be paid to the Police Chief prior to the issuance of any license.

1. Solicitors. In addition to the application fee for each person actually soliciting (principal or agent), a fee for the principal of ten dollars (\$10.00) per year.
2. Peddlers or Transient Merchants.
 - A. For one day \$ 5.00
 - B. For one week..... \$ \$25.00
 - C. For up to six (6) months..... \$ 100.00
 - D. For one year or major part thereof.. \$ 175.00

122.06 BOND REQUIRED. Before a license under this chapter is issued, an applicant shall provide to the Police Chief evidence that the applicant has filed a bond with the Secretary of State in accordance with Chapter 9C of the Iowa Code and if required under such provisions. *(Ord. 761 – Jun. 05 Supp.)*

122.07 LICENSE ISSUED. If the Police Chief finds the application is completed in conformance with the requirements of this chapter, the facts stated therein are found to be correct and the license fee paid, a license shall be issued immediately.

122.08 DISPLAY OF LICENSE. Each solicitor or peddler shall keep such license in possession at all times while doing business in the City and shall, upon the request of prospective customers, exhibit the license as evidence of compliance with all requirements of this chapter. Each transient merchant shall display publicly such merchant's license in the merchant's place of business.

122.09 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.

122.10 TIME RESTRICTION. All peddler's and solicitor's licenses shall provide that said licenses are in force and effect only between the hours of eight o'clock (8:00) a.m. and seven o'clock (7:00) p.m.

122.11 REVOCATION OF LICENSE. After notice and hearing, the _____ may revoke any license issued under this chapter for the following reasons:

1. Fraudulent Statements. The licensee has made fraudulent statements in the application for the license or in the conduct of the business.
2. Violation of Law. The licensee has violated this chapter or has otherwise conducted the business in an unlawful manner.
3. Endangered Public Welfare, Health or Safety. The licensee has conducted the business in such manner as to endanger the public welfare, safety, order or morals.

122.12 NOTICE. The _____ shall send a notice to the licensee at the licensee's local address, not less than ten (10) days before the date set for a hearing on the possible revocation of a license. Such notice shall contain particulars of the complaints against the licensee, the ordinance provisions or State statutes allegedly violated, and the date, time and place for hearing on the matter.

122.13 HEARING. The _____ 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 authorized representative, fail to appear without good cause, the _____ may proceed to a determination of the complaint.

122.14 RECORD AND DETERMINATION. The _____ shall make and record findings of fact and conclusions of law, and shall revoke a license only when upon review of the entire record the _____ finds clear and convincing evidence of substantial violation of this chapter or State law.

122.15 APPEAL. If the _____ revokes or refuses to issue a license, the _____ shall make a part of the record the 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 _____ by a majority vote of the Council members present and the _____ shall carry out the decision of the Council.

122.16 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.

122.17 REBATES. Any licensee, except in the case of a revoked license, shall be entitled to a rebate of part of the fee paid if the license is surrendered before it expires. The amount of the rebate shall be determined by dividing the total license fee by the number of days for which the license was issued and then multiplying the result by the number of full days not expired. In all cases, at least five dollars (\$5.00) of the original fee shall be retained by the City to cover administrative costs.

122.18 LICENSE EXEMPTIONS. The following are excluded from the application of this chapter.

1. Newspapers. Persons delivering, collecting for or selling subscriptions to newspapers.
2. Club Members. Members of local civic and service clubs, Boy Scout, Girl Scout, 4-H Clubs, Future Farmers of America and similar organizations.
3. Local Residents and Farmers. Local residents and farmers who offer for sale their own products.
4. Students. Students representing the _____ School District conducting projects sponsored by organizations recognized by the school.
5. Route Sales. Route delivery persons who only incidentally solicit additional business or make special sales.
6. Resale or Institutional Use. Persons customarily calling on businesses or institutions for the purposes of selling products for resale or institutional use.

122.19 CHARITABLE AND NONPROFIT ORGANIZATIONS. Authorized representatives of charitable or nonprofit organizations operating under the provisions of Chapter 504A of the Code of Iowa desiring to solicit money or to distribute literature are exempt from the operation of Sections 122.04 and 122.05. All such organizations are required to submit in writing to the _____ 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 and the amount thereof. If the _____ finds that the organization is a bona fide charity or nonprofit organization the _____ shall issue, free of charge, a license containing the above information to the applicant. In the event the _____ denies the exemption, the authorized representatives of the organization may appeal the decision to the Council, as provided in Section 122.15 of this chapter.

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CHAPTER 135

STREET USE AND MAINTENANCE

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|--|---|
| 135.01 Removal of Warning Devices | 135.11 Failure to Maintain Parking or Terrace |
| 135.02 Obstructing or Defacing | 135.12 Dumping of Snow |
| 135.03 Placing Debris On | 135.13 Driveway Culverts |
| 135.04 Playing In | 135.14 Curb Cuts |
| 135.05 Traveling on Barricaded Street or Alley | 135.15 Erection and Removal of Structures Within Public Right-of-way |
| 135.06 Use for Business Purposes | 135.16 Placement of Garbage/Solid Waste Containers in Public Right-of-way |
| 135.07 Washing Vehicles | 135.17 Obstruction of Street or any Portion Thereof |
| 135.08 Burning Prohibited | |
| 135.09 Excavations | |
| 135.10 Maintenance of Parking or Terrace | |

135.01 REMOVAL OF WARNING DEVICES. It is unlawful for a person to willfully remove, throw down, destroy or carry away from any street or alley 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 street or alley without the consent of the person in control thereof.

(Code of Iowa, Sec. 716.1)

135.02 OBSTRUCTING OR DEFACING. It is unlawful for any person to obstruct, deface, or injure any street or alley in any manner, except obstructions may be utilized if in accord with Section 135.17 of the Code of Ordinances.

(Ord. 857 – Aug. 13 Supp.)

(Code of Iowa, Sec. 716.1)

135.03 PLACING DEBRIS ON. It is unlawful for any person to throw or deposit on any street or alley any glass, glass bottle, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, leaves, grass or any other debris, or any substance likely to injure any person, animal or vehicle or which, if washed into the storm sewer, could clog the storm sewer.

(Code of Iowa, Sec. 321.369)

135.04 PLAYING IN. It is unlawful for any person to coast, sled or play games on streets or alleys, except in the areas blocked off by the City for such purposes.

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

135.05 TRAVELING ON BARRICADED STREET OR ALLEY. It is unlawful for any person to travel or operate any vehicle on any street or alley 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.

135.06 USE FOR BUSINESS PURPOSES. It is unlawful to park, store or place, temporarily or permanently, any machinery or junk or any other goods, wares, and merchandise of any kind upon any street or alley for the purpose of storage, exhibition, sale or offering same for sale, without permission of the Council.

135.07 WASHING VEHICLES. It is unlawful for any person to use any public sidewalk, street or alley for the purpose of washing or cleaning any automobile, truck equipment, or any vehicle of any kind when such work is done for hire or as a business. This does not prevent any person from washing or cleaning his or her own vehicle or equipment when it is lawfully parked in the street or alley.

135.08 BURNING PROHIBITED. No person shall burn any trash, leaves, rubbish or other combustible material in any curb and gutter or on any paved or surfaced street or alley.

135.09 EXCAVATIONS. No person shall dig, excavate or in any manner disturb any street, parking or alley unless such person first obtains a permit therefor as hereinafter provided:

1. Application. Before such permit is granted, the person shall file with the City a written application. The application shall contain the following:
 - A. An exact description of the property, by lot and street number, in front of or along which it is desired to excavate;
 - B. A statement of the purpose, for whom and by whom the excavation is to be made;
 - C. The person responsible for the refilling of said excavation and restoration of the street or alley surface; and
 - D. Date of commencement of the work and estimated completion date.
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. Barricades, Fencing and Lighting. Adequate barricades, fencing and warning lights meeting standards specified by the City shall be so placed as to protect the public from hazard. Any costs incurred by the City in providing or maintaining adequate barricades, fencing or warning lights shall be paid to the City by the permit holder/property owner.
4. Insurance Required. Each applicant shall also file a certificate of insurance indicating that the applicant is carrying public liability insurance in effect for the duration of the permit covering the applicant and all agents and employees for the following minimum amounts:
 - A. Bodily Injury - \$50,000.00 per person; \$100,000.00 per accident.
 - B. Property Damage - \$50,000.00 per accident.
5. Restoration of Public Property. Streets, sidewalks, alleys and other public property disturbed in the course of the work shall be restored to the condition of the property prior to the commencement of the work, or in a manner satisfactory to the City, at the expense of the permit holder/property owner.
6. Inspection. All work shall be subject to inspection by the City. Backfill shall not be deemed completed, nor resurfacing of any improved street or alley surface begun, until such backfill is inspected and approved by the City. The

permit holder/property owner shall provide the City with notice at least twenty-four (24) hours prior to the time when inspection of backfill is desired.

7. Completion by the City. Should any excavation in any street or alley be discontinued or left open and unfinished for a period of twenty-four (24) hours after the approved completion date, or in the event the work is improperly done, the City has the right to finish or correct the excavation work and charge any expenses therefor to the permit holder/property owner.

8. Responsibility for Costs. All costs and expenses incident to the excavation shall be borne by the permit holder and/or property owner. The permit holder and owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by such excavation.

9. Permit Issued. Upon approval of the application and filing of insurance certificate, a permit shall be issued. A separate permit shall be required for each excavation.

135.10 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 public streets. Maintenance includes responsibility for retaining walls, timely mowing, trimming trees and shrubs, and picking up litter. Maintenance shall not include the removal of diseased trees or dead wood.
(Ord. 774 – Mar. 06 Supp.)

135.11 FAILURE TO MAINTAIN PARKING OR TERRACE. If the abutting property owner does not perform an action required under the above section 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.

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

135.12 DUMPING OF SNOW. It is 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 a street or alley so as to obstruct gutters, or impede the passage of vehicles upon the street or alley 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 street or alley temporarily, such accumulation shall be removed promptly by the property owner or agent, and only after first making arrangements for such prompt removal at the owner's cost of the accumulation within a reasonably short time.

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

135.13 DRIVEWAY CULVERTS. The property owner shall, at the owner's expense, install any culvert deemed necessary under any driveway or any other access to the owner's property, and before installing a culvert, permission must first be obtained from the City. In the event repairs are needed at any time with respect to culverts, it shall be the responsibility of the property owner to make such repairs, and, in the event the owner fails to do so, the City shall have the right to make the repairs. If the property owner fails to reimburse the City for the cost of said repairs, the cost

shall be certified to the County Treasurer and specially assessed against the property as by law provided.

135.14 CURB CUTS. No person shall cut, break or otherwise alter in any fashion any curb along a public street. The cutting of any curb for any purpose shall be done by the City at the expense of the property owner or person requesting such curb cut.

135.15 ERECTION AND REMOVAL OF STRUCTURES WITHIN PUBLIC RIGHT-OF-WAY.

1. It shall be unlawful to construct, erect, or locate any structure as defined in Section 166.02(57) of the Code of Ordinances, except mail boxes and retaining walls, beyond the lot and property lines and upon any public street or right-of-way. A retaining wall may only be constructed within the public right-of-way provided it is located not less than four (4) feet from the inside curb line of the street abutting said property and only with the prior approval of the Public Works Director.

2. Any structure, or part thereof, located within the public right-of-way, including retaining walls and mail boxes, may be altered, destroyed, or removed by the City for necessary or normal repair and maintenance within the public right-of-way. In such instance, the City shall not be obligated to repair, replace, or otherwise restore said structure to its prior condition and shall not be responsible for any costs incurred in replacing or restoring such structure to its prior condition.

(Ord. 641 – Mar. 99 Supp.)

135.16 PLACEMENT OF GARBAGE/SOLID WASTE CONTAINERS IN PUBLIC RIGHT-OF-WAY. It shall be unlawful to maintain any container used for garbage/solid waste disposal beyond the lot and property lines and upon any right-of-way for a period of more than twenty-four (24) continuous hours. Any such container(s) placed, maintained, or located beyond the lot and property lines and upon any public right-of-way for a period of more than twenty-four (24) continuous hours shall be deemed a public nuisance.

(Ord. 642 – Mar. 99 Supp.)

135.17 OBSTRUCTION OF STREET OR ANY PORTION THEREOF. Any person may make a written application with the City for the purpose of barricading or otherwise blocking a street or a portion thereof to restrict vehicular traffic. The application shall include the street or the portions thereof to be barricaded, the date and the times the barricades are to be erected and removed, and the reasons for the requested barricade. The City Council shall either approve or deny the application. If the application is approved, the City Council may impose any such conditions as it deems reasonable and appropriate under the circumstances. If approved, the applicant shall remit a fee for the use, erection, and the removal of the barricades by the City Public Works Department or its designee. The fee shall be fixed by resolution of the City Council.

(Ord. 857 – Aug. 13 Supp.)

CHAPTER 136

SIDEWALK REGULATIONS

136.01 Purpose	136.10 Failure to Repair or Barricade
136.02 Definitions	136.11 Interference with Sidewalk Improvements
136.03 Removal of Snow, Ice and Accumulations	136.12 Awnings
136.04 Responsibility for Maintenance	136.13 Encroaching Steps
136.05 City May Order Repairs	136.14 Openings and Enclosures
136.06 Sidewalk Construction Ordered	136.15 Fires or Fuel on Sidewalks
136.07 Permit Required	136.16 Defacing
136.08 Sidewalk Standards	136.17 Debris on Sidewalks
136.09 Barricades and Warning Lights	136.18 Merchandise Display
	136.19 Sales Stands

136.01 PURPOSE. The purpose of this chapter is to enhance safe passage by citizens on sidewalks, to place the responsibility for the maintenance, repair, replacement or reconstruction of sidewalks upon the abutting property owner and to minimize the liability of the City.

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

1. “Broom finish” means a sidewalk finish that is made by sweeping the sidewalk when it is hardening.
2. “Established grade” means that grade established by the City for the particular area in which a sidewalk is to be constructed.
3. “One-course construction” means that the full thickness of the concrete is placed at one time, using the same mixture throughout.
4. “Owner” means the person owning the fee title to property abutting any sidewalk and includes any contract purchaser for purposes of notification required herein. For all other purposes, “owner” includes the lessee, if any.
5. “Portland cement” means any type of cement except bituminous cement.
6. “Sidewalk” means all permanent public walks in business, residential or suburban areas.
7. “Sidewalk improvements” means the construction, reconstruction, repair, replacement or removal, of a public sidewalk and/or the excavating, filling or depositing of material in the public right-of-way in connection therewith.

8. “Wood float finish” means a sidewalk finish that is made by smoothing the surface of the sidewalk with a wooden trowel.

136.03 REMOVAL OF SNOW, ICE AND ACCUMULATIONS. It is the responsibility of all abutting property owners to remove snow, ice and accumulations from sidewalks after a weather event. For all commercial properties, the property owners shall remove the snow, ice and accumulations from the sidewalks within twenty-four (24) hours of a weather event. For all other properties, the abutting property owner shall remove snow, ice and accumulations from sidewalks within forty-eight (48) hours of a weather event. Notwithstanding anything to the contrary in the following sections, if the property owner does not remove the snow, ice or accumulation within the specified time frame, the City may do so and assess the costs against the property owner for collection in the same manner as real estate taxes. The cost assessed shall be calculated at \$2.00 a linear foot for each foot of the sidewalk in which the snow, ice, or accumulations have been removed by the City, with such costs not to exceed \$150.00 per sidewalk. There shall also be assessed to the property owner on administrative fee of \$30.00. *(Ord. 860 – Apr. 14 Supp.)*
(Code of Iowa, Sec. 364.12[2b & e])

136.04 RESPONSIBILITY FOR MAINTENANCE. It is the responsibility of the abutting property owners to maintain in a safe, hazard-free condition and to the requirements of the City any sidewalk outside the lot and property lines and inside the curb lines or traveled portion of the public street.
(Code of Iowa, Sec. 364.12 [2c])
(Ord. 832 – Oct. 10 Supp.)

136.05 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 the owner 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, Sec. 364.12[2d & e])

136.06 SIDEWALK CONSTRUCTION ORDERED. The Council may order the construction of permanent sidewalks upon any street or court in the City and may specially assess the cost of such improvement to abutting property owners in accordance with the provisions of Chapter 384 of the Code of Iowa.
(Code of Iowa, Sec. 384.38)

136.07 PERMIT REQUIRED. No person shall remove, reconstruct or install a sidewalk unless such person has obtained a permit from the City and has agreed in writing that said removal, reconstruction or installation will comply with all ordinances and requirements of the City for such work. The requirements of the City may include, but are not necessarily limited to, such matters as design appearance of the sidewalk, the colors of the sidewalk, the concrete or other materials utilized in the reconstruction or installation of the sidewalk, the dimensions and thickness of the sidewalk and the location of the sidewalk.

(Ord. 832 – Oct. 10 Supp.)

136.08 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 so graded that the constructed sidewalk will be at established grade.
5. Length, Width and Depth. Length, width and depth requirements are as follows:
 - A. Residential sidewalks shall be at least four (4) feet wide and four (4) inches thick, and each section shall be no more than four (4) feet in length.
 - B. Business District sidewalks shall extend from the property line to the curb. Each section shall be four (4) inches thick and no more than six (6) feet in length.
 - C. Driveway areas shall be not less than six (6) inches in thickness.
6. Location. Residential sidewalks shall be located with the inner edge (edge nearest the abutting private property) on the property line, unless the Council establishes a different distance due to special 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 ($\frac{1}{2}$) inch above the curb for each foot between the curb and the sidewalk.

9. Slope. All sidewalks shall slope one-quarter ($\frac{1}{4}$) inch per foot toward the curb.

10. Finish. All sidewalks shall be finished with a “broom” or “wood float” finish.

11. Curb Ramps and Sloped Areas for Persons with Disabilities. If a street, road, or highway is newly built or reconstructed, a curb ramp or sloped area shall be constructed or installed at each intersection of the street, road, or highway with a sidewalk or path. If a sidewalk or path is newly built or reconstructed, a curb ramp or sloped area shall be constructed or installed at each intersection of the sidewalk or path with a street, highway, or road. Curb ramps and sloped areas that are required pursuant to this subsection shall be constructed or installed in compliance with applicable Federal requirements adopted in accordance with the Federal Americans with Disabilities Act, including (but not limited to) the guidelines issued by the Federal Architectural and Transportation Barriers Compliance Board. *(Ord. 836 – Oct. 10 Supp.)*

(Code of Iowa, Sec. 216C.9)

136.09 BARRICADES AND WARNING LIGHTS. Whenever any material of any kind is deposited on any street, avenue, highway, passageway or alley when sidewalk improvements are being made or when any sidewalk is in a dangerous condition, it shall be the duty of all persons having an interest therein, either as the contractor or the owner, agent, or lessee of the property in front of or along which such material may be deposited, or such dangerous condition exists, to put in conspicuous places at each end of such sidewalk and at each end of any pile of material deposited in the street, a sufficient number of approved warning lights or flares, and to keep them lighted during the entire night and to erect sufficient barricades both at night and in the daytime to secure the same. The party or parties using the street for any of the purposes specified in this chapter shall be liable for all injuries or damage to persons or property arising from any wrongful act or negligence of the party or parties, or their agents or employees or for any misuse of the privileges conferred by this chapter or of any failure to comply with provisions hereof.

136.10 FAILURE TO REPAIR OR BARRICADE. It is the duty of the owner of the property abutting the sidewalk, or the owner’s contractor or agent, to notify the City immediately in the event of failure or inability to make

necessary sidewalk improvements or to install or erect necessary barricades as required by this chapter.

136.11 INTERFERENCE WITH SIDEWALK IMPROVEMENTS. No person shall knowingly or willfully drive any vehicle upon any portion of any sidewalk or approach thereto while in the process of being improved or upon any portion of any completed sidewalk or approach thereto, or shall remove or destroy any part or all of any sidewalk or approach thereto, or shall remove, destroy, mar or deface any sidewalk at any time or destroy, mar, remove or deface any notice provided by this chapter.

136.12 AWNINGS. It is unlawful for a person to erect or maintain any awning over any sidewalk unless all parts of the awning are elevated at least eight (8) feet above the surface of the sidewalk and the roof or covering is made of duck, canvas or other suitable material supported by iron frames or brackets securely fastened to the building, without any posts or other device that will obstruct the sidewalk or hinder or interfere with the free passage of pedestrians.

136.13 ENCROACHING STEPS. It is 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.

136.14 OPENINGS AND ENCLOSURES. It is 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.

136.15 FIRES OR FUELS ON SIDEWALKS. It is unlawful for a person to make a fire of any kind on any sidewalk or to place or allow any fuel to remain upon any sidewalk.

136.16 DEFACING. It is unlawful for a person to scatter or place any paste, paint or writing on any sidewalk.

(Code of Iowa, Sec. 716.1)

136.17 DEBRIS ON SIDEWALKS. It is unlawful for a person to throw or deposit on any sidewalk any glass, nails, glass bottle, tacks, wire, cans, trash,

garbage, rubbish, litter, offal, or any other debris, or any substance likely to injure any person, animal or vehicle.

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

136.18 MERCHANDISE DISPLAY. It is 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.

136.19 SALES STANDS. It is unlawful for a person to erect or keep any vending machine or stand for the sale of fruit, vegetables or other substances or commodities on any sidewalk without first obtaining a written permit from the Council.

CHAPTER 139

NAMING OF STREETS

139.01 Naming New Streets
139.02 Changing Name of Street
139.03 Recording Street Names

139.04 Official Street Name Map
139.05 Revision of Street Name Map

139.01 NAMING NEW STREETS. New streets shall be assigned names in accordance with the following:

1. Extension of Existing Street. Streets added to the City that are natural extensions of existing streets shall be assigned the name of the existing street.
2. Ordinance. All street names, except streets named as a part of a subdivision or platting procedure, shall be named by ordinance.
3. Planning and Zoning Commission. Proposed street names shall be referred to the Planning and Zoning Commission for review and recommendation.

139.02 CHANGING NAME OF STREET. The Council may, by ordinance, change the name of a street.

139.03 RECORDING STREET NAMES. Following adoption of an ordinance naming or changing the name of a street, the Clerk shall file a copy thereof with the County Recorder, County Auditor and County Assessor.

(Code of Iowa, Sec. 354.26)

139.04 OFFICIAL STREET NAME MAP. Streets within the City are named as shown on the Official Street Name Map which is hereby adopted by reference and declared to be a part of this chapter. The Official Street Name Map shall be identified by the signature of the Mayor, and bearing the seal of the City under the following words: "This is to certify that this is the Official Street Name Map referred to in Section 139.04 of the Code of Ordinances of Glenwood, Iowa."

139.05 REVISION OF STREET NAME MAP. If in accordance with the provisions of this chapter, changes are made in street names, such changes shall be entered on the Official Street Name Map promptly after the amendment has been approved by the Council with an entry on the Official Street Name Map as follows: "On (date), by official action of the City Council, the following changes were made in the Official Street Name Map: (brief description)," which entry shall be signed by the Mayor and attested by the Clerk. No

amendment to this chapter which involves naming or changing the name of a street shall become effective until after such change and entry has been made on said map.

EDITOR'S NOTE		
The following ordinances have been adopted amending the Official Street Name Map of the City:		
ORDINANCE NO.	SUBJECT	DATE
509	Sivers Road	6-27-89
522	Heritage Lane	6-12-90
525	South Hazel Street	12-11-90
658	Linden Lane	9-12-00
755	Sharp Street, South Locust Street, Railroad Avenue	11-9-04
775	Stonebriar Lane	3-14-06
807	East Sharp Street, Redbud Avenue, Oak Street, Existing Street Names of Marian Avenue and Hershey Avenue	2-12-08

CHAPTER 145

DANGEROUS BUILDINGS

145.01 Enforcement Officer	145.05 Conduct of Hearing
145.02 General Definition of Unsafe	145.06 Posting of Signs
145.03 Unsafe Building	145.07 Right to Demolish
145.04 Written Notice to Owner of Building or Structure	145.08 Costs

145.01 ENFORCEMENT OFFICER. Either the Mayor or the Code Enforcement Officer shall be responsible for the enforcement of this chapter.
(Ord. 808 – Mar. 08 Supp.)

145.02 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, 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])

145.03 UNSAFE BUILDING. “Unsafe building” means any structure or mobile home meeting any or all of the following criteria:

1. Various Inadequacies. 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.
2. Manifestly Unsafe. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
3. Inadequate Maintenance. Whenever a building or structure, used or intended to be used for dwelling purposes, because of dilapidation, decay, damage, faulty construction, or otherwise, is determined by any health officer to be unsanitary, unfit for human habitation or in such condition that it is likely to cause sickness or disease.

4. Fire Hazard. Whenever any building or structure, because of dilapidated condition, deterioration, damage, or other cause, is determined by the Fire Marshal or Fire Chief to be a fire hazard.
5. Abandoned. 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 (6) months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

145.04 WRITTEN NOTICE TO OWNER OF BUILDING OR STRUCTURE. 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 written notice may require the owner, person or persons in charge of the building or structure, within 48 hours or such reasonable time as the circumstances may require, to commence either the required repairs or improvements or demolition and removal of the building or structure or portions thereof. All such work shall be completed within 90 days from date of the written notice, unless otherwise agreed to by the enforcement officer. If necessary, such written notice shall also require the building, structure, or portion thereof to be vacated immediately and not reoccupied until the required repairs and improvements are completed and inspected and approved by the enforcement officer.

1. Written Notice Served. The written notice shall be served upon the record owner of the building or structure in one of the following manners:
 - A. By way of certified mail in accord with Iowa Code §354.123(3)(h);
 - B. By registered mail;
 - C. By personal service; or
 - D. By publication in the *Glenwood Opinion Tribune* if the record owner of the building or structure is unable to be located and upon the enforcement officer or Mayor attesting in affidavit form that a diligent search for the known address of the record owner of the building or structure was made, but to no avail. In the event of service by publication, the code enforcement officer or Mayor shall also cause the written notice to be posted upon the dangerous building or structure.

2. Oral Hearing. All written notices shall also advise the owner that he or she may request an oral hearing before the City Council on the written notice by filing a written request for oral hearing within the time provided in the written notice.

(Ord. 808 – Mar. 08 Supp.)

145.05 CONDUCT OF HEARING. If requested, the Council shall conduct a hearing in accordance with the following:

1. Notice. 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.[†]

145.06 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 GLENWOOD, IOWA." 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.

145.07 RIGHT TO DEMOLISH. In case the owner fails, neglects, or refuses to comply with the notice to repair, rehabilitate, or to demolish and remove the 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, Sec. 364.12[3h])

145.08 COSTS. Costs incurred under Section 145.07 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 Treasurer for collection in the manner provided for other taxes.

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

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[†] **EDITOR'S NOTE:** Suggested forms of notice and of a resolution and order of the Council for the administration of this chapter are provided in the APPENDIX to this Code of Ordinances. Caution is urged in the use of this procedure. We recommend you review the situation with your attorney before initiating procedures and follow his or her recommendation carefully.

CHAPTER 146

MANUFACTURED AND MOBILE HOMES

146.01 Definitions

146.02 Conversion to Real Property

146.03 Foundation Requirements

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

(Code of Iowa, Sec. 435.1)

1. “Manufactured home” means a factory-built structure, built under the authority of 42 U.S.C. Sec. 5403, which was constructed on or after June 15, 1976, and is required by Federal law to display a seal from the United States Department of Housing and Urban Development.
2. “Mobile home” means any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but also includes any such vehicle with motive power not registered as a motor vehicle in Iowa. A mobile home means any such vehicle built before June 15, 1976, which was not built to a mandatory building code and which contains no State or Federal seals.
3. “Mobile home park” means any site, lot, field or tract of land upon which three (3) or more mobile homes or manufactured homes, or a combination of any of these homes, are placed on developed spaces and operated as a for-profit enterprise with water, sewer or septic, and electrical services available. The term “mobile home park” is not to be construed to include mobile homes, buildings, tents or other structures temporarily maintained by any individual, educational institution or company on their own premises and used exclusively to house their own labor or students. The mobile home park shall meet the requirements of any zoning regulations that are in effect.

146.02 CONVERSION TO REAL PROPERTY. A mobile home or manufactured home which is located outside a mobile home park shall be converted to real estate by being placed on a permanent foundation and shall be assessed for real estate taxes except in the following cases:

(Code of Iowa, Sec. 435.26 & Sec. 435.35)

1. Dealer's Stock. Mobile homes or manufactured homes on private property as part of a dealer's or a manufacturer's stock not used as a place for human habitation.
2. Existing Homes. A taxable mobile home or manufactured home which is located outside of a mobile home park as of January 1, 1995, shall be assessed and taxed as real estate, but is exempt from the permanent foundation requirement of this chapter until the home is relocated.

146.03 FOUNDATION REQUIREMENTS. A mobile home or manufactured home located outside of a mobile home park shall be placed on a permanent frost-free foundation system which meets the support and anchorage requirements as recommended by the manufacturer or required by the State Building Code. The foundation system must be visually compatible with permanent foundation systems of surrounding residential structures. Any such home shall be installed in accordance with the requirements of the State Building Code.

(Code of Iowa, Sec. 103A.10)

(Ch. 146 - Ord. 635 - Sep. 98 Supp.)

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CHAPTER 148

ALARM SYSTEMS

148.01 Definitions
148.02 Registration
148.03 Duties

148.04 Prohibition and Terms
148.05 Revocation of Registration
148.06 Penalty

148.01 DEFINITIONS. For the purpose of this chapter, the following terms shall have the following meanings:

1. “Alarm answering service or remote monitoring point” means a business providing the function of receiving on a continuous basis, through trained employees, emergency signals from alarm systems, and thereafter relaying a message by line voice to the Mills County Communications Center (911) or the Glenwood police or fire departments.
2. “Alarm system” means and includes any device used to detect or prevent intrusion, criminal activity, fire, or other such emergency situations which, when activated, causes notification to be made directly or indirectly to the Mills County Communications Center or the Glenwood police or fire departments, or any device or system designed primarily for the purpose of giving an audible or visual signal for an attempted intrusion, criminal activity, fire or other such emergency. An alarm system shall not include an alarm installed on a motor vehicle.
3. “Alarm user” means the person, firm, corporation or entity of any kind in control of any building, structure or facility who purchases, leases, contracts for, or otherwise obtains an alarm system.
4. “Annunciator” means that part of an alarm system which communicates the fact that the system has been triggered or activated.
5. “Audible annunciator” or “visual annunciator” means an annunciator which gives alarm by means of a bell, siren, buzzer, flashing light, or similar sound or light-producing device when activated, which is mounted at some location which is clearly visible when observed, or clearly audible at a distance of fifty feet or more outside of any building in which it is mounted. Annunciators can communicate directly with the Mills County Communications Center or indirectly through the use of an alarm answering service or remote monitoring point.
6. “False alarm” means and includes any signal, directly or indirectly originating from an alarm system, eliciting an urgent response by police or rescue personnel when a situation requiring an urgent

response does not, in fact, exist. The term does not include an alarm signal caused by violent conditions of nature or other extraordinary circumstances not reasonably subject to control by the alarm user. The burden of proving that such alarm was not a false alarm shall be on the alarm user.

7. "Local alarm system" means and includes an alarm system which, when activated, causes an audible and/or visual signaling device to be activated and is intended to be seen and/or heard by others outside of the protected premises.

148.02 REGISTRATION. Effective from July 1, 2002, and after, it shall be unlawful for any alarm user to use or operate any alarm system without a current valid registration therefor. Any person, firm or corporation installing an alarm system after July 1, 2002, shall have thirty days from the date of installation to obtain a registration therefor.

1. Application. The application for an alarm system registration shall list:

A. The registrant's name, Glenwood address, telephone number, date of birth and social security number;

B. The protected property's address, any business name by which the premises may be known as, including the name of the complex or center where it is located, the type of premises it is, and the telephone number(s) for the protected property;

C. Type of alarm(s) and/or signal(s) being communicated by file annunciator and the type of activity indicated by the alarm(s) system(s);

D. The name, date of birth, social security number, home and business address and telephone number of the owner(s), lessee(s) and occupant(s) of the protected premises;

E. The name, date of birth, social security number, home and business address and telephone number of three natural contact persons, or an alarm answering service, having ready access to the protected premises and who may be called upon to assist in the event the alarm is activated.

2. Issuance, Expiration, Renewal and Termination.

A. Upon receipt of the registration application, the Mayor, if it is determined that the proposed system will comply with the provisions of this chapter, may issue a registration to the applicant. The registration will bear the applicant's identifying

number and expiration date in addition to the terms and conditions which must be complied with to keep the registration in full force and effect.

B. The registration shall expire twenty-four months after the date of its issuance, and may be renewed in the same manner as original registrations are obtained.

C. Renewal registrations will be dated on the date of issuance. The renewal application shall contain the applicant's signed statement that there have been no changes in any of the information furnished on the previous application.

D. An alarm system registration shall automatically terminate upon any change of alarm user or protected premises. No registration is transferable to new premises or new user. No refunds will be given on termination of any registration for any reason.

3. Fee. The original and renewal applications shall be accompanied with a \$25.00 fee, payable to the City. A late charge as set out in the prevailing schedule of fees will be assessed on all registration holders who do not file the renewal application prior to the expiration date of their existing registrations.

148.03 DUTIES. All registration holders shall:

1. Within ten days following any change of circumstances or any change of information contained within the application, file an amendment to his/her application setting forth the currently accurate information. No additional fee shall be required unless the change has terminated the registration;

2. Cause to be trained and retrained all employees, family members and other persons who make regular use of the protected premises and who may, in the normal course of their activities, be in a position to accidentally trigger an alarm. Such training shall include procedures and practices to avoid accidental alarms, and steps to follow in the event the system is accidentally triggered;

3. At all times be responsible for the proper maintenance and repair of the system and for the repair and/or replacement of any component, method of installation, design feature or like condition which may give rise to a false alarm;

4. Set or program each alarm system so that each audible annunciator will automatically silence within fifteen minutes after being activated and will not sound again unless a new act or circumstance

triggers it. Annunciators associated with fire alarms shall not be required to shut off automatically, nor shall water-flow alarms with local annunciators only be regulated by this chapter;

5. At all times abide by and comply with the rules and regulations for the operation of an alarm system established by the Mayor pursuant to this section and incorporated into the grant of the alarm system registration by this reference.

148.04 PROHIBITION AND TERMS.

1. No alarm system shall be installed, used, including the occurrence of false alarms as defined in this chapter, or maintained in violation of any of the provisions of this chapter.

2. No test of an alarm system incorporating a local audible annunciator shall be conducted between the hours of ten p.m. of any day and seven a.m. of the following day. No test of any alarm system shall be conducted contrary to the rules and regulations adopted pursuant to this code, nor contrary to applicable State law.

3. At any time prior to or following the issuance of any registration, the Mayor may conduct such investigation as determined necessary to verify that the information furnished by the applicant is accurate, and that the alarm system is in conformance to this chapter as well as all other applicable provisions of the law.

148.05 REVOCATION OF REGISTRATION. The Mayor may, upon the recommendation of the Mills County Communications Director or the Chief of Police of Glenwood or the City's legal department, revoke any outstanding registration and prohibit any further use of the alarm system in question until such time that the Mayor determines that the alarm system in question is operational and functional under the provisions of this chapter.

148.06 PENALTY. Any alarm user, registration holder or applicant who violates any provision of this chapter shall be deemed guilty of a municipal infraction and may be fined the sum of \$50.00 for a first offense violation, the sum of \$75.00 for a second offense violation and the sum of \$100.00 for a third and subsequent offenses per calendar year.

(Ord. 700 – Sep. 02 Supp.)

(Ch. 148 – Ord. 688 – May 02 Supp.)

[The next page is 571]

CHAPTER 160

FLOOD PLAIN REGULATIONS

160.01 Purpose	160.14 Administration
160.02 Definitions	160.15 Flood Plain Development Permit Required
160.03 Lands to Which Chapter Applies	160.16 Application for Permit
160.04 Rules for Interpretation of District Boundaries	160.17 Action on Permit Application
160.05 Compliance	160.18 Construction and Use to Be as Provided in Application and Plans
160.06 Abrogation and Greater Restrictions	160.19 Conditional Uses, Appeals and Variances
160.07 Interpretation	160.20 Factors Upon Which the Decision to Grant Variances Is Based
160.08 Warning and Disclaimer of Liability	160.21 Conditions Attached to Variances
160.09 Establishment of Zoning (Overlay) Districts	160.22 Appeals to the Court
160.10 Floodway (Overlay) District - FW	160.23 Nonconforming Uses
160.11 Floodway Fringe (Overlay) District - FF	160.24 Amendments
160.12 General Flood Plain (Overlay) District - FP	
160.13 Shallow Flooding (Overlay) District - SF	

160.01 PURPOSE. It is the purpose of this chapter to protect and preserve the rights, privileges and property of the City and its residents and to preserve and improve the peace, safety, health, welfare and comfort and convenience of its residents by minimizing flood losses with provisions designed to:

1. Reserve sufficient flood plain area for the conveyance of flood flows so that flood heights and velocities will not be increased substantially.
2. Restrict or prohibit uses which are dangerous to health, safety, or property in times of flood or which cause excessive increases in flood heights or velocities.
3. Require that uses vulnerable to floods, including public utilities which serve such uses, be protected against flood damage at the time of initial construction or substantial improvement.
4. Protect individuals from buying lands which may not be suited for intended purposes because of flood hazard.
5. Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

160.02 DEFINITIONS. Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter 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 chapter, 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 Section 160.11(4)(A); 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 the effective date of the Flood Insurance Rate Map, 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 chapter.

160.03 LANDS TO WHICH CHAPTER APPLIES. The provisions of this chapter shall apply to all lands within the jurisdiction of the City shown on the Official Flood Plain Zoning Map as being within the boundaries of the Floodway, Floodway Fringe, General Flood Plain and Shallow Flooding (Overlay) Districts. The Flood Insurance Rate Map prepared as part of the Flood Insurance Study for the City, dated _____, is hereby adopted by reference and declared to be the Official Flood Plain Zoning Map. The flood profiles and all explanatory material contained with the Flood Insurance Study are also declared to be a part of this chapter.

160.04 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES. The boundaries of the zoning district areas shall be determined by scaling distances on the Official Flood Plain Zoning Map. When an interpretation is needed as to the exact location of a boundary, the _____ shall make the necessary interpretation. The _____ shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the _____ in the enforcement or administration of this chapter.

160.05 COMPLIANCE. No structure or land shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this chapter and other applicable regulations which apply to uses within the jurisdiction of this chapter.

160.06 ABROGATION AND GREATER RESTRICTIONS. It is not intended by this chapter to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this chapter imposes greater restrictions, the provision of this chapter shall prevail. Any ordinances inconsistent with this chapter are hereby repealed to the extent of the inconsistency only.

160.07 INTERPRETATION. In their interpretation and application, the provisions of this chapter 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.

160.08 WARNING AND DISCLAIMER OF LIABILITY. The standards required by this chapter are considered reasonable for regulatory purposes. This chapter does not imply that areas outside the designated Flood Plain (Overlay) District areas will be free from flooding or flood damages. This chapter 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 chapter or any administrative decision lawfully made thereunder.

160.09 ESTABLISHMENT OF ZONING (OVERLAY) DISTRICTS. The flood plain areas within the jurisdiction of this chapter are hereby divided into the following districts:

1. Floodway District (FW)
2. Floodway Fringe District (FF)
3. General Flood Plain District (FP)
4. Shallow Flooding District (SF).

The boundaries are as shown on the Official Flood Plain Zoning Map. Within these districts all uses not allowed as permitted uses or permissible as conditional uses are prohibited unless a variance to the terms of this chapter is granted after due consideration by the Board of Adjustment.

160.10 FLOODWAY (OVERLAY) DISTRICT - FW.

1. Permitted Uses. The following uses shall be permitted within the Floodway District to the extent they are not prohibited by any other ordinance (or underlying zoning district) and provided they do not

include placement of structures, factory-built homes, fill or other obstruction, the storage of material or equipment, excavation or alteration of a watercourse.

- A. Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming, and wild crop harvesting.
 - B. Industrial-commercial uses such as loading areas, parking areas, airport landing strips.
 - C. Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails.
 - D. Residential uses such as lawns, gardens, parking areas and play areas.
 - E. Such other open-space uses similar in nature to the above uses.
2. Conditional Uses. The following uses which involve structures (temporary or permanent), fill, storage of materials or equipment, excavation or alteration of a watercourse may be permitted only upon issuance of a conditional use permit by the Board of Adjustment as provided for in Section 160.19. Such uses must also meet the applicable provisions of the Floodway District Performance Standards.
- A. Uses or structures accessory to open-space uses.
 - B. Circuses, carnivals, and similar transient amusement enterprises.
 - C. Drive-in theaters, new and used car lots, roadside stands, signs, and billboards.
 - D. Extraction of sands, gravel, and other materials.
 - E. Marinas, boat rentals, docks, piers, and wharves.
 - F. Utility transmission lines and underground pipelines.
 - G. Other uses similar in nature to uses described in subsection 1 and in this subsection which are consistent with the provisions of subsection 3 and the general spirit and purpose of this chapter.
3. Performance Standards. All Floodway District uses allowed as a permitted or conditional use shall meet the following standards:

- A. No use shall be permitted in the Floodway District that would result in any increase in the 100-year flood level. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.
- B. All uses within the Floodway District shall:
- (1) Be consistent with the need to minimize flood damage.
 - (2) Use construction methods and practices that will minimize flood damage.
 - (3) Use construction materials and utility equipment that are resistant to flood damage.
- C. No use shall affect the capacity or conveyance of the channel or floodway of any tributary to the main stream, drainage ditch or any other facility or system.
- D. Structures, buildings and sanitary and utility systems, if permitted, shall meet the applicable performance standards of the Floodway Fringe District and shall be constructed or aligned to present the minimum possible resistance to flood flows.
- E. Buildings, if permitted, shall have a low flood damage potential and shall not be for human habitation.
- F. Storage of materials or equipment that are buoyant, flammable, explosive or injurious to human, animal or plant life is prohibited. Storage of other material may be allowed if readily removable from the Floodway District within the time available after flood warning.
- G. Watercourse alterations or relocations (channel changes and modifications) must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.
- H. Any fill allowed in the floodway must be shown to have some beneficial purpose and shall be limited to the minimum amount necessary.
- I. Pipeline river or stream crossings shall be buried in the streambed and banks or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering or due to the action of flood flows.

160.11 FLOODWAY FRINGE (OVERLAY) DISTRICT - FF. All uses within the Floodway Fringe District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet applicable performance standards of the Floodway Fringe District. All uses must be consistent with the need to minimize flood damage and shall meet the following applicable performance standards.

1. All structures shall:
 - A. Be adequately anchored to prevent flotation, collapse or lateral movement of the structure.
 - B. Use construction materials and utility equipment that are resistant to flood damage.
 - C. Use construction methods and practices that will minimize flood damage.
2. Residential Buildings. All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one foot above the 100-year flood level. Construction shall be upon compacted fill which shall, at all points, be no lower than one foot above the 100-year flood level and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers) may be allowed, subject to favorable consideration by the Board of Adjustment, where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding. All new residential structures shall be provided with a means of access which will be passable by wheeled vehicles during the 100-year flood.
3. Nonresidential Buildings. All new or substantially improved non-residential buildings shall have the lowest floor (including basement) elevated a minimum of one foot above the 100-year flood level, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 100-year flood; and that the structure, below the 100-year flood level, is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to National Geodetic Vertical Datum) to which any structures are floodproofed shall be maintained by the Administrator.
4. All new and substantially improved structures.

A. Fully enclosed areas below the “lowest floor” (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:

- (1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- (2) The bottom of all openings shall be no higher than one foot above grade.
- (3) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

Such areas shall be used solely for parking of vehicles, building access and low damage potential storage.

B. New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

C. New and substantially improved structures must be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

5. Factory-built Homes.

A. All factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one (1) foot above the 100-year flood level.

B. All factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

6. Utility and Sanitary Systems.

A. On-site waste disposal and water supply systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.

B. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the

system as well as the discharge of effluent into flood waters. Wastewater treatment facilities (other than on-site systems) shall be provided with a level of flood protection equal to or greater than one foot above the 100-year flood elevation.

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

D. Utilities such as gas or electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.

7. Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one foot above the 100-year flood level. Other material and equipment must either be similarly elevated or (i) not be subject to major flood damage and be anchored to prevent movement due to flood waters or (ii) be readily removable from the area within the time available after flood warning.

8. Flood control structural works such as levees, flood-walls, etc. shall provide, at a minimum, protection from a 100-year flood with a minimum of 3 feet of design freeboard and shall provide for adequate interior drainage. In addition, structural flood control works shall be approved by the Department of Natural Resources.

9. Watercourse alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.

10. Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals (including the installation of public utilities) shall meet the applicable performance standards of this chapter. Subdivision proposals intended for residential use shall provide all lots with a means of access which will be passable by wheeled vehicles during the 100-year flood. Proposals for subdivisions greater than five (5) acres or fifty (50) lots (whichever is less) shall include 100-year flood elevation data for those areas located within the Flood Plain (Overlay) District.

11. Accessory Structures.

A. Detached garages, sheds, and similar structures accessory to a residential use are exempt from the 100-year flood elevation requirements where the following criteria are satisfied:

- (1) The structure shall not be used for human habitation.

(2) The structure shall be designed to have low flood damage potential.

(3) The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.

(4) The structure shall be firmly anchored to prevent flotation which may result in damage to other structures.

(5) The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one foot above the 100-year flood level.

B. Exemption from the 100-year flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

12. Recreational Vehicles.

A. Recreational vehicles are exempt from the requirements of Section 160.11(5) of this chapter regarding anchoring and elevation of factory-built homes when the following criteria are satisfied.

(1) The recreational vehicle shall be located on the site for less than 180 consecutive days, and,

(2) The recreational vehicle must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system and is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

B. Recreational vehicles that are located on the site for more than 180 consecutive days and are not ready for highway use must satisfy requirements of Section 160.11(5) of this chapter regarding anchoring and elevation of factory-built homes.

13. Pipeline river and stream crossings shall be buried in the stream bed and banks, or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering.

160.14 ADMINISTRATION. The _____ shall administer and enforce this chapter and will herein be referred to as the Administrator. The duties and responsibilities of the Administrator include, but are not necessarily limited to, the following:

1. Review all flood plain development permit applications to assure that the provisions of this chapter will be satisfied.

2. Review all flood plain development permit applications to assure that all necessary permits have been obtained from Federal, State or local

governmental agencies including approval when required from the Department of Natural Resources for flood plain construction.

3. Record and maintain a record of (i) the elevation (in relation to National Geodetic Vertical Datum) of the lowest floor (including basement) of all new or substantially improved structures or (ii) the elevation to which new or substantially improved structures have been floodproofed.
4. Notify adjacent communities and/or countries and the Department of Natural Resources prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications to the Federal Emergency Management Agency.
5. Keep a record of all permits, appeals, and such other transactions and correspondence pertaining to the administration of this chapter.
6. Submit to the Federal Insurance Administrator an annual report concerning the community's participation, utilizing the annual report form supplied by the Federal Insurance Administrator.
7. Notify the Federal Insurance Administration of any annexations or modifications to the community's boundaries.
8. Review subdivision proposals to insure such proposals are consistent with the purpose of this chapter and advise the Council of potential conflicts.

160.15 FLOOD PLAIN DEVELOPMENT PERMIT REQUIRED. A Flood Plain Development Permit issued by the Administrator shall be secured prior to any flood plain development (any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, excavation or drilling operations) including the placement of factory-built homes.

160.16 APPLICATION FOR PERMIT. Application for a Flood Plain Development Permit shall be made on forms supplied by the Administrator and shall include the following information.

1. Description of the work to be covered by the permit for which application is to be made.
2. Description of the land on which the proposed work is to be done (i.e., lot, block, tract, street address or similar description) that will readily identify and locate the work to be done.
3. Indication of the use or occupancy for which the proposed work is intended.
4. Elevation of the 100-year flood.
5. Elevation (in relation to National Geodetic Vertical Datum) of the lowest floor (including basement) of buildings or of the level to which a building is to be floodproofed.

6. For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements.
7. Such other information as the Administrator deems reasonably necessary (e.g., drawings or a site plan) for the purpose of this chapter.

160.17 ACTION ON PERMIT APPLICATION. The Administrator shall, within a reasonable time, make a determination as to whether the proposed flood plain development meets the applicable standards of this chapter and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefor. The Administrator shall not issue permits for variances except as directed by the Board of Adjustment.

160.18 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATION AND PLANS. Flood Plain Development Permits issued on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this chapter. The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that the finished fill, building floor elevations, floodproofing or other flood protection measures were accomplished in compliance with the provisions of this chapter, prior to the use or occupancy of any structure.

160.19 CONDITIONAL USES, APPEALS AND VARIANCES. The Board of Adjustment shall hear and decide (i) applications for conditional uses upon which the Board is authorized to pass under this chapter; (ii) appeals, and (iii) requests for variances to the provisions of this chapter; and shall take any other action which is required of the Board.

1. Conditional Uses. Requests for conditional uses shall be submitted to the Administrator, who shall forward such to the Board of Adjustment for consideration. Such requests shall include information ordinarily submitted with applications as well as any additional information deemed necessary by the Board of Adjustment.
2. Appeals. Where it is alleged there is any error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this chapter, the aggrieved party may appeal such action. The notice of appeal shall be filed with the Board of Adjustment and with the official from whom the appeal is taken and shall set forth the specific reason for the appeal. The official from whom the appeal is taken shall transmit to the Board of Adjustment all the documents constituting the record upon which the action appealed from was taken.
3. Variances. The Board of Adjustment may authorize upon request in specific cases such variances from the terms of this chapter that will not be contrary to the public interest, where owing to special conditions a literal

enforcement of the provisions of this chapter will result in unnecessary hardship. Variances granted must meet the following applicable standards.

- A. Variances shall only be granted upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local codes or ordinances.
 - B. Variances shall not be issued within any designated floodway if any increase in flood levels during the 100-year flood would result. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.
 - C. Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - D. In cases where the variance involves a lower level of flood protection for buildings than what is ordinarily required by this chapter, the applicant shall be notified in writing over the signature of the Administrator that (i) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction increases risks to life and property.
 - E. All variances granted shall have the concurrence or approval of the Department of Natural Resources.
4. Hearings and Decisions of the Board of Adjustment.
- A. Hearings. Upon the filing with the Board of Adjustment of an appeal, an application for a conditional use or a request for a variance, the Board shall hold a public hearing. The Board shall fix a reasonable time for the hearing and give public notice thereof, as well as due notice to parties in interest. At the hearing, any party may appear in person or by agent or attorney and present written or oral evidence. The Board may require the appellant or applicant to provide such information as is reasonably deemed necessary and may request the technical assistance and/or evaluation of a professional engineer or other expert person or agency, including the Department of Natural Resources.
 - B. Decisions. The Board shall arrive at a decision on an appeal, conditional use or variance within a reasonable time. In passing upon an appeal, the Board may, so long as such action is in conformity with the provisions of this chapter, reverse or affirm wholly or in part, or

modify the order, requirement, decision, or determination appealed from, and it shall make its decision, in writing, setting forth the findings of fact and the reasons for its decision. In granting a conditional use or variance, the Board shall consider such factors as contained in this section and all other relevant sections of this chapter and may prescribe such conditions as contained in Section 160.21.

160.20 FACTORS UPON WHICH THE DECISION TO GRANT VARIANCES IS BASED. In passing upon applications for variances, the Board shall consider all relevant factors specified in other sections of this chapter and:

1. The danger to life and property due to increased flood heights or velocities caused by encroachments.
2. The danger that materials may be swept on to other land or downstream to the injury of others.
3. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
5. The importance of the service provided by the proposed facility to the City.
6. The requirements of the facility for a flood plain location.
7. The availability of alternate locations not subject to flooding for the proposed use.
8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
9. The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
10. The safety of access to the property in times of flood for ordinary and emergency vehicles.
11. The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.
12. The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities (sewer, gas, electrical and water systems), facilities, streets and bridges.
13. Such other factors which are relevant to the purpose of this chapter.

160.21 CONDITIONS ATTACHED TO VARIANCES. Upon consideration of the factors listed above, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purpose of this chapter. Such conditions may include, but not necessarily be limited to:

1. Modification of waste disposal and water supply facilities.

2. Limitation on periods of use and operation.
3. Imposition of operational controls, sureties, and deed restrictions.
4. Requirements for construction of channel modifications, dikes, levees, and other protective measures, provided such are approved by the Department of Natural Resources and are deemed the only practical alternative to achieving the purpose of this chapter.
5. Floodproofing measures designed to be consistent with the flood protection elevation for the particular area, flood velocities, durations, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The Board of Adjustment shall require that the applicant submit a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

- (1) Anchorage to resist floatation and lateral movement.
- (2) Installation of watertight doors, bulkheads, and shutters, or similar methods of construction.
- (3) Reinforcement of walls to resist water pressures.
- (4) Use of paints, membranes, or mortars to reduce seepage of water through walls.
- (5) Addition of mass or weight structures to resist flotation.
- (6) Installation of pumps to lower water levels in structures.
- (7) Construction of water supply and waste treatment systems so as to prevent the entrance of flood waters.
- (8) Pumping facilities or comparable practices for subsurface drainage systems for building to relieve external foundation wall and basement flood pressures.
- (9) Construction to resist rupture or collapse caused by water pressure or floating debris.
- (10) Installation of valves or controls on sanitary and storm drains which will permit the drains to be closed to prevent backup sewage and storm waters into the buildings or structures.
- (11) Location of all electrical equipment, circuits and installed electrical appliances in a manner which will assure they are not subject to flooding.

F. Appeals To The Court. Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Board.

160.25 NONCONFORMING USES. A structure or the use of a structure on land which was lawful before the passage or amendment of this chapter but which is not in conformity with the provisions of this chapter may be continued subject to the following conditions:

1. Value. No structural alteration, addition, or repair to any nonconforming structure over the life of the structure shall exceed fifty

percent (50%) of its value at the time of its becoming a nonconforming use, unless the structure is permanently changed to a conforming use.

2. Use Discontinued. If such use is discontinued for eighteen (18) consecutive months, any future use of the building premises shall conform to this chapter. The assessor shall notify the Administrator in writing of instances of nonconforming uses which have been discontinued for eighteen (18) months.

3. Destroyed. If any nonconforming use or structure is destroyed by any means, including floods, to an extent of fifty percent (50%) or more of its value prior to destruction, it shall not be reconstructed except in conformity with the provisions of this chapter.

4. Nuisances. Uses or adjuncts thereof which are or become nuisances shall not be entitled to continue as nonconforming uses.

5. Conditional Use. Except as provided in Section 160.25(4), any use which has been permitted as a Conditional Use or Variance shall be considered a conforming use.

160.26 PENALTIES FOR VIOLATION. Violations of the provisions of this chapter or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of Conditional Uses or Variances) shall constitute a misdemeanor. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.
(Ord. 647 – Nov. 99 Supp.)

160.27 AMENDMENTS. The regulations, restrictions and boundaries set forth in this chapter may from time to time be amended, supplemented, changed, or repealed as provided in Section 414.4, 414.5 and 414.21 of the Code of Iowa. No amendment, supplement, change, or modification to this chapter shall be undertaken without prior approval of the Department of Natural Resources.

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CHAPTER 165

ZONING AND SUBDIVISION REGULATIONS

EDITOR'S NOTE

The "Zoning and Subdivision Ordinance for the City of Glenwood, Iowa," adopted August 14, 2001, by Ordinance No. 675, and amendments thereto, contained in a separate volume, are a part of this Code of Ordinances and are in full force and effect. The following ordinances have been adopted amending the Zoning and Subdivision Regulations of the City.

ORDINANCE	ADOPTED	SUBJECT
680	October 23, 2001	Required Yards; Permitted Signs; Sewer
683	February 12, 2002	Penalties for Violation of Regulations
686	March 26, 2002	Supplemental Regulations; Fences
691	April 23, 2002	Table 168-2: Matrix of Permitted Uses
692	May 14, 2002	Zoning Land as GC and UC
697	July 23, 2002	Setback Adjustments
702	July 23, 2002	Setback Adjustments
705	September 10, 2002	Real Estate Designated as GC
710	September 24, 2002	Board of Adjustment; Appeals
720	January 28, 2003	Signs; Building Permit
723	April 22, 2003	Assisted Living Provisions
724	April 22, 2003	Rezoning from R4 to R3
735	December 9, 2003	Supplemental Regulations; Lot Size
736	December 9, 2003	Minimum Width and Floor Area
737	December 9, 2003	Sign Regulations
740	April 13, 2004	Supplemental Design Standards
756	December 28, 2004	Amendment Procedures; Building Permits; Setback Adjustments; Definitions
759	March 29, 2005	Commercial Design Standards
762	June 28, 2005	Table 168-3: Site Development Regs.; Table 175-1: Permitted Signs
765	August 9, 2005	Table 168-3: Site Development Regs.
771	November 8, 2005	Off-street Parking
778	June 13, 2006	Building Permits; Setback Adjustments; Parking for Personal and Recreational Vehicles; Prepared Surface
781	July 25, 2006	Fences, Setbacks, Swimming Pools
783	August 22, 2006	Rezoning from GC and AR to HC

[illegible]

