

CHAPTER 1

CODE OF ORDINANCES

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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 Bloomfield, Iowa, 2004.

1.02 DEFINITIONS. Where words and phrases used in this Code of Ordinances are defined in the Code of Iowa, such definitions apply to their use in this Code of Ordinances unless such construction would be inconsistent with the manifest intent of the Council or repugnant to the context of the provision. Other words and phrases used herein have the following meanings, unless specifically defined otherwise in another portion of this Code of Ordinances or unless such construction would be inconsistent with the manifest intent of the Council or repugnant to the context of the provision:

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 Bloomfield, Iowa.
3. “Clerk” means the city clerk of Bloomfield, 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 Bloomfield, Iowa, 2004.
6. “Council” means the city council of Bloomfield, Iowa.
7. “County” means Davis County, Iowa.
8. “May” confers a power.
9. “Measure” means an ordinance, amendment, resolution or motion.
10. “Must” states a requirement.

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means the ordinances of the City of Bloomfield, Iowa, as embodied in this Code of Ordinances, ordinances not repealed by the ordinance adopting this Code of Ordinances, and those enacted hereafter.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. “Public way” includes any street, alley, boulevard, parkway, highway, sidewalk, or other public thoroughfare.

15. “Shall” imposes a duty.

16. “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.

17. “State” means the State of Iowa.

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

19. “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.

Words that are not defined in this Code of Ordinances or by the Code of Iowa have their ordinary meaning unless such construction would be inconsistent with the manifest intent of the Council, or repugnant to the context of the provision.

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 this Code of Ordinances, the rules of statutory construction as set forth in Chapter 4 of the Code of Iowa shall be utilized to ascertain the intent of the Council with the understanding that the term “statute” as used therein will be deemed to be synonymous with the term “ordinance” when applied to this Code of Ordinances.

1.07 EXTENSION OF AUTHORITY. Whenever an officer or employee is required or authorized to do an act by a provision of this 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.

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

(Code of Iowa, Sec. 380.2)

1.09 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.

1.10 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)

1.11 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.

1.12 WARRANTS. If consent to enter upon or inspect any building, structure or property pursuant to a municipal ordinance is withheld by any person having the lawful right to exclude, the City officer or employee having the duty to enter upon or conduct the inspection may apply to the Iowa District Court in and for the County, pursuant to Section 808.14 of the Code of Iowa, for an administrative search warrant. No owner, operator or occupant or any other person having charge, care or control of any dwelling unit, rooming unit, structure, building or premises shall fail or neglect, after presentation of a search warrant, to permit entry therein by the municipal officer or employee.

1.13 GENERAL STANDARDS FOR ACTION. Whenever this Code of Ordinances grants any discretionary power to the Council or any commission, board or officer or employee of the City and does not specify standards to govern the exercise of the power, the power shall be exercised in light of the following standard: The discretionary power to grant, deny or revoke any matter shall be considered in light of the facts and circumstances then existing

and as may be reasonably foreseeable, and due consideration shall be given to the impact upon the public health, safety and welfare, and the decision shall be that of a reasonably prudent person under similar circumstances in the exercise of the police power.

1.14 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])

1.15 RIGHT OF ENTRY. Whenever necessary to make an inspection to enforce any ordinance or resolution, or whenever there is reasonable cause to believe there exists an ordinance or resolution violation in any building or upon any premises within the jurisdiction of the City, any authorized official of the City may, upon presentation of proper credentials, enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon said official by ordinance, provided that, except in emergency situations or when consent of the owner and/or occupant to the inspection has been otherwise obtained, said official shall give the owner and/or occupant, if they can be located after reasonable effort, twenty-four (24) hours' written notice of the authorized official's intention to inspect. The notice transmitted to the owner and/or occupant shall state that the property owner has the right to refuse entry and that in the event such entry is refused, inspection may be made only upon issuance of a search warrant by a duly authorized magistrate. In the event the owner and/or occupant refuses entry after such request has been made, the official is empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.

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CHAPTER 2

CHARTER

2.01 Purpose

2.02 Title

2.03 Form of Government

2.04 Powers and Duties

2.05 Number and Term of Council

2.06 Term of Mayor

2.07 Copies on File

2.01 PURPOSE. The purpose of this chapter is to provide for a charter embodying the form of government existing on July 1, 1975.

2.02 TITLE. This chapter may be cited as the charter of the City of Bloomfield, Iowa.[†]

2.03 FORM OF GOVERNMENT. The form of government of the City is the Mayor-Council form of government.

(Code of Iowa, Sec. 372.4)

2.04 POWERS AND DUTIES. The Council and Mayor and other City officers have such powers and shall perform such duties as are authorized or required by State law and by the ordinances, resolutions, rules and regulations of the City.

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

(Code of Iowa, Sec. 376.2)

2.06 TERM OF MAYOR. The Mayor is elected for a term of four years.

(Code of Iowa, Sec. 376.2)

2.07 COPIES ON FILE. The Clerk shall keep an official copy of the charter on file with the official records of the Clerk and the Secretary of State, and shall keep copies of the charter available at the Clerk's office for public inspection.

(Code of Iowa, Sec. 372.1)

[†] **EDITOR'S NOTE:** Ordinance No. 335 adopting a charter for the City was passed and approved by the Council in 1975.

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CHAPTER 3

WARDS OF THE CITY

3.01 Designation of Wards

3.02 Ward Boundaries

3.01 DESIGNATION OF WARDS. The City is divided into three wards for the purpose of the government of the City, and each ward is composed of one precinct. Said wards are numbered One, Two and Three, and have boundaries as hereinafter described.

3.02 WARD BOUNDARIES.

1. First Ward/Precinct. The First Ward/Precinct consists of that portion of the City of Bloomfield bounded by a line commencing at the intersection of E. South Street and S. East Street, then proceeding first east and then in a counterclockwise manner to the East and North along the corporate limits of the City of Bloomfield until it intersects Madison Street, then proceeding south on North Madison Street until it intersect W. North Street, then west until it intersects N. Columbia Street, then south until it intersects Poplar Street, then east until it intersects N. Washington Street, then south until it intersects E. South Street to the point of origin.

2. Second Ward/Precinct. The Second Ward/Precinct consists of that portion of the City of Bloomfield bounded by a line commencing at the intersection of W. Jefferson Street and the West corporate limit of the City of Bloomfield, then clockwise along the West corporate limit until it intersects Madison Street, then south on North Madison Street until it intersects W. North Street, then west until it intersects N. Columbia Street, then south until it intersects Jefferson Street, then west to the point of origin.

3. Third Ward/Precinct. The Third Ward/Precinct consists of that portion of the City of Bloomfield bounded by a line commencing at the intersection of E. South Street and S. East Street, then proceeding south to the South corporate limit of the City of Bloomfield, then proceeding clockwise until it intersects Jefferson Street, then east until it intersects Columbia Street, then north until it intersects Poplar Street, then east until it intersects N. Washington Street, then south until it intersects E. South Street, then east to the point of origin. The Third Ward/Precinct also includes the unincorporated area of Cleveland Township surrounded by the Third Ward/Precinct.

(Ord. 661 – Mar. 12 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.
3. The discharge of airborne residue from grain, created by the handling, drying or storing of grain, 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.

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 \$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 \$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. 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 one copy 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.

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
5.02 Bonds
5.03 Duties: General
5.04 Books and Records
5.05 Transfer to Successor
5.06 Meetings

5.07 Conflict of Interest
5.08 Resignations
5.09 Removal of Appointed Officers and Employees
5.10 Vacancies
5.11 Gifts

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 Bloomfield 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 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 accordance with the following:

1. Notice of Meetings. Reasonable notice, as defined by State law, of the time, date and place of each meeting, and its tentative agenda shall be given.

(Code of Iowa, Sec. 21.4)

2. 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)

3. 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)

4. Closed Session. A closed session may be held only by affirmative vote of either two-thirds of the body or all of the members present at the meeting and in accordance with Chapter 21 of the Code of Iowa.

(Code of Iowa, Sec. 21.5)

5. Cameras and Recorders. The public may use cameras or recording devices at any open session.

(Code of Iowa, Sec. 21.7)

6. 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)

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[1])

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

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

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

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

4. Stock Interests. Contracts in which a City officer or employee has an interest solely by reason of employment, or a stock interest of the kind described in subsection 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.

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

5. Newspaper. The designation of an official newspaper.

(Code of Iowa, Sec. 362.5[6])

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])

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

(Code of Iowa, Sec. 362.5[8])

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])

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

(Code of Iowa, Sec. 362.5[4])

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 (\$1500.00) in a fiscal year.

(Code of Iowa, Sec. 362.5[10])

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.

(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 GIFTS. Except as otherwise provided in Chapter 68B of the Code of Iowa, a public official, public employee or candidate, or that person's immediate family member, shall not, directly or indirectly, accept or receive any gift or series of gifts from a "restricted donor" as defined in Chapter 68B and a restricted donor shall not, directly or indirectly, individually or jointly with one or more other restricted donors, offer or make a gift or a series of gifts to a public official, public employee or candidate.

(Code of Iowa, Sec. 68B.22)

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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.

(Code of Iowa, Sec. 376.3)

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 ten eligible electors, residents of the City.

(Code of Iowa, Sec. 45.1)

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.

(Code of Iowa, Sec. 45.2)

6.04 PREPARATION OF PETITION AND AFFIDAVIT. Nomination papers shall include a petition and an 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.

(Code of Iowa, Sec. 45.3, 45.5 & 45.6)

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.

(Code of Iowa, Sec. 45.4)

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.

(Code of Iowa, Sec. 376.8[3])

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CHAPTER 7

FISCAL MANAGEMENT

7.01 Purpose
7.02 Finance Officer
7.03 Cash Control
7.04 Fund Control

7.05 Operating Budget Preparation
7.06 Budget Amendments
7.07 Accounting
7.08 Financial Reports

7.01 PURPOSE. The purpose of this chapter is to establish policies and provide for rules and regulations governing the management of the financial affairs of the City.

7.02 FINANCE OFFICER. The Clerk is the finance and accounting officer of the City and is responsible for the administration of the provisions of this chapter.

7.03 CASH CONTROL. To assure the proper accounting and safe custody of moneys the following shall apply:

1. **Deposit of Funds.** All moneys or fees collected for any purpose by any City officer shall be deposited through the office of the finance officer. If any said fees are due to an officer, they shall be paid to the officer by check drawn by the finance officer and approved by the Council only upon such officer's making adequate reports relating thereto as required by law, ordinance or Council directive.

2. **Deposits and Investments.** All moneys belonging to the City shall be promptly deposited in depositories selected by the Council in amounts not exceeding the authorized depository limitation established by the Council or invested in accordance with the City's written investment policy and State law, including joint investments as authorized by Section 384.21 of the Code of Iowa.

(Code of Iowa, Sec. 384.21, 12B.10, 12C.1)

3. **Petty Cash Fund.** The finance officer shall be custodian of a petty cash fund for the payment of small claims for minor purchases, collect-on-delivery transportation charges and small fees customarily paid at the time of rendering a service, for which payments the finance officer shall obtain some form of receipt or bill acknowledged as paid by the vendor or agent. At such time as the petty cash fund is approaching depletion, the finance officer shall draw a check for replenishment in the amount of the accumulated expenditures and said check and supporting detail shall be submitted to the Council as a claim in the usual manner for claims

and charged to the proper funds and accounts. It shall not be used for salary payments or other personal services or personal expenses.

7.04 FUND CONTROL. There shall be established and maintained separate and distinct funds in accordance with the following:

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

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

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

(IAC, 545-2.5 [384,388], Sec. 2.5[2])

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

(IAC, 545-2.5[384,388] Sec. 2.5[3])

5. Capital Improvements Reserve Fund. Except where specifically prohibited by State law, moneys may be transferred from any City fund to the Capital Improvements Reserve Fund. Such transfers must be authorized by the original budget or a budget amendment.

(IAC, 545-2.5[384,388] Sec. 2.5[4])

6. Utility and Enterprise Funds. A surplus in a Utility or Enterprise Fund may be transferred to any other City fund, except the Emergency Fund and Road Use Tax Funds, by resolution of the Council. A surplus may exist only after all required transfers have been made to any restricted accounts in accordance with the terms and provisions of any revenue bonds or loan agreements relating to the Utility or Enterprise Fund. A surplus is defined as the cash balance in the operating account or the unrestricted retained earnings calculated in accordance with generally accepted accounting principles in excess of:

A. The amount of the expense of disbursements for operating and maintaining the utility or enterprise for the preceding three (3) months, and

B. The amount necessary to make all required transfers to restricted accounts for the succeeding three (3) months.

(IAC, 545-2.5[384,388], Sec. 2.5[5])

7. Balancing of Funds. Fund accounts shall be reconciled at the close of each month and a report thereof submitted to the Council.

7.05 OPERATING BUDGET PREPARATION. The annual operating budget of the City shall be prepared in accordance with the following:

1. Proposal Prepared. The finance officer is responsible for preparation of the annual budget detail, for review by the Mayor and Council and adoption by the Council in accordance with directives of the Mayor and Council.

2. Boards and Commissions. All boards, commissions and other administrative agencies of the City that are authorized to prepare and administer budgets must submit their budget proposals to the finance officer for inclusion in the proposed City budget at such time and in such form as required by the Council.

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

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

5. Notice of Hearing. Upon adopting a proposed budget the Council shall set a date for public hearing thereon to be held before March 15 and cause notice of such hearing and a summary of the proposed budget to be published not less than ten (10) nor more than twenty (20) days before the date established for the hearing. Proof of such publication must be filed with the County Auditor.

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

6. Copies of Budget on File. Not less than twenty (20) days before the date that the budget must be certified to the County Auditor and not less than ten (10) days before the public hearing, the Clerk shall make available a sufficient number of copies of the detailed budget to meet the requests of taxpayers and organizations, and have them available for distribution at the offices of the Mayor and Clerk and at the City library.

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

7. Adoption and Certification. After the hearing, the Council shall adopt, by resolution, a budget for at least the next fiscal year and the Clerk shall certify the necessary tax levy for the next fiscal year to the County Auditor and the County Board of Supervisors. The tax levy certified may be less than, but not more than, the amount estimated in the

proposed budget. Two copies each of the detailed budget as adopted and of the tax certificate must be transmitted to the County Auditor.

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

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

(Code of Iowa, Sec. 384.18)

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

(IAC, 545-2.2 [384, 388])

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

(IAC, 545-2.3 [384, 388])

3. Activity Transfer. Any transfer of appropriation from one activity to another activity within a program must be approved by resolution of the Council.

(IAC, 545-2.4 [384, 388])

4. Administrative Transfers. The finance officer shall have the authority to adjust, by transfer or otherwise, the appropriations allocated within a specific activity without prior Council approval.

(IAC, 545-2.4 [384, 388])

7.07 ACCOUNTING. The accounting records of the City shall consist of not less than the following:

1. Books of Original Entry. There shall be established and maintained books of original entry to provide a chronological record of cash received and disbursed.

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

3. Checks. Checks shall be prenumbered and signed by any two of the following: the Mayor, Mayor Pro Tem, City Administrator or City Clerk following Council approval, except the City Administrator shall sign only in the absence of two of the above and except as provided by Subsection 5 hereof.

(Ord. 708 – Dec. 20 Supp.)

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

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

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

7.08 FINANCIAL REPORTS. The finance officer shall prepare and file the following financial reports:

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

2. Annual Report. Not later than December 1 of each year there shall be published an annual report containing a summary for the preceding fiscal year of all collections and receipts, all accounts due the City, and all expenditures, the current public debt of the City, and the legal debt limit of the City for the current fiscal year. A copy of the annual report must be filed with the Auditor of State not later than December 1 of each year.

(Code of Iowa, Sec. 384.22)

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CHAPTER 8
URBAN RENEWAL

EDITOR'S NOTE		
<p>The following ordinances not codified herein, and specifically saved from repeal, have been adopted establishing Urban Renewal Areas in the City and remain in full force and effect.</p>		
ORDINANCE NO.	ADOPTED	NAME OF AREA
499	1991	Bloomfield Urban Renewal Project Area
595	November 20, 2003	Bloomfield Urban Renewal Area Northwest
596	November 20, 2003	Bloomfield Urban Renewal Area Northeast
597	February 19, 2004	Bloomfield Urban Renewal Amended Area



CHAPTER 9

URBAN REVITALIZATION

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
553	August 2, 1995	Bloomfield Urban Revitalization Area
559	November 18, 1996	Annexed 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 four 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. Act as the chief executive officer of the City and presiding officer of the Council, 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. Proclamation of Emergency. Have authority to take command of the police and govern the City by proclamation, upon making a determination that a time of emergency or public danger exists. Within the City limits, the Mayor has all the powers conferred upon the Sheriff to suppress disorders.

(Code of Iowa, Sec. 372.14[2])

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. The Mayor may veto an ordinance, amendment or resolution within fourteen days after passage. The Mayor shall explain the reasons for the veto in a written message to the Council at the time of the veto.

(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. Library Board of Trustees
4. Parks and Recreation Board
5. Cemetery Board of Trustees
6. Zoning Board of Adjustment

15.04 COMPENSATION. The salary of the Mayor is fixed at the sum of three thousand dollars (\$3,000.00) per year, payable in four equal quarterly installments of \$750.00 each, due on the first days of January, April, July and October of each year. In addition to the annual salary, the Mayor shall be paid the sum of thirty-five dollars (\$35.00) for each meeting of the Council over which the Mayor presides. Effective January 1, 2010, the salary of the Mayor is fixed at the sum of three thousand dollars (\$3,000.00) per year, payable in four equal quarterly installments of \$750.00 each, due on the first days of January, April, July and October of each year. In addition to the annual salary, the Mayor shall be paid the sum of fifty dollars (\$50.00) for each meeting of the Council over which the Mayor presides.

(Ord. 643 – Oct. 09 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.

(Code of Iowa, Sec. 372.4)

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 appoint, 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 Council Meetings

17.05 Appointments

17.06 Compensation

17.01 NUMBER AND TERM OF COUNCIL. The Council consists of two Council Members elected at large and one Council Member from each of three wards as established by the Code of Ordinances, elected for overlapping terms of four 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 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. No contract shall bind or be obligatory upon the City unless adopted by resolution of the Council.

(Code of Iowa, Sec. 384.100)

6. Employees. The Council shall authorize, by resolution, the number, duties, term of office and compensation of employees or officers not otherwise provided for by State law or the Code of Ordinances.

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

7. 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 or 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 twenty-five thousand dollars (\$25,000.00) on any one 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.

(Code of Iowa, Sec. 380.4)

2. Overriding Mayor's Veto. Within thirty (30) days after the Mayor's veto, the Council may pass the measure again by a vote of not less than two-thirds of all of the members of the Council.

(Code of Iowa, Sec. 380.6[2])

3. Measures Become Effective. Measures passed by the Council become effective in one of the following ways:

A. An ordinance or amendment signed by the Mayor becomes effective when the ordinance or a summary of the ordinance is

published, unless a subsequent effective date is provided within the ordinance or amendment.

(Code of Iowa, Sec. 380.6[1a])

B. A resolution signed by the Mayor becomes effective immediately upon signing.

(Code of Iowa, Sec. 380.6[1b])

C. A motion becomes effective immediately upon passage of the motion by the Council.

(Code of Iowa, Sec. 380.6[1c])

D. If the Mayor vetoes an ordinance, amendment or resolution 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 the ordinance or a summary of the ordinance is published, unless a subsequent effective date is provided within the ordinance or amendment.

(Code of Iowa, Sec. 380.6[2])

E. If the Mayor takes no action on an ordinance, amendment or resolution, a resolution becomes effective fourteen (14) days after the date of passage, and an ordinance or amendment becomes law when the ordinance or a summary of the ordinance is published, but not sooner than 14 days after the date of passage, unless a subsequent effective date is provided within the ordinance or amendment.

(Code of Iowa, Sec. 380.6[3])

“All of the members of the Council” refers to all of the seats of the Council including a vacant seat and a seat where the member is absent, but does not include a seat where the Council member declines to vote by reason of a conflict of interest.

(Code of Iowa, Sec. 380.4)

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

1. **Regular Meetings.** The City Council meets in regular session on the first and third Thursday of each month at 7:00 p.m. All such regular meetings will be held at such place as the City Council elects in its discretion to hold regular meetings. Reasonable notice, as defined by State law, shall be provided regarding the place of each meeting. In the

event a regular meeting falls on a legal holiday, then said regular meeting shall not be held. *(Ord. 694 – Aug. 19 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 its own rules and maintain records of its proceedings.

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

5. Compelling Attendance. Any three 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.

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

1. City Clerk
2. City Attorney
3. Fire Chief
4. Planning and Zoning Commission
5. Historic Preservation Commission
6. Airport Commission
7. Airport Zoning Commission Members
8. Airport Zoning Board of Adjustment Members

17.06 COMPENSATION. Each member of the Council shall receive as compensation for attendance at any regular or special meeting of the Council the sum of fifty dollars (\$50.00).

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

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CHAPTER 18
CITY CLERK

18.01 Appointment and Compensation
18.02 Powers and Duties: General
18.03 Publication of Minutes
18.04 Recording Measures
18.05 Publication
18.06 Authentication
18.07 Certify Measures

18.08 Records
18.09 Attendance at Meetings
18.10 Issue Licenses and Permits
18.11 Notify Appointees
18.12 Elections
18.13 City Seal

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 to serve for a term of two 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 PUBLICATION OF 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. The Clerk shall promptly record each measure considered by the Council and record a statement with the measure, 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 & 2])

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 positions and the time at which they shall assume the duties of their offices.

(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.

(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 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.

CHAPTER 18A

CITY ADMINISTRATOR

18A.01 Appointment and Term
18A.01 Compensation

18A.03 Administrative Responsibility
18A.04 Duties

18A.01 APPOINTMENT AND TERM. The Council shall appoint by majority vote a City Administrator to serve at the discretion of the Council.

18A.02 COMPENSATION. The City Administrator shall receive such annual salary as the Council shall from time to time determine by resolution.

18A.03 ADMINISTRATIVE RESPONSIBILITY. The City Administrator is directly responsible to the Council for the administration of municipal affairs as directed by that body. All City departmental administration requiring the attention of the Council shall be brought before the Council by the City Administrator.

18A.04 DUTIES. The duties of the City Administrator are as follows:

1. Supervise enforcement and execution of the City laws.
2. Prepare the annual budget, present it to the Council, and administer the Council-approved budget.
3. Attend all meetings of the Council, unless excused by a majority of the Council.
4. Recommend to the Council such measures as may be necessary or expedient for the good government and welfare of the City.
5. Have the general supervision and direction of the administration of the City government.
6. Supervise and direct the official conduct of all officers, departments and employees of the City. Appoint and, when necessary, suspend or remove all officers and employees of the City except those officers and employees whose appointment, suspension or removal is otherwise provided for by law or ordinance.
7. Supervise the performance of all contracts for work to be done for the City, supervise all purchases of materials and supplies and see that such material and supplies are received and are of the quality and character called for by the contract.

8. Supervise the construction, improvement, repair, maintenance, and management of all City property, capital improvements and undertakings of the City, including the making and preservation of all surveys, maps, plans, drawings, specifications, and estimates for capital improvements.
9. Investigate the affairs and conduct of any department, agency, officer or employee under the supervision of the City Administrator.
10. Provide for and cause records to be kept of the issuance and revocation of businesses and permits authorized by City law.
11. Recommend to the Council such measures as may be necessary or expedient for the good government and welfare of the City.
12. Keep the Council fully advised of the financial and other conditions of the City and of its future needs.
13. Conduct the business affairs of the City and cause accurate records to be kept by modern and efficient accounting methods.
14. Perform other duties as the Mayor and Council may direct.

(Ch. 18A – Ord. 704 – Dec. 20 Supp.)

CHAPTER 19
CITY TREASURER

19.01 Appointment
19.02 Compensation

19.03 Duties of Treasurer

19.01 APPOINTMENT. The City Clerk is the Treasurer and performs all functions required of the position of Treasurer.

19.02 COMPENSATION. The Clerk receives no additional compensation for performing the duties of the Treasurer.

19.03 DUTIES OF TREASURER. The duties of the Treasurer are as follows:

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

1. Custody of Funds. Be responsible for the safe custody of all funds of the City in the manner provided by law, and Council direction.
2. Record of Fund. Keep the record of each fund separate.
3. Record Receipts. Keep an accurate record of all money or securities received by the Treasurer on behalf of the City and specify the date, from whom, and for what purpose received.
4. Record Disbursements. Keep an accurate account of all disbursements, money or property, specifying date, to whom, and from what fund paid.
5. Special Assessments. Keep a separate account of all money received by the Treasurer from special assessments.
6. Deposit Funds. Upon receipt of moneys to be held in the Treasurer's custody and belonging to the City, deposit the same in depositories selected by the Council.
7. Reconciliation. Reconcile depository statements with the Treasurer's books and certify monthly to the Council the balance of cash and investments of each fund and amounts received and disbursed.
8. Debt Service. Keep a register of all bonds outstanding and record all payments of interest and principal.
9. Other Duties. Perform such other duties as specified by the Council by resolution or ordinance.

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CHAPTER 20

CITY ATTORNEY

20.01 Appointment and Compensation
20.02 Attorney for City
20.03 Power of Attorney
20.04 Ordinance Preparation
20.05 Review and Comment

20.06 Provide Legal Opinion
20.07 Attendance at Council Meetings
20.08 Prepare Documents
20.09 Representation of City Employees

20.01 APPOINTMENT AND COMPENSATION. The Council shall appoint by majority vote a City Attorney to serve for a term of two years. The City Attorney shall receive such compensation as established by resolution of the Council.

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

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

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

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

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

20.04 ORDINANCE PREPARATION. The City Attorney shall prepare those ordinances which the Council may desire and direct to be prepared and report to the Council upon all such ordinances before their final passage by the Council and publication.

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

20.05 REVIEW AND COMMENT. The City Attorney shall, upon request, make a report to the Council giving an opinion on all contracts, documents, resolutions, or ordinances submitted to or coming under the City Attorney's notice.

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

20.06 PROVIDE LEGAL OPINION. The City Attorney shall give advice or a written legal opinion on City contracts and all questions of law relating to City matters submitted by the Mayor or Council.

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

20.07 ATTENDANCE AT COUNCIL MEETINGS. The City Attorney shall attend meetings of the Council at the request of the Mayor or Council.

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

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

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

20.09 REPRESENTATION OF CITY EMPLOYEES. The City Attorney shall not appear on behalf of any City officer or employee before any court or tribunal for the purely private benefit of said officer or employee. The City Attorney shall, however, if directed by the Council, appear to defend any City officer or employee in any cause of action arising out of or in the course of the performance of the duties of his or her office or employment.

(Code of Iowa, Sec. 670.8)

CHAPTER 21

LIBRARY BOARD OF TRUSTEES

21.01 Public Library	21.07 Nonresident Use
21.02 Library Trustees	21.08 Expenditures
21.03 Qualifications of Trustees	21.09 Annual Report
21.04 Organization of the Board	21.10 Injury to Books or Property
21.05 Powers and Duties	21.11 Theft
21.06 Contracting with Other Libraries	21.12 Notice Posted

21.01 PUBLIC LIBRARY. The public library for the City is known as the Bloomfield Public Library. It is referred to in this chapter as the Library.

21.02 LIBRARY TRUSTEES. The Board of Trustees of the Library, hereinafter referred to as the Board, consists of nine resident members. All members are to be appointed by the Mayor with the approval of the Council.

21.03 QUALIFICATIONS OF (Bloomfield Public Library Board) TRUSTEES. All members of the Board shall be bona fide citizens and residents of the City and County. Members shall be over the age of eighteen (18) years. *(Ord. 684 – Oct. 16 Supp.)*

21.04 ORGANIZATION OF THE BOARD. The organization of the Board shall be as follows:

1. Term of Office. All appointments to the Board shall be for six years, except to fill vacancies. Each term shall commence on July 1. Appointments shall be made every two years of one-third the total number or as near as possible, to stagger the terms.
2. Vacancies. The position of any Trustee shall be vacated if such member moves permanently from the City and shall be deemed vacated if such member is absent from six (6) consecutive regular meetings of the Board, except in the case of sickness or temporary absence from the City. Vacancies in the Board shall be filled in the same manner as an original appointment except that the new Trustee shall fill out the unexpired term for which the appointment is made.
3. Compensation. Trustees shall receive no compensation for their services.

21.05 POWERS AND DUTIES. The Board shall have and exercise the following powers and duties:

1. Officers. To meet and elect from its members a President, a Secretary, and such other officers as it deems necessary.
2. Physical Plant. To have charge, control and supervision of the Library, its appurtenances, fixtures and rooms containing the same.
3. Charge of Affairs. To direct and control all affairs of the Library.
4. Hiring of Personnel. To employ a librarian, and authorize the librarian to employ such assistants and employees as may be necessary for the proper management of the Library, and fix their compensation; provided, however, that prior to such employment, the compensation of the librarian, assistants and employees shall have been fixed and approved by a majority of the members of the Board voting in favor thereof.
5. Removal of Personnel. To remove the librarian, by a two-thirds vote of the Board, and provide procedures for the removal of the assistants or employees for misdemeanor, incompetence or inattention to duty, subject however, to the provisions of Chapter 35C of the Code of Iowa.
6. Purchases. To select, or authorize the librarian to select, and make purchases of books, pamphlets, magazines, periodicals, papers, maps, journals, other Library materials, furniture, fixtures, stationery and supplies for the Library within budgetary limits set by the Board.
7. Use by Nonresidents. To authorize the use of the Library by nonresidents and to fix charges therefor unless a contract for free service exists.
8. Rules and Regulations. To make and adopt, amend, modify or repeal rules and regulations, not inconsistent with this Code of Ordinances and the law, for the care, use, government and management of the Library and the business of the Board, fixing and enforcing penalties for violations.
9. Expenditures. To have exclusive control of the expenditure of all funds allocated for Library purposes by the Council, and of all moneys available by gift or otherwise for the erection of Library buildings, and of all other moneys belonging to the Library including fines and rentals collected under the rules of the Board.
10. Gifts. To accept gifts of real property, personal property, or mixed property, and devises and bequests, including trust funds; to take the title to said property in the name of the Library; to execute deeds and bills of sale for the conveyance of said property; and to expend the funds received by them from such gifts, for the improvement of the Library.

11. Enforce the Performance of Conditions on Gifts. To enforce the performance of conditions on gifts, donations, devises and bequests accepted by the City on behalf of the Library.

(Code of Iowa, Ch. 661)

12. Record of Proceedings. To keep a record of its proceedings.

13. County Historical Association. To have authority to make agreements with the local County historical association where such exists, and to set apart the necessary room and to care for such articles as may come into the possession of the association. The Trustees are further authorized to purchase necessary receptacles and materials for the preservation and protection of such articles as are in their judgment of a historical and educational nature and pay for the same out of funds allocated for Library purposes.

21.06 CONTRACTING WITH OTHER LIBRARIES. The Board has power to contract with other libraries in accordance with the following:

1. Contracting. The Board may contract with any other boards of trustees of free public libraries, with any other city, school corporation, private or semiprivate organization, institution of higher learning, township, or County, or with the trustees of any County library district for the use of the Library by their respective residents.

(Code of Iowa, Sec. 392.5 & Ch. 28E)

2. Termination. Such a contract may be terminated at any time by mutual consent of the contracting parties. It also may be terminated by a majority vote of the electors represented by either of the contracting parties. Such a termination proposition shall be submitted to the electors by the governing body of a contracting party on a written petition of not less than five percent (5%) in number of the electors who voted for governor in the territory of the contracting party at the last general election. The petition must be presented to the governing body not less than forty (40) days before the election. The proposition may be submitted at any election provided by law that is held in the territory of the party seeking to terminate the contract.

21.07 NONRESIDENT USE. The Board may authorize the use of the Library by persons not residents of the City or County in any one or more of the following ways:

1. Lending. By lending the books or other materials of the Library to nonresidents on the same terms and conditions as to residents of the City, or County, or upon payment of a special nonresident Library fee.

2. Depository. By establishing depositories of Library books or other materials to be loaned to nonresidents.
3. Bookmobiles. By establishing bookmobiles or a traveling library so that books or other Library materials may be loaned to nonresidents.
4. Branch Library. By establishing branch libraries for lending books or other Library materials to nonresidents.

21.08 EXPENDITURES. All money appropriated by the Council for the operation and maintenance of the Library shall be set aside in an account for the Library. Expenditures shall be paid for only on orders of the Board, signed by its President and Secretary.

(Code of Iowa, Sec. 384.20 & 392.5)

21.09 ANNUAL REPORT. The Board shall make a report to the Council immediately after the close of the fiscal year. This report shall contain statements as to the condition of the Library, the number of books added, the number circulated, the amount of fines collected, and the amount of money expended in the maintenance of the Library during the year, together with such further information as may be required by the Council.

21.10 INJURY TO BOOKS OR PROPERTY. It is unlawful for a person willfully, maliciously or wantonly to tear, deface, mutilate, injure or destroy, in whole or in part, any newspaper, periodical, book, map, pamphlet, chart, picture or other property belonging to the Library or reading room.

(Code of Iowa, Sec. 716.1)

21.11 THEFT. No person shall take possession or control of property of the Library with the intent to deprive the Library thereof.

(Code of Iowa, Sec. 714.1)

21.12 NOTICE POSTED. There shall be posted in clear public view within the Library notices informing the public of the following:

1. Failure To Return. Failure to return Library materials for two months or more after the date the person agreed to return the Library materials, or failure to return Library equipment for one month or more after the date the person agreed to return the Library equipment, is evidence of intent to deprive the owner, provided a reasonable attempt, including the mailing by restricted certified mail of notice that such material or equipment is overdue and criminal actions will be taken, has been made to reclaim the materials or equipment.

(Code of Iowa, Sec. 714.5)

2. Detention and Search. Persons concealing Library materials may be detained and searched pursuant to law.

(Code of Iowa, Sec. 808.12)

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CHAPTER 22

PLANNING AND ZONING COMMISSION

22.01 Planning and Zoning Commission
22.02 Term of Office
22.03 Vacancies

22.04 Compensation
22.05 Powers and Duties

22.01 PLANNING AND ZONING COMMISSION. The City Planning and Zoning Commission, hereinafter referred to as the Commission, consists of five members appointed by the Council. The Commission members shall be residents of the City and shall not hold any elective office in the City government.

(Code of Iowa, Sec. 414.6 & 392.1)

22.02 TERM OF OFFICE. The term of office of the members of the Commission shall be five years. The terms of not more than one-third of the members will expire in any one year.

(Code of Iowa, Sec. 392.1)

22.03 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)

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

(Code of Iowa, Sec. 392.1)

22.05 POWERS AND DUTIES. The Commission shall have and exercise 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. Zoning. The Commission shall have and exercise all the powers and duties and privileges in establishing the City zoning regulations and other related matters and may from time to time recommend to the Council amendments, supplements, changes or modifications, all as provided by Chapter 414 of the Code of Iowa.

(Code of Iowa, Sec. 414.6)

4. Recommendations of Improvements. No statuary, memorial or work of art in a public place, and no public building, bridge, viaduct, street fixtures, public structure or appurtenances, shall be located or erected, or site therefor obtained, nor shall any permit be issued by any department of the City for the erection or location thereof until and unless the design and proposed location of any such improvement shall have been submitted to the Commission and its recommendations thereon obtained, except such requirements and recommendations shall not act as a stay upon action for any such improvement when the Commission after thirty (30) days' written notice requesting such recommendations, shall have failed to file same.

(Code of Iowa, Sec. 392.1)

5. Review and Comment on Plats. All plans, plats, or re-plats of subdivision or re-subdivisions of land embraced in the City or adjacent thereto, laid out in lots or plats with the streets, alleys, or other portions of the same intended to be dedicated to the public in the City, shall first be submitted to the Commission and its recommendations obtained before approval by the Council.

(Code of Iowa, Sec. 392.1)

6. Review and Comment of Street and Park Improvements. No plan for any street, park, parkway, boulevard, traffic-way, river front, or other public improvement affecting the City plan shall be finally approved by the City or the character or location thereof determined, unless such proposal shall first have been submitted to the Commission and the Commission shall have had thirty (30) days within which to file its recommendations thereon.

(Code of Iowa, Sec. 392.1)

7. Fiscal Responsibilities. The Commission shall have full, complete and exclusive authority to expend for and on behalf of the City all sums of money appropriated to it, and to use and expend all gifts, donations or payments whatsoever which are received by the City for City planning and zoning purposes.

(Code of Iowa, Sec. 392.1)

8. Limitation on Entering Contracts. The Commission shall have no power to contract debts beyond the amount of its original or amended appropriation as approved by the Council for the present year.

(Code of Iowa, Sec. 392.1)

9. 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)

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CHAPTER 23

PARKS AND RECREATION BOARD

23.01 Parks and Recreation Board Created

23.02 Board Organization

23.03 Duties of the Board

23.04 Reports

23.05 Rules

23.01 PARKS AND RECREATION BOARD CREATED. A Parks and Recreation Board is hereby created to advise the Council on the needed facilities to provide open space such as parks, playgrounds and community facilities for other forms of recreation. It shall also plan and oversee City programs and encourage other programs to enhance the leisure time activities of the City's residents of all ages.

23.02 BOARD ORGANIZATION. The Board shall consist of five members, four that are residents of the City, one that is a resident of Davis County, appointed by the Mayor with the approval of the Council, for overlapping terms of five years. The Board shall choose from its membership a Chairperson, Vice Chairperson and Secretary every two years. Members shall serve without compensation, but may receive reimbursement for expenses incurred in the performance of their duties. Vacancies shall be filled in the same manner as the original appointment for the balance of the term.

(Ord. 682 – Oct. 16 - Supp.)

23.03 DUTIES OF THE BOARD. In addition to its duty to make a plan for recreation and for the facilities for recreation, and to update and revise these plans as required, the Board has authority over the properties and personnel devoted to parks and recreation, subject to the limitation of expenditures for salaries and supplies, contracts and capital outlays set forth in the annual budget provided by the Council for parks and recreation operations. The Board shall cooperate with the Mayor in the allotment of time of City employees for parks and recreation purposes. The Chairperson shall order supplies by the procedures established by the Council for all departments of the City, and payment will be made by check written by the Clerk for invoices submitted and approved by the Board.

23.04 REPORTS. The Board shall make written reports to the Council of its activities from time to time as it deems advisable, or upon Council request. Its revenues and expenditures shall be reported monthly by the Clerk in the manner of other departmental expenditures, and a copy shall be provided to each member of the Board and in the Clerk's report to the Council.

23.05 RULES. The Board has the power to make rules and regulations for the use of parks or other recreational facilities or for the conduct of recreation programs, subject to the approval of the rules by the Council. Such rules shall be either posted on the facility or otherwise publicized in a manner to provide adequate notice to the using public. Violation of a rule or regulation so posted or publicized may be cause for denial of use of the facility or if it is a violation of this Code of Ordinances may be prosecuted as a simple misdemeanor.

CHAPTER 24

HISTORIC PRESERVATION COMMISSION

24.01 Purpose and Intent	24.15 Certificate of Appropriateness Hearings
24.02 Definitions	24.16 Approval Required
24.03 Commission Membership	24.17 Appeals
24.04 Powers and Duties	24.18 Fees
24.05 Operating Procedures	24.19 Property Maintenance Required
24.06 Commission Meetings	24.20 Design Standards and Guidelines
24.07 Annual Report	24.21 Unsafe or Dangerous Conditions Exempted
24.08 Commission Training	24.22 Principles for Review
24.09 Designation of Historic Landmarks	24.23 Economic Hardship
24.10 Designation of Historic Districts	24.24 Demolition Procedures
24.11 Amending and Repealing Designations	24.25 Emergency Demolition
24.12 Bloomfield Courthouse Square Commercial District	24.26 Waiver
24.13 Certificate of Appropriateness Required	24.27 Violations
24.14 Certificate of Appropriateness Application	

24.01 PURPOSE AND INTENT. The purposes of this chapter are to:

1. Promote the educational, cultural, economic and general welfare of the public through the recognition, enhancement and perpetuation of sites and districts of historical and cultural significance;
2. Safeguard the City's historic, aesthetic and cultural heritage by preserving sites and districts of historic and cultural significance;
3. Stabilize and improve property values;
4. Foster pride in the legacy of beauty and achievements of the past;
5. Protect and enhance the City's attractions to tourists and visitors and the support and stimulus to business thereby provided;
6. Strengthen the economy of the City;
7. Promote the use of sites and districts of historic and cultural significance as places for the education, pleasure, and welfare of the people of the City.

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

1. "Abutting property" means any property within one-hundred feet (100') of the subject, or applicant's, property.
2. "Alteration" means any addition or modification of any portion of the exterior of a building, structure, object, site or site feature that changes the architectural style, arrangement, texture, or material of the building or feature or significantly changes the color; if such change,

addition, or modification is visible from the public street, sidewalk, alley, or park.

3. “Building” means any structure built for the support, shelter, or enclosure of persons, animals, or property of any kind.

4. “Certificate of appropriateness” means a document issued by the Historic Preservation Commission which documents their approval or approval with modification, of proposed alterations to designated historic landmarks or to buildings, structures, sites, and objects within designated historic districts, which are subject to review.

5. “Contributing” means any building, site, object, and/or structure contained in a designated historic district or National Register of Historic Places historic district, that is identified as a contributor to the historic district.

6. “Cultural resource” means any building, site, structure, object, or district, which may have significance in history or pre-history.

7. “Demolition” of a building means the act or process of pulling down, destroying, removing or razing a building or commencing the work of total or substantial destruction.

8. “Design standards and guidelines” means a document that is produced by the City for the purpose of guiding review of proposed alterations to designated historic landmarks and historic districts. This document establishes criteria for building alterations or new construction, which, if followed, will provide compatible design.

9. “Economic feasibility” refers to the economic impact of preservation measures, generally comparing use of traditional materials versus modern counterparts. For instance, there may be a range of appropriate replacement materials listed, with preference given to traditional materials. In some cases, traditional materials may be more expensive or not readily available, lowering the economic feasibility of using the preferred, traditional materials.

10. “Economic hardship” refers to the economic impact of preservation requirements that would deprive a property owner of all reasonable economic use or return on a property.

11. “Historic district” means a significant concentration, linkage or continuity of sites, buildings, structures or objects united historically by plan or physical development. This area must contain contiguous pieces of property under diverse ownership that meets one or more of the historic significance criteria and has been officially designated by the City through the passage of an ordinance.

12. “Historic landmark” is a building, structure, site or object that meets one or more of the Historic Significance Criteria and has been officially designated through passage of an ordinance.
13. “Historic significance criteria” applies to the quality of significance in American history, architecture, archeology, engineering, and culture that is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:
 - A. That are associated with events that have made a significant contribution to the broad patterns of our history; or
 - B. That are associated with the lives of significant persons in the past; or
 - C. That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
 - D. That have yielded, or may be likely to yield, information important in history or prehistory.
14. “Improvement” means any structure, place, work of art, landscape element, or other object constituting a physical betterment of real property that is visible from a public way or adjoining properties.
15. “Majority” means a simple majority consisting of one over half of the members present and voting if a quorum is established.
16. “Minimum maintenance requirements” mean those regulations adopted by the City requiring property owners to maintain the buildings, structures and sites associated with a landmark or historic district.
17. “National Register Historic District” means a district that is listed on the National Register of Historic Places.
18. “Non-contributing structure” means any structure that does not contribute to the historic character of a district that is identified as such in an officially adopted historic district or National Register listed district.
19. “Object” is used to distinguish from buildings and structures those constructions that are primarily artistic in nature or are relatively small in scale and simply constructed. Although it may be, by nature or design, moveable, an object is associated with a specific setting or environment.

20. “Ordinary maintenance and repair” means any work where the purpose and effect of such work is to correct any deterioration or decay of or damage to a structure or any part thereof and to restore the same, as nearly as may be practicable, to its condition prior to the occurrence of such deterioration, decay, or damage.
21. “Preservation” is defined as the act or process of applying measures necessary to sustain the existing form, integrity and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. New exterior additions are not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project.
22. “Preservation Commission” means the Bloomfield Historic Preservation Commission, as established by this chapter.
23. “Property inventory” means a file of information about buildings, structures, sites, objects and districts in the City of Bloomfield, including, but not limited to, completed Iowa Site Inventory forms, National Register of Historic Places Nominations, Reports of Survey and Evaluation projects and Contexts developed for the City, officially designated City of Bloomfield Landmark and Historic District Nominations and other germane information.
24. “Quorum” means a majority of the membership of the Bloomfield Historic Preservation Commission.
25. “Significant features” means those elements of a building, structure, object or site or a district that contributes to its historic character and value.
26. “Site” is the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined or vanished, where the location itself possesses historic, cultural or archaeological value regardless of the value of any existing structure.
27. “Site furnishing” refers to objects or elements in the public right-of-way or in public spaces. They are generally small scale elements that may be functional, decorative or both. They can include benches, lights, signs, drinking fountains, trash receptacles, fences, tree grates, clocks, flagpoles, sculpture, monuments, memorials, planters and urns. They

may be movable, used seasonally or permanently installed. They occur as singular items, in groups of similar or identical features, or as part of a system (e.g. signage).

28. “Substantial adverse change” means any change in physical appearance to a building which would significantly alter those features which give the building its value as a historic resource.

24.03 COMMISSION MEMBERSHIP.

1. The Historic Preservation Commission (hereinafter referred to as the Preservation Commission or Commission) consists of five members appointed by the Council. The members of the Preservation Commission shall be residents of the City or owners of real property within the City. At least one resident (or property owner within the district who is also a resident of the City) of each designated area of historic significance shall be appointed to the Commission. Members shall receive no compensation. The members shall have a demonstrated interest in historic preservation and, as available, shall include professionals in history, architectural history, archaeology, planning, or architecture. *(Ord. 714 – Aug. 21 Supp.)*

2. The term of office for each member of the Commission shall be three (3) years. The appointment of Commissioners shall be staggered with no fewer than two being appointed in any given year and terms commencing on the first day of April.

3. Vacancies occurring in the Commission, other than expiration of term of office, shall be appointed in the same manner as the original appointee only for the unexpired portion of the term of the member replaced.

24.04 POWERS AND DUTIES. The Commission shall have the following powers and duties:

1. The Commission may conduct studies for the identification, evaluation, registration and designation of historic landmarks and historic districts meeting the definitions established by this chapter. The Commission may proceed at its own initiative or upon petition from any person, agency or organization.

2. The Commission may accept nominations to designate local historic landmarks and local historic districts. Nominations may be prepared by the Commission and can be submitted by any person, agency or organization. The Commission will review, comment, and

make recommendation to designate or not to designate the nominated historic property.

3. The Commission shall establish and oversee a property inventory that complies with the property inventory of the State of Iowa and is available for public inspection and use.

4. The Commission shall make a recommendation to the State Historic Preservation Officer for the listing of a property on the National Register of Historic Places and shall conduct a public hearing thereon.

5. The Commission shall conduct a periodic review of the City's preservation and design review programs to ensure that they meet the intent of this chapter.

6. The Commission shall review all applications for a Certificate of Appropriateness to alter designated historic landmarks or to alter buildings, structures, objects and/or sites within a designated Historic District.

7. The Commission shall report annually to the Council on the status of the City's preservation and design review programs.

8. The Commission shall from time to time establish written design standards and guidelines, subject to the approval of the Council. The Council's approval shall be by resolution.

9. The Commission may apply for grants or seek funding for the operation of programs that meet the intent of this chapter.

10. The Commission may promote public interest in the purposes described in this chapter by carrying on a public education program. This can include:

A. Assist and encourage any organization or persons who desire to protect, enhance, or preserve the use of structures and areas of historic and/or cultural significance;

B. Encourage and assist in the establishment of educational and cultural programs, tours, and events to advance the purpose described in this chapter; advise owners or residents of historic properties;

C. Encourage and assist in the use of incentive programs that aid property owners and residents of historic and/or culturally significant structures for their preservation, and/or culturally significant structures or areas of problems and techniques of, and resources for, historic preservation;

- D. Make recommendations to the Council and City Commissions and Boards on preservation issues when appropriate.
11. In addition to those powers and duties specified above, the Commission may, with Council approval:
- A. Acquire by purchase, bequest or donation, fee and lesser interests in historic properties, including properties adjacent to or associated with historic properties;
 - B. Preserve, restore, maintain and operate historic properties, under the ownership or control of the Commission;
 - C. Lease, sell, and otherwise transfer or dispose of historic properties, including properties subject to rights of public access and other covenants; in a manner that will preserve the property;
 - D. Cooperate with the federal, state, and local governments in pursuance of the objectives of historic preservation;
 - E. Accept unconditional gifts and donations of real and personal property, including money, for the purpose of historic preservation.

24.05 OPERATING PROCEDURES.

1. The Commission shall adopt by-laws for the conduct of its business in accordance with the provisions of this chapter that define when the meetings will occur, how the agenda is to be structured, and how decisions are to be made.
2. The Commission shall elect a chairman, vice-chairman and a secretary, each of whom shall serve for one year and who shall be eligible for reelection.

24.06 COMMISSION MEETINGS.

1. The Commission shall meet once a month, excepting when no business is on the agenda. Additional meetings may be scheduled by the Commission as needed.
2. All regularly scheduled meetings of the Commission shall be open to the public. Any person, or his duly constituted representative, shall be entitled to appear and be heard on any matter before the Commission.
3. The Commission shall keep minutes of all its 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.

4. The City Clerk shall post the official City posting to contain notice of the time, place, and subject matter of such hearing at least twenty-four (24) hours before the hearing.

5. A majority of the Commission shall constitute a quorum; and action taken at any meeting shall require the affirmative vote of the majority of the Commission. If no quorum exists, then the application will be forwarded to the next meeting of the Planning Commission.

24.07 ANNUAL REPORT. The Preservation Commission shall prepare a report to the Council summarizing the past year's activities of the Commission. This report should state the status of preservation in the City and recommend any improvements which the Commission deems necessary. The Commission shall present this report annually to the City Council.

24.08 COMMISSION TRAINING. The Preservation Commission shall participate in training programs from time to time. These may include special Commission study sessions, which shall not be a regularly scheduled meeting, or other training programs provided in the state or nation. At a minimum, all members shall attend one training session annually.

24.09 DESIGNATION OF HISTORIC LANDMARKS.

1. A property owner, the Preservation Commission, or an interested party, agency, or organization may request designation of a historic landmark.

2. Nominations to designate historic landmarks will be submitted to the Preservation Commission and must contain the following:

A. A completed Iowa site inventory form with all attachments or a National Register of Historic Places Nomination Form for a listed property;

B. Photo-documentation of the property at the time of designation;

C. A scale map showing the location of the property within the City at the time of designation;

D. A scale map of the property showing the proposed boundaries, extant buildings, structures, objects, and sites within the tract at the time of designation;

- E. Statement of, and documentation that the property meets one or more of the designation/ significance criteria.
3. Nominations must be submitted 30 days in advance of the regularly scheduled meeting of the Preservation Commission.
 4. Nominations must be complete when submitted to the Preservation Commission; if the nomination is not complete, the nomination will be returned to the applicant.
 5. Nomination will be considered at the next meeting of the Preservation Commission following the submission of the nomination.
 6. Nominations will be made available for public review at City Hall.
 7. The City Clerk will notify all owners of abutting properties by mail of the proposed nomination, the date, time, and location of the Commission meeting at which the nomination will be considered.
 8. The nomination will be sent to the State Historic Preservation Office for review and comment within fourteen days of receipt.
 9. The Preservation Commission during their meeting will determine if the property meets the significance criteria. If the property meets the criteria, they will recommend designation. If the property does not meet the criteria, they will not recommend designation.
 10. If the Preservation Commission recommends designation, the Commission will prepare an ordinance designating the property as a historic landmark. The ordinance:
 - will include the legal description of the property;
 - will specify the applicable significance criteria and provide an explanation of significance; and
 - will contain a statement that proposed alterations to the property as described in the nomination on file in the Property Inventory will require issuance of a certificate of appropriateness before they are initiated.
 11. The proposed ordinance will be submitted to the State Preservation Office for review and comment within fourteen days of receipt.
 12. The Preservation Commission will submit their recommendation, the nomination, and the ordinance designating the property to the Council.

13. The Council will consider the nomination, the ordinance, the recommendations of the Preservation Commission and the State at a regularly scheduled meeting. If the Council approves designation, the designation will be forwarded to the City Clerk for recording and the designation and nomination will be filed in the City's Property Inventory.

24.10 DESIGNATION OF HISTORIC DISTRICTS.

1. A property owner, the Preservation Commission, or an interested party, agency, or organization may initiate designation of a historic district.
2. Nominations to designate historic districts will be submitted to the Preservation Commission and must contain the following:
 - A. Completed Iowa site inventory forms with all attachments or the National Register Nomination for the listed district;
 - B. Photo-documentation of the property at the time of designation;
 - C. A scale map showing the location of the proposed district within the City at the time of designation;
 - D. A scale map of the district showing the proposed boundaries, extant buildings, structures, objects, and sites within the tract at the time of designation;
 - E. Statement of, and documentation that the district meets one or more of the designation/significance criteria.
3. The Preservation Commission will seek to demonstrate owner support, which may be in the form of a petition or public testimony at a public hearing.
4. Nominations must be submitted 30 days in advance of the regularly scheduled meeting of the Preservation Commission.
5. Nominations must be complete when submitted to the Preservation Commission; if the nomination is not complete, the nomination will be returned to the applicant.
6. Nominations will be considered at the next meeting of the Preservation Commission following the submission of the nomination.
7. Nominations will be made available for public review at City Hall.
8. The City Clerk will notify all property owners within the historic district and owners of abutting properties by mail of the proposed

nomination, the date, time, and location of the Commission meeting at which the nomination will be considered.

9. The nomination will be sent to the State Historic Preservation Office for review and comment within fourteen days of receipt.

10. The Preservation Commission, during their meeting, will determine if the properties meet the significance criteria. If the properties meet the criteria, they will recommend designation. If the properties do not meet the criteria, they will not recommend designation.

11. If the Preservation Commission recommends designation, the Commission will prepare an ordinance designating the properties as a historic district. The ordinance:

- will include the legal description of the property;
- will specify the applicable significance criteria and provide an explanation of significance; and
- will contain a statement that proposed alterations to the property as described in the nomination on file in the Property Inventory will require issuance of a certificate of appropriateness before they are initiated.

12. The proposed ordinance will be submitted to the State Preservation Office for review and comment within fourteen days of receipt.

13. The Preservation Commission will submit their recommendation, the nomination, and the ordinance designating the property to the Council.

14. The Council will consider the nomination, the ordinance, the recommendations of the Preservation Commission and the State at a regularly scheduled meeting. If the Council approves designation, the designation will be forwarded to the City Clerk for recording and the designation and nomination will be filed in the City's Property Inventory.

24.11 AMENDING AND REPEALING DESIGNATIONS.

1. A property owner, the Preservation Commission, an interested agency or organization may initiate the amendment or repeal of historic landmark or historic district designation by following the process outlined for designation in this chapter.

2. Amending a historic landmark or district will involve adding buildings, structures, objects and sites by following the appropriate designation process outlined in this chapter.

3. A repeal of designation may occur if the historic landmark or historic district no longer meets the significance criteria due to subsequent discovery of information on the significance or destruction of the historic property by an act of God.

24.12 BLOOMFIELD COURTHOUSE SQUARE COMMERCIAL DISTRICT.

1. The Bloomfield Courthouse Square Commercial District means the area described herein which is a part of the C-2 district as established in the Zoning Regulations. Said area shall be all lots abutting upon Franklin Street between Madison Street and Washington Street; all lots abutting upon Washington Street between Franklin Street and Jefferson Street; all lots abutting upon Jefferson Street between Madison Street and Washington Street and all lots abutting upon Madison Street between Franklin Street and Jefferson Street. Also lot one in block thirty-three and all lots abutting on the north side of Jefferson Street between Madison Street and a point 79.5 feet west of the southwest corner of lot eight in block nineteen, all in the original town (now City of Bloomfield Iowa.)
2. Said area contains a significant portion of buildings, structures or other improvements which, considered as a whole:
 - A. Represent one or more distinctive styles or periods of architecture, methods of construction, or both; or
 - B. Are associated with persons or events that have made significant contributions to the course of local, state or national history;
 - C. Possess a coherent and distinctive visual character or integrity based upon similarity of scale, design, color, setting, workmanship, materials or combination thereof, which is deemed to add significantly to the value and attractiveness of properties within such area.

24.13 CERTIFICATE OF APPROPRIATENESS REQUIRED.

1. Within a historic district or landmark, no person, owner or other entity shall carry out or permit to be carried out the erection, movement, demolition, reconstruction, restoration, renovation, or alteration of structures without first having applied for and been granted a Certificate of Appropriateness by the Preservation Commission for the proposed work under this chapter. This requirement applies to exteriors only unless interiors are specifically designated.

2. In cases where a property may be located in an area with a separate review body, such as The Main Street Design Committee, the Preservation Commission will hear the recommendations of the applicable review body and take them into consideration when making their final decision.

24.14 CERTIFICATE OF APPROPRIATENESS APPLICATION.

1. An owner or tenant of a designated property seeking to alter an improvement must apply to the City for a Certificate of Appropriateness, on forms prescribed by the City and including all information that the City determines is necessary to consider the application. Required submittal material may include, but is not limited to, the following documentation:

- A. Completed application form;
- B. Site plan/ roof plan (drawn to scale);
- C. Proposed building elevations (drawn to scale);
- D. Photographs of the building conditions (existing and historic);
- E. Product literature and specifications;
- F. Materials sample and color samples.

Incomplete applications will not be considered by the Preservation Commission.

2. Applications for a Certificate of Appropriateness shall be filed a minimum of thirty days before the next regularly scheduled Preservation Commission meeting at which the application is to be considered.

3. Upon receipt of an application for a Certificate of Appropriateness, the Preservation Commission staff representative shall log in the application including the date filed and shall establish a separate file for each application. This file shall provide a record of the certificate application and all actions taken by the Preservation Commission, and any subsequent action or reports of the Director of Public Works, if appropriate.

4. The staff member shall then place the application on the agenda for the next regularly scheduled Preservation Commission meeting and shall notify the applicant of the time, date, and place of said meeting.

5. The applicant may request to meet with a subcommittee of the Preservation Commission for a conceptual review of the proposed work, particularly relating to new construction or additions, prior to the

Commission meeting. Any recommendations made by the subcommittee shall be reported at the formal Commission meeting.

6. Upon reviewing the application, the Commission may determine that the application be approved as submitted, denied as submitted, or approved with conditions.

7. If the Preservation Commission approves the application as submitted, the certificate shall be issued within three working days per plans submitted and approved or modified by the Commission and accepted by the applicant. Conditions of the permit shall be noted on the permit.

24.15 CERTIFICATE OF APPROPRIATENESS HEARINGS.

1. The Preservation Commission shall hold a public hearing on an application for a Certificate of Appropriateness within thirty days after the completed application was filed.

2. The Preservation Commission shall determine whether the application meets the standards in Bloomfield's Design Guidelines. Within thirty days after the hearing date the Commission shall adopt written findings and conclusions. The Commission shall either recommend that the application be approved as submitted, denied as submitted, or approved with conditions.

3. At least ten days before the hearing date, the City shall post the application on the property to indicate that a Certificate of Appropriateness has been requested. The City shall also mail a certified notice to the recorded owners of all property that is the subject of the application, to abutting properties, and to the Chair of the Preservation Commission.

24.16 APPROVAL REQUIRED.

1. No City permit shall be issued for any purpose regulated by this chapter for a property unless and until the proposed work or development has been approved or granted approval by the Preservation Commission, or by the City Council on appeal, and then shall be issued only in conformity with such approval or conditional approval.

2. The City shall issue a Certificate of Appropriateness if:

A. An application has been recommended for approval by the Preservation Commission; or

B. The City Council on appeal has approved the Certificate of Appropriateness.

3. When approving an application for a Certificate of Appropriateness, the Preservation Commission may impose a time limit within which construction must begin.
4. If the Preservation Commission denies approval of an application for a Certificate of Appropriateness, no person may submit a subsequent application for the same work within sixty days.

24.17 APPEALS. Any person aggrieved or affected by a decision of the Preservation Commission to approve, grant conditional approval, or deny an application, or by the failure of the Commission to act within the time as required may appeal to the City Council from such decision at any time within fifteen days after the date upon which the Commission announces its decision or is required to announce its decision. The grounds for an appeal are that the Commission has violated due process, and that their decision was arbitrary and capricious.

1. An appeal shall be taken by filing a letter of appeal in duplicate, and by concurrently paying a fee in an amount established by City Council resolution for such appeals. Such letter shall set forth the grounds upon which the appeal is based.
2. A staff member shall transmit to the City Council the letter of appeal, copies of the application, meeting minutes and all other papers constituting the record upon which the action of the Preservation Commission was taken.
3. An appeal shall be heard by the Council within a timely fashion after the Commission action.
4. The Council shall review the application and apply the standards as set forth in this chapter in considering the appeal.
5. The Council may affirm, reverse, or modify the decision of the Commission.
6. If the Council affirms the decision or action complained of, and if the appealing person or entity is still aggrieved by such decision or action, the appealing person or entity may do either of the following:
 - A. With the consent of the City Council, have the matter finally resolved by binding arbitration. Binding arbitration shall be before an arbitrator agreed to by both the Council and the appealing person or entity. If the parties are unable to agree on an arbitrator, the matter shall be resolved by a three- person arbitration panel made up of one arbitrator selected by the Council, one arbitrator selected by the appealing person or entity, and one arbitrator selected by the other two arbitrators. The cost

and expense of a single arbitrator shall be borne equally by the City and the appealing person or entity. If a three-person arbitration panel is selected, each party shall bear the expense of its own arbitrator and the parties shall jointly and equally bear the cost and expense of the third arbitrator, and of the arbitration. Each party to the arbitration shall pay its own costs, disbursements, and attorney fees.

B. Bring an action for declaratory ruling in district court to review the decision of the Council.

24.18 FEES.

1. A fee shall be paid for review by the Commission of an application for a project that includes erection, movement, demolition, reconstruction, restoration, renovation, or alteration of structures. Payments of such fee shall be required from the applicant upon submission of the application to the City Clerk. Such fees may be adjusted by the Council from time to time, as deemed necessary.

2. Applicants proposing demolition shall be required to post a bond, the amount of which shall be set by the Council, prior to the issuance of the Certificate of Appropriateness, in order to ensure complete removal of debris left by said demolition and recompense for damage done to adjacent properties.

24.19 PROPERTY MAINTENANCE REQUIRED.

1. The Council intends to preserve from deliberate or inadvertent neglect the exterior portions of designated landmarks, contributing buildings or structures in a Historic District and all interior portions thereof whose maintenance is necessary to prevent deterioration of any exterior portion. No owner, lessee, or occupant of any landmark, contributing building or structure in a Historic District shall fail to prevent significant deterioration of the exterior of the structure or special feature beyond the condition of the structure on the effective date of the designating ordinance. Examples of minimum maintenance requirements stipulate the prompt repair of the following:

A. Facades which may fall and injure members of the public or property;

B. Deteriorated or inadequate foundation, defective or deteriorated flooring or floor supports, deteriorated walls or other vertical structural supports;

- C. Members of ceilings, roofs, ceiling and roof supports or other horizontal member which age, split or buckle due to defective material or deterioration;
 - D. Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken windows or doors;
 - E. Defective or insufficient weather protection for exterior wall covering, including lack of paint or weathering due to lack of protective covering;
 - F. Any fault or defect in the building which renders it not properly watertight or structurally unsafe.
2. Applicants may reference the series of Preservation Briefs published by the National Park Service for detailed descriptions of appropriate treatment and maintenance methods for historic properties.
 3. No owner, lessee, or occupant of any historic structure shall fail to comply with all applicable provisions of this chapter and other ordinances of the City regulating property maintenance, including without limitation weed control, garbage, and housing.
 4. Before the City Attorney files a complaint in municipal court for failure to maintain the property, the Council shall notify the property owner, lessee, or occupant of the need to repair, maintain, or restore the property, shall assist the owner, lessee, or occupant in determining how to preserve the property, and shall give the owner a reasonable time to perform such work.

24.20 DESIGN STANDARDS AND GUIDELINES.

1. The Preservation Commission shall prepare and adopt, with City Council approval, design standards and guidelines for the review of an application for a Certificate of Appropriateness.
2. In making its decision, the Commission shall consider the design standards and guidelines in reviewing an application for a Certificate of Appropriateness. If a conflict exists, the criteria found in this chapter shall have precedence.

24.21 UNSAFE OR DANGEROUS CONDITIONS EXEMPTED.

Nothing in this chapter shall be construed to prevent any measures of construction, alteration, removal, or demolition necessary to correct the unsafe or dangerous condition of any structure, other feature, or parts thereof where such condition is declared unsafe or dangerous by the City building or zoning division or fire department and where the proposed measures have been declared necessary by the City to correct the condition, as long as only such

work that is absolutely necessary to correct the condition is performed. Any temporary measures may be taken without first obtaining a Certificate of Appropriateness under this chapter, but a certificate is required for permanent alteration, removal, or demolition.

24.22 PRINCIPLES FOR REVIEW.

1. The Preservation Commission shall adhere to the following principles when reviewing applications for Certificates of Appropriateness.

A. The anticipated use for the property remains that for which it was originally intended or requires minimal alteration of the building, structure or site and its environment for the proposed reuse.

B. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be compromised. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

C. All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to recreate an earlier appearance shall be discouraged.

D. Certain alterations which may have taken place in the course of time are potentially significant to understanding the history and development of a building, structure, or site and its environment. These historic alterations may have acquired significance in their own right and this significance shall be recognized and respected.

E. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be retained.

F. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair and replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

- G. Surface cleaning of historic structures shall be undertaken with methods that will avoid damage to the historic building materials.
 - H. Contemporary design for alterations and additions shall not be discouraged when such alterations and additions do not compromise significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.
 - I. Whenever possible, new additions or alterations to the structure shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the historic structure would be unimpaired.
2. The Commission shall consider the following site development and design issues when applicable to reviewing Certificate of Appropriateness applications.
- A. Architectural design;
 - B. Scale and proportion;
 - C. Construction materials;
 - D. Method of construction;
 - E. Grading;
 - F. Site development;
 - G. Orientation of buildings;
 - H. Off-street parking;
 - I. Landscaping;
 - J. Signs;
 - K. Street furniture;
 - L. Public areas;
 - M. Relationship of the project to its surroundings.

24.23 ECONOMIC HARDSHIP. If, when seeking approval for the demolition of a historic property the owner claims an economic hardship, the determination of economic hardship shall require the applicant to provide evidence sufficient to demonstrate that the application of the standards and regulations of this section deprives the applicant of all reasonable economic use or return on the subject property. The determination of economic hardship is based solely on the property, independent of the owner or ownership.

1. Application for Determination of Economic Hardship. An application for a determination of economic hardship shall be made on a form prepared by the planning director and shall be submitted to the planning division. The application must include photographs, information pertaining to the historic significance of the landmark site and all information necessary to make findings on the standards for determination of economic hardship.

2. Standards for Determination of Economic Hardship. The Preservation Commission shall apply the following standards and make findings concerning economic hardship:

A. The applicant's knowledge of the landmark designation at the time of acquisition, or whether the property was designated subsequent to acquisition;

B. The current level of economic return on the property as considered in relation to the following:

(1) The amount paid for the property, the date of purchase, and party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant, and the person from whom the property was purchased;

(2) The annual gross and net income, if any, from the property for the previous three years; itemized operating and maintenance expenses for the previous three years, and depreciation deduction and annual cash flow before and after debt service, if any, for the previous three years;

(3) Remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, during the previous three years;

(4) Real estate taxes for the previous four years and assessed value of the property according to the two most recent assessed valuations by the local assessor;

(5) All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing or ownership of the property;

(6) The fair market value of the property immediately prior to its designation as a landmark site and the fair market value of the property as a landmark site at the time the application is filed;

(7) Form of ownership or operation of the property, i.e. sole proprietorship, for-profit corporation or not-for-profit corporation, limited partnership, joint venture, etc.; and

(8) Any state or federal income tax returns on or relating to the property for the previous two years.

C. The marketability of the property for sale or lease, considered in relation to any listing of the property for sale or lease, and price asked and offers received, if any, within the previous two years. This determination can include testimony and relevant documents regarding:

(1) Any real estate broker or firm engaged to sell or lease the property,

(2) Reasonableness of the price or rent sought by the applicant, and

(3) Any advertisements placed for the sale or rent of the property.

D. The infeasibility of alternative uses that can earn a reasonable economic return for the property as considered in relation to the following:

(1) A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation;

(2) Estimate of the cost of the proposed construction, alteration, demolition or removal and an estimate of any additional cost that would be incurred to comply with the decision of the Preservation Commission concerning the appropriateness of proposed alterations;

(3) Estimated market value of the property in the current condition after completion of the demolition and proposed new construction, and after renovation of the existing property for continued use; and

(4) The testimony of an architect, developer, real estate consultant, appraiser, or other professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.

E. Economic incentives and/or funding available to the applicant through federal, state, city, or private programs.

3. Procedure for Determination of Economic Hardship. The Preservation Commission may establish a three-person economic review panel. If such a review panel is established it shall adhere to the following procedures. This panel shall be comprised of three real estate and redevelopment experts knowledgeable in real estate economics in general, and more specifically, in the economics of renovation, redevelopment and other aspects of rehabilitation. The panel shall consist of one person selected by the Preservation Commission, one person selected by the applicant, and one person selected by the first two appointees. If the first two appointees cannot agree on a third person within thirty days of the date of the initial public hearing, the third appointee shall be selected by the Mayor within five days after the expiration of the thirty-day period.

A. Review of Evidence. All of the evidence and documentation presented to the Preservation Commission shall be made available to and reviewed by the economic review panel. The economic review panel shall convene a meeting to review the evidence of economic hardship in relation to the standards set forth in subsection 2 of this section. The economic review panel may, at its discretion, convene a public hearing to receive testimony by any interested party.

B. Report of Economic Review Panel. Within forty-five days after the economic review panel is established, the panel shall complete an evaluation of economic hardship, applying the standards set forth in subsection 2 of this section and shall forward a written report with its findings of fact and conclusions to the Preservation Commission.

C. Preservation Commission Determination Of Economic Hardship. At the next regular Preservation Commission meeting following receipt of the report of the economic review panel, the Commission shall reconvene its public hearing to take final action on the application.

(1) Finding Of Economic Hardship. If after reviewing all of the evidence, the Commission finds that the application of the standards set forth in subsection 2 of this section results in economic hardship, then the Commission shall issue a certificate of appropriateness for demolition.

(2) Denial Of Economic Hardship. If the Commission finds that the application of the standards set forth in subsection 2 of this section does not result in economic hardship then the certificate of appropriateness for demolition shall be denied.

(3) Consistency With The Economic Review Panel Report. The Commission's decision shall be consistent with the conclusions reached by the economic review panel unless, based on all of the evidence and documentation presented to the Commission, the Commission finds by a vote of three-fourths (3/4) majority of a quorum present that the economic review panel acted in an arbitrary manner, or that its report was based on an erroneous finding of a material fact.

24.24 DEMOLITION PROCEDURES. The purpose of this section is to preserve and protect, through advance notice of their proposed demolition, significant buildings within the City which constitute or reflect distinctive features of the architectural, cultural, political, economic or social history of the City; to encourage owners of significant buildings to seek ways to preserve, rehabilitate, or restore such buildings, rather than demolish them; and by furthering these purposes to promote the public welfare, to preserve the resources of the City, and to make the City a more attractive and desirable place in which to live. To achieve these purposes, the Commission is empowered to advise the Director of Public Works with respect to the issuance of permits for demolition.

1. The Director of Public Works, on the day of receipt of an application for demolition of a significant building or within the next five successive business days, shall cause a copy of each such application for a demolition permit to be forwarded to (or shall satisfy himself that a duplicate of such application has been submitted to) the Commission. No demolition permit shall be issued at that time.
2. The Commission shall fix a reasonable time, within 30 days of receiving a copy of such application, for a hearing on the application and shall give public notice thereof by publishing notice of the time, place, and purpose of the hearing at least fourteen days before said hearing and also, within seven days of said hearing, mail a copy of said notice to the applicant, to the owners of all adjoining properties and all property deemed by the Commission to be, to the Planning Commission.
3. If, after such hearing, the Commission determines that the demolition of the building would not be detrimental to the historical or

architectural heritage or resources of the City, the Commission shall so notify the Director of Public Works within ten (10) days of such determination.

4. If the Commission determines that the demolition of the building would be detrimental to the historical or architectural heritage or resources of the City, such building shall be considered a significant building.

5. Upon a determination by the Commission that the building which is the subject of the application for a demolition permit is a significant building, the Commission shall so advise the applicant and the Director of Public Works, and no demolition permit may be issued until at least twelve months after the date of the application for demolition.

6. Notwithstanding the preceding subsection, the Director of Public Works may issue a demolition permit for a significant building at any time after the receipt of written advice from the Commission to the effect that either;

A. The Commission is satisfied that there is no reasonable likelihood that either the owner or some other person or group is willing to purchase, preserve, rehabilitate or restore such building, or

B. The Commission is satisfied that for at least twelve months the owner has made continuing, bona fide and reasonable efforts to locate a purchaser to preserve, rehabilitate and restore the subject building, and that such efforts have been unsuccessful.

7. No permit for erection of a new structure on the site of an existing significant building may be issued prior to issuance of a permit for demolition of such existing building.

24.25 EMERGENCY DEMOLITION. Nothing in this chapter shall be construed to detract in any way from the authority of the Director of Public Works. However, before acting pursuant to this chapter, the Director of Public Works shall make every reasonable effort to inform the Commission of the Director's intentions to cause demolition before the Director initiates same.

24.26 WAIVER. The Director of Public Works shall have the power to vary or waive any provision of the City's Building, Electrical, Housing, Mechanical, or Plumbing Codes pursuant to such codes, in any case in which the Director determines that such variance or waiver does not endanger the public health or safety, and such action is necessary for the continued historical preservation of a landmark.

24.27 VIOLATIONS. Any person, firm, or corporation violating any of the terms of this chapter shall be deemed guilty of a municipal infraction or misdemeanor and shall be punishable in accordance with the provisions of this Code of Ordinances. Each day a violation occurs shall constitute a separate offense. The remedies herein provided shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

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CHAPTER 25

AIRPORT ZONING COMMISSION

25.01 Airport Zoning Commission
25.02 Terms of Office

25.03 Removal; Vacancies
25.04 Powers and Duties

25.01 AIRPORT ZONING COMMISSION. There shall be an Airport Zoning Commission consisting of five members, two of whom shall be selected by the Board of Supervisors of the County, two of whom shall be selected by the Council, and one additional member to act as Chairperson shall be selected by a majority vote of the members selected by the County and City as herein provided.

(Code of Iowa, Sec. 329.9)

25.02 TERMS OF OFFICE. The terms of the members of the Commission shall be six years. Appointments shall be made every two years of one-third the total number or as near as possible, to provide for staggered terms.

(Code of Iowa, Sec. 329.9)

25.03 REMOVAL; VACANCIES. Members of the Commission may be removed for cause by the appointing authority upon written charges after public hearing. Vacancies shall be filled for the unexpired term of any member whose office becomes vacant in the same manner in which said member was selected.

(Code of Iowa, Sec. 329.9)

25.04 POWERS AND DUTIES. The Commission shall have all the powers, duties and authority vested in it by the laws of the State, now in effect or which may be hereafter enacted, and by resolution and ordinances of the County and City.

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CHAPTER 26

AIRPORT COMMISSION

26.01 Airport Commission
26.02 Appointment and Term
26.03 Vacancies
26.04 Compensation

26.05 Bond
26.06 Officers
26.07 Powers and Duties
26.08 Annual Report

26.01 AIRPORT COMMISSION. There shall be an Airport Commission consisting of five resident voters of the City.

(Code of Iowa, Sec. 330.20)

26.02 APPOINTMENT AND TERM. Commissioners shall be appointed by the Council for staggered terms of six years.

(Code of Iowa, Sec. 330.20)

26.03 VACANCIES. Vacancies shall be filled by appointment of the Council to fill out the unexpired term for which the appointment was made.

(Code of Iowa, Sec. 330.20)

26.04 COMPENSATION. Members of the Commission shall serve without compensation.

(Code of Iowa, Sec. 330.20)

26.05 BOND. Each Commissioner shall execute and furnish a bond in the amount of one thousand dollars (\$1,000.00) which bond shall be filed with the City Clerk.

(Code of Iowa, Sec. 330.20)

26.06 OFFICERS. The Commission shall elect from its own members a Chairperson and Secretary who shall serve for such term as the Commission shall determine.

(Code of Iowa, Sec. 330.20)

26.07 POWERS AND DUTIES. The Commission shall have and exercise the following powers and duties.

1. General. The Commission has all the powers in relation to airports granted to cities under State law except powers to sell the airport.

(Code of Iowa, Sec. 330.21)

2. Budget. The Commission shall annually certify the amount of tax to be levied for airport purposes, and upon such certification the Council may include all or a portion of said amount in its budget.

(Code of Iowa, Sec. 330.21)

3. Funds. All funds derived from taxation or otherwise for airport purposes shall be under the full and absolute control of the Commission for the purposes prescribed by law, and shall be deposited with the Treasurer or City Clerk to the credit of the Airport Commission, and shall be disbursed only on the written orders of the Airport Commission, including the payment of all indebtedness arising from the acquisition and construction of airports and the maintenance, operation, and extension thereof.

(Code of Iowa, Sec. 330.21)

26.08 ANNUAL REPORT. The Airport Commission shall immediately after the close of each municipal fiscal year, file with the City Clerk a detailed and audited written report of all money received and disbursed by the Commission during said fiscal year, and shall publish a summary thereof in an official newspaper.

(Code of Iowa, Sec. 330.22)

CHAPTER 27

CEMETERY BOARD OF TRUSTEES

27.01 Board Created	27.10 Unoccupied Lots
27.02 Board Organization	27.11 Fees and Charges
27.03 Board Control of Cemeteries	27.12 Corrections
27.04 Budget and Accounting	27.13 Perpetual Care
27.05 Records	27.14 Perpetual Care Charge
27.06 Employees	27.15 Exclusions
27.07 Cemetery Funds	27.16 Liability
27.08 Sale of Interment Rights	27.17 Violations - Penalties
27.09 Transfer of Interment Rights	

27.01 BOARD CREATED. There is hereby created within the City a Cemetery Board of Trustees.

27.02 BOARD ORGANIZATION. The Board shall consist of seven members (the Mayor, five individuals that are residents of the City and one that is a resident of Davis County), appointed by the Mayor with the approval of the City Council. Such trustees shall be appointed for a term of six years, one member's term expiring each year. The trustees shall choose from its membership a chairperson and a vice chairperson every two years. The City Clerk shall serve as the secretary of the Board of Cemetery Trustees.

Members shall serve without compensation, but may receive reimbursement for expenses incurred in the performance of their duties. Vacancies shall be filled in the same manner as the original appointment for the balance of the term.

27.03 BOARD CONTROL OF CEMETERIES. There is hereby conferred upon the Cemetery Board of Trustees the duty of general management of I.O.O.F. Cemetery and Bloomfield Cemetery and any other cemeteries that may in the future be deeded to and come under the jurisdiction and control of the City. They shall have and exercise in connection therewith all of the powers and duties imposed by law upon cities and towns in connection with the management of cemeteries except the power and authority to levy and impose taxes. The Board is empowered to accept gifts of real property, personal property and bequests, including trust funds; and to expend the funds received from such gifts or bequests as may be given by the donor or as determined by the Board.

The Board has the power to make rules related to the operation of the cemeteries under its control, subject to the approval of the rules by the Council. Such rules shall be either posted at the cemeteries or otherwise publicized in a manner to provide adequate notice to the using public.

The City Council shall establish rules that specify the cemetery's obligations in the event that interment spaces, memorials or memorializations are damaged or defaced by acts of vandalism. Such rules shall be given to the owner when lots are purchased and posted at the facility in a manner to provide adequate notice to the using public.

27.04 BUDGET AND ACCOUNTING. The Board shall annually prepare a budget for the next fiscal year, July 1 to June 30. The budget shall be subject to City Council approval. The procedures for preparation and submission shall be in accord with the rules and guidelines established by the City Administrator.

The revenue and expenditures shall be reported by the City Clerk or Fiscal Officer in the manner of other departmental expenditures and a copy shall be provided to each member of the Board and in the Clerk's report to the Council.

27.05 RECORDS. 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:

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

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

27.06 EMPLOYEES. The Board shall cooperate with the City Administrator in the allotment of time of City employees for cemetery purposes.

27.07 CEMETERY FUNDS.

1. The Board shall place in the treasury of the City all monies received other than those referred to in Subsection 2 of this section in a

fund known as the “cemetery fund,” and such monies shall be paid out upon the order of the Cemetery Board only.

2. Pursuant to Iowa Code Chapter 523I, a perpetual trust is established for I.O.O.F. Cemetery and Bloomfield Cemetery. As specified in Section 523I.502, the City has consented to be the trustee for the perpetual maintenance of interment spaces at I.O.O.F. and Bloomfield Cemeteries.

A. A perpetual trust with restricted funds is created, to be known and designated as the “perpetual care cemetery fund,” which shall be funded by the deposit of an amount equal to or greater than 20 percent of the gross selling price of \$50.00, whichever is more, for each sale of interment rights within the cemetery. The fund shall be administered in accordance with the purposes and provisions of Iowa Code Chapter 523I.

B. The perpetual care cemetery fund shall be maintained separate from all operating funds of the cemetery and the City and the principal of the fund shall not be reduced voluntarily except as specifically permitted by the Iowa Cemetery Act and applicable administrative regulations.

C. The sale or transfer of interment rights in the cemetery shall be evidenced by a certificate of interment rights or other instrument evidencing the conveyance of exclusive rights of interment upon payment in full of the purchase price. The agreement for interment rights shall disclose all information required by the Iowa Cemetery Act including the amount or percentage of money to be placed in the perpetual care cemetery fund.

D. The cemetery shall maintain a registry of individuals who have purchased interment rights in the cemetery subject to the care fund requirements of the Iowa Cemetery Act, including the amounts deposited in the perpetual care cemetery fund.

27.08 SALE OF INTERMENT RIGHTS. The sale of interment rights in the cemetery shall be evidenced by a certificate of ownership or other instrument evidencing the conveyance of exclusive rights of interment upon payment in full of the purchase price. The agreement for interment rights shall disclose all information required by Chapter 523I of the *Code of Iowa*. The payment of all fees and charges shall be made at the office of the City Clerk where receipts will be issued for all amounts paid. Said fees and charges shall be based upon the charges as established by the Board.

(Code of Iowa, Sec. 523I.310)

27.09 TRANSFER OF INTERMENT RIGHTS. The transfer of ownership of exclusive interment rights in the cemetery shall be conducted by the Clerk's office. Proof of ownership, and a notarized statement from owner(s) authorizing transfer will be provided prior to transfer being conducted. Applicable fees and charges shall be based upon the charges as established by the Board.

27.10 UNOCCUPIED LOTS. Any unoccupied lot will be presumed abandoned under the conditions set out in State law for reversions, and the City may sell such reverted lot, the proceeds from which shall be deposited in the perpetual care fund to provide for the care of any occupied area of the reverted property or there be no occupied portion, the proceeds from the sale portion may be invested, and the interest thereon be used wherever deemed useful for the care of cemetery.

27.11 FEES AND CHARGES. The Board shall, from time to time as conditions require, set prices for conveyance of a deed for lots, based on the size and location of each. The price shall include a portion for the perpetual care charge. The proceeds from the sale portion shall be deposited in the cemetery fund. The prices may be increased and the proportion for perpetual care changed when the Board finds that the needs of the cemetery require it. The Board shall also set charges for grave opening/closing, locating, or other services. A locate fee will not be assessed for individual government issued markers.

27.12 CORRECTIONS. The Board reserves and shall have the right to correct any errors that may be made in making either interments, disinterments, or removals, or in the description, transfer or conveyance of any interment property, either by canceling such conveyance and substituting and conveying in lieu thereof other interment property of equal value and similar location as far as possible, or as may be selected by the Board or in the sole discretion of the Board, by refunding the amount of money paid on account of the purchase. In the event such error shall involve the interment of the remains of any person in such property, the Board reserves the right to remove and transfer such remains to such other property of equal value and similar location as far as reasonably possible may be substituted and conveyed in lieu thereof.

27.13 PERPETUAL CARE. The Board 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 Board shall provide for the payment of interest annually to the Cemetery Board of Trustees, or to the person in charge of the cemetery 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, and 523I.508)

27.14 PERPETUAL CARE CHARGE. The purchase price of a lot shall include a portion to be called the perpetual care charge, to be set as a percentage of the full price, and the Clerk shall deposit such amount to a cemetery perpetual care fund. The Board may accept gifts or donations of land, money, or investment assets to be placed on the credit of the perpetual care fund. The assets of the perpetual care fund shall be invested by the treasurer as permitted by state law for municipal cemetery investments. The Board shall use the income from such investments in caring for the property of the donor, or as provided in the terms of such gift or donation, or as agreed in the instrument for sale and purchase of cemetery lot. Nothing herein required shall be construed as destroying any vested right as to investments heretofore made prior to the date that the City acquired title to the cemetery or the fund, but such investments may be continued until their maturity, then reinvested according to the provisions of this section.

27.15 EXCLUSIONS. Perpetual care does not include marker upkeep.

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

27.17 VIOLATIONS - PENALTIES. The violation of any provision of this chapter or the rules posted or publicized as provided in this chapter shall constitute a simple misdemeanor.

(Ch. 27 – Ord. 711 – Aug. 21 Supp.)

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CHAPTER 28

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR

28.01 Appointment and Compensation
28.02 Powers and Duties

28.03 Committee

28.01 APPOINTMENT AND COMPENSATION. The Council shall appoint by majority vote a Community and Economic Development Director for the City of Bloomfield. The Director shall receive such compensation as established by resolution of the Council.

28.02 POWERS AND DUTIES. The Director shall identify needs and prepare programs to meet those needs including business expansion, retention, business and industry attraction and recruitment, enhancement of tourism, recreation and vitalization of the downtown area. The Director shall routinely develop plans and make recommendations to the Council that will encourage economic development and growth within the community. The Director shall evaluate related programs and make recommendations to the City Council with regard to the same. The Director shall inform and advise the City Council of departmental needs. The Director shall prepare an annual budget and present such budget to the Council, including a one-year detailed schedule of events, expenses and plans and a three-year development outlook. Such plan shall outline development goals for the coming year. The Director shall establish and maintain relationships with local and county civic and government officials, organizations, members of local industries and the Iowa Department of Economic Development and other economic development organizations and attend meetings of such as required. The Director shall develop and implement marketing plans to promote jobs, revenue and business expansion goals and to recruit and retain companies in the community. The Director shall represent the community at seminars, classes, trade shows and other economic development junctions. The Director shall attend City Council meetings and the Economic Development Board meetings and make timely reports to the City Council and the Economic Development Board. The Director shall provide technical support on economic development issues to clients, potential employers and business entities and shall facilitate an annual community economic development strategic planning session.

28.03 COMMITTEE. It is hereby established a five-member or seven-member committee, to be known as the Bloomfield Area Development Group, said group consisting of the Mayor, two members of the Bloomfield City Council appointed by the Mayor and approved by the City Council and two or four citizens of Davis County, Iowa, appointed by the Mayor and approved by the City Council. The members of the Bloomfield Area Development Group shall serve a term of two years. Vacancies shall be filled by appointment of the Mayor and approved by the Bloomfield City Council to fill an unexpired term for which the appointment was made. Members of the committee shall serve without compensation. The Bloomfield Area Development Group shall meet at such times as the meeting is called by the Mayor or two members of the Bloomfield Area Development Group. The Committee shall meet with the community and economic Director to formulate plans and recommendations to the Bloomfield City Council to promote community and economic development of the City of Bloomfield, Iowa, and shall report to the City Council at least semi-annually. The Bloomfield Area Development Group shall elect, from its members, a chairman, vice chairman, secretary and such other officers it deems necessary every two years.

(Ch. 28 - Ord. 624 – Oct. 06 Supp.)

CHAPTER 30

POLICE DEPARTMENT

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

30.07 Police Chief: Duties
30.08 Departmental Rules
30.09 Summoning Aid
30.10 Taking Weapons
30.11 Residency Requirement

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

30.06 PEACE OFFICERS APPOINTED. The Mayor shall appoint and dismiss the Police Chief subject to the consent of a majority of the Council. The Mayor shall also select, subject to the approval of Council, the other members of the department.

(Code of Iowa, Sec. 372.4)

30.07 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.

30.08 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 RESIDENCY REQUIREMENT. (Repealed by Ordinance No. 652-A – Jul. 10 Supp.)

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CHAPTER 31

RESERVE POLICE FORCE

31.01 Membership
31.02 Appointment

31.03 Service
31.04 Employees

31.01 MEMBERSHIP. Membership in said Reserve Police Force shall be as prescribed in the reserves bylaws, rules, and regulations and shall be subject to the approval of the Mayor and Chief of Police. Additionally, each applicant for said Reserve Police Force shall meet the following criteria:

1. A full check of the applicant's background and personal history shall be conducted and approved by the Chief of Police.
2. Each applicant must pass a physical agility test to determine the fitness of the applicant for law enforcement duty.
3. No member of the Bloomfield Reserve Police Force shall at any time be authorized to carry a firearm unless they have received certification by the Iowa Law Enforcement Academy to include proper training for the use and carrying of a striking instrument, the use and carrying of pepper spray, a minimum of thirty hours of firearm instruction and the carrying of a weapon approved by the City Council (per Iowa Code 80D.7).
4. No member of the Bloomfield Reserve Police Force shall at any time be authorized to drive any vehicle owned, leased, or under the control of the City of Bloomfield, Iowa, until they have successfully completed a defensive driving course offered by the Iowa Law Enforcement Academy.
5. Each candidate shall be subject to a probationary period of not less than six months after completion of the minimum training course required by the Iowa Law Enforcement Academy. The above Criteria 4 and 5 may be waived by the Mayor or a supervisor of the Bloomfield Police Department if they reasonably believe an emergency or dangerous condition exists and direct the reservist to act. When the emergency or dangerous condition has ceased, the above criteria shall again apply.

31.02 APPOINTMENT. Members of the Reserve Police Force shall be appointed by and shall serve at the discretion of the Chief of Police and the Council (per 30.02 and 30.06) of the City of Bloomfield, Iowa, and may be removed by either of said officials at any time without cause. Membership in the Reserve Police Force shall be limited in size to no more than five reservists

unless otherwise directed by the Mayor, the Chief of Police and approved by the Council in time of emergency.

31.03 SERVICE. Reserve peace officers shall serve as peace officers on the orders and discretion of the Chief of Police. While in the actual performance of official duties, reserve peace officers shall be vested with the same right, privileges, obligations, and duties as any other peace officers.

(Iowa Code Section 80D.6)

31.04 EMPLOYEES. Members of the Reserve Police Force shall be considered employees of the City during those periods when they are performing police duties as authorized and directed by the Chief of Police, and they shall receive a salary of one dollar per year. However, said reserve members shall not be entitled to any benefits or obligations of police retirement benefits, labor agreement or civil service, except workers' compensation (Iowa Code Section 80D.12) and liability insurance coverage (Iowa Code Section 80D.13).

(Ch. 31 – Ord. 710 – Aug. 21 Supp.)

CHAPTER 35

FIRE DEPARTMENT

35.01 Establishment and Purpose
35.02 Organization
35.03 Approved by Council
35.04 Training
35.05 Compensation
35.06 Fire Chief Appointed
35.07 Fire Chief: Duties
35.08 Obedience to Fire Chief

35.09 Constitution
35.10 Accidental Injury Insurance
35.11 Liability Insurance
35.12 Calls Outside City
35.13 Mutual Aid
35.14 Authority to Cite Violations
35.15 Fees and Charges

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 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.

35.04 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])

35.05 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])

35.06 FIRE CHIEF APPOINTED. The Council shall appoint the Fire Chief for a term of one year or to fill a vacancy. The Council shall be furnished the department's attendance records for drills, meetings and fires, and shall give due consideration to such records in approving the appointment of a Fire Chief. The Council may remove the Fire Chief by written order setting out the reasons for removal which shall be filed with the City Clerk.

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

35.07 FIRE CHIEF: DUTIES. The Fire Chief shall perform all duties required of the Fire Chief by law or ordinance, including but not limited to the following:

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

1. **Enforce Laws.** Enforce ordinances and laws regulating fire prevention and the investigation of the cause, origin and circumstances of fires.

2. **Technical Assistance.** Upon request, give advice concerning private fire alarm systems, fire extinguishing equipment, fire escapes and exits and development of fire emergency plans.

3. **Authority at Fires.** When in charge of a fire scene, 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.** When in charge of a fire scene, 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 other 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, 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.

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

35.09 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.

35.10 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)

35.11 LIABILITY INSURANCE. The Council shall contract to insure against liability of the City or members of the department for injuries, death or property damage arising out of and resulting from the performance of departmental duties within or outside the corporate limits of the City.

(Code of Iowa, Sec. 670.2 & 517A.1)

35.12 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])

35.13 MUTUAL AID. Subject to approval by resolution of the Council, the department may enter into mutual aid agreements with other legally constituted fire departments. Copies of any such agreements shall be filed with the Clerk.

(Code of Iowa, Sec. 364.4 [2 & 3])

35.14 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)

35.15 FEES AND CHARGES.

1. Fire Service Charges.

Vehicle Fires / Vehicle Accidents	\$250
Jaws of Life, an additional	\$350
Grass Fires	
If a set fire becomes uncontrollable and prior notification was given to the Davis County Law Enforcement Dispatch Center	\$250
Without prior notification given	\$500
Residential Fires / Residential Structures	\$1,000

<p>Commercial Structure Fires</p> <p style="padding-left: 40px;">If fire or investigation of the fire event exceeds two hours in duration, an additional \$350 per hour, billed in half-hour increments, is charged</p> <p style="padding-left: 40px;">Replacement costs of any equipment of firefighting material is charged</p>	<p>\$2,500</p>
<p>Hazardous Material Response</p> <ul style="list-style-type: none"> • Plus, \$45/firefighter/hour • Plus, replacement cost of hazmat materials • Costs billed in 15-minute increments after the first hour 	<p>\$350/truck/hour</p>

All fees will be charged at the discretion of the Bloomfield Fire Chief.

2. The Fire Chief shall forward all invoices for services rendered by the Bloomfield Volunteer Fire Department to the City Clerk. The City Clerk is hereby directed to issue invoices for such fires, and to collect such fees on behalf of the City of Bloomfield and to deposit such fees in the City’s general fund.

(Ord. 699 – Aug. 19 Supp.)

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CHAPTER 36

HAZARDOUS SUBSTANCE SPILLS

36.01 Purpose

36.02 Definitions

36.03 Cleanup Required

36.04 Liability for Cleanup Costs

36.05 Notifications

36.06 Police Authority

36.07 Liability

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

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

1. “Cleanup” means actions necessary to contain, collect, control, identify, analyze, clean up, treat, disperse, remove or dispose of a hazardous substance.

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

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

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

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

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

4. “Responsible person” means a person who at any time produces, handles, stores, uses, transports, refines, or disposes of a hazardous substance, the release of which creates a hazardous condition, including bailees, carriers, and any other person in control of a hazardous substance when a hazardous condition occurs, whether the person owns the hazardous substance or is operating under a lease, contract, or other agreement with the legal owner of the hazardous substance.

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

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

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

1. The reasonable cleanup costs incurred by the City as a result of the failure of the responsible person to clean up a hazardous substance involved in a hazardous condition.
2. The reasonable costs incurred by the City to evacuate people from the area threatened by a hazardous condition caused by the person.

3. 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.

36.05 NOTIFICATIONS.

1. A person manufacturing, storing, handling, transporting, or disposing of a hazardous substance shall notify the State Department of Natural Resources and the Fire Chief of the occurrence of a hazardous condition as soon as possible but not later than six (6) hours after the onset of the hazardous condition or discovery of the hazardous condition. The Fire Chief shall immediately notify the Department of Natural Resources.

2. Any other person who discovers a hazardous condition shall notify the Fire Chief, who shall then notify the Department of Natural Resources.

36.06 POLICE AUTHORITY. If the circumstances reasonably so require, the Fire Chief or an authorized representative may:

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

No person shall disobey an order of the Fire Chief issued under this section.

36.07 LIABILITY. The City shall not be liable to any person for claims of damages, injuries, or losses resulting from any hazardous condition, unless the City is the responsible person as defined in Section 36.02[4].

[The next page is 179]

CHAPTER 39

NOISE CONTROL

39.01 Purpose	39.05 Vehicle Noise Limits
39.02 Definitions	39.06 Permits
39.03 Measurement of Noise and Sound	39.07 Maximum Sound to Be Permitted
39.04 Test Measurement and Requirements for Determination and Classification of Sound	39.08 Exceptions
	39.09 Penalties for Offenses Pertaining to Noise Control

39.01 PURPOSE. It is the purpose of this chapter to prevent excessive sound which is a serious hazard to the public health and welfare and to the quality of life in the City of Bloomfield.

39.02 DEFINITIONS. All terminology used in this chapter and not defined below shall be in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body.

1. “A-weighted sound level (sound level)” means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read shall be designated dB(A) or dBA.
2. “Decibel” means a logarithmic and dimensionless unit of measure often used in describing the amplitude of sound. Decibel is denoted as dB.
3. “Emergency work” means work made necessary to restore property to a safe condition following a public calamity, work to restore public utilities, or work required to protect persons or property from imminent danger.
4. “Emergency vehicle” means a motor vehicle used in response to a (public) calamity or to protect persons or property from imminent danger.
5. “Gross vehicle weight” means the value specified by the manufacturer as the loaded weight of a vehicle.
6. “Person” means any individual, association, partnership, corporation or officer thereof.
7. “Sound” means a temporal and spatial oscillation in pressure, or other physical quantity, in a medium with internal forces that causes compression and rarefaction of that medium, and which propagates at finite speed to distant points.
8. “Sound level meter” means an instrument, including a microphone, amplifier, output meter and weighting networks, that is

sensitive to pressure fluctuations. The output meter reads sound pressure level in decibels when properly calibrated and the instrument is of Type 2 or better as specified in American National Standards Institute Publication SI. 4-1971, or its successor publication.

39.03 MEASUREMENT OF NOISE AND SOUND. The measurement of sound or noise shall be made with a sound level meter meeting the standards prescribed by the American National Standards Institute. The instruments shall be maintained in calibration and good working order. A calibration check shall be made of the system at the time of any noise measurement. Measurements recorded shall be taken so as to provide a proper representation of the noise source. The microphone during measurement shall be positioned so as not to create any unnatural enhancement or diminution of the measured noise. A windscreen for the microphone shall be used when required. The measurement shall be an A-weighted, slow response sound level.

39.04 TEST MEASUREMENT AND REQUIREMENTS FOR DETERMINATION AND CLASSIFICATION OF SOUND.

1. No person shall engage or participate in the making and creating of an excessive or unusually loud sound within the City heard and measured in the manner prescribed below, except when done under and in compliance with a permit issued pursuant to this chapter.
2. It shall be the duty of persons in a position of ownership, possession or control of premises to prevent such premises from being the site of activities producing sound levels in excess of what is permitted under this chapter. Failure or refusal to perform such duty shall constitute a violation of this section.
3. It shall be the duty of persons in positions of leadership or responsibility with respect to unincorporated associations, groups, gatherings, and assemblages of people to prevent such from causing or making sound levels in excess of what is permitted under this chapter. Failure or refusal to perform such duty shall constitute a violation of this section.
4. For the purpose of determining and classifying any sound as excessive or unusually loud, the following test measurement and requirements are to be applied:
 - A. The sound shall be measured at the edge of the City street or alley right-of-way reasonably appearing to be nearest to the source of the sound, or if in a park or agriculturally zoned area, approximately 25' from the source of the sound. When a complaint is received, a measurement may also be taken at a location on the property where the complaining party was disturbed.

B. The sound shall be measured on a sound level meter of standard design and quality operated in the “A” slow response weighting scale.

C. A sound measured or registered in excess of the maximum permitted levels according to the following table, is declared to be excessive and unusually loud and is unlawful.

Neighborhood Characteristics	Maximum Permitted
Residential	60 between 6:00 a.m. & 9:00 p.m., Monday-Friday 60 between 8:00 a.m. & 9:00 p.m., Saturday 60 between Noon & 9:00 p.m., Sunday
	55 between 9:00 p.m. & 6:00 a.m., Monday-Friday 55 between 9:00 p.m. & 8:00 a.m., Saturday 55 between 9:00 p.m. & Noon, Sunday
Commercial	65
Industrial	80
Park or Agriculturally Zoned	65

39.05 VEHICLE NOISE LIMITS. It shall be unlawful for any person to operate or for the owner to cause or permit to be operated within the public right-of-way in this City, any motor vehicle which emits a noise in excess of the dB(A) level established in this section.

1. The maximum allowable noise levels for motor vehicles shall be 75 dB(A) measured at a distance of twenty-five feet.
2. This section applies to the total noise from a motor vehicle and shall not be construed as limiting or precluding the enforcement of any other provisions of this ordinance.
3. No person shall modify the exhaust system of a motor vehicle or any other noise abatement device of a motor vehicle or operate any such vehicle or device in this City in a manner that the noise emitted by the motor vehicle is above that emitted by the vehicle as originally manufactured. Muffler cutouts, by-passes, or other devices which increase sound emitted shall be unlawful.
4. The sound shall be measured on a sound level meter of standard design and quality operated on the “A” slow response weighting scale.

39.06 PERMITS. Applications for a permit for relief from the provisions of this ordinance may be made to the City Administrator, or a duly authorized representative, pursuant to the following procedure:

1. All permits must be applied for in writing during normal business hours stating what devices are to be employed, where they are to be employed, on what date(s) and at what times of day they are to be used, the nature of the sounds to be produced or amplified and the number of people in attendance, and the persons responsible for the activity.
2. Permits granted shall state with reasonable specificity the date(s), location(s), time(s), nature of the sound, devices permitted, number of people in attendance, and the persons responsible for the activity.
3. Permits shall not be arbitrarily or unreasonably withheld nor shall the free expression of ideas or lawful speech be restrained, but sound and noise producing conduct having no communicative value and serving only to unreasonably disturb and disrupt the enjoyment of residences and normal pursuits shall be restrained.
4. The City Administrator may prescribe any conditions or requirements deemed necessary to minimize adverse effects upon the community or the surrounding neighborhood.

39.07 MAXIMUM SOUND TO BE PERMITTED. When a permit has been issued pursuant to this chapter or individuals are discharging fireworks as allowed under Ordinance No. 695, the sound levels listed in the following table shall be the maximum levels permitted:

Sound Level Limit in dB(A)*	Duration
80	24 hours
83	12 hours
86	6 hours
89	3 hours
90	1.5 hours

The above-stated duration for each sound level shall not be exceeded. The sound level shall be measured in the same manner as set out in 39.04(4).

39.08 EXCEPTIONS. The requirements, prohibitions, and terms of this chapter shall not apply to emergency work or to any authorized emergency vehicle, when responding to an emergency call or acting in time of emergency. The terms of this section shall not apply to those activities of a temporary duration, permitted by law and for which a license or permit therefor has been granted by the City, including but not limited to parades, fireworks displays, and the outdoor warning system, and all other authorized activities occurring on government property. Also excepted are

individual discharge of fireworks as allowed under Ordinance No. 695 as long as the discharge does not exceed the maximum sound noted in 39.07, nonprofessional athletic contests and all construction work.

39.09 PENALTIES FOR OFFENSES PERTAINING TO NOISE CONTROL.

1. A violation of any provision of Chapter 39, Noise Control, shall be a municipal infraction punishable by a penalty of \$50 for a person's first violation and \$100 for each repeat violation.
2. Alternatively, a violation of any provision of Chapter 39, Noise Control, can be charged by a peace officer of the City as a simple misdemeanor.

(Ch. 39 – Ord. 703 – Aug. 19 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

40.01 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. Provided, where the person doing any of the above enumerated acts is employed by a school district or accredited nonpublic school, or is an area education agency staff member who provides services to a school or school district, and intervenes in a fight or physical struggle, or other disruptive situation that takes place in the presence of the employee or staff member performing employment duties in a school building, on school grounds or at an official school function regardless of the location, the act is not an assault, whether the fight or physical struggle or other disruptive situation is between students or other individuals if the degree and the force of the intervention is reasonably necessary to restore order and to protect the safety of those assembled.

(Code of Iowa, Sec. 708.1)

40.02 HARASSMENT. No person shall commit harassment.

1. A person commits harassment when, with intent to intimidate, annoy or alarm another person, the person does any of the following:

A. 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.

(Code of Iowa, Sec. 708.7)

B. Places 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)

C. Orders 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)

D. Reports or causes 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)

2. A person commits harassment when the person, purposefully and without legitimate purpose, has personal contact with another person, with the intent to threaten, intimidate or alarm that other person. As used in this section, unless the context otherwise requires, "personal contact" means an encounter in which two or more people are in visual or physical proximity to each other. "Personal contact" does not require a physical touching or oral communication, although it may include these types of contacts.

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 a public offense.

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

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])

40.04 UNLAWFUL ASSEMBLY. It is unlawful for three 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)

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CHAPTER 41

PUBLIC HEALTH AND SAFETY

41.01 Distributing Dangerous Substances	41.08 Barbed Wire and Electric Fences
41.02 False Reports to or Communications with Public Safety Entities	41.09 Discharging Weapons
41.03 Refusing to Assist Officer	41.10 Throwing and Shooting
41.04 Harassment of Public Officers and Employees	41.11 Urinating and Defecating
41.05 Interference with Official Acts	41.12 Fireworks
41.06 Abandoned or Unattended Refrigerators	41.13 Drug Paraphernalia
41.07 Antenna and Radio Wires	41.14 Smoking Prohibition
	41.15 Pseudoephedrine Restrictions

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 OR COMMUNICATIONS WITH PUBLIC SAFETY ENTITIES. No person shall do any of the following:

(Code of Iowa, Sec. 718.6)

1. Report or cause to be reported false information to a fire department, a law enforcement authority or other public safety entity, knowing that the information is false, or report the alleged occurrence of a criminal act knowing the act did not occur.
2. Telephone an emergency 911 communications center, knowing that he or she is not reporting an emergency or otherwise needing emergency information or assistance.
3. Knowingly provide false information to a law enforcement officer who enters the information on a citation.

41.03 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)

41.04 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)

41.05 INTERFERENCE WITH OFFICIAL ACTS. No person shall knowingly resist or obstruct anyone known by the person to be a peace officer, emergency medical care provider 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, emergency medical care provider 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)

41.06 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.

1. It is unlawful for a person to discharge rifles, shotguns, revolvers, pistols, guns or other firearms of any kind within the City limits except by written consent of the Council.
2. No person shall intentionally discharge a firearm in a reckless manner.

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, BB guns 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. The sale, use or exploding of fireworks within the City are subject to the following:

1. Definition. For purposes of this section, definitions are enumerated in the Iowa Code Section 727.2 and 101A.1, which definitions are incorporated herein by reference thereto.
2. Sales – General Requirements.
 - A. Prior to any person engaging in the sale of consumer fireworks, the following shall be provided to the Fire Chief:
 - (1) License. Proof of valid license issued from the State Fire Marshal.
 - (2) Liability Insurance. Proof of liability insurance separate from the building property insurance specifically showing coverage of fireworks sales for an aggregate amount of \$2,000,000.
 - (3) Fire Inspection. Any property, building, or premise whether it be permanent or temporary, intended for the sale of consumer fireworks shall have an initial fire inspection completed by the Fire Chief prior to engaging in the sale of consumer fireworks. The Fire Chief or their designee shall cause an annual inspection to occur meeting the requirements of the National Fire Protection Code 1124 (2006 Edition) and the current fire code adopted by the City of Bloomfield. Inspection costs shall be assessed as follows:
 - (a) Permanent structure where fireworks are sold – annual inspection fee of \$100.

(b) Temporary or non-brick or mortar building where fireworks are sold – annual inspection fee of \$200.

B. Dates of Sale. It shall be unlawful to sell consumer fireworks without meeting the requirements specified in this ordinance, or to sell fireworks outside of the dates specified below.

(1) Approved consumer fireworks sales meeting the requirements of this chapter shall be allowed from an approved permanent structure or building between June 1 and July 8 and from December 10 until January 3.

(2) Approved consumer fireworks sales meeting the requirements of this chapter shall be allowed from an approved temporary structure between June 13 and July 8.

C. Safety Requirements. The following safety requirements shall be adopted for all locations where consumer fireworks are sold:

(1) Not more than 100 pounds of total aggregate weight of DOT 1.4 class consumer fireworks shall be located inside a commercial business with other mercantile products for sale.

(2) Not more than 500 pounds of total aggregate weight of DOT 1.4 class consumer fireworks shall be located inside a building where fireworks are the primary business.

(3) Not more than 1000 pounds of total aggregate weight of DOT 1.4 class consumer fireworks shall be located in a temporary structure used primarily for fireworks sales.

(4) Any permanent or temporary structure used primarily for the purpose of consumer fireworks sales shall be located 35 feet from a property line, public roadway, alley, or highway; and 70 feet from an inhabited building unless further restricted by requirements of the State Fire Marshall.

(5) Smoking, open flame source, or matches shall not be located within 50 feet where consumer fireworks are sold. The following exemptions apply:

(a) Lighters and matches may be sold as part of a retail business in commercial structures who

- engage in other merchandise sales where consumer fireworks are not the primary business.
- (b) Locations that engage in consumer fireworks sales as a primary source of revenue may sell extended lighters so long as lighters are located in a sealed package and not opened within the store premises.
- (6) All electrical wiring shall meet NFPA 70 National Electrical Code. Permanent structures or buildings used primarily for consumer fireworks sales shall meet wiring requirements for a hazardous location, including covered light fixtures to avoid sparks upon failure to damage to lights.
- (7) Locations shall maintain a 48-inch clear aisle between consumer fireworks display shelves.
- (8) Locations shall maintain two approved exits for egress during an emergency. All approved exits shall be clearly marked with signage; except that, exit signs shall be illuminated in permanent structures.
- (9) Consumer fireworks sales shall only be permitted in a single story at grade building or structure to facilitate easy exiting during an emergency.
- (10) Locations shall have a minimum of two 10 pound ABC rated fire extinguishers mounted in accordance with NFPA 10. Additional fire extinguishers shall be placed in locations to prevent travel distance exceeding 75 feet in order to reach a fire extinguisher.
- (11) All doors used as service doors outside the view of a clerk shall be locked to prevent unauthorized persons from entering the building unnoticed. If doors are approved exit doors as part of the two approved exits needed, they shall be operable without special tools, keys, or knowledge. Delayed or alarmed egress door are permitted so long as release is activated within 8 seconds.
- (12) No persons under the influence of alcohol, drugs, or narcotics, shall be allowed to remain in the business where consumer fireworks are sold as a primary business.
- (13) No more than one conex container or approved explosive magazine shall be located on site for short-term

storage of extra product. All containers shall be properly placarded and equipped with tamper proof locking devices. It is permitted to place containers in a security fenced area.

(14) Individual consumer fireworks devices or opened consumer fireworks packages shall not be permitted to be displayed. No open fuses shall be exposed during storage inside a sales location.

(15) Consumer fireworks sales shall only be allowed in areas zoned for commercial use.

(16) Any person engaged in consumer firework sales in any other zone other than commercial zoned areas shall not be approved for sales within the City limits.

(17) No person shall sell a DOT 1.4 class consumer firework to a person under the age of 18.

(18) Consumer fireworks shall not be sold to an intoxicated person or to any person whom a reasonable person would believe may be impaired by other substances.

3. Fireworks – Discharging General Requirements.

A. No person under the age of 18 shall discharge a DOT 1.4 class consumer firework without parental supervision.

B. A person shall only discharge a consumer fireworks device on real property they own or on property where consent has been given. Novelties, including snakes, sparklers, or caps, can be discharged on a public place so long as all trash, wrappers, and wires are properly disposed of.

C. Consumer fireworks shall not be discharged by persons showing visible signs of, or determined to be, intoxicated or under the influence of a drug or narcotic.

D. Any person discharging a consumer fireworks device assumes all responsibility for its operation and the consequences thereof. No person shall discharge a consumer fireworks device in a reckless manner or manner likely to cause death, injury, fire or property damage.

E. No person shall discharge a consumer fireworks device outside the following dates and hours:

(1) June 1 thru July 8 from the hours of 9am until 10pm. Exception: discharge hours are extended to 11pm on July 4th only.

(2) December 10 thru January 3 from the hours of 9am until 10pm. Exception: discharge hours are extended to 12:30am on January 1.

F. It shall be unlawful to alter, remove, or discharge components of a consumer fireworks device from its intended method of discharging.

G. Sky lantern open flame devices are not permitted to be released within the City limits, except if tethered by a retrievable rope so long as the person discharging has control over the sky lantern.

H. The City may, upon application in writing, grant a permit for the display of display fireworks on public property by a City agency, fair associations, amusement parks and other organizations or groups of individuals approved by City authorities when such display fireworks display will be handled by a competent operator. No permit shall be granted hereunder unless the operator or sponsoring organization has filed with the City evidence of insurance in the following amounts:

- (1) Personal Injury: \$250,000 per person
- (2) Property Damage: \$250,000
- (3) Total Exposure: \$1,000,000

I. All applications shall be carefully scrutinized to assure that no substance capable of being regulated, as defined by ICA Chapter 101A.1 is permitted.

4. Violations. All violations of any provisions of this chapter are hereby declared simple misdemeanors and/or municipal infractions. Violations may be prosecuted as either a misdemeanor criminal offense or a municipal infraction at the sole discretion of the Fire Chief or peace officer. Fines shall be set by resolution of the City Council. Violations of this chapter shall be reported to the State Fire Marshal.

5. Exceptions. This section does not prohibit the sale by a resident, dealer, manufacturer or jobber of such fireworks as are not prohibited; or the sale of any kind of fireworks if they are to be shipped out of state; or the sale or use of blank cartridges for a show or theater, or for signal purposes in athletic sports or by railroads or trucks for signal purposes, or by a recognized military organization. This section does not apply to

any substance or composition prepared and sold for medicinal or fumigation purposes.

6. Separate Violation. It shall be deemed a separate violation with respect to manner or method of discharge, restricting the placement in motion of objects, missiles, or projectiles, for any person to willfully or carelessly, throw, cast, hurl, bat, propel, discharge, or place in motion in the direction of any person where risk of being hit exists, or of any property, real or personal, where risk of damage exists.

(Section 41.12 – Ord. 695 – Aug. 19 Supp.)

41.13 DRUG PARAPHERNALIA.

1. As used in this section “drug paraphernalia” means all equipment, products or materials of any kind used or attempted to be used in combination with a controlled substance, except those items used in combination with the lawful use of a controlled substance, to knowingly or intentionally and primarily do any of the following:

- A. Manufacture a controlled substance.
- B. Inject, ingest, inhale or otherwise introduce into the human body a controlled substance.
- C. Test the strength, effectiveness or purity of a controlled substance.
- D. Enhance the effect of a controlled substance.

Drug paraphernalia does not include hypodermic needles or syringes if manufactured, delivered, sold or possessed for a lawful purpose.

2. It is unlawful for any person to knowingly or intentionally manufacture, deliver, sell or possess drug paraphernalia.

(Code of Iowa, Sec. 124.414)

41.14 SMOKING PROHIBITION.

1. Definitions. The following terms are defined for use in this section:

- A. “City facilities” means buildings owned or operated by the City, including owned or operated outdoor areas of the lot or parcel on which the building is situated.
- B. “Smoking” means inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, weed, or plant in any manner or in any form.

2. Smoking Prohibition. Smoking is prohibited in the following areas:
 - A. Pool and Ball Fields.
 - B. City Facilities.
 - C. Inside motor vehicles owned or operated by the City.
3. Exempt Areas. Notwithstanding any other provision of this section to the contrary, City streets, easements, sidewalks and trails are exempt from the provisions of this section.
4. Posting of Signs.
 - A. “No Smoking” signs or the international “No Smoking” symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly and conspicuously posted outside every City facility.
 - B. All ashtrays and other smoking paraphernalia shall be removed from every area where smoking is prohibited under this section.
5. Enforcement.
 - A. Any citizen who desires to register a complaint under this section may initiate enforcement with the Police Chief.
 - B. Any person who violates the provisions of this section shall be subject to a civil penalty in accordance with Section 142B.6 of the Code of Iowa.
 - C. The provisions of this section shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws.

41.15 PSEUDOEPHEDRINE RESTRICTIONS. *(Repealed by Ord. 610 – May 06 Supp.)*

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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

42.01 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, exits 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 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 as defined in Section 714.1 of the Code of Iowa.

(Code of Iowa, Sec. 714.1)

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CHAPTER 45

ALCOHOL CONSUMPTION AND INTOXICATION

45.01 Persons Under Legal Age

45.03 Open Containers in Motor Vehicles

45.02 Public Consumption or Intoxication

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.

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

45.02 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.

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)

45.03 OPEN CONTAINERS IN MOTOR VEHICLES. *(See Section 62.07 of this Code of Ordinances.)*

CHAPTER 46

MINORS

46.01 Curfew

46.02 Cigarettes and Tobacco

46.03 Contributing to Delinquency

46.01 CURFEW. The purpose of this section is to regulate, by the establishment of a curfew, the hours minors may be upon the streets, alleys or other public places in the City.

1. Establishment. No person sixteen years of age or under shall be or remain upon any of the alleys, streets or public places or be in places of business and amusement in the City on nights of the week commencing Sunday through Thursday between 11:00 p.m. and 5:00 a.m. following, or on Friday or Saturday nights of the week between 12:00 midnight and 5:00 a.m. following, unless such person is accompanied by his or her parent, guardian or some other person having the legal custody of such person, except in case of any person sixteen years of age or under whose employment makes it necessary for such person to be upon such streets, alleys or public places between the aforesaid hours, and provided that this exception does not apply when the person sixteen years of age or under is playing, loafing, idling or unnecessarily loitering in or upon such streets, alleys or public places.

2. Parental Responsibility. No parent, guardian or other person having the legal care and custody of any person sixteen years of age or under shall willfully allow, suffer or permit such child, ward or other person sixteen years of age or under, while in such legal care and custody, to violate the provisions of this chapter.

3. Enforcement. Any peace officer of the City (while on duty) is empowered to arrest any minor who violates any of the provisions of this section, and such minor shall be returned to the custody of the parent, guardian or other person charged with the care and custody of said minor.

46.02 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.

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

46.03 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)

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CHAPTER 47

PARK REGULATIONS

47.01 Purpose
47.02 Use of Drives Required
47.03 Fires

47.04 Littering
47.05 Parks Closed
47.06 Camping
47.07 City Lake and City Lake Park

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 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 City.

47.03 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.

47.04 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.

47.05 PARKS CLOSED. No person, except those camping in designated areas, shall enter or remain within any park between the hours of 10:00 p.m. and 5:00 a.m.

47.06 CAMPING. No person shall camp in any portion of a park except in portions prescribed or designated by the Council, and the City may refuse camping privileges or rescind any and all camping privileges for cause.

47.07 CITY LAKE AND CITY LAKE PARK.

1. Definitions. The following terms are defined for use in this section:

A. "City Lake" means the water reservoir of the municipal waterworks of the City, and the streams and/or sources from which the water therein is taken for five miles above the point from which it is taken.

B. "City Lake Park" means the lands occupied by the Municipal Reservoir of the City, and all lands adjacent thereto, the title of which is owned by the City, including those lands presently under lease to the County Conservation Board of Davis County, Iowa.

C. "Water" or "waters" refers to the private waters of the City Waterworks Reservoir of the City, and the streams and/or sources from which the water therein is taken. Such water or waters are not public waters as defined in the statutes of Iowa.

2. Swimming and Boating Regulations Generally.

A. No person shall swim, dive, wade, float or bathe in the City Lake.

B. No person shall skate or slide upon ice on the surface of the City Lake within a distance of two hundred (200) feet of the dam of said lake.

C. Designated. No person shall place or operate on the City Lake any boat except rowboats, canoes propelled by hand or out board motor, sailboats or boats propelled by oars, electric trolling motors or outboard motor. All boats or crafts propelled in whole or part by combustion engine or mechanical apparatus other than a single electric trolling motor or an outboard motor are prohibited access to the City Reservoir. No jet skis are allowed. Lake Fisher will become a no wake lake allowing the use of outboard motors. Those violating this provision will be fined \$250.00 for not following the no wake policy.

(Ord. 685 – Oct. 16 Supp.)

3. Damaging or Destroying Property and Polluting Water Prohibited. It is unlawful for any one to damage, deface, destroy or otherwise inure any property in the City Lake Park. It is unlawful for any person to perform any act of omission or commission, the result of which act would tend to pollute the waters of the City Lake.

4. Parking. No person shall park any vehicles within the City Lake Park except in designated parkings areas.

5. Speed Restrictions. The maximum speed for all vehicles traveling upon the surfaced roadways of the City Lake Park is twenty (20) miles per hour.

6. Liability Provisions.

A. Any person exercising any right and/or privilege herein conferred shall be held to consent and agree that the incorporated

City, its officers, agents and/or employees shall not be liable for any damage by reason of any accident to such person or to his or her property occurring in connection with the exercise of such right or privilege.

B. Any person, while upon the land or water of the City Lake Park, will be held to covenant and agree to indemnify the incorporated City, its officers, agents and/or employees, and to hold them harmless from any and all claims for damages by reason of any accident and/or injury to such person or to his or her property, occurring while upon the land or water of the City Lake Park.

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CHAPTER 50

NUISANCE ABATEMENT PROCEDURE

50.01 Definition of Nuisance	50.08 Request for Hearing
50.02 Nuisances Enumerated	50.09 Abatement in Emergency
50.03 Other Conditions	50.10 Abatement by City
50.04 Nuisances Prohibited	50.11 Collection of Costs
50.05 Nuisance Abatement	50.12 Installment Payment of Cost of Abatement
50.06 Notice to Abate: Contents	50.13 Failure to Abate
50.07 Method of Service	50.14 Failure to Maintain

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.

(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:

(Code of Iowa, Sec. 657.2)

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.
2. **Filth or Noisome Substance.** Causing or suffering any offal, filth, excrement, or noisome substance to be collected or to remain in any place to the prejudice of others, including kennels.
(Ord. 662 – Mar. 12 Supp.)
3. **Impeding Passage of Navigable River.** Obstructing or impeding without legal authority the passage of any navigable river, harbor or collection of water.
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.
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.

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 62.08)**
7. 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)**
8. Air Pollution. Emission of dense smoke, noxious fumes or fly ash.
9. 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.
10. Dutch Elm Disease. Trees infected with Dutch Elm Disease. **(See also Chapter 151)**
11. 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.
12. 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.

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

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 shall cause to be served upon the property owner a written notice to abate the nuisance within a reasonable time after notice. †

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

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.

50.07 METHOD OF SERVICE. The notice may be in the form of an ordinance or sent by certified mail to the property owner.

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

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

† **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.

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 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 FAILURE TO MAINTAIN. Any property receiving multiple notices in the same year will be fined \$250.00 per notice beginning with the third notice. This applies to any Abatement Notices for the following:

CHAPTER 50

NUISANCE ABATEMENT PROCEDURE

1. Chapter 50 – Nuisance Abatement Procedures.
2. Chapter 51 – Junk and Junk Vehicles
3. Chapter 145 – Dangerous Buildings
4. Chapter 105 – Storage and Disposal of Solid Waste
5. Chapter 151 – Trees

(Ord. 632 – Dec. 07 Supp.)

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CHAPTER 51

JUNK AND JUNK VEHICLES

51.01 Definitions

51.02 Junk and Junk Vehicles Prohibited

51.03 Junk and Junk Vehicles a Nuisance

51.04 Exceptions

51.05 Notice to Abate

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

1. “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 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 junk.
2. “Junk vehicle” means any vehicle legally placed in storage with the County Treasurer or unlicensed and which has any of the following characteristics:
 - A. Broken Glass. Any vehicle with a broken or cracked windshield, window, headlight or tail light, or any other cracked or broken glass.
 - B. Broken, Loose or Missing Part. Any vehicle with a broken, loose or missing fender, door, bumper, hood, steering wheel or trunk lid.
 - C. Habitat for Nuisance Animals or Insects. Any vehicle which has become the habitat for rats, mice, or snakes, or any other vermin or insects.
 - D. Flammable Fuel. Any vehicle which contains gasoline or any other flammable fuel.
 - E. Inoperable. Any motor vehicle which lacks an engine or two or more wheels or other structural parts, rendering said motor vehicle totally inoperable, or which cannot be moved under its own power or has not been used as an operating vehicle for a period of thirty (30) days or more.

F. Defective or Obsolete Condition. Any other vehicle which, because of its defective or obsolete condition, in any other way constitutes a threat to the public health and safety.

Mere licensing of such vehicle shall not constitute a defense to the finding that the vehicle is a junk vehicle.

3. "Vehicle" means every device in, upon, or by which a person or property is or may be transported or drawn upon a highway or street, excepting devices moved by human power or used exclusively upon stationary rails or tracks, and includes without limitation a motor vehicle, automobile, truck, motorcycle, tractor, buggy, wagon, farm machinery, or any combination thereof.

51.02 JUNK AND JUNK VEHICLES PROHIBITED. It is unlawful for any person to store, accumulate, or allow to remain on any private property within the corporate limits of the City any junk or junk vehicle.

51.03 JUNK AND JUNK VEHICLES A NUISANCE. It is hereby declared that any junk or junk vehicle located upon private property, unless excepted by Section 51.04, constitutes a threat to the health and safety of the citizens and is a nuisance within the meaning of Section 657.1 of the Code of Iowa. If any junk or junk vehicle is kept upon private property in violation hereof, the owner of or person occupying the property upon which it is located shall be prima facie liable for said violation.

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

51.04 EXCEPTIONS. The provisions of this chapter do not apply to any junk or a junk vehicle stored within:

1. Structure. A garage or other enclosed structure; or
2. Salvage Yard. An auto salvage yard or junk yard lawfully operated within the City.

51.05 NOTICE TO ABATE. Upon discovery of any junk or junk vehicle located upon private property in violation of Section 51.03, the City shall within five (5) days initiate abatement procedures as outlined in Chapter 50 of this Code of Ordinances.

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

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CHAPTER 52

GRASS AND WEEDS

52.01 Purpose	52.06 Abatement Notice and Procedure
52.02 Definitions	52.07 Mowing in the Street
52.03 Cutting Specifications and Standards of Practice	52.08 Procedures and Requirements
52.04 Uniform Height Specifications	52.09 Application for Exception Permit
52.05 Noxious Weeds	

52.01 PURPOSE. The purpose of this chapter is to beautify and preserve the appearance of the City by requiring property owners and occupants to maintain grass lawns at a uniform height within the boundaries of their property and on abutting street right-of-way in order to prevent unsightly, offensive, or nuisance conditions.

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

1. “Curb,” “curb line” or “curbing” means the outer boundaries of a street at the edge of that portion of the street usually traveled by vehicular traffic.
2. “Cut” or “mow” means to mechanically maintain the growth of grass, weeds or brush at a uniform height.
3. “Owner” means a person owning private property in the City and any person occupying private property in the City.
4. “Parking” means that part of a street, avenue, or highway in the City not covered by a sidewalk and lying between the lot line or property line and the curb line or, on unpaved streets, that part of the street lying between the lot line or property line and that portion of the street usually traveled by vehicular traffic.

52.03 CUTTING SPECIFICATIONS AND STANDARDS OF PRACTICE.

1. Every owner shall cut, mow, and maintain all grass, weeds, and brush upon the owner’s property and adjacent to the curb line or outer boundary of any street, which shall include the parking area abutting the owner’s property, to a uniform height as defined in Section 52.04.
2. Every owner shall cut, mow, and maintain grass, weeds, and brush adjacent to the curb line, including the parking area abutting the owner’s property, in such a matter so as to be in conformity with and at

an even height with all other grass, weeds or brush growing on the remainder of the owner's property.

52.04 UNIFORM HEIGHT SPECIFICATIONS. Grass, weeds, and brush shall be cut, mowed, and maintained so as not to exceed the following height specifications:

1. Developed residential, business, and industrial areas – not to exceed eight inches (8”).
2. Infill residential lots – not to exceed eight inches (8”).
3. Undeveloped residential lots – not to exceed ten inches (10”).
4. Agriculture areas – not to exceed fifteen inches (15”).

52.05 NOXIOUS WEEDS.

1. Every property owner shall cut and control noxious weeds upon the owner's property and adjacent to the curb line or outer boundary of any street, which shall include the parking area abutting the owner's property, but cutting noxious weeds to ground level. The use of herbicides to eliminate or eradicate such weeds shall not appropriately abate the nuisance if the subject vegetation is in violation of the height limit.
2. Noxious weeds include any weed growth or plant designated as noxious by the State Department of Natural Resources rules and regulations or by the *Code of Iowa*.

52.06 ABATEMENT NOTICE AND PROCEDURE. Annual publication of Chapter 52 of this Code in an official newspaper shall serve as notice to property owners.

1. Upon discovery of the first violation of this chapter per subdivided lot within a mowing year, a notice shall be mailed by regular mail to the address of the property owner on file in the county records and shall include the following information:
 - A. A description of what constitutes the nuisance;
 - B. The location of the nuisance;
 - C. Act(s) necessary to abate the nuisance;
 - D. A reasonable time within which to complete the abatement, not to exceed five (5) calendar days; and
 - E. A statement that if the nuisance or condition is not abated as directed and within the time prescribed, the City will abate it and assess the costs against the property owner.

2. After the reasonable time period for the initial violation has passed, the City shall abate the nuisance without further notice.
3. Subsequent violations per subdivided lot in a mowing year shall not require notice prior to the City's abatement of the nuisance.
4. The City may abate the nuisance itself or by hiring an independent contractor. The property owner shall be charged \$125 per subdivided lot for the first abatement, and \$225 per subdivided lot for subsequent abatements in the same mowing year.
5. Collection of Costs. The Clerk shall send a statement of the total expense incurred by certified mail to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within one month, the Clerk shall certify the costs to the County Treasurer and such costs shall then be collected with, and in the same manner as, general property taxes.
6. The Mayor of his/her designee(s) shall be responsible for the enforcement of this chapter. Additionally, all sworn officers in the Police Department are authorized to post notices and submit abatement work orders to the Director of Public Works, who shall direct his department or an independent contractor to abate the nuisance.

52.07 MOWING IN THE STREET. No property owner shall cut, mow, or deposit in any fashion any grass, weeds, brush, or leaves upon a City street. Property owners found to be in violation of this section shall be fined \$30 for the first occurrence in a mowing year, and \$60 for subsequent violations.

52.08 PROCEDURES AND REQUIREMENTS. Allowable exceptions may be permitted to the uniform height specifications of this chapter in accordance with the rules and procedures as adopted by the Council for the establishment and maintenance of a native grass area. The Council may grant or deny an exception in accordance with the standards set forth herein and within the intent and purpose of this chapter. In granting an exception, the Council may prescribe and impose appropriate conditions, safeguards, and a specific time for the performance for which the exception will be permitted.

52.09 APPLICATION FOR EXCEPTION PERMIT. The Council reserves the right to declare any parcel or lot exempt from this chapter if it involves an agricultural purpose, conservation or other natural grass, flower or wildlife area, such exemption to be approved by the Council by motion and filed in writing with the Clerk. The Council may prescribe appropriate conditions and safeguards in conformity with this chapter and other chapters of this Code of Ordinances. Violation of such conditions and safeguards, when

made a part of the terms under which the exception is granted, shall be deemed a violation of this chapter.

(Ch. 52 – Ord. 715 – Aug. 21 Supp.)

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CHAPTER 55

ANIMAL PROTECTION AND CONTROL

55.01 Definitions	55.12 Confinement
55.02 Animal Neglect	55.13 At Large: Impoundment
55.03 Livestock Neglect	55.14 Fines
55.04 Abandonment of Cats and Dogs	55.15 Disposition of Animals
55.05 Livestock	55.16 Pet Awards Prohibited
55.06 At Large Prohibited	55.17 License Required
55.07 Damage or Interference	55.18 Application
55.08 Annoyance or Disturbance	55.19 Evidence of Rabies Vaccination Required
55.09 Vicious Dogs	55.20 Exemptions
55.10 Rabies Vaccination	55.21 License Fee
55.11 Owner's Duty	55.22 Issuance of Tags

55.01 DEFINITIONS. The following terms are defined for use in this chapter.

1. "Animal" means a nonhuman vertebrate.
(Code of Iowa, Sec. 717B.1)
2. "At large" means off the premises of the owner and not under the control of a competent person, restrained within a motor vehicle, or housed in a veterinary hospital or kennel.
3. "Livestock" means an animal belonging to the bovine, caprine, equine, ovine or porcine species, ostriches, rheas and emus; farm deer as defined in Section 170.1 of the Code of Iowa; or poultry.
(Code of Iowa, Sec. 717.1)
4. "Owner" means any person owning, keeping, sheltering or harboring an animal.

55.02 ANIMAL NEGLECT. It is unlawful for a person who impounds or confines, in any place, an animal, excluding livestock, to fail to supply the animal during confinement with a sufficient quantity of food or water, or to fail to provide a confined dog or cat with adequate shelter, or to torture, deprive of necessary sustenance, mutilate, beat, or kill such animal by any means which causes unjustified pain, distress or suffering.

(Code of Iowa, Sec. 717B.3)

55.03 LIVESTOCK NEGLECT. It is unlawful for a person who impounds or confines livestock in any place to fail to provide the livestock with care consistent with customary animal husbandry practices or to deprive the livestock of necessary sustenance or to injure or destroy livestock by any means

which causes pain or suffering in a manner inconsistent with customary animal husbandry practices.

(Code of Iowa, Sec. 717.2)

55.04 ABANDONMENT OF CATS AND DOGS. A person who has ownership or custody 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. 717B.8)

55.05 LIVESTOCK. It is unlawful for a person to keep livestock within the City except by written consent of the Council or except in compliance with the City's zoning regulations.

55.06 AT LARGE PROHIBITED. It is unlawful for any owner to allow an animal to run at large within the corporate limits of the City.

55.07 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.

55.08 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, by running after or chasing persons, bicycles, automobiles or other vehicles, or the unkept area of an animal, including kennels. *(Ord. 663 – Mar. 12 Supp.)*

55.09 VICIOUS DOGS. It is unlawful for any person to harbor or keep a vicious dog within the City. A dog 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.

55.10 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 said 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)

55.11 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)

55.12 CONFINEMENT. If a local board of health receives information that an animal has bitten a person or that a dog or animal is suspected of having rabies, the board 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 such board, and after ten (10) days the board may humanely destroy the animal. If such animal is returned to its owner, the owner shall pay the cost of impoundment. This section does not apply if a police service dog or a horse used by a law enforcement agency and acting in the performance of its duties has bitten a person.

(Code of Iowa, Sec. 351.39)

55.13 AT LARGE: IMPOUNDMENT. Animals found at large in violation of this chapter shall be seized and impounded at the impoundment facilities utilized by the City, or at the discretion of the peace officer, the owner may be served a summons to appear before a proper court to answer charges made thereunder.

55.14 FINES. The first violation of Section 55.06 and 55.08 will be a warning. The second offense will be a citation for \$100.00. The third offense will be a citation for \$250.00 and the animal will be impounded. If the animal is not claimed and all fines paid within seven days of impoundment for a third offense violation, the animal will be euthanized and all costs added to the owner's taxes.

(Ord. 654 – Mar. 12 Supp.)

55.15 DISPOSITION OF ANIMALS. When an animal has been apprehended and impounded, written notice shall be provided to the owner within two (2) days after impoundment, if 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 recovered by the owner upon payment of impounding costs, and if an unvaccinated dog, by having it immediately vaccinated. If the owner fails to redeem the animal within seven (7) days from the date that the notice is mailed, or if the owner cannot be located within seven days, the animal shall be disposed of in accordance with law or destroyed by euthanasia.

(Code of Iowa, Sec. 351.37, 351.41)

55.16 PET AWARDS PROHIBITED.

(Code of Iowa, Ch. 717.E)

1. Definitions. As used in this section, the following terms are defined:

A. "Advertise" means to present a commercial message in any medium including but not limited to print, radio, television, sign, display, label, tag or articulation.

B. "Business" means any enterprise relating to any of the following:

- (1) The sale or offer for sale of goods or services.
- (2) A recruitment for employment or membership in an organization.
- (3) A solicitation to make an investment.
- (4) An amusement or entertainment activity.

C. "Fair" means any of the following:

- (1) The annual fair and exposition held by the Iowa State Fair Board pursuant to Chapter 173 of the Code of Iowa or any fair event conducted by a fair under the provisions of Chapter 174 of the Code of Iowa.
- (2) An exhibition of agricultural or manufactured products.
- (3) An event for operation of amusement rides or devices or concession booths.

D. "Game" means a "game of chance" or "game of skill" as defined in Section 99B.1 of the Code of Iowa.

E. "Pet" means a living animal which is limited to a dog, cat or an animal normally maintained in a small tank or cage in or near a residence including but not limited to a rabbit, gerbil, hamster, mouse, parrot, canary, mynah, finch, tropical fish, goldfish, snake, turtle, gecko or iguana.

2. Prohibition. It is unlawful for any person to award a pet or advertise that a pet may be awarded as any of the following:

- A. A prize for participating in a game.
- B. A prize for participating in a fair event.
- C. An inducement or condition for visiting a place of business or attending an event sponsored by a business.

D. An inducement or condition for executing a contract which includes provisions unrelated to the ownership, care or disposition of the pet.

3. Exceptions. This section does not apply to any of the following:
 - A. A pet shop licensed pursuant to Section 162.5 of the Code of Iowa if the award of a pet is provided in connection with the sale of a pet on the premises of the pet shop.
 - B. Youth programs associated with 4-H Clubs; Future Farmers of America; the Izaak Walton League of America; or organizations associated with outdoor recreation, hunting or fishing including but not limited to the Iowa Sportsmen's Federation.

55.17 LICENSE REQUIRED. The owner of any dog six months old or older, except dogs kept in kennels for the purpose of breeding and sale or in shelter care facilities licensed by the State of Iowa, shall be responsible for applying for and acquiring a license for such dog as of May 1 of each year.

(Ord. 688 – Dec. 17 Supp.)

55.18 APPLICATION. The owner of any dog for which a license is required shall, on or before May 1 of each year, apply in writing on forms provided by the City Clerk for a license for each dog owned by the applicant, which application form shall be signed by the owner. The application shall show the breed, sex, age, color, approximate weight, markings, whether the dog is spayed or neutered, and name of the dog and the address and telephone number of the owner. Applications for a license for dogs over which ownership is acquired after May 1 or which dog has reached the age of six months shall be made within one month from the date of acquisition, or within one month after the dog reaches the age of six months. Applications should be submitted to the Bloomfield Police Department at the Davis County Law Center, 102 Anderson Street, Bloomfield, Iowa, 52537.

(Ord. 688 – Dec. 17 Supp.)

55.19 EVIDENCE OF RABIES VACCINATION REQUIRED. No dog shall be licensed hereunder unless the owner submits evidence that the dog has a current rabies vaccination certificate and the certificate of vaccination has been signed by a licensed veterinarian.

(Ord. 688 – Dec. 17 Supp.)

55.20 EXEMPTIONS.

1. The license fees hereinafter provided shall not apply to dogs owned by nonresidents temporarily within the City for a period of not more than 30 days, but shall apply to the dogs of any owner becoming a resident of the City within 30 days after establishing such residence.

2. A license shall not be required of kennel dogs, seeing eye dogs, hearing ear dogs and dogs specifically registered and certified as service dogs.

(Ord. 688 – Dec. 17 Supp.)

55.21 LICENSE FEE. The fee for the license described in Section 55.17 is \$5.00 per dog if the application described in Section 55.18 is properly submitted and received by the Bloomfield Police Department between January 1 and May 1 of the calendar year. The license fee shall be \$10.00 if the application is submitted and received by the Bloomfield Police Department between May 2 and December 31 of the calendar year, unless the application is submitted within one month of the date the owner acquires ownership of the dog or within one month of the dog reaching the age of six months, in which case the fee shall be \$5.00.

(Ord. 688 – Dec. 17 Supp.)

55.22 ISSUANCE OF TAGS.

1. When a dog is registered for licensing, a record of the breed, color, name of dog and name of the owner, together with the number of the license issued, shall be made of record in the City Clerk's office.
2. The City shall issue a license tag for each dog licensed, and such license tag shall be securely fixed to a suitable collar or harness on each dog licensed and worn by such dog at all times.
3. The dog tags required by this article shall not be transferable from one dog to another, and no refund shall be made on any dog license fee because of the death of the dog or by reason of the owner leaving the City before the expiration of the license period. Upon the filing of an affidavit that the license tag has been lost or destroyed, the owner may obtain another tag on the payment of \$1.00. The City Clerk shall keep a proper record of the issuance of duplicate tags.

(Ord. 688 – Dec. 17 Supp.)

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CHAPTER 60

ADMINISTRATION OF TRAFFIC CODE

60.01 Title	60.05 Traffic Accidents: Reports
60.02 Definitions	60.06 Peace Officer's Authority
60.03 Administration and Enforcement	60.07 Obedience to Peace Officers
60.04 Power to Direct Traffic	60.08 Parades Regulated

60.01 TITLE. Chapters 60 through 70 of this Code of Ordinances may be known and cited as the "Bloomfield 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 a highway when fifty percent (50%) or more of the frontage thereon for a distance of three hundred (300) feet or more is occupied by buildings in use for business.
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 Police Department.

(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)

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.

(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)

60.08 PARADES REGULATED. No person shall conduct or cause any parade on any street except as provided herein:

1. "Parade" Defined. "Parade" means any march or procession of persons or vehicles organized for marching or moving on the streets in an organized fashion or manner or any march or procession of persons or vehicles represented or advertised to the public as a parade.
2. Permit Required. No parade shall be conducted without first obtaining a written permit from the City Clerk. Such permit shall state the time and date for the parade to be held and the streets or general route therefor. Such written permit granted to the person organizing or sponsoring the parade shall be permission for all participants therein to parade when such participants have been invited by the permittee to participate therein. No fee shall be required for such permit.
3. Parade Not A Street Obstruction. Any parade for which a permit has been issued as herein required, and the persons lawfully participating therein, shall not be deemed an obstruction of the streets notwithstanding the provisions of any other ordinance to the contrary.
4. Control By Police and Fire Fighters. Persons participating in any parade shall at all times be subject to the lawful orders and directions in the performance of their duties of law enforcement personnel and members of the fire department.

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CHAPTER 61

TRAFFIC CONTROL DEVICES

61.01 Installation
61.02 Crosswalks
61.03 Traffic Lanes

61.04 Standards
61.05 Compliance

61.01 INSTALLATION. The Police Department shall cause to be placed and maintained traffic control devices when and as required under this Traffic Code or under State law or emergency or temporary traffic control devices for the duration of an emergency or temporary condition as traffic conditions may require to regulate, guide or warn traffic. The Police Department shall keep a record of all such traffic control devices.

(Code of Iowa, Sec. 321.255)

61.02 CROSSWALKS. The Police Department is hereby authorized, subject to approval of the Council by resolution, to designate and maintain crosswalks by appropriate traffic control devices at intersections where, due to traffic conditions, there is particular danger to pedestrians crossing the street or roadway, and at such other places as traffic conditions require.

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

61.03 TRAFFIC LANES. The Police Department is hereby authorized to mark lanes for traffic on street pavements at such places as traffic conditions require, consistent with the traffic code of the City. Where such traffic lanes have been marked, it shall be unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of any such lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

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

61.04 STANDARDS. Traffic control devices shall comply with standards established by *The Manual of Uniform Traffic Control Devices for Streets and Highways*.

(Code of Iowa, Sec. 321.255)

61.05 COMPLIANCE. No driver of a vehicle shall disobey the instructions of any official traffic control device placed in accordance with the provisions of this chapter, unless at the time otherwise directed by a peace officer, subject to the exceptions granted the driver of an authorized emergency vehicle under Section 321.231 of the Code of Iowa.

(Code of Iowa, Sec. 321.256)

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 Tampering with Vehicle

62.07 Open Containers in Motor Vehicles
62.08 Obstructing View at Intersections
62.09 Reckless Driving
62.10 Careless Driving
62.11 Engine/Compression Brakes Prohibited

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. Section 321.17 – Misdemeanor to violate registration provisions.
2. Section 321.32 – Registration card, carried and exhibited.
3. Section 321.37 – Display of plates.
4. Section 321.38 – Plates, method of attaching, imitations prohibited.
5. Section 321.79 – Intent to injure.
6. Section 321.91 – Penalty for abandonment.
7. Section 321.98 – Operation without registration.
8. Section 321.99 – Fraudulent use of registration.
9. Section 321.174 – Operators licensed.
10. Section 321.174A – Operation of motor vehicles with expired license.
11. Section 321.180 – Instruction permits.
12. Section 321.180B – Graduated driver’s licenses for persons aged fourteen through seventeen.
13. Section 321.193 – Restricted licenses.
14. Section 321.194 – Special minor’s licenses.
15. Section 321.216 – Unlawful use of license and nonoperator’s identification card.

16. Section 321.216B – Use of driver’s license or nonoperator’s identification card by underage person to obtain alcohol.
17. Section 321.216C – Use of driver’s license or nonoperator’s identification card by underage person to obtain cigarettes or tobacco products.
18. Section 321.219 – Permitting unauthorized minor to drive.
19. Section 321.220 – Permitting unauthorized person to drive.
20. Section 321.221 – Employing unlicensed chauffeur.
21. Section 321.222 – Renting motor vehicle to another.
22. Section 321.223 – License inspected.
23. Section 321.224 – Record kept.
24. Section 321.232 – Radar jamming devices; penalty.
25. Section 321.234A – All-terrain vehicles.
26. Section 321.235A – Electric personal assistive mobility devices.
27. Section 321.247 – Golf cart operation on City streets.
28. Section 321.257 – Official traffic control signal.
29. Section 321.259 – Unauthorized signs, signals or markings.
30. Section 321.260 – Interference with devices, signs or signals; unlawful possession.
31. Section 321.262 – Damage to vehicle.
32. Section 321.263 – Information and aid.
33. Section 321.264 – Striking unattended vehicle.
34. Section 321.265 – Striking fixtures upon a highway.
35. Section 321.275 – Operation of motorcycles and motorized bicycles.
36. Section 321.278 – Drag racing prohibited.
37. Section 321.288 – Control of vehicle; reduced speed.
38. Section 321.295 – Limitation on bridge or elevated structures.
39. Section 321.297 – Driving on right-hand side of roadways; exceptions.
40. Section 321.298 – Meeting and turning to right.
41. Section 321.299 – Overtaking a vehicle.

42. Section 321.302 – Overtaking and otherwise.
43. Section 321.303 – Limitations on overtaking on the left.
44. Section 321.304 – Prohibited passing.
45. Section 321.306 – Roadways laned for traffic.
46. Section 321.307 – Following too closely.
47. Section 321.308 – Motor trucks and towed vehicles; distance requirements.
48. Section 321.309 – Towing; convoys; drawbars.
49. Section 321.310 – Towing four-wheel trailers.
50. Section 321.312 – Turning on curve or crest of grade.
51. Section 321.313 – Starting parked vehicle.
52. Section 321.314 – When signal required.
53. Section 321.315 – Signal continuous.
54. Section 321.316 – Stopping.
55. Section 321.317 – Signals by hand and arm or signal device.
56. Section 321.319 – Entering intersections from different highways.
57. Section 321.320 – Left turns; yielding.
58. Section 321.321 – Entering through highways.
59. Section 321.322 – Vehicles entering stop or yield intersection.
60. Section 321.323 – Moving vehicle backward on highway.
61. Section 321.323A – Approaching certain stationary vehicles.
62. Section 321.324 – Operation on approach of emergency vehicles.
63. Section 321.324A – Funeral processions.
64. Section 321.329 – Duty of driver – pedestrians crossing or working on highways.
65. Section 321.330 – Use of crosswalks.
66. Section 321.332 – White canes restricted to blind persons.
67. Section 321.333 – Duty of drivers.
68. Section 321.340 – Driving through safety zone.
69. Section 321.341 – Obedience to signal of train.

70. Section 321.342 – Stop at certain railroad crossings; posting warning.
71. Section 321.343 – Certain vehicles must stop.
72. Section 321.344 – Heavy equipment at crossing.
73. Section 321.344B – Immediate safety threat; penalty.
74. Section 321.354 – Stopping on traveled way.
75. Section 321.359 – Moving other vehicle.
76. Section 321.362 – Unattended motor vehicle.
77. Section 321.363 – Obstruction to driver’s view.
78. Section 321.364 – Preventing contamination of food by hazardous material.
79. Section 321.365 – Coasting prohibited.
80. Section 321.367 – Following fire apparatus.
81. Section 321.368 – Crossing fire hose.
82. Section 321.369 – Putting debris on highway.
83. Section 321.370 – Removing injurious material.
84. Section 321.371 – Clearing up wrecks.
85. Section 321.372 – School buses.
86. Section 321.381 – Movement of unsafe or improperly equipped vehicles.
87. Section 321.381A – Operation of low-speed vehicles.
88. Section 321.382 – Upgrade pulls; minimum speed.
89. Section 321.383 – Exceptions; slow vehicles identified.
90. Section 321.384 – When lighted lamps required.
91. Section 321.385 – Head lamps on motor vehicles.
92. Section 321.386 – Head lamps on motorcycles and motorized bicycles.
93. Section 321.387 – Rear lamps.
94. Section 321.388 – Illuminating plates.
95. Section 321.389 – Reflector requirement.
96. Section 321.390 – Reflector requirements.
97. Section 321.392 – Clearance and identification lights.

98. Section 321.393 – Color and mounting.
99. Section 321.394 – Lamp or flag on projecting load.
100. Section 321.395 – Lamps on parked vehicles.
101. Section 321.398 – Lamps on other vehicles and equipment.
102. Section 321.402 – Spot lamps.
103. Section 321.403 – Auxiliary driving lamps.
104. Section 321.404 – Signal lamps and signal devices.
105. Section 321.404A – Light-restricting devices prohibited.
106. Section 321.405 – Self-illumination.
107. Section 321.406 – Cowl lamps.
108. Section 321.408 – Back-up lamps.
109. Section 321.409 – Mandatory lighting equipment.
110. Section 321.415 – Required usage of lighting devices.
111. Section 321.417 – Single-beam road-lighting equipment.
112. Section 321.418 – Alternate road-lighting equipment.
113. Section 321.419 – Number of driving lamps required or permitted.
114. Section 321.420 – Number of lamps lighted.
115. Section 321.421 – Special restrictions on lamps.
116. Section 321.422 – Red light in front.
117. Section 321.423 – Flashing lights.
118. Section 321.430 – Brake, hitch and control requirements.
119. Section 321.431 – Performance ability.
120. Section 321.432 – Horns and warning devices.
121. Section 321.433 – Sirens, whistles and bells prohibited.
122. Section 321.434 – Bicycle sirens or whistles.
123. Section 321.436 – Mufflers, prevention of noise.
124. Section 321.437 – Mirrors.
125. Section 321.438 – Windshields and windows.
126. Section 321.439 – Windshield wipers.
127. Section 321.440 – Restrictions as to tire equipment.

128. Section 321.441 – Metal tires prohibited.
129. Section 321.442 – Projections on wheels.
130. Section 321.444 – Safety glass.
131. Section 321.445 – Safety belts and safety harnesses; use required.
132. Section 321.446 – Child restraint devices.
133. Section 321.449 – Motor carrier safety regulations.
134. Section 321.450 – Hazardous materials transportation.
135. Section 321.454 – Width of vehicles.
136. Section 321.455 – Projecting loads on passenger vehicles.
137. Section 321.456 – Height of vehicles; permits.
138. Section 321.457 – Maximum length.
139. Section 321.458 – Loading beyond front.
140. Section 321.460 – Spilling loads on highways.
141. Section 321.461 – Trailers and towed vehicles.
142. Section 321.462 – Drawbars and safety chains.
143. Section 321.463 – Maximum gross weight.
144. Section 321.465 – Weighing vehicles and removal of excess.
145. Section 321.466 – Increased loading capacity; reregistration.

62.02 PLAY STREETS DESIGNATED. The Council 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 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 TAMPERING WITH VEHICLE. It is unlawful for any person, either individually or in association with one or more other persons, to willfully 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.

62.07 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.

62.08 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 is 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.

62.09 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)

62.10 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.

62.11 ENGINE/COMPRESSION BRAKES PROHIBITED.

1. All drivers operating trucks within the City shall not use the engine back-pressure braking/compression braking system, commonly known as “jake brakes”, and any such use shall be deemed a violation of this section and a simple misdemeanor with a scheduled fine as set out in subsection 3.

2. This section is in the interest of protecting citizens from unnecessary noise pollution within the City limits.

3. Penalty for the first violation of this section shall be set at \$250.00. The penalty for a second or subsequent violations of this section within a twelve-month period of the first violation shall be \$500.00 and/or imprisonment up to 30 days in jail.

4. Posting of Signs. New signs will be posted noting the use of engine/compression brakes is prohibited, noting the penalty and referencing the City Code section at the following locations:

A. At the north entrance to the City of Bloomfield on Highway 63.

B. At the east and west entrances to the City of Bloomfield on Highway 2.

C. At the east entrance to the City of Bloomfield on J40.

(Section 62.11 – Ord. 642 – Oct. 09 Supp.)

(Subsections 3 and 4 – Ord. 705 – Dec. 20 Supp.)

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CHAPTER 63

SPEED REGULATIONS

63.01 General

63.02 State Code Speed Limits

63.03 Cemeteries and Parking Lots

63.04 Special Speed Restrictions

63.05 Minimum Speed

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 STATE CODE SPEED LIMITS. The following speed limits are established in Section 321.285 of the Code of Iowa and any speed in excess thereof is unlawful unless specifically designated otherwise in this chapter as a special speed zone.

1. Business District – twenty (20) miles per hour.
2. Residence or School District – twenty-five (25) miles per hour.
3. Suburban District – forty-five (45) miles per hour.

63.03 CEMETERIES AND PARKING LOTS. A speed in excess of fifteen (15) miles per hour in any cemetery or parking lot, unless specifically designated otherwise in this chapter, is unlawful.

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

63.04 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 listed in Section 63.02 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. The following special speed zones have been established:

(Code of Iowa, Sec. 321.290)

1. Special 5 MPH Speed Zones. A speed in excess of five (5) miles per hour is unlawful on any of the following designated streets or parts thereof.
 - A. On Brown Street from Franklin Street to Locust Street.
2. Special 25 MPH Speed Zones. A speed in excess of twenty-five miles per hour is unlawful on any of the following designated streets or parts thereof.
 - A. On Washington Street from Locust Street to Chestnut Street.
 - B. On Jefferson Street from Columbia Street to Railroad Street.
3. Special 50 MPH Speed Zones. A speed in excess of fifty (50) miles per hour is unlawful on any of the following designated streets or parts thereof.
 - A. On Iowa Highway No. 2 from the east corporate limits to West Street;
 - B. On U.S. Highway No. 63 from the north corporate limits to the south corporate limits.

63.05 MINIMUM SPEED. A person shall not 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)

CHAPTER 64

TURNING REGULATIONS

64.01 Turning at Intersections
64.02 U-turns

64.03 Left Turn for Parking

64.01 TURNING AT INTERSECTIONS. The driver of a vehicle intending to turn at an intersection shall do so as follows:

(Code of Iowa, Sec. 321.311)

1. Both the approach for a right turn and a right turn shall be made as close as practical to the right-hand curb or edge of the roadway.
2. Approach for a left turn shall be made in that portion of the right half of the roadway nearest the centerline thereof and after entering the intersection the left turn shall be made so as to depart from the intersection to the right of the centerline of the roadway being entered.
3. Approach for a left turn from a two-way street into a one-way street shall be made in that portion of the right half of the roadway nearest the centerline thereof and by passing to the right of such centerline where it enters the intersection. A left turn from a one-way street into a two-way street shall be made by passing to the right of the centerline of the street being entered upon leaving the intersection.

The Council may cause markers, buttons or signs to be placed within or adjacent to intersections and thereby require and direct, as traffic conditions require, that a different course from that specified above be traveled by vehicles turning at intersections, and when markers, buttons or signs are so placed, no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such markers, buttons or signs.

64.02 U-TURNS. It is unlawful for a driver to make a U-turn except at an intersection. U-turns are prohibited within the business district, at intersections where there are automatic traffic signals and at the following designated intersections.

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

1. At the intersection of Franklin and Madison;
2. At the intersection of Jefferson and Madison.

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

CHAPTER 65

STOP OR YIELD REQUIRED

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

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

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

(Code of Iowa, Sec. 321.345)

1. Pineridge Street. Vehicles traveling north on Pineridge Street shall stop at Franklin Street.
2. Hillcrest. Vehicles traveling north on Hillcrest shall stop at Franklin Street.
3. Park View. Vehicles traveling north on Park View shall stop at Franklin Street.
4. Brown Street. Vehicles traveling south on Brown Street shall stop at Franklin Street.
5. Southview Drive. Vehicles traveling north on Southview Drive shall stop at Arkansas Avenue.
6. Crest View. Vehicles traveling south on Crest View shall stop at North Street.
7. East Street. Vehicles traveling north on East Street shall stop at Arkansas Avenue.
8. Howard Street. Vehicles traveling south on Howard Street shall stop at Locust Street, Jefferson Street, Franklin Street, Walnut Street and at South Street.
9. Howard Street. Vehicles traveling north on Howard Street shall stop at Walnut Street, Jefferson Street, Franklin Street, Locust Street and at North Street.
10. Dodge Street. Vehicles traveling south on Dodge Street shall stop at Locust Street, Jefferson Street, Franklin Street, Walnut Street and at Chestnut Street.
11. Dodge Street. Vehicles traveling north on Dodge Street shall stop at Chestnut Street, Walnut Street, Franklin Street, Jefferson Street, Locust Street and Poplar Street. *(Ord. 617 – July 06 Supp.)*

12. Smith Street. Vehicles traveling north on Smith Street shall stop at the junction of Highways 2 & 63.
13. Washington Street. Vehicles traveling south on Washington Street shall stop at Weaver Road and at the junction of Highways 2 & 63.
14. Washington Street. Vehicles traveling north on Washington Street shall stop at Madison Street.
15. Madison Street. Vehicles traveling south on Madison Street shall stop at Franklin Street.
16. Madison Street. Vehicles traveling north on Madison Street shall stop at Franklin Street and at Weaver Road.
17. Columbia Street. Vehicles traveling south on Columbia Street shall stop at Duffield Street, Goode Street, North Street, Jefferson Street, Franklin Street, Walnut Street and at the junction of Highways 2 & 63.
18. Columbia Street. Vehicles traveling north on Columbia Street shall stop at Walnut Street, Franklin Street, Jefferson Street, North Street and at Goode Street.
19. Davis Street. Vehicles traveling south on Davis Street shall stop at Goode Street, North Street, Poplar Street, Jefferson Street and at Franklin Street.
20. Davis Street. Vehicles traveling north on Davis Street shall stop at Jefferson Street, Poplar Street and at North Street.
21. West Street. Vehicles traveling south on West Street shall stop at Jefferson Street and at the junction of Highways 2 and 63.
22. West Street. Vehicles traveling north on West Street shall stop at Jefferson Street.
23. Elm Street. Vehicles traveling south on Elm Street shall stop at North Street.
24. Elm Street. Vehicles traveling north on Elm Street shall stop at North Street, Swanssee Avenue and at Goode Street.
25. Bloomfield Street. Vehicles traveling south on Bloomfield Street shall stop at Jefferson Street, Walnut Street, Chestnut Street and at South Street.
26. Bloomfield Street. Vehicles traveling north on Bloomfield Street shall stop at Chestnut Street, Walnut Street and at Jefferson Street.

27. Pine Street. Vehicles traveling south on Pine Street shall stop at North Street, Jefferson Street, Walnut Street, Chestnut Street and at South Street.
28. Pine Street. Vehicles traveling north on Pine Street shall stop at South Street, Chestnut Street, Walnut Street, Jefferson Street, North Street and Goode Street.
29. Buckeye Street. Vehicles traveling south on Buckeye Street shall stop at Poplar Street, Jefferson Street, Walnut Street, Chestnut Street and at South Street.
30. Buckeye Street. Vehicles traveling north on Buckeye Street shall stop at South Street, Walnut Street, Jefferson Street, Poplar Street and at North Street.
31. Lake Road Drive. Vehicles traveling south on Lake Road Drive shall stop at Goode Street.
32. Cherry Street. Vehicles traveling south on Cherry Street shall stop at Poplar Street and at Jefferson Street.
33. Cherry Street. Vehicles traveling north on Cherry Street shall stop at Poplar Street and West North Street.
34. Railroad Street. Vehicles traveling south on Railroad Street shall stop at Walnut Street, Chestnut Street and at Karr Avenue.
35. Railroad Street. Vehicles traveling north on Railroad Street shall stop at Chestnut Street, Walnut Street and at Jefferson Street.
36. Jones Avenue. Vehicles traveling north on Jones Avenue shall stop at North Street.
37. Quigley Street. Vehicles traveling north on Quigley Street shall stop at Bader Street.
38. Quigley Street. Vehicles traveling south on Quigley Street shall stop at 230th Street.
39. Hickory Hollow Road. Vehicles traveling east on Hickory Hollow Road shall stop at West Street.
40. Gregory Lane. Vehicles traveling east on Gregory Lane shall stop at Weaver Road.
41. Gregory Lane. Vehicles traveling west on Gregory Lane shall stop at Washington Street.
42. Duffield Street. Vehicles traveling east on Duffield Street shall stop at West Street.

43. Duffield Street. Vehicles traveling west on Duffield Street shall stop at West Street.
44. Goode Street. Vehicles traveling east on Goode Street shall stop at West Street and at Madison Street.
45. Short Street. Vehicles traveling east on Short Street shall stop at Washington Street.
46. Short Street. Vehicles traveling west on Short Street shall stop at Madison Street.
47. Arkansas Avenue. Vehicles traveling east on Arkansas Avenue shall stop at Columbia Street.
48. Arkansas Avenue. Vehicles traveling west on Arkansas Avenue shall stop at Weaver Road, Washington Street and at West Street.
49. Swanssee Avenue. Vehicles traveling east on Swanssee Avenue shall stop at West Street.
50. Crest View. Vehicles traveling east on Crest View shall stop at Southview Drive.
51. North Street. Vehicles traveling east on North Street shall stop at Pine Street, West Street, Madison Street and at Washington Street.
52. North Street. Vehicles traveling west on North Street shall stop at Washington Street, Madison Street, West Street and at Pine Street.
53. Country Club Drive. Vehicles traveling west on Country Club Drive shall stop at Southview Drive.
54. Poplar Street. Vehicles traveling east on Poplar Street shall stop at Pine Street, West Street, Columbia Street, Madison Street and at Washington Street.
55. Poplar Street. Vehicles traveling west on Poplar Street shall stop at Washington Street, Madison Street, Columbia Street, West Street and at Pine Street.
56. Locust Street. Vehicles traveling east on Locust Street shall stop at Pine Street, West Street, Madison Street and at Brown Street.
57. Locust Street. Vehicles traveling west on Locust Street shall stop at Brown Street, Madison Street, West Street and at Pine Street.
58. Jefferson Street. Vehicles traveling east on Jefferson Street shall stop at East Street.
59. Franklin Street. Vehicles traveling west on Franklin Street shall stop at West Street.

60. Walnut Street. Vehicles traveling east on Walnut Street shall stop at Railroad Street, West Street, Madison Street, Washington Street and East Street. *(Ord. 617 – July 06 Supp.)*
61. Walnut Street. Vehicles traveling west on Walnut Street shall stop at Washington Street, Madison Street, West Street, Railroad Street and Jefferson Street. *(Ord. 617 – July 06 Supp.)*
62. Chestnut Street. Vehicles traveling east on Chestnut Street shall stop at West Street, Columbia Street, Madison Street, Washington Street, Howard Street and at East Street.
63. Chestnut Street. Vehicles traveling west on Chestnut Street shall stop at Howard Street, Washington Street, Madison Street, Columbia Street, West Street and at Jefferson Street.
64. South Street. Vehicles traveling east on South Street shall stop at Railroad Street, West Street, Columbia Street, Madison Street, Washington Street and at East Street.
65. South Street. Vehicles traveling west on South Street shall stop at Washington Street, Madison Street, Columbia Street, West Street and at Railroad Street.
66. Mill Street. Vehicles traveling east on Mill Street shall stop at Columbia Street.
67. Mill Street. Vehicles traveling west on Mill Street shall stop at West Street.
68. Second Street. Vehicles traveling west on Second Street shall stop at Jefferson Street.
69. Grant Street. Vehicles traveling west on Grant Street shall stop at West Street.
70. Karr Avenue. Vehicles traveling east on Karr Avenue shall stop at West Street and at Columbia Street.
71. Karr Avenue. Vehicles traveling west on Karr Avenue shall stop at West Street and at Old Highway 2.
72. Anderson Street. Vehicles traveling west on Anderson Street shall stop at Smith Street.
73. Bader Street. Vehicles traveling east on Bader Street shall stop at Lilac Avenue.
74. East Street. Vehicles traveling north or south on East Street shall stop at South Street intersection. *(Ord. 617 – July 06 Supp.)*

75. Franklin Street. Vehicles traveling west on Franklin Street shall stop at the Madison Street intersection. *(Ord. 696 – Aug. 19 Supp.)*

65.02 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 Franklin Street and East Street;
2. Intersection of Locust Street and East Street;
3. Intersection of North Street and East Street;
4. Intersection of Grant Street and Columbia Street;
5. Intersection of Locust Street and Columbia Street;
6. Intersection of Locust Street and Davis Street;
7. Intersection of Jefferson Street and Madison Street.

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

(Code of Iowa, Sec. 321.345)

- NONE -

65.04 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 North Street and Washington Street.
2. At the crosswalk to the entrance of the High School.
(Ord. 669 – Mar. 12 Supp.)

65.05 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)

65.06 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.

65.07 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)

65.08 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 Locust Street and Washington Street;
2. Intersection of Jefferson Street and Washington Street;
3. Intersection of Franklin Street and Washington Street.

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CHAPTER 66

LOAD AND WEIGHT RESTRICTIONS

66.01 Temporary Embargo
66.02 Permits for Excess Size and Weight
66.03 Load Limits Upon Certain Streets

66.04 Load Limits on Bridges
66.05 Truck Route

66.01 TEMPORARY EMBARGO. If the Council declares an embargo when it appears by reason of deterioration, rain, snow or other climatic conditions that certain streets will be seriously damaged or destroyed by vehicles weighing in excess of an amount specified by the signs, no such vehicles shall be operated on streets so designated by such signs.

(Code of Iowa, Sec. 321.471 & 472)

66.02 PERMITS FOR EXCESS SIZE AND WEIGHT. The Police Chief may, upon application and good cause being shown therefor, issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight or load exceeding the maximum specified by State law or the City over those streets or bridges named in the permit which are under the jurisdiction of the City and for which the City is responsible for maintenance.

(Code of Iowa, Sec. 321.473 & 321E.1)

66.03 LOAD LIMITS UPON CERTAIN STREETS. When signs are erected giving notice thereof, no person shall operate any vehicle with a gross weight in excess of the amounts specified on such signs at any time upon any of the following streets or parts of streets:

(Code of Iowa, Sec. 321.473 & 475)

1. 7,500 lbs. limit on the municipal swimming pool parking lot.

66.04 LOAD LIMITS ON BRIDGES. Where it has been determined that any City bridge has a capacity less than the maximum permitted on the streets of the City, or on the street serving the bridge, the Police Chief may cause to be posted and maintained signs on said bridge and at suitable distances ahead of the entrances thereof to warn drivers of such maximum load limits, and no person shall drive a vehicle weighing, loaded or unloaded, upon said bridge in excess of such posted limit.

(Code of Iowa, Sec. 321.471)

66.05 TRUCK ROUTE. Truck route regulations are established as follows:

1. Truck Routes Designated. Every motor vehicle weighing ten (10) tons or more, when loaded or empty, having no fixed terminal within the City or making no scheduled or definite stops within the City for the purpose of loading or unloading shall travel over or upon the following streets within the City and none other:

(Code of Iowa, Sec. 321.473)

- A. Iowa Highway No. 2 from the east corporate limits to the west corporate limits;
- B. U.S. Highway No. 63 from the north corporate limits to the south corporate limits;
- C. West Street from the north City limits to 230th Street;
- D. Railroad Street from Jefferson Street to Karr Street;
- E. Jefferson Street from Highway 63 to Highway 2;
- F. Karr Street from West Street to Highway 2;
- G. East Street from South Street to Highway 2;
- H. Franklin Street from Highway 63 to east City limits;
- I. Poplar Street from Highway 63 to Dodge Street;
- J. Dodge Street from Poplar Street to Locust Street;
- K. Locust Street from Locust Street to Highway 63;
- L. Bader Street from West Street to west end;
- M. Quigley Street from 230th Street to Bader Street.
- N. South Street from East Street to Highway 63.

(Subsection N – Ord. 686 – Dec. 17 Supp.)

2. Deliveries Off Truck Route. Any motor vehicle weighing ten (10) tons or more, when loaded or empty, having a fixed terminal, making a scheduled or definite stop within the City for the purpose of loading or unloading shall proceed over or upon the designated routes set out in this section to the nearest point of its scheduled or definite stop and shall proceed thereto, load or unload and return, by the most direct route to its point of departure from said designated route.

(Code of Iowa, Sec. 321.473)

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

(Code of Iowa, Sec. 321.473)

CHAPTER 67
PEDESTRIANS

67.01 Walking in Street
67.02 Hitchhiking

67.03 Pedestrian Crossing
67.04 Use Sidewalks

67.01 WALKING IN STREET. Pedestrians shall at all times when walking on or along a street, walk on the left side of the street.
(Code of Iowa, Sec. 321.326)

67.02 HITCHHIKING. No person shall stand in the traveled portion of a street for the purpose of soliciting a ride from the driver of any private vehicle.
(Code of Iowa, Sec. 321.331)

67.03 PEDESTRIAN CROSSING. Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.
(Code of Iowa, Sec. 321.328)

67.04 USE SIDEWALKS. Where sidewalks are provided it is unlawful for any pedestrian to walk along and upon an adjacent 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. North Street shall be westbound only from a point 935.5 feet east of East Street to a point 775.5 west from 7:45 a.m. to 8:15 a.m. and 2:45 p.m. to 3:45 p.m. on each weekday when school is in session.

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CHAPTER 69

PARKING REGULATIONS

69.01 Park Adjacent to Curb	69.10 Truck Parking Limited
69.02 Park Adjacent to Curb - One-way Street	69.11 Snow Emergency
69.03 Angle Parking	69.12 Snow Routes
69.04 Angle Parking – Manner	69.13 Parking Limited to Fifteen Minutes
69.05 Parking for Certain Purposes Illegal	69.14 Parking Prohibited on Sunday
69.06 Parking Prohibited	69.15 Bus Loading Zones
69.07 Persons With Disabilities Parking	69.16 Emergency Vehicle Parking Only
69.08 No Parking Zones	69.17 Loading Zones
69.09 All Night Parking Prohibited	69.18 Parking Prohibited Between 7:00 a.m. and 4:00 p.m.

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

(Code of Iowa, Sec. 321.361)

1. Madison Street, on the west side, from Jefferson Street to the north side of the alley in Block 33.
2. Madison Street, on the east side, from Franklin Street to the north side of the alley in Block 32.
3. Madison Street, on the west side, from Jefferson Street to Locust Street.
4. Madison Street, on the east side, from Locust Street to a point 50 feet north of Jefferson Street.

5. Madison Street, in the center, from Jefferson Street to Franklin Street.[†]
6. Franklin Street, on the south side, from Madison Street to Washington Street.
7. Franklin Street, on the south side, from the east line of the Hamilton Produce property to the west line of City Hall.
8. Franklin Street, in the center, from Madison Street to Washington Street.[†]
9. Jefferson Street, on the north side, from Washington Street to Columbia Street.
10. Jefferson Street, on the north side, from Dodge Street to the west boundary line of the Legion Hall property.
11. Jefferson Street, on the south side, from Washington Street to Dodge Street.
12. Jefferson Street, in the center, from Madison Street to Washington Street.[†]
13. Franklin Street, on the south side from Washington Street to Dodge Street.
14. Franklin Street, on the north side, from Washington Street to Madison Street.[‡]
15. Madison Street, on the east side, from Franklin Street to Jefferson Street.[‡]
16. Jefferson Street, on the south side, from Madison Street to Washington Street.[‡]

(Subsections 14-16 – Ord. 693 – Aug. 19 Supp.)

[†] Repealed temporarily by Ordinance No. 693 approved on January 29, 2018. The temporary repeal is lifted on April 30, 2018 when Ordinance No. 693 is terminated.

[†] Repealed temporarily by Ordinance No. 693 approved on January 29, 2018. The temporary repeal is lifted on April 30, 2018 when Ordinance No. 693 is terminated.

[†] Repealed temporarily by Ordinance No. 693 approved on January 29, 2018. The temporary repeal is lifted on April 30, 2018 when Ordinance No. 693 is terminated.

[‡] Enacted as a temporary angle parking zone by Ordinance No. 693 approved on January 29, 2018. The temporary parking ends on April 30, 2018 when Ordinance No. 693 is terminated.

[‡] Enacted as a temporary angle parking zone by Ordinance No. 693 approved on January 29, 2018. The temporary parking ends on April 30, 2018 when Ordinance No. 693 is terminated.

[‡] Enacted as a temporary angle parking zone by Ordinance No. 693 approved on January 29, 2018. The temporary parking ends on April 30, 2018 when Ordinance No. 693 is terminated.

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 seventy-two (72) hours, unless otherwise limited under the provisions of this chapter, 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.
(Code of Iowa, Sec. 321.358 [5])
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.
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. Churches, Nursing Homes and Other Buildings. A space of fifty (50) feet is hereby reserved at the side of the street in front of any theatre, auditorium, hotel having more than twenty-five (25) sleeping rooms, hospital, nursing home, taxicab stand, bus depot, church, or other building where large assemblages of people are being held, within which space, when clearly marked as such, no motor vehicle shall be left standing, parked or stopped except in taking on or discharging passengers or freight, and then only for such length of time as is necessary for such purpose.

(Code of Iowa, Sec. 321.360)

15. Alleys. No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand or park a vehicle within an alley in such a position as to block the driveway entrance to any abutting property. The provisions of this subsection shall not apply to a vehicle parked in any alley which is eighteen (18) feet wide or less; provided said vehicle is parked to deliver goods or services.

(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])

17. Area Between Lot Line and Curb Line. That area of the public way not covered by sidewalk and lying between the lot line and the curb line, where curbing has been installed.

18. In More Than One Space. In any designated parking space so that any part of the vehicle occupies more than one such space or protrudes beyond the markings designating such space.

69.07 PERSONS WITH DISABILITIES PARKING. The following regulations shall apply to the establishment and use of persons with disabilities parking spaces:

1. Establishment. Persons with disabilities parking spaces shall be established and designated in accordance with Chapter 321L of the Code of Iowa and Iowa Administrative Code, 661-18. No unauthorized person shall establish any on-street persons with disabilities parking space without first obtaining Council approval. The following areas are hereby designated as persons with disabilities parking spaces:

A. Commencing at a point 71 feet east of the northeast corner of the intersection of North Howard Street and East North Street, thence east 20 feet. *(Ord. 614 – May 06 Supp.)*

B. Commencing on the Southwest corner of the City square 82 feet from the West curb at the intersection of Highway 63 and Franklin thence west 16 feet. *(Ord. 681 – Oct. 16 Supp.)*

2. Improper Use. The following uses of a persons with disabilities parking space, located on either public or private property, constitute improper use of a persons with disabilities parking permit, which is a violation of this Code of Ordinances:

(Code of Iowa, Sec. 321L.4[2])

A. Use by an operator of a vehicle not displaying a persons with disabilities parking permit;

B. Use by an operator of a vehicle displaying a persons with disabilities parking permit but not being used by a person issued a permit or being transported in accordance with Section 321L.2[1b] of the Code of Iowa;

C. Use by a vehicle in violation of the rules adopted under Section 321L.8 of the Code of Iowa.

3. 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.

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. On the east side and the west side of Columbia Street from the South line of Franklin Street to a point 142 feet south thereof;

2. On the west side of Columbia Street from the south line of the alley running east and west through Block Twenty-three in the original town (now city) of Bloomfield, to a point 70 feet south thereof;

3. On the west side of East Street from Franklin Street to Jefferson Street;
4. On the west half of East Street between Poplar Street and Franklin Street;
5. On the north side of Franklin Street from the west line of Columbia Street to the east line of Davis Street, and on the south side of Franklin Street from the west line of Columbia Street, thence 75 feet west;
6. On the north side of Gregory Lane between the east side of Washington Street and the west side of U.S. Highway No. 63;
7. On the north side of Jefferson Street from the west line of Columbia Street to a point 42 feet west thereof;
8. On the south side of Jefferson Street, between the east side of Dodge Street to the west side of East Street;
9. On the north side of Locust Street from Madison Street to Washington Street;
(Ord. 658 – Mar. 12 Supp.)
10. On the south side of Locust Street from Washington Street to Dodge Street;
11. On the east side of Madison Street from Locust Street to Washington Street;
12. On the east side of Madison Street from the south line of Walnut Street to a point 112 feet south thereof;
13. On the east side of Pine Street from the south line of Jefferson Street to a point 200 feet south thereof;
14. On the west side of Pine Street from the north line of Jefferson Street to a point 50 feet north thereof;
15. On the north side of Poplar Street from the east side of Madison Street to the west side of Washington Street;
16. On the south side of Walnut Street from the west line of Madison Street to a point 115 feet west thereof;
17. On both sides of West Street from the intersection of Highway 2 and 63 north to the north corporate limit.
(Ord. 648 – Oct. 09 Supp.)
18. On the west side of East Street from the south line of Franklin Street to a point 40 feet south thereof;
19. On the north side of South Street from the east line of U. S. Highway 63 to the west line of Dodge Street;

20. On the north side of South Street between Madison Street and Washington Street;
21. On the west side of Brown Street between Locust Street and Franklin Street;
22. On the west side of West Street between Jefferson Street and South Street;
23. On any part of the paved portion of Karr Street between West Street and the west corporate limits of the City;
24. The third parking space south to the alley running east and west on the east side of the 200 block on South Madison Street;
25. On the north side of Grant Street from Madison Street to West Street;
26. On the west side of Dodge Street from Locust Street to the north side of the east-west alley;
27. On the north side of North Street commencing at the intersection of North Street and East Street and going thence east 791 feet between the hours of 7:45 a.m. to 8:30 a.m. and 2:45 p.m. to 3:45 p.m.;
28. Commencing at the northeast corner of the intersection of Dodge Street and East Jefferson Street, thence north fifty feet along the east side of Dodge Street;
29. On the north side of West Walnut Street from South Madison Street to South Columbia Street and on the south side of West Walnut Street from the west line of South Madison Street a distance of 115 feet west thereof and on the south side of West Walnut Street from the east line of South Columbia Street a distance of 80 feet east;
30. On the north side of Locust Street between North East Street to Brown Street; *(Ord. 680 – Oct. 16 Supp.)*
31. On the east side of East Street between Locust Street and North Street;
32. On the east side of East Street between Locust Street and Jefferson Street between the hours of 7:45 a.m. to 8:30 a.m.
33. On the south side of Poplar Street between Highway 62 and Howard Street.
34. On the east side of Dodge Street between Locust Street and Poplar Street.
35. On the west side of Howard Street between Locust Street and North Street.

36. On the south side of Walnut Street between West Street and Old Highway 63.
37. On both sides of South Railroad Street between Second Street and Karr Street.
38. On both sides of North Railroad Street between Jefferson Street and Walnut Street.
39. On both sides of East Street between South Street and the Bridge.
40. East Street from Franklin Street, south to South Street on the west side. *(Ord. 641 – Oct. 09 Supp.)*
41. On both sides of North Madison Street between Highway 63 and Washington Street provided, however, that parking shall be permitted on state holidays and during funerals. *(Ord. 608 – May 06 Supp.)*
42. On the west side of East Street from Franklin Street south to South Street. *(Ord. 649 – Oct. 09 Supp.)*
43. On the south side of Arkansas Avenue from Highway 63 to Southview Drive during the hours of 7:45 a.m. to 8:30 a.m. and 3:00 p.m. to 3:45 p.m. *(Ord. 656 – Mar. 12 Supp.)*
44. On both sides of Locust Street from Columbia Street to Madison Street. *(Ord. 658 – Mar. 12 Supp.)*
45. On the south side of Locust Street between Columbia Street and Davis Street. *(Ord. 672 – Feb. 13 Supp.)*
46. On the north side of the 300 block of East Locust Street between Dodge Street and Howard Street. *(Ord. 691 – Dec. 17 Supp.)*
47. On the south side of 300 block of East Locust Street, for the first 100 feet, east from the intersection of Locust Street and Dodge Street. *(Ord. 691 – Dec. 17 Supp.)*
48. On the west side of Washington Street between Weaver Road and Arkansas Avenue. *(Ord. 697 – Aug. 19 Supp.)*

69.09 ALL NIGHT PARKING PROHIBITED. No person shall park a vehicle on any of the following named streets between the hours of 12:00 a.m. and 5:00 a.m. on any day, on both sides of the streets, excluding the center. Exceptions any occur during a Snow Emergency declared by the Mayor.

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

1. Madison Street, on both sides, from Locust Street to Walnut Street.
2. Franklin Street, on both sides, from Columbia Street to Dodge Street.
3. Washington Street, on both sides, from Locust Street to Walnut Street.
4. Jefferson Street, on both sides, from Columbia Street to Dodge Street.

(Ord. 650 – Mar. 10 Supp.)

69.10 TRUCK PARKING LIMITED. No person shall park a motor truck, semi-trailer, or other motor vehicle with trailer attached in violation of the following regulations. The provisions of this section shall not apply to pickup, light delivery or panel delivery trucks.

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

1. Streets. Excepting only when such vehicles are actually engaged in the delivery or receiving of merchandise or cargo within the prohibited area, no person shall park or leave unattended such vehicle, on any of the following designated streets. When actually receiving or delivering merchandise or cargo such vehicle shall be stopped or parked in a manner which will not interfere with other traffic.
 - A. On any street immediately bounding the public square in the City.
 - B. Washington Street between Franklin Street and North Street;
 - C. Franklin Street between Madison Street and the east City limits;
 - D. Jefferson Street between Washington Street and the west City limits;
 - E. Columbia Street between Jefferson Street and Locust Street.
 - F. Madison Street between Franklin Street and Jefferson Street.
2. Noise. No such vehicle shall be left standing or parked upon any street, alley, public or private parking lot, or drive of any service station between the hours of 12:00 midnight and 5:00 a.m. with the engine, auxiliary engine, air compressor, refrigerating equipment or other device in operation giving off audible sounds excepting only the drive of a

service station when actually being serviced, and then in no event for more than thirty (30) minutes.

3. Livestock. No such vehicle containing livestock shall be parked on any street, alley or highway for a period of time of more than thirty (30) minutes.

69.11 SNOW EMERGENCY. No person shall park, abandon or leave unattended any vehicle on any public street, alley or City-owned or leased off-street parking area during any snow emergency proclaimed by the Mayor unless the snow has been removed or plowed from said street, alley or parking area and the snow has ceased to fall. A snow emergency parking ban shall continue from its proclamation throughout the duration of the snow or ice storm and the 48-hour period after cessation of such storm except as above provided upon streets which have been fully opened. Such a ban shall be of uniform application and the Police Chief is directed to publicize the requirements widely, using all available news media, in early November each year. Where predictions or occurrences indicate the need, the Mayor shall proclaim a snow emergency and the Police Chief shall inform the news media to publicize the proclamation and the parking rules thereunder. Such emergency may be extended or shortened when conditions warrant.

(Code of Iowa, 321.236[1])

69.12 SNOW ROUTES. The Council may designate certain streets in the City as snow routes. When conditions of snow or ice exist on the traffic surface of a designated snow route, it is unlawful for the driver of a vehicle to impede or block traffic.

(Code of Iowa, Sec. 321.236[12])

69.13 PARKING LIMITED TO FIFTEEN MINUTES. No motor vehicle shall be parked in the widened part of the pavement on West Jefferson Street in front of the United States Post Office building for a period of time exceeding fifteen minutes except on Sundays and such holidays on which the post office is closed.

69.14 PARKING PROHIBITED ON SUNDAY. It is unlawful for any person to park any car, automobile or other vehicle between the hours of 7:00 a.m. and 12:00 noon on Sunday upon those parts of the streets of the City described as follows:

1. On the north side of Locust Street from Davis Street to West Street;
2. On the east side of Davis Street from the south line of Locust Street to a point 120 feet south thereof.

69.15 BUS LOADING ZONES. It is unlawful for any person to park any car, automobile or other vehicle between the hours of 8:30 a.m. to 8:45 a.m. and 3:15 p.m. to 3:50 p.m. in the following areas which are designated as “No Parking – Bus Loading Zones”:

1. On the east side of East Street from the south line of Locust Street to a point 240 feet south thereof; and
2. On the south side of Locust Street from the east line of East Street to a point 300 feet east thereof.

69.16 EMERGENCY VEHICLE PARKING ONLY. It is unlawful for any person to park any car or automobile or other vehicle, other than emergency vehicles, upon the parts of streets of the City described as follows:

1. A distance of 60 feet south of the southwest corner of the intersection of Jefferson and Pine Streets on the west side of Pine Street.
2. A distance of 120 feet west of North Washington on East Poplar between North Washington and North Madison, on the south side of East Poplar Street.
(Ord. 676 – Dec. 13 Supp.)

69.17 LOADING ZONES. It is unlawful for any person to park any car, automobile or other vehicle between the hours of 7:00 a.m. and 4:00 p.m. on each weekday when school is in session on the following streets or parts of streets:

1. On the east side of High Street from the right-of-way line on the north side of Franklin Street thence north a distance of 75 feet; and
2. Commencing at the intersection of Locust Street and East Street and going thence east on the south side of Locust Street a distance of 220 feet.

69.18 PARKING PROHIBITED BETWEEN 7:00 A.M. AND 4:00 P.M. It is unlawful for any person to park any car, automobile or other vehicle between the hours of 7:00 a.m. and 4:00 p.m. of each weekday when school is in session upon the part of the streets of the City described as follows:

1. On the east side of East Street between Franklin Street and Jefferson Street;
2. On the south side of Locust Street between Howard Street and East Street;
3. On the south side of North Street between East Street and Crestview;

4. On the west side of East Street between Jefferson Street and North Street;
5. On the east and west side of East Street from North Street commencing at the intersection and going thence north 300 feet.

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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 as adopt by the Iowa Commissioner of Public Safety, or issue a uniform citation and complaint utilizing a State approved computerized device, or
3. Issue Notice of Violation. As an alternative enforcement action for violations of the Traffic Code, a peace officer may issue a violator a civil "notice of violation." Notwithstanding Section 70.02, the penalty for a civil "notice of violation" under this section shall be the scheduled fine listed in the most recent Compendium of Scheduled Violations and Scheduled Fines published by the Iowa Department of Public Safety and the Department of Natural Resources and shall not include court costs or surcharge. No record or information concerning the issuance of a civil "notice of violation" shall be sent, reported, or forwarded to the State Department of Transportation, or similar department of any other state, for the purpose of adding to the driving record of the violator.

No civil "notice of violation" shall be issued for violations of driving under suspension, reckless driving, drag racing, or that are alcohol or accident-related. A civil "notice of violation" shall not be issued to any person who has an unpaid penalty from a previous "notice of violation" or who has already received two such alternative enforcement actions for moving violations within the previous 12 months.

Each penalty for a civil "notice of violation" issued under this section shall be paid to and handled by the Bloomfield Police Department Administrative Assistant. If such penalty is not paid within 30 days of the date of issuance, or if the driver denies committing such violation, the issuing peace officer shall cancel the civil "notice of violation" and issue a traffic citation to be processed through the court system in the

same manner as if the violator had been originally issued a citation for the violation.

(Paragraph 3 – Ord. 687 – Dec. 17 Supp.)

The Police Department shall maintain a record of each civil "notice of violation" issued, civil penalty paid, and of each "notice of violation" which is unpaid or denied.

(Ord. 673 – Feb. 13 Supp.)

70.02 SCHEDULED VIOLATIONS. For violations of the Traffic Code which are designated by Section 805.8A of the Code of Iowa to be scheduled violations, the scheduled fine for each of those violations shall be as specified in Section 805.8A 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 to and handled by the Bloomfield Police Department Administrative Assistant. The simple notice of a fine shall be in the amount of thirteen dollars (\$13.00) for all violations except improper use of a persons with disabilities 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 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. 687 – Dec. 17 Supp.)

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 Limited Time Period. When any vehicle is left parked for a continuous period in violation of any limited parking time. If the owner can be located, 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	75.08 Operation/Time Restriction
75.02 Definitions	75.09 Prohibition
75.03 General Regulations	75.10 Recommendations
75.04 Operation of Snowmobiles	75.11 Permit/Fee/Fines
75.05 Operation of ATVs (All-Terrain Vehicles)	75.12 Exempt Vehicles
75.06 Negligence	75.13 Parade Usage
75.07 Accident Reports	

75.01 PURPOSE. The purpose of this chapter is to regulate the use and operation of all-terrain vehicles, snowmobiles, off-road utility vehicles and golf carts within the City. *(Ord. 706 – Dec. 20 Supp.)*

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

1. “All-terrain vehicle” or “ATV” means a motorized vehicle with not less than three (3) low pressure tires, but not more than six (6) non-highway tires that is limited in engine displacement to less than one thousand (1000) cubic centimeters and in total dry weight to less than twelve hundred (1200) pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.

(Iowa Code 321I.1[a])

(Ord. 706 – Dec. 20 Supp.)

2. “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.

(Ord. 611 – May 06 Supp.)

(Code of Iowa, Sec. 321G.1[18])

3. “Off-road utility vehicle” or “ORV” means a motorized vehicle with not less than four and not more than eight non-highway tires or rubberized tracks 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.

(Ord. 706 – Dec. 20 Supp.)

(Iowa Code 321I.17[a])

4. “Golf cart” means a motor vehicle that has not less than three wheels in contact with the ground, that has an unladen weight of less than one thousand eight hundred pounds, that is designed to be and is

operated at not more than twenty-five miles per hour and that is designed to carry not more than four persons including the driver.

(Ord. 706 – Dec. 20 Supp.)

75.03 GENERAL REGULATIONS. No person shall operate an ATV 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, numbering, equipment and manner of operation.

(Code of Iowa, Ch. 321G & Ch. 321I)

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 may be operated upon streets which have not been plowed during the snow season, on the public streets for the purpose of using the most direct roadway for the ingress to and egress from the City, but no snowmobiles shall be driven on streets solely for entertainment or pleasure, and provided that they may not be operated, at any time, on any alley within the City or on the following streets:

(Code of Iowa, Sec. 321G.9[4a])

- A. On Locust Street between Columbia Street and Dodge Street;
 - B. On Jefferson Street between Columbia Street and Dodge Street;
 - C. On Franklin Street between Columbia Street and Dodge Street;
 - D. On Walnut Street between Columbia Street and Dodge Street;
 - E. On Columbia Street between Locust Street and Walnut Street;
 - F. On Madison Street between Locust Street and Walnut Street;
 - G. On Washington Street between Locust Street and Walnut Street;
 - H. On Dodge Street between Locust Street and Walnut Street;
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 ATVS (ALL-TERRAIN VEHICLES).

1. Purpose. The purpose of this section is to establish a permit to authorize the operation of all-terrain vehicles (ATVs) on certain streets for the purpose of snow removal, lawn care and gardening within the City of Bloomfield as authorized and pursuant to Section 321.234A and Chapter 321I of the Code of Iowa, and for sport or other purposes as authorized herein.
2. Definition. (Repealed by Ordinance No. 706 – Dec. 20 Supp.)
3. General Regulations. No person shall operate an all-terrain vehicle (ATV) within the City limits of Bloomfield, Iowa, in violation of the provisions of Chapter 321I of the Code of Iowa or unless enacted by the Iowa Department of Natural Resources governing the registration, numbering, equipping or manner of operation, or the provisions of this section.
4. Permits. No person shall operate an all-terrain vehicle on any public street, or alley within the City of Bloomfield, Iowa, for any purpose unless the all-terrain vehicle displays a City of Bloomfield permit issued by the City Clerk/Treasurer.
 - A. ATV owners may apply for a permit from the Bloomfield City Clerk/Treasurer on forms provided by the City.
 - B. The City Clerk/Treasurer shall not issue a permit until the owner has provided the following:
 - (1) Evidence that the ATV is registered as required by Iowa law and that such registration is current. The owner shall maintain such registration.
 - (2) Evidence that the owner is at least eighteen (18) years of age and possesses a valid Iowa driver's license.
 - C. The operator of an ATV shall display the City of Bloomfield permit sticker prominently on a rear fender or similar rear component.
 - D. All permits issued shall uniquely identify the name and address of the owner.
 - E. The fee for such permits shall be ten dollars (\$10.00).
5. Authorized Uses. Any ATV displaying a City of Bloomfield permit may only be operated on City streets and alleys in compliance with all requirements set out herein and for the following purposes:
 - A. Snow removal with attached snowplow or blade.

- B. Gardening and/or lawn work.
 - C. Special events authorized by the City Council.
 - D. For sports on such streets as may be designated by resolution of the Council for the sport of driving ATVs.
6. Equipment. Any ATV for which a City of Bloomfield permit is issued shall be equipped as required by Sections 321I.12 and 321I.13 of the Code of Iowa, including but not limited to, muffler, head lamp, tail lamp and brakes. ATVs shall also be equipped with a bicycle safety flag of fluorescent orange at least five feet (5') above the surface of the street.
7. Operation.
- A. Operators. No person shall operate an ATV on any City street, alley or right-of-way who is not at least eighteen (18) years of age and does not have a valid Iowa driver's license.
 - B. Traffic Code. Any person operating an ATV, including those for which a City of Bloomfield permit has been issued, shall strictly adhere to all traffic signs and signals and all other traffic rules and regulations, and shall obey the orders and directions of any law enforcement officer authorized to direct or regulate traffic.
 - C. Speed. No ATV shall be operated at a speed in excess of the lesser of twenty-five (25) miles per hour or that posted, nor shall any ATV be operated at a speed greater than is reasonable and proper for the existing conditions.
 - D. Lights. No ATV shall be operated without a lighted head lamp and tail lamp from sunset to sunrise and at such other times when conditions provide insufficient lighting to render clearly discernable persons and vehicles at a distance of five hundred feet (500') ahead.
 - E. Unattended ATVs and Parking. No person shall leave any ATV unattended on public property while the motor is running or the keys are in the ignition switch. Owner/operators shall comply with all parking regulations in the City.
 - F. Hours of Operation. No ATV shall be operated in the City of Bloomfield between the hours of 10:00 o'clock p.m. and 6:30 o'clock a.m. except for emergency situations or for loading or unloading from a transport trailer, except that ATVs may be operated during prohibited hours to perform snow removal activities.

8. Locations.
 - A. City Streets. ATV operators holding valid City of Bloomfield permits may operate ATVs upon streets under the jurisdiction and within the corporate limits of the City of Bloomfield for the purposes listed above, or on such streets as may be designated by resolution of the Council for the sport of driving ATVs. ATVs shall not be operated upon any City street that is a primary road extension or state highway or bike or walking trail unless the trail is specifically designated to allow use of motor vehicles or ATVs.
 - B. Sidewalks. ATVs shall not be operated upon sidewalks unless the operator possesses a valid City of Bloomfield permit and is engaged in snow removal or sidewalk maintenance activities.
 - C. Parking. ATVs 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 even if the operator possesses a valid City of Bloomfield permit unless engaged in snow removal, maintenance or landscaping activities for the abutting property.
 - D. City Parks and Other Land Owned by the City. ATVs shall not be operated in City parks or upon other City-owned land without the express permission of the City Council and unless the ATV retains the valid City of Bloomfield permit.
 - E. Private Property. ATVs may only be operated on private property with the express consent of the owner.
 - F. Railroad Right-of-Way. ATVs shall not be operated on an operating railroad right- of-way.
9. Violation and Penalty.
 - A. 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 Bloomfield permit for a period of two months.
 - B. Any person guilty of violating this section two 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 Bloomfield permit for a period of two years.

C. Any person guilty of violating this section three times shall be subject to a fine of three hundred dollars (\$300.00) and permanent revocation of the City of Bloomfield permit.

D. Persons violating this section may also be prosecuted and subject to the penalties set out in the Code of Iowa.

10. Liability Insurance. Proof of liability insurance shall be shown to the City prior to issuance of the permit.

(Ord. 647 – Oct. 09 Supp.)

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)

75.08 OPERATION/TIME RESTRICTION. An ORV and golf cart may be operated on all City roadways in Bloomfield, Iowa. Operation of an ORV or golf cart is prohibited on Highway 63 and Highway 2. Crossing one of these highways to reach a City street is permissible but driving on the highway is restricted to crossing. Operation is permitted on paved seal coat and gravel public roadways. Operation of an ORV or golf cart on Bloomfield roadways is permitted from 3 a.m. to 10 p.m. The operator of an ORV or golf cart must obey all provisions of the *Code of Iowa* and all City/County ordinances related to motor vehicle traffic and parking regulations. *(Ord. 706 – Dec. 20 Supp.)*

75.09 PROHIBITION. A person shall not drive or operate an ORV or golf cart:

1. At a rate of speed greater than the posted speed limit up to 35 mph. A low-speed vehicle shall not be operated on a street with a posted speed limit greater than thirty-five miles per hour.

(Iowa Code 321.381A)

2. In a careless, reckless or negligent manner as to:
 - A. Endanger any person.
 - B. Cause injury or damage to person or property.
 - C. Create unnecessary skidding or sliding or to cause any wheel or wheels to unnecessarily lose contact with the ground.
 - D. Trespass on private property of another.
 - E. Create loud, unnecessary or unusual noise so as to disturb or interfere with the peace and quiet of other persons.
(Iowa Code 321.436, Bloomfield City Code 39.05)
 - F. While under the influence of an alcoholic beverage or controlled substance.
3. Without lighted headlights and taillights at such times when conditions provide insufficient lighting to render clearly discernible persons and vehicle at a safe distance.
4. Without displaying a City issued flag and sticker.
5. Without all persons in the vehicle properly secured by seat belts if the vehicle is equipped with seat belts.
6. While under the age of 18.
7. Without a valid Iowa issued driver's license.
8. With more occupants than the vehicle is designed to carry.
(Section 75.09 – Ord. 706 – Dec. 20 Supp.)

75.10 RECOMMENDATIONS. The safety of the traveling public is of great importance. The City of Bloomfield also recognizes that each individual operator is primarily responsible for the safe operation of any ORV or golf cart on a roadway. The City assumes no liability for such operation, when permitted. The City of Bloomfield recommends, but does not require:

1. Any time an ORV or golf cart is operated on a paved roadway it should operate on the shoulder if and when shoulder space is available and it is safe to do so.
2. All persons operating or riding on an ORV or golf cart wear protective headgear at all times.
(Section 75.10 – Ord. 706 – Dec. 20 Supp.)

75.11 PERMIT/FEE/FINES. No person shall operate an ORV or golf cart on any approved roadway, for any purpose, unless the operator possesses a City of Bloomfield permit to do so, issued by the Bloomfield Police Department.

1. The Bloomfield Police Department shall not issue a permit until the owner/operator has provided the following:
 - A. Evidence that the operator is at least 18 years of age and is in possession of a valid Iowa driver's license.
 - B. Proof that the ORV is registered with Iowa DNR.
 - C. Golf carts shall be equipped with headlights, brake lights, rearview mirror, slow moving vehicle sign, adequate brakes and pass a safety inspection at the time the permit is issued.
 - D. Proof that the owner and operator have motor vehicle liability insurance covering operation of a registered ORV or golf cart on approved roadways in the amount required by Iowa law.
(Iowa Code 321A.21)
 - E. A signed acknowledgement and agreement of understanding of this ordinance.
2. The fee for such City permits shall be: City Residents \$50.00, County Residents \$75.00 set by the City of Bloomfield by resolution and shall be valid for one calendar year from January 1 through December 31, renewed annually.
3. All permits shall be issued for a specific ORV or golf cart. Permit holders will be issued a numbered flag and a sticker to affix to the left rear of the vehicle in a place that can easily be seen by others viewing said vehicle from behind.
4. The fines schedules for violations of this ordinance are as follows:
 - A. First offense will result in a fine of \$75.00 and possible 30-day suspension of the right to operate the ATV, ORV or golf cart within the City limits.
 - B. Second offense will result in a fine of \$125.00 and possible 90-day suspension of the right to operate the ATV, ORV or golf cart within the City limits.
 - C. Third offense will result in a fine of \$225.00 and revocation of the permit if third offense occurs within a three (3) year period.
5. The permit may be suspended or revoked by any law enforcement officer upon finding evidence that the permit holder has violated the conditions of the permit or has abused the privilege of being a permit holder. There shall be no refund of the permit fee. Should permit be suspended or revoked, the owner or operator may seek review of such action by the Bloomfield City Council. The operator must receive a

majority vote of the Bloomfield City Council to allow reinstatement of an existing permit or issuance of a new permit.

(Section 75.11 – Ord. 706 – Dec. 20 Supp.)

75.12 EXEMPT VEHICLES. The requirements of this ordinance shall not be enforced for an ATV, ORV or golf cart used as an authorized emergency vehicle.

(Ord. 706 – Dec. 20 Supp.)

75.13 PARADE USAGE. Vehicles covered by Chapter 75 of the Code of Ordinances are exempt from the permit requirements of this chapter during and 30 minutes before and after any parade for which the City Clerk has issued a permit pursuant to Bloomfield City Code Section 60.08.

(Ord. 706 – Dec. 20 Supp.)

CHAPTER 76

BICYCLE REGULATIONS

76.01 Scope of Regulations	76.08 Carrying Articles
76.02 Traffic Code Applies	76.09 Riding on Sidewalks
76.03 Double Riding Restricted	76.10 Towing
76.04 Two Abreast Limit	76.11 Improper Riding
76.05 Bicycle Paths	76.12 Parking
76.06 Speed	76.13 Equipment Requirements
76.07 Emerging from Alley or Driveway	76.14 Special Penalty

76.01 SCOPE OF REGULATIONS. These regulations shall apply whenever a bicycle is operated upon any street or upon any public path set aside for the exclusive use of bicycles, subject to those exceptions stated herein.

(Code of Iowa, Sec. 321.236 [10])

76.02 TRAFFIC CODE APPLIES. Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of the State declaring rules of the road applicable to vehicles or by the traffic code of the City applicable to the driver of a vehicle, except as to those provisions which by their nature can have no application. Whenever such person dismounts from a bicycle the person shall be subject to all regulations applicable to pedestrians.

(Code of Iowa, Sec. 321.234)

76.03 DOUBLE RIDING RESTRICTED. A person propelling a bicycle shall not ride other than astride a permanent and regular seat attached thereto. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

(Code of Iowa, Sec. 321.234 [3 and 4])

76.04 TWO ABREAST LIMIT. Persons riding bicycles upon a roadway shall not ride more than two (2) abreast except on paths or parts of roadways set aside for the exclusive use of bicycles. All bicycles ridden on the roadway shall be kept to the right and shall be operated as near as practicable to the right-hand edge of the roadway.

(Code of Iowa, Sec. 321.236 [10])

76.05 BICYCLE PATHS. Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.

(Code of Iowa, Sec. 321.236 [10])

76.06 SPEED. No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

(Code of Iowa, Sec. 321.236 [10])

76.07 EMERGING FROM ALLEY OR DRIVEWAY. The operator of a bicycle emerging from an alley, driveway or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on said sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.

(Code of Iowa, Sec. 321.236 [10])

76.08 CARRYING ARTICLES. No person operating a bicycle shall carry any package, bundle or article which prevents the rider from keeping at least one hand upon the handle bars.

(Code of Iowa, Sec. 321.236 [10])

76.09 RIDING ON SIDEWALKS. The following shall apply to riding bicycles on sidewalks:

1. Business District. No person shall ride a bicycle upon a sidewalk within the Business District, as defined in Section 60.02(1) of this Code of Ordinances.

(Code of Iowa, Sec. 321.236 [10])

2. Other Locations. When signs are erected on any sidewalk or roadway prohibiting the riding of bicycles thereon by any person, no person shall disobey the signs.

(Code of Iowa, Sec. 321.236 [10])

3. Yield Right-of-way. Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing.

(Code of Iowa, Sec. 321.236 [10])

76.10 TOWING. It is unlawful for any person riding a bicycle to be towed or to tow any other vehicle upon the streets of the City unless the vehicle is manufactured for such use.

76.11 IMPROPER RIDING. No person shall ride a bicycle in an irregular or reckless manner such as zigzagging, stunting, speeding or otherwise so as to disregard the safety of the operator or others.

76.12 PARKING. No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the

bicycle or against a building or at the curb, in such a manner as to afford the least obstruction to pedestrian traffic.

(Code of Iowa, Sec. 321.236 [10])

76.13 EQUIPMENT REQUIREMENTS. Every person riding a bicycle shall be responsible for providing and using equipment as provided herein:

1. Lamps Required. Every bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least three hundred (300) feet to the front and with a lamp on the rear exhibiting a red light visible from a distance of 300 feet to the rear except that a red reflector on the rear, of a type which shall be visible from all distances from fifty (50) feet to 300 feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle, may be used in lieu of a rear light.

(Code of Iowa, Sec. 321.397)

2. Brakes Required. Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheel skid on dry, level, clean pavement.

(Code of Iowa, Sec. 321.236 [10])

76.14 SPECIAL PENALTY. Any person violating the provisions of this chapter may, in lieu of the scheduled fine for bicyclists or standard penalty provided for violations of the Code of Ordinances, allow the person's bicycle 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.

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CHAPTER 80

ABANDONED VEHICLES

80.01 Definitions	80.06 Fees for Impoundment
80.02 Authority to Take Possession of Abandoned Vehicles	80.07 Disposal of Abandoned Vehicles
80.03 Notice by Mail	80.08 Disposal of Totally Inoperable Vehicles
80.04 Notification in Newspaper	80.09 Proceeds from Sales
80.05 Extension of Time	80.10 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 any city or public agency organized for the disposal of solid waste, or any person 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. A police authority taking into custody an abandoned vehicle which has been determined to create a traffic hazard shall report the reasons constituting the hazard in writing to the appropriate authority having duties of control of the highway. 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 which 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 their last known addresses of record, that the abandoned vehicle has been taken into custody. Notice shall be deemed given when mailed. The notice shall describe the year, make, model and serial 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 the identity of the last registered owner cannot be determined, or if the registration contains no address for the owner, or if it is impossible to determine with reasonable certainty the identity and addresses of all lienholders, notice by one publication in one newspaper of general circulation in 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 EXTENSION OF TIME. The owner, lienholders or claimants may, by written request delivered to the police authority or private entity prior to the expiration of the ten-day reclaiming period, obtain an additional five (5) days within which the motor vehicle or personal property may be reclaimed.

(Code of Iowa, Sec. 321.89[3c])

80.06 FEES FOR IMPOUNDMENT. The owner, lienholder or claimant shall pay ten dollars (\$10.00) per day within the reclaiming period plus towing charges if stored by the City, or towing and storage fees, if stored in a public garage, whereupon said vehicle shall be released. The amount of towing charges, and the rate of storage charges by privately owned garages, shall be established by such facility.

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

80.07 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])

80.08 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])

80.09 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])

80.10 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])

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CHAPTER 85

NONREFUNDABLE UTILITY CONNECTION FEE

85.01 NONREFUNDABLE UTILITY CONNECTION FEE. There shall be required from every customer of the City of Bloomfield water, gas or electric utilities a one hundred dollar (\$100.00) nonrefundable connection fee. Said one hundred dollar (\$100.00) connection fee shall be collected before any connections to the City of Bloomfield water, gas or electric utilities, provided, that such one hundred dollar (\$100.00) connection fee shall be applicable to the connection of one or more of the City's water, gas or electric utilities and such nonrefundable connection fee shall be in lieu of any deposits for water, gas or electric service.

(Ord. 602 – May 06 Supp.)

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CHAPTER 90

WATER SERVICE SYSTEM

90.01 Definitions	90.11 Installation of Water Service Pipe
90.02 Superintendent's Duties	90.12 Responsibility for Water Service Pipe
90.03 Mandatory Connections	90.13 Failure to Maintain
90.04 Abandoned Connections	90.14 Curb Valve
90.05 Permit	90.15 Interior Valve
90.06 Tapping Charge	90.16 Inspection and Approval
90.07 Compliance with Plumbing Code	90.17 Completion by the City
90.08 Plumber Required	90.18 Shutting off Water Supply
90.09 Excavations	90.19 Operation of Water Valve and Hydrants
90.10 Tapping Mains	90.20 Emergency Water Conservation

90.01 DEFINITIONS. The following terms are defined for use in the chapters in this Code of Ordinances pertaining to the Water Service System:

1. "Combined service account" means a customer service account for the provision of two or more utility services.
2. "Customer" means, in addition to any person receiving water service from the City, the owner of the property served, and as between such parties the duties, responsibilities, liabilities and obligations hereinafter imposed shall be joint and several.
3. "Superintendent" means the Public Works Director of the City or any duly authorized assistant, agent or representative.
4. "Water main" means a water supply pipe provided for public or community use.
5. "Water service pipe" means the pipe from the water main to the building served.
6. "Water system" or "water works" means all public facilities for securing, collecting, storing, pumping, treating and distributing water.

90.02 SUPERINTENDENT'S DUTIES. The Superintendent shall supervise the installation of water service pipes and their connection to the water main and enforce all regulations pertaining to water services in the City in accordance with this chapter. This chapter shall apply to all replacements of existing water service pipes as well as to new ones. The Superintendent shall make such rules, not in conflict with the provisions of this chapter, as may be needed for the detailed operation of the water system, subject to the approval of

the Council. In the event of an emergency the Superintendent may make temporary rules for the protection of the system until due consideration by the Council may be had.

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

90.03 MANDATORY CONNECTIONS. All residences and business establishments within the City limits intended or used for human habitation, occupancy or use shall be connected to the public water system, if it is reasonably available and if the building is not furnished with pure and wholesome water from some other source.

90.04 ABANDONED CONNECTIONS. When an existing water service is abandoned or a service is renewed with a new tap in the main, all abandoned connections with the mains shall be turned off at the corporation stop and made absolutely watertight.

90.05 PERMIT. Before any person makes a connection with the public water system, a written permit must be obtained from the City. The application for the permit shall include a legal description of the property, the name of the property owner, the name and address of the person who will do the work, and the general uses of the water. If the proposed work meets all the requirements of this chapter and if all fees required under this chapter have been paid, the permit shall be issued. Work under any permit must be completed within sixty (60) days after the permit is issued, except that when such time period is inequitable or unfair due to conditions beyond the control of the person making the application, an extension of time within which to complete the work may be granted. The permit may be revoked at any time for any violation of these chapters.

90.06 TAPPING CHARGE. The person who makes the permit application shall pay to the City a tapping charge of one hundred fifty dollars (\$150.00), plus the costs of materials.

(Code of Iowa, Sec. 384.84)

90.07 COMPLIANCE WITH PLUMBING CODE. The installation of any water service pipe and any connection with the water system shall comply with all pertinent and applicable provisions, whether regulatory, procedural or enforcement provisions, of Division 4, Plumbing Rules and Regulations, of the State Building Code.

90.08 PLUMBER REQUIRED. All installations of water service pipes and connections to the water system shall be made by a plumber approved by the City. The Superintendent shall have the power to suspend the approval of any

plumber for violation of any of the provisions of this chapter. A suspension, unless revoked, shall continue until the next regular meeting of the City Council. The Superintendent shall notify the plumber immediately by personal written notice of the suspension, the reasons for the suspension and the time and place of the Council meeting at which the plumber will be granted a hearing. At this Council meeting the Superintendent shall make a written report to the Council stating the reasons for the suspension, and the Council, after fair hearing, shall affirm or revoke the suspension or take any further action that is necessary and proper. The plumber shall provide a surety bond in the sum of one thousand dollars (\$1,000.00) secured by a responsible surety bonding company authorized to operate within the State, conditioned to indemnify and save the City harmless against all losses or damages that may arise from or be occasioned by the making of connections to the water system or excavations therefor or by carelessness, negligence or unskillfulness in making the same. Such bond shall remain in force and must be executed for a period of one year except that on such expiration it shall remain in force as to all penalties, claims and demands that may have accrued thereunder prior to such expiration. In lieu of a surety bond, a cash deposit of one thousand dollars (\$1,000.00) may be filed with the City.

90.09 EXCAVATIONS. All trench work, excavation and backfilling required in making a connection shall be performed in accordance with applicable excavation provisions as provided for installation of building sewers and/or the provisions of Chapter 135.

90.10 TAPPING MAINS. All taps into water mains shall be made by or under the direct supervision of the Superintendent and in accord with the following:

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

1. Independent Services. No more than one house, building or premises shall be supplied from one tap unless special written permission is obtained from the Superintendent and unless provision is made so that each house, building or premises may be shut off independently of the other.
2. Size and Location of Taps. The standard size of a tap shall be three-fourths (3/4) inch except when determined by the Superintendent that a larger tap is required. The location of the tap shall be determined by the Superintendent.
3. Corporation Stop. A brass corporation stop, of the pattern and weight approved by the Superintendent, shall be inserted in every tap in the main. The corporation stop in the main shall be of the same size as the service pipe.

4. Location Record. An accurate and dimensional sketch showing the exact location of the tap shall be filed with the Superintendent in such form as the Superintendent shall require.

90.11 INSTALLATION OF WATER SERVICE PIPE. Water service pipes from the main to the meter setting shall be Type K copper. The use of any other pipe material for the service line shall first be approved by the Superintendent. Pipe must be laid sufficiently waving, and to such depth, as to prevent rupture from settlement or freezing. A tracer wire shall be installed running parallel with the pipe on all new and replacement water service lines. The type of wire to be used, the depth that it is to be placed and other installation details shall be as approved by the Superintendent.

90.12 RESPONSIBILITY FOR WATER SERVICE PIPE. All costs and expenses incident to the installation, connection and maintenance of the water service pipe from the main to the building served shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation or maintenance of said water service pipe.

90.13 FAILURE TO MAINTAIN. When any portion of the water service pipe, including the curb box, which is the responsibility of the property owner becomes defective or creates a nuisance and the owner fails to correct such nuisance the City may do so and assess the costs thereof to the property.

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

90.14 CURB VALVE. There shall be installed within the public right-of-way a main shut-off valve on the water service pipe of a pattern approved by the Superintendent. The shut-off valve shall be constructed to be visible and even with the pavement or ground.

90.15 INTERIOR VALVE. There shall be installed a shut-off valve on every service pipe inside the building as close to the entrance of the pipe within the building as possible and so located that the water can be shut off conveniently. Where one service pipe supplies more than one customer within the building, there shall be separate valves for each such customer so that service may be shut off for one without interfering with service to the others.

90.16 INSPECTION AND APPROVAL. All water service pipes and their connections to the water system must be inspected and approved by the Superintendent before they are covered, and the Superintendent shall keep a record of such approvals. If the Superintendent refuses to approve the work, the plumber or property owner must proceed immediately to correct the work. Every person who uses or intends to use the municipal water system shall

permit the Superintendent to enter the premises to inspect or make necessary alterations or repairs at all reasonable hours and on proof of authority.

90.17 COMPLETION BY THE CITY. Should any excavation be left open or only partly refilled for twenty-four (24) hours after the water service pipe is installed and connected with the water system, or should the work be improperly done, the City shall have the right to finish or correct the work, and the Council shall assess the costs to the property owner or the plumber. If the plumber is assessed, the plumber must pay the costs before receiving another permit, and the plumber's bond or cash deposit shall be security for the assessment. If the property owner is assessed, such assessment may be collected with and in the same manner as general property taxes.

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

90.18 SHUTTING OFF WATER SUPPLY. The Superintendent may shut off the supply of water to any customer because of any violation of the regulations contained in these Water Service System chapters that is not being contested in good faith. The supply shall not be turned on again until all violations have been corrected and the Superintendent has ordered the water to be turned on.

90.19 OPERATION OF WATER VALVE AND HYDRANTS. It is unlawful for any person except the Superintendent to turn the water valve, and no person, unless specifically authorized by the City, shall open or attempt to draw water from any fire hydrant for any purpose whatsoever.

90.20 EMERGENCY WATER CONSERVATION. Upon resolution duly adopted by the Council, the City may invoke emergency water conservation practices upon a determination by the Council that an emergency water supply shortage exists, restricting the use of water supplied by the City to users purchasing water from the City.

1. Use of water sold by the City to its users for the following purposes is prohibited:
 - A. Watering lawns, trees, shrubs, gardens, flowers and other vegetation, provided however, that such prohibition does not include use of water by commercial enterprises in the ordinary course of maintaining such vegetation held for resale;
 - B. Water used for swimming pools, saunas, Jacuzzi and other similar structures or devices used for personal or recreational purposes;
 - C. Washing vehicles, provided however, that such prohibition does not include the operation or use of commercial car washing

facilities, nor does such prohibition include washing of vehicles held for resale by commercial enterprises;

D. Bulk tank water sales from City premises.

2. Prohibited water uses shall be implemented by a resolution duly adopted by the Council upon a determination that an emergency water supply shortage exists. A resolution determining that an emergency water supply shortage exists and prohibiting certain uses of water sold by the City shall become effective upon passage and publication of such resolution as provided by law and shall continue until such time as a resolution is duly adopted by the Council determining that an emergency water supply shortage no longer exists.

CHAPTER 91

WATER METERS

91.01 Purpose	91.06 Meter Costs
91.02 Water Use Metered	91.07 Meter Repairs
91.03 Fire Sprinkler Systems- Exception	91.08 Right of Entry
91.04 Location of Meters	91.09 Tampering Prohibited
91.05 Meter Setting	

91.01 PURPOSE. The purpose of this chapter is to encourage the conservation of water and facilitate the equitable distribution of charges for water service among customers.

91.02 WATER USE METERED. All water furnished customers shall be measured through meters furnished by the City and installed by the City.

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

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

91.05 METER SETTING. The property owner shall provide all necessary piping and fittings for proper setting of the meter including a valve on the discharge side of the meter. Meter pits may be used only upon approval of the Superintendent and shall be of a design and construction approved by the Superintendent.

91.06 METER COSTS. The full cost of any meter larger than that required for a single-family residence (5/8" meter) shall be paid to the City by the property owner or customer prior to the installation of any such meter by the City, or, at the sole option of the City, the property owner or customer may be required to purchase and install such meter in accordance with requirements established by the City.

91.07 METER REPAIRS. Whenever a water meter owned by the City is found to be out of order, the Superintendent shall have it repaired. If it is found that damage to the meter has occurred due to the carelessness or negligence of

the customer or property owner, or the meter is not owned by the City, then the property owner shall be liable for the cost of repairs.

91.08 RIGHT OF ENTRY. The Superintendent shall be permitted to enter the premises of any customer at any reasonable time to read, remove, or change a meter.

91.09 TAMPERING PROHIBITED. If any person tampers with any meter and so injures the same that it does not accurately measure the amount of water flowing through it, or if any person diverts the flow of water so that it does not pass through the meter, such person is guilty of a misdemeanor.

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CHAPTER 92

WATER RATES

92.01 Service Charges
92.02 Rates For Service
92.03 Billing for Water Service
92.04 Service Discontinued
92.05 Lien for Nonpayment
92.06 Lien Exemption

92.07 Lien Notice
92.08 Customer Connection Fee
92.09 Temporary Vacancy
92.10 Disconnection and Reconnection Fees
92.11 Posting Surcharge
92.12 No Deduction for Leakage

92.01 SERVICE CHARGES. Each customer shall pay for water service provided by the City based upon use of water as determined by meters provided for in Chapter 91. Each location, building, premises or connection shall be considered a separate and distinct customer whether owned or controlled by the same person or not.

(Code of Iowa, Sec. 384.84)

92.02 RATES FOR SERVICE. Rates for water service for all customers of the City of Bloomfield are as follows:

(Code of Iowa, Sec. 384.84)

Gallons Used Per Month	Rate
First 1,000 gallons	\$57.48 (minimum bill)
All over 1,000 gallons	\$9.87 per 1,000 gallons

On or before the 1st day of February of each year, the City Clerk shall compute an adjustment to the water rates based on the multiplication of the current rate by a factor equal to the increase in the Consumer Price Index (C.P.I.) as established by the Federal government for the preceding twelve (12) month period of January 01 through December 31. This adjustment shall be submitted to the City Council at the first Council meeting in February. At the Council’s discretion, this adjustment may be applied to the minimum bill on the 1st day of the following month.

(Ord. 679 – Oct. 16 Supp.)

92.03 BILLING FOR WATER SERVICE. Water service shall be billed as part of a combined service account, payable in accordance with the following:

(Code of Iowa, Sec. 384.84)

1. Bills Issued. The Clerk shall prepare and issue bills for combined service accounts on the twentieth (20th) day of each month.

2. Bills Payable. Bills for combined service accounts shall be due and payable at the office of the Clerk by the tenth (10th) day of each month.

3. Late Payment Penalty. Bills not paid when due shall be considered delinquent. A late payment penalty of 1½ percent per month of the amount due shall be added to each delinquent bill.

92.04 SERVICE DISCONTINUED. Water service to delinquent customers shall be discontinued in accordance with the following:

(Code of Iowa, Sec. 384.84)

1. Notice. The Clerk shall notify each delinquent customer that service will be discontinued if payment of the combined service account, including late payment charges, is not received by the date specified in the notice of delinquency. Such notice shall be sent by ordinary mail and shall inform the customer of the nature of the delinquency and afford the customer the opportunity for a hearing prior to the discontinuance.

92.05 LIEN FOR NONPAYMENT. The owner of the premises served and any lessee or tenant thereof shall be jointly and severally liable for water service charges to the premises. Water service charges remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

(Code of Iowa, Sec. 384.84)

92.06 LIEN EXEMPTION. The lien for nonpayment shall not apply to a residential rental property where water service is separately metered and the rates or charges for the water service are paid directly to the City by the tenant, if the landlord gives written notice to the City that the property is residential rental property and that the tenant is liable for the rates or charges. The City may require a deposit not exceeding the usual cost of ninety (90) days of water service be paid to the City. The landlord's written notice shall contain the name of the tenant responsible for charges, the address of the rental property and the date of occupancy. A change in tenant shall require a new written notice to be given to the City within ten (10) business days of the change in tenant. When the tenant moves from the rental property, the City shall refund the deposit if the water service charges are paid in full. A change in the ownership of the residential rental property shall require written notice of such change to be given to the City within ten (10) business days of the completion of the change of ownership. The lien exemption does not apply to delinquent charges for repairs to a water service.

(Code of Iowa, Sec. 384.84)

92.07 LIEN NOTICE. A lien for delinquent water service charges shall not be certified to the County Treasurer unless prior written notice of intent to certify a lien is given to the customer. If the customer is a tenant and if the owner or landlord of the property has made a written request for notice, the notice shall also be given to the owner or landlord. The notice shall be sent to the appropriate persons by ordinary mail not less than thirty (30) days prior to certification of the lien to the County Treasurer.

(Code of Iowa, Sec. 384.84)

92.08 CUSTOMER CONNECTION FEE. In accordance with Chapter 85, there shall be a \$100 nonrefundable connection fee. This fee shall be applicable to the connection of one or more of the City's utilities.

92.09 TEMPORARY VACANCY. A property owner may request water service be temporarily discontinued and shut off at the curb valve when the property is expected to be vacant for an extended period of time. During a period when service is temporarily discontinued as provided herein there shall be no minimum service charge. The City will not drain pipes or pull meters for temporary vacancies.

92.10 DISCONNECTION AND RECONNECTION FEES. There shall be a service charge for each call in making either a disconnection or reconnection of water service whether for nonpayment for service, at the request of the customer, or otherwise. The charge is fifteen dollars (\$15.00) per call during regular working hours (7:00 a.m. to 4:00 p.m. on weekdays). No disconnection or reconnection service shall be made other than during regular working hours except for medical necessities, in which case the charge is ninety dollars (\$90.00) per call. The service charges shall be due and payable at the time said services are rendered and all charges must be paid before service is restored.

92.11 POSTING SURCHARGE. In addition to any other fees, service fees or surcharges provided for herein, a surcharge of fifty dollars (\$50.00) shall be charged to any customer whose account for utility services is delinquent and the City posts the notice of such delinquency at the customer's last known address. The notice shall conspicuously state the amount of this surcharge.

(Ord. 655 – Mar. 12 Supp.)

92.12 NO DEDUCTION FOR LEAKAGE. No deduction will be made because of leakage after the water has passed through a meter. If leakage occurs in a service pipe, including frozen pipes, the City may shut off the supply at the curb valve until the service is repaired.

(Ch. 92 - Ord. 619 – July 06 Supp.)

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CHAPTER 95

SANITARY SEWER SYSTEM

95.01 Purpose	95.06 Service Outside the City
95.02 Definitions	95.07 Right of Entry
95.03 Superintendent	95.08 Use of Easements
95.04 Prohibited Acts	95.09 Special Penalties
95.05 Sewer Connection Required	

95.01 PURPOSE. The purpose of the chapters of this Code of Ordinances pertaining to Sanitary Sewers is to establish rules and regulations governing the treatment and disposal of sanitary sewage within the City in order to protect the public health, safety and welfare.

95.02 DEFINITIONS. For use in these chapters, unless the context specifically indicates otherwise, the following terms are defined:

1. “B.O.D.” (denoting Biochemical Oxygen Demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees C., expressed in milligrams per liter or parts per million.
2. “Building drain” means that part of the lowest horizontal piping of a building drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.
3. “Building sewer” means that part of the horizontal piping from the building wall to its connection with the main sewer or the primary treatment portion of an on-site wastewater treatment and disposal system conveying the drainage of one building site.
4. “Combined sewer” means a sewer receiving both surface run-off and sewage.
5. “Customer” means any person responsible for the production of domestic, commercial or industrial waste which is directly or indirectly discharged into the public sewer system.
6. “Garbage” means solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.

7. “Industrial wastes” means the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.
8. “Inspector” means the person duly authorized by the Council to inspect and approve the installation of building sewers and their connections to the public sewer system; and to inspect such sewage as may be discharged therefrom.
9. “Natural outlet” means any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
10. “On-site wastewater treatment and disposal system” means all equipment and devices necessary for proper conduction, collection, storage, treatment, and disposal of wastewater from four or fewer dwelling units or other facilities serving the equivalent of fifteen persons (1500 gpd) or less.
11. “pH” means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
12. “Public sewer” means a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
13. “Sanitary sewage” means sewage discharging from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories or institutions, and free from storm, surface water, and industrial waste.
14. “Sanitary sewer” means a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.
15. “Sewage” means a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.
16. “Sewage treatment plant” means any arrangement of devices and structures used for treating sewage.
17. “Sewage works” or “sewage system” means all facilities for collecting, pumping, treating, and disposing of sewage.
18. “Sewer” means a pipe or conduit for carrying sewage.
19. “Sewer service charges” means any and all charges, rates or fees levied against and payable by customers, as consideration for the servicing of said customers by said sewer system.
20. “Slug” means any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more

than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

21. “Storm drain” or “storm sewer” means a sewer which carries storm and surface waters and drainage but excludes sewage and industrial wastes, other than unpolluted cooling water.

22. “Superintendent” means the Public Works Director of the City or any authorized deputy, agent, or representative.

23. “Suspended solids” means solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

24. “Watercourse” means a channel in which a flow of water occurs, either continuously or intermittently.

95.03 SUPERINTENDENT. The Superintendent shall exercise the following powers and duties:

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

1. Operation and Maintenance. Operate and maintain the City sewage system.
2. Inspection and Tests. Conduct necessary inspections and tests to assure compliance with the provisions of these Sanitary Sewer chapters.
3. Records. Maintain a complete and accurate record of all sewers, sewage connections and manholes constructed showing the location and grades thereof.

95.04 PROHIBITED ACTS. No person shall do, or allow, any of the following:

1. Damage Sewer System. Maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewer system.

(Code of Iowa, Sec. 716.1)

2. Surface Run-off or Groundwater. Connect a roof downspout, sump pump, exterior foundation drain, areaway drain, or other source of surface run-off or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
3. Manholes. Open or enter any manhole of the sewer system, except by authority of the Superintendent.
4. Objectionable Wastes. Place or deposit in any unsanitary manner on public or private property within the City, or in any area under the

jurisdiction of the City, any human or animal excrement, garbage, or other objectionable waste.

5. Septic Tanks. Construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage except as provided in these chapters.

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

6. Untreated Discharge. Discharge to any natural outlet within the City, or in any area under its jurisdiction, any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of these chapters.

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

95.05 SEWER CONNECTION REQUIRED. The owners of any houses, buildings, or properties used for human occupancy, employment, recreation or other purposes, situated within the City and abutting on any street, alley or right-of-way in which there is now located, or may in the future be located, a public sanitary or combined sewer, are hereby required to install, at such owner's expense, suitable toilet facilities therein and a building sewer connecting such facilities directly with the proper public sewer, and to maintain the same all in accordance with the provisions of these Sanitary Sewer chapters, such compliance to be completed within sixty (60) days after date of official notice from the City to do so provided that said public sewer is located within two hundred (200) feet (61 meters) of the property line of such owner and is of such design as to receive and convey by gravity such sewage as may be conveyed to it. Billing for sanitary sewer service will begin the date of official notice to connect to the public sewer.

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

(IAC, 567-69.1[3])

95.06 SERVICE OUTSIDE THE CITY. The owners of property outside the corporate limits of the City so situated that it may be served by the City sewer system may apply to the Council for permission to connect to the public sewer upon the terms and conditions stipulated by resolution of the Council.

(Code of Iowa, Sec. 364.4 [2 & 3])

95.07 RIGHT OF ENTRY. The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of these Sanitary Sewer chapters. The Superintendent or representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct

bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

95.08 USE OF EASEMENTS. The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

95.09 SPECIAL PENALTIES. The following special penalty provisions shall apply to violations of these Sanitary Sewer chapters:

1. Notice of Violation. Any person found to be violating any provision of these chapters except subsections 1, 3 and 4 of Section 95.04, shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
2. Continuing Violations. Any person who shall continue any violation beyond the time limit provided for in subsection 1 hereof shall be in violation of this Code of Ordinances. Each day in which any such violation shall continue shall be deemed a separate offense.
3. Liability Imposed. Any person violating any of the provisions of these chapters shall become liable to the City for any expense, loss, or damage occasioned the City by reason of such violation.

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CHAPTER 96

BUILDING SEWERS AND CONNECTIONS

96.01 Permit
96.02 Connection Charge
96.03 Plumber Required
96.04 Excavations
96.05 Connection Requirements

96.06 Interceptors Required
96.07 Sewer Tap
96.08 Inspection Required
96.09 Property Owner's Responsibility
96.10 Abatement of Violations

96.01 PERMIT. No unauthorized person shall uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City. The application for the permit shall set forth the location and description of the property to be connected with the sewer system and the purpose for which the sewer is to be used, and shall be supplemented by any plans, specifications, or other information considered pertinent. The permit shall require the owner to complete construction and connection of the building sewer to the public sewer within sixty (60) days after the issuance of the permit, except that when a property owner makes sufficient showing that due to conditions beyond the owner's control or peculiar hardship, such time period is inequitable or unfair, an extension of time within which to comply with the provisions herein may be granted. Any sewer connection permit may be revoked at any time for a violation of these chapters.

96.02 CONNECTION CHARGE. The person who makes the permit application shall pay a connection charge in the amount of one hundred dollars (\$100.00) to reimburse the City for costs borne by the City in making sewer service available to the property served.

96.03 PLUMBER REQUIRED. All installations of building sewers and connections to the public sewer shall be made by a plumber approved by the City. The Superintendent shall have the power to suspend the approval of any plumber for violation of any of the provisions of these Sanitary Sewer chapters; a suspension, unless revoked, shall continue until the next regular meeting of the Council. The Superintendent shall notify the plumber immediately by personal written notice of the suspension, the reasons for the suspension, and the time and place of the Council meeting at which the plumber will be granted a hearing. At this Council meeting the Superintendent shall make a written report to the Council stating the reasons for the suspension, and the Council, after fair hearing, shall affirm or revoke the suspension or take any further action that is necessary and proper. The plumber shall provide a surety bond in the minimum sum of one thousand dollars (\$1,000.00) secured by a responsible

surety bonding company authorized to operate within the State, conditioned to indemnify and save the City harmless against all losses or damages that may arise from or be occasioned by the making of connections with the public sewers or excavations therefor or by carelessness, negligence or unskillfulness in making the same. Such bond shall remain in force and must be executed for a period of one year except that on such expiration it shall remain in force as to all penalties, claims and demands that may have accrued thereunder prior to such expiration. In lieu of a surety bond, a cash deposit of one thousand dollars (\$1,000.00) may be filed with the City.

96.04 EXCAVATIONS. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the City. Pipe laying and backfill shall be performed in accordance with A.S.T.M. Specification C-12, except that no backfill shall be placed until the work has been inspected. The excavations shall be made in accordance with the provisions of Chapter 135 where applicable.

96.05 CONNECTION REQUIREMENTS. Any connection with a public sanitary sewer must be made under the direct supervision of the Superintendent and in accordance with the following:

1. Old Building Sewers. Old building sewers may be used in connection with new buildings only when they are found, on examination and test conducted by the owner and observed by the Superintendent, to meet all requirements of this chapter.
2. Separate Building Sewers. A separate and independent building sewer shall be provided for every occupied building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway. In such cases the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
3. Installation. The connection of the building sewer into the public sewer shall conform to the requirements of Division 4, Plumbing Rules and Regulations, of the State Building Code, applicable rules and regulations of the City, or the procedures set forth in A.S.T.M. Specification C-12. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.
4. Water Lines. When possible, building sewers should be laid at least ten (10) feet horizontally from a water service. The horizontal separation may be less, provided the water service line is located at one side and at least twelve (12) inches above the top of the building sewer.

5. Size. Building sewers shall be sized for the peak expected sewage flow from the building with a minimum building sewer size of four (4) inches.
6. Alignment and Grade. All building sewers shall be laid to a straight line to meet the following:
 - A. Recommended grade at one-fourth ($\frac{1}{4}$) inch per foot.
 - B. Minimum grade of one-eighth ($\frac{1}{8}$) inch per foot.
 - C. Minimum velocity of 2.00 feet per second with the sewer half full.
 - D. Any deviation in alignment or grade shall be made only with the written approval of the Superintendent and shall be made only with approved fittings.
7. Depth. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. The depth of cover above the sewer shall be sufficient to afford protection from frost.
8. Sewage Lifts. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer.
9. Pipe Specifications. Building sewer pipe shall be free from flaws, splits, or breaks. Materials shall be as specified in Division 4 of the State Building Code except that the building sewer pipe, from the property line to the public sewer, shall comply with the current edition of one of the following:
 - A. Ductile iron water pipe - A.W.W.A. C-151.
 - B. P.V.C. - SDR26 - A.S.T.M. D-3034.
10. Bearing Walls. No building sewer shall be laid parallel to, or within three (3) feet of any bearing wall, which might thereby be weakened.
11. Jointing. Fittings, type of joint, and jointing material shall be compatible with the type of pipe used, subject to the approval of the Superintendent. Solvent-welded joints are not permitted.
12. Unstable Soil. No sewer connection shall be laid so that it is exposed when crossing any watercourse. Where an old watercourse must of necessity be crossed or where there is any danger of undermining or settlement, cast iron soil pipe or vitrified clay sewer pipe thoroughly encased in concrete shall be required for such crossings. Such encasement shall extend at least six (6) inches on all sides of the

pipe. The cast iron pipe or encased clay pipe shall rest on firm, solid material at either end.

13. Preparation of Basement or Crawl Space. No connection for any residence, business or other structure with any sanitary sewer shall be made unless the basement floor is poured, or in the case of a building with a slab or crawl space, unless the ground floor is installed with the area adjacent to the foundation of such building cleared of debris and backfilled. The backfill shall be well compacted and graded so that the drainage is away from the foundation. Prior to the time the basement floor is poured, or the first floor is installed in buildings without basements, the sewer shall be plugged and the plug shall be sealed by the Superintendent. Any accumulation of water in any excavation or basement during construction and prior to connection to the sanitary sewer shall be removed by means other than draining into the sanitary sewer.

14. Tracer Wire. A tracer wire shall be installed running parallel with the building sewer on all new and replacement lines. The type of wire to be used, the depth that it is to be placed and other installation details shall be as approved by the Superintendent.

96.06 INTERCEPTORS REQUIRED. Grease, oil, sludge and sand interceptors shall be provided by gas and service stations, convenience stores, car washes, garages, and other facilities when, in the opinion of the Superintendent, they are necessary for the proper handling of such wastes that contain grease in excessive amounts or any flammable waste, sand or other harmful ingredients. Such interceptors shall not be required for private living quarters or dwelling units. When required, such interceptors shall be installed in accordance with the following:

1. Design and Location. All interceptors shall be of a type and capacity as provided by the Iowa Public Health Bulletin and Division 4 of the State Building Code, to be approved by the Superintendent, and shall be located so as to be readily and easily accessible for cleaning and inspection.
2. Construction Standards. The interceptors shall be constructed of impervious material capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers that shall be gastight and watertight.
3. Maintenance. All such interceptors shall be maintained by the owner at the owner's expense and shall be kept in continuously efficient operations at all times.

96.07 SEWER TAP. Connection of the building sewer into the public sewer shall be made at the “Y” branch, if such branch is available at a suitable location. If no properly located “Y” branch is available, a saddle “Y” shall be installed at the location specified by the Superintendent. The saddle “Y” shall be furnished and installed by the City and the expense of the saddle “Y” included in the tapping fee. At no time shall a building sewer be constructed so as to enter a manhole unless special written permission is received from the Superintendent and in accordance with the Superintendent’s direction if such connection is approved.

96.08 INSPECTION REQUIRED. All connections with the sanitary sewer system before being covered shall be inspected and approved, in writing, by the Superintendent. As soon as all pipe work from the public sewer to inside the building has been completed, and before any backfilling is done, the Superintendent shall be notified and the Superintendent shall inspect and test the work as to workmanship and material; no sewer pipe laid under ground shall be covered or trenches filled until after the sewer has been so inspected and approved. If the Superintendent refuses to approve the work, the plumber or owner must proceed immediately to correct the work.

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

96.10 ABATEMENT OF VIOLATIONS. Construction or maintenance of building sewer lines whether located upon the private property of any owner or in the public right-of-way, which construction or maintenance is in violation of any of the requirements of this chapter, shall be corrected, at the owner’s expense, within thirty (30) days after date of official notice from the Council of such violation. If not made within such time the Council shall, in addition to the other penalties herein provided, have the right to finish and correct the work and assess the cost thereof to the property owner. Such assessment shall be collected with and in the same manner as general property taxes.

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

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CHAPTER 97

USE OF PUBLIC SEWERS

97.01 Storm Water
97.02 Surface Waters Exception
97.03 Prohibited Discharges
97.04 Restricted Discharges

97.05 Restricted Discharges - Powers
97.06 Special Facilities
97.07 Control Manholes
97.08 Testing of Wastes

97.01 STORM WATER. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof run-off, sub-surface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged on approval of the Superintendent, to a storm sewer, combined sewer, or natural outlet.

97.02 SURFACE WATERS EXCEPTION. Special permits for discharging surface waters to a public sanitary sewer may be issued by the Council upon recommendation of the Superintendent where such discharge is deemed necessary or advisable for purposes of flushing, but any permit so issued shall be subject to revocation at any time when deemed to the best interests of the sewer system.

97.03 PROHIBITED DISCHARGES. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

1. Flammable or Explosive Material. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
2. Toxic or Poisonous Materials. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) milligrams per liter as CN in the wastes as discharged to the public sewer.
3. Corrosive Wastes. Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

4. Solid or Viscous Substances. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

5. Excessive B.O.D., Solids or Flow. Any waters or wastes having (a) a five (5) day biochemical oxygen demand greater than three hundred (300) parts per million by weight, or (b) containing more than three hundred fifty (350) parts per million by weight of suspended solids, or (c) having an average daily flow greater than two percent (2%) of the average sewage flow of the City, shall be subject to the review of the Superintendent. Where necessary in the opinion of the Superintendent, the owner shall provide, at the owner's expense, such preliminary treatment as may be necessary to (a) reduce the biochemical oxygen demand to three hundred (300) parts per million by weight, or (b) reduce the suspended solids to three hundred fifty (350) parts per million by weight, or (c) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent and no construction of such facilities shall be commenced until said approvals are obtained in writing.

97.04 RESTRICTED DISCHARGES. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming an opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances restricted are:

1. High Temperature. Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees F (65 degrees C).
2. Fat, Oil, Grease. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100)

milligrams per liter or six hundred (600) milligrams per liter of dispersed or other soluble matter.

3. Viscous Substances. Water or wastes containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees F (0 and 65 degrees C).

4. Garbage. Any garbage that has not been properly shredded, that is, to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half ($\frac{1}{2}$) inch in any dimension.

5. Acids. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solution whether neutralized or not.

6. Toxic or Objectionable Wastes. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.

7. Odor or Taste. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of state, federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

8. Radioactive Wastes. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.

9. Excess Alkalinity. Any waters or wastes having a pH in excess of 9.5.

10. Unusual Wastes. Materials which exert or cause:

A. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

B. Excessive discoloration (such as, but not limited to dye wastes and vegetable tanning solutions).

C. Unusual B.O.D., chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

D. Unusual volume of flow or concentration of wastes constituting “slugs” as defined herein.

11. Noxious or Malodorous Gases. Any noxious or malodorous gas or other substance which either singly or by interaction with other wastes is capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their maintenance and repair.

12. Damaging Substances. Any waters, wastes, materials or substances which react with water or wastes in the sewer system to release noxious gases, develop color of undesirable intensity, form suspended solids in objectionable concentration or create any other condition deleterious to structures and treatment processes.

13. Untreatable Wastes. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

97.05 RESTRICTED DISCHARGES - POWERS. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 97.04 and which in the judgment of the Superintendent may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

1. Rejection. Reject the wastes by requiring disconnection from the public sewage system;
2. Pretreatment. Require pretreatment to an acceptable condition for discharge to the public sewers;
3. Controls Imposed. Require control over the quantities and rates of discharge; and/or
4. Special Charges. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Chapter 99.

97.06 SPECIAL FACILITIES. If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the

plants and equipment shall be subject to the review and approval of the Superintendent and subject to the requirements of all applicable codes, ordinances, and laws. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense.

97.07 CONTROL MANHOLES. When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at the owner's expense, and shall be maintained by the owner so as to be safe and accessible at all times.

97.08 TESTING OF WASTES. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, B.O.D. and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls whereas pH's are determined from periodic grab samples).

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CHAPTER 98

ON-SITE WASTEWATER SYSTEMS

98.01 When Prohibited
98.02 When Required
98.03 Compliance with Regulations
98.04 Permit Required

98.05 Discharge Restrictions
98.06 Maintenance of System
98.07 Systems Abandoned
98.08 Disposal of Septage

98.01 WHEN PROHIBITED. Except as otherwise provided in this chapter, it is unlawful to construct or maintain any on-site wastewater treatment and disposal system or other facility intended or used for the disposal of sewage.

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

98.02 WHEN REQUIRED. When a public sanitary sewer is not available under the provisions of Section 95.05, every building wherein persons reside, congregate or are employed shall be provided with an approved on-site wastewater treatment and disposal system complying with the provisions of this chapter.

(IAC, 567-69.1[3])

98.03 COMPLIANCE WITH REGULATIONS. The type, capacity, location and layout of a private on-site wastewater treatment and disposal system shall comply with the specifications and requirements set forth by the Iowa Administrative Code 567, Chapter 69, and with such additional requirements as are prescribed by the regulations of the County Board of Health.

(IAC, 567-69.1[3 & 4])

98.04 PERMIT REQUIRED. No person shall install or alter an on-site wastewater treatment and disposal system without first obtaining a permit from the County Board of Health.

98.05 DISCHARGE RESTRICTIONS. It is unlawful to discharge any wastewater from an on-site wastewater treatment and disposal system (except under an NPDES permit) to any ditch, stream, pond, lake, natural or artificial waterway, drain tile or to the surface of the ground.

(IAC, 567-69.1[3])

98.06 MAINTENANCE OF SYSTEM. The owner of an on-site wastewater treatment and disposal system shall operate and maintain the system in a sanitary manner at all times and at no expense to the City.

98.07 SYSTEMS ABANDONED. At such time as a public sewer becomes available to a property served by an on-site wastewater treatment and disposal

system, as provided in Section 95.05, a direct connection shall be made to the public sewer in compliance with these Sanitary Sewer chapters and the on-site wastewater treatment and disposal system shall be abandoned and filled with suitable material.

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

98.08 DISPOSAL OF SEPTAGE. No person shall dispose of septage from an on-site treatment system at any location except an approved disposal site.

CHAPTER 99

SEWER SERVICE CHARGES

99.01 Sewer Service Charges Required
99.02 Rate
99.03 Special Rates
99.04 Private Water Systems

99.05 Payment of Bills
99.06 Lien for Nonpayment
99.07 Special Agreements Permitted

99.01 SEWER SERVICE CHARGES REQUIRED. Every customer shall pay to the City sewer service fees as hereinafter provided.

(Code of Iowa, Sec. 384.84)

99.02 RATE. Each customer shall pay sewer service charges for the use of and for the service supplied by the municipal sanitary sewer system based upon the amount of water consumed as follows:

1. Effective for the January 1, 2021 billing, the first 3,000 gallons or lesser amount per month @ \$50.00 (minimum bill).
2. Effective for the January 1, 2021 billing, all over 3,000 gallons per month @ \$11.50 per 1,000 gallons.

(Ord. 709 – Dec. 20 Supp.)

99.03 SPECIAL RATES. Where, in the judgment of the Superintendent and the Council, special conditions exist to the extent that the application of the sewer charges provided in Section 99.02 would be inequitable or unfair to either the City or the customer, a special rate shall be proposed by the Superintendent and submitted to the Council for approval by resolution.

(Code of Iowa, Sec. 384.84)

99.04 PRIVATE WATER SYSTEMS. Customers whose premises are served by a private water system shall pay sewer charges based upon the water used as determined by the City either by an estimate agreed to by the customer or by metering the water system at the customer's expense. Any negotiated, or agreed upon sales or charges shall be subject to approval of the Council.

(Code of Iowa, Sec. 384.84)

99.05 PAYMENT OF BILLS. All sewer service charges are due and payable under the same terms and conditions provided for payment of a combined service account as contained in Section 92.04 of this Code of Ordinances. Sewer service may be discontinued in accordance with the provisions contained in Section 92.05 if the combined service account becomes delinquent, and the provisions contained in Section 92.08 relating to lien notices shall also apply in the event of a delinquent account.

Late Payment Penalty. Bill not paid when due shall be considered delinquent. A late payment penalty of 1½ percent per month of the amount due shall be added to each delinquent bill.

99.06 LIEN FOR NONPAYMENT. The owner of the premises served and any lessee or tenant thereof shall be jointly and severally liable for sewer service charges to the premises. Sewer service charges remaining unpaid and delinquent shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

(Code of Iowa, Sec. 384.84)

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

(Ch. 99 - Ord. 620 – July 06 Supp.)

[The next page is 495]

CHAPTER 105

SOLID WASTE CONTROL

105.01 Purpose
105.02 Definitions
105.03 Sanitary Disposal Required
105.04 Health and Fire Hazard
105.05 Open Burning Restricted
105.06 Separation of Yard Waste Required

105.07 Littering Prohibited
105.08 Open Dumping Prohibited
105.09 Toxic and Hazardous Waste
105.10 Waste Storage Containers
105.11 Prohibited Practices

105.01 PURPOSE. The purpose of the chapters in this Code of Ordinances pertaining to Solid Waste Control and Collection is to provide for the sanitary storage, collection and disposal of solid waste and, thereby, to protect the citizens of the City from such hazards to their health, safety and welfare as may result from the uncontrolled disposal of solid waste.

105.02 DEFINITIONS. For use in these chapters the following terms are defined:

1. “Collector” means any person authorized to gather solid waste from public and private places.
2. “Discard” means to place, cause to be placed, throw, deposit or drop.

(Code of Iowa, Sec. 455B.361[2])

3. “Dwelling unit” means any room or group of rooms located within a structure and forming a single habitable unit with facilities which are used, or are intended to be used, for living, sleeping, cooking and eating.

4. “Garbage” means all solid and semisolid, putrescible animal and vegetable waste resulting from the handling, preparing, cooking, storing, serving and consuming of food or of material intended for use as food, and all offal, excluding useful industrial by-products, and includes all such substances from all public and private establishments and from all residences.

(IAC, 567-100.2)

5. “Landscape waste” means any vegetable or plant waste except garbage. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery and yard trimmings.

(IAC, 567-20.2[455B])

6. “Litter” means any garbage, rubbish, trash, refuse, waste materials or debris.

(Code of Iowa, Sec. 455B.361[1])

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

8. “Refuse” means putrescible and non-putrescible waste, including but not limited to garbage, rubbish, ashes, incinerator residues, street cleanings, market and industrial solid waste and sewage treatment waste in dry or semisolid form.

(IAC, 567-100.2)

9. “Residential premises” means a single-family dwelling and any multiple-family dwelling.

10. “Residential waste” means any refuse generated on the premises as a result of residential activities. The term includes landscape waste grown on the premises or deposited thereon by the elements, but excludes garbage, tires, trade wastes and any locally recyclable goods or plastics.

(IAC, 567-20.2[455B])

11. “Rubbish” means non-putrescible solid waste consisting of combustible and non-combustible waste, such as ashes, paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery or litter of any kind.

(IAC, 567-100.2)

12. “Sanitary disposal” means a method of treating solid waste so that it does not produce a hazard to the public health or safety or create a nuisance.

(IAC, 567-100.2)

13. “Sanitary disposal project” means all facilities and appurtenances including all real and personal property connected with such facilities, which are acquired, purchased, constructed, reconstructed, equipped, improved, extended, maintained, or operated to facilitate the final disposition of solid waste without creating a significant hazard to the public health or safety, and which are approved by the Director of the State Department of Natural Resources.

(Code of Iowa, Sec. 455B.301)

14. “Solid waste” means garbage, refuse, rubbish, and other similar discarded solid or semisolid materials, including but not limited to such materials resulting from industrial, commercial, agricultural, and domestic activities. Solid waste may include vehicles, as defined by subsection one of Section 321.1 of the Code of Iowa.

(Code of Iowa, Sec. 455B.301)

105.03 SANITARY DISPOSAL REQUIRED. It is the duty of each owner to provide for the sanitary disposal of all refuse accumulating on the owner's premises before it becomes a nuisance. Any such accumulation remaining on any premises for a period of more than thirty (30) days shall be deemed a nuisance and the City may proceed to abate such nuisances in accordance with the provisions of Chapter 50 or by initiating proper action in district court.

(Code of Iowa, Ch. 657)

105.04 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.

105.05 OPEN BURNING RESTRICTED. No person shall allow, cause or permit open burning of combustible materials where the products of combustion are emitted into the open air without passing through a chimney or stack, except that open burning is permitted in the following circumstances:

(IAC, 567-23.2[455B] and 567-100.2)

1. Disaster Rubbish. The open burning of rubbish, including landscape waste, for the duration of the community disaster period in cases where an officially declared emergency condition exists, provided that the burning of any structures or demolished structures shall be conducted in accordance with 40 CFR Section 61.145.

(IAC, 567-23.2[3a])

2. Trees and Tree Trimmings. The open burning of trees and tree trimmings at a City-operated burning site, provided such burning is conducted in compliance with the rules established by the State Department of Natural Resources.

(IAC, 567-23.2[3b])

3. Flare Stacks. The open burning or flaring of waste gases, provided such open burning or flaring is conducted in compliance with applicable rules of the State Department of Natural Resources.

(IAC, 567-23.2[3c])

4. Landscape Waste. The disposal by open burning of landscape waste originating on the premises. However, the burning of landscape waste produced in clearing, grubbing and construction operations shall be limited to areas located at least one-fourth (1/4) mile from any building inhabited by other than the landowner or tenant conducting the open burning. Rubber tires shall not be used to ignite landscape waste.

(IAC, 567-23.2[3d])

5. Recreational Fires. Open fires for cooking, heating, recreation and ceremonies, provided they comply with the limits for emission of visible air contaminants established by the State Department of Natural Resources. Rubber tires shall not be burned in a recreational fire.

6. Training Fires and Controlled Burning. Fires set for the purpose of bona fide training of public or industrial employees in fire fighting methods and the controlled burning of a demolished building, provided that the training fires and controlled burning are conducted in compliance with rules established by the State Department of Natural Resources.

(IAC, 567-23.2[3g])

7. Pesticide Containers and Seed Corn Bags. Paper or plastic pesticide containers and seed corn bags resulting from farming activities occurring on the premises if burned in accordance with rules established by the State Department of Natural Resources.

(IAC, 567-23.2[3h])

8. Agricultural Structures. The open burning of agricultural structures if in accordance with rules and limitations established by the State Department of Natural Resources.

(IAC, 567-23.2[3i])

9. Variance. Any person wishing to conduct open burning of materials not permitted herein may make application for a variance to the Director of the State Department of Natural Resources.

(IAC, 567-23.2[2])

105.06 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 shall be composted or burned on the premises or placed in City yard waste bags and set out for collection. Only bags sold or specifically authorized by the City and identified as such may be used. As used in this section, “yard waste” means any debris such as grass clippings, leaves, garden waste, brush and trees. Yard waste does not include tree stumps.

105.07 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)

105.08 OPEN DUMPING PROHIBITED. No person shall dump or deposit or permit the dumping or depositing of any solid waste on the surface of the ground or into a body or stream of water at any place other than a sanitary disposal project approved by the Director of the State Department of Natural Resources, unless a special permit to dump or deposit solid waste on land owned or leased by such person has been obtained from the Director of the State Department of Natural Resources. However, this section 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 project.

(Code of Iowa, Sec. 455B.307 and IAC, 567-100.2)

105.09 TOXIC AND HAZARDOUS WASTE. No person shall deposit in a solid waste container or otherwise offer for collection any toxic or hazardous waste. Such materials shall be transported and disposed of as prescribed by the Director of the State Department of Natural Resources. As used in this section, "toxic and hazardous waste" means waste materials, including but not limited to, poisons, pesticides, herbicides, acids, caustics, pathological waste, flammable or explosive materials and similar harmful waste which requires special handling and which must be disposed of in such a manner as to conserve the environment and protect the public health and safety.

(IAC, 567-100.2)

(IAC, 567-102.14[2] and 400-27.14[2])

105.10 WASTE STORAGE CONTAINERS. Every person owning, managing, operating, leasing or renting any premises, dwelling unit or any place where refuse accumulates shall provide and at all times maintain in good order and repair portable containers for refuse in accordance with the following:

1. Container Specifications. Waste storage containers shall comply with the following specifications:

A. Residential. Residential waste containers, whether they be reusable, portable containers or heavy-duty disposable garbage bags, shall be not more than thirty-three (33) gallons in capacity, and shall be leakproof and waterproof. The total weight of any container and contents shall not exceed sixty (60) pounds. Disposable containers shall be kept securely fastened and shall be of sufficient strength to maintain integrity when lifted, and reusable containers shall be in conformity with the following:

(1) Be fitted with a fly-tight lid which shall be kept in place except when depositing or removing the contents of the container;

- (2) Have handles, bails or other suitable lifting devices or features;
- (3) Be of a type originally manufactured for the storage of residential waste with tapered sides for easy emptying;
- (4) Be of lightweight and sturdy construction.

Galvanized metal containers, rubber or fiberglass containers and plastic containers which do not become brittle in cold weather may be used.

B. Commercial. Every person owning, managing, operating, leasing or renting any commercial premises where an excessive amount of refuse accumulates and where its storage in portable containers as required above is impractical, shall maintain metal bulk storage containers approved by the City.

2. Storage of Containers. Residential solid waste containers shall be stored upon the residential premises. Commercial solid waste containers shall be stored upon private property, unless the owner has been granted written permission from the City to use public property for such purposes. The storage site shall be well drained; fully accessible to collection equipment, public health personnel and fire inspection personnel. All owners of residential and commercial premises shall be responsible for proper storage of all garbage and yard waste to prevent materials from being blown or scattered around neighboring yards and streets.

3. Location of Containers for Collection. Containers for the storage of solid waste awaiting collection shall be placed outdoors at some easily accessible place by the owner or occupant of the premises served.

4. Nonconforming Containers. Solid waste placed in containers which are not in compliance with the provisions of this section will not be collected.

105.11 PROHIBITED PRACTICES. It is unlawful for any person to:

1. Unlawful Use of Containers. Deposit refuse in any solid waste containers not owned by such person without the written consent of the owner of such containers.
2. Interfere with Collectors. Interfere in any manner with solid waste collection equipment or with solid waste collectors in the lawful performance of their duties as such, whether such equipment or collectors be those of the City, or those of any other authorized waste collection service.
3. Incinerators. Burn rubbish or garbage except in incinerators designed for high temperature operation, in which solid, semisolid, liquid or gaseous combustible refuse is ignited and burned efficiently, and from which the solid residues contain little or no combustible material, as acceptable to the Environmental Protection Commission.
4. Scavenging. Take or collect any solid waste which has been placed out for collection on any premises, unless such person is an authorized solid waste collector.

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CHAPTER 106

COLLECTION OF SOLID WASTE

106.01 Collection Service
106.02 Collection Vehicles
106.03 Loading
106.04 Frequency of Collection
106.05 Bulky Rubbish

106.06 Right of Entry
106.07 Contract Requirements
106.08 Collector's License
106.09 Collection Fees
106.10 Lien for Nonpayment

106.01 COLLECTION SERVICE. The City shall provide by contract for the collection of solid waste, except bulky rubbish as provided in Section 106.05, from residential premises only. The owners or operators of commercial, industrial or institutional premises shall provide for the collection of solid waste produced upon such premises.

106.02 COLLECTION VEHICLES. Vehicles or containers used for the collection and transportation of garbage and similar putrescible waste or solid waste containing such materials shall be leakproof, durable and of easily cleanable construction. They shall be cleaned to prevent nuisances, pollution or insect breeding and shall be maintained in good repair.

(IAC, 567-104.9[455B])

106.03 LOADING. Vehicles or containers used for the collection and transportation of any solid waste shall be loaded and moved in such a manner that the contents will not fall, leak, or spill therefrom, and shall be covered to prevent blowing or loss of material. Where spillage does occur, the material shall be picked up immediately by the collector or transporter and returned to the vehicle or container and the area properly cleaned.

106.04 FREQUENCY OF COLLECTION. All solid waste shall be collected from residential premises at least once each week and from commercial, industrial and institutional premises as frequently as may be necessary, but not less than once each week.

106.05 BULKY RUBBISH. Bulky rubbish which is too large or heavy to be collected in the normal manner of other solid waste may be collected by the collector upon request in accordance with procedures therefor established by the Council.

106.06 RIGHT OF ENTRY. Solid waste collectors are hereby authorized to enter upon private property for the purpose of collecting solid waste therefrom as required by this chapter; however, solid waste collectors shall not enter dwelling units or other residential buildings.

106.07 CONTRACT REQUIREMENTS. No person shall engage in the business of collecting, transporting, processing or disposing of solid waste from residential premises for the City without first entering into a contract with the City. This section does not prohibit an owner from transporting solid waste accumulating upon premises owned, occupied or used by such owner, provided such refuse is disposed of properly in an approved sanitary disposal project. Furthermore, a contract is not required for the removal, hauling, or disposal of earth and rock material from grading or excavation activities, provided that all such materials are conveyed in tight vehicles, trucks or receptacles so constructed and maintained that none of the material being transported is spilled upon any public right-of-way.

106.08 COLLECTOR'S LICENSE. No person shall engage in the business of collecting, transporting, processing or disposing of solid waste other than waste produced by that person within the City without first obtaining from the City an annual license in accordance with the following:

1. Application. Application for a solid waste collector's license shall be made to the Clerk and provide the following:

A. Name and Address. The full name and address of the applicant, and if a corporation, the names and addresses of the officers thereof.

B. Equipment. A complete and accurate listing of the number and type of collection and transportation equipment to be used.

C. Collection Program. A complete description of the frequency, routes and method of collection and transportation to be used.

D. Disposal. A statement as to the precise location and method of disposal or processing facilities to be used.

2. Insurance. No collector's license shall be issued until and unless the applicant therefor, in addition to all other requirements set forth, shall file and maintain with the City evidence of satisfactory public liability insurance covering all operations of the applicant pertaining to such business and all equipment and vehicles to be operated in the conduct thereof in the following minimum amounts:

Bodily Injury: – \$100,000 per person.
 – \$300,000 per occurrence.

Property Damage: – \$ 50,000.

Each insurance policy required hereunder shall include as a part thereof provisions requiring the insurance carrier to notify the City of the expiration, cancellation or other termination of coverage not less than ten (10) days prior to the effective date of such action.

3. License Fee. A license fee in the amount of one hundred dollars (\$100.00) shall accompany the application. In the event the requested license is not granted, the fee paid shall be refunded to the applicant.

4. License Issued. If the Council upon investigation finds the application to be in order and determines that the applicant will collect, transport, process or dispose of solid waste without hazard to the public health or damage to the environment and in conformity with law and ordinance, the requested license shall be issued to be effective for a period of one year from the date approved.

5. License Renewal. An annual license may be renewed simply upon payment of the required fee, provided the applicant agrees to continue to operate in substantially the same manner as provided in the original application and provided the applicant furnishes the Clerk with a current listing of vehicles, equipment and facilities in use.

6. License Not Transferable. No license authorized by this chapter may be transferred to another person.

7. Owner May Transport. Nothing herein is to be construed so as to prevent the owner from transporting solid waste accumulating upon premises owned, occupied or used by such owner, provided such refuse is disposed of properly in an approved sanitary disposal project.

8. Grading or Excavation Excepted. No license or permit is required for the removal, hauling, or disposal of earth and rock material from grading or excavation activities; however, all such materials shall be conveyed in tight vehicles, trucks or receptacles so constructed and maintained that none of the material being transported spills upon any public right-of-way.

106.09 COLLECTION FEES. The collection and disposal of solid waste as provided by this chapter are declared to be beneficial to the property served or eligible to be served and there shall be levied and collected fees therefor in accordance with the following:

(Goreham vs. Des Moines, 1970, 179 NW 2nd, 449)

1. Fee for Collection. The fee for solid waste collection and disposal service used or available for each residential premises and for each dwelling unit of a multi-family dwelling shall be \$16.50 per month effective July 1, 2021, and shall increase 3% each year for a period of 5 years. The rates for subsequent years are:

\$17.00 per month effective July 1, 2022.

\$17.51 per month effective July 1, 2023.

\$18.04 per month effective July 1, 2024.

\$18.58 per month effective July 1, 2025.

(Subsection 1 – Ord. 713 – Aug. 21 Supp.)

2. Payment of Bills. All fees are due and payable under the same terms and conditions provided for payment of a combined service account as contained in Section 92.04 of this Code of Ordinances. Solid waste collection service may be discontinued in accordance with the provisions contained in Section 92.05 if the combined service account becomes delinquent, and the provisions contained in Section 92.08 relating to lien notices shall also apply in the event of a delinquent account.

106.10 LIEN FOR NONPAYMENT. The owner of the premises served and any lessee or tenant thereof are jointly and severally liable for fees for solid waste collection and disposal. Fees remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

(Code of Iowa, Sec. 384.84)

CHAPTER 110

GAS UTILITY

110.01 Purpose
110.02 Policy Direction
110.03 Superintendent

110.04 Service Rules and Regulations
110.05 Rates
110.06 Billing for Gas Service

110.01 PURPOSE. The purpose of this chapter is to provide for the operation of the municipally owned gas system.

110.02 POLICY DIRECTION. The Mayor and Council shall establish appropriate rules and regulations governing the operation and maintenance of the gas system.

110.03 SUPERINTENDENT. The Gas Superintendent is responsible for execution of policies governing the system as established by the Council.

110.04 SERVICE RULES AND REGULATIONS. The rules and regulations for gas service are contained in the *City of Bloomfield Service Rules of the Municipal Gas Utility*, on file with the Utilities Division of the Iowa Department of Commerce. Also, an official copy of the rules and regulations as adopted is now on file in the office of the Clerk. The rules and regulations contained therein shall apply to all users of the municipal gas system.

110.05 RATES. The rates for gas service for all categories (residential and commercial) are as follows:

1. A customer fee of \$15 per customer per month, which will apply to any billing period during which service remains connected effective July 1, 2021 for a period of 2 years after which the monthly fee will revert to \$10 per customer per month. *(Ord. 712 – Aug. 21 Supp.)*
2. For all gas used, .375 cents per 100 cubic feet plus the actual cost to the City for the City's purchase of gas and the actual cost of transportation of purchased gas to the City's border station. *(Ord. 712 – Aug. 21 Supp.)*

110.06 BILLING FOR GAS SERVICE.

1. Bills for combined service accounts shall be due and payable at the office of the Clerk by the tenth day of each month.
2. Late Payment Penalty. Bills not paid when due shall be considered delinquent. A late payment penalty of 1 ½ percent per month of the amount due shall be added to each delinquent bill.

(Ch. 110 - Ord. 621 – July 06 Supp.)

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CHAPTER 111

ELECTRIC UTILITY

111.01 Purpose
111.02 Policy Direction
111.03 Superintendent
111.04 Service Rules and Regulations

111.05 Rates
111.06 Billing for Electric Service
111.07 Interconnection Standards

111.01 PURPOSE. The purpose of this chapter is to provide for the operation of the municipally owned electric system.

111.02 POLICY DIRECTION. The Mayor and Council shall establish appropriate rules and regulations governing the operation and maintenance of the electric system.

111.03 SUPERINTENDENT. The Electric Superintendent is responsible for execution of policies governing the system as established by the Council.

111.04 SERVICE RULES AND REGULATIONS. The rules and regulations for electric service are contained in the *City of Bloomfield Electric Tariff*, on file with the Utilities Division of the Iowa Department of Commerce. Also, an official copy of the rules and regulations as adopted is now on file in the office of the Clerk. The rules and regulations contained therein shall apply to all users of the municipal electric system.

111.05 RATES. The rates for electric service are as follows:

1. Residential Rate Within the City Limits:
Monthly Rate:

Facilities Charge	\$10.34
Energy Charge	12.08¢ per kWh
Minimum charge per month	\$21.00
2. Residential Rural Rate:
Monthly Rate:

Facilities Charge	\$17.94
Energy Charge	13.83¢ per kWh
Minimum charge per month	\$32.00
3. Commercial Light and Power Rate:
Monthly Rate:

Facilities Charge	\$17.38
Energy Charge	10.80¢ per kWh
Minimum charge per month	\$21.00
4. General Service Rate:

Monthly Demand Charge: All kW per month at	\$10.38 per kW
Monthly Energy Charge: All kWh per month at	5.72¢ per kWh

5. Security Lights:
 - A. Monthly charge for non-metered lights - \$8.00
 - B. Installation of new services - \$50.00
 - C. \$220.00 if we need to install a pole plus \$50.00 installation charge
(Ord. 675 – Dec. 13 Supp.)
6. These rates are based upon a purchased Energy Cost Index of 7.19¢ per kWh, and may be increased or decreased periodically by an Energy Cost Adjustment equal to the amount by which the average cost of electric energy purchased by the Electric Utility in the period since the last preceding adjustment is greater or less than the current purchased Energy Cost Index.
7. The cost for Operation and Maintenance of the Electric Utility that is imbedded in these rates at a cost of 2.15¢ per kWh may be increased on February 1st of each year in direct proportion to a positive change in the Consumer Price Index for All Urban Consumers (CPI-U) for the Kansas City, MO-KS areas for the electricity subcategory of the Housing Expenditure Category, (index base period 1982-84 = 100) from January 1 to December 31 of the preceding year as published by United States Bureau of Labor Statistics.
8. Service shall not be commenced or continued for a new customer or customers without written application on a form to be provided by the utility signed by every person aged 18 years or older living at the place who is not a “dependent” of one of the others as defined by state and federal income tax provisions. In the case of a husband and wife, both shall sign the written application.
9. The application form shall include the certification under penalty of perjury by all persons signing the application that no one who is not a dependent of one of the others as defined above shall reside at the place other than the persons signing the application.
10. The application form shall state that all persons signing the service contract agree to be “jointly and severally liable for payment for all services rendered at the place” (the phrase “jointly and severally liable” is a legal term of art that makes each signatory responsible for the entire debt, not just what they may deem to be their “share” of the debt).
(Ord. 657 – Mar. 12 Supp.)

111.06 BILLING FOR ELECTRIC SERVICE.

1. Bills Payable. Bills for combined service accounts shall be due and payable at the office of the Clerk by the tenth (10th) day of each month.
2. Late Payment Penalty. Bills not paid when due shall be considered delinquent. A late payment penalty of 1½ percent per month of the amount due shall be added to each delinquent bill.

(Ch. 111 - Ord. 631 – Dec. 07 Supp.)

111.07 INTERCONNECTION STANDARDS.

1. Purpose. The purpose of this document is to establish standards for the Utility to interconnect and operate in parallel with customer-owned renewable electric generators.

2. Definitions.

A. Applicable Laws and Regulations. All duly promulgated applicable Federal, state and local laws, regulations, rules, ordinances, codes, decrees, judgments, directives, or judicial or administrative orders, permits and other duly authorized actions of any Governmental Authority.

B. Avoided Costs. The incremental costs to the Utility of electric energy or capacity or both which, but for the purchase from the Customer's Generating Facility, the Utility would generate itself or purchase from another source.

C. Customer. Any entity interconnected to the Utility's distribution system for the purpose of receiving retail electric power service from the Utility's distribution system.

D. Customer Generator. The owner or operator of a Generating Facility which:

- (1) Is powered by a renewable energy resource;
- (2) Is located on a premises owned, operated, leased or otherwise controlled by the Customer Generator;
- (3) Is interconnected and operates in parallel phase and synchronization with an affected utility and is in compliance with the standards established by the affected utility;
- (4) Is intended primarily to offset part or all of the Customer Generator's own electrical energy requirements;
- (5) Contains a mechanism, approved by the utility, that automatically disables the unit and interrupts the flow of electricity back onto the supplier's electricity lines in the event that service to the Customer Generator is interrupted.

E. Distribution System. The Utility's facilities and equipment used to transmit electricity to ultimate usage points such as homes and industries directly from nearby generators or from interchanges with higher voltage transmission networks which transport bulk power over longer distances.

F. Force Majeure. A Force majeure event shall mean "any act of God, labor disturbance, act of the public enemy, war, insurrection, riot, fire, storm or flood, explosion, breakage or accident to machinery or equipment, any order, regulation or restriction imposed by governmental, military or lawfully established civilian authorities, or any other cause beyond a Party's control". A Force Majeure event does not include an act of negligence or intentional wrongdoing.

G. **Generating Facility.** For purposes of this Standard, the Customer's device for the conversion of wind or solar energy to electricity, as identified in the Interconnection Application.

H. **Good Utility Practice.** Any of the practices, methods and acts engaged in or approved by a significant portion of the electric industry during the relevant time period, or any of the practices, methods and acts which, in the exercise of reasonable judgment in light of the facts known at the time the decision was made, could have been expected to accomplish the desired result at a reasonable cost consistent with good business practices, reliability, safety and expedition. Good Utility Practice is not intended to be limited to the optimum practice, method, or act to the exclusion of all others, but rather to be acceptable practices, methods, or acts generally accepted in the region.

I. **Governmental Authority.** Any federal, state, local or other governmental regulatory or administrative agency, court, commission, department, board, or other governmental subdivision, legislature, rulemaking board, tribunal, or other governmental authority having jurisdiction over the Parties, their respective facilities, or the respective services they provide, and exercising or entitled to exercise any administrative, executive, police, or taxing authority or power; provided, however, that such term does not include the Customer or any Affiliate thereof.

J. **Interconnection Application.** The Customer's request to interconnect a new Generating Facility, or to increase the capacity of, or make a material modification to the operating characteristics of, an existing Generating Facility that is interconnected with the Utility's electrical system.

K. **Interconnection Standard.** Any reference to Interconnection Standard shall mean all the provisions, forms and related documents described in the collective parts of this document, the Interconnection Standards for Parallel Installation and Operation of Customer-Owned Renewable Electric Generating Facilities, as of the date adopted and printed on the cover page.

L. **Qualifying Facility.** A cogeneration facility or a small power production facility that is a qualifying facility under 18 CFR Part 292, Subpart B, used by an interconnection customer to generate electricity that operates in parallel with the electric distribution system or local electric power system. Qualifying Facilities that are not Generating Facilities under subparagraphs

“G” above may qualify for interconnection with the Utility under provisions of the Public Utilities Regulatory Policies Act (PURPA), but the terms and conditions of interconnection shall be determined on a case-by-case basis.

M. Reasonable Efforts. With respect to an action required to be attempted or taken by a Party under the Interconnection Agreement, efforts that are timely and consistent with Good Utility Practice and are otherwise substantially equivalent to those a Party would use to protect its own interests.

N. System Average Energy Cost. The current average cost of fuel and purchased energy for the billing period as determined by the Utility.

O. System Upgrades. The additions, modifications, and upgrades to the Utility’s Distribution System at or beyond the point of interconnection to facilitate interconnection of the Generating Facility and render the transmission service necessary to effect the Interconnection Customer’s wholesale sale of electricity in interstate commerce. Distribution Upgrades do not include Interconnection Facilities.

3. Eligibility.

A. Interconnection to the electric system shall be granted only to new or existing customers, in good standing, under the Utility’s electric service schedules. The Interconnection Agreement shall be between the Customer and the Utility and will not include third parties.

B. The Interconnection Standards apply to a customer-owned Generating Facility with a rated output of 100 kilowatts (kW) DC or fewer. Proposals to interconnect a customer-owned generator with output rated at more than 100 kW DC or Qualifying Facility not covered by this standard will be subject to a review process that may take into account the impact of the interconnection on reliability, rates, power supply agreements, and local and regional system planning.

C. The Net Metering Program is voluntary and is available on a first come, first served basis until the nameplate capacity (kilowatts or kW) of all participating generators is equal to the maximum program limit. That limit is 750 kW DC.

4. Request. The Customer shall make a request by completing the attached document entitled “Application for Interconnection”. The

Utility may require additional details or clarifications as needed to properly evaluate the application.

5. System Effects. The Utility will analyze the overall impact of the proposed generating facility on the transmission and distribution system. Such analyses will be based on Good Utility Practice to determine thermal effects, voltage ranges, power quality, system stability, etc.

6. System Upgrades. As a result of the above analysis, the Utility will provide the Customer with a cost estimate and projected timeframe for any system upgrades that may be necessary to accommodate the generating facility.

7. Agreement. Once the Customer and the Utility have identified and mutually agreed on the scope of the overall project including the generating facility, system upgrades and estimated costs, the Customer and the Utility shall execute the attached document entitled "Interconnection Agreement".

8. Codes and Permits.

A. The Customer shall be responsible for procuring all building, operating and environmental permits that are required by any Governmental Authority having jurisdiction for the type of generating facility and for the necessary ancillary structures to be installed.

B. The equipment shall meet the standards listed in the attached document entitled "National Certification Codes and Standards".

C. The construction and facilities shall meet all applicable building and electrical codes.

9. Certificate of Completion. Upon completion of the generating facility and prior to normal operation, the Customer shall provide a signed copy of the attached document entitled "Certificate of Completion".

10. Normal Operation: The Customer may begin normal operation of the generating facility upon completion of all documentation and receipt of written approval from the Utility.

11. Technical Requirements.

A. Character of Service. The electrical service shall be 60 cycle per second alternating current (AC) at supply voltages and number of phases that apply under the Utility's rate schedules.

B. Code Requirements. The Generating Facility shall meet all requirements established by the National Electrical Code (NEC), National Electrical Safety Code (NESC), Institute of Electrical and Electronics Engineers (IEEE), Underwriters Laboratories (UL), and Occupational Safety and Health Administration. Specific codes are listed in Section 7 of this Part 2, below as “National Certification Codes and Standards”. In addition, Manufacturer’s Ownership, Operating and Maintenance Manuals shall be reviewed and accepted by both parties prior to beginning operation.

C. Generating Facility Control and Operation. The control system of the Generating Facility shall comply with the IEEE specifications and standards for parallel operation with the Utility and in particular as follows:

- (1) Power output control system shall automatically disconnect from Utility source upon loss of Utility voltage and not reconnect until Utility voltage has been restored by the Utility.
- (2) Power output control system shall automatically disconnect from Utility source if Utility voltage fluctuates beyond plus or minus 10% (ten percent).
- (3) Power output control system shall automatically disconnect from Utility if frequency fluctuates plus or minus 2 cycles (Hertz).
- (4) Inverter output distortion shall meet IEEE requirements.
- (5) The Generating Facility shall meet the applicable IEEE standards concerning impacts to the Distribution System with regard to harmonic distortion, voltage flicker, power factor, direct current injection and electromagnetic interference.

D. Fault Current Contribution. The Generating Facility shall be equipped with protective equipment designed to automatically disconnect during fault current conditions and remain disconnected until the voltage and frequency have stabilized.

E. Reclosing Coordination. The Generating Facility shall be coordinated with the Distribution System reclosing devices by disconnecting from the system during the initial de-energized operation and shall remain disconnected until the voltage and frequency have stabilized.

F. Disconnect Device. A safety disconnect switch shall be installed that is visible to and readily accessible by Utility personnel. The switch shall be capable of being locked in the open position and shall prevent the generator from supplying power to the distribution system.

G. Standards for Interconnection, Safety, and Operating Reliability. The interconnection of a Customer-Owned Generating Facility and associated interconnection equipment to the Utility's Distribution Facilities shall meet the applicable provisions of the following publications:

1. ANSI/IEEE1547-2003 Standard for Interconnecting Distributed Resources with Electric Power Systems (including use of IEEE 1547.1 testing protocols to establish conformity). The following standards shall be used as guidance in applying IEEE 1574:
 - (i) IEEE Std 519-1992, IEEE Recommended Practices and Requirements for Harmonic Control in Electrical Power Systems
 - (ii) IEC/TR3 61000-3-7 Assessment of emission limits for fluctuating loads in MV and HV power systems
2. Iowa Electric Safety Code, as defined in 199 IAC Chapter 25
3. ANSI/NFPA 70 (2008), National Electrical Code
4. OSHA (29 CFR § 1910.269)

(Ord. 683 – Oct. 16 Supp.)

CHAPTER 112

CABLE TELEVISION FRANCHISE

112.01 Definitions	112.20 Renewal of Franchise
112.02 Grant of Franchise	112.21 Conditions of Sale
112.03 Term	112.22 Transfer of Franchise
112.04 Favored Nations	112.23 Testing For Compliance
112.05 Conditions of Street Occupancy	112.24 Books and Records
112.06 Restoration of Public Ways	112.25 Subscriber Complaints
112.07 Relocation at Request of City	112.26 Technical Duality
112.08 Relocation at Request of Third Party	112.27 Insurance Requirements
112.09 Trimming of Trees and Shrubbery	112.28 Indemnification
112.10 Use of Grantee's Equipment By City	112.29 Bonds and Other Surety
112.11 Safety Requirements	112.30 Notice of Violation
112.12 Aerial and Underground Construction	112.31 Grantee's Right To Cure or Respond
112.13 Required Extensions of Service	112.32 Public Hearing
112.14 Subscriber Charges For Extensions of Service	112.33 Enforcement
112.15 Service To Public Buildings	112.34 Acts of God
112.16 Emergency Override	112.35 Unauthorized Reception
112.17 Public, Educational and Governmental Access	112.36 Preemption
112.18 Franchise Fee	112.37 Actions of City
112.19 Rates and Charges	

112.01 DEFINITIONS. For the purpose of this chapter, the following terms, phrases, words, and abbreviations shall have the meanings ascribed to them below.

1. "Affiliate" means an entity which owns or controls, is owned or controlled by, or is under common ownership with the 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. "Cable Act" means the Cable Communications Policy Act of 1984, as amended.
4. "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.
5. "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.
6. "FCC" means the Federal Communications Commission or successor governmental entity thereto.

7. “Franchise” means the initial authorization, or renewal thereof, issued by the City, 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; provided that the term “franchise” shall be deemed to extend only to the terms and conditions of this chapter and the limited privileges and duties extended herein.

8. “Grantee” means Televents Group Joint Venture, or the lawful successor, transferee, or assignee thereof.

9. “Gross revenues” means the monthly cable service revenues received by the Grantee from subscribers of the cable system; provided, however, such phrase does not include: (i) revenues received from national advertising carried on the cable system; (ii) any taxes on the 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.

10. “Person” means an individual, partnership, association, joint stock company, trust corporation, or governmental entity.

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 City in the service area which shall entitle the City 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 City within the service area for the purpose of public travel, or for utility or public service use dedicated for compatible uses, and includes other easements or rights-of-way as shall within their proper use and meaning entitle the City 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 City, and includes 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.

112.02 GRANT OF FRANCHISE. The City 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.

112.03 TERM. The franchise granted pursuant to this chapter shall be for an initial term of fifteen (15) years from the effective date of the franchise, unless otherwise lawfully terminated in accordance with the terms of this chapter.

112.04 FAVORED NATIONS. In the event the City 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 City’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.

112.05 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.

112.06 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, provided such replacement, restoration or repair shall meet such engineering standards as reasonably required by City. In the event a dispute arises as to whether the public way has been restored to a reasonably comparable condition, each party shall designate an arbitrator, and these two arbitrators will jointly designate a third arbitrator. The City shall have the authority to hire additional work done, and the cost of the additional work done as well as the arbitrator's fees shall be allocated for payment between the parties in accordance with the determination of the arbitrators.

112.07 RELOCATION AT REQUEST OF CITY. 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 City 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 City; but the Grantee shall in all cases retain the right of abandonment of its property that potentially has future use. 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.

112.08 RELOCATION AT REQUEST OF THIRD PARTY. The Grantee, on the request of any person holding a building moving permit issued by the City, shall 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.

112.09 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 who 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 City for tree trimming. The Grantee shall reasonably compensate the City 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 City or property owner pursuant to the terms of this section.

112.10 USE OF GRANTEE'S EQUIPMENT BY CITY. Subject to any applicable State or Federal regulations or tariffs, the City 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 City does not interfere with a current or future use by the Grantee; (b) the City 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 City 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, 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.

112.11 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 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.

112.12 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 the ordinance codified in 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.

112.13 REQUIRED EXTENSIONS OF SERVICE. The cable system as constructed as of the date of the passage and final adoption of the ordinance codified in 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 112.14 of this chapter.

112.14 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 a cable drop underground, existence of more than one hundred fifty (150) feet of distance from distribution cable to connection of service to subscriber, 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.

112.15 SERVICE TO PUBLIC BUILDINGS. The Grantee shall provide without charge one outlet of basic service to the City's office buildings, fire

stations, police stations and public school buildings 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 and shall be for the viewing and use of employees and not the general 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.

112.16 EMERGENCY OVERRIDE. In the case of any emergency or disaster, the Grantee shall, upon request of the City, make available its facilities for the City to provide emergency information and instructions during the emergency or disaster period. The City shall hold the Grantee, its agents, employees, officers and assigns hereunder harmless from any claims arising out of the emergency use of its facilities by the City, including, but not limited to, reasonable attorney's fees and costs.

112.17 PUBLIC, EDUCATIONAL AND GOVERNMENTAL ACCESS. During the term of the franchise, Grantee will insure that the system has capacity to afford the City a channel to be used for public, educational and governmental access. During those times that the channel is not being used by the City, the Grantee may use said channel for commercial or non-commercial programming use as Grantee deems necessary.

112.18 FRANCHISE FEE.

1. Grantee shall pay to the City a franchise fee equal to five percent (5%) of gross revenues (as defined in Section 112.01 of this chapter) 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 the City 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 City 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.

2. The period of limitation for recovery of any franchise fee payable hereunder shall be five (5) years from the date on which payment by the Grantee is due. Unless within five (5) years from and after said payment due date the City initiates a lawsuit for recovery of such franchise fee in a court of competent jurisdiction, such recovery shall be barred, and the City shall be stopped from asserting any claims whatsoever against the Grantee relating to any such alleged deficiencies.

112.19 RATES AND CHARGES. The City 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 or 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, Grantee shall give notice to the City of any such modifications or additional charges thirty (30) days prior to the effective date thereof. In the event that basic cable service rate increases are subject to approval of the City, the Grantee may, at its discretion and without consent of the City, increase rates relating to the provision of basic cable service by an amount which is at least equal to five percent (5%) per year. Notwithstanding anything to the contrary contained in this section, the City reserves itself the right to regulate or approve changes or modification of basic cable rates as permitted by Federal or State law or rules or regulations promulgated by any Federal or State regulatory or administrative agency, including, but not limited to, the Cable Act and FCC rules and regulations now existing, or as hereafter adopted.

112.20 RENEWAL OF FRANCHISE. The City and the Grantee agree that any proceedings undertaken by the City that relate to the renewal of the Grantee's franchise shall be governed by and comply with the provisions of Section 626 of the Cable Act (as such existed as of the effective date 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 said Section 626(a), the City 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 City further agrees that such a preliminary assessment shall be provided to the Grantee prior to the time that the four-month period referred to in Subsection (c) of Section 626 is considered to begin. Notwithstanding anything to the contrary set forth in this section, the Grantee and City agree that at any time during the term of the then current franchise, while affording the public appropriate notice and opportunity to comment, the City and Grantee may agree to undertake and finalize negotiations regarding renewal of the then current franchise and the City may grant a renewal thereof. The Grantee and the City consider the terms set forth in this section to be consistent with the express provisions of Section 626 of the Cable Act.

112.21 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 City 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 City 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 City 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 City, Grantee and City 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-month period shall not be deemed to be a waiver or an extinguishment of any rights of either the City or the Grantee. Notwithstanding anything to the contrary set forth in this section, neither City nor Grantee shall be required to violate Federal or State law.

112.22 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 City, 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.

112.23 TESTING FOR COMPLIANCE. The City 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 City. Except in emergency circumstances, the City 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.

112.24 BOOKS AND RECORDS. The Grantee agrees that the City may review such of its books and records, during normal business hours and on a non-disruptive 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 City 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.

112.25 SUBSCRIBER COMPLAINTS. The Grantee shall provide, annually, to the City at their request, a copy of complaint logs including subscriber complaints received by the Grantee, which specify the number and nature of such complaints.

112.26 TECHNICAL DUALITY. The Grantee shall provide such technical quality of cable service as mandated by the applicable Federal or State law or

rules or regulations promulgated by any Federal or State administrative or regulatory agency.

112.27 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. Said insurance shall designate the City as an additional insured. Such insurance shall be non-cancelable except upon thirty (30) days' prior written notice to the City.

112.28 INDEMNIFICATION. The Grantee agrees to indemnify, save and hold harmless and defend the City, 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.

112.29 BONDS 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 City 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 City 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 City agrees to require bonds and other surety only in such amounts and during such times as there is a reasonably demonstrated need therefor. The City 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 City 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.

112.30 NOTICE OF VIOLATION. In the event that the City 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.

112.31 GRANTEE'S RIGHT TO CURE OR RESPOND. Grantee shall have thirty (30) days from receipt of the notice described in Section 112.30: (a) to respond to the City 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-day period, initiate reasonable steps to remedy such default and notify the City of the steps being taken and the projected date that they will be completed.

112.32 PUBLIC HEARING. In the event that Grantee fails to respond to the notice described in Section 112.30 pursuant to the procedures set forth in Section 112.31, 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 112.30, the City shall schedule a public meeting to investigate the default. Such public meeting shall be held at the next regularly scheduled meeting of the City which is scheduled at a time which is no less than five (5) business days therefrom. The City shall notify the Grantee of the time and place of such meeting and provide the Grantee with an opportunity to be heard.

112.33 ENFORCEMENT. Subject to applicable Federal and State law, in the event the City, after such meeting, determines that Grantee is in default of any provision of the franchise, the City may:

1. Foreclose on all or any part of any security provided under the franchise, 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 City 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 City to enforce prompt compliance.

112.34 ACTS OF GOD. The Grantee shall not be held in default or noncompliance with the provisions of the franchise, or 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.

112.35 UNAUTHORIZED RECEPTION. In addition to those criminal and civil remedies provided by State and Federal law, it is a misdemeanor for any

person 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 is 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 City shall incorporate into its criminal code, if not presently a part thereof, criminal misdemeanor law which will enforce the intent of this section.

112.36 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 City, the jurisdiction of the City shall cease and no longer exist.

112.37 ACTIONS OF CITY. In any action by the City 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.

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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 Investigation

120.04 Action by Council
120.05 Prohibited Sales and Acts
120.06 Amusement Devices

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 or a civil penalty may be imposed for a violation thereof.

(Code of Iowa, Sec. 123.2, 123.39 & 123.50)

120.03 INVESTIGATION. Upon receipt of an application for a liquor license, wine or beer permit, the Clerk may forward it to the Police Chief, who shall then conduct an investigation and submit a written report as to the truth of the facts averred in the application. The Fire Chief may also inspect the premises to determine if they conform to the requirements of the City. The Council shall not approve an application for a license or permit for any premises which does not conform to the applicable law and ordinances, resolutions and regulations of the City.

(Code of Iowa, Sec. 123.30)

120.04 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])

120.05 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 2:00 a.m. and 6:00 a.m. on a weekday, and between the hours of 2:00 a.m. on Sunday and 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 8:00 a.m. on Sunday and 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 8:00 a.m. on Sunday and 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 8:00 a.m. on Sunday and 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 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 nor to retail sales by the managing entity of a convention center, civic center or events center.

(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. 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])

6. 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])

7. Knowingly permit or engage in any criminal activity on the premises covered by the license or permit.

(Code of Iowa, Sec. 123.49 [2j])

8. 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])

9. 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])

10. 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])

120.06 AMUSEMENT DEVICES.

(Code of Iowa, Sec. 99B.10C)

1. As used in this section an “electronic or mechanical amusement device” means a device that awards a prize redeemable for merchandise on the premises where the device is located and which is required to be registered with the Iowa Department of Inspection and Appeals.

2. It is unlawful for any person under the age of twenty-one (21) years to participate in the operation of an electrical or mechanical amusement device.

3. It is unlawful for any person owning or leasing an electrical or mechanical amusement device to knowingly allow a person under the age of twenty-one (21) years to participate in the operation of an electrical or mechanical amusement device.

4. It is unlawful for any person to knowingly participate in the operation of an electrical or mechanical amusement device with a person under the age of twenty-one (21) years.

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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. 609 – May 06 Supp.)

CHAPTER 122

PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS

122.01 Purpose
122.02 Definitions
122.03 License Required
122.04 Application for License
122.05 Bond Required
122.06 License Issued
122.07 Display of License
122.08 License Not Transferable
122.09 Time Restriction

122.10 Revocation of License
122.11 Notice
122.12 Hearing
122.13 Record and Determination
122.14 Appeal
122.15 Effect of Revocation
122.16 License Exemptions
122.17 Charitable and Nonprofit Organizations

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 any contribution or donation or any order for goods, services, subscriptions or merchandise to be delivered at a future date.
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, or who operates out of a vehicle which is parked anywhere within the City limits. 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 Clerk 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. Before a license shall be issued, the applicant shall pay a license fee in accordance with the following schedule:

- 1. For one week..... \$ 50.00
- 2. For one month..... \$ 100.00

122.05 BOND REQUIRED. Before a license under this chapter is issued to a transient merchant, an applicant shall provide to the Clerk evidence that the applicant has filed a bond with the Secretary of State in accordance with Chapter 9C of the Code of Iowa.

122.06 LICENSE ISSUED. If the Clerk 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.

122.07 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.

122.08 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.

122.09 TIME RESTRICTION. All peddler’s and solicitor’s licenses shall provide that said licenses are in force and effect only between the hours of 8:00 a.m. and 7:00 p.m.

122.10 REVOCATION OF LICENSE. After notice and hearing, the Clerk may revoke any license issued under this chapter for the following reasons:

- 1. Fraudulent Statements. The licensee has made fraudulent statements in 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.

122.11 NOTICE. The Clerk 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.

122.12 HEARING. The Clerk and Mayor 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 Clerk may proceed to a determination of the complaint.

122.13 RECORD AND DETERMINATION. The Clerk 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 Clerk finds clear and convincing evidence of substantial violation of this chapter or State law.

122.14 APPEAL. If the Clerk revokes or refuses to issue a license, the Clerk 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 Clerk by a majority vote of the Council members present and the Clerk shall carry out the decision of the Council.

122.15 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.

122.16 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 Davis County Community 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.

122.17 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 Clerk the name and purpose of the cause for which such activities are sought, names and addresses of the officers and directors of the organization, the period during which such activities are to be carried on, and whether any commissions, fees or wages are to be charged by the solicitor and the amount thereof. If the Clerk finds that the organization is a bona fide charity or nonprofit organization the Clerk shall issue, free of charge, a license containing the above information to the applicant. In the event the Clerk 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.

CHAPTER 123

HOUSE MOVERS

123.01 House Mover Defined
123.02 Permit Required
123.03 Application
123.04 Bond Required
123.05 Insurance Required
123.06 Permit Fee

123.07 Permit Issued
123.08 Public Safety
123.09 Time Limit
123.10 Removal by City
123.11 Protect Pavement
123.12 Overhead Wires

123.01 HOUSE MOVER DEFINED. A “house mover” means any person who undertakes to move a building or similar structure upon, over or across public streets or property when the building or structure is of such size that it requires the use of skids, jacks, dollies or any other specialized moving equipment.

123.02 PERMIT REQUIRED. It is unlawful for any person to engage in the activity of house mover as herein defined without a valid permit from the City for each house, building or similar structure to be moved. Buildings of less than one hundred (100) square feet are exempt from the provisions of this chapter.

123.03 APPLICATION. Application for a house mover’s permit shall be made in writing to the Clerk. The application shall include:

1. Name and Address. The applicant’s full name and address and if a corporation the names and addresses of its principal officers.
2. Building Location. An accurate description of the present location and future site of the building or similar structure to be moved.
3. Routing Plan. A routing plan approved by the Public Works Director, street superintendent, and public utility officials. The route approved shall be the shortest route compatible with the greatest public convenience and safety.

123.04 BOND REQUIRED. The applicant shall post with the Clerk a penal bond in the minimum sum of five thousand dollars (\$5,000.00) issued by a surety company authorized to issue such bonds in the State. The bond shall guarantee the permittee’s payment for any damage done to the City or to public property, and payment of all costs incurred by the City in the course of moving the building or structure.

123.05 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:

1. Bodily Injury – \$50,000 per person; \$100,000 per accident.
2. Property Damage – \$50,000 per accident.

123.06 PERMIT FEE. A permit fee of one hundred dollars (\$100.00) shall be payable at the time of filing the application with the Clerk. A separate permit shall be required for each house, building or similar structure to be moved.

123.07 PERMIT ISSUED. Upon approval of the application, filing of bond and insurance certificate, and payment of the required fee, the Clerk shall issue a permit.

123.08 PUBLIC SAFETY. At all times when a building or similar structure is in motion upon any street, alley, sidewalk or public property, the permittee shall maintain flagmen at the closest intersections or other possible channels of traffic to the sides, behind and ahead of the building or structure. At all times when the building or structure is at rest upon any street, alley, sidewalk or public property the permittee shall maintain adequate warning signs or lights at the intersections or channels of traffic to the sides, behind and ahead of the building or structure.

123.09 TIME LIMIT. No house mover shall permit or allow a building or similar structure to remain upon any street or other public way for a period of more than twelve (12) hours without having first secured the written approval of the City.

123.10 REMOVAL BY CITY. In the event any building or similar structure is found to be in violation of Section 123.09 the City is authorized to remove such building or structure and assess the costs thereof against the permit holder and the surety on the permit holder's bond.

123.11 PROTECT PAVEMENT. It is unlawful to move any house or building of any kind over any pavement, unless the wheels or rollers upon which the house or building is moved are at least one (1) inch in width for each one thousand (1,000) pounds of weight of such building. If there is any question as to the weight of a house or building, the estimate of the City as to such weight shall be final.

123.12 OVERHEAD WIRES. The holder of any permit to move a building shall see that all telephone, cable television and electric wires and poles are removed when necessary and replaced in good order, and shall be liable for the costs of the same.

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CHAPTER 124

LICENSING AND REGULATING TAXIS

124.01 Definitions	124.11 Appeal
124.02 License Required	124.12 Supervision
124.03 Application for License	124.13 Display of License and Rates
124.04 Fee	124.14 Liability Insurance
124.05 Investigation and Report	124.15 Driver's Qualifications
124.06 Issuance of License	124.16 Maximum Working Hours
124.07 Disposition of Fee	124.17 Soliciting Business
124.08 Transfer of License Prohibited	124.18 Restriction on Number of Passengers
124.09 Revocation of License	124.19 Duty to Carry
124.10 Notice and Hearing	124.20 Taxi Requirements

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

1. "Operator" means any person, partnership, limited liability company, corporation or other entity that engages in the commercial business of operating a taxi, but does not include a person hired to drive a taxi.
2. "Taxi" means any motor vehicle that is used on the streets of the City for the purpose of carrying passengers for hire.

124.02 LICENSE REQUIRED. It is unlawful to operate a taxi without a valid taxi license issued by the City under this chapter and without first having complied with all other provisions of this chapter.

124.03 APPLICATION FOR LICENSE. A taxi operator shall apply in writing to the Clerk for a license for each taxi. The application shall be on a form prescribed by the City and shall include the name, residential and business addresses, and telephone number of the operator and the make, model, serial number, motor number and State license plate number of each taxi. If the operator is conducting the business as a corporation, limited liability company or partnership, the application shall set forth the name, address and telephone number of the registered agent of the entity and the name, address and telephone number of the entity's officers, members or shareholders.

124.04 FEE. The application shall be accompanied by a license fee of \$100.00 for each taxi which shall be nonrefundable. The nonrefundable license fee of \$100.00 per taxi shall be paid to the Clerk on or before the anniversary date of each license issued for each taxi.

124.05 INVESTIGATION AND REPORT. Before the Council acts on the issuance of a license, the Police Chief shall investigate the character of the applicant and shall inspect the taxis to be licensed for possible violations of the State motor vehicle law or of this chapter, and shall report on these matters to the Council.

124.06 ISSUANCE OF LICENSE. The Clerk shall refer all applications to the Council and the Council shall issue a license if it finds that the issuance will be consistent with public convenience, health, safety and welfare. The license shall contain the signatures of the Mayor and Clerk, the date of issuance, the period for which the license is valid, the passenger seating capacity of the taxi and the information contained in the application.

124.07 DISPOSITION OF FEE. The Clerk shall transmit the license fee to the Finance Officer.

124.08 TRANSFER OF LICENSE PROHIBITED. Each taxi license shall be issued for one specific taxi only and shall not be transferable from taxi to taxi or to a different operator.

124.09 REVOCATION OF LICENSE. The Council may revoke or suspend any license issued under this chapter for the following reasons:

1. **Fraudulent Statements.** The operator has made fraudulent statements in the application for the license or in the conduct of the business.
2. **Violation of Law.** The operator has violated the requirements of this chapter or of the State motor vehicle laws.
3. **Endangered Public Welfare, Health or Safety.** The operator has conducted the business in such a manner as to endanger the public welfare, health or safety.

124.10 NOTICE AND HEARING. The Clerk shall send a notice to the licensee not less than ten (10) days before the date set for a hearing on the possible revocation of a license. Such notice shall be in writing and shall be served personally or as required for personal service by the Iowa Rules of Civil Procedure. Such notice shall state the time and place of the hearing and the reasons for the intended revocation or suspension. The Council shall conduct the hearing on the possible revocation of the license. Should the licensee, or authorized representative, fail to appear, the Council may proceed to a determination of the complaint.

124.11 APPEAL. If the Council revokes or refuses to issue a license, the Council shall make a part of the record the reasons therefor. The licensee or the applicant shall have the right to a hearing before the Council at its next regular meeting. The Council may reverse, modify or affirm its prior decision by a majority vote of the Council members present.

124.12 SUPERVISION. The Police Chief has the power at any time to investigate the conduct of any taxi business and the operation of a licensed taxi and to inspect a licensed taxi for possible violations of the State motor vehicle laws or this chapter, and shall report on these matters to the Council. The Police Chief shall inspect all taxis at least once every two (2) months.

124.13 DISPLAY OF LICENSE AND RATES. Operators shall display within the taxi, in full view of the passengers, the taxi license and a schedule of rates.

124.14 LIABILITY INSURANCE. Before beginning operation of any taxi, the operator shall file with the Clerk evidence of liability insurance in an amount not less than \$500,000.00 to cover possible liabilities arising out of the operation of each licensed taxi.

124.15 DRIVER'S QUALIFICATIONS. Every driver of a licensed taxi shall be at least twenty-one (21) years of age and shall possess a valid Iowa commercial driver's license.

124.16 MAXIMUM WORKING HOURS. No operator shall require or permit any person to drive a taxi in excess of these maximum periods:

1. No more than twelve (12) consecutive hours in any twenty-four (24) hour period except that, after completing such period of work, a driver may begin work again if he or she has been off duty for ten (10) hours.
2. No more than twelve (12) non-consecutive hours in any twenty-four (24) hour period except that, after completing such a period of work, a driver may begin work again if he or she has been off duty for eight (8) hours.

124.17 SOLICITING BUSINESS. Taxi drivers shall not stop, park or drive about the City streets or public places to solicit passengers by words, signs or signals, but they may take a passenger anywhere in the City at the passenger's request.

124.18 RESTRICTION ON NUMBER OF PASSENGERS. No driver shall permit more passengers to be carried in a taxi than the rated seating capacity of the taxi as fixed by the Council and stated in the license.

124.19 DUTY TO CARRY. No driver shall refuse or neglect to convey any orderly person or persons, upon request, unless previously engaged, or unless the driver is unable or forbidden to do so by the provisions of this chapter.

124.20 TAXI REQUIREMENTS. In order for a taxi to be licensed under the provisions of this chapter, the taxi must have at least four doors (not including hatchback). No license under the provisions of this chapter will be issued to any taxi that is a convertible. All taxis licensed under the provisions of this chapter must be less than five years old.

(Ch. 124 - Ord. 604 – May 06 Supp.)

CHAPTER 125

HOTEL/MOTEL TAX

125.01 Imposition of Tax
125.02 Use of Funds

125.03 Effective Date of Ordinance and Tax Imposition

125.01 IMPOSITION OF TAX. A tax of 7% shall be and same is hereby imposed upon the gross receipts from the renting of sleeping quarters in a hotel, motel, inn, public lodging house, rooming house, mobile home which is tangible personal property, or tourist court, or in any place where sleeping accommodations are furnished to transient guests for rent, with or without meals, except for those accommodations specifically exempted by Iowa Code Section 423A.5, as amended, pursuant to the election held on November 6, 2007, at which a majority of those qualified voters of the City of Bloomfield, Iowa, did vote in favor of the imposition of said tax. This tax shall only apply within the corporate boundaries of Bloomfield, Iowa.

125.02 USE OF FUNDS. Revenues derived from this tax shall be used as provided in Iowa Code Section 423A.7, as amended.

125.03 EFFECTIVE DATE OF ORDINANCE AND TAX IMPOSITION. The ordinance codified in this chapter shall be in full force and effect from and after its final passage, approval, and publication as provided by law. The tax shall be imposed beginning on the 1st day of January, 2008.

(Ch. 125 – Ord. 635 – Jul. 08 Supp.)

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CHAPTER 126

RAGBRAI

129.01 Commercial Booth – Permit Required
126.02 Commercial Booth Fees
126.03 Commercial Booth Location
126.04 Health Regulations
126.05 Glass Containers

126.06 Nuisance
126.07 Violations – Penalties
126.08 Effective Period
126.09 Street Closings

129.01 COMMERCIAL BOOTH – PERMIT REQUIRED. No person, club, group, organization, corporation or entity of any kind shall provide or sell food to the public in Bloomfield on July 25, 2019, unless said person or entity shall first obtain a Commercial Booth Permit from Bloomfield Main Street located at 101 E. Franklin Street in Bloomfield, Iowa. However, any person or entity which is a resident of Davis County and in possession of a valid permit issued by the State of Iowa for the sale of food to be consumed on its premises as of June 1, 2019, or in possession of a current Iowa retail sales tax permit, shall be exempt from the requirements of this section.

129.02 COMMERCIAL BOOTH FEES. The fee for a Bloomfield Commercial Booth Permit shall be set by Bloomfield Main Street. Booth space is 20' x 10'.

129.03 COMMERCIAL BOOTH LOCATION. A vendor who has been granted a Bloomfield Commercial Booth Permit shall locate its temporary sale facility at a location to be determined by the official Bloomfield RAGBRAI Committee.

129.04 HEALTH REGULATIONS. A person or entity issued a Commercial Booth Permit pursuant to this chapter (a RAGBRAI Commercial Booth Permittee herein) shall comply with the Iowa Department of Health and ADLM Counties Environmental Public Health rules and regulations pertaining to the sale and dispensing of food for consumption on its premises.

129.05 GLASS CONTAINERS. To promote safety during RAGBRAI, all beverages sold in Bloomfield, Iowa, by Commercial Booth Permittees, on July 25, 2019, shall be sold in non-glass containers only. This requirement shall also apply to any existing business, restaurant, service station, grocery store or other establishment selling beverages on its premises in an outdoor setting open to the public.

129.06 NUISANCE. The sale of food or the erection of a temporary facility for the sale of food or other merchandise without a Bloomfield Commercial

Booth Permit on July 25, 2019, in violation of the provisions of this chapter shall be considered a nuisance, as defined by Section 8.08 of the City Code of Ordinances. If this type of nuisance is determined to exist, an emergency abatement procedure pursuant to Subsection 8.08.080 of the City Code is hereby authorized and may be executed by any peace officer or those acting at their direction by dismantling and removing the nuisance without notice. However, if the only nuisance or violation of this chapter is the offender's failure to obtain the necessary permit, the RAGBRAI Committee, in lieu of immediate abatement, may allow the person or organization to immediately purchase (cash only) a necessary permit provided by this ordinance.

129.07 VIOLATIONS – PENALTIES. Selling or supplying food or merchandise to any person without a Bloomfield Commercial Booth Permit on July 25, 2019, or any violation of this chapter shall be a simple misdemeanor punishable by a maximum fine of \$500.00 and/or a maximum of thirty (30) days in jail. Furthermore, any violation of this chapter shall constitute a municipal infraction, as set forth in Chapter 8 of the City Code of Ordinances, and, therefore, any civil penalties may likewise be assessed and enforced as set forth.

129.08 EFFECTIVE PERIOD. The provisions of this ordinance shall be effective from 9:00 p.m. (local time) on July 24, 2019, until 5:00 p.m. (local time) on July 25, 2019.

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

(Ch. 129 – Ord. 701 – Aug. 19 Supp.)

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CHAPTER 135

STREET USE AND MAINTENANCE

135.01 Removal of Warning Devices

135.02 Obstructing or Defacing

135.03 Placing Debris On

135.04 Playing In

135.05 Traveling on Barricaded Street or Alley

135.06 Use for Business Purposes

135.07 Washing Vehicles

135.08 Burning Prohibited

135.09 Excavations

135.10 Maintenance of Parking or Terrace

135.11 Failure to Maintain Parking or Terrace

135.12 Dumping of Snow

135.13 Driveway Culverts

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.

(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 likely to be washed into the storm sewer and clog the storm sewer, or any substance likely to injure any person, animal or vehicle.

(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 except in accordance with the following:

1. Permit Required. No excavation shall be commenced without first obtaining a permit therefor. A written application for such permit shall be filed with the City and 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. Bond Required. The applicant shall post with the City a penal bond in the minimum sum of one thousand dollars (\$1,000.00) issued by a surety company authorized to issue such bonds in the State. The bond shall guarantee the permittee's payment for any damage done to the City or to public property, and payment of all costs incurred by the City in the

course of administration of this section. In lieu of a surety bond, a cash deposit of one thousand dollars (\$1,000.00) may be filed with the City.

5. 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.

6. 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.

7. 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.

8. 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.

9. 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.

10. Notification. At least forty-eight (48) hours prior to the commencement of the excavation, excluding Saturdays, Sundays and legal holidays, the person performing the excavation shall contact Iowa One Call at 1-800-292-8989 and provide the center with the information required under Section 480.4 of the Code of Iowa.

11. Permit Issued. Upon approval of the application and filing of bond and insurance certificate, a permit shall be issued. A separate permit shall be required for each excavation.

12. Permit Exemption. Utility companies are exempt from the permit application requirement of this section. They shall, however, comply with all other pertinent provisions.

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 the public streets, except that the abutting property owner shall not be required to remove diseased trees or dead wood on the publicly owned property or right-of-way. Maintenance includes timely mowing, trimming trees and shrubs and picking up litter.

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

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. Arrangements for the prompt removal of such accumulations shall be made prior to moving the snow.

(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.

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. "Defective sidewalk" means any public sidewalk exhibiting one or more of the following characteristics:
 - A. Vertical separations equal to three-fourths ($\frac{3}{4}$) inch or more.
 - B. Horizontal separations equal to one (1) inch or more.
 - C. Holes or depressions equal to three-fourths ($\frac{3}{4}$) inch or more and at least four (4) inches in diameter.
 - D. Spalling over fifty percent (50%) of a single square of the sidewalk with one or more depressions equal to one-half ($\frac{1}{2}$) inch or more.
 - E. Spalling over less than fifty percent (50%) of a single square of the sidewalk with one or more depressions equal to three-fourths ($\frac{3}{4}$) inch or more.
 - F. A single square of sidewalk cracked in such a manner that no part thereof has a piece greater than one square foot.
 - G. A sidewalk with any part thereof missing to the full depth.

- H. A change from the design or construction grade equal to or greater than three-fourths ($\frac{3}{4}$) inch per foot.
3. “Established grade” means that grade established by the City for the particular area in which a sidewalk is to be constructed.
 4. “One-course construction” means that the full thickness of the concrete is placed at one time, using the same mixture throughout.
 5. “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.
 6. “Portland cement” means any type of cement except bituminous cement.
 7. “Sidewalk” means all permanent public walks in business, residential or suburban areas.
 8. “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.
 9. “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 the abutting property owners to remove snow, ice and accumulations promptly from sidewalks. If a property owner does not remove snow, ice or accumulations within forty-eight (48) hours, the City may do so and assess the costs against the property owner for collection in the same manner as a property tax.

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

136.04 RESPONSIBILITY FOR MAINTENANCE. It is the responsibility of the abutting property owners to repair, replace or reconstruct, or cause to be repaired, replaced or reconstructed, all broken or defective sidewalks and to maintain in a safe and hazard-free condition 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])

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. A written application for such permit shall be filed with the City and shall be accompanied by a permit fee of five dollars (\$5.00).

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 or sand 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. All sidewalks throughout the Business District shall be constructed from lot line to the curb line unless the location of the sidewalk is varied by an appropriate resolution of the Council upon application by the landowner.

- 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. Ramps for Persons with Disabilities. There shall be not less than two (2) curb cuts or ramps per lineal block which shall be located on or near the crosswalks at intersections. Each curb cut or ramp shall be at least thirty (30) inches wide, shall be sloped at not greater than one inch of rise per twelve (12) inches lineal distance, except that a slope no greater than one inch of rise per eight (8) inches lineal distance may be used where necessary, shall have a nonskid surface, and shall otherwise be so constructed as to allow reasonable access to the crosswalk for persons with disabilities using the sidewalk.

(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. Provided, however, no such stand shall be allowed in any Historic District.

CHAPTER 137

VACATION AND DISPOSAL OF STREETS

137.01 Power to Vacate
137.02 Planning and Zoning Commission
137.03 Notice of Vacation Hearing

137.04 Findings Required
137.05 Disposal of Vacated Streets or Alleys
137.06 Disposal by Gift Limited

137.01 POWER TO VACATE. When, in the judgment of the Council, it would be in the best interest of the City to vacate a street, alley, portion thereof or any public grounds, the Council may do so by ordinance in accordance with the provisions of this chapter.

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

137.02 PLANNING AND ZONING COMMISSION. Any proposal to vacate a street, alley, portion thereof or any public grounds shall be referred by the Council to the Planning and Zoning Commission for its study and recommendation prior to further consideration by the Council. The Commission shall submit a written report including recommendations to the Council within thirty (30) days after the date the proposed vacation is referred to the Commission.

(Code of Iowa, Sec. 392.1)

137.03 NOTICE OF VACATION HEARING. The Council shall cause to be published a notice of public hearing of the time at which the proposal to vacate shall be considered.

137.04 FINDINGS REQUIRED. No street, alley, portion thereof or any public grounds shall be vacated unless the Council finds that:

1. **Public Use.** The street, alley, portion thereof or any public ground proposed to be vacated is not needed for the use of the public, and therefore, its maintenance at public expense is no longer justified.
2. **Abutting Property.** The proposed vacation will not deny owners of property abutting on the street or alley reasonable access to their property.

137.05 DISPOSAL OF VACATED STREETS OR ALLEYS. When in the judgment of the Council it would be in the best interest of the City to dispose of a vacated street or alley, portion thereof or public ground, the Council may do so in accordance with the provisions of Section 364.7, Code of Iowa.

(Code of Iowa, Sec. 364.7)

137.06 DISPOSAL BY GIFT LIMITED. The City may not dispose of real property by gift except to a governmental body for a public purpose.

(Code of Iowa, Sec. 364.7[3])

EDITOR'S NOTE			
The following ordinances, not codified herein and specifically saved from repeal, have been adopted vacating certain streets, alleys and/or public grounds and remain in full force and effect.			
ORDINANCE NO.	ADOPTED	ORDINANCE NO.	ADOPTED
2			
3			
17			
27			
39			
44			
71			
86			
88			
90			
121			
123			
144			
156			
171			
174			
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203			
204			
219			
221			
223			
224			
226			
251			
278			
289			
393			
408			
458			
466A			

CHAPTER 138

STREET GRADES

138.01 Established Grades

138.02 Record Maintained

138.01 ESTABLISHED GRADES. The grades of all streets, alleys and sidewalks, which have been heretofore established by ordinance are hereby confirmed, ratified and established as official grades.

138.02 RECORD MAINTAINED. The Clerk shall maintain a record of all established grades and furnish information concerning such grades upon request.

EDITOR'S NOTE

The following ordinances not codified herein, and specifically saved from repeal, have been adopted establishing street and/or sidewalk grades and remain in full force and effect.

ORDINANCE NO.	ADOPTED	ORDINANCE NO.	ADOPTED
8		290	
9		292	
10		381	
30			
31			
48			
51			
58			
60			
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67			
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96			
125			
131			
132			
133			
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233			

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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. Resolution. All street names, except streets named as a part of a subdivision or platting procedure, shall be named by resolution.
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 resolution, change the name of a street.

139.03 RECORDING STREET NAMES. Following official action 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 Bloomfield, 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 change 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.

CHAPTER 140

CURB CUTS

140.01 Permit Required
140.02 Permit Fee
140.03 Sidewalks
140.04 Curb and Gutter Removal
140.05 Curb and Gutter Installation

140.06 Joints
140.07 Excavations
140.08 Inspection
140.09 Revocation of Permit
140.10 Costs

140.01 PERMIT REQUIRED. A written permit shall be obtained before any person breaks out or removes any City curb and gutter and all costs related to the removal of existing and installation of a new curb and gutter shall be the responsibility of the property owner. A written application for the permit shall be filed with the Public Works Director. The application shall include the name of the property owner, the address of the property where the work is to be done, the name and address of the person who will do the work, and the plan of construction or repair which will be done. The Public Works Director shall issue the permit if the proposed plan meets all of the requirements of this chapter, if the permit fee has been paid, if the plan does not create any substantial hazard in the use of the street or sidewalk for public travel or drainage, and/or create any defects. Each permit shall expire six (6) months from the date of issuance, if the work is not completed within that time.

140.02 PERMIT FEE. Before any permit is issued, the person who makes application shall pay ten dollars (\$10.00) to the Public Works Director.

140.03 SIDEWALKS. The grade of any sidewalk shall not be altered by work done under this chapter except for handicap sidewalk approaches, as approved by the City. All sidewalks intersecting a driveway shall be maintained at the same grade and level as the existing sidewalk.

140.04 CURB AND GUTTER REMOVAL. When an approach is to be constructed and a curb drop is not at the location of the proposed approach, the entire curb and gutter shall be removed by saw cutting or milling the curb and gutter perpendicular to the street at both ends of the necessary approach opening, and then the curb and gutter may be removed. If it is an integrated curb, then removal of thirty (30) inches of curb and gutter is required.

(Ord. 607 – May 06 Supp.)

140.05 CURB AND GUTTER INSTALLATION. After removal of existing curb and gutter soil shall be compacted and well drained; where soil is not compact and well drained, a four-inch sub-base of compact, clean, coarse gravel must be installed. Two twelve-inch long number 4 rebar shall be

installed at each end; with six inches to be placed in new and six inches inserted into old curb and gutter and evenly spaced apart. If it is an integrated concrete street, then number 4 rebar shall be installed with spacing of twenty-four (24) inches on center for the length of the curb into the existing street. Concrete thickness must be equal to the existing curb and gutter, but not less than six inches thick and existing flow line must be maintained. The concrete shall be type III with a minimum strength of 3500 lbs.

140.06 JOINTS. One-half-inch expansion joint must be installed in a line with the back of the curb.

140.07 EXCAVATIONS. Excavations to do work under this chapter shall be dug so as to occasion the least possible inconvenience to the public and to provide for the passage of water along the gutter. All such excavations shall have proper barricades at all times, and warning lights placed from one-half hour before sunset to one-half hour after sunrise. Any street, sidewalk or other public property that is affected by the work shall be restored to as good a condition or better than it was previous to the excavation.

140.08 INSPECTION. The City will inspect all curb and gutter replacements before concrete is to be poured. An advance notice of not less than twenty-four (24) hours shall be given to the City before the concrete is to be poured. A final inspection will be made after the project is completed to insure compliance with this chapter. Failure to comply with this chapter will result in the removal of the curb and gutter and replacement by the City at the property owner's expense.

140.09 REVOCATION OF PERMIT. The City may at any time revoke the permit for any violation of this chapter and may require that the work be stopped.

140.10 COSTS. If, after thirty (30) days after breaking out or removal of any concrete curb and gutter, the person so doing shall fail or refuse to replace the curb and gutter, as provided herein, the City shall have the right to do so without notice and assess the cost thereof as a special tax against the abutting property and collect the same according to law.

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CHAPTER 145

DANGEROUS BUILDINGS

145.01 Enforcement Officer
145.02 General Definition of Unsafe
145.03 Unsafe Building
145.04 Notice to Owner

145.05 Conduct of Hearing
145.06 Posting of Signs
145.07 Right to Demolish
145.08 Costs

145.01 ENFORCEMENT OFFICER. The Public Works Director is responsible for the enforcement of this chapter.

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 NOTICE TO OWNER. The enforcement officer shall examine or cause to be examined every building or structure or portion thereof reported as dangerous or damaged and, if such is found to be an unsafe building as defined in this chapter, the enforcement officer shall give to the owner of such building or structure written notice stating the defects thereof. This notice may require the owner or person in charge of the building or premises, within forty-eight (48) hours or such reasonable time as the circumstances require, to commence either the required repairs or improvements or demolition and removal of the building or structure or portions thereof, and all such work shall be completed within ninety (90) days from date of notice, unless otherwise stipulated by the enforcement officer. If necessary, such notice shall also require the building, structure, or portion thereof to be vacated forthwith and not reoccupied until the required repairs and improvements are completed, inspected and approved by the enforcement officer.

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

1. Notice Served. Such notice shall be served by sending by certified mail to the owner of record, according to Section 364.12[3h] of the Code of Iowa, if the owner is found within the City limits. If the owner is not found within the City limits such service may be made upon the owner by registered mail or certified mail. The designated period within which said owner or person in charge is required to comply with the order of the enforcement officer shall begin as of the date the owner receives such notice.
2. Hearing. Such notice shall also advise the owner that he or she may request a hearing before the Council on the notice by filing a written request for hearing within the time provided in the notice.

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 BLOOMFIELD, 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])

[†] **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.

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CHAPTER 146

FIRE ZONE

146.01 Fire Zone Established
146.02 Plans Submitted
146.03 Buildings Prohibited
146.04 Construction Standards

146.05 Reconstruction Prohibited
146.06 Special Permit
146.07 Removal of Buildings
146.08 Storage of Materials Restricted

146.01 FIRE ZONE ESTABLISHED. A Fire Zone is established to include all of the following territory:

Blocks No. Seventeen, Eighteen, Nineteen, Twenty-four, Twenty-six, Thirty-one, Thirty-two and the North Half of Block Thirty-three of the Original Town (now City) of Bloomfield, Iowa

146.02 PLANS SUBMITTED. It is unlawful to build, enlarge or alter any structure, building or part thereof, within the Fire Zone until a plan of the proposed work, together with a statement of materials to be used has been submitted to the Council, who shall, if in accordance with the provisions of this chapter, issue a permit for the proposed work.

146.03 BUILDINGS PROHIBITED. The erection of any building or structure of any kind, or additions thereto, or substantial alterations thereof, involving partial rebuilding, are prohibited in the Fire Zone, unless constructed in strict compliance with the provisions of this chapter.

146.04 CONSTRUCTION STANDARDS. The construction standards for all buildings, structures, or parts thereof within the Fire Zone shall be of Type I, Type II, or, at a minimum, Type III - 1 hour fire resistant - construction, as specified in the Uniform Building Code.

146.05 RECONSTRUCTION PROHIBITED. Any building within the Fire Zone not constructed in accordance with the provisions of this chapter, which may hereafter be damaged by fire, decay, or otherwise, shall not be rebuilt, altered, or reconstructed except in accordance with the provisions of this chapter.

146.06 SPECIAL PERMIT. The Council may, by four-fifths (4/5) vote, issue a special permit to improve any property within the Fire Zone contrary to the provisions of this chapter, on condition that such improvement shall not increase the rates for fire insurance or the fire hazard potential of the area, or to allow any person to erect or move in any building or structure for temporary purposes for a period of time not exceeding six (6) months from the date of such permission.

146.07 REMOVAL OF BUILDINGS. Any person who erects any building in the Fire Zone, contrary to the provisions of this chapter, shall be given written notice by the Mayor to remove or tear down the same, and if such removal or taking down is not completed within thirty (30) days from the time of the service of such notice, the Mayor shall cause the same to be removed or taken down. The Mayor shall report an itemized bill of the expense to the Clerk, and the same shall be charged to the person owning such building. The Clerk shall present the bill to the owner of the property and if the bill is not paid within ten (10) days from the date it is presented, the amount of the bill shall be certified, by the Clerk, to the County Treasurer, as a lien against the property and collected the same as other taxes.

146.08 STORAGE OF MATERIALS RESTRICTED. No person shall have or deposit any grain stack, pile of rubbish, explosives, hazardous chemicals or other flammable substance within the Fire Zone, nor shall any person have or deposit any cord wood or fire wood, within the Fire Zone without written permission from the Mayor, specifying the maximum amount of such cord wood or fire wood, that may be kept, stored, or deposited on any lot or part of a lot within the Fire Zone, unless the same be within one of the buildings allowed by this chapter. No person shall build or allow any fires, whether trash fires or otherwise, within the Fire Zone as described in this chapter.

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CHAPTER 150

BUILDING NUMBERING

150.01 Definitions

150.02 Owner Requirements

150.03 Building Numbering Plan

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

1. “Owner” means the owner of the principal building.
2. “Principal building” means the main building on any lot or subdivision thereof.

150.02 OWNER REQUIREMENTS. Every owner shall comply with the following numbering requirements:

1. Obtain Building Number. The owner shall obtain the assigned number to the principal building from the Clerk.
(Code of Iowa, Sec. 364.12[3d])
2. Display Building Number. The owner shall place or cause to be installed and maintained on the principal building the assigned number in a conspicuous place to the street in figures not less than three (3) inches in height and of a contrasting color with their background.
(Code of Iowa, Sec. 364.12[3d])
3. Failure to Comply. If an owner refuses to number a building as herein provided, or fails to do so for a period of thirty (30) days after being notified in writing by the City to do so, the City may proceed to place the assigned number on the principal building and assess the costs against the property for collection in the same manner as a property tax.
(Code of Iowa, Sec. 364.12[3h])

150.03 BUILDING NUMBERING PLAN. Building numbers shall be assigned in accordance with the building numbering plan on file in the office of the Clerk.

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CHAPTER 151

TREES

151.01 Definition

151.02 Planting Prohibited

151.03 Duty to Trim Trees

151.04 Trimming Trees to be Supervised

151.05 Disease Control

151.06 Inspection and Removal

151.01 DEFINITION. For use in this chapter, “parking” means that part of the street, avenue or highway in the City not covered by sidewalk and lying between the lot line and the curb line; or, on unpaved streets, that part of the street, avenue or highway lying between the lot line and that portion of the street usually traveled by vehicular traffic.

151.02 PLANTING PROHIBITED. No tree shall be planted in any parking or street.

151.03 DUTY TO TRIM TREES. The owner or agent of the abutting property shall keep the trees on, or overhanging the street, trimmed so that all branches will be at least fifteen (15) feet above the surface of the street and eight (8) feet above the sidewalks. If the abutting property owner fails to trim the trees, the City may serve notice on the abutting property owner requiring that such action be taken within five (5) days. If such action is not taken within that time, the City may perform the required action and assess the costs against the abutting property for collection in the same manner as a property tax.

(Code of Iowa, Sec. 364.12[2c, d & e])

151.04 TRIMMING TREES TO BE SUPERVISED. Except as allowed in Section 151.03, it is unlawful for any person to trim or cut any tree in a street or public place unless the work is done under the supervision of the City.

151.05 DISEASE CONTROL. Any dead, diseased or damaged tree or shrub which may harbor serious insect or disease pests or disease injurious to other trees is hereby declared to be a nuisance.

151.06 INSPECTION AND REMOVAL. The Council shall inspect or cause to be inspected any trees or shrubs in the City reported or suspected to be dead, diseased or damaged, and such trees and shrubs shall be subject to the following:

1. City Property. If it is determined that any such condition exists on any public property, including the strip between the curb and the lot line of private property, the Council may cause such condition to be corrected by treatment or removal. The Council may also order the

removal of any trees on the streets of the City which interfere with the making of improvements or with travel thereon.

2. Private Property. If it is determined with reasonable certainty that any such condition exists on private property and that danger to other trees or to adjoining property or passing motorists or pedestrians is imminent, the Council shall notify by certified mail the owner, occupant or person in charge of such property to correct such condition by treatment or removal within fourteen (14) days of said notification. If such owner, occupant or person in charge of said property fails to comply within 14 days of receipt of notice, the Council may cause the condition to be corrected and the cost assessed against the property.

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

CHAPTER 152

OUTDOOR FURNACES

152.01 Title
152.02 Intent
152.03 Definitions
152.04 Permit Required
152.05 Existing Outdoor Furnaces

152.06 Specific Requirements
152.07 Suspension of Permit
152.08 Waivers
152.09 Enforcement Revocation of Permit
152.10 Effect of Other Regulations

152.01 TITLE. This chapter shall be known as the City of Bloomfield Outdoor Furnace Local Ordinance.

152.02 INTENT. Although outdoor furnaces may provide an economical alternative to conventional heating systems, concerns have been raised regarding the safety and environmental impacts of these heating devices, particularly the production of offensive odors and potential health effects of uncontrolled emissions. This chapter is intended to ensure that outdoor furnaces are utilized in a manner that does not create a nuisance and is not detrimental to the health, safety and general welfare of the residents of the City.

152.03 DEFINITIONS.

1. “Firewood” means trunks and branches of trees and bushes but does not include leaves, needles, vines or brush smaller than three inches (3") in diameter.
2. “Outdoor furnace” means any equipment, device or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space.
3. “Untreated lumber” means dry wood which has been milled and dried but which has not been treated or combined with any petroleum product, chemical, preservative, glue, adhesive, stain, paint, or other substance.

152.04 PERMIT REQUIRED. No person shall cause, allow or maintain the use of an outdoor furnace within the City without first having obtained a permit from the Public Works Director. Application for permit shall be made to the Public Works Director on the forms provided by the City.

152.05 EXISTING OUTDOOR FURNACES. Any outdoor furnace in existence on the effective date of this local ordinance shall be permitted to remain provided that the owner applies for and receives a permit from the Public Works Director within one (1) year of such effective date; provided,

however, that upon the effective date of this local ordinance all the provisions hereof except paragraphs 152.06 (2) and (3) shall apply to existing outdoor furnaces. All of the provisions of this chapter shall continue to apply to existing outdoor furnaces which receive permits except paragraphs 152.06 (2) and (3). If the owner of an existing outdoor furnace does not receive a permit within one (1) year of the effective date of this local ordinance, the outdoor furnace shall be removed. "Existing" or "in existence" means that the outdoor furnace is in place on the site.

152.06 SPECIFIC REQUIREMENTS.

1. Permitted Fuel. Only firewood and untreated lumber are permitted to be burned in any outdoor furnace. Burning of any other materials in an outdoor furnace is prohibited.
2. Minimum Lot Size. Outdoor furnaces shall be permitted only on lots of three (3) acres or more.
3. Setbacks. Outdoor furnaces shall be set back not less than 200 feet (200') from the nearest lot line.
4. Months of Operation. Outdoor furnaces shall be operated only between September 1st and May 31st.
5. Spark Arrestors. All outdoor furnaces shall be equipped with properly functioning spark arrestors.

152.07 SUSPENSION OF PERMIT. A permit issued pursuant to this chapter may be suspended as the Public Works Director may determine to be necessary to protect the public health, safety and welfare of the residents of the City if any of the following conditions occur:

1. Malodorous air contaminants from the outdoor furnace are detectable outside the property of the person on whose land the outdoor furnace is located.
2. The emissions from the outdoor furnace interfere with the reasonable enjoyment of life or property.
3. The emissions from the outdoor furnace cause damage to vegetation or property.
4. The emissions from the outdoor furnace are or may be harmful to human or animal health.

A suspended permit may be reinstated once the condition which resulted in suspension is remedied and reasonable assurances are given that such condition will not recur. Recurrence of a condition which has previously resulted in

suspension of a permit shall be considered a violation of this chapter subject to the penalties provided in Section 152.09 hereof.

152.08 WAIVERS. Where the City Council finds that extraordinary and unnecessary hardships may result from strict compliance with this chapter, it may vary the regulations so that substantial justice may be done and the public interest secured, provided that such variations will not have the effect of nullifying the intent and purpose of this chapter or of jeopardizing the health, safety or welfare of the public. In varying any regulations, the Council may impose such conditions and requirements as it deems reasonable and prudent. The Council, at its discretion, may hold a public hearing as part of its review. If the Council grants the waiver, a permit shall be issued for the outdoor furnace. If the Council denies the waiver, the outdoor furnace must either be brought into compliance with this chapter or removed. If the Council does not take any action with respect to the waiver within sixty (60) days from receipt of an application for waiver, the waiver shall be deemed denied.

152.09 ENFORCEMENT REVOCATION OF PERMIT. Failure to comply with any of the provisions of this chapter shall be a violation and, shall be punishable by a fine of not more than \$500 for the first offense. Any subsequent offense shall be punishable by a fine of not more than \$1000. In addition, any permit issued pursuant to this chapter shall be revoked upon a second offense and the subject outdoor furnace shall not be eligible for another permit. Each day that a violation occurs shall constitute a separate offense. The owners of premises upon which prohibited acts occur shall be jointly and severally liable for violations of this chapter. Any fine imposed hereunder shall constitute a lien upon the real property where the outdoor furnace is located until paid.

152.10 EFFECT OF OTHER REGULATIONS. Nothing contained herein shall authorize or allow burning which is prohibited by codes, laws, rules, or regulations promulgated by any other federal, state, regional or local agency. Outdoor furnaces and any electrical, plumbing or other apparatus or device used in connection with an outdoor furnace, shall be installed, operated and maintained in conformity with the manufacturer's specifications and any and all local, State and Federal codes, laws, rules and regulations. In case of a conflict between any provision of this chapter and any applicable Federal, State or local ordinances, codes, laws, rules or regulations, the more restrictive or stringent provision or requirement shall prevail.

(Ch. 152 - Ord. 618 – July 06 Supp.)

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CHAPTER 165

ZONING REGULATIONS

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165.01 SCOPE AND INTERPRETATION. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements. Where this chapter imposes a greater restriction than is imposed or required by other provisions of law or by other rules and regulations or ordinances, the provisions of this chapter shall control.

165.02 DEFINITIONS. For the purpose of this chapter, the following terms are defined. As used herein, the words “used” or “occupied” include the words “intended, assigned, or arranged to be used or occupied,” and the word “lot” includes the words “plot or parcel.”

1. “Accessory structure” means a detached subordinate structure, the use of which is customarily incidental to that of the main building or to the main building or use. Such a structure does not include dwelling units or living quarters. Accessory structures include, but are not limited to: small buildings (including portable storage sheds), fences, decks, porches, swimming pools, paved drive/parking, and signs.

(Ord. 700 – Aug. 19 Supp.)

2. “Accessory use” means a use subordinate to the main use of land or a building on a lot and customarily incidental thereto.

3. “Alley” means a public way, other than a street, twenty (20) feet or less in width, affording secondary means of access to abutting property.

4. “Apartment” means a room or suite of rooms in a multiple dwelling intended or designed for use as a residence by a single family.

5. "Basement" means a story having part but not more than one-half ($\frac{1}{2}$) its height below grade. A basement is counted as a story if the vertical distance from the average adjoining grade to its ceiling is over five (5) feet.
6. "Billboard" includes all structures, regardless of the material used in the construction of the same, that are erected, maintained or used for public display of posters, painted signs, wall signs, whether the structure is placed on the wall or painted on the wall itself, and pictures or other pictorial reading matter which advertise a business or attraction which is not carried on or manufactured in or upon the premises upon which said signs or billboards are located.
7. "Board" means the Board of Adjustment of the City.
8. "Boardinghouse" means a building other than a hotel, where for compensation, meals and/or lodging are provided for four (4) or more persons.
9. "Building" means any structure designed or intended for the support, enclosure, shelter or protection of persons, animals or property, but not including signs or billboards.
10. "Building, height of" means the vertical distance from the average natural grade at the building line to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and ridges for gable, hip and gambrel roofs. On a corner lot, the height is the mean vertical distance from the average natural grade at the building line from the higher of the two (2) grades.
11. "Bulk stations" means distributing stations, commonly known as bulk or tank stations, used for the storage and distribution of flammable liquids or liquefied petroleum products, where the aggregate capacity of all storage tanks is more than twelve thousand (12,000) gallons.
12. "Cellar" means that portion of a building having more than one-half ($\frac{1}{2}$) of its height below grade. A cellar is not included in computing the number of stories for the purpose of height measurement.
13. "District" means a section or sections of the City within which the regulations governing the use of buildings and premises or the height and area of buildings and promises are uniform.
14. "Dwelling" means any building or portion thereof which is designed or used exclusively for residential purposes, but not including a tent, cabin, trailer or trailer coach.

15. “Dwelling, single-family” means a building designed for or occupied exclusively for residence purposes by one family.
16. “Dwelling, multiple” means a dwelling or portion thereof designed for or occupied by more than two (2) families with separate housekeeping and cooking facilities for each.
17. “Dwelling, two-family” means a dwelling designed for or occupied exclusively by two families with separate housekeeping and cooking facilities for each.
18. “Family” means one or more persons occupying a single housekeeping unit and using common cooking facilities, provided that unless all members are related by blood, adoption or marriage, no such family shall contain over five (5) persons.
19. “Frontage” means all the property on one side of a street between two (2) intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.
20. “Garage, private” means an accessory building, or an accessory portion of the main building, designed and/or used for the shelter or storage of vehicles owned or operated by the occupants of the main building, except that a one- or two-car capacity garage may be rented for the private vehicles of persons not residents on the premises.
21. “Garage, public” means any building or premises, other than a private garage, used for equipping, refueling, servicing, repairing, hiring, selling or storing motor-driven vehicles.
22. “Grade” means the average elevation of the finished ground at the exterior walls of the main building.
23. “Hotel” means a building in which lodging is provided and offered to the public for compensation and which is open to transient guests, in contradistinction to a boarding house or lodging house.
24. “Junkyard” means any area where waste, discarded or salvaged materials are bought, sold, exchanged, baled or packed, disassembled or handled, including house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including areas where such uses are conducted entirely within a completely enclosed building, and the processing of used, discarded or salvaged materials as part of manufacturing operations.

25. “Lodging house” means a building where lodging, only, is provided for compensation for four (4) or more persons.
26. “Lot,” for zoning purposes, as covered by this chapter, is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on a dedicated or private street, and may consist of:
- A. A single lot of record;
 - B. A portion of a lot of record;
 - C. A combination of complete lots of record, of complete lots of record and portions of lots of records, or of portions of lots of record;
 - D. A parcel of land described by metes and bounds; provided that in no case of division shall any residual lot or parcel be created which does not meet the requirements of this Code of Ordinances.
27. “Lot measurement” includes:
- A. “Depth” is the mean horizontal distance between the front and rear lot lines.
 - B. “Width” is considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard.
28. “Lot of record” means a lot which is part of a subdivision, the deed of which is recorded in the office of the County Recorder or a lot or parcel described by metes and bounds, the description of which has been so recorded.
29. “Lot types” are as follows:[†]
- A. “Corner lot” means a lot located at the intersection of two (2) or more streets.
 - B. “Interior lot” means a lot other than a corner lot with only one frontage on a street.
 - C. “Double frontage lot” means a lot other than a corner lot with frontage on more than one street other than an alley. Lots with frontage on two (2) nonintersecting streets may be referred to as “through” lots.

[†] **Editor’s Note:** Lot types are illustrated in Plate 1, on file in the City Clerk’s office.

- D. “Reversed corner lot” means a corner lot, the side street line of which is substantially a continuation of the front lot line of the first lot to its rear.
30. “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.
31. “Manufactured home community” means any site, lot, field or tract of land under common ownership upon which ten or more occupied manufactured homes are harbored, either free of charge or for revenue purposes, and includes any building, structure or enclosure used or intended for use as part of the equipment of the manufactured home community.
32. “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.
33. “Mobile home park” means any lot or portion of a lot 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.
34. “Modular home” means a factory-built structure which is manufactured to be used as a place of human habitation, is constructed to comply with the Iowa State Building Code for modular factory-built structures, and displays the seal issued by the State Building Code Commissioner.
35. “Motel” or “motor lodge” means a building or group of attached or detached buildings containing individual sleeping or living units for overnight auto tourists, with garage attached or parking facilities conveniently located to each such unit.
36. “Nonconforming use” means use of a building or of land that does not conform to the regulations as to use for the district in which it is situated.

37. “Nursing or convalescent home” means a building or structure having accommodations and where care is provided for invalid, infirm, aged, convalescent, or physically disabled persons, not including insane and other mental cases, inebriate or contagious cases.

38. “Parking space” means a permanently surfaced area of not less than two hundred fifty (250) square feet either within a structure or in the open, exclusive of driveway or access drives, for the parking of a motor vehicle.

39. “Sign” means any device designed to inform or attract the attention of persons not on the premises on which the sign is located; provided, however, the following are not included in the application of the regulations herein:

A. Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations;

B. Flags and insignia of any government except when displayed in connection with commercial promotion;

C. Legal notices, identification, information or directional signs erected or required by governmental bodies;

D. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights;

E. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

40. “Sign, off-site” means a sign other than an on-site sign. (See also “billboards.”)

41. “Sign, on-site” means a sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services or activities on the premises. On-site signs do not include signs erected by the outdoor advertising industry in the conduct of the outdoor advertising business.

42. “Signs, number and surface area” includes:

A. For the purpose of determining number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable

doubt about the relationship of elements, each element shall be considered to be a single sign.

B. The surface area of a sign shall be computed as including the entire area within a regular geometric form or combination of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of the surface area.

43. “Story” means that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling or roof next above it.

44. “Story, half” means a space under a sloping roof which has the line of intersection of roof decking and wall face not more than four (4) feet above the top floor level. A half story containing independent apartments or living quarters is counted as a full story.

45. “Street” means a public or private thoroughfare which affords the principal means of access to abutting property.

46. “Street line” means a dividing line between a lot, tract or parcel of land and a contiguous street.

47. “Structural alterations” means any replacement or changes in the type of construction or in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, beyond ordinary repairs and maintenance.

48. “Structure” means anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, walls, fences, billboards and poster panels.

49. “Tourist home” means a residential building in which rooms are available for rental purposes as overnight sleeping accommodations primarily for automobile travelers.

50. “Yard” means an open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward excepting as otherwise provided herein. In measuring a yard for the purpose of determining the depth of a front yard or the depth of a rear yard, the least distance between the lot line and the main building shall be used. Fences and walls are permitted in any yard, subject to height limitations as indicated herein.

51. “Yard, front” means a yard extending across the full width of the lot and situated between the front lot line and the building line. The depth of the front yard shall be measured between the building line and front lot line. Covered porches and garages, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required front yard.

52. “Yard, rear” means a yard extending across the full width of the lot and measured between the rear lot line and the building or any projections other than steps, unenclosed balconies or unenclosed porches. On corner lots, the rear yard shall be considered as adjoining the street upon which the lot has its greater dimension. On both corner lots and interior lots the rear yard is at the opposite end of the lot from the front yard.

53. “Yard, side” means a yard extending from the front yard to the rear yard and measured between the side lot lines and the building.

165.03 ESTABLISHMENT OF DISTRICTS; ZONING MAP. For the purpose of this chapter, the following seven (7) classes of districts are hereby established within the City as shown on the Official Zoning Map which, together with any explanatory matter thereon, is hereby adopted by reference and declared to be a part a this chapter.

- R-1 Single-Family Residence District
- R-2 One and Two-Family Residence District
- R-3 Multi-Family Residence District
- C-1 Commercial District
- C-2 Commercial District
- M-1 Light Industrial District
- M-2 Heavy Industrial District

The Official Zoning Map shall be identified by the signature of the Mayor attested by the Clerk under the following words: *This is to certify that this is the Official Zoning Map referred to in the Code of Ordinances of the of the City of Bloomfield, Iowa, adopted _____*. If, in accordance with the provisions of this chapter and Chapter 414 of Code of Iowa, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, copies of such changes shall be filed with the Official Zoning Map promptly after the amendment has been approved by the Council. Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map, together with amending ordinances, shall be the final authority as the current zoning status of land and water areas, buildings and other structures in the City. In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret

because of use, the Council may by resolution, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Zoning Ordinance or any subsequent amendment thereof. The Official Zoning Map shall be identified by the signature of the Mayor attested by the Clerk, under the following words: *This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced) as part of the Code of Ordinances of the City of Bloomfield, Iowa.*[†]

165.04 INTERPRETATION OF DISTRICT BOUNDARIES. In the cases where the exact location of a district boundary is not clear as shown on the Official Zoning Map, the following rules shall be used in determining the location of said district boundary:

1. Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following City limits shall be construed as following City limits.
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
5. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerlines.
6. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 5 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the Map.
7. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other

[†] See EDITOR'S NOTE at the end of this chapter for ordinances amending the zoning map.

circumstances not covered by subsections 1 through 5 above, the Board of Adjustment shall interpret the district boundaries.

165.05 APPLICATION OF DISTRICT REGULATIONS. The regulations set by this chapter within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided:

1. No building, structure or land shall hereafter be used and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.
2. No building or other structure shall hereafter be erected or altered:
 - A. To exceed the height,
 - B. To accommodate or house a greater number of families,
 - C. To occupy a greater percentage of lot area, or
 - D. To have narrower or smaller rear yards, front yards, side yards or other open spaces;

than herein required; or in any other manner contrary to the provisions of this chapter.

3. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this chapter shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building.
4. No yard or lot existing as of April 1, 1963, shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this chapter shall meet at least the minimum requirements established by this chapter.

165.06 R-1 SINGLE-FAMILY RESIDENCE DISTRICT. In R-1 Districts the following regulations shall apply, except as otherwise provided herein:

1. Permitted Uses. Uses permitted in an R-1 District are as follows:
 - A. Single-family dwellings. No temporary buildings, trailers or mobile homes, tents, portable or potentially portable structures shall be used for dwelling purposes.
 - B. Modular homes.
 - C. Manufactured homes.
 - D. Duplexes.
 - E. Single apartment within principal dwelling.
 - F. Churches and accessory buildings.
 - G. Museums, libraries, parks, playgrounds, community centers and similar uses operated by the City.
 - H. Golf courses, country clubs, tennis courts and similar recreational uses, provided that any such use not be operated primarily for commercial gain.
 - I. Private swimming pools. *(Ord. 700 – Aug. 19 Supp.)*
 - J. Public and private schools and colleges for academic instruction.
 - K. Nursery schools, child nurseries.
 - L. See Section 165.23(2) of this chapter for Special Uses.
2. Accessory Uses. Accessory uses in an R-1 District include the following:
 - A. Signs on Site. Only one sign, not exceeding twelve (12) square feet in area, pertaining only to the lease, hire or sale of the building or premises on which said sign is located, which shall be removed not later than thirty days after said premises has been leased, hired or sold. Such sign may have attached to it another sign indicating that the property has been sold, which shall not exceed one square foot and shall not emit any flickering, flashing or glaring lights. Only one nameplate, affixed to the home, relative to a home occupation or a permitted use not exceeding two square feet in area, providing that no such sign or nameplate shall emit any flickering or glaring light. Also, only one

identification sign, appertaining only to temporary identification on the premises where a building is to be erected, identifying the type and use of the building to be constructed on the premises, the name of the owner and/or contractor or other information pertaining to the building project. Such temporary identification sign is not to be placed on the premises until a building permit has been issued for construction of the building, and not placed on the premises more than ninety days before actual construction is scheduled to begin, and the sign shall be removed as soon as, or before, the construction is completed or as soon as the building permit may be canceled, for reasons as provided in this chapter, by the administration official. Such sign is not to exceed thirty-two square feet.

B. Informational and Directional Signs – Off-site, Non-commercial. A religious, service, fraternal, educational or other similar nonprofit organization, corporation or society may erect off-site signs providing directional information only, provided that said sign may not exceed four square feet. Such sign may be erected only after obtaining the permission of the land owner upon which said sign is to be erected. No sign may be attached to or affixed to any City utility pole or sign post. Such sign may not be lower than four feet from ground level or higher than seven feet and the same may not be erected in such a fashion as to obstruct vehicular traffic vision.

C. On-site Signs – Noncommercial. A religious, fraternal service, educational or other similar nonprofit organization, corporation or society may erect on-site, signs not exceeding thirty-two square feet, providing information to the general public relative to the purposes and meeting times and dates.

D. Private garage, which may include living quarters of domestic servants employed on the premises and may include a one dwelling unit apartment but only if there is no apartment within the principal dwelling.

E. Normal accessory buildings and structures for a dwelling such as children's playhouses shall not be used for dwelling purposes, radio and television receiving antennas, barbecue pits, playground equipment, tennis courts, wind generators, communication dishes, recreational antennas and solar collectors.

F. Normal accessory buildings and structures for public recreational areas such as refreshment stands, playground

equipment, all-weather shelters, tennis courts, barbecue pits, swimming pools, etc.

G. Animals such as cats, dogs, birds, tropical fish, etc., which are normally allowed to run free or are housed within the dwelling. Horses, cows, sheep, chickens, hogs, etc. normally considered domestic, farm or wild and untamed animals shall be excluded.

H. Flower and vegetable gardening for noncommercial gain.

I. Greenhouses and horticultural nurseries for noncommercial gain.

J. Customary Home Occupations.

(1) Provisions for home occupations are intended to establish certain customary occupations of low commercial intensity in dwelling units while: (i) preserving the primary residential character of those sections of the City zoned for residential purposes; and (ii) minimizing any unusual traffic, congestion or similar disturbance of those residential areas.

(2) A customary home occupation includes any occupation or profession conducted entirely in a dwelling unit where the only goods or services rendered in connection with the said occupation are goods and services manufactured solely on the premises, and provided that:

a. No person other than members of the immediate family residing on the premises shall be engaged in such occupation.

b. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than fifty percent of the area of any one floor of the dwelling unit, including the basement, shall be used in the conduct of the home occupation.

c. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one non-illuminated sign not exceeding two square feet in area and mounted flat against the wall of the principal building.

d. No home occupation shall be conducted in any accessory building.

e. There shall be no stock in trade kept or any sale of commodities other than those necessary for the manufacturing of the product or rendering of the service in connection with the said occupation.

f. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot if the occupation is conducted in a one-family and two-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises.

g. A certificate of compliance issued by the zoning enforcement officer shall be obtained before beginning any home occupation.

h. Beauty parlor and barbershop, when conducted as a home occupation solely by resident occupants in their place of abode and provided that not more than one-quarter of the area of one floor shall be used for such purpose; provided further, that such occupations shall not require external or internal alterations. An indirectly lighted sign of not over two square feet in area and attached flat against the principal building shall be permitted.

3. Minimum Lot Area. Minimum lot area in R-1 districts shall be 11,000 square feet for each dwelling together with its accessory buildings; however, where public sewer and water facilities are not available, a minimum of 20,000 square feet is required. If public water only is available, not less than 13,200 square feet shall be required.

4. Height Regulation. No principal structure in the R-1 District shall exceed three stories or 35 feet in height and no accessory building shall exceed one story or 15 feet in height.

5. Minimum Width Regulation. The minimum dimensions of the main body of a dwelling in R-1 districts shall not be less than 22 feet, 6 inches.

6. Frontage and Yard Requirements. The following minimum requirements shall be observed:

Minimum Lot Width	Minimum Front Yard Depth	Minimum Side Yard Widths		Minimum Rear Yard Depth
		Least Width	Sum Least Widths	
75 feet	35 feet	8 feet	18 feet	35 feet

7. State and Federal Requirements. In addition to the requirements set forth in this chapter, no building permits shall be issued unless the applicants comply with all State and Federal regulatory agency rules and regulations.

8. Exceptions. For exceptions in an R-1 District, see Section 165.23.

9. Off-Street Parking. For off-street parking requirements in an R-1 District, see Section 165.13.

10. Perimeter Foundation Requirement. A permanent perimeter foundation shall be required of all dwellings in R-1 Districts. A permanent perimeter foundation shall consist of footings and a concrete, cement block or stone which are fixed together by mortar or treated wood foundation. Provided, however, a manufactured home may be placed on a pier footing foundation system designed and constructed to be compatible with the structure and conditions of the site. The permanent perimeter foundation shall extend not less than four feet below grade. The zoning administrative official of the City shall inspect the proposed foundations prior to the construction or erection of the same. All dwellings or accessory buildings shall be affixed to said permanent perimeter foundation at least every eight linear feet around the entire perimeter.

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165.07 R-2 ONE- AND TWO-FAMILY RESIDENCE DISTRICT. In R-2 Districts, the following regulations shall apply, except as otherwise provided herein:

1. Permitted Uses. Uses permitted in an R-2 District are as follows:
 - A. Uses permitted in R-1 Districts. No temporary buildings, trailers or mobile homes, tents, portable or potentially portable structures shall be used for dwelling purposes.
 - B. Two-family dwellings.
 - C. Alterations and conversions of single-family dwellings into two-family dwellings in accordance with the lot area, frontage and yard requirements as set forth in this section.
 - D. See Section 165.23(2) of this chapter for special uses.
2. Accessory Uses. Accessory uses in an R-2 District shall include accessory uses as permitted and regulated in the R-1 District.
3. Building Height Limit. Building height limit in an R-2 District shall be the same as in an R-1 District.
4. Lot Area. Minimum lot area in an R-2 District shall be 8,000 square feet for each single-family dwelling and 9,000 square feet for each two-family dwelling; however, where public sewer and water facilities are not available, not less than 20,000 square feet. If public water only is available, not less than 10,000 square feet.
5. Lot Width. Minimum lot width in an R-2 District shall be 65 feet for a single-family dwelling and 70 feet for a two-family dwelling. Where public sewer and water facilities are not available, 100 feet. If public water only is available, 80 feet. The minimum width for corner lots platted after the effective date of this chapter shall be 75 feet.
6. Front Yard Depth. Minimum front yard depth in an R-2 District shall be 30 feet. When fronting on the right-of-way of a major thoroughfare shown on the official major thoroughfare plan, the front yard shall be measured from the proposed right-of-way line.
7. Side Yard Width. Minimum side yard with in an R-2 District shall be 8 feet on one side with a total of the two side yards of 15 feet for a dwelling and 15 feet on each side for any other principal building. On lots of record at the time of adoption or amendment of this chapter having a width less than 60 feet, the side yards may be reduced as follows, for a single-family dwelling only:

- A. One side yard may be reduced to not less than ten percent (10%) of the lot width.
 - B. The sum of both side yards may be reduced to not less than twenty-five percent (25%) of the lot width.
 - C. On corner lots, only the interior side yard may be reduced below 8 feet.
8. Rear Yard Depth. Minimum rear yard depth in an R-2 District shall be 35 feet for a dwelling and 45 feet for any other building.
9. Exceptions. For exceptions in an R-2 District, see Section 165.23.
10. Off-Street Parking. For off-street parking requirements in an R-2 District, see Section 165.13.
11. Minimum Width Regulations. The minimum dimensions of the main body of a dwelling in R-2 Districts shall not be less than 22 feet, 6 inches.
12. Perimeter Foundation Requirement. A permanent perimeter foundation shall be required of all dwellings in R-2 Districts. A permanent perimeter foundation shall consist of footings and a concrete, cement block or stone which are fixed together by mortar or treated wood foundation. Provided, however, a manufactured home may be placed on a pier footing foundation system designed and constructed to be compatible with the structure and conditions of the site. The permanent perimeter foundation shall extend not less than four feet below grade. The zoning administrative official of the City shall inspect the proposed foundations prior to the construction or erection of the same. All dwellings or accessory buildings shall be affixed to said permanent perimeter foundation at least every eight linear feet around the entire perimeter.

165.08 R-3 MULTI-FAMILY RESIDENCE DISTRICT. In R-3 Multi-Family Residence Districts the following regulations shall apply, except as otherwise provided herein.

1. Permitted Uses. Uses permitted in an R-3 District are as follows:
 - A. Uses permitted in R-2 Districts. No temporary buildings, trailers or mobile homes, tents, portable or potentially portable structures shall be used for dwelling purposes.
 - B. Multiple dwellings.
 - C. Boarding and lodging houses, tourist homes.
 - D. Office of a dentist or physician.
 - E. Hospitals, clinics, nursing and convalescent homes, excepting animal hospitals and clinics.
 - F. Institutions of a religious, education or philanthropic nature.
 - G. Funeral homes.
 - H. See Section 165.23(2) of this chapter for special uses.
2. Accessory Uses. Accessory uses in an R-3 District shall include the following:
 - A. Accessory uses as permitted and regulated in the R-2 District.
 - B. Storage garages, where the lot is occupied by multiple dwelling, hospital or institutional building.
 - C. One sign only, not exceeding 24 square feet in area, pertaining to the office of medical professions, hospitals, clinics, nursing and convalescent homes, institutions of a religious, educational or philanthropic nature, and funeral homes in the building or premises on which said sign is located. Such sign shall not be lighted or illuminated in a manner which impairs the vision of a driver of any motor vehicle or obstruct the view of any street so as to constitute a danger or hazard in the operation of motor vehicles and the use of City streets. No such sign may imitate or resemble an official traffic-control sign or device. No such signs shall be located or erected without first obtaining a permit from the zoning administrative official of the City upon the proper application for such permit.

3. **Building Height Limit.** Building height limit in an R-3 District shall be three stories, but not exceeding 45 feet in height. Greater height shall be permitted provided that for each two feet of building height over 45 feet, one additional foot shall be added to each of the minimum yard widths specified in this section.
4. **Lot Area.** Minimum lot are in an R-3 District shall be as follows:
 - A. Single-family dwelling – 8,000 square feet,
 - B. Two-family dwelling – 9,000 square feet.
 - C. All other principal permitted uses – 10,500 square feet, plus an additional 2,000 square feet for each unit over three, in the case of multiple dwellings. (See also subsection 9 below.)
5. **Lot Width.** Minimum lot width in an R-3 District are as follows:
 - A. Single-family dwelling – 65 feet.
 - B. Two-family dwelling – 70 feet.
 - C. All other principal permitted uses – 75 feet. (See also subsection 9 below.)
6. **Front Yard Depth.** Minimum front yard depth in an R-3 District shall be 30 feet. When fronting on the right-of-way of a major thoroughfare shown on the official major thoroughfare plan, the front yard shall be measured from the proposed right-of-way line.
7. **Side Yard Width.** Minimum side yard with (each side) in an R-3 District shall be as follows:
 - A. Single-family dwelling – 7 feet.
 - B. Two-family dwelling – 9 feet.
 - C. Multi-family dwelling – 11 feet.

On lots of record at the time of adoption or amendment of this chapter having a width less than 65 feet, one side yard for a single-family dwelling only may be reduced to not less than five feet. On a corner lot, only the interior side yard may be so reduced.

8. **Rear Yard Depth.** Minimum rear yard depth in an R-3 District shall be 35 feet.
9. **Lots Not Served by Sewer and Water.** Lots not served by sewer and water in an R-3 District shall be regulated as follows:
 - A. Single-family and two-family dwellings – Where neither public sewer nor public water is available, 20,000 square feet lot

area and 100 feet lot width. Where public water only is available, 10,000 square feet lot area and 80 feet lot width.

B. All other principal permitted uses – Where public sewer is not available, special consideration shall be given to determine lot area and width requirements on the basis of soil percolation tests.

10. Exceptions. For exceptions in an R-3 District, see Section 165.23.

11. Off-Street Parking. For off-street parking requirements in an R-3 District, see Section 165.13.

12. Minimum Width Regulations. The minimum dimensions of the main body of a dwelling in R-3 Districts shall not be less than 22 feet, 6 inches.

13. Perimeter Foundation Requirement. A permanent perimeter foundation shall be required of all dwellings in R-3 Districts. A permanent perimeter foundation shall consist of footings and a concrete, cement block or stone which are fixed together by mortar or treated wood foundation. Provided, however, a manufactured home may be placed on a pier footing foundation system designed and constructed to be compatible with the structure and conditions of the site. The permanent perimeter foundation shall extend not less than four feet below grade. The zoning administrative official of the City shall inspect the proposed foundations prior to the construction or erection of the same. All dwellings or accessory buildings shall be affixed to said permanent perimeter foundation at least every eight linear feet around the entire perimeter.

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165.09 C-1 COMMERCIAL DISTRICT. In C-1 Districts the following regulations shall apply, except as otherwise provided herein.

1. Permitted Uses. Uses permitted in a C-1 District are as follows:
 - A. Uses permitted in R-3 Districts. No temporary buildings, trailers or mobile homes, tents, portable or potentially portable structures shall be used for dwelling purposes.
 - B. Any local retail business or service establishment such as the following:
 - Animal hospital, veterinary clinic or kennel.
 - Antique shop.
 - Automobile body and fender shop.
 - Baby store.
 - Bakery whose products are sold only at retail and only on the premises.
 - Barbershop or beauty parlor.
 - Bowling alleys.
 - Candy shops whose products are sold only at retail and only on the premises.
 - Clothes cleaning and laundry pickup.
 - Collection office of public utility.
 - Dairy store - retail.
 - Dance and/or music studio.
 - Drive-in eating and drinking establishments.
 - Drug store.
 - Filling station.
 - Florist shop.
 - Fruit and vegetable market.
 - Furniture store.
 - Garages, public.
 - Golf driving range and miniature golf course.
 - Gift shop.
 - Grocery and delicatessen.
 - Hardware store.
 - Hobby shop.
 - Hotel, motel or motor lodge.
 - Household appliances - sales and repair.
 - Ice storage and distributing station of not more than five-ton capacity.
 - Jewelry shop.
 - Launderette and similar businesses.
 - Paint and wallpaper store.
 - Post office substation.
 - Radio and television - sales and repair.

Real estate office.
Restaurant, cafe and soda fountain.
Shoe repair shop.
Sporting goods.
Tailor shop.
Variety store.

C. Business or professional office and the like, supplying commodities or performing services.

D. See Section 165.23(2) of this chapter for special uses.

2. Accessory Uses. Accessory uses in a C-1 District shall include the following: accessory uses permitted in the R-3 District.

A. Sign – On-Site. Any exterior sign shall pertain only to a use conducted within the building or on the premises. No sign may encroach upon or overhang the street right-of-way. No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle. No sign may obstruct the view of any street so as to render dangerous the use of the street. No sign may imitate or resemble an official traffic-control sign, signal or device. No sign may obscure or physically interfere with an official traffic-control sign, signal or device. Where the lot adjoins an R District, the exterior sign shall be attached flat against the building and shall not face the side of the adjacent lot located in the R District; however, this does not apply to the side of the building which is opposite that side adjoining the R District.

(1) Common Types of Signs.

a. On-premises signs. Signs advertising the principal product sold or the activity conducted on the property at the sign site. Signs concerning the sale or lease of the property upon which the sign is located.

b. Off-premises signs. Signs displaying messages of general advertising about products or service available at locations other than at the sign site.

c. Municipal recognition signs. Signs displaying a message of “welcome” or a similar community spirited message which are placed along the streets approaching the City.

- d. Church or service club sign. Small signs displaying a message relating to the facility location, services or meetings.
- (2) On-premises Sign Controls.
- a. The sign must be located on the same property as the advertised activity and within the limits of the regularly used buildings, structures, parking areas, storage and processing areas which are essential and customary to the conduct of business.
 - b. Such regularly used areas do not include narrow strips or land configurations that cannot be put to any reasonable use directly related to the advertised activity except for signing.
 - c. An on-premises sign message is limited to advertising only those products sold or activities conducted at the sign site.
 - d. All signs, except temporary special occasion signs, require a permit from the City, to be obtained upon application to the administrative official.
 - e. In no case shall any sign project more than four feet above the roof line or parapet wall and the total area of all signs pertaining to the business conducted in any building shall not exceed two square feet in an area for every foot occupied by the front of the building displaying such sign.
- (3) Perpendicular Signs. One perpendicularly attached sign pertaining to a permitted use within the building upon which it is attached. Said sign shall consist of no more than 25 square feet per side and shall be at least eight feet, six inches above the ground or sidewalk directly below. Said sign shall not extend beyond six feet horizontally from the building, nor shall the top of said perpendicular sign exceed 20 feet above the ground or sidewalk directly below. Said sign may be internally lighted or illuminated by one light per side affixed to the building, but said lighting may not be flickering. All other provisions of this section shall be applicable to a perpendicular sign, unless in conflict with the provisions of this subsection. Where a

C-1 lot adjoins or abuts a C-2 District lot, sign regulations pertaining to the C-2 District shall apply.

B. Sign – Off-site. Any exterior off-site sign shall conform to the following controls:

(1) Any off-premises sign must conform to the permit, zoning, size, lighting and spacing criteria of this Code of Ordinances.

(2) A permit must be obtained from the administrative official prior to the erection of the sign.

(3) The display area of a single face sign is limited to a maximum of 250 square feet.

(4) The double-faced sign must be on a common structure, as long as the two faces do not face the same direction. The maximum combined display area of the two faces is 500 square feet.

(5) Flashing, intermittent or moving lights are prohibited.

(6) Any new sign must be a minimum of 100 feet from any other off-premises sign facing in the same direction.

(7) Where the lot on which the off-site sign is located adjoins an R district, the exterior sign shall be attached flat against the building and shall not face the side of the adjacent lot located in the R district; however, this does not apply to the side of the building which is opposite that side adjoining the R district.

(8) The overall height of any sign shall not exceed 35 feet.

(9) No sign will be placed any closer than 35 feet from any private property line, except where the property borders on a State or Federal highway property line, the setback distance shall be governed only by the rules and regulations of the State Department of Transportation.

C. All signs (both on-site and off-site) shall meet the *National Electric Code* if they use electricity. All signs (both on-site and off-site) shall be anchored firmly, shall be subject to inspection and control by the administrative official for safety, must be maintained at all times in a good state of repair and shall not be allowed to become unsightly.

- D. One post sign on each street on which a business abuts. The bottom of such post sign or surface area thereof shall be not less than 7.5 feet above the sidewalk or walkway or alley. The term “post sign” as defined in this section shall not be deemed to include any sign advertising the trade name, merchandise or service of any person, firm or corporation who pays a consideration, for the privilege of placing, maintaining or using any portion of the sign to the owner or occupant of the premises upon which the sign is erected or placed. The post sign may be located in the front yard but shall not extend over street right-of-way lines or otherwise obstruct or impair the safety of pedestrians or motorists.
- E. Any one business location shall have no more than one portable sign.
- F. Any sign which becomes obsolete by reason of the business being no longer active shall be removed by the owner within six months after the termination of the business.
3. Building Height Limit. Building height limit in a C-1 District shall be two and one-half stories, but not exceeding 35 feet in height.
4. Lot Area. Minimum lot area in a C-1 District shall be as follows: For a dwelling and any building containing any dwelling units – same as R-3 District. No requirements for any other building.
5. Lot Width. Minimum lot width in a C-1 District shall be as follows: For a dwelling and any building containing any dwelling units – same as in R-3 District. No requirement for any other building.
6. Front Yard Depth. Minimum front yard depth in a C-1 District shall be 25 feet. When fronting on the right-of-way of a major thoroughfare shown on the official major thoroughfare plan, the front yard shall be measured from the proposed right-of-way line.
7. Side Yard Width. No minimum side yard width is required in a C-1 District except that side yards shall be required for a dwelling and any building containing any dwelling units as required in the R-3 Districts. A side yard shall also be required on that side of a lot which adjoins any R-1, R-2 or R-3 District, which shall be no less than five feet.
8. Rear Yard Depth. Minimum rear yard depth in a C-1 District shall be 35 feet. For each foot that the front yard is increased over 25 feet, the rear yard may be decreased proportionately, except that where the rear yard adjoins the side lot line of a lot in an R District, there shall be a minimum rear yard of five feet required adjacent to said lot line.

9. Exceptions. For exceptions in a C-1 District, see Section 165.23.
10. Off-Street Parking and Loading. For off-street parking and loading requirements in a C-1 District, see Section 165.13.

165.10 C-2 COMMERCIAL CENTRAL BUSINESS DISTRICT. This District is intended only as the Central Business District of the City, and no property shall be zoned C-2 Commercial unless it lies adjacent to property zoned C-2 Commercial as a part of the Central Business District. Off-street parking and loading facilities and building setbacks are not required in this district to provide for intensive development of the land. Off-street parking facilities should be provided by the City or by private enterprise as a business. In the C-2 District, the following uses and regulations shall apply, except as may be provided in other sections of this chapter:

1. Permitted Uses. Principal permitted uses in the C-2 District are as follows:

A. Any use permitted in the C-1 commercial district, except for properties located within the Bloomfield Courthouse Square Commercial District as established by Section 24.12 of the Code of Ordinances of the City of Bloomfield. For properties within the Bloomfield Courthouse Square Commercial District, that portion of the First Floor (being the street level) of any building facing the square may only be used for authorized and permitted retail, wholesale and service business as defined in Section 165.10(1)(B) or as allowed by Section 165.23(2)(A), (C), (D) or (F). Residential uses of property within the Bloomfield Courthouse Square Commercial District shall be limited to the rear portion of the building (which may not exceed 50% of the square footage of the First Floor of the building). Uses of upper floors in the Bloomfield Courthouse Square Commercial District may include residential uses without any percentage restriction and may overlook the square but are otherwise subject to the limitations of this Section. Any residential use in the Bloomfield Courthouse Square Commercial District shall have a separate exterior entrance to the residential portion not located on the Street facing the square. *(Ord. 671 – Feb. 13 Supp.)*

B. Any retail or wholesale business and service business including the following uses:

Automobile body and fender repair shop, provided the same complies with any and all State and Federal rules or regulations relating to environmental requirements and certified by OSHA.

Automobile, truck, farm machinery and mobile home sales and repair.

Bakeries.

Ballrooms and dance halls.

Bicycle and motorcycle shop - sales and repair.
 Billboards - off-site signs.
 Billiard parlors and pool halls.
 Bookbinding.
 Candy or confections manufacturing.
 Clothes dry cleaning.
 Commercial parking lots.
 Electric substations.
 Household equipment repair shops.
 Laundry.
 Lawn mower repair shop.
 Office building.
 Plumbing shop.
 Monument sales and engraving.
 Packaging of candy, confections and/or frozen foods.
 Printing and/or publishing business.
 Repair and storage garages.
 Sheet metal shop.
 Sign painting shop.
 Taverns with Class B beer permits.
 Tire repair shops.

C. See Section 165.23(2) of this chapter for special uses.

2. Accessory Uses. Accessory uses in the C-2 District include the following:

A. Accessory uses permitted in the C-1 District.

B. Accessory uses and structures customarily incidental to any permitted principal use.

C. Any exterior or roof sign, provided such sign does not project more than 12 feet above the roof line.

3. Building Height Limit. Building height limit in the C-2 District shall be four stories but not exceeding 60 feet.

4. Lot Area. Minimum lot area in the C-2 District shall be as follows: for a dwelling and any building containing any dwelling units – same as in R-3 District; no requirement for any other building.

5. Lot Width. Minimum lot width in the C-2 District shall be as follows: for a dwelling and any building containing any dwelling units – same as in R-3 District; no requirement for any other building.

6. Front Yard Depth. Minimum front yard depth in the C-2 District shall be as follows:

A. Dwellings – same as R-3 District.

- B. Other permitted uses – none required.

When fronting on the proposed right-of-way of a major thoroughfare shown on the official major thoroughfare plan, the front yard shall be measured from the proposed right-of-way line.

7. Side Yard Width. Minimum side yard width in the C-2 District shall be as follows:

- A. Dwellings – same as R-3 District.

- B. Other uses – none required except adjacent to an R District, in which case, not less than 15 feet.

8. Rear Yard Depth. Minimum rear yard depth in the C-2 District shall be as follows:

- A. Dwellings – same as R-3 District.

- B. Other permitted uses – none required, except when the rear lot line is immediately adjacent to the side lot line of a lot in an R District, in which case not less than 15 feet.

9. Exceptions. For exceptions in a C-2 District, see Section 165.23.

10. Off-Street Parking. For off-street parking requirements in a C-2 District, see Section 165.13.

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165.11 M-1 LIGHT INDUSTRIAL DISTRICT. In the M-1 Light Industrial District, the following regulations shall apply, except as otherwise provided herein:

1. Permitted Uses. Principal permitted uses in an M-1 District shall be as follows:

A. Uses permitted in C-2 Districts, provided that no dwelling or dwelling unit is permitted except those for employees having duties in connection with any premises requiring them to live on said premises, including families of such employees when living with them.

B. Any of the following uses:

Automobile assembly and major repair.

Creamery, bottling, ice manufacturing and cold storage plant.

Manufacturing, compounding, processing, packaging or treatment of cosmetics, pharmaceuticals and food products, except fish and meat products, sauerkraut, vinegar, yeast and the rendering or refining of fats and oils.

Manufacturing, compounding, assembling or treatment of articles or merchandise from previously prepared materials such as bone or cloth, cork, fiber, leather, paper, plastics, metals or stones, tobacco, wax, yarns and wood.

Manufacture of musical instruments, novelties and molded rubber products.

Manufacture or assembly of electrical appliances, instruments and devices.

Manufacture of pottery or other similar ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas.

Laboratories - experimental, film or testing.

Manufacture and repair of electric signs, advertising structures, light sheet metal products, including heating and ventilating equipment.

Blacksmith, welding or other metal shop, excluding drop hammers and the like.

Foundry casting lightweight nonferrous metals, or electric foundry not causing noxious fumes or odors.

Bag, carpet and rug cleaning; provided necessary equipment is installed and operated for the effective precipitation or recovery of dust.

Enameling, lacquering or japanning.

Crematory - if located not less than 200 feet from any R District.

Portland concrete mixing, portland concrete products manufacture; provided, however, that asphalt concrete mixing plants or manufacture, temporary or permanent, shall not be a permitted use in an M-1 District.

Sawmill, planing mill; including manufacture of wood products not involving chemical treatment.

Building material sales yards, lumber yard, contractor's equipment storage yard or plant, or rental of equipment commonly used by contractors, storage and sale of livestock, feed and/or fuel, provided dust is effectively controlled, and storage yards for vehicles of a delivery or draying service.

Circus, carnival or similar transient enterprise; provided such structures or buildings shall be at least 200 feet from any R District.

Inflammable liquids, underground storage only.

Printing and/or publishing house.

Truck terminal or yard including repair.

Storage warehouse.

C. See Section 165.23(2) of this chapter for special uses.

2. Accessory Uses. Accessory uses in the M-1 District shall include the following:

A. Any accessory use permitted in the C-2 Commercial District.

B. Any accessory uses customarily accessory and incidental to a permitted principal use.

3. Environmental Restrictions. No use shall be permitted to be established or maintained in an M-1 District which by reason of its nature or manner of operation is or may become hazardous, noxious or offensive owing to the emission of odor, dust, smoke, cinders, gas, fumes, vibrations, refuse matter or water-carried waste.

4. Building Height Limit. Building height limit in an M-1 District shall be three stories but not exceeding 50 feet.

5. Lot Area. No minimum lot area is required in an M-1 District.

6. Lot Width. No minimum lot width is required in an M-1 District.

7. Front Yard Depth. Minimum front yard depth in an M-1 District is 30 feet. When fronting on the right-of-way of a major thoroughfare shown on the official major thoroughfare plan, the front yard shall be measured from the proposed right-of-way line.

8. Side Yard Width. No minimum side yard is required in an M-2 District except adjacent to an R District, in which case not less than 25 feet.
9. Rear Yard Depth. Minimum rear yard depth in an M-1 District shall be 40 feet, unless the rear lot line adjoins a railroad right-of-way, in which case, none required.
10. Exceptions. For exceptions in an M-1 District, see Section 165.23(2) of this chapter.
11. Off-Street Parking and Loading: For off-street parking and loading requirements in an M-1 District, see Section 165.13.

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165.12 M-2 HEAVY INDUSTRIAL DISTRICT. In the M-2 Heavy Industrial District, the following regulations shall apply, except as otherwise provided herein:

1. Permitted Uses. Principal permitted uses in an M-2 District are as follows:

A. Uses permitted in M-1 Districts, provided that no dwelling or dwelling unit is permitted except those for employees having duties in connection with any premises requiring them to live on said premises, including families of such employees when living with them.

B. Any other use not otherwise prohibited by law, provided, however, that the following uses shall be permitted subject to approval by the Council after public hearing, and after report and recommendation by the Zoning Commission. The Council shall consider all of the following provisions in its determination upon the particular use at the location requested:

(1) The proposed location, design, construction and operation of the particular use adequately safeguards the health, safety and general welfare of persons residing or working in adjoining or surrounding property.

(2) Such use shall not impair an adequate supply of light and air to surrounding property.

(3) Such use shall not unduly increase congestion in the streets, or public danger of fire and safety.

(4) Such use shall not diminish or impair established property values in adjoining or surrounding property.

(5) Such use shall be in accord with the intent, purpose and spirit of this chapter and the Comprehensive Plan of the City.

The uses subject to the above provisions are as follows:

Acid manufacture.

Asphalt concrete, mixing plants or manufacture, temporary or permanent

Cement, lime, gypsum or plaster of Paris manufacture.

Distillation of bones, coal tar, petroleum, refuse, grain or wood.

Dump.

Drilling for or removal of oil, gas or other hydrocarbon substance.

Explosives manufacture or storage

Fat rendering.
 Fertilizer manufacture.
 Garbage; offal or dead animal or fish reduction or dumping.
 Gas manufacture.
 Glue manufacture.
 Hog ranch.
 Mineral extraction, including sand and gravel.
 Petroleum or petroleum products refining.
 Rubber goods manufacture.
 Salvage yards, including auto wrecking and salvage, used parts sales and junk, iron or rags storage or baling. No portion of the front yard is to be used for the conduct of business in any manner whatsoever except for parking of customer or employee vehicles. Any premises on which such activities are carried on shall be wholly enclosed within a building or by a wooden, metal or masonry fence or wall not less than six feet in height and in which any openings or cracks are less than 15% of the total area.
 Smelting of ores.
 Stockyard or slaughter of animals, except poultry or rabbits.
 Tannery.
 Any other use which is objectionable by reason of emission of odor, dust, smoke, gas, vibration or noise, or may impose hazard to health or property.

C. See Section 165.23(2) of this chapter for special uses.

2. Environment Requirements and Other Required Conditions. The following are required in an M-2 District:

A. The best practical means known for the disposal of refuse matter or water-carried waste, the abatement of obnoxious or offensive odor, dust, smoke, gas, noise or similar nuisance shall be employed.

B. All principal buildings and all accessory buildings or structures, including loading and unloading facilities, shall be located at least 100 feet from any R District boundary, except where adjoining a railroad right-of-way.

3. Building Height Limit. Building height limit in an M-2 District shall be three stories, but not exceeding 50 feet. Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, penthouses, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers and spires, radio or television towers, or necessary mechanical appurtenances or similar items and structures may be erected to a height not exceeding 100 feet, if the proposed structure has received a "Determination of No Hazard to Air Navigation" from the Federal Aviation Administration and

the Council has determined that the proposed structure does not create an undue risk to adjoining properties or the community.

(Ord. 689 – Dec. 17 Supp.)

4. Lot Area. No minimum lot area is required in an M-2 District.
5. Lot Width. No minimum lot width is required in an M-2 District.
6. Front Yard Depth. Minimum front yard depth in an M-2 District shall be 30 feet. When fronting on the right-of-way of a major thoroughfare shown on the official major thoroughfare plan, the front yard shall be measured from the proposed right-of-way line.
7. Side Yard Width. No minimum side yard is required in an M-2 District except adjacent to an R District, in which case not less than 100 feet as specified in subsection 2 of this section.
8. Rear Yard Depth. Minimum rear yard depth in an M-2 District shall be 40 feet, unless the rear lot line adjoins a railroad right of way, in which case, none required.
9. Exceptions. For exceptions in an M-2 District, see Section 165.23.
10. Off-Street Parking and Loading. For off-street parking and loading requirements in an M-2 District, see Section 165.13.

165.13 PARKING AND LOADING AREAS.

1. Loading Spaces Required in C-1, M-1 and M-2 Districts. In any C-1 or M District, in connection with every building or part thereof hereafter erected, having a gross floor area of 10,000 square feet or more, which is to be occupied by manufacturing, storage warehouse, goods display, retail store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained on the same lot with such building, at least one off-street loading space plus one additional such loading space for each 20,000 square feet or major fraction thereof of gross floor area so used in excess of 10,000 square feet.

A. Each loading space shall be not less than 10 feet in width and 35 feet in length.

B. Such space may occupy all or any part of any required yard or court space.

2. Off-Street Parking Area Required. In all districts, except the C-2 District, in connection with every industrial, commercial, business, trade, institutional, recreational, or dwelling use, and similar uses, space for parking and storage of vehicles shall be provided in accordance with the following schedule:

A. Automobile sales and service garages, 50% of floor area.

B. Banks, business and professional offices, 50% of floor area.

C. Bowling alleys, five spaces for each alley.

D. Churches and schools, one space for each eight seats in a principal auditorium. When no auditorium is involved, one space for every two employees.

E. Dance halls, assembly halls, 200% of floor area used for dancing or assembly.

F. Dwelling, one parking space for each family or dwelling unit.

G. Funeral homes, mortuaries, one parking space for each five seats in the principal auditorium.

H. Furniture and appliance stores, household equipment or furniture repair shops with over 1,000 square feet of floor area, 50% of floor area.

- I. Hospitals, one space for each four beds.
- J. Hotels, lodging houses, one space for each two bedrooms.
- K. Manufacturing plants, one space for each three employees on the maximum working shift.
- L. Restaurants, beer parlors, and night clubs with over 1,000 square feet floor area, 200% of floor area.
- M. Retail stores, supermarkets, etc., with over 2,000 square feet of floor area, 250% of floor area.
- N. Retail stores, shops, etc. with under 2,000 square feet of floor area, 100% of floor area.
- O. Sports arenas, auditoriums, other than in schools, one parking space for each six seats.
- P. Theaters, assembly halls with fixed seats, one parking space for each six seats.
- Q. Wholesale establishments or warehouses, one parking space for every two employees.

In case of any building, structure or premises, the use of which is not specifically mentioned herein, requirements for a use which is so mentioned and to which said use is similar shall apply.

3. Parking Area Requirements for R District Adjoining C or M District. Off-street parking areas may be established in any R District that immediately joins a C or M District, or is directly across an alley from a C or M District, provided such parking is accessory to and for use of one or more business or industrial establishments located in the adjoining C or M District; and provided, however, such transitional use shall not extend more than 100 feet from the boundary of the less restricted zone.

4. Parking Area Surfacing and Maintenance. Off-street parking areas shall be surfaced with Portland cement concrete or asphaltic material or shall be dust-proofed in some other manner as may be approved by the Council and shall be maintained in a dust-free condition.

5. Access Drives to Areas in C or M Districts. Access drives to off-street parking areas in C or M districts shall be subject to written approval of the Council.

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165.14 VISIBILITY AT INTERSECTIONS IN R DISTRICTS. On a corner lot in any residential district, nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impede vision between a height of 2½ and 10 feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines 25 feet from the point of intersection of right-of-way lines.

165.15 FENCES, WALLS AND VISION CLEARANCE.

1. On a corner lot, nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede vision between a height of 2½ feet and 10 feet above the centerline grades of the area described as follows: that area bounded by the street right-of-way lines of a corner lot and a straight line joining points on said right-of-way lines 25 feet from the point of intersection of said right-of-way lines.
2. In any district other than the M Districts, fences and walls not exceeding 6 feet in height are permitted within the limits of side and rear yards, and a fence or wall not exceeding 4 feet in height is permitted within the limits of front yards. In the case of retaining walls supporting embankments, the above requirements shall apply only to that part of the wall above the ground surface of the retained embankment.
3. Single-faced fences erected in residential zoning districts shall have their unfinished side (side with exposed posts) facing toward the property on which the fence is erected. Single-faced fences erected in nonresidential zoning districts shall have their finished side facing toward the residential district.
4. Fences and walls shall not exceed a height of 10 feet in the M Districts. Barbed or electrified wire shall be prohibited within any R District, if the property is not being used for agricultural purposes.
5. Enclosures. Except as otherwise provided, fenced enclosures shall be provided for outdoor, permanent, in-ground swimming pools and shall be subject to the following requirements:
 - A. The fence shall not be less than four feet in height. The fence shall be so constructed as not to allow a five-inch diameter sphere to pass through the fence. A principal or an accessory building may be used as part of such enclosure.
 - B. All gates and doors opening through an enclosure shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual

use, except that the door of any building which forms a part of the enclosure need not be so equipped.

(Subsection 5 – Ord. 700 – Aug. 19 Supp.)

165.16 STREET FRONTAGE. No lot shall contain any building used in whole or in part for residence purposes unless such lot abuts for at least 40 feet on at least one street, or unless it has an exclusive unobstructed private easement of access or right-of-way at least 20 feet wide to a street; and there shall be not more than one single-family dwelling for such frontage or easement.

165.17 ACCESSORY STRUCTURE RESTRICTIONS. All accessory structures and buildings must comply with the following restrictions.

1. No accessory structure shall be erected in any required court, or in any yard other than a rear yard, except as provided herein.
2. Accessory structures shall be distant at least five feet from the rear lot lines and two feet from the side lot lines, and on a corner lot, they shall conform to the setback regulations on the side street.
3. Accessory structures, except buildings housing animals or fowl, may be erected as part of the principal building or may be connected thereto by a breezeway or similar structure, provided all yard requirements for a principal building are complied with.
4. An accessory structure which is not a part of the main building shall not occupy more than 30% of the rear yard and shall not exceed 18 feet in height; however, this regulation shall not be interpreted to prohibit the construction of a 440-square-foot garage on a minimum rear yard.
5. No accessory structure shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory structure shall be used unless the main building on the lot is also being used.
6. All swimming and wading pools shall be constructed and equipped according to current ordinances of the City of Bloomfield, Iowa, *Code of Iowa* and all rules and regulations of the Iowa Department of Health. The location of the swimming and wading pools shall be approved by the City Council of the City of Bloomfield, Iowa, and/or the City of Bloomfield Code Enforcement Officer.

Definition of a Residential Swimming Pool. A water-filled enclosure accessory to a one or two family dwelling or townhouse structure, that is portable or permanently constructed, intended for swimming or

recreational bathing that has the ability to contain more than 24 inches in depth. This includes in-ground, above ground, and on-ground swimming pools, or spas.

A permit is required for any residential swimming pool/water-filled enclosure. The permit fees for said items are in Code Section 165.18. Said minimum requirements are as follows:

- A. In-ground pools must have a six-foot non-climbable fence that shall be equipped with a self-closing, self-latching, and outward opening gate.
- B. Pools cannot be located less than five feet from a side or rear lot line.
- C. Above ground pools shall have barriers such as a non-climbable gate that blocks the ladder from being climbed or the ladder shall be removed completely when not in use.
- D. The pool enclosure shall be sufficiently strong to make the pool inaccessible to small children.
- E. Pools shall not be permitted in the front yard of any residential or multi-family structure.
- F. Residential swimming pools will be subject to inspection by the Fire Department/Code Enforcement.

(Section 165.17 – Ord. 700 – Aug. 19 Supp.)

(Subsection 6 – Ord. 707 – Dec. 20 Supp.)

165.18 CORNER LOT REQUIREMENTS. The setback for all street sides of a corner lot shall be equal to the required front lot setback unless the setback has been established by existing building on the existing block and/or development, then that will establish the setback, whichever is greater.

165.19 BUILDING LINES ON APPROVED PLATS. Whenever the plat of a land subdivision approved by the Planning and Zoning Commission and on record in the office of the County Recorder shows a building line along any frontage for the purpose of creating a front yard or side street yard line, the building line thus shown shall apply along such frontage in place of any other yard line required in this chapter unless specific yard requirements in this chapter require a greater setback.

165.20 EXCEPTIONS TO FRONT YARD REQUIREMENTS. In areas where some lots are developed with a front yard that is less than the minimum required for the district by this chapter or where some lots have been developed with a front yard greater than required by this chapter, the following rule shall

apply: Any new building or addition in front thereof shall not be closer to the street right-of-way than the average of the front yard of the first building on each side within a distance of 200 feet measured from building to building, except as follows:

1. Buildings located entirely on the rear half of a lot shall not be counted.
2. No building shall be required to have a front yard greater than 50 feet.
3. If no building exists on one side of a lot within 200 feet of the lot in question, the minimum front yard shall be the same as the building on the other side.

165.21 SETBACK REQUIREMENTS FOR OUTDOOR ADVERTISING SIGNS. In all districts where permitted, billboards shall be set back from the right-of-way line of any street or highway at least as far as the required front yard depth for a principal building in such districts; and when at the intersection of streets and/or highways, setback of any outdoor advertising sign or billboard (not including, however, business identification and directional and other incidental signs otherwise permitted under the provisions of this chapter) shall not be less than the required front yard depth for a principal building in such district from each street and/or highway.

165.22 ZONING ANNEXED AREAS. Any land annexed to the City after the effective date of these zoning regulations shall be zoned R-1 Residential until the Planning and Zoning Commission and Council have studied the area and adopted a final zoning plan for the area in accordance with this chapter. Said final zoning plan shall be adopted within six months of date of annexation.

165.23 EXCEPTIONS AND MODIFICATIONS.

1. Building Height Limit. The building height limitations of this chapter shall be modified as follows:
 - A. Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, penthouses, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers and spires, radio or television towers, or necessary mechanical appurtenances may be erected to a height in accordance with existing or hereafter adopted ordinances of the City.
 - B. Public, semi-public or public service buildings, hospitals, sanatoriums, or schools, when permitted in a district, may be erected to a height not exceeding 60 feet, and churches and temples, when permitted in a district, may be erected to a height

not exceeding 75 feet if the building is set back from each property line one foot in addition to the minimum yard requirements for every two feet of building height above the height limit otherwise provided in the district in which the building is constructed.

2. Special Uses. The Council, by special permit after public hearing, may authorize the location of any of the following buildings or uses in any district from which they are prohibited by this chapter. Notice of time and place of hearing shall be given to all affected property owners in advance of the hearing by placing notices in the United States mail.

A. Any public building erected and used by any department of the City, Township, County, State or Federal government.

B. Airport or landing field.

C. Community building or recreation center.

D. Hospitals, homes for the aged, nursing homes, nonprofit fraternal institutions provided they are used solely for fraternal purposes, and institutions of an educational, religious, philanthropic or eleemosynary character, provided that the building shall be set back from all yard lines a distance of not less than two feet for each foot of building height but not less than the yard requirements for the district in which located.

E. Mobile home parks, subject to the following minimum development requirements:

(1) Requirements for Park.

a. Front yard (to be measured from all streets on which park abuts) – 35 feet.

b. Side yard – 35 feet.

c. Rear yard – 35 feet.

d. Minimum area – one acre.

e. Drives – 25 feet in width, surfaced with asphalt or Portland cement concrete.

f. Sanitary facilities – connection with the municipal sewer system or adequate private sewage disposal facilities.

(2) Requirements for Mobile Home Spaces.

a. Minimum space size – 40 feet by 75 feet.

- b. Minimum space area – 3,000 square feet.
 - c. Off-drive parking – one parking space for each mobile home space.
 - d. Minimum front yard – 15 feet.
 - e. Minimum rear yard – 10 feet.
 - f. Minimum side yard – 5 feet.
- F. Preschools.
- G. Cemetery.

Before issuance of any special permit for any of the above buildings or uses, the Council shall refer the proposed application to the Planning and Zoning Commission, which shall be given 45 days in which to make a report regarding the effect of such proposed building or use upon the character of the neighborhood, traffic conditions, public utility facilities and other matters pertaining to the general welfare. No action shall be taken upon any application for a proposed building or use above referred to until and unless the report of the Commission has been filed; provided, however, if no report is received from the Commission within 45 days, it shall be assumed that approval of the application has been given by the Commission.

165.24 NONCONFORMING USES.

1. Intent. Within the districts established by this chapter or amendments that may later be adopted, there exist lots, structures and uses of land and structures which were lawful before this chapter was passed or amended, but which would be prohibited, regulated or restricted under the terms of this chapter or future amendment. It is the intent of this chapter to permit these nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded or extended, or used as grounds for adding other structures or uses prohibited elsewhere in the same district. To avoid undue hardship, nothing in this chapter should be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this chapter and upon which actual building construction has been diligently carried on. “Actual construction” is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner, except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual

construction, provided that such work shall be diligently carried on until completion of the building involved.

2. Nonconforming Lots of Record. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this chapter, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this chapter. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district.

3. Nonconforming Uses of Land. Where, at the effective date of adoption or amendment of this chapter, lawful use of land exists that is made no longer permissible under the terms of this chapter as enacted or amended, such use may be continued subject to the following provisions:

A. No such nonconforming use shall be enlarged or increased, or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this chapter.

B. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this chapter.

C. If any such nonconforming use of land ceases for any reason for a period of more than six months, any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located.

4. Nonconforming Use of Structures. If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of this chapter, that would not be allowed in the district under the terms of this chapter, the lawful use may be continued subject to the following provisions:

A. No existing structure devoted to a use not permitted by this chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this chapter, but no such use shall be extended to occupy any land outside such building.

C. If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use of the same or of a more restricted classification.

D. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for two years, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located.

E. Where nonconforming use status applies to a structure and premises in combination, removal of the structure shall eliminate the nonconforming status of the land. Any nonconforming building or structure damaged more than 60% of its then fair market value exclusive of the foundations at the time of damage by fire, flood, explosion, war, riot or act of God, shall not be restored or reconstructed and used as before such happening; but if less than 60% damaged above the foundation, it may be restored, reconstructed or used as before, provided that reconstruction shall be started within six months of such happening, and be built of like or similar materials.

5. Repairs and Maintenance. On any building devoted in whole or in part to any nonconforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing, provided that the cubic content of the building as it existed at the time of passage or amendment of this chapter shall not be increased. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

6. Special Uses. Any use for which a special exception is permitted, as provided in Section 165.23 of this chapter, shall not be deemed a nonconforming use, but shall without further action be deemed a conforming use in such district.

7. Registration Required. For registration of nonconforming uses, see Section 165.26 of this chapter.

165.25 BUILDING PERMITS.

1. Required. No building or other structure shall be erected, moved, added to or structurally altered without a permit therefor, issued by the administrative official. No building permit shall be issued except in conformity with the provisions of this chapter, except after written order

from the Board of Adjustment. Fees for building permits shall be as provided in Section 165.31. Any person who has started construction in the City without obtaining a building permit where a permit is required will need to stop construction and obtain the permit at a charge of one hundred dollars.

(Ord. 630 – May 07 Supp.)

2. Application; Contents. All applications for building permits shall indicate the actual dimensions and shape of the lot to be built upon, the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the administrative official, including existing or proposed building or alteration; existing or proposed uses of the building and land; the number of families, housekeeping units or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, this chapter.

3. Expiration. If the work described in any building permit has not begun within ninety days from the date of issuance thereof, said permit shall expire; it shall be cancelled by the administrative official, and written notice thereof shall be given to the persons affected. If the work described in any building permit has not been substantially completed within two years of the date of issuance thereof, said permit shall expire and be cancelled by the administrative official, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new building permit has been obtained.

4. Final Report and Determination. The administrative official shall make the final report and determination on the permit request within thirty days from the date said official receives permit request.

165.26 CERTIFICATE OF ZONING COMPLIANCE.

1. Certificates of Zoning Compliance Required. It is unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof, hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure, until a certificate of zoning compliance has been issued therefor by the administrative official, stating that the proposed use of the building or land conforms to the requirements of this chapter.

2. Required For Nonconforming Structure or Use. No nonconforming structure or use shall be maintained, renewed, changed or extended until a certificate of zoning compliance shall have been

issued by the administrative official. The certificate of zoning compliance shall state specifically wherein the nonconforming use differs from the provisions of this chapter, provided that upon enactment or amendment of this chapter, owners or occupants of nonconforming uses or structures shall have one year to apply for certificates of zoning compliance. Failure to make such application within one year shall be presumptive evidence that the property was in conforming use at the time of enactment or amendment of this chapter.

3. Application Restriction; Issuance. Certificates of zoning compliance shall be applied for coincidentally with the application for a building permit, and shall be issued within ten days after the lawful erection or alteration of the building is completed in conformity with the provisions of this chapter.

4. Temporary Certificate. A temporary certificate of zoning compliance may be issued by the administrative official for a period not exceeding six months during alterations or partial occupancy of a building pending its completion, provided that such temporary certificate may require such conditions and safeguards as will protect the safety of the occupants and the public.

5. Records to be Maintained. The administrative official shall maintain a record of all certificates of zoning compliance, and copies shall be furnished upon request to any person.

6. Fees. See Section 165.31 for schedule of fees.

165.27 POWERS AND DUTIES OF ADMINISTRATIVE OFFICIAL.

An administrative official designated by the Council shall administer and enforce this chapter. The administrative official may be provided with the assistance of such other persons as the Council may direct. If the administrative official shall find that any of the provisions of this chapter are being violated, said official shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The administrative official shall order discontinuance of illegal buildings or structures or of additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this chapter to insure compliance with or to prevent violation of its provisions.

165.28 SCOPE OF PERMITS AND CERTIFICATES OF ZONING COMPLIANCE.

Building permits or certificates of zoning compliance issued on the basis of plans and applications approved by the administrative official authorize only the use, arrangement and construction set forth in such approved plans and applications, and no other use, arrangement or construction. Use,

arrangement or construction at variance with that authorized shall be deemed violation of this chapter.

165.29 BOARD OF ADJUSTMENT.

1. **Membership.** A Board of Adjustment is established which shall consist of five members. The terms of office of the members of the Board and the manner of their appointment shall be as provided by statute.
2. **Meetings; Rules and Regulations.** Meetings of the Board shall be held at the call of the Chairperson, and at such other times as the Board may determine. Such Chairperson, or in the absence of the Chairperson, the acting Chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. The presence of three members shall be necessary to constitute a quorum.
3. **Appeals.** Appeals to the Board may be taken by any person aggrieved, or by any officer, department, board or bureau of the City affected by any decision of the administrative officer. Such appeal shall be taken within ten days by filing with the administrative officer and with the Board a notice of appeal specifying the grounds thereof. The administrative officer shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from is taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the administrative official certifies to the Board, after notice of appeal shall have been filed with said official, that by reason of facts stated in the certificate a stay would in the opinion of the administrative official cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application or notice to the administrative officer, and on due cause shown.
4. **Fee.** For fee for appeal see Section 165.31, Schedule of Fees.
5. **Hearing Required for Appeal.** The Board shall fix a reasonable time for the hearing on the appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent, or by attorney.

6. Administrative Review. The Board shall have the power to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the administrative officer in the enforcement of this chapter.

7. Special Exceptions. The Board shall have the power to permit the following exceptions to the district regulations set forth in this chapter, subject to the requirements of this section:

A. To permit erection and use of a building or the use of premises or vary the height and the regulations in any location for a public service corporation, for public utility purposes or for purposes of public communication which the Board determines is reasonably necessary for the public convenience or welfare;

B. To permit the extension of a use into a district where it would be otherwise prohibited in a case where a district boundary line is so located that a lot or plot is in more than one district;

C. To hear and decide only such other special exceptions as the Board is specifically authorized to pass on by the terms of this chapter; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this chapter; or to deny special exceptions when not in harmony with the purpose and intent of this chapter. A special exception shall not be granted by the Board unless and until:

(1) A written application for special exception is submitted indicating the section of this chapter under which the special exception is sought and stating the grounds on which it is requested.

(2) Notice of public hearing shall be given in advance of public hearing. The owner of the property for which special exception is sought or said owner's agent and any other affected property owners shall be notified by mail. Notice of hearing shall also be posted on the property for which special exception is sought.

(3) The public hearing shall be held. Any party may appear in person, or by agent or attorney.

(4) The Board shall make a finding that it is empowered under the section of this chapter described in the application to grant the special exception, and that the granting of the special exception will not adversely affect the public interest.

In granting any special exception, the Board may prescribe appropriate conditions and safeguards in conformity with this chapter. Violations of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this chapter. The Board may prescribe a time limit within which action for which the special exception is required shall be begun or completed, or both. Failure to begin or complete, or both, such action within the time limit set shall void the special exception.

8. Variances. The Board shall have the power to authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter would result in unnecessary hardship. A variance from the terms of this chapter shall not be granted by the Board unless and until:

A. A written application for a variance is submitted demonstrating that:

(1) Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district.

(2) Literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter.

(3) The special conditions and circumstances do not result from the actions of the applicant.

(4) Granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures or buildings in the same district. No nonconforming use of neighboring lands, structures or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

B. Notice of public hearing shall be given in advance of public hearing. The owner of the property for which the variance is sought or owner's agent and any other affected property owners shall be notified by mail.

C. The public hearing shall be held. Any party may appear in person, or by agent or by attorney.

D. The Board shall make findings that all requirements have been met by the applicant for a variance.

E. The Board shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.

F. The Board shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this chapter, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter. Under no circumstances shall the Board grant a variance to allow a use not permissible under the terms of this chapter in the district involved, or any use expressly or by implication prohibited by the terms of this chapter in said district.

9. Decisions. In exercising its powers, the Board may, so long as such action is in conformity with the terms of this chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have powers of the administrative official from whom the appeal is taken. The concurring vote of three members of the Board shall be necessary to reverse any order, requirement, decision or determination of the administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter, or to effect any variation in the application of this chapter.

10. Appeal Procedure. Any taxpayer, or any officer, department, board or bureau of the City or 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 the illegality. Such petition shall be presented to the court within thirty days after the filing of the decision in the office of the Board. The court may reverse or affirm, wholly or in part, or may modify the decision brought up for review.

165.30 DUTIES OF CITY COUNCIL AND CITY OFFICIALS. It is the intent of this chapter that all questions of interpretation and enforcement shall be first presented to the administrative official, and that such questions shall be presented to the Board of Adjustment only on appeal from the decision of the administrative official, and that recourse from the decisions of the Board of Adjustment shall be to the courts as provided by law and particularly by statute. It is further the intent of this chapter that the duties of the Council in connection with this chapter shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this chapter. Under this chapter the Council shall have only the duties of:

1. Considering and adopting or rejecting proposed amendments or the repeal of this chapter as provided by law;
2. Establishing a schedule of fees and charges as stated in Section 165.31; and
3. Considering applications for special permits for special uses as specified in Section 165.23(2) of this chapter; and
4. Considering applications for uses listed in the M-2 Heavy Industrial District.

165.31 FEE SCHEDULE.

1. Establishment. The Council shall establish a schedule of fees, charges and expenses, and a collection procedure for certificates of zoning compliance, appeals, and other matters pertaining to this chapter. The schedule of fees listed below shall be posted in the office of the administrative official, and may be altered or amended only by the Council.
2. Payment Required. No certificate, special exception, or variance shall be issued unless or until such costs, charges, fees, or expenses listed below have been paid in full, nor shall any action be taken on proceedings before the Board of Adjustment unless or until preliminary charges and fees have been paid in full.
3. Designated. The following fees shall be in effect:

A. Building Permit Fee (Residential):	
Small buildings (including portable storage sheds, fences, decks, porches, paved drive/parking areas, and signs).....	\$10.00
Above/Below ground pool	\$ 10.00
	<i>(Subsection A – Ord. 707 – Dec. 20 Supp.)</i>

B. Building Permit Fee (Commercial):

Any fence, paved driveway or parking, sign, any
 accessory building.....\$15.00
 Any building for the purpose of housing a business\$50.00

C. Light Industrial:

Any accessory building, paved drive/parking, sign.....\$25.00
 Any building housing industry\$75.00

D. Heavy Industrial:

Any accessory building, paved drive/parking, sign\$25.00
 Any building housing heavy industry\$100.00

E. Certificate of Zoning Compliance:

Any new business or industry to ensure compliance
 with zoning regulations for the area as designated\$10.00

F. Appeal to Board of Adjustment:

Upon filing appeal to Board, plus publication cost
 certified by publisher prior to hearing\$25.00

G. Amendments:

Change in District regulations or District boundary.....\$100.00

165.32 AMENDMENTS.

1. Authority of Council. The Council, from time to time, on its own action or on petition, after public notice and hearings as provided by law, and after report by the Planning and Zoning Commission, may amend, supplement or change the boundaries or regulations herein or subsequently established, and such amendment shall not become effective except by the favorable vote of a majority of all the members of the Council.

2. Petition. Whenever any person desires that any amendment or change be made in this chapter, including the text and/or map, as to any property in the City, and there shall be presented to the Council a petition requesting such change or amendment and clearly describing the property and its boundaries as to which the change or amendment is desired, duly signed by the owners of fifty percent of the area of all real estate lying outside of said tract but within 200 feet of the boundaries thereof, and intervening streets and alleys not to be included in computing such 200 feet, it shall be the duty of the Council to vote upon such petition within ninety days after the filing of such petition with the Clerk.

3. Procedure Following Disapproval or Denial. In case the proposed amendment, supplement, or change is disapproved by the Commission, or a protest presented duly signed by the owners of twenty percent or more either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear thereof, extending the depth of one lot or not to exceed 200 feet therefrom, or of those directly opposite thereto, extending the depth of one lot or not to exceed 200 feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of at least four-fifths of all the members of the Council. Whenever any petition for an amendment, supplement or change of the zoning or regulations herein contained or subsequently established shall have been denied by the Council, then no new petition covering the same property or the same property and additional property shall be filed with or considered by the Council until one year shall have elapsed from the date of the filing of the first petition.

4. Fee Required. Before any action shall be taken as provided in this chapter, the party or parties proposing or recommending a change in the district regulations or district boundaries shall deposit with the Clerk a fee as specified in Section 165.31(3) of this chapter to cover the approximate cost of this procedure, and in addition thereto, shall pay the costs of publications certified by publisher prior to final determination of proposed amendment by the Council. Under no conditions or circumstances shall said sum or any part thereof be refunded for failure of said amendment to be enacted into law.

165.33 INVESTIGATION AUTHORITY. Whenever a violation of this chapter occurs or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the administrative official. Said official shall record properly such complaint, immediately investigate and take action thereon as provided by this chapter.

EDITOR'S NOTE			
The following ordinances have been adopted amending the Official Zoning Map described in Section 165.03 of this chapter and have not been included as a part of this Code of Ordinances but have been specifically saved from repeal and are in full force and effect.			
ORDINANCE NO.	DATE ADOPTED	ORDINANCE NO.	DATE ADOPTED
231		582	
232		603	5-5-05
234		605	6-16-05
260		606	6-16-05
261		616	1-5-06
266		626	11-2-06
288		633	12-6-07
291		634	12-20-07
294		638	4-17-08
299		644	12-4-08
309		665	11-3-11
331		666	11-3-11
345		667	11-3-11
351		668	11-3-11
358		674	6-20-13
374		678	8-21-14
414			
420			
431			
440			
453			
466			
472			
503			
517			
526			
554A			
556			
560			
567			
576			

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CHAPTER 166

SUBDIVISION REGULATIONS

166.01 Purpose	166.10 Approval of Final Plat and Final Acceptance of Improvements
166.02 Jurisdiction	166.11 Preliminary Plat Requirements
166.03 Definitions	166.12 Final Plat Requirements
166.04 Approval Procedure	166.13 Fees
166.05 Subdivision Design Standards	166.14 Variations and Exceptions
166.06 Street Design Standards	166.15 Changes and Amendments
166.07 Block Design Standards	166.16 Enforcement
166.08 Lot Design Standards	
166.09 Required Improvements	

166.01 PURPOSE. It is deemed essential to establish minimum standards for the design and development of all new subdivisions so that existing developments will be protected and so that adequate provisions are made for public utilities and other public requirements and to improve the health, safety and general welfare.

166.02 JURISDICTION. In accordance with the provisions of Chapter 354 of the Code of Iowa, these regulations are adopted by the City governing the subdivision of all lands within the corporate limits of the City, and pursuant to Section 354.9, governing subdivisions of all lands within two miles of the corporate limits.
(Ord. 629 – May 07 Supp.)

166.03 DEFINITIONS. For the purpose of this chapter, certain terms and words are herein defined:

1. “Block” means an area of land within a subdivision that is entirely bounded by streets, highways, or ways, except alleys; or by streets, highways or ways, except alleys and the exterior boundary or boundaries of the subdivision.
2. “Building lines” shall be shown on all lots intended for residential use of any character, and on commercial and industrial lots when required by ordinance. Such building lines shall not be less than required by the zoning regulations. Where the subdivided area is not under zoning control, the Commission shall require building lines in accordance with the needs of each addition.
3. “Commission” means the Planning and Zoning Commission of the City.
4. “Cul-de-sac” means a short, minor street, having one end open to motor traffic, the other end being permanently terminated by a vehicular turn-around.

5. “Easement” means a grant by the property owner of the use for a specific purpose, of a strip of land by the general public, a corporation, or a certain person or persons, and within the limits of which the owner of the fee shall not erect any permanent structures but shall have the right to make any other use of the land subject to such easement which is not inconsistent with the rights of the grantee. Public utilities shall have the right to trim or remove trees which interfere with the use of such easements.
6. “Engineer” means a registered engineer authorized to practice civil engineering, as defined by the Registration Act of the State of Iowa.
7. “Lot” means a portion of a subdivision or other parcel of land intended for the purpose, whether immediate or future, of transfer of ownership or for building development.
8. “Performance bond” means a surety bond or cash deposit made to the City in an amount equal to the full cost of the improvements which are required by this chapter, such cost being estimated by the City Engineer, and the surety bond or cash deposit being legally sufficient to secure to the City that the improvements will be constructed in accordance with this chapter.
9. “Plat” means a map, drawing or chart on which the subdivider’s plan of the subdivision is presented and which the subdivider submits for approval and intends in final form to record.
10. “Roadway” means that portion of the street available for vehicular traffic, and where curbs are laid, the portion from back to back of curbs.
11. “Street, marginal access” means a street that is parallel to and adjacent to a major thoroughfare or highway; and which provides access to abutting properties and protection from through traffic.
12. “Street, minor” means a street used primarily for access to the abutting properties.
13. “Streets, collector” means those which carry traffic from minor streets to the major system of arterial streets and highways, including the principal entrance streets of a residential development and streets for circulation within such a development.
14. “Subdivision” means the division of land into three or more lots for the purpose, whether immediate or future, of transfer of ownership or building development; or any change in existing street lines or public easement. The term, when appropriate to the context, relates to the process of subdividing or to the land subdivided, or the resubdivision of

land heretofore divided or platted into lots or other divisions of land, or if a new street is involved, any division of land.

15. “Surveyor” means a registered surveyor authorized to practice surveying, as defined by the Registration Act of the State of Iowa.

16. “Thoroughfare, major” means a street used primarily for fast, large-volume traffic.

166.04 APPROVAL PROCEDURE. Subdivision approval procedure is as follows:

1. **Owner Responsibility to File Plat.** Whenever the owner of any tract or parcel of land within the jurisdiction of this chapter wishes to subdivide or plat the same, said person shall cause to be prepared a preliminary plat of said subdivision, and shall submit three copies of said preliminary plat and other information to the Clerk. The preliminary plat shall contain such information and data as is outlined in Section 166.11.
2. **City Engineer Review.** The Clerk shall immediately refer copies of the preliminary plat to the Commission and to the City Engineer. The City Engineer shall carefully examine the plat as to its compliance with the ordinances of the City, the existing street system, and good engineering practices and shall, as soon as possible, submit his or her findings to the Commission.
3. **Commission Review and Recommendation.** After receiving the City Engineer’s report, the Commission shall study the preliminary plat and other material for conformity to this chapter. The Commission may confer with the subdivider on changes deemed advisable and the kind and extent of such improvements to be made. The Commission shall approve or reject such plan within 45 days after the date of submission thereof to the Commission. If the Commission does not act within 45 days, the preliminary plat shall be deemed to be approved; provided, however, the subdivider may agree to an extension of the time for a period not to exceed 60 days. The approval of the preliminary plat by the Commission shall be null and void unless the final plat is presented to the Commission within 180 days after date of approval.
4. **Public Hearing.** Before approving or rejecting a preliminary plat, the Commission may, at its discretion, hold a public hearing on the proposed plat, notice of which shall be given by publication in a local newspaper of general distribution, or by posting notices on the tract, or by sending notices to affected property owners by mail. Such notice shall be given within seven days prior to the public hearing.

166.05 SUBDIVISION DESIGN STANDARDS. The standards and details of design herein contained are intended only as minimum requirements so that the general arrangement and layout of a subdivision may be adjusted to a wide variety of circumstances. However, in the design and development of a plat, the subdivider shall use standards consistent with the site conditions so as to assure an economical, pleasant and durable neighborhood.

166.06 STREET DESIGN STANDARDS. Street design standards are as follows:

1. Comprehensive Plan. All proposed plats and subdivisions shall conform to the Comprehensive Plan of the City.
2. Continuation of Existing Streets. Proposed streets shall provide for continuation or completion of any existing streets (constructed or recorded) in adjoining property, at equal or greater width, but not less than 50 feet in width, and in similar alignment, unless variations are recommended by the Commission.
3. Circulation. The street pattern shall provide ease of circulation within the subdivision as well as convenient access to adjoining streets, thoroughfares or unsubdivided land, as may be required by the Commission. In a case where a street will eventually be extended beyond the plat, but is temporarily dead-ended, an interim turnaround may be required.
4. Street Intersections. Street intersections shall be as nearly at right angles as possible.
5. Cul-de-sac. Whenever a cul-de-sac is permitted, such street shall be no longer than 600 feet and shall be provided at the closed end with a turnaround having a street property line diameter of at least 105 feet in the case of residential subdivisions. The right-of-way width of the street leading to the turnaround shall be a minimum of 50 feet. The property line at the intersection of the turnaround and the lead-in portion of the street shall be rounded at a radius of not less than 25 feet. A turnaround diameter greater than 100 feet may be required by the Commission in the case of commercial or industrial subdivisions if it is deemed necessary.
6. Street Names. All newly platted streets shall be named in a manner conforming to the prevailing street naming system. A proposed street that is obviously in alignment with other existing streets, or with a street that may logically be extended although the various portions be at a considerable distance from each other, shall bear the same name. Names of new streets shall be subject to the approval of the Commission in order to avoid duplication or close similarity of names.

7. Physical and Cultural Features. In general, streets shall be platted with appropriate regard for topography, creeks, wooded areas, and other natural features which would lend themselves to attractive treatment.

8. Half Streets. Dedication of half streets will be discouraged. Where there exists a dedicated or platted half street or alley adjacent to the tract to be subdivided, the other half shall be platted if deemed necessary by the Commission.

9. Alleys. Alleys may be required in business areas and industrial districts for adequate access to block interiors and for off-street loading and parking purposes. Except where justified by unusual conditions, alleys will not be approved in residential districts. Dead-end alleys shall be provided with a means of turning around at the dead end thereof.

10. Easements. Easements for utilities shall be provided along rear or side lot lines or along alleys, if needed. Whenever any stream or important surface watercourse is located in an area that is being subdivided, the subdivider shall, at the subdivider's own expense, make adequate provision for widening the channel so that it will properly carry the surface water, and shall provide and dedicate to the City an easement along each side of the stream, which easement shall be for the purpose of widening, improving, or protecting the stream. The width of such easement shall not be less than 20 feet and the total width of the easement shall be adequate to provide for any necessary channel relocation or straightening.

11. Neighborhood Plan. If any overall plan has been made by the Commission for the neighborhood in which the proposed subdivision is located, the street system of the latter shall conform in general thereto.

12. Land Not Platted. Where the plat to be submitted includes only part of the tract owned by the subdivider, the Commission may require topography and a sketch of a tentative future street system of the unsubdivided portion.

13. Major Thoroughfares. Where a new subdivision, except where justified by limiting conditions, involves frontage on a heavy trafficway, limited access way, freeway or parkway, the street layout shall provide motor access to such frontage by one of the following means:

A. A parallel street, supplying frontage for lots backing onto the trafficway;

B. A series of cul-de-sacs or short loops entered from and planned at right angles to such a parallel street, with their terminal lots backing onto the highway;

- C. An access drive separated by a planting strip from the highway to which a motor access from the drive is provided at points suitably spaced;
- D. A service drive or alley at the rear of the lots.

Where any one of the above-mentioned arrangements is used, deed covenants or other means should prevent any private residential driveways from having direct access to the trafficway.

14. Dedication. A deed to the City shall be given for all streets before the same will be accepted for City maintenance.

15. Railroads. If a railroad is involved, the subdivision plat should:

- A. Be so arranged as to permit, where necessary, future grade separations at highway crossings of the railroads;
- B. Border the railroad with a parallel street at a sufficient distance from it to permit deep lots to go back onto the railroad; or form a buffer strip for park, commercial or industrial use;
- C. Provide cul-de-sacs at right angles to the railroad so as to permit lots to back thereonto.

16. Street Widths. Streets shall be of such a width and cross-section as shall be approved by the Council, and said streets shall be suitable for the type of street involved.

17. Street Grades. Streets and alleys shall be completed to grades which have been officially determined or approved by the City Engineer. All streets shall be graded to the full width of the right-of-way and adjacent side slopes graded to blend with the natural ground level. The maximum grade shall not exceed six percent (6%) for main and secondary thoroughfares, or ten percent (10%) for minor or local service streets. All changes in grades on major roads or highways shall be connected by vertical curves of a minimum length in feet equivalent to 20 times the algebraic difference between the rates of grades, expressed in feet per hundred, or greater, if deemed necessary to the City Engineer; for secondary and minor streets, 15 times. The grade alignment and resultant visibility, especially at intersections, shall be worked out in detail to meet the approval of the City Engineer.

166.07 BLOCK DESIGN STANDARDS. Block design standards are as follows:

- 1. Length. No block shall be longer than 1,320 feet.
- 2. Block Corner Radius. At street intersections, block corners shall be rounded with a radius of not less than 15 feet; unless at any one

intersection a curve radius has been previously established, then such radius shall be used as standard.

166.08 LOT DESIGN STANDARDS. Lot design standards are as follows:

1. **Corner Lot Widths.** Except in districts requiring a greater width, corner lots shall have a minimum width of 75 feet in order to permit adequate building setbacks on both front and side streets.
2. **Double Frontage Lots Prohibited.** Double frontage lots, other than corner lots, shall be prohibited except where such lots back on to a major street or highway or except in the case of large commercial or industrial lots.
3. **Lot Size.** For the purpose of complying with minimum health standards, the following minimum lot sizes shall be observed:
 - A. Lots which cannot be reasonably served by an existing public sanitary sewer system and public water mains shall have a minimum width of 100 feet, measured at the building line, and an area of not less than 20,000 square feet.
 - B. Lots which are not within a reasonable distance of a public sanitary sewer system but are connected to a public water supply main shall have a minimum width of 80 feet and an area of 10,000 square feet, except where greater lot sizes are specified by the Zoning Regulations.
4. **Side Lot Lines.** Side lot lines shall be approximately at right angles to the street or radial to curved streets. On large size lots and except when indicated by topography, lot lines shall be straight.

166.09 REQUIRED IMPROVEMENTS. The subdivider shall install and construct all improvements required by this chapter. All required improvements shall be installed and constructed in accordance with approved specifications and under the supervision of the Council and to its satisfaction.

1. **Grades.** All streets, alleys and sidewalks within the platted area which are dedicated for public use shall be brought to the grade approved by the Council after receiving the report and recommendations of the City Engineer.
2. **Street Surfacing.** Surfacing shall be crushed limestone or other suitable material and shall be constructed in accordance with designs and specifications approved by the Council and the grades established by the City Engineer and shall be of such a depth as specified by the Council.
3. **Water, Sewer, Gas and Electric Distribution.** Water mains, sanitary sewer lines, gas mains and storm sewers and their appurtenances

shall be constructed and installed in accordance with the plans and specifications adopted by the Council. The Council may enter into an agreement for the construction of said facilities with the owner or developer on any basis determined by the Council to be just, equitable and fair. Water, sewer, gas and electric service shall be made accessible to each lot. The developer may request the Council to provide the materials necessary for the installation of water, sanitary sewer, gas, electric and storm sewer systems within the subdivision to be developed.

166.10 APPROVAL OF FINAL PLAT, AND FINAL ACCEPTANCE OF IMPROVEMENTS. Provisions for the final approval and acceptance of the final plat and improvements are as follows:

1. Construction of Improvement or Posting of Bond. Before the Council approves the final plat, all of the improvements required in Section 166.09 shall be constructed and accepted by formal resolution of the Council. Before passage of a resolution of acceptance, the City Engineer shall report that the improvements meet all City specifications and ordinances or other requirements, and all agreements between the subdivider and the City.
2. Waiver. The requirements for the construction of all improvements may be waived if the subdivider will post a performance bond or certified check with the Council guaranteeing that the improvements will be constructed within a period of one year from final acceptance of the plat. However, if a performance bond is posted, final acceptance of the plat will not constitute final acceptance by the City of any improvements to be constructed. Improvements will be accepted only after all construction has been completed, all in accordance with the requirements of this chapter. No maintenance work will be done by the City and no public funds will be expended in the subdivision until such improvements have been completed and accepted by the City.

166.11 PRELIMINARY PLAT REQUIREMENTS. The preliminary plat of a subdivision is not intended to serve as a recorded plat. Its purpose is to show on a map all facts needed to enable the Commission to determine whether the proposed layout of the land in question is satisfactory from the standpoint of the public interest. The subdivider, or his or her representative, may call at the office of the Commission in advance of submitting the preliminary plat in order to discuss the proposed subdivision and in order to obtain information as to the requirements necessary for approval of the plat. †

† **EDITOR'S NOTE:** An example of a preliminary plat is on file in the City Clerk's office.

1. Number of Copies and Scale. Three copies of the preliminary plat shall be submitted as prescribed for review. The scale of the map shall be one inch equals fifty feet (1" = 50') on small subdivisions and one inch equals one hundred feet (1" = 100') on large subdivisions, unless otherwise approved by the Commission.
2. Contents of Preliminary Plat. The preliminary plat shall include the following:
 - A. Name of subdivision, date, point of compass, scale, and official description of the property being platted.
 - B. Name and address of recorded owner and of developer.
 - C. Name and address of engineer.
 - D. Existing buildings, railroads, underground utilities and other rights-of-way.
 - E. Location, names and widths of all existing and proposed roads, alleys, streets and highways in or adjoining the area being subdivided.
 - F. Location and names of adjoining subdivisions, and the names of the owners of adjoining subdivisions, and the names of the owners of adjoining acreage parcels.
 - G. Proposed lot lines with approximate dimensions and the square foot area of non-rectangular lots.
 - H. Areas dedicated for public use, such as schools, parks and playgrounds.
 - I. Contour lines at intervals of not more than five feet.
 - J. Building setback lines.
 - K. Boundaries of the proposed subdivision shall be indicated by a heavy line.
 - L. Zoning classification of the area.
 - M. Proposed utility service:
 - (1) Source of water supply.
 - (2) Provision for sewage disposal and drainage.
 - N. A vicinity sketch at a legible scale showing the relationship of the plat to its general surroundings.
 - O. Lot numbers.

3. Accompanying Material. The following accompanying material shall be included:

- A. An attorney's opinion in duplicate showing that the fee title to the subdivision land is in the owner as shown on the plat and showing any encumbrances that may exist against said land.
- B. Any plat that cannot reasonably be served by public sewer shall show results of soil percolation tests made by the engineer preparing the plat. Such tests shall be made in accordance with specifications approved by the City Engineer.

166.12 FINAL PLAT REQUIREMENTS. Final plat requirements are as follows: †

- 1. Number of Copies and Scale. When and if the preliminary plat is approved, the subdivider shall submit six copies of the final plat for review by the Commission. The scale of the map shall be one inch equals fifty feet (1" = 50') on small subdivisions and one inch equals one hundred feet (1" = 100') on large subdivisions, unless otherwise approved by the Commission.
- 2. Contents of Final Plat. The final plat shall include the following:
 - A. Name of subdivision.
 - B. Scale.
 - C. Compass point.
 - D. Curve data including delta angle, length of arc, degree of curve, tangent.
 - E. Boundary lines of subdivided area with accurate distances, bearings and boundary angles.
 - F. Exact name, location, width, lot designation and centerline of all streets within the subdivision.
 - G. Easements for public utilities showing width and use intended.
 - H. Building setback lines with dimensions.
 - I. Official legal description of the property being subdivided.
 - J. Lot numbers.
 - K. Certification of registered engineer and/or land surveyor.

† **EDITOR'S NOTE:** See example of final plat on file in the City Clerk's office.

- L. Description and location of all permanent monuments set in the subdivision, including ties to original government corners.
3. Accompanying Material. The following material shall accompany the final plat:
- A. Plans and profiles of all streets and alleys at a 50-foot horizontal scale and 5-foot vertical scale. Profiles shall show location, size and grade of all conduits, sewers, pipelines, etc., to be placed under the streets and alleys. Profiles of east and west streets shall be drawn so that the west end of the profile shall be at the left side of the drawing. Profiles of north and south streets shall be drawn so that the south end of the profile shall be at the left side of the drawing.
 - B. Any protective covenants or restrictions to be imposed upon the plat shall be submitted for approval.
 - C. A deed to the City, properly executed, for all streets intended as public streets, and for any other property intended for public use.
 - D. The following documents:
 - (1) A certificate by the owner and spouse, if any, that the subdivision is with their free consent and is in accordance with the desire of the owner and spouse. This certificate must be signed and acknowledged by the owner and spouse before some officer authorized to take the acknowledgments of deeds.
 - (2) Performance bond, if any.
 - (3) A statement from the mortgage holders or lienholders, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgment of deeds. An affidavit and bond as provided for in Section 354.12 of the Code of Iowa may be recorded in lieu of the consent of the mortgage or lienholder. When a mortgage or lienholder consents to the subdivision, a release of mortgage or lien shall be recorded for any areas conveyed to the City or dedicated to the public.
 - (4) An opinion by an attorney-at-law who has examined the abstract of title of the land being platted. The opinion shall state the names of the proprietors and holders of

mortgages, liens or other encumbrances on the land being platted and shall note the encumbrances, along with any bonds securing the encumbrances.

(5) A certificate of the County Treasurer that the land is free from certified taxes and certified special assessments or that the land is free from certified taxes and that the certified special assessments are secured by bond in compliance with Section 354.12 of the Code of Iowa.

(6) A resolution and certificate for approval by the Council and for signatures of the Mayor and Clerk.

166.13 FEES. Before a preliminary plat may be considered by the Commission, the subdivider or his or her agent shall deposit with the Treasurer a fee of fifty dollars (\$50.00), to be credited to the General Fund of the City.

166.14 VARIATIONS AND EXCEPTIONS. Whenever the tract proposed to be subdivided is of such unusual topography, size or shape, or is surrounded by such development or unusual conditions that the strict application of the requirements contained in this chapter would result in substantial hardships or injustices, the Council, upon recommendation of the Commission, may vary or modify such requirements so that the subdivider is allowed to develop the property in a reasonable manner; but so, at the same time, the public welfare and interest of the City and surrounding area are protected and the general intent and spirit of these regulations are preserved.

166.15 CHANGES AND AMENDMENTS. Any provision of this chapter may be changed and amended from time to time by the Council; provided, however, such changes and amendments shall not become effective until after study and report by the Commission and until after a public hearing has been held, public notice of which shall be given in a newspaper of general circulation at least fifteen (15) days prior to the hearing.

160.16 ENFORCEMENT. No plat or subdivision shall be recorded in the County Recorder's office or have any validity until it has been approved in the manner prescribed herein. The Council shall not permit any public improvements over which it has control to be made from City funds, or any City money expended for improvements or maintenance on any street in any area that has been subdivided unless such subdivision and streets have been approved in accordance with the provisions contained in this chapter, and accepted by the Council as a public street.

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CHAPTER 167

AIRPORT ZONING REGULATIONS

167.01 Definitions	167.08 Board of Adjustment Procedures
167.02 Airport Zones and Airspace Height Limitations	167.09 Powers of the Board of Adjustment
167.03 Use Restrictions	167.10 Vote on Variations or Orders
167.04 Lighting	167.11 Judicial Review
167.05 Variances	167.12 Administrator
167.06 Board of Adjustment Established	167.13 Conflicting Regulations
167.07 Board of Adjustment	167.14 Penalties

167.01 DEFINITIONS. As used in this chapter, unless the context otherwise requires:

1. “Airport” means the Bloomfield Municipal Airport.
2. “Airport elevation” means the highest point of an airport’s usable landing area measured in feet above mean sea level, which elevation is established to be 887 feet.
3. “Airport hazard” means any structure or tree or use of land which would exceed the Federal obstruction standards as contained in fourteen (14) Code of Federal Regulations Sections 77.21, 77.23 and 77.25 and which obstructs the airspace required for the flight of aircraft and landing or takeoff at an airport or is otherwise hazardous to such landing or taking off of aircraft.
4. “Airport primary surface” means a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred (200) feet beyond each end of that runway. The width of the primary surface of a runway will be that width prescribed in Part 77 of the Federal Aviation Regulations (FAR) for the most precise approach existing or planned for either end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
5. “Airspace height” means for the purpose of determining the height limits in all zones set forth in this chapter and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.
6. “Control zone” means airspace extending upward from the surface of the earth which may include one or more airports and is normally a circular area of five (5) statute miles in radius, with extensions where necessary to include instrument approach and departure paths.

7. "Instrument runway" means a runway having an existing instrument approach procedure utilizing air navigation facilities or area type navigation equipment, for which an instrument approach procedure has been approved or planned.
8. "Minimum descent altitude" means the lowest altitude expressed in feet above mean sea level, to which descent is authorized on final approach or during circle-to-land maneuvering in execution of a standard instrument approach procedure, where no electronic glide slope is provided.
9. "Minimum en route altitude" means the altitude in effect between radio fixes which assures acceptable navigational signal coverage and meets obstruction clearance requirements between those fixes.
10. "Minimum obstruction clearance altitude" means the specified altitude in effect between radio fixes on VOR airways, off-airways routes, or route segments which meets obstruction clearance requirements for the entire route segment and which assures acceptable navigational signal coverage only within twenty-two (22) miles of a VOR.
11. "Runway" means a runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on a FAA approved airport layout plan, military services approved military airport layout plan, or by any planning document submitted to the FAA by competent authority.

167.02 AIRPORT ZONES AND AIRSPACE HEIGHT LIMITATIONS.

In order to carry out the provisions of this section, there are hereby created and established certain zones which are depicted on the Municipal Airport Height Zoning Map. A structure located in more than one zone of the following zones is considered to be only in the zone with the more restrictive height limitations. The various zones are hereby established and defined as follows:

1. Horizontal Zone. The land lying under a horizontal plane 150 feet above the established elevations, the perimeter of which is constructed by swinging arcs of 5,000 feet radii from the center of each end of the primary surface of runways 18 and 36, and connecting the adjacent arcs by lines tangent to those arcs. No structure shall exceed 150 feet above the established airport elevation in the horizontal zone, as depicted on the Municipal Airport Height Zoning Map.
2. Conical Zone. The land lying under a surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty feet to one for a horizontal distance of 4,000 feet. No structure

shall penetrate the conical surface in the conical zone, as depicted on the Municipal Airport Height Zoning Map.

3. Approach Zone. The land lying under the surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface.

A. The inner edge of the approach surface is 500 feet wide for runways 18 and 36.

B. The outer edge of the approach zone is:

(1) 1,500 feet for runway 18;

(2) 2,000 feet for runway 36.

C. The approach zone extends for a horizontal distance of:

(1) 5,000 feet at a slope of twenty to one for runway 18;

(2) 5,000 feet at a slope of twenty to one for runway 36.

No structure shall exceed the approach surface to any runway, as depicted on the Municipal Airport Height Zoning Map.

4. Transitional Zone. The land lying under those surfaces extending outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of seven to one from the sides of the primary surface and from the sides of the approach surfaces. No structures shall exceed the transitional surface, as depicted on the Municipal Airport Height Zoning Map.

167.03 USE RESTRICTIONS. Notwithstanding any other provisions of 167.02, no use may be made of land or water within the City or County in such a manner as to interfere with the operation of any airborne aircraft. The following special requirements shall apply to each permitted use:

1. Lighting. All lights or illumination used in conjunction with streets, parking, signs or use of land and structures shall be arranged and operated in such a manner that it is not misleading or dangerous to aircraft operating from the Municipal Airport or in the vicinity thereof.

2. Visual Hazards. No operation from any use shall produce smoke, glare or other visual hazards within three (3) statute miles of any usable runway of the Municipal Airport.

3. Electronic Interference. No operation from any use in the City or County shall produce electronic interference with navigation signals or radio communication between the airport and aircraft.

167.04 LIGHTING. Notwithstanding the provisions of 167.03, the owner of any structure over 200 feet above ground level must install on the structure lighting in accordance with Federal Aviation Administration (FAA), Advisory Circular 70-7460-1D and amendments. Additionally, any structure constructed after the effective date of Ordinance No. 373 and exceeding 949 feet above ground level, must install on that structure high intensity white obstruction lights in accordance with Chapter 6 of FAA Advisory Circular 7460-1D and amendments. Any permit or variance granted may be so conditioned as to require the owner of the structure or growth in question to permit the City at its own expense to install, operate and maintain thereto such markers or lights as may be necessary to indicate to pilots the presence of an airspace hazard.

167.05 VARIANCES. Any person desiring to erect or increase the height of any structure, or to permit the growth of any tree, or otherwise use property in violation of any section of this chapter, may apply to the Board of Adjustment for variance from such regulations. No application for variance to the requirements of this chapter may be considered by the Board of Adjustment unless a copy of the application has been submitted to Municipal Airport Zoning Commission for an opinion as to the aeronautical effects of such a variance. If the Municipal Airport Zoning Commission does not respond to the Board of Adjustment within fifteen (15) days from receipt of the copy of the application, the Board may make its decision to grant or deny the variance.

167.06 BOARD OF ADJUSTMENT ESTABLISHED. There is hereby created a Board of Adjustment to have and exercise the following powers:

1. Appeals. To hear and decide appeals from any order, requirement, decision, or determination made by the Airport Zoning Commission in the enforcement of this chapter.
2. Special Exemptions. To hear and decide special exemptions to the terms of this chapter upon which the Board of Adjustment under such regulations may be required to pass.
3. Variances. To hear and decide specific variances.

167.07 BOARD OF ADJUSTMENT. The Board of Adjustment shall consist of two (2) members selected by the Council, two (2) members selected by the County Board of Supervisors; and, one (1) additional member to act as Chairperson and to be selected by a majority vote of the members selected by the Council and the County Board of Supervisors. Members are removable for cause by the appointing authority upon written charges, after a public hearing. Vacancies are filled for the unexpired term of any member whose office becomes vacant in the same manner in which the member was selected. The terms of the members are for five years, and are staggered.

167.08 BOARD OF ADJUSTMENT PROCEDURES. The Board of Adjustment shall adopt rules for its governance and in harmony with the provisions of this chapter. Meetings of the Board shall be held at the call of the chairperson and at such other times as the Board of Adjustment may determine. The Chairperson, or in his or her absence the acting Chairperson may administer oaths and compel the attendance of witnesses. All meetings of the Board of Adjustment shall be open to the public. The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations, and other official actions, all of which shall immediately be filed in the offices of the Clerk and County Auditor, and on due cause shown.

167.09 POWERS OF BOARD OF ADJUSTMENT. The Board of Adjustment shall have the powers established in the Code of Iowa, Section 414.12.

167.10 VOTE ON VARIATIONS OR ORDERS. The concurring vote of a majority of the members of the Board of Adjustment shall be sufficient to reverse any order, requirement, decision or determination of any administrative official or to decide in favor of the applicant, on any matter upon which it is required to pass under this chapter, or to effect variations of this chapter.

167.11 JUDICIAL REVIEW. Any person aggrieved, or any taxpayer affected, by any decision of the Board of Adjustment, may appeal to the court of record as provided in the Code of Iowa, Section 414.15.

167.12 ADMINISTRATOR. It is the duty of the Public Works Director to administer the regulations prescribed herein. Applications for permits and variances shall be made to Public Works Director upon a form furnished by the City. Applications required by this chapter shall be promptly considered and granted or denied. Application for action by the Board of Adjustment shall be forthwith transmitted by the Public Works Director.

167.13 CONFLICTING REGULATIONS. Where there exists a conflict between any of the regulations or limitations prescribed in this chapter and any other regulations applicable to the same area, whether the conflict be with respect to height of structures, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

167.14 PENALTIES. A violation of this chapter or of any regulation, order, or ruling promulgated hereunder shall constitute a violation of this Code of Ordinances. Each day a violation continues to exist shall constitute a separate offense.

[The next page is 845]

CHAPTER 168

VOLUNTARY ANNEXATION REQUIRED

168.01 VOLUNTARY ANNEXATION REQUIRED. Any household requesting to hook up to City utilities not located in the corporate limits must voluntarily annex into the City before being allowed to hook onto the City's utilities.

(Ch. 168 – Ord. 628 – May 07 Supp.)

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CODE OF ORDINANCES

CITY OF BLOOMFIELD, IOWA

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